

STORAGE NAME: h0277a.ei.doc
DATE: February 6, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
ANALYSIS**

BILL #: HB 277

RELATING TO: School Attendance

SPONSOR(S): Representatives Atwater, Lynn, Melvin, Negron, Wallace and Betancourt

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION YEAS 14 NAYS 0
 - (2) FISCAL POLICY & RESOURCES
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
-

I. SUMMARY:

In 1993, the Legislature created the Learnfare Program, requiring the Department of Children and Families to reduce the temporary cash assistance (TCA) for a participant's eligible dependent child or for an eligible teenage participant that displays a pattern of habitual truancy. Current law defines a habitual truant as a student that has accumulated 15 unexcused absences within 90 calendar days. The TCA that is reduced must be reinstated after a subsequent grading period in which the child's attendance has substantially improved.

Statutory provisions relating to the Learnfare Program require that each participant with school-aged children attend a conference with a school official each semester to discuss his or her child's attendance and behavioral and academic progress. Failure to attend a conference will result in the reduction of the TCA of the participant.

Through two different pieces of legislation, the 2000 Legislature repealed and then amended the section of statute relating to the Learnfare Program. Presently, provisions relating to the Learnfare Program are still in statute; however, the statutory provisions also include a footnote that indicates the provisions were repealed in 2000.

HB 277 reestablishes the Learnfare Program in a different section of statute and repeals the current section of statute relating to the program. The bill also corrects a cross reference in the definition of a habitual truant, and directs school boards to encourage teachers and administrators to keep parents and guardians informed of student attendance requirements pursuant to law.

The bill may provide an initial savings to the state because of the reduction of TCA as a sanction for not meeting the requirements of the program. However, the benefits will be reinstated once the participant is in compliance with the requirements, thus offsetting the initial savings. TCA recipients who have school aged children will have their benefits reduced if either their child has been identified as a habitual truant or the recipients do not attend a conference with a school official during each semester. Eligible teenage participants will also have their benefits reduced if they are identified as a habitual truant. Benefits will be reinstated once the child or eligible teenage participant has substantially improved his or her attendance.

The effective date of the bill is upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

In 1993, the Florida Legislature created the Learnfare Program to ensure that dependent children whose parents receive temporary cash assistance meet school attendance requirements (Ch. 93-136, L.O.F.). Provisions relating to the program appeared in two separate sections of statute until 1995, when the Legislature consolidated those statutory provisions to create s. 409.1855, F.S. In 1996, the Legislature renumbered the statute as s. 414.125, F.S. (Ch. 96-175, L.O.F.), and amended it to align with the welfare reform initiative addressed in the Work and Gain Economic Self-Sufficiency (WAGES) Bill.

Section 414.125, F.S., establishes the Learnfare Program, which requires the Department of Children and Families (DCF) to reduce the temporary cash assistance (TCA) 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. Subsection 228.041 (28), F.S., defines a habitual truant as a student who has 15 unexcused absences within 90 calendar days. 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 TCA 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 TCA 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 TCA.

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. Consequently, the section of statute still remains part of the 2000 Florida Statutes and includes a footnote that indicates the section of statute was repealed in 2000. Shortly after the end of the 2000 legislative session, DCF notified its district TCA administrators that the Learnfare Program had been repealed.

C. EFFECT OF PROPOSED CHANGES:

HB 277 reestablishes the Learnfare Program in a different section of statute and repeals the current section of statute relating to the program. The bill also corrects a cross reference in the definition of a habitual truant, and directs school boards to encourage teachers and administrators to keep parents and guardians informed of student attendance requirements pursuant to law.

Department of Children and Families (DCF)

According to DCF, TCA 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 TCA 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 TCA 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 TCA 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 TCA filing unit.

TEMPORARY CASH ASSISTANCE PAYMENT STANDARDS

	Shelter Obligation \$50.01/UP	Shelter Obligation .01-\$50	Shelter Obligation \$0
Family Size	Payment Standard	Payment Standard	Payment Standard
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
Additional Person	+62	+52	+48
Effective Date	July 1996	July 1996	July 1996

For the Learnfare Program, the reduction amount is that portion that 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. Therefore, the amount reduced for noncompliance with the program's requirements will range between \$48 - \$62.

Learnfare Sanctions

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 three 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.

Department of Education (DOE)

In August 2000, DOE distributed a survey to all school districts within the state to gauge the impact of the Learnfare Program. Forty-three districts responded and provided DOE with the following responses to the three questions posed:

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 observe at least a minimum positive impact as a result of the Learnfare Program.
 - 3 of 39 districts responded that schools within their district do not observe a positive impact as a result of the Learnfare Program.
 - 4 of 39 districts responded that schools within their districts do not provide information or were unable to obtain information relating to the impact of the Learnfare Program.
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 believe the conferences are effective.
 - 3 of 27 districts responded that schools within their districts believe the conferences are not very effective.
 - 2 of 27 districts responded that they receive no feedback from schools within their districts regarding the effectiveness of the conferences.
3. Please provide any recommendations you may have regarding the implementation of the Learnfare Program.
 - 11 of 25 districts indicated that the need exists 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 need to be greatly improved.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates section 414.1251, F.S., to reestablish the Learnfare Program, which requires a reduction in a participant's TCA benefits if their school aged child is identified as a habitual truant or if the participant parent or guardian does not attend a conference with a school official each semester.

Section 2: Amends subsection (28) of section 228.041, F.S., to correct a cross-reference in the definition of a habitual truant.

Section 3: Amends paragraph (b) of subsection (15) of section 230.23, F.S., to include informing parents and guardians of student attendance requirements as an additional act teachers and administrators are encouraged to do.

Section 4: Repeals section 414.125, F.S.

Section 5: Specifies that the effective date of the bill is upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

There may be an initial savings to the state because of the reduction of TCA as a sanction for not meeting the requirements of the program. However, the benefits will be reinstated once the participant is in compliance with the requirements, thus offsetting the initial savings.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

TCA recipients that have school-aged children will have their benefits reduced if either their child has been identified as a habitual truant, 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 TCA reduced if he or she is identified as a habitual truant. 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.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 6, 2001, the Committee on Education Innovation adopted, without objection, four amendments to the bill.

Currently, the bill does not direct the Department of Children and Families to reduce the TCA for a participant's dependent child or for a teen participant if the child or teen is identified as a dropout. The first amendment reduces the TCA for a participant's dependent child or for a teen participant if the child or teen is identified as a dropout. The TCA 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 second amendment eliminates the exemption from attendance requirements for a dependent child or eligible teen participant who is over the age of 16 and not expected to graduate before the age of 20.

Currently, the bill does not specifically provide for the reinstatement of TCA for a recipient that has been sanctioned for failure to comply with the conference requirement of the Learnfare Program. The third amendment clarifies that TCA must be reinstated to a recipient, who has been sanctioned for failure to

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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 the Department of Children and Families (DCF).

Currently, there is no system that accurately reflects the number of recipients out of compliance with the Program, the number of recipients sanctioned as a result of noncompliance, or the number of recipients reinstated after becoming compliant. The fourth amendment requires 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 fiscal impact to DCF appears to be minimal because it may be possible to modify an existing electronic transfer system for this purpose.

SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Staff Director:

Anitere Flores

Daniel Furman