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BILL ANALYSIS



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House Bill 4388 (Substitute H-1 as passed by the House)
Sponsor: Representative Al Pscholka
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 12-3-13

CONTENT

The bill would amend the Social Welfare Act to provide the following:

- A Family Independence Program (FIP) assistance group could not receive FIP assistance if a member of the group did not meet compulsory school attendance requirements and were under 16 years old.**
- If a FIP assistance group member did not meet compulsory school attendance requirements and were 16 years old or older, that member would have to be removed from the group.**

The Act establishes requirements that individuals must satisfy to be eligible for assistance. These include membership in a FIP assistance group, possession of a certain level of income and assets, U.S. citizenship, State residency, certain criteria for minor parents, and any other criteria required for Federal or State funds or determined necessary by the Department of Human Services (DHS).

The DHS must establish and administer FIP to provide temporary assistance to families who are making efforts to achieve independence. The Department determines the level of assistance that goes to a FIP assistance group, based on several factors, including the number of members in the group.

The bill would prohibit an FIP assistance group from receiving FIP assistance if a member of the program group did not meet the attendance requirements of Section 1561 of the Revised School Code with respect to a child under the age of 16. If a member of the group did not meet the attendance requirements with respect to a child age 16 and above, the child would have to be removed from the program group.

The DHS would have to implement policies in accordance with these provisions. The policies would have to be effective and binding on all program groups, and would be exempt from rule promulgation requirements under the Administrative Procedures Act.

(Section 1561 of the Revised School Code includes provisions regarding compulsory school attendance. Generally, the following requirements apply:

- A child who will turn six years old before December 1 must be enrolled on the first day of school of that school year.
- A child who will turn six years old on or after December 1 must be enrolled on the first school day of the school year following the child's sixth birthday.

- A child who turned age 11 before December 1, 2009, or who entered grade six before 2009 must attend public school during the entire school year from the age of six to the child's 16th birthday.
- A child who turns age 11 on or after December 1, 2009, or a child who was 11 before that date and enters grade six in 2009 or later must attend public school during the entire school year from the age of six to the child's 18th birthday.

The Code includes exceptions to these requirements. Among other, these include exceptions for a child who attends a State-approved nonpublic school; a child who attends public school and religious instruction classes; and a child who is educated at home. In addition, the code allows an exception if the child's parent or legal guardian provided the child's school with permission for the child to stop attending school, and the child is at least 16 years old.)

MCL 400.57b

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The bill would have a minimal fiscal impact on the State and local units of government. Current Department policy has similar requirements regarding school attendance and FIP assistance.

Based on the most recent available data, an average of 24 cases per month were closed due to violations of the school attendance policy between March and May in 2013. Of these cases, approximately five per month involved children 16 to 17 years old who were removed from the FIP group. In a family of three, the maximum payment is \$492. If a truant 16-or 17-year-old was removed from the eligible group, the maximum monthly payment was reduced to \$403. Of the 24 average monthly cases, approximately 19 were case closures due to truancy for cases with children under the age of 16. In these cases, the entire group was removed from assistance, and was no longer eligible for the average monthly FIP benefit of \$387. If caseload reductions due to the policy and legislation continued along the current trend lines, the FIP caseload could be reduced by approximately 25 cases per month for a total annual cost reduction of approximately \$116,000 Gross.

Fiscal Analyst: Frances Carley

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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.