

# 51-21.1 School Attendance and Performance Requirements

Effective 03/28/2024

## I. School Attendance Requirements

Effective 1/1/2015, school attendance verification is no longer an eligibility requirement.

AB 2382 repealed the requirement for CW applicants and recipients to provide verification of school attendance at application and redetermination (RE). Counties are not required to ask about school attendance at application or RE, with the exception of pregnant or parenting teens for the purposes of Cal-Learn. All pregnant and parenting teens are referred to the Cal-Learn program.

A child is presumed to be attending school unless they have been deemed chronically truant pursuant to Section 48264.6 of the Education Code (see additional information below). A penalty is only applied if evidence has been provided that a child aged 16 years of age or older has not been attending school and is deemed chronically truant pursuant to Section 48263.6 (and no good cause exists). When this occurs, the needs of the child will not be considered in computing the grant of the family. The AU will not have their grant reduced if a child under 16 years of age is not regularly attending school.

Teens age 16 or 17 who fail to attend school regularly or who have completed high school or its equivalent are required to participate in the WtW program (MPP 42-719).

## II. Informing

Applicants/recipients must be informed of California's compulsory education law, which requires everyone between the ages of six and 18 to attend school, except 16- and 17-year-olds who have graduated from high school or passed the California High School Proficiency Exam and obtained parental permission to leave.

## III. Verification

No verification of school attendance is required, or should be requested, at intake or RE.

No penalty is imposed related to school attendance performance verifications.

- Verification may still be required for graduation date of a child turning 18 (for CW eligibility purposes) and for Cal-Learn purposes.

## IV. Truancy Determination

A child is presumed to be attending school unless they are deemed chronically truant pursuant to Section 48263.6 of the Education Code. A child may be deemed chronically truant by the school district or School Attendance Review Board (SARB). The CWD will be notified if this occurs.

## V. Exceptions

Chronic truancy may result in a school attendance penalty for any month in which the CWD is informed the child did not attend school, unless one of the following exception criteria exists:

- The CWD receives evidence that the child's attendance records are not available
- The CWD receives evidence that the child has been attending school
- Good cause for school nonparticipation exists at any time during the month.
- Any member of the household is eligible to participate in Family Stabilization program for any reason, including other siblings and parents
- The CWD receives evidence that the child, parent, or caregiver is complying with requirements imposed by the SARB, County Probation Department, or the District Attorney
- A member of the household is cooperating with a plan developed by a county child welfare agency such as Juvenile Probation, County Child Protective Services or Foster Care, etc.
- The family (parent/caretaker, child) are survivors of current or past domestic abuse, which is affecting the child's ability to attend school regularly.

#### **VI. School Attendance Penalty**

If the CWD learns that a child 16 or older has not been attending school and is chronically truant pursuant to Section 48263.6, a penalty may apply. When the penalty is applied, the needs of the child are not considered in computing the grant for the AU. The penalty may apply for any month in which the CWD is informed by a school district or SARB that the child did not attend school, unless at least one exception criteria exists (see above).

A penalty is not immediately imposed. The CWD must first refer the child to WtW to develop a plan (including school or some other avenue to obtain a high school diploma or equivalent, along with appropriate supportive services). After a WtW plan is signed, if the child does not cooperate with the plan and remains truant, and no good cause exists, the school attendance penalty is applied.

When the penalty is applied, the child remains eligible for services that may lead to attendance in school. The family may also be informed of how to enroll the child in a continuation school or evaluated for Family Stabilization program services. Information/referrals should be documented in the case record.

#### **VII. Restoration of Aid**

For all cases with a school attendance penalty imposed prior to January 1, 2015, for children under 16 years of age, the penalty must be lifted as of January 1, 2015, and the parent's portion added back to the grant on January 1, 2015.

For all cases with a school attendance penalty imposed prior to January 1, 2015, for a child 16 years of age and older, the penalty must be lifted once the CWD receives verification the child is no longer deemed a chronic truant pursuant to Section 48263.6 or meeting at least one of the exception criteria.

For cases with a penalty imposed after January 1, 2015, the penalty is removed once verification is received (indicating child is attending/school attendance issue is resolved) or at least one of the conditions listed in the exception criteria exists, and the parent's portion is added back to the grant the first of the following month.

#### VIII. **Special Requirements for 16–18-Year-Olds**

Children 16-18 years old who are not attending school are required to attend school or participate in Welfare to Work (WTW) activities.

Certain 18-year-olds who have a disability and are in school full time may continue to be an eligible child in a parent/caretaker's AU, regardless of academic progress. Certain 18-year-olds are identified as having a disability under a 2004 lawsuit (Fry v Saenz). These otherwise eligible students are considered an eligible child in the parent/caretaker's AU until they graduate, turn 19, or stop attending school full time, whichever comes first.

Identifying and aiding 18-year-olds who have a disability and who are attending school full time:

- A. Children who currently receive or have received SSI/SSP benefits are considered to have a disability. Parent/caretakers must cooperate to obtain verification of receipt of SSI/SSP benefits if it is not available through MEDS. Past or present 18-year-old recipients of SSI/SSP who attend school full time continue to be an eligible child in their parent/caretaker's AU. Verification of full-time attendance in school is required.
- B. Children who currently receive or previously received services through a Regional Center Program pursuant to the Lanterman Act are considered to have a disability. Parent/caretaker relatives must cooperate to obtain verification of receipt of services. Verification may include a statement from the Regional Center stating that the child is currently or has in the past received services.
- C. Children who currently receive services at school in accordance with their Individual Education Plan (IEP) or receive services pursuant to Section 504 of the Rehabilitation Act (i.e. a Section 504 Plan, or Section 504 Accommodation Plan), or have received such services, are considered to have a disability. Parent/caretaker relatives can provide a copy of the child's IEP or Section 504 Plan or cooperate to obtain verification from the school that there is or has been an IEP or Section 504 Accommodation Plan/Section 504 Plan in place for the student.
- D. When a child's disability cannot be verified by the criteria described above, the parent/caretaker can provide independent verification of a current or past disability by a health care provider, or a qualified learning disabilities evaluation professional. They may also authorize the use of the CW 61 to obtain information to verify the child's disability.

**NOTE:** For pregnant and parenting teens: These individuals who are 18 or are approaching their 18th birthday and are not expected to graduate from high school or vocational school by age 19, continue to have the option of establishing their own AU. They must continue to be informed of their possible continuing eligibility options.

## **IX. Cal-Learn**

Pregnant minors and minor parents have been exempt from school verification requirements since they should be eligible for Cal-Learn. The Cal-Learn program provides any necessary incentives and intervention services relating to school progress.

Any minors identified as Cal-Learn eligible during this verification process should be referred to the Cal-Learn program. (Also see Section 51-22.2)

## **X. Possible Outcomes**

There are several possible outcomes for each child in this school verification process:

- Identification of Cal-Learn eligibility and referral to that program
- Identification of ineligible 18-year-old (discontinuance)
- 16-to-18-year-old student identified as chronically truant pursuant to Section 48263.6 and is to be referred to WtW activities, unless an exception/good cause exists – see above.

## **XI. Notices of Action (NOAs)**

NOA M40-105D1 – School Attendance – Grant Increase Due to Change in Law

This NOA was created to inform recipients who have a penalty applied to the AUs grant amount and the grant amount will be increasing due to the law change. The NOA informs the recipient of the change in law and the AU's new grant amount.

M40-105E– School Attendance- Grant Decrease – Required Documentation.

The NOA informs the recipient of a grant reduction due to school attendance penalty.

### **References:**

ASSEMBLY BILL (AB) 2382 (CHAPTER 905, STATUTES of 2014)

WIC 11253.5.

MPP40-105.5

ACL [04-50](#); [14-12](#); [15-22](#), [15-22E](#), [15-47](#)