



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

April 21, 2011

ALL COUNTY LETTER NO. 11-36

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE TO WORK COORDINATORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY REFUGEE COORDINATORS
ALL CAL-LEARN COORDINATORS
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: SUSPENSION OF THE CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CaWORKs) CAL-LEARN PROGRAM FOR FISCAL YEAR 2011-12.

REFERENCES: SENATE BILL (SB) 72 (CHAPTER 8, STATUTES OF 2011)

The purpose of this letter is to inform the County Welfare Departments (CWDs) of the changes to the CalWORKs program pursuant to SB 72 (Chapter 8, Statutes of 2011), which was signed by the Governor on March 24, 2011. This letter includes information and instructions to be used to implement the provisions related to the one-year suspension of the Cal-Learn program effective July 1, 2011 to June 30, 2012.

Separate letters are being issued containing instructions on the other provisions of SB 72, which are as follows:

- The eight percent maximum aid payment (MAP) reduction (ACL 11-29).
- Changes to the earned income disregard (ACL 11-29).
- A new 48-month time limit for aided adults.
- Additional grant reductions for certain child-only cases.
- Changes to mental health and substance abuse funding (ACL 11-34).
- Changes to the Assembly Bill (AB) 98 (Chapter 589, Statutes of 2007) subsidized employment program (ACL 11-32).
- The extension of the CalWORKs Short-Term exemptions for cases with young children and cases with good cause for lack of supportive services. (ACL 11-34).

The CalWORKs Long-Term Reforms, which were due to be implemented on July 1, 2011, have been repealed as a result of SB 72.

Summary of SB 72 Changes Impacting the Cal-Learn Program

All funding for Cal-Learn administration, state support for automation, transportation and ancillary expenses, and case management services has been eliminated for Fiscal Year (FY) 2011/12. Funding for child care is still available. SB 72 suspends the Cal-Learn program, except for school bonuses for satisfactory progress and high school graduation, for one year, from July 1, 2011 to June 30, 2012.

A summary of the changes is as follows:

- Eliminates the Cal-Learn case management services requirements.
- Continues to provide school bonuses for satisfactory progress and high school graduation according to the terms of the current Cal-Learn program.
- Requires counties to enroll pregnant and parenting teens who are currently participating in Cal-Learn into the CalWORKs Welfare-to-Work (WTW) program.
- Requires that in the WTW program the teens must attend high school or its equivalent. School attendance and satisfactory progress meets the WTW requirements for this population.
- Continues to provide for supportive services, including child care and mental health services, while teens are in school.
- Eliminates Cal-Learn sanctions for failure to make adequate progress in school; however, pregnant and parenting teens who do not have good cause and fail to comply with WTW requirements may be subject either to the school attendance penalty for not regularly attending school or to WTW sanctions, depending on the age of the teen.

Case Management

During the suspension of the Cal-Learn program, counties are not required to follow the Cal-Learn case management standards pursuant to Manual of Policy and Procedures (MPP) Section 42-766.1 and .2, including the provision of case management services through the Adolescent Family Life Program (AFLP). Counties that contract with AFLP providers or other non-county agencies for Cal-Learn program operations may need to cancel case management agency contracts effective July 1, 2011, according to the terms of the individual contracts.

The California Department of Social Services (CDSS) recognizes that counties will have significantly less funding available this year than in prior years and that all of the funding for Cal-Learn case management has been eliminated. However, CDSS is encouraging counties to continue providing connections and referrals to pregnant and parenting teens in the WTW program to local health and social services that are designed to do the following:

- Provide adequate prenatal care in order to reduce the incidence of maternal and child morbidity and mortality, including the incidence of low birth weight infants.
- Enhance the teen parent's parenting skills.
- Enhance the teen parent's financial literacy.
- Facilitate an effective ongoing relationship between the teen parent, the noncustodial parent and the child when it is in the best interest of the child and the teen parent.
- Assess the suitability of the teen parent's living situation including, but not limited to, the physical and emotional health and safety of the teen parent and the child.
- Provide public health counseling and education regarding lactation during the prenatal and postpartum period to help teens in getting a healthy start with nursing their children.
- Provide mental health and domestic violence counseling to teen parents who have circumstances or conditions that may affect the safety or health of the teen parent and child.

Teen Parent Participation Requirements

Effective July 1, 2011, all pregnant and parenting teens who are under the age of 20 shall be required to participate in the CalWORKs WTW program. Participation requirements pursuant to MPP Section 42-711.3 shall apply to this population not just 19-year old custodial parents. MPP Section 42-711.3 requires teen parents who do not have a high school diploma or equivalent to participate in WTW only to earn a high school diploma or its equivalent with specified exceptions (e.g. inability to successfully complete or benefit from school due to a learning disability or medical problem, or the teen qualifies for a self-initiated program).

The WTW good cause provisions for not participating in WTW pursuant to MPP Section 42-713 shall apply. The WTW exemption provisions pursuant to MPP Section 42-712 shall also apply, except for the following:

- Exemption based on age under 16 (MPP Section 42-712.41).
- Exemption based on school attendance (MPP Section 42-712.42).

- Exemption based on the care of an ill or incapacitated member of the household (MPP Section 42-712.46).
- Exemptions based on the care of a young child under 24 months or for caring for two or more children under age six (MPP Section 42-712.47).
- Exemption offered by a county for individuals with a child from 24 to 35 months of age pursuant to the new temporary exemption in SB 72.
- Exemption based on pregnancy (MPP Section 42-712.48).

While teens are not eligible for the exemption based on pregnancy pursuant to MPP Section 42-712.48, teen parents may be eligible for an exemption based on disability. If a pregnancy condition meets the criteria of an exemption based on disability, the teen would be eligible for the disability exemption pursuant to MPP Section 42-712.44.

It is important to note, however, that individuals who are exempt from WTW or who have good cause for non-participation may not be exempt from attending school. The California Education Code (CEC), Section 48200 provides that each person between the ages of 6 and 18 years, not exempted under Chapters 2 or 3 of the CEC, is subject to compulsory full-time education. Counties should advise the teens that if they are exempt from WTW or given good cause, that they may still have a requirement to attend school under the CEC.

WTW Orientation and WTW Plans

Current Cal-Learn teens transitioning to WTW: Prior to June 1, 2011, counties must inform all teens in the Cal-Learn program that they are being removed from Cal-Learn, due to the program's suspension, and that they will be required to participate in the WTW program using the attached informing mailer TEMP 2254. Counties shall also provide a WTW orientation to these teens and develop WTW plans between July 1, 2011 and the beginning of the new school year to ensure the teens are aware of their school attendance requirements in WTW and the consequences of noncompliance. To facilitate a smooth transition into the WTW program, if resources are available, counties should provide special WTW orientation sessions for these teens who are transitioning to WTW. Counties shall use the attached notice TEMP 2253 to schedule these orientations. If a teen has received a Cal-Learn orientation and has an established Cal-Learn case plan, counties shall not sanction the teen for not attending the WTW orientation. Such a teen would be subject to a WTW sanction if she or he fails or refuses without good cause to complete a WTW plan as described below.

Counties are encouraged to incorporate established Cal-Learn case plans as the WTW 2 for the teens' WTW plans. If counties choose to use the Cal-Learn case plan in order to complete the WTW plan, counties must complete the WTW 1 (rights and

responsibilities) with the teen and give the teen a copy of the county's WTW handbook. If the Cal-Learn case plan is used and it includes activities other than school attendance, the other activities cannot be mandated. If the county has funding to support the other activities, the other activities shall be considered voluntary and a WTW sanction shall not be imposed for noncompliance with the voluntary activity.

Non-Cal-Learn Pregnant and Parenting Teens Entering WTW on or After July 1, 2011: Pregnant and parenting teens who are not in Cal-Learn prior to July 1, 2011 and are entering WTW must receive a WTW orientation and develop a WTW plan, using the WTW 2, the WTW 1, and the county's WTW handbook. To the extent counties have available resources, CDSS encourages the provision of special orientation sessions, separate from regular WTW orientations, for pregnant and parenting teens to ensure they understand their participation requirements in WTW and to address their unique needs.

Bonuses for Maintaining Satisfactory Progress in School

The \$100 bonuses for report cards (up to 4 times each year) that show satisfactory progress in school and the \$500 bonus for receiving a high school diploma or equivalent that the Cal-Learn program provided are being continued as school bonuses. The following Cal-Learn regulations shall be followed for purposes of school bonuses:

- MPP Section 42-766.61 through .631 – determination of satisfactory progress.
- MPP Section 42-766.65 – report cards containing incomplete grades as they relate to determining satisfactory progress.
- MPP Section 42-766.8 – case manager requirements when a teen graduates from high school.
- MPP Section 42-769.1 – requirements for issuing school bonuses.
- MPP Section 42-769.4 (QR) and .5 (QR) – treatment of school bonuses in other calculations (i.e. an overpayment adjustment) and bonuses considered a county-initiated mid-quarter action .

Nineteen year-old teens shall qualify for school bonuses only when they are either pregnant prior to their 19th birthday, or residing within the same assistance unit (AU) as their child(ren).

Counties may develop a report card submittal schedule with teens who are eligible for a school bonus to help the teen remember when she or he should submit a report card and earn the bonus. However, since the \$100 Cal-Learn sanctions for failure to demonstrate adequate progress will not apply during the Cal-Learn suspension, counties should be flexible regarding the report card schedule and accommodate a

change in the schedule when appropriate. CDSS will develop a sample report card schedule that counties may choose to use and issue it in a separate ACL.

WTW Sanctions for Noncompliance and School Attendance Penalties

The \$100 sanctions that were previously applied to cash grants in the Cal-Learn program for failure to demonstrate adequate progress are suspended effective July 1, 2011. Any Cal-Learn sanction that is in progress but not fully imposed prior to July 1, 2011 shall not be fully imposed beginning July 1, 2011. For example, if a Cal-Learn participant turns in a report card showing failure to demonstrate adequate progress on May 16, 2011, a sanction of \$50 shall be applied to his or her AU on June 1, 2011. However, the remaining \$50 shall not be applied to the AU on July 1, 2011.

Effective July 1, 2011, pregnant and parenting teens will be subject to the CalWORKs school attendance penalties pursuant to MPP Section 40-105.5 for not regularly attending school or the WTW noncompliance, good cause, and sanction policies pursuant to MPP Section 42-721 for not making satisfactory progress, depending on the age of the teen as described below. It is important to clarify that the standards for making satisfactory progress for the purpose of qualifying for a school bonus (formerly the Cal-Learn bonus payments) are different from the county's determination that the teen is noncompliant with WTW because she or he did not provide required proof of satisfactory progress. For WTW noncompliance and sanction purposes, counties should apply the same criteria that are used for such a determination for any other teen attending high school or its equivalent in the WTW program.

WTW sanctions and CalWORKs school attendance penalties shall be imposed as follows:

Pregnant and parenting teens under the age of 16:

- If the teen is not regularly attending school, the school attendance penalty provisions pursuant to MPP Section 40-105.5 shall apply. When the teen does not have good cause for not attending school, the needs of the parent(s)/caretaker relative shall not be considered when calculating the AU's grant. The school attendance penalty provisions in MPP Section 40-105.5(g) (QR) apply for restoring aid when verification of regular school attendance is received by the county. A WTW sanction shall not also be imposed.
- If the teen is meeting the school attendance requirements but is not making satisfactory progress without good cause and the WTW compliance process has failed, a WTW sanction shall be imposed by not considering the needs of the teen when calculating the AU's grant.

Pregnant and parenting teens 16 or 17 years old:

- If the teen is not regularly attending school, the school attendance penalty provisions pursuant to MPP Section 40-105.5 shall apply. When the teen does not have good cause, the needs of the teen shall not be considered when calculating the AU's grant. The school attendance penalty provisions in MPP Section 40-105.5(g) (QR) apply for restoring aid when verification of regular school attendance is received by the county. A WTW sanction shall not also be imposed.
- If the teen is meeting the school attendance requirements but is not making satisfactory progress without good cause and the WTW compliance process has failed, a WTW sanction shall be imposed by not considering the needs of the teen when calculating the AU's grant.

Pregnant and parenting teens 18 or 19 years old:

- If the teen is not making satisfactory progress without good cause and the compliance process has failed, the WTW sanction will be imposed. If the teen is a dependent, his or her needs shall not be considered when calculating the AU's grant. If the teen is the head of household, the noncomplying teen shall be removed from the AU.

Supportive Services

Necessary supportive services must be provided to all individuals participating in a WTW plan, including pregnant and parenting teens participating to earn a high school diploma or equivalent. Supportive services listed in MPP Section 42-750 will be provided to the extent needed for the individual to attend school.

CalWORKs Eligibility for Pregnant Teens with No Other Children

SB 72's suspension of the Cal-Learn program also suspends the rule that allowed pregnant teens with no other children (also known as Pregnant Woman Only or PWO) to be eligible for CalWORKs cash aid in their first or second trimester, once pregnancy was verified. Effective July 1, 2011, pregnant teens who are not currently being aided as a child in CalWORKs and who do not have other children of their own, will be ineligible for aid until their third trimester. However, a PWO teen who has been granted aid prior to her third trimester before July 1, 2011, will continue to receive aid if otherwise eligible.

Cal-Learn and CalWORKs County Plans

Existing Cal-Learn Plans are suspended through June 30, 2012. Counties are not required to amend existing Cal-Learn or CalWORKs County Plans solely due to the Cal-Learn suspension during the suspension of the Cal-Learn program.

Cal-Learn Data Reporting

CDSS will issue a subsequent ACL providing instructions to counties regarding the tracking and reporting requirements of pregnant and parenting teens during the Cal-Learn suspension.

Temporary Assistance for Needy Families (TANF) and CalWORKs Time Clocks

The federal TANF time clock is not affected by SB 72. Months of aid received by the pregnant or parenting teen who is 18 or 19 years old or head of household continue to count for purposes of the federal TANF 60-month time limit, unless the individual meets a federal time limit exemption.

Eighteen and 19-year old pregnant and parenting teens who are not receiving aid as children in a senior parent's AU (i.e. nested teens) will remain exempt from the CalWORKs 48-month time clock until they turn age 20 or graduate from high school or its equivalent. All other CalWORKs time limit exemptions continue to apply.

Camera Ready Copies and Translations

For a camera-ready copy in English, contact the 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 MPP Section 21-115.2, including Spanish forms, they are posted on an on-going basis on our web site. 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 Language Services Bureau at (916) 651-8876. Until translations are available, clients who have elected to receive Spanish, Russian, Vietnamese, and written Chinese materials should be sent the GEN 1365 interpretation informing notice with a local contact number.

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Fiscal Claiming and Reporting Instructions

CDSS will issue claiming instructions in a subsequent County Fiscal Letter.

Contacts

If you have any program policy questions regarding the information in this letter, please contact your CDSS Employment Bureau county consultant at (916) 654-2137. If you have any fiscal questions, please direct them to the Fiscal Systems Bureau electronic mailbox at fiscal.systems@dss.ca.gov.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachments

YOU ARE REQUIRED TO PARTICIPATE IN WELFARE-TO-WORK

NAME	DATE:
COUNTY NAME:	CASE NUMBER:

Because the state law has stopped the Cal-Learn Program, you now need to participate in Welfare-to-Work. In Welfare-to-Work you will still need to go to school like you did in Cal-Learn, but some of the rules will be different from Cal-Learn. Some of the new rules are on the other side of this notice.

An appointment has been made for you on _____, at ____ o'clock, at _____ to tell you about the new rules and what services the county may offer you.

If you cannot go to this meeting, call _____ at _____ to schedule another date.

If you have any questions about the information in this notice, call your Cal-Learn worker at () _____ - _____ right away.

THE STATE LAW HAS CHANGED THE CAL-LEARN PROGRAM NEW RULES FOR PREGNANT AND PARENTING TEENS

State law has stopped the Cal-Learn program for one year. Beginning July 1, 2011, if you are a pregnant or parenting teen in the Cal-Learn program, you will instead be required to participate in the CalWORKs Welfare-to-Work program.

New Welfare-to-Work Requirements for Teen Parents: In the Welfare-to-Work program, you will be required to attend school to earn your high school diploma or its equivalent like you did in Cal-Learn. You will still be eligible for supportive services, like child care and transportation, you need to attend school.

Cal-Learn Bonuses: The \$100 Cal-Learn bonuses for making satisfactory progress in school and the \$500 graduation bonus will continue in the Welfare-to-Work program.

Welfare-to-Work Sanctions and School Attendance Penalties: There will no longer be a \$100 sanction (penalty) for not making adequate progress in school. Instead, if you do not make adequate progress in school or you do not attend school regularly without a good reason, you will get a Welfare-to-Work sanction or a school attendance penalty. The sanction or penalty amount will be based on your age.

- If you are 16, 17, 18, or 19 years old and are not attending school or not making adequate progress, your family's cash aid will be lowered by the amount of cash aid your family gets for you.
- If you are under 16 and not attending school regularly, your family's cash aid will be lowered by the amount of cash aid your family gets for your parent(s)/caretaker relative.
- If you are under 16 and are attending school but not making adequate progress in school, your family's cash aid will be lowered by the amount of cash aid your family gets for you.

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- If you are under 16 and are attending school but not making adequate progress in school, your family's cash aid will be lowered by the amount of cash aid your family gets for you.

The county will give you an orientation to the Welfare-to-Work program before the new rules apply to you. You will receive another notice from the county to set up a time for your Welfare-to-Work orientation.