

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1278

SPONSOR: Senator Burt

SUBJECT: Schools/Learnfare Program

DATE: April 10, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable</u>
3.	<u>Peters</u>	<u>Belcher</u>	<u>AHS</u>	<u>Fav/1 amendment</u>
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill reestablishes the Learnfare program which requires a reduction in a participant's temporary cash assistance benefits if their school aged child does not attend school or if the participating parent or guardian does not attend a conference with a school official each semester.

The bill requires The Department of Children and Family Services (DCF) to develop an electronic data transfer system that will collect, report, and share data and information relating to the program. The information compiled must be submitted annually to the Legislature.

The bill will take effect upon becoming a law.

This bill amends sections 228.041 and 230.23, creates section 414.1251, and repeals section 414.125 of the Florida Statutes.

## II. Present Situation:

### **Learnfare Program and Education Requirements for Temporary Cash Assistance Program**

In 1993, the Florida Legislature created the Learnfare Program, as part of the Family Transition demonstration programs, to ensure that dependent children whose parents receive temporary cash assistance do not accumulate unexcused absences that may jeopardize their academic progress (Ch. 93-136, L.O.F.). Section 409.1855, F.S., created in 1995 (ch. 95-431, L.O.F.), provided for a statewide Learnfare Program for recipients of temporary cash assistance (then Aid to Families with Dependent Children). With the passage of the Work and Gain Economic Self-Sufficiency

(WAGES ) bill in 1996 (ch. 96-175, L.O.F.), the Legislature renumbered the statute as s. 414.125, F.S. In 2000, the Florida Legislature repealed s. 414.125, F.S., in ch. 2000-165, L.O.F., but subsequently amended s. 414.125, F.S., in ch. 2000-235, L.O.F. to specifically align the unexcused absences stipulation of the program with the habitual truant provision of s. 228.041(28), F.S. As a result of the passage of bills that both repealed and amended s. 414.125, F.S., this section of statute still remains part of the 2000 Florida Statutes and includes a footnote that indicates this section of statute was repealed in 2000. Shortly after the end of the 2000 legislative session, DCF notified district temporary cash assistance administrators that the Learnfare Program had been repealed.

Section 414.125, F.S., establishes the Learnfare Program, which requires DCF to reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements and who has been identified as a habitual truant. According to s. 414.125, F.S., good cause exemptions from the rule of unexcused absences include the following: the student is expelled from school and alternative schooling is not available, no licensed day care is available for the child of an eligible teenage participant, prohibitive transportation problems exist, or the teen is over 16 years of age and not expected to graduate from high school by age 20. The temporary cash assistance must be reinstated after a subsequent grading period in which the child's attendance has substantially improved.

Additionally, the Learnfare Program provides the participant with an opportunity to appeal the reduction. Within 10 days after sanction notification, the parent or guardian participant or eligible teenage participant may file an appeal and no sanction will be imposed until the appeal is resolved.

The Learnfare Program also requires each temporary cash assistance recipient with a school-age child to have a conference with an appropriate school official during each semester. The purpose of the conference is to assure that the participant is involved in the child's educational progress and is aware of any existing attendance or academic problems. The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to DCF. A participant who without good cause fails to attend a conference with a school official is subject to a reduction in temporary cash assistance.

Section 445.024(1)(j), F.S., requires that each participant in the temporary cash assistance program who is between the age of 16 and 19 years must be attending a high school or a program that will prepare the participant to receive a high school equivalency diploma in order to satisfy the work requirements of the program. This school attendance requirement applies to every participant 19 years of age or younger regardless of whether a dependent child or head of the household, who has not completed high school and has not obtained a high school equivalency diploma, unless another work or program activity is determined more appropriate. Specific educational requirements are provided in s. 414.095(15)(b), F.S., for teen parents to attend school or an approved alternative training program unless the teen parent has graduated from high school or the dependent child is less than 12 weeks old.

According to DCF, temporary cash assistance includes all welfare cash benefits received by the participant. Welfare cash benefits do not include other aid received, such as food stamps, Medicaid, or federal housing subsidies. The amount of temporary cash assistance reduced is that amount which is allotted to the truant child.

According to DCF, in January 2001, 62,584 families received temporary cash assistance. The chart below displays the maximum temporary cash assistance payment available based upon family size and family shelter obligation (rent). The shelter obligation is the amount the recipient is responsible for and the rest of the obligation is paid by another person (a family member) or by some entity (federal Department of Housing and Urban Development). A household’s actual temporary cash assistance payment will vary based upon the household’s countable income. The family size is determined by the number of household members eligible to be included in the temporary cash assistance filing unit.

**TEMPORARY CASH ASSISTANCE PAYMENT STANDARDS**

	<b>Shelter Obligation</b>	<b>Shelter Obligation</b>	<b>Shelter Obligation</b>
	<b>\$50.01 +</b>	<b>.01-\$50</b>	<b>\$0</b>
<b>Family Size</b>	<b>Payment Standard</b>	<b>Payment Standard</b>	<b>Payment Standard</b>
1	180	153	95
2	241	205	158
3	303	258	198
4	364	309	254
5	426	362	289
6	487	414	346
7	549	467	392
8	610	519	438
<b>Additional Person</b>	<b>+62</b>	<b>+52</b>	<b>+48</b>
Effective Date	July 1996	July 1996	July 1996

For the Learnfare Program, the reduced portion is that which is allotted to the truant child, or the portion allotted to the parent or guardian if he or she is not participating in the required conferences. For each sanction imposed, the family size is reduced by one person, therefore the amount reduced ranges between \$35 - \$63.

According to DCF, only the last sanction imposed on a participant is recorded for tracking purposes. For example, if a sanction is imposed on a participant, and then is lifted for compliance, but later another sanction is imposed, only the last sanction is recorded, not both. For the last 3 years, the sanctions recorded by DCF are as follows:

- 1998: 1,082 participants were sanctioned.
- 1999: 1,920 participants were sanctioned.
- 2000: 1,409 participants were sanctioned.

In August 2000, the Department of Education (DOE) distributed a three-question survey to all school districts to gauge the impact of the Learnfare Program. Forty-three districts responded and are described below:

*Question 1.* If you implemented the Learnfare Program and provided data to DCF during the 1999-2000 school year, have you seen any positive impacts of the Learnfare Program?

- 32 of 39 districts responded that schools within their district observed at least a minimum positive impact as a result of the Learnfare Program.
- 3 of 39 districts responded that schools within their district did not observe a positive impact as a result of the Learnfare Program.
- 4 of 39 districts responded that schools within their districts did not provide information or were unable to obtain information relating to the impact of the Learnfare Program.

*Question 2.* If you received any feedback from school staff on the effectiveness of the conferences with the parents, please provide.

- 18 of 27 districts responded that schools within their district believed the conferences were effective.
- 3 of 27 districts responded that schools within their districts believed the conferences were not very effective.
- 2 of 27 districts responded that they receive no feedback from schools within their districts regarding the effectiveness of the conferences.

*Question 3.* Please provide any recommendations you may have regarding the implementation of the Learnfare Program.

- 11 of 25 districts indicated a need for improving the administration and implementation of the Program.
- 4 of 25 districts stated that the Learnfare Program is effective as it is currently administered.
- 2 of 25 districts stated that the program is not effective or needs to be greatly improved.

### **School Attendance Requirements**

All children who are between the ages of 6x and 16 years are required to attend school regularly during the entire school years, except as provided in s. 232.01, F.S. A continuum of interventions to enforce school attendance is provided in Florida Statutes. Section 232.17, F.S., sets forth the provisions for enforcing school attendance and places the responsibility for enforcing school attendance with the superintendent of each school district. Schools are required to track excused

and unexcused absences and contact the students' parents or guardians. Procedures are stipulated for determining if a pattern of nonattendance is developing and to identify potential remedies if the unexcused absences exceed five within a month or ten within a 90 day period.

Section 232.19, F.S., delineates the court procedure and penalties for enforcing the provisions of ch. 232, F.S., relating to compulsory school attendance. These procedures include notifying the Department of Highway Safety and Motor Vehicles of students with 15 unexcused absences within a 90 day period and, pursuant to s. 322.91, F.S., these students may not be issued a driver's license or learner's permit. In addition, a process is provided for the district school board to refer a child who is habitually truant and their family to the children-in-need-of-services and the family-in-need-of-services provider, pursuant to s. 984.12, F.S., and for the superintendent to file a truancy petition following the procedures outlined in s. 984.151, F.S. (s. 232.19(3), F.S.). Section 228.041(28), F.S., defines an habitual truant as a student who is subject to the compulsory school attendance pursuant to s. 232.01, F.S., and not exempt under identified provisions, who has 15 unexcused absences within 90 days, regardless of the knowledge or consent of the parents or legal guardian.

Section 228.041(29), F.S., defines a dropout as a student who meets one or more of the following criteria: the student has voluntarily withdrawn himself or herself from the school system prior to graduation; the student has not met the attendance requirements; the student was expected to attend but did not enter; the student withdrew from school and did not enroll in another approved program; the student has withdrawn from school due to hardship, unless the withdrawal was granted under an identified condition; and the student is not eligible to attend due to reaching the maximum age for an exceptional student program. The State Board of Education is authorized to adopt rules to implement the provisions of this subsection.

The duties and powers provided to school boards, pursuant to s. 230.23, F.S., include requiring district school boards to encourage teachers and administrators to inform parents and guardians of the students' progress, of student programs, and of resources for academic assistance which are available.

### **III. Effect of Proposed Changes:**

The bill creates s. 414.1251, F.S., to reestablish the Learnfare Program which requires a reduction in a participant's temporary cash assistance benefits if their school aged child does not attend school or if the participating parent or guardian does not attend a conference with a school official each semester. The bill requires DCF to reduce the temporary cash assistance for a participant's dependent child or for a teen-age participant if the child or teen-age participant is identified as a habitual truant, under s. 228.041 (28), F.S., or as a dropout, under s. 228.041(29), F.S. The temporary cash assistance must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the General Educational Development (GED) tests, or enrolls in other educational activities approved by the district school board. The bill provides good-cause exemptions from the rule of unexcused absences. These exemptions include expulsion from school without alternative schooling, the unavailability of licensed day care for the child of a teen-age parent, and prohibitive transportation problems (e.g., to, and from, day care).

The bill requires each recipient of temporary cash assistance to attend a conference with an official at the child's school each semester. The conference must address acceptable attendance, grades, and behavior and must be documented by the school and reported to DCF. A participant who fails to attend a conference with a school official will be subject to the sanction.

The bill clarifies that temporary cash assistance must be reinstated to a recipient who has been sanctioned for failure to attend the requisite conference once that recipient attends the conference with the appropriate school official and that conference is documented by the school and reported to DCF.

The bill requires DCF to develop an electronic data transfer system that will collect, report, and share data and information relating to the program. The information must be compiled in an annual report and submitted to the Legislature by March 1.

The bill amends subsection (28) of section 228.041, F.S., to correct a cross-reference in the definition of a habitual truant.

The bill amends s. 230.23(15)(b), F.S., to encourage teachers and administrators to keep parents and guardians informed of student attendance requirements as delineated in ss. 232.17, 232.19, 414.1251, and 984.151, F.S.

The bill repeals s. 414.125, F.S., the current section of statute relating to the program.

The bill will take effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

Temporary-cash-assistance recipients who have school-age children will have their benefits reduced if either their child has been identified as a habitual truant or dropout, or the

participant does not attend a conference with a school official during each semester. An eligible teenage participant will also have his or her temporary cash assistance reduced if he or she is identified as a habitual truant or dropout. The reduction amount is that portion of the assistance that is allotted to the truant child or teenage participant or to the parent or guardian not in compliance with the conference requirement. However, those benefits will be reinstated once the child or teenage participant has substantially improved his or her attendance after a subsequent grading period or has re-enrolled in a public school, received a high school diploma or its equivalency, enrolled in preparation for the General Educational Development (GED) tests, or enrolled in other educational activities approved by the district school board. The temporary cash assistance reduced due to failure to comply with the school conference requirement will be reinstated after the parent or guardian attends the conference and such attendance is reported to DCF.

**C. Government Sector Impact:**

The Department of Children and Family Services (DCF) estimates a one-time cost of approximately \$251,000 to develop, test, and operate the data-tracking program required in the legislation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Appropriations Subcommittee on Health and Human Services:

Provides an appropriation of \$251,000 in nonrecurring Temporary Assistance for Needy Families (TANF) funds from the Federal Grants Trust Fund to the Department of Children and Family Services to develop an electronic data transfer system.