



HOUSE BILL No. 5885

May 15, 1996, Introduced by Reps. Agee, Martinez, Gubow, Murphy, Prusi, Pitoniak and Gire and referred to the Committee on Human Services.

A bill to prescribe certain powers and duties of the department of social services; to establish a program for certain recipients of aid to families with dependent children in order to encourage school attendance; and to make the program contingent upon federal approval.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 1: GENERAL PROVISIONS

Sec. 1. This act shall be known and may be cited as the "learning, earning, and parenting program act".

Sec. 2. As used in this act:

(a) "AFDC" means the program of aid to families with dependent children established under section 56 of the social welfare act, Act No. 280 of the Public Acts of 1939, being section 400.56 of the Michigan Compiled Laws.

1 (b) "Attendance bonus payment" means an amount added to the
2 AFDC grant paid to a teen's assistance group for each month a
3 teen meets the minimum attendance requirement under section 11.

4 (c) "Attendance month" means a calendar month in which a
5 teen's school attendance is monitored for purposes of an
6 attendance bonus payment or sanction under this act.

7 (d) "Enrollment bonus payment" means an amount paid annually
8 to a teen's assistance group under section 10 if the teen is
9 enrolled in school.

10 (e) "Excused absence" means an absence for a reason that
11 meets the school district's definition of a valid reason for the
12 teen not to attend school or an absence that is not excusable by
13 the school's attendance rules but is acceptable, upon review by
14 the department at the request of the teen, under the good cause
15 criteria listed in section 9.

16 (f) "Full day" means the entire school day as defined by the
17 school district.

18 (g) "G.E.D. certificate" means a general education develop-
19 ment certificate.

20 (h) "G.E.D. test preparation program" means a program oper-
21 ated by or under contract with a school district to prepare a
22 student to obtain a G.E.D. certificate.

23 (i) "LEAP program" means the learning, earning, and parent-
24 ing program established under this act.

25 (j) "Primary caregiver" means a parent who personally pro-
26 vides care for a child.

1 (k) "Reasonable travel time" means a round-trip commuting
2 time of 2 hours or less by available public or private
3 transportation including the time necessary to transport the
4 teen's child to a child care facility.

5 (l) "Sanction" means a financial penalty imposed on an AFDC
6 assistance group under section 12 for each month that a teen who
7 is required to participate in the LEAP program fails to meet the
8 minimum attendance requirement.

9 (m) "School" means an educational program that leads to a
10 high school diploma or the equivalent and includes a public
11 school, a nonpublic school, or a G.E.D. test preparation
12 program.

13 (n) "School code of 1976" means Act No. 451 of the Public
14 Acts of 1976, being sections 380.1 to 380.1852 of the Michigan
15 Compiled Laws.

16 (o) "School district" means that term as defined in section
17 6 of the school code of 1976, being section 380.6 of the Michigan
18 Compiled Laws, a local act school district as defined in section
19 5 of the school code of 1976, being section 380.5 of the Michigan
20 Compiled Laws, an intermediate school district as defined in sec-
21 tion 4 of the school code of 1976, being section 380.4 of the
22 Michigan Compiled Laws, or a public school academy as described
23 in part 6a of the school code of 1976, being sections 380.501 to
24 380.507 of the Michigan Compiled Laws.

25 (p) "Teen" means a member of an AFDC assistance group who is
26 under the age of 20 and who is either pregnant or the biological
27 or adoptive parent of a child who lives with the teen parent.

1 (q) "Unexcused absence" means an absence for a reason that
2 does not meet the school district's definition of a valid reason
3 for the teen not to attend school and, upon review by the depart-
4 ment at the request of the teen, does not meet any of the good
5 cause criteria listed in section 9.

6 Sec. 3. (1) Subject to subsection (2), the department shall
7 establish the learning, earning, and parenting program, as pre-
8 scribed by this act, to improve the educational attainment of
9 teens by making bonus payments to teens who attend school regu-
10 larly and reducing the AFDC grant to teens who have excessive
11 absences.

12 (2) The department shall seek a waiver from the federal gov-
13 ernment and amendments to the AFDC state plan as necessary to
14 operate the LEAP program. The program shall not be implemented
15 unless the waiver and amendments are obtained.

16 (3) The department shall promulgate rules pursuant to the
17 administrative procedures act of 1969, Act No. 306 of the Public
18 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
19 Compiled Laws, to determine the amounts to be paid as enrollment
20 and attendance bonus payments under sections 10 and 11 and the
21 amount by which the AFDC grant is to be reduced as a sanction
22 under section 12.

23 CHAPTER 2: LEAP PROGRAM REQUIREMENTS

24 Sec. 4. (1) A teen is subject to the requirements of the
25 LEAP program unless 1 or more of the following apply:

1 (a) The teen is pregnant and the pregnancy has been
2 medically verified to be in the last month of the first trimester
3 or later.

4 (b) The teen is the primary caregiver of a child who is less
5 than 3 months old.

6 (c) Child care services are necessary for the teen to attend
7 school and child care is unavailable. Child care is unavailable
8 if there is no space available within reasonable travel time or
9 if the cost of care where space is available exceeds the maximum
10 rate established by the department for the county in which the
11 child care is located.

12 (d) Transportation to or from school is necessary and there
13 is no public, private, or department-supported transportation
14 available.

15 (e) Transportation to or from child care is necessary and
16 there is no public, private, or department-supported transporta-
17 tion available.

18 (f) The teen is reasonably prevented from attending school
19 by a physical or mental illness that is expected to last 1 month
20 or longer.

21 (g) The child of the teen is ill with a physical or mental
22 illness that is expected to last 1 month or longer and requires
23 full-time care by the teen.

24 (h) The teen was expelled from school for any reason under
25 section 1311 of the school code of 1976, being section 380.1311
26 of the Michigan Compiled Laws, and there is not another school

1 available that the teen can attend for 1 or more of the following
2 reasons:

3 (i) There is no school within reasonable travel time from
4 the teen's residence that will accept the teen.

5 (ii) There is no public, private, or department-supported
6 transportation available to another school.

7 (iii) There is a school that will accept the teen but the
8 tuition charge is prohibitive and the teen's school district
9 refuses to pay the tuition.

10 (i) Another exceptional circumstance reasonably prevents the
11 teen from attending school.

12 (2) A teen who is exempt from the requirements of the LEAP
13 program under subsection (1)(a) or (b) may volunteer to partici-
14 pate in the LEAP program.

15 Sec. 5. (1) Within 6 months after the effective date of
16 this act, the department shall schedule an assessment interview
17 for each teen who is potentially subject to the LEAP program. If
18 the teen fails to attend the assessment interview, the department
19 shall schedule another interview. If the teen does not attend
20 the rescheduled interview, the department shall do 1 of the
21 following:

22 (a) If the department determines based on available informa-
23 tion that the teen is subject to the requirements of the LEAP
24 program, the department shall provide written notice to the
25 teen's assistance group that the assistance group's grant shall
26 be reduced by the sanction amount under section 12 until the teen

1 complies, is determined to be exempt, or turns 20, whichever
2 occurs first.

3 (b) If the department determines based on available informa-
4 tion that the teen is exempt from the LEAP program under section
5 4, the department shall not apply a sanction.

6 (2) At the assessment interview, the department shall dis-
7 cuss with the teen the LEAP program goals, the criteria for
8 receiving the enrollment and attendance bonus payments and sanc-
9 tions, the different types of education opportunities available
10 in the community, the supportive services available to the teen,
11 and the rights and responsibilities of participants in the LEAP
12 program. The department shall encourage the teen to sign an
13 agreement outlining the activities and services agreed upon by
14 both the teen and the department.

15 (3) The department shall obtain from the teen a signed
16 information release form to enable the department to verify
17 attendance and enrollment information.

18 Sec. 6. Within 10 calendar days after the LEAP program
19 assessment interview, a teen who is subject to the LEAP program
20 shall provide proof of enrollment in a school. The department
21 may extend the time period if necessary due to the type of pro-
22 gram the teen is attending. The time period shall not be
23 extended beyond 30 days unless there is no access to the school's
24 enrollment personnel until after the deadline. The department
25 shall document the assistance group record when any delay
26 occurs.

1 Sec. 7. (1) A teen who is not exempt from participation in
2 the LEAP program, or an exempt teen who volunteers to participate
3 in the program, shall attend school full-time and shall meet the
4 monthly school attendance requirement set forth in section 12.

5 (2) If the school in which a teen is enrolled does not keep
6 daily attendance records, and the department has not received
7 verified information to the contrary, the teen shall be consid-
8 ered to have met the school attendance requirement. The depart-
9 ment shall verify the continued enrollment of the teen in the
10 attendance month under review, and shall make every effort to
11 coordinate attendance reporting with the school.

12 (3) If the school in which a teen is enrolled does not fur-
13 nish the attendance reports for a given attendance month in a
14 timely manner, and the department has not received verified
15 information to the contrary, the teen shall be considered to have
16 met the school attendance requirements in that attendance month.
17 The department shall make every effort to ensure timely reporting
18 by the school.

19 (4) Teens enrolled in a G.E.D. test preparation program
20 shall attend classes up to the scheduled date of the general edu-
21 cational development test.

22 (5) If the school in which a teen is enrolled is not in reg-
23 ular session, including during holiday and summer breaks, or the
24 teachers are on strike, the teen is not required to attend.

25 Sec. 8. (1) The department shall mail a form to each school
26 in which a LEAP program participant is enrolled, which contains
27 the names of the LEAP program participants enrolled in that

1 school and requests the school to review the actual attendance of
2 each teen and to record the specific days the teen was absent and
3 whether the absence was excused or unexcused. If the school mon-
4 itors attendance by half days, the department shall request that
5 any half-day absences be reported. The department shall request
6 the school to forward the completed attendance report to the
7 department by the fifth calendar day following the end of the
8 attendance month. If the fifth day falls on a weekend or a state
9 or federal legal holiday, the department shall request the school
10 to forward the report by the next working day. The department
11 shall provide the school with a signed information release form
12 for each participant in the LEAP program enrolled in the school.

13 (2) Within 5 days after receipt, the department shall review
14 monthly information from the schools concerning the attendance of
15 teens participating in the LEAP program. If a school does not
16 record information regarding the reason for a student's absence,
17 the department shall contact the teen to determine the reason for
18 the absence. The department shall send a written notice
19 described in section 13 to the teen or the assistance group payee
20 requesting a response within 7 days. If the teen or assistance
21 group payee responds to the notice by giving a reason for the
22 absence, the department shall evaluate the reason for the absence
23 using the good cause criteria listed in section 9. If the reason
24 meets the good cause criteria, the absence is excused. If the
25 reason does not meet the good cause criteria, or if the teen or
26 assistance group payee fails to respond to the notice, the
27 absence is unexcused.

1 (3) If the number of the teen's unexcused absences reported
2 by the school is greater than the number prescribed in section
3 12, the department shall send a written notice to the assistance
4 group payee requesting that the teen or the assistance group
5 payee contact the department and provide information on the rea-
6 sons for the unexcused absences during the attendance month.

7 (4) If the teen or the assistance group payee responds to
8 the written notice and provides the requested information, the
9 department shall determine whether good cause for the absence
10 exists in accordance with section 9. If the department deter-
11 mines that the teen had good cause for an absence from school,
12 the unexcused absence shall be considered excused. If the
13 department determines that the teen did not have good cause for
14 an absence, the absence shall remain unexcused. If the teen or
15 the assistance group payee failed to respond to the written
16 notice within 7 days, the department shall assume that the unex-
17 cused absences reported by the school were also unexcused
18 absences under the LEAP program.

19 (5) If the teen or the assistance group payee disputes the
20 attendance information, the department shall resolve the conflict
21 by contacting the school and shall base its decision on the best
22 evidence available.

23 Sec. 9. (1) A teen has good cause for not attending school
24 for all of the following reasons:

25 (a) The teen was ill, injured, or incapacitated and was rea-
26 sonably prevented from attending school.

1 (b) The child of the teen was ill or injured, and required
2 care by the teen.

3 (c) The child care ordinarily used by the teen was temporar-
4 ily unavailable and no alternative child care was available.

5 (d) The teen had a scheduled or emergency appointment for
6 medical, dental, or vision care.

7 (e) The child of the teen had a scheduled or emergency
8 appointment for medical, dental, or vision care that required the
9 presence of the teen.

10 (f) A family member was ill and required the full-time care
11 of the teen. As used in this subdivision, "family member" means
12 an individual who lives in the same household as the teen and who
13 is related to the teen by blood, marriage, or adoption, or who is
14 the teen's foster parent, or the other parent of the teen's
15 child.

16 (g) A member of the student's immediate family died. This
17 reason is good cause for a maximum of 5 consecutive school days
18 of absence. As used in this subdivision, "immediate family"
19 means a husband or wife, parent, stepparent, adoptive parent,
20 grandparent, step-grandparent, sibling, step-sibling, adoptive
21 sibling, child, stepchild, or the other parent of the teen's
22 child.

23 (h) A cousin, uncle, aunt, nephew, or niece of the teen
24 died. This reason is good cause for a maximum of 3 consecutive
25 school days of absence.

1 (i) Transportation to or from the teen's school is necessary
2 and the transportation ordinarily used was temporarily
3 unavailable.

4 (j) Transportation to or from child care for the teen's
5 child is necessary and the transportation ordinarily used was
6 temporarily unavailable.

7 (k) The teen had a scheduled or emergency appointment at a
8 court or with the department.

9 (l) Other exceptional circumstances existed that reasonably
10 prevented the teen from attending school.

11 (2) If the department determines that good cause exists for
12 an absence, the absence is excused. The department may require
13 medical or other verification for all of the circumstances
14 described in subsection (1).

15 CHAPTER 3: BONUS PAYMENTS AND SANCTIONS

16 Sec. 10. (1) A teen is entitled to an enrollment bonus pay-
17 ment each year upon verification of enrollment in school. The
18 department shall issue the enrollment bonus payment to the
19 assistance group payee for the first month of the school year or
20 for the month in which the teen is scheduled to begin attendance,
21 whichever is later.

22 (2) Eligibility for an enrollment bonus continues until 1 of
23 the following occurs:

24 (a) The teen reaches age 20.

25 (b) The teen receives a high school diploma or a G.E.D.
26 certificate.

1 (c) If the teen is not a voluntary participant in the LEAP
2 program, the teen becomes exempt from mandatory participation.

3 Sec. 11. (1) A teen who meets the monthly attendance
4 requirement set forth in subsection (2) is entitled to receive an
5 attendance bonus payment. Eligibility for the bonus payment con-
6 tinues until 1 of the following occurs:

7 (a) The teen reaches age 20.

8 (b) The teen receives a high school diploma or a G.E.D.
9 certificate.

10 (c) If the teen is not a voluntary participant in the LEAP
11 program, the teen becomes exempt from mandatory participation.

12 (2) The monthly attendance requirement for purposes of the
13 attendance bonus payment is the following:

14 (a) For a teen enrolled in a school other than a G.E.D. test
15 preparation program, not more than 4 absences, of which not more
16 than 2 may be unexcused.

17 (b) For a teen enrolled in a G.E.D. test preparation pro-
18 gram, the following:

19 (i) If class is held 5 days a week, not more than 4
20 absences, of which not more than 2 may be unexcused.

21 (ii) If class is held 4 days a week, not more than 3
22 absences, of which not more than 2 may be unexcused.

23 (iii) If class is held 2 or 3 days a week, not more than 2
24 absences, of which not more than 1 may be unexcused.

25 (iv) If class is held 1 day a week, not more than 1 absence,
26 which must be an excused absence.

1 (3) The attendance bonus payment shall be applied
2 retrospectively, as provided in this subsection. Subject to
3 subsection (4), the attendance bonus shall be paid in the third
4 month following the attendance month. If the teen becomes a
5 member of a new assistance group, the attendance bonus payment
6 follows the teen to the new assistance group.

7 (4) An attendance bonus payment shall not be issued if the
8 assistance group is not eligible for AFDC cash assistance in the
9 corresponding payment month. If the assistance group was ineli-
10 gible for AFDC cash assistance in a particular attendance month
11 but reapplies and is eligible for AFDC cash assistance in the
12 corresponding payment month, any bonus earned in the attendance
13 month is payable in the corresponding payment month.

14 Sec. 12. (1) A teen who fails to meet the monthly
15 attendance requirement under subsection (2) or fails to attend a
16 rescheduled assessment interview, fails to enroll in school, or
17 drops out of school is subject to a sanction pursuant to this
18 section. The sanction consists of a reduction of the AFDC grant
19 to the teen's assistance group in an amount determined by the
20 department pursuant to section 3.

21 (2) For purposes of this section, the monthly attendance
22 requirement is the following:

23 (a) For a teen enrolled in a school other than a G.E.D. test
24 preparation program, not more than 2 unexcused absences.

25 (b) For a teen enrolled in a G.E.D. test preparation pro-
26 gram, not more than the following number of unexcused absences:

1 (i) If the class meets 4 or 5 times a week, 2 per month.

2 (ii) If the class meets 2 or 3 times a week, 1 per month.

3 (iii) If the class meets once a week, none.

4 (3) Before applying the sanction pursuant to this section,
5 the department shall provide the notice required by section 13
6 and determine whether the teen had good cause for not complying
7 with the LEAP program requirements.

8 (4) A teen who is exempt from participation under section 4
9 who volunteers to participate in the LEAP program and who fails
10 to comply with the monthly attendance requirement is not subject
11 to a sanction. However, the teen shall not be given priority to
12 participate if other individuals are actively seeking to
13 participate.

14 (5) The sanction under this section shall be applied retro-
15 spectively, as provided in this subsection. Subject to subsec-
16 tion (6), if a teen fails to meet the monthly attendance require-
17 ment, the AFDC grant shall be reduced in the third month follow-
18 ing the attendance month. If the sanction is applied for failure
19 to attend the rescheduled assessment interview or failure to
20 enroll in school, the grant shall be reduced in the month follow-
21 ing the month of the rescheduled assessment interview or, if a
22 teen withdraws from school after enrollment, in the month follow-
23 ing the month of the withdrawal.

24 (6) If a teen becomes a member of a new assistance group,
25 the sanction follows the teen. If the teen had excessive unex-
26 cused absences during an attendance month that the assistance

1 group was ineligible for AFDC cash assistance, a sanction shall
2 not be applied in the corresponding payment month.

3 Sec. 13. (1) Before applying a sanction under section 12,
4 the department shall provide a written notice to the teen or
5 assistance group payee informing the teen or assistance group
6 payee that the LEAP requirements have not been met and that a
7 sanction will be applied unless the teen or assistance group
8 payee responds within 7 days and provides a good cause reason for
9 the failure to comply with LEAP requirements.

10 (2) Upon receipt of a response to the notice described in
11 subsection (1), the department shall review the reason for the
12 noncompliance with LEAP requirements and make a determination as
13 to whether the reason is a good cause reason as described in sec-
14 tion 9. If the reason meets the good cause criteria, the depart-
15 ment shall not apply the sanction. If the reason does not meet
16 the good cause criteria, or if the teen or assistance group payee
17 does not respond within the 7 days, the department shall apply
18 the sanction pursuant to section 12.

19 CHAPTER 4: SUPPORT SERVICES

20 Sec. 14. (1) The department shall provide or arrange for
21 child care for a teen who requires child care for his or her
22 child in order to attend school. At the time the teen requests
23 child care services, the department shall provide the teen with
24 notice of the right to an administrative hearing if child care
25 services are denied.

26 (2) If the department denies child care services to a teen
27 who requests them, the department shall provide a notice of

1 denial. If child care services are to be reduced, suspended, or
2 terminated, the department shall provide the teen with a notice
3 of the action. Upon request of the teen, the department shall
4 provide an administrative hearing on the denial, reduction, sus-
5 pension, or termination of child care services.

6 (3) The department shall inform teen parents that assistance
7 is available to help select and obtain appropriate child care
8 services. Upon request, the department shall provide partici-
9 pants with written information on finding and evaluating child
10 care.

11 (4) The department shall arrange and pay for child care only
12 by child care providers that are licensed by the department under
13 Act No. 116 of the Public Acts of 1973, being sections 722.111 to
14 722.128 of the Michigan Compiled Laws. The teen may secure child
15 care arrangements through a relative, neighbor, or other individ-
16 ual, but the department shall not provide reimbursement unless
17 the provider is licensed.

18 Sec. 15. (1) Subject to the availability of funds, if a
19 teen requires transportation in order to attend school and it is
20 not provided by the school or another source, the department
21 shall provide for, arrange for, or purchase transportation to and
22 from the teen's school and to and from the child care provider.
23 At the time the teen requests transportation services, the
24 department shall provide the teen with notice of the right to an
25 administrative hearing if transportation services are denied.

26 (2) If the department denies transportation services to a
27 teen who requests them, the department shall provide a notice of

1 denial. If transportation services are to be reduced, suspended,
2 or terminated, the department shall provide the teen with a
3 notice of the action. Upon request by the teen, the department
4 shall provide an administrative hearing on the denial, reduction,
5 suspension, or termination of transportation services.

6 (3) If the department reimburses the participant for trans-
7 portation costs, the payment shall be \$15.00 per month. If the
8 teen provides proof of reasonable monthly transportation costs
9 exceeding \$15.00 per month, the department shall increase the
10 amount to cover actual expenses as verified. Reasonable monthly
11 transportation cost is the cost appropriate for the local area.

12 (4) Transportation allowance shall be authorized and paid in
13 advance. Once enrollment has been verified, eligibility for the
14 transportation allowance begins in the first month of the school
15 year or in the month for which the teen is scheduled to begin
16 attendance, whichever is later.

17 Sec. 16. (1) The department shall assign a case manager to
18 each LEAP participant and his or her family to assist the partic-
19 ipant to gain self-sufficiency skills in order to reduce or elim-
20 inate dependency on public assistance. Case management shall
21 continue from the time the participant is assessed and begins
22 participating in the LEAP program to the time the participant
23 receives a high school diploma or G.E.D. certificate, turns age
24 20, or becomes ineligible for AFDC cash assistance, whichever
25 occurs first.

26 (2) The case manager shall do all of the following:

1 (a) Ensure that the teen understands his or her rights and
2 responsibilities relative to participation in the LEAP program.

3 (b) Conduct an in-depth interview to determine the teen's
4 educational, social, and supportive needs.

5 (c) Arrange for the delivery of appropriate services.

6 (d) Monitor the services received by the teen.

7 (e) Assist the teen to schedule medical and other necessary
8 appointments outside of school hours to ensure maximum possible
9 school attendance.

10 (f) Process required referrals, reporting, and fiscal docu-
11 ments when appropriate.

12 (g) Maintain ongoing contact as necessary with the teen's
13 school and provide referrals for counseling services as
14 necessary.

15 (h) In cases in which the teen's absences are temporarily
16 excused due to illness or injury of the teen or a family member,
17 contact the school to determine whether the teen parent is keep-
18 ing his or her course work up to date.

19 (i) Maintain and document all pertinent assistance group
20 record information.

21 (j) Inform the income maintenance worker as necessary about
22 the attendance requirement.