



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

February 23, 2015

ALL COUNTY LETTER NO. 15-22

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKs PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS

REASON FOR THIS
TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM: CHANGES TO THE SCHOOL ATTENDANCE REQUIREMENTS

REFERENCE: ASSEMBLY BILL (AB) 2382 (CHAPTER 905, STATUTES of 2014); WELFARE AND INSTITUTIONS CODE SECTIONS [11253.5](#); AND MANUAL OF POLICIES AND PROCEDURES (MPP) SECTION [40-105.5](#); ALL COUNTY LETTER (ACL) No. [14-12](#)

The purpose of this ACL is to inform the County Welfare Departments (CWDs) of changes to the CalWORKs program pursuant to [AB 2382](#), which the Governor enacted on September 30, 2014. Effective January 1, 2015, CalWORKs Assistance Units (AUs) will not have their grant reduced when the CWD learns that a child under 16 years of age is not regularly attending school. Instructions for children ages 16 and older will follow later in this ACL. AB 2382 provided the California Department of Social Services (CDSS) with authority to implement this new school attendance rule change through an ACL. The CDSS will be adopting regulations no later than July 1, 2016.

Former Rules

AB 2382 repeals existing law which required that all children in the AU for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn Program, must attend school “regularly,” as defined by the county. Under this law, if the CWD determined that an eligible child under 16 years of age was not regularly attending school the needs of all adults in the AU were not to be considered in computing the grant of the family, unless the county determined that good cause existed.

Teens ages 16 or 17 who fail to attend school regularly or who have completed high school or its equivalent are required to participate in the Welfare to Work (WTW) program (MPP [42-719](#)). If the CWD determined that a child age 16 to 17 years of age or older had not been regularly

attending school or complying with a WTW plan, their needs were not considered in computing the grant of the family unless good cause existed.

Under this law, the WTW 24-Month Time Clock did not apply to any individual under 18 years of age. With AB 2382, the WTW 24-Month Time Clock rule does not change. Additionally, teens 16 and 17 years of age are still subject to the above mentioned WTW program rules.

New Rules

CWDs will no longer require applicants and recipients to provide verification of school attendance at application and annual redetermination. Likewise, CWDs are no longer required to ask about school attendance at application or annual redetermination with the exception of pregnant or parenting teens for the purposes of CalLearn. A child shall be presumed to be attending school unless he or she has been deemed a chronic truant pursuant to Section 48263.6 of the Education Code.

The CWD shall inform applicants and recipients of California's compulsory education law, which requires everyone between the ages of six and 18 years of age to attend school, except 16 and 17 year olds who have graduated from high school or passed the California High School Proficiency Exam (CHSPE) and obtained parental permission to leave.

If the CWD learns that a child age 16 years of age or older has not been attending school and is deemed a chronic truant pursuant to Section 48263.6, the needs of the child shall not be considered in computing the grant of the family. This shall apply for any month in which the CWD is informed by a school district or a county School Attendance Review Board that the child did not attend school, unless at least one of the following exception criteria exists:

- The CWD is provided with evidence that the child's attendance records are not available;
- The CWD is provided with evidence that the child has been attending school;
- Good cause for school nonparticipation exists at any time during the month. Good cause shall be determined by the CWD. The CWD may use existing school attendance good cause criteria to establish those policies;
- Any member of the household is eligible to participate in the CWDs' current family stabilization program for any reason, including other siblings and parents;
- The CWD is provided with evidence that the child, parent, or caregiver is complying with requirements imposed by a School Attendance Review Board, the County Probation Department, or the District Attorney; or
- A member of the household is cooperating with a plan developed by a county child welfare agency such as Juvenile Probation, County Child Protective Services or Foster Care, etc.

A child, whose needs have not been considered in computing the grant of the family, shall remain eligible for services that may lead to attendance in school. The CWD may inform the family of how to enroll the child in a continuation school within the county and CDSS strongly encourages CWDs to evaluate eligibility for family stabilization services in accordance with their policies and procedures. The CWD shall document in the case file that the family was given this information and evaluated for those services.

Implementation

For all cases with a school attendance penalty imposed prior to January 1, 2015, for children under 16 years of age, the penalty must be lifted as of January 1, 2015, and the parent's portion added back to the grant on January 1, 2015.

For all cases with a school attendance penalty imposed prior to January 1, 2015, for a child 16 years of age and older, the penalty must be lifted once the CWD receives verification the child is no longer deemed a chronic truant pursuant to Section 48263.6 or meeting at least one of the exception criteria on page two of this ACL.

CWDs are given 120 days, from the date of this letter, to review all case files for all children age 16 and older with school attendance penalties to assess the case for either lifting or continuing the penalty based on the guidance in this ACL. If the CWD has no evidence that the student was deemed a chronic truant pursuant to Section 48263.6 or receives verification that the child was either attending school or meeting at least one of the exception criteria during that time period, the CWD will retroactively lift the penalty back to the date that the child was meeting the requirement or exception criteria but no earlier than January 1, 2015. Counties shall reach out to the family, if necessary, to ask for verification if none exists in the case file and give the family a chance to submit evidence that the child meets any of the exception criteria.

For those cases with a penalty imposed after January 1, 2015, the CWD will remove the penalty once verification is received or at least one of the conditions listed in the exception criteria exists and use the Semi-Annual Reporting (SAR) rules to add the cash aid portion back to the grant the first of the following month.

Family Stabilization Program

Effective January 1, 2014, CWDs began implementing Family Stabilization (FS) as required by [Assembly Bill \(AB\) 74](#) (Chapter 21, Statutes of 2013). FS provides intensive case management and services, as per a county FS plan, to address an identified situation and/or crisis that is destabilizing a family and interferes with a mandatory WTW participant's ability to participate in WTW activities and services. Families that contain individuals who are required to participate in the WTW program and who have time remaining on their WTW 24-Month Time Clock are eligible for FS services.

Anytime the CWD learns that a child in a CaWORKs AU is a chronic truant as described in this ACL, the family may be referred to their CWD's FS program for evaluation of FS eligibility requirements. If the family does not otherwise meet FS program eligibility requirements or truancy services are not provided as part of the CWDs FS program but a mandatory participant is unable to complete their work requirements due to a minor's truancy issues, then the case

should be reviewed for WTW good cause and members of the family may be referred to counseling services per MPP [42-750.114](#).

Reporting Requirement

CWDs are required to capture all family members receiving FS services and the types of services being provided via the Family Stabilization (FS) Program Quarterly Status Report [FSP 14 form](#). CWDs will use section: Part C. FS Services Provided, 8d, other services. As written in ACL 14-12, the CWDs must submit updated plans to the CDSS if the county makes significant changes to its FS Program.

Notices of Action (NOAs)

M40-105D1 (1/15) – School Attendance – Grant Increase Due to Change in Law

This NOA was created to inform recipients who have a penalty applied to the AUs grant amount and the grant amount will be increasing due to the law change. The NOA informs the recipient of the change in law and the AU's new grant amount. Use the [NA 200](#) (4/13) budget for AUs with no income or with steady monthly income and the [NA 1239 SAR](#) (10/12) for other AUs with income.

M40-105E (1/15) – School Attendance- Grant Decrease – Required Documentation

This NOA is being revised to specify that it pertains to children age 16 and older. The NOA is used when a recipient has been asked to provide proof of regular school attendance and has not provided the proof or has provided insufficient proof. The NOA informs the recipient that the AU's grant will be decreased. Use the NA 200 (4/13) budget for AUs with no income or with steady monthly income and the NA 1239 SAR (10/12) for other AUs with income.

CAMERA READY COPIES AND TRANSLATIONS

For a camera-ready copy in English, contact the CDSS Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access, you may obtain these forms from the CDSS webpage at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm.

When all translations are completed per Manual of Policies and Procedures (MPP) Section 21-115.2, they are posted on an on-going basis on the CDSS webpage. Copies of the translated forms can be obtained at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm.

For questions on translated materials, please contact the CDSS Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the [GEN 1365](#) - *Notice of Language Services* and a local contact number.

The CWDs shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services shall be provided free of charge to the applicant/recipient. In the event that CDSS does not provide translations of a

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form, it is the CWD's responsibility to provide the interpreter services if an applicant or recipient requests them. More information regarding translations can be found in MPP Section [21-115](#).

If you have any questions regarding this letter, please contact the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachments

C: CWDA
CSAC

State of California
Department of Social Services

Noa Msg Doc No.: M40-105D1 Page 1 of 1
Action : Change
Issue: Law Change
Title: School Attendance

Auto ID No.:
Source :
Issued by : ACL 15-22
Reg Cite : Assembly Bill (AB) 2382
(Chapter 905, Statutes of 2014)

Use Form No. : NA 200 or NA 1239 SAR
Original Date : 01-01-15, New
Revision Date :

MESSAGE:

As of _____, the County is changing your
cash aid from \$_____ to \$_____.

Here's why:

The law has changed and the County is
stopping a penalty that lowered your cash aid
because your child was not attending school.
The new law says the County cannot lower your
cash aid unless the school district tells us
that your child (if he or she is age 16 or
over) is a chronic truant (misses a lot of
school and does not have a good reason by
law).

The new law ended the penalty on January 1,
2015. If you had a penalty for any time
after that date, your grant may include a
repayment of benefits you should have gotten.

You will get the repayment the same way you
get your regular cash aid. If you have EBT
the repayment will be put on your EBT card.

If your child is age 16 or over and the
school district tells us that your child is a
chronic truant, the County may lower your
cash aid again. The County will send you a
new notice before that happens.

Your new cash aid amount is figured on this
notice.

INSTRUCTIONS: Use to change the amount of aid when ending an existing school
attendance penalty due to AB 2382. Use NA 200 if the AU has no income or NA 1239
SAR if the AU has income for the correct budget.

State of California
Department of Social Services

Noa Msg Doc No.: M40-105E Page 1 of 2
Action : Change
Issue: Required Documentation
Title: School Attendance Child Age 16
And Over

Auto ID No.:
Source :
Issued by : ACL 15-22
Reg Cite : Assembly Bill (AB) 2382
(Chapter 905, Statutes of 2014)

Use Form No. : NA 200 or NA 1239 SAR
Original Date : 01-01-98
Revision Date : 02-22-15

MESSAGE:

As of _____, the County is changing your cash aid from \$_____ to \$_____.

Here's why:

[] You have at least one child age 16 years or older and you did not give us the proof of school attendance that we asked for. You did not tell us that you had a good reason for your child not attending school or for not turning in the proof that your child was attending school and you have not asked the County for help getting this proof.

[] You have given us proof of school attendance for all of the children age 16 and over in your assistance unit. However, the proof you gave us shows that _____ has been deemed a chronic truant.

If your child between 16 and 18 years of age and the county school attendance review board tells us that he or she is a chronic truant (misses a lot of school without a good reason by law), your grant will get lowered. Your grant will not go down if:

- You give us proof your child is attending school;
- You give us proof that your child's attendance records are not available;
- You give us proof that you or your child are cooperating with the school attendance review board, county probation department, District Attorney or someone in your home is cooperating with a plan created by a county child welfare services worker;
- Someone in your home is eligible for family stabilization services; or
- The county finds that your child has good cause for not attending school.

The penalty for not giving us proof we ask for in this notice is that we are lowering your grant. The needs of _____ (name 16-17 year old child) were not counted in figuring the amount of your cash aid.

Your cash aid may go back up by giving the county proof of regular school attendance. Once you turn in proof that your child(ren) is going to school regularly or that you have one of the reasons listed above, the county will stop the penalty. Your cash aid will go back up the 1st of the month following the month after we get this proof. If you show good reason, you may get all your lost aid back.

If your child is between age 16 and 17 and not attending school, he or she will be put in the Welfare to Work program. You will get another notice telling you about the welfare to work program rules.

If he or she is a pregnant or parenting teen, please ask your worker about the CalLearn program that can help your child get back into school.

Your new cash aid amount is figured on this notice.

INSTRUCTIONS: Use to change the amount of aid when proof of school attendance was not provided or the proof shows that a child been deemed a chronic truant. Use NA 200 if the AU has no income or NA 1239 SAR if the AU has income for the correct budget.

This message replaces M40-105E dated 11-01-14