



CDSS

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EDMUND G. BROWN JR.
GOVERNOR

December 8, 2016

ALL COUNTY LETTER (ACL) NO. 16-99

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY CALFRESH SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CaWORKs) WELFARE TO WORK (WTW) PARTICIPATION
REQUIREMENTS FOR TEENS

REFERENCE: ASSEMBLY BILL (AB) 2382 (CHAPTER 905, STATUTES OF 2014);
WELFARE AND INSTITUTIONS CODE (WIC) SECTION 11253.5;
MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS
40-105.5, 42-708.121, 42-709.2, 42-711, 42-711.4, 42-711.52,
42-711.55, 42-712, 42-712.11, 42-712.421, 42-712.422, 42-719.1,
42-719.11, 42-719.111, 42-719.2, 42-719.3, 42-721, 42-721.4, 42-762,
42-766.67, 42-769, 63-407.21, 63-407.21(a)(1), 63-407.54; ALL
COUNTY LETTERS (ACL) 15-22 AND 15-64

This letter specifies the WTW participation requirements for CaWORKs 16- and 17-year-old teens that are referred to WTW due to (1) being deemed a chronic truant from high school or (2) completing high school or an equivalent program, which also applies to teens formerly in the Cal-Learn program referred to WTW upon completing high school or its equivalent.

Teens 16 and 17 years old referred to WTW are not subject to CaWORKs minimum standards hourly participation requirements specified in MPP section 42-711.4; nor do any month(s) in which they participate in WTW count on the WTW 24-Month Time Clock (WTW 24-MTC) as per MPP section 42-708.121. These teens are also not subject to

REASON FOR THIS TRANSMITTAL

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

CalWORKs federal standards hourly participation requirements specified in MPP section 42-709.2. Additionally, 16- and 17-year-old teens referred to WTW are not subject to the CalWORKs 48-month time limit, as this limit on aid only applies to adults.

The WTW program requirements for 16- and 17-year-old teens described in this letter are separate and independent from the program requirements of the parent(s) in the Assistance Unit (AU). The teen's required participation or failure to participate has no effect on the parent's WTW 24-MTC or CalWORKs 48-month time clock. Furthermore, the teen's hours of participation cannot contribute toward the participation requirements of the parent(s) in the AU, nor can the parent(s) contribute hours toward the teen's participation requirements. As a reminder, MPP section 42-711.642(a) requires a parent's WTW plan to reflect their child's school attendance requirements and any participation required by the parent to ensure their child's school attendance.

The WTW provisions addressed in this letter do not apply to teens participating in the Cal-Learn program, as they are excused from WTW in accordance with MPP section 42-712.11 and are subject to Cal-Learn program requirements outlined in MPP sections 42-762 through 42-769.

Non-Parenting Teens Ages 16 and 17 Who Are Not Regularly Attending School

School attendance requirements

All California children ages 6 to 18 for whom school attendance is compulsory, must regularly attend school as required by state law. In addition to state law requiring school attendance of all children, CalWORKs requires teens ages 16 and 17 to attend high school or an equivalent program as a condition of eligibility, in accordance with MPP section 40-105.5. The passage of AB 2382 (Chapter 905, Statutes of 2014) resulted in changes to school attendance requirements specified in WIC section 11253.5, relating to how 16- and 17-year-olds are determined as not regularly attending school and when these teens are referred to WTW for failure to attend school.

As a result of AB 2382, WIC section 11253.5(f) provides that a child is now presumed to be attending school, unless the County Welfare Department (CWD) is informed that he or she has been deemed a *chronic truant* by a school district or a School Attendance Review Board. Section 48263.6 of the Education Code defines a chronic truant as: a child who is required to attend school, but has been absent from school without a valid excuse for ten percent or more of the school days in one school year, from the date of enrollment to the current date. Effective January 1, 2015, 16- and 17-year-olds are referred to WTW after being deemed a chronic truant.

Teens who are deemed as chronic truant cannot be referred to WTW or subject to a school attendance penalty if one of the exception criteria provided on page 2 of ACL 15-22 exists. The exception criteria provided in ACL 15-22 are listed below.

- 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 and 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, Foster Care, etc.

Updates to the State's regulations are currently in development and the guidance provided in this letter reflects changes to school attendance as it relates to the WTW program. For information regarding changes to school attendance requirements resulting from AB 2382 relating to CalWORKs eligibility, please review ACL 15-22.

WTW program requirements

Non-parenting teens ages 16 or 17 who are deemed as chronic truants from secondary school as described above, must be referred to have a WTW plan developed in accordance with MPP section 42-711, unless one of the exception criteria outlined in ACL 15-22 exists. The sole purpose of the teen's WTW plan is to complete high school or its equivalent (MPP section 42-719.111). He or she may voluntarily participate in other WTW activities such as (but not limited to) orientation, appraisal, assessment, job search and job readiness, as long as the other activities do not interfere with his or her school attendance per MPP section 42-719.111(a). All supportive services available to other WTW participants such as transportation and ancillary services are also available to teens participating in WTW.

Noncompliance with WTW

A non-parenting teen who fails to comply with the required activity in his or her WTW plan (of attending high school or its equivalent) is not subject to the noncompliance provisions in MPP section 42-721. The reduction to the AU's grant in this case is not considered a WTW sanction, as per MPP section 42-719.3; rather, the teen is subject to a school attendance penalty as specified in MPP section 40-105.5. The school attendance penalty cannot be applied if one of the chronic truancy exception criteria described in ACL 15-22 exists. When the needs of the teen are removed from the AU due to a school attendance penalty, he or she is still considered a member of the AU and eligible for CalWORKs services. MPP section 40-105.5 specifies the needs of the

teen must be restored the first of the month, after the month in which verification of regular school attendance is received by the CWD.

Exemptions from WTW

Teens ages 16 and 17 are exempt from WTW while attending secondary school or the equivalent level of vocational or technical training. This also applies to 18-year-olds who have not completed secondary school and are permitted by MPP section 42-101.2 to remain aided in the AU while attending high school or its equivalent. Those who are referred to WTW after being deemed a chronic truant cannot requalify under this exemption as per MPP section 42-712.421, and must participate in WTW until completion of secondary school to avoid a school attendance penalty. Like other CalWORKs clients, 16- and 17-year-old teens may qualify for other WTW exemptions provided in MPP section 42-712, and if exempt, may participate in WTW voluntarily.

Teens Ages 16 and 17 Who Have Completed High School or Its Equivalent

WTW program requirements

Pursuant to MPP section 42-719.2, non-parenting teens ages 16 or 17 who complete high school or an equivalent program are required to participate in WTW and are subject to WTW program requirements, unless exempt. Pursuant to MPP section 42-766.67, these teens also include 16- or 17-year-olds who complete participation in the Cal-Learn program upon graduating from high school or an equivalent program, unless they are determined to be exempt. Teens who have completed secondary school must enter WTW and attend orientation and appraisal as described in MPP section 42-711.52. The CWD must also conduct an assessment as described in MPP section 42-711.55 to evaluate the teen's individual service needs and to develop a WTW plan that considers the teen's educational and occupational aspirations. All supportive services available to other WTW participants such as transportation and ancillary services are also available to teens participating in WTW.

Only adults are subject to the hourly participation requirements specified in MPP sections 42-711 and 42-709 for CalWORKs minimum standards and CalWORKs federal standards, respectively. Therefore, 16- and 17-year-old graduate teens are not subject to a standard minimum hourly participation requirement. However, working with the teen to determine the appropriate activities and level of participation, the CWD must include a required number of participation hours in the WTW plan for that individual teen, not to exceed 20 average hours per week. Any hours assigned in the WTW plan beyond 20 average hours per week are considered voluntary for the teen.

Noncompliance with WTW

Unless exempt, 16- or 17- year-old graduate teens are considered 'mandatory participants' and are subject to noncompliance provisions described in MPP section

42-721 for failure to meet program requirements, including failure to participate in accordance with a WTW plan. Like adult WTW participants, noncompliance may not result in a WTW sanction if good cause exists for nonparticipation as provided under MPP section 42-713. If compliance efforts fail and good cause is not determined, the teen is subject to a WTW sanction as described in MPP section 42-721.4, removing his or her needs from the AU's cash grant. In this case, the teen is no longer considered a member of the AU and is no longer eligible for CalWORKs services. Teens may cure sanctions by participating in a curing plan and performing the activity(ies) he or she previously failed or refused to perform, or another appropriate activity(ies) determined by the CWD. For teens that cure a sanction, aid is restored in accordance with the curing process described in MPP section 42-721.48.

Exemption from WTW

Teens ages 16 and 17 who have obtained a high school diploma or its equivalent are exempt from WTW when they are enrolled or planning to enroll in a postsecondary educational, vocational, or technical school training program (MPP section 42-712.422). Like other CalWORKs clients, 16- and 17-year-old teens referred to WTW may qualify for other WTW exemptions provided in MPP section 42-712, and if exempt, may participate in WTW voluntarily.

All Teens Ages 16 and 17 Referred to WTW

The WTW plan

The WTW plan developed for teens described in this letter must include their required WTW activity(ies), as well as any necessary supportive services to enable them to be successful in their activity(ies). All teens referred to WTW must be indicated as a 'mandatory participant' and initial the left side of the WTW plan. All teens must sign page 4 of the WTW plan in agreement with their assigned WTW activity(ies) and hourly requirement, if applicable.

Teens referred to WTW for the sole purpose of completing high school or its equivalent will be identified on the left side of the WTW plan (page 1) as participating in 'satisfactory progress in a secondary school or in a course leading to a certificate of general educational development.' The WTW plan will not indicate a number of required hours as these teens have no hourly requirements and are obligated to attend high school or its equivalent only. If a teen is unable to comply with the WTW requirement because they have not been enrolled in a secondary school, the CWD must assist them in becoming enrolled and the teen qualifies for good cause until they are enrolled.

WTW plans for graduate teens may include any of the full array of CalWORKs WTW activities leading to further education, job preparation, and employment. Activities and hours for graduate teens must be indicated on the left side of the WTW plan (page 1)

only; however, months will not count on the WTW 24-MTC and rules specified in MPP 42-708 will not apply. The WTW plan for graduate teens must indicate a required number of weekly participation hours agreed upon by the CWD and teen, (not to exceed 20 hours per week) in the additional comments section on page 2 of the WTW plan.

WTW forms, notices, and appointments

All WTW forms and notices sent to the teen must also be addressed and sent to his or her parent(s). Teens referred to WTW are required to sign all applicable WTW forms, in addition to the WTW plan. Teens must attend all WTW appointments and his or her parent(s) may (but is/are not required to) attend as well. Parents may not attend WTW appointments for (without) the teen, nor may parents sign required WTW documents for the teen.

Verification of WTW activities

CWDs must use the documentation and verification provisions provided in California's Work Verification Plan released in ACL 15-64 to verify all participation in required activity(ies). For teens referred to WTW for the sole purpose of attending secondary school, CWDs should continue using existing practices in the verification of school attendance; documentation to verify regular school attendance may include monthly attendance records, classroom time sheets, report cards, etc.

CalFresh sanctions

According to MPP section 63-407.54, an individual who fails to comply with a WTW requirement shall receive a CalFresh sanction in addition to a CalWORKs WTW sanction, unless he or she meets an exemption specified in MPP section 63-407.21. Unlike CalWORKs WTW sanctions, CalFresh sanctions are fixed durational periods of one, three, or six months and individuals are not required to cure their CalFresh sanction through program compliance (MPP section 63-407.53).

Non-head of household 16- and 17-year-olds are exempt from CalFresh work registration requirements per MPP section 63-407.21(a)(1), and are therefore not subject to the CalFresh sanctions mentioned above. If non-head of household teens fail to meet WTW program requirements, a CalFresh sanction is not imposed and the household's CalFresh allotment is not reduced. However, head of household 16- and 17-year-olds may be subject to CalFresh work registration requirements, unless they qualify for one of the exemptions in MPP section 63-407.21. If head of household teens fail to comply with WTW program requirements, they may be subject to a CalFresh sanction which will result in a reduction to the household's CalFresh allotment amount.

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If you have any questions regarding this letter, please contact your CDSS Employment Bureau County Consultant at (916) 654-2137. If you have any questions specific to CalFresh, please contact the CalFresh Branch at (916) 651- 8047.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division