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SFA**BILL ANALYSIS**

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Senate Bill 945 (as passed by the Senate)
Sponsor: Senator Robert Geake
Committee: Families, Mental Health and Human Services

Date Completed: 8-26-98

CONTENT

The bill would amend the Social Welfare Act to require the Family Independence Agency (FIA) to develop and implement a learnfare demonstration project in three counties by December 31, 1998. Under the project, a recipient's assistance would be reduced if a child aged six to 11 were not enrolled in school or were habitually truant (for the second or subsequent time). The recipient could request a hearing at which he or she would have the opportunity to establish good cause for the child's absence from school. The FIA would have to request a Federal waiver to permit the application of the bill to assistance recipients. Before implementing the demonstration projects, the FIA would have to develop an implementing plan for good cause exceptions to the bill's provisions, and an implementing plan setting forth case management services to be provided.

The following provisions would apply in each county in which a learnfare demonstration project was implemented.

If a child aged six to 11 were a dependent child of a family independence assistance recipient, the child and the recipient would be subject to the measures described below if either of the following applied:

- The child was not enrolled in the public schools during the current school semester, or was not enrolled in the public schools during the immediately preceding school semester, in violation of Part 24 of the Revised School Code.
- The child was habitually truant during the current school semester or was habitually truant during the immediately preceding school semester.

("Habitually truant" would mean that a child had been absent from school without good cause, as determined according to FIA rule, for either or both of the following periods:

- All or part of five or more days out of 10 consecutive days in which school was in session.
- All or part of 10 or more days in which school was in session in a school semester.)

The first time that the child was found to meet these conditions, the county department would have to monitor the child's school attendance on a monthly basis, as well as offer the child and the recipient case management services developed by the FIA that were designed to improve school attendance.

If a child were found to meet the conditions for a second or subsequent time, then, after notice and an opportunity for a hearing, for the next month the adult recipient responsible for the child would not be included in the eligible group in determining the recipient's family assistance. For any month

thereafter in which the child had more than two unexcused absences from school, as determined by the FIA, in the next month the adult recipient responsible for the child would not be included in the eligible group in determining the recipient's family assistance. The elimination of the adult recipient from the eligible group would not eliminate his or her requirement under the Work First program or the recipient's, child's, or children's eligibility for Medicaid. These measures could not be imposed unless all of the following occurred:

- The county department had monitored the child's school attendance and offered case management services designed to improve attendance.
- The recipient had failed to request a hearing or had failed at a hearing to establish good cause for the child's absence. Good cause would be determined according to FIA rule.
- The child or the recipient, or both, failed to cooperate with the case manager or to participate in case management services developed by the FIA that were designed to improve school attendance.

As a condition of continuing to receive family independence assistance for a child aged six to 11, a recipient would have to provide information needed to verify the child's enrollment and attendance in a public or nonpublic school, and would have to consent to the release of the child's enrollment and attendance records from the school to the FIA. The FIA would have to work with schools to develop the necessary consent forms. The case worker would be responsible for verifying a child's attendance.

The FIA would have to request a waiver from the Secretary of the U.S. Department of Health and Human Services to permit the application of the bill to recipients of family independence assistance. The FIA would have to request the waiver for a period of 36 months or for the period the Secretary found necessary to enable the State to implement the bill. A provision of the bill for which a Federal waiver was required could not be applied to an assistance recipient unless the waiver were in effect. If a waiver were granted for parts of the bill but not for others, the FIA would have to implement those parts for which the waiver had been granted.

The bill specifies that it could not be construed to conflict with or diminish the compulsory school attendance requirements of Part 24 of the Revised School Code.

A child would not be subject to the bill if any of the following applied:

- The child was not required to attend a public school under Section 1561(3) of the Revised School Code (described below).
- The child was prohibited from attending a public school during a suspension or expulsion from school under the Revised School Code, and there was no other school that would allow the child to enroll or there was no public or private transportation available to another school that would allow the child to enroll.
- The child had good cause for failing to attend school, as determined according to FIA rule.

(Under Section 1561(3) of the Revised School Code, a child is not required to attend a public school in any of the following cases:

- The child is attending regularly and is being taught in a State-approved nonpublic school.
- The child is under nine years old and does not live within 2-1/2 miles by the nearest traveled road of a public school, unless transportation is furnished for pupils in the school district where the child lives.
- The child is 12 or 13 and attends confirmation classes conducted for five months or less.
- The child is regularly enrolled in a public school while attending religious instruction classes for up to two class hours per week, off public school property during public school hours.

- The child has graduated from high school or has fulfilled all requirements for graduation.
- The child is being educated at his or her home by his or her parent or legal guardian in an organized educational program in specified subject areas.)

Proposed MCL 400.57j

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. The unspecified financial penalties would result in savings to be credited to the Department budget. However, program administration costs, such as reporting and matching activities, and case management would offset a potential reduction in grant expenditures. According to the Department, administration would be costly because school attendance requirements, or what constitutes truancy, are not uniform throughout the State. In addition, to the extent that program recipients dropped out or returned to school, changes in school aid payments would occur.

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.