

SENATE BILL NO. 945

February 26, 1998, Introduced by Senator GEAKE and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 57J. (1) NOT LATER THAN DECEMBER 31, 1998, THE FAMILY
2 INDEPENDENCE AGENCY SHALL DEVELOP AND IMPLEMENT LEARNFARE DEMON-
3 STRATION PROJECTS UNDER THIS SECTION IN 3 COUNTIES. THE PROVI-
4 SIONS OF THIS SECTION APPLY IN EACH COUNTY IN WHICH A LEARNFARE
5 DEMONSTRATION PROJECT IS IMPLEMENTED UNDER THIS SECTION.

6 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IF A CHILD
7 AGE 6 TO 11 IS A DEPENDENT CHILD OF A FAMILY INDEPENDENCE ASSIST-
8 ANCE RECIPIENT, THAT CHILD AND THE FAMILY INDEPENDENCE ASSISTANCE
9 RECIPIENT ARE SUBJECT TO THE MEASURES UNDER SUBSECTION (3) IF THE
10 CHILD MEETS EITHER OF THE FOLLOWING:

1 (A) THE CHILD IS NOT ENROLLED IN THE PUBLIC SCHOOLS DURING
2 THE CURRENT SCHOOL SEMESTER IN VIOLATION OF PART 24 OF THE
3 REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1561 TO 380.1599, OR
4 WAS NOT ENROLLED IN THE PUBLIC SCHOOLS DURING THE IMMEDIATELY
5 PRECEDING SCHOOL SEMESTER IN VIOLATION OF PART 24 OF THE REVISED
6 SCHOOL CODE, 1976 PA 451, MCL 380.1561 TO 380.1599.

7 (B) THE CHILD IS HABITUALLY TRUANT DURING THE CURRENT SCHOOL
8 SEMESTER OR WAS HABITUALLY TRUANT DURING THE IMMEDIATELY PRECED-
9 ING SCHOOL SEMESTER.

10 (3) IF A CHILD IS FOUND TO MEET THE CONDITIONS UNDER SUBSEC-
11 TION (2), THE FOLLOWING APPLY TO THE CHILD AND THE FAMILY INDE-
12 PENDENCE ASSISTANCE RECIPIENT:

13 (A) THE FIRST TIME A CHILD IS FOUND TO MEET THE CONDITIONS
14 UNDER SUBSECTION (2), BOTH OF THE FOLLOWING APPLY:

15 (i) THE COUNTY DEPARTMENT SHALL MONITOR THE CHILD'S SCHOOL
16 ATTENDANCE ON A MONTHLY BASIS.

17 (ii) THE COUNTY DEPARTMENT SHALL OFFER TO THE CHILD AND THE
18 RECIPIENT CASE MANAGEMENT SERVICES DEVELOPED BY THE FAMILY INDE-
19 PENDENCE AGENCY THAT ARE DESIGNED TO IMPROVE SCHOOL ATTENDANCE.

20 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), IF A
21 CHILD IS FOUND TO MEET THE CONDITIONS UNDER SUBSECTION (2) FOR A
22 SECOND OR SUBSEQUENT TIME, THEN, AFTER NOTICE AND AN OPPORTUNITY
23 FOR A HEARING UNDER SECTION 9, BOTH OF THE FOLLOWING APPLY:

24 (i) FOR THE NEXT MONTH AFTER THE FINDING, THE NEEDS OF THE
25 CHILD INVOLVED IN THE FINDING SHALL NOT BE TAKEN INTO ACCOUNT IN
26 DETERMINING THE RECIPIENT'S FAMILY INDEPENDENCE ASSISTANCE.

1 (ii) FOR ANY MONTH THEREAFTER IN WHICH THE CHILD INVOLVED IN
2 THE FINDING HAS MORE THAN 2 UNEXCUSED ABSENCES FROM SCHOOL, AS
3 DETERMINED BY THE FAMILY INDEPENDENCE AGENCY, IN THE NEXT MONTH
4 THE CHILD'S NEEDS SHALL NOT BE TAKEN INTO ACCOUNT IN DETERMINING
5 THE RECIPIENT'S FAMILY INDEPENDENCE ASSISTANCE.

6 (4) THE MEASURES DESCRIBED IN SUBSECTION (3)(B) SHALL NOT BE
7 IMPOSED UNLESS ALL OF THE FOLLOWING OCCUR:

8 (A) THE COUNTY DEPARTMENT HAS COMPLIED WITH SUBSECTION
9 (3)(A).

10 (B) THE RECIPIENT HAS FAILED TO REQUEST A HEARING UNDER SEC-
11 TION 9 OR HAS FAILED AT A HEARING HELD UNDER SECTION 9 TO ESTAB-
12 LISH GOOD CAUSE FOR THE CHILD'S ABSENCE FROM SCHOOL. GOOD CAUSE
13 SHALL BE DETERMINED ACCORDING TO FAMILY INDEPENDENCE AGENCY
14 RULE.

15 (C) THE CHILD OR RECIPIENT, OR BOTH, FAIL TO COOPERATE WITH
16 THE CASE MANAGER OR TO PARTICIPATE IN CASE MANAGEMENT SERVICES
17 DEVELOPED BY THE FAMILY INDEPENDENCE AGENCY THAT ARE DESIGNED TO
18 IMPROVE SCHOOL ATTENDANCE.

19 (5) AS A CONDITION TO CONTINUING TO RECEIVE FAMILY INDEPEN-
20 DENCE ASSISTANCE FOR A CHILD AGE 6 TO 11, A RECIPIENT SHALL PRO-
21 VIDE INFORMATION NEEDED TO VERIFY THE CHILD'S ENROLLMENT AND
22 ATTENDANCE IN A PUBLIC OR NONPUBLIC SCHOOL AND SHALL CONSENT TO
23 THE RELEASE OF THE CHILD'S ENROLLMENT AND ATTENDANCE RECORDS FROM
24 THE SCHOOL TO THE FAMILY INDEPENDENCE AGENCY FOR THE PURPOSES OF
25 THIS SECTION. THE FAMILY INDEPENDENCE AGENCY SHALL WORK WITH
26 SCHOOLS TO DEVELOP THE NECESSARY CONSENT FORMS FOR THE PURPOSES
27 OF THIS SUBSECTION. IT IS THE RESPONSIBILITY OF THE CASE WORKER

1 TO VERIFY A CHILD'S SCHOOL ATTENDANCE FOR THE PURPOSES OF THIS
2 SECTION.

3 (6) SUBSECTIONS (2) AND (3) DO NOT APPLY TO A CHILD WHO
4 MEETS 1 OR MORE OF THE FOLLOWING:

5 (A) IS NOT REQUIRED TO ATTEND A PUBLIC SCHOOL UNDER SECTION
6 1561(3) OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1561.

7 (B) IS PROHIBITED FROM ATTENDING A PUBLIC SCHOOL DURING A
8 SUSPENSION OR EXPULSION FROM SCHOOL UNDER THE REVISED SCHOOL
9 CODE, 1976 PA 451, MCL 380.1 TO 380.1852, AND THERE IS NO OTHER
10 SCHOOL THAT WILL ALLOW THE CHILD TO ENROLL OR THERE IS NO PUBLIC
11 OR PRIVATE TRANSPORTATION AVAILABLE TO ANOTHER SCHOOL THAT WILL
12 ALLOW THE CHILD TO ENROLL.

13 (C) HAS GOOD CAUSE FOR FAILING TO ATTEND SCHOOL, AS DETER-
14 MINED ACCORDING TO FAMILY INDEPENDENCE AGENCY RULE.

15 (7) THE FAMILY INDEPENDENCE AGENCY SHALL REQUEST A WAIVER
16 FROM THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND
17 HUMAN SERVICES UNDER SECTION 1115(a) OF PART A OF TITLE XI OF THE
18 SOCIAL SECURITY ACT, 42 U.S.C. 1315, TO PERMIT THE APPLICATION OF
19 THIS SECTION TO RECIPIENTS OF FAMILY INDEPENDENCE ASSISTANCE.
20 THE FAMILY INDEPENDENCE AGENCY SHALL REQUEST THE WAIVER FOR A
21 PERIOD OF 36 MONTHS OR FOR THE PERIOD THE SECRETARY FINDS NECES-
22 SARY TO ENABLE THE STATE TO IMPLEMENT THIS SECTION. A PROVISION
23 OF THIS SECTION FOR WHICH A FEDERAL WAIVER IS REQUIRED SHALL NOT
24 BE APPLIED TO A RECIPIENT OF FAMILY INDEPENDENCE ASSISTANCE
25 UNLESS THE FEDERAL WAIVER IS IN EFFECT. IF A WAIVER IS GRANTED
26 FOR PARTS OF THIS SECTION BUT NOT FOR OTHERS, THE FAMILY

1 INDEPENDENCE AGENCY SHALL IMPLEMENT THOSE PARTS OF THIS SECTION
2 FOR WHICH THE WAIVER HAS BEEN GRANTED.

3 (8) THIS SECTION SHALL NOT BE CONSTRUED TO CONFLICT WITH OR
4 DIMINISH THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS OF PART 24
5 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1561 TO
6 380.1599.

7 (9) AS USED IN THIS SECTION, "HABITUALLY TRUANT" MEANS THAT
8 A CHILD HAS BEEN ABSENT FROM SCHOOL WITHOUT GOOD CAUSE, AS DETER-
9 MINED ACCORDING TO FAMILY INDEPENDENCE AGENCY RULE, FOR EITHER OR
10 BOTH OF THE FOLLOWING PERIODS:

11 (A) ALL OR PART OF 5 OR MORE DAYS OUT OF 10 CONSECUTIVE DAYS
12 IN WHICH SCHOOL WAS IN SESSION.

13 (B) ALL OR PART OF 10 OR MORE DAYS IN WHICH SCHOOL WAS IN
14 SESSION IN A SCHOOL SEMESTER.