



CDSS

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REASON FOR THIS TRANSMITTAL

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

October 20, 2015

ALL COUNTY LETTER NO. 15-80

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE TO WORK COORDINATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) PROGRAM REQUIREMENTS: SATISFACTORY PROGRESS DETERMINATION

REFERENCES: ALL COUNTY LETTERS (ACLs) [00-08](#), [09-07](#), [02-03](#), [03-59](#)
ALL COUNTY INFORMATION NOTICE (ACIN) [1-13-11](#)
WELFARE AND INSTITUTIONS CODE (WIC) [11325.21](#)
MANUAL OF POLICIES AND PROCEDURES (MPP) 42-711.642, 42-711.645, 42-711.81, 42-713, 42-721, 42-722.14 & 42-722.24

The purpose of this letter is to provide counties with guidance for working with Welfare to Work (WTW) participants who fail to make satisfactory progress in an assigned activity.

WTW program participants are required to make satisfactory progress in their activities. This WTW program requirement applies to all WTW activities, including paid and unpaid employment, education, and training activities. California WIC Section 11325.21(f) states:

“the participant shall maintain satisfactory progress toward employment through the methods set forth in the [work] plan...”

The MPP Sections 42-711.642 and 42-711.645 explain that a participant must maintain satisfactory progress in his or her assigned activities and must participate for the required number of hours. The criteria for satisfactory participation in an education and training activity are described in MPP Section 42-711.81, which includes guidelines on regular attendance.

County Welfare Departments (CWDs) may set standards for satisfactory progress, as well as how progress is measured. These satisfactory progress standards must be written in the county's policy and procedures and must be provided in writing to any participant upon request. In general, attendance, academic performance and timeframes of completion may be included as part of the satisfactory progress standard.

The satisfactory progress standards for each participant's assigned activity must be included in the WTW plan, and must be clear and understandable to the participant as acknowledged by the signing of the WTW plan. The CWD's policy and procedures ensure uniformity in the application of satisfactory progress standards and increase participants' awareness of the standards that must be met to avoid triggering the non-compliance process, as referenced in ACL 03-59.

Additionally, the MPP 42-711.81 clarifies that a participant who fails to make satisfactory progress is subject to sanction, unless the failure is due to a learning or medical issue or the participant has good cause, as provided in MPP 42-713 and MPP 42-721. If the participant has not previously gone through the learning disability screening, the county should re-offer the learning disability screening and determine whether the participant has a learning or physical disability, per MPP 42-722.14. If the disability cannot be remediated with learning disability services or physical disability accommodations and the participant does not meet any of the good cause provisions listed in MPP 42-713 and MPP 42-721, he or she should be considered for an alternative activity, consistent with his or her assessment and employment goal.

Examples of Failure to Make Satisfactory Progress:

Example #1:

Joe's WTW goal is to obtain an accounting certificate. As part of this certificate program, Joe must take general education courses. The county's written policy on satisfactory progress is that student participants must earn a grade point average (GPA) of 2.0 (C) or above in every class. Despite regular attendance and participation, Joe earns a D grade in history, but has an excellent overall GPA and does particularly well in accounting-related classes. Joe's inability to do well in history class may be considered a failure to make satisfactory progress; however, the poor grade is not from lack of effort. Joe may benefit from meeting with a school counselor to identify an alternative class that would satisfy graduation requirements. A new assessment may be necessary, and the county should modify Joe's WTW plan appropriately.

Example #2:

Jane has very good attendance and effort when she works for a small graphics art business and 75 percent of her time is spent typing. Despite additional typing training, Jane is unable to type 65 words per minute (WPM), as the job requires. As a result, she is laid off by her employer. Although she is considered to not have made satisfactory progress, this would not trigger the non-compliance process. Rather, the county shall reassess Jane's skill set and abilities to see what appropriate activity she should be assigned to help her become successful.

Although many counties are already employing policies and procedures that consider options that enable participants to be successful in activities, this letter reminds counties to consider the following when making a determination of satisfactory progress:

- Ensure county policies and procedures are clear on satisfactory progress standards for participants within the WTW program. Consider whether learning or medical issues exist that are contributing to participants' lack of satisfactory progress and take appropriate action to assist participants, as stated in MPP 42-711.81 & 42-722.24. The CWD should not sanction the participant for lack of satisfactory progress when learning or medical issues exist; instead, the CWD should review the case to see whether a WTW plan modification is needed or if an exemption or good cause applies.
- Re-offer a learning disability screening, if not previously taken, or offer a direct referral to a learning disability evaluation, and explain the benefits of a learning disability evaluation, as stated within MPP section 42-722.14.
- Discuss with the participant whether he or she is aware of barriers that hamper his or her ability to maintain satisfactory progress within their assigned activity. If so, assist with needed barrier removal services or WTW plan modifications.
- When a potential failure to make satisfactory progress exists, the CWD should engage participants to assess whether additional resources are needed or an alternative activity is required. Revise the WTW plan to reassign the participant to a more suitable activity based upon the identified strengths of the participant using information received through the above options.
- When applicable and if appropriate, with the permission of the participant, obtain input from the work site supervisor or school counselor regarding the suggestions or options that may enhance the likelihood of the participant's success.

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.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division