

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1132 Session of
1993

INTRODUCED BY PITTS, RYAN, PERZEL, FLICK, PHILLIPS, ALLEN,
ADOLPH, ARGALL, ARMSTRONG, BARLEY, BIRMELIN, BROWN, BUSH,
CESSAR, CHADWICK, CLARK, CLYMER, CORNELL, DEMPSEY, DENT,
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GODSHALL, HASAY, HECKLER, HERMAN, HERSHEY, HESS, JADLOWIEC,
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PICCOLA, RAYMOND, REBER, REINARD, SAURMAN, SERAFINI, SCHEETZ,
SCHULER, SEMMEL, B. SMITH, S. H. SMITH, D. W. SNYDER, STAIRS,
STRITTMATTER, E. Z. TAYLOR, TOMLINSON, TULLI, ULIANA, VANCE,
WOGAN, M. N. WRIGHT, LEE, L. I. COHEN, ROHRER, DRUCE,
KASUNIC, PETTIT, BUNT, HUTCHINSON, MICOZZIE, BAKER, MASLAND,
HANNA, LEH, KING, EGOLF, J. TAYLOR, STERN, STEIL, KIRKLAND,
FLEAGLE, TRUE AND DeLUCA, APRIL 19, 1993

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 19, 1993

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," establishing mandatory
4 school attendance or the acquisition of a high school
5 equivalent diploma as a condition to receiving aid for
6 dependent children; granting the Department of Public Welfare
7 the power to enforce these requirements; providing the
8 Department of Education with authority to set standards; and
9 formulating a reporting process for school districts.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Article IV of the act of June 13, 1967 (P.L.31,
13 No.21), known as the Public Welfare Code, is amended by adding a
14 subarticle to read:

ARTICLE IV

PUBLIC ASSISTANCE

(g.1) Minimum School Attendance Requirements

Section 461. Legislative Intent.--(a) The General Assembly finds and declares that:

(1) As a result of continuing changes in the economy and therefor the types of jobs available in today's economic climate, education and knowledge skills, including a high school diploma or its equivalent as a minimum educational attainment, are becoming more and more critical to both short-term and long-term prospects for economic independence through employment.

(2) A large percentage of AFDC recipients drop out of secondary school and fail to obtain a high school diploma or its equivalent prior to twenty-one years of age. These include many teenage parents who receive cash assistance through the AFDC program.

(3) Present welfare policy fails to provide any incentive to welfare families to keep their children in school until they receive a high school diploma; in fact, existing policy provides continuing financial support for high school dropouts, with no responsibilities for educational attainment by AFDC recipients.

(b) It is the policy of this Commonwealth to require school attendance as a condition of the receipt of cash assistance under the AFDC program for members of AFDC families, in order to increase the future employability and economic independence of Pennsylvania children presently on the welfare role.

Section 462. Definitions.--As used in this subarticle:

"AFDC" is an acronym for the program which provides aid to families with dependent children under this act.

"Attendance problem" means a situation which arises when a qualified individual has been reported as illegally absent under

section 1354 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949."

"Department" means the Department of Public Welfare of the Commonwealth.

"Full day" means the entire school day as defined by the school board.

"Qualified individual" means an individual who receives AFDC payments or a child whose parent or guardian receives AFDC payments, who is eight to eighteen years of age and who has not graduated from school or obtained a certificate of satisfactory completion of a general educational development test.

"School" means any public or private school operated pursuant to the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949"; any vocational, technical or college affiliated program which satisfies requirements for completion of a high school education program; any program which leads to a certificate of satisfactory completion of a general educational development test; or any home educational program approved by the Department of Education.

Section 463. Required School Attendance.--(a) An individual who is an AFDC recipient or is a dependent child of an AFDC recipient shall be required to attend school without any attendance problems as a requirement for continuing eligibility for such AFDC assistance if all of the following apply:

(1) The individual is:

(i) eight to fourteen years of age in the first full school year after the effective date of this section;

(ii) eight to fifteen years of age in the second full school year after the effective date of this section;

(iii) eight to sixteen years of age in the third full school

1 year after the effective date of this section;

2 (iv) eight to seventeen years of age in the fourth full
3 school year after the effective date of this section;

4 (v) eight to eighteen years of age in the fifth and each
5 subsequent full school year after the effective date of this
6 section.

7 (2) The individual has not graduated from a public or
8 private high school or obtained a certificate of satisfactory
9 completion of a general educational development test.

10 (3) The individual is not enrolled in a home school program
11 under section 1327.1 of the act of March 10, 1949 (P.L.30,
12 No.14), known as the "Public School Code of 1949."

13 (4) The individual is not legally excused from attending
14 school.

15 (5) The individual is not prohibited from attending school
16 while an expulsion is pending.

17 (6) If the individual was expelled from a school, there is
18 another school available which the individual can attend.

19 (7) The individual does not have good cause for failing to
20 attend school, as set forth in section 464.

21 (b) An individual who fails to meet the requirements of
22 subsection (a) shall be subject to the sanctions specified in
23 section 465.

24 (c) The department may require consent to the release of
25 school attendance records as a condition of eligibility.

26 (d) If an individual required to attend school under
27 subsection (a) is enrolled in a public school, communications
28 between the school district and the department or a county
29 agency concerning the individual's school attendance may only be
30 made by the district's attendance officer as designated under

1 section 1341 of the "Public School Code of 1949."

2 Section 464. Qualified Reasons for Nonattendance.--An AFDC
3 recipient shall not be subject to any sanctions for
4 nonattendance for any one of the following reasons:

5 (1) The qualified individual is a caretaker for a child who
6 is less than ninety days old.

7 (2) The qualified individual requires the use of child care
8 services which are unavailable or unaffordable.

9 (3) Public or private transportation is necessary but is
10 neither available nor affordable.

11 (4) The reasons defined in sections 1329, 1330 and 1417 of
12 the "Public School Code of 1949" and 22 Pa. Code Ch. 11
13 (relating to pupil attendance).

14 Section 465. Sanctions for Failure to Comply with Mandatory
15 Attendance.--(a) The County Board of Assistance shall review
16 the school attendance of, and maintain attendance records for,
17 every qualified individual subject to its jurisdiction. When the
18 total number of unexcused absences in any one school month
19 exceeds two full days, the County Board of Assistance shall
20 notify the qualified individual of the existence of an
21 attendance problem for that school year and the possible
22 imposition of sanctions under subsection (b). This notification
23 shall be sent by certified mail to the last known address of the
24 qualified individual or the individual's parent or legal
25 guardian, whoever is the primary AFDC recipient within ten days
26 of the review.

27 (b) If, after notification under subsection (a), the County
28 Board of Assistance determines in any subsequent month within
29 the school year that the qualified individual continues to have
30 an attendance problem, the County Board of Assistance shall

1 remove that qualified individual from the formula used to
2 determine the amount of the AFDC grant. The qualified individual
3 shall remain ineligible for AFDC assistance until the attendance
4 problem is resolved.

5 (c) The sanction shall be effective for one payment month
6 for each month that the qualified individual failed to meet the
7 attendance requirement.

8 (d) In the case of a dropout, the sanction shall remain in
9 effect until the qualified individual provides written proof
10 from the school district that he or she has re-enrolled and has
11 met the attendance requirement for one month. Any month in which
12 school is "in session" as defined by the school board may be
13 used to meet the attendance requirement. The sanction shall be
14 removed in the next possible payment month.

15 Section 466. Powers and Duties of Department.--(a) Within
16 ninety days of the effective date of this act, the secretary
17 shall submit to the appropriate Federal agency a request for any
18 and all waivers of Federal law and regulations and for any other
19 approvals by the Federal Government necessary for the
20 implementation of this act for an initial demonstration period
21 of five years. It shall be the obligation of the secretary to
22 enter into good faith negotiations with the appropriate Federal
23 officials and to make every effort to obtain the necessary
24 Federal waivers and approvals.

25 (b) The department and the County Board of Assistance shall
26 be responsible for making the AFDC eligibility determinations
27 and budget computations necessary for the implementation of the
28 provisions of section 463.

29 (c) The department shall obtain the necessary school
30 attendance information at the initial eligibility determination

1 and shall review the school attendance information at all
2 subsequent eligibility determination reviews.

3 (d) The department shall disqualify for AFDC benefits any
4 parent, guardian or otherwise qualified individual who fails to
5 cooperate with or hinders the department in obtaining or
6 reviewing school attendance enrollment information.

7 (e) The department shall provide to each school district, on
8 a monthly basis, a list of all AFDC recipients under nineteen
9 years of age who are residing in the school district.

10 (f) The department shall establish procedures to provide
11 hearings for persons aggrieved by the provisions of this act.
12 These hearings shall be conducted under the provisions of 2
13 Pa.C.S. (relating to administrative law and procedure).

14 (g) On or before September 15 following the first school
15 year of the implementation of this act, and on or before that
16 date in each succeeding year, the department shall provide a
17 report covering the preceding school and fiscal year to the
18 Secretary of the Senate and the Chief Clerk of the House of
19 Representatives for distribution to members of the General
20 Assembly. The report shall provide an evaluation of the
21 effectiveness of this act in meeting its stated purposes. The
22 annual report shall contain, but not be limited to, the
23 following information, provided for each county in this
24 Commonwealth and for the Commonwealth as a whole:

25 (1) The number of AFDC recipients affected by this act who
26 receive a high school diploma or a general equivalency diploma,
27 beginning with the school year preceding the implementation of
28 this act and every year thereafter for the five-year periods.

29 (2) The number of AFDC recipients who continue to receive
30 public assistance as a result of their participation in the

education program as defined in section 463, beginning with the first school year of the implementation of this act and every year thereafter for five-year periods.

(3) The number of AFDC recipients who become ineligible for AFDC assistance as a result of section 463 during the first year of implementation of this act and each year thereafter for five-year periods, together with the average length of time of their ineligibility and the amounts of Federal and State funds that would have been spent had these persons remained otherwise eligible for participation in the AFDC program, and the amount of State funds for general assistance spent to provide cash assistance to such persons during each fiscal year.

(4) An overall statement of the progress of the program during the preceding year, along with recommendation for improvements.

(h) Within sixty days after the Federal waiver approval, the department shall promulgate rules and regulations necessary to effectuate the provisions of this act, except for the provisions of sections 467 and 468.

(i) The department shall conduct periodic five-year comprehensive reviews of this program and obtain whatever Federal waivers or approvals that may be necessary to continue this program. The program under this subarticle shall not be terminated except by legislation which repeals or modifies the program.

Section 467. Powers and Duties of Department of Education.--

(a) The Department of Education, with the approval of the State Board of Education, shall promulgate rules and regulations to define minimum standards of attendance required by section 463, to be implemented by all school districts to ensure meaningful

1 participation in educational programming leading towards the
2 attainment of a high school diploma or its equivalent by the
3 AFDC recipients affected by this program.

4 (b) In cooperation with the department, the Department of
5 Education shall provide guidance to local school districts
6 relating to procedures for the efficient reporting of
7 information to county assistance offices as required by section
8 468.

9 (c) The Secretary of Education shall be responsible for
10 providing information and technical assistance to school
11 districts concerning the implementation of model alternative
12 educational programs with proven effectiveness in meeting the
13 educational needs of AFDC recipients affected by this program.

14 Section 468. Powers and Duties of School Districts.--Each
15 school district within this Commonwealth shall be responsible
16 for reporting monthly, to the appropriate county assistance
17 office of the department, the names and other appropriate
18 identifying information of any AFDC recipient who fails to meet
19 the school attendance requirement of section 463. In reporting
20 attendance the school district may not add partial days together
21 to constitute a full day.

22 Section 2. This act shall be applicable from the beginning
23 of the school year following the adoption of this act. The
24 implementation of any provisions of this act requiring
25 authorization by the Federal Government, especially the
26 assurance of Federal matching funds for the AFDC program in this
27 Commonwealth, is contingent upon the receipt and period of
28 effectiveness of such Federal approvals.

29 Section 3. This act shall take effect in 60 days.