

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

Senate Bills 864 and 865

Sponsor: Senator John J. H. Schwarz, M.D.

Committee: Education and Mental Health

JUN 26 1990

Date Completed: 5-9-90

SUMMARY OF SENATE BILLS 864 and 865 as introduced 3-13-90:

Senate Bill 864 would amend the School Code to require public and nonpublic schools to establish definitions of excused and unexcused absences; provide that information to the Department of Social Services (DSS), upon request; and, provide information to the DSS about the attendance of a pupil who was subject to school attendance requirements proposed in Senate Bill 865. The bill is tie-barred to Senate Bill 865.

Senate Bill 865 would amend the Social Welfare Act to:

- Require a child to attend school, except in certain cases, in order to receive Aid to Families with Dependent Children (AFDC) or General Assistance (GA).
- Provide for the verification of a child's school attendance.
- Require the DSS to review attendance information and notify a child's "caretaker relative" of conditions for receiving AFDC and GA, including requiring a child to attend school, providing for the verification of enrollment information, and notifying the DSS if the child dropped out of school.
- Require schools to define excused and unexcused absences as well as the number of hours of attendance that count as a full day, and to provide that information to the DSS.
- Require that notification be given to the child or caretaker relative of

sanctions to be taken if a child did not meet the monthly attendance requirement.

- Provide for hearings to be held to determine whether a child's absence from school or failure to meet the monthly attendance requirement was for good cause.
- Require the DSS to seek a waiver under the Federal Social Security Act to permit application of school attendance requirements to AFDC recipients.

A more detailed description of the bills follows.

Senate Bill 864**Definitions/Information Provision**

The bill would require an intermediate school board, the governing board of a nonpublic school, and the board of a school district or local act school district, for purposes of school attendance requirements proposed in Senate Bill 865, to establish standard definitions for excused and unexcused absences and define the number of hours of attendance the intermediate school district (ISD), nonpublic school, or the school district required for a pupil to be regarded as attending school for a full day. The ISD board, nonpublic school, and local board would be required to provide that information, upon request, to the DSS.

Subject to requirements of the Federal Family Educational Rights and Privacy Act of 1974,

and upon reasonable written request by the DSS to an ISD, a nonpublic school, and the board of a school district or local act school district, the attendance officer of the ISD or an attendance officer or other appropriate authority of the nonpublic school or local school district would be required to provide information to the DSS about the attendance of a pupil who was subject to the school attendance requirements proposed in Senate Bill 865. That information would have to be provided no more than five working days after the written request was received. In reporting attendance, the ISD, nonpublic school, or local school district could not add together partial day absences to constitute a full day of absence.

(The Federal Act prohibits funds from being made available to any educational agency or institution unless the parents of students, who are attending or have attended a school, are provided an opportunity for a hearing to challenge the content of a student's educational records and to provide for correction of those records.)

Senate Bill 865

Required Attendance

A "child" would be required to attend school as a condition of receiving Aid to Families with Dependent Children or General Assistance unless one or more of the following applied:

- The child had graduated from a public or private high school or passed a graduate equivalency examination approved by the State Board of Education.
- The child was excused from attending school under exceptions to the compulsory school attendance provisions in the School Code (MCL 380.1561).
- The child was the parent of an infant 90 days of age or less.
- Child care and transportation to and from the child care services were not available, if child care services were necessary in order for the child to attend school.
- The child was prohibited from attending school during a suspension or the pendency of an expulsion under the applicable Code provisions (MCL

380.1311).

- There was not another school available that the child could attend, if the child was expelled from a school under the Code.
- The child had good cause for not attending school.

A child who did not attend school as required in the bill, or the child's "caretaker relative", would be subject to the bill's sanctions.

("Child" would mean a person who was receiving AFDC or GA under the Social Welfare Act and either was required to attend school pursuant to the compulsory school attendance provisions of the School Code, or was at least 16 years of age and less than age 18. "Caretaker relative" would mean the parent, grandparent, stepparent, sibling, stepsibling, uncle, aunt, first cousin, nephew, or niece of a child with whom the child was living in a place of residence maintained by the caretaker relative as his or her own home.)

A child who was required to attend school pursuant to the bill would be meeting the school attendance requirement on the bill's effective date if he or she had fewer than 10 full days (the entire school day as defined by the school or school district) of "unexcused absences" from school during the most recently completed school semester or the equivalent of a semester. ("Unexcused absence" would mean an absence that met the school's or school district's definition of an absence for which there was not a valid reason for the child not to attend school.)

If the school that the child was enrolled in did not keep daily attendance records, the child would be considered to be meeting the school attendance requirement if the school verified the continuing enrollment of the child in the semester or its equivalent under review. A child who had 10 or more full days of unexcused absences from school during the school semester or its equivalent or who had been a "dropout" and returned to school during the semester or its equivalent or was unable to verify previous attendance, would have to comply with the monthly attendance requirement. ("Dropout" would mean a child who was 16 years of age or older who had ceased to attend school, did not attend another

school, had not graduated from high school or passed a graduate equivalency examination approved by the State Board of Education, and was not exempted from school attendance under the compulsory attendance provisions of the School Code. "Monthly attendance requirement" would mean a requirement that the child have no more than two full days of unexcused absences in a calendar month.)

Except in cases in which the school did not keep daily attendance records, if information about a child's previous school attendance were not available or could not be verified, the child would have to meet the monthly attendance requirement for one semester or its equivalent or until the information was obtained. A child would not be required to comply with attendance requirements when the school the child was attending was not in regular session.

A child or the child's caretaker relative would be required to cooperate in providing information needed to verify enrollment information or good cause (described below). If neither one cooperated, the child or the caretaker relative would be subject to sanctions as provided in the bill.

A child or the child's caretaker relative would be required to notify the DSS if the child dropped out of school. A child's or caretaker relative's consent to the release of school attendance records would be a condition of eligibility for AFDC or GA.

DSS Duties

For each case that included a child, the DSS would be required to do the following:

- Review attendance information at the initial eligibility determination, at the end of each semester or its equivalent, and for those persons who were subject to the monthly attendance requirement, at monthly intervals.
- Notify the child's caretaker relative of all of the following: that, unless exempted or excused, the child was required to attend school as a condition of eligibility for AFDC or GA, and that sanctions could be applied either to the child or to the caretaker relative if a child had more than two unexcused absences during a

month that school was in session; that, as a condition of receiving assistance, the child and caretaker relative were required to cooperate in providing information needed to verify enrollment information, and to consent to the release of attendance information from the school; that the child who was a dropout or that child's caretaker relative was required to notify the DSS if the child dropped out of school; that the child or caretaker relative should contact the school for a definition of excused and unexcused absences; and, that the child or caretaker relative had a right to a hearing. ("Excused absence" would mean an absence that met the school's or school district's definition of an absence for which there was a valid reason not to attend school.)

- Request information from the school attendance officer for a child's school regarding the child's attendance during each semester or its equivalent.
- For each child who was subject to the monthly attendance requirement, request information from the school attendance officer for the child's school regarding the child's attendance during the month. The request would have to be sent in writing to the school attendance officer on the last day of each month.
- If requested, review and determine in a hearing held in accordance with the Administrative Procedures Act procedures for contested cases the claim of a child or caretaker relative that the child's unexcused absence was for good cause.
- Determine whether a child excused from attending school for good cause should be referred to the MOST Program for other activities. ("MOST Program" would mean the Michigan Opportunity and Skills Training Program established by the DSS in accordance with the Federal Social Security Act.)
- Administer child care and transportation funds available to a child who was a parent, as provided under the AFDC program.

Duties of the Schools

The appropriate authority of a school or, in the

case of a public school, the board of a school district on behalf of its schools would be required to determine standard definitions for excused and unexcused absences and to provide that information, upon request, to the DSS. These school authorities also would have to define how many hours of attendance counted as a full day and to provide that information, upon request, to the DSS. In reporting attendance, the school or school district could not add partial day absences together to constitute a full day of absence.

Subject to the parental review of student records requirements of the Federal Family Educational Rights and Privacy Act of 1974, a school attendance officer would be required to provide information to the DSS about the attendance of a child who was enrolled in a school under his or her jurisdiction. The information would have to be provided within five working days after the attendance officer received a written request from the DSS.

Absent With Good Cause

A child would have good cause to be absent from school under one or more of the following circumstances:

- The child was the parent of an infant and one or more of the following applied: the infant was less than 90 days old, child care services were necessary for the child to attend school and child care was not available, or, transportation to and from child care was necessary and there was no public or private transportation available.
- The child was temporarily excused from school attendance by the school district under compulsory school attendance provisions of the School Code.
- The child was prohibited by a school or school district from attending school during a suspension or while an expulsion was pending under the School Code's suspension and expulsion provisions. The bill specifies that this exemption would no longer apply once the child had been expelled formally.
- The child was unable to attend school because he or she was expelled under the School Code's expulsion provisions, and another school was not available for one

or more of the following reasons: there was no public or private school within two and one-half miles from the child's residence by the nearest traveled road that would accept the child; there was no public or private transportation available to another school; or, there was a public or private school available that would accept the child but the tuition charge was prohibitive and the child's school district refused to pay the tuition.

Upon determining that a child had failed without good cause to meet the monthly attendance requirement, the "agency" would be required to send written notice to the caretaker relative and to the child that specified all of following:

- That the child or the caretaker relative would be removed from the assistance grant in the next possible payment month because the child failed to meet the monthly attendance requirement. If the child were older than 12 and the only child in the grant and continuation did not apply, the notice also would have to state that the entire grant would be discontinued.
- The beginning date of the sanction, and the child or caretaker relative to whom the sanction applied.
- The child's or caretaker relative's right to request a hearing.

The child or caretaker relative could request a hearing in accordance with the Administrative Procedures Act on the DSS' determination that the child had failed without good cause to meet the monthly attendance requirement.

Sanctions

If a child had failed without good cause to meet the monthly attendance requirement, or the child's caretaker relative did not request a hearing, or if, after a hearing had been held, the hearing officer found that the child had failed without good cause to meet the monthly attendance requirement, the DSS would be required to do the following:

- Remove the needs of the caretaker relative from the payment amount for the next possible payment month in which a sanction was not already being

applied, if the child were aged 12 or under.

- Remove the needs of the child from the payment amount for the next possible payment month in which a sanction was not already applied, if the child were older than 12.

A sanction would be in effect for one month for each month the child failed to meet the monthly attendance requirement.

If the child who had dropped out of school, or the child's caretaker relative, did not request a hearing, or if, after a hearing had been held, the hearing officer found that the child was a dropout, the DSS would be required to remove the needs of the child from the payment amount in the next possible payment month after the child dropped out. A sanction would be in effect until the child who was a dropout provided written verification from the school that he or she had re-enrolled and had met the monthly attendance requirement for one calendar month. Any month in which school was in session at least 10 days during that month could be used to meet the monthly attendance requirement, including attendance at summer school. The sanction would be removed in the next possible payment month after the written verification was provided and the monthly attendance requirement met.

If a child who was older than 12 and who had failed to meet the monthly attendance requirement or who had dropped out of school were the only dependent child in the family, and removal of the child's needs would close the case, the DSS could continue payments to meet the need of the caretaker relative for up to three months if the caretaker relative were otherwise eligible. The bill specifies that this provision would apply only the first time the child was sanctioned.

If the child and the child's caretaker relative failed to cooperate in providing information needed to verify enrollment information or good cause, or if the child and the child's caretaker relative failed to consent to the release of school attendance records, the DSS would be required to do one of the following:

- Remove the needs of the caretaker relative from the payment amount for

the next possible payment month in which a sanction was not already being applied, if the child were 12 years old or less.

- Remove the needs of the child from the payment amount for the next possible payment month in which a sanction was not already being applied, if the child were older than 12.

A sanction applied under this provision would be in effect until the child or caretaker relative cooperated in providing verification of enrollment or good cause or consented to the release of school attendance information.

If the DSS found a sanction to be applicable for a month or months in which the child or caretaker relative was included in the grant, the payment amount covering the needs of the child or caretaker relative, as applicable, would be an overpayment subject to recoupment.

Waiver

The DSS would be required to request a waiver from the Secretary of the U.S. Department of Health and Human Services under the Social Security Act, to permit the application of school attendance requirements to recipients of AFDC. The DSS would be required to request the waiver for 36 months or for the period the Secretary found necessary to enable the State to carry out the program in the bill. A provision of the bill for which a Federal waiver was required could not be applied to a recipient of AFDC unless the Federal waiver was in effect. If a waiver were granted for parts of the program proposed in the bill but not for others, the DSS would be required to implement those parts for which the waiver had been granted.

Proposed MCL 380.705 et al. (S.B. 864)

Proposed MCL 400.57 et al. (S.B. 865)

Legislative Analyst: L. Arasim

FISCAL IMPACT

Senate Bill 864

The bill would have no fiscal impact on the State. There would be minimal or no fiscal impact on an intermediate or local school

district for defining excused and unexcused absences and for providing information.

Senate Bill 865

Senate Bill 865 would clearly generate savings in the DSS budget due to a reduction in expenditures as dropouts were removed from the AFDC grant. To the extent that AFDC dropouts returned to school, there would be a cost to the State due to increased school aid payments. The net cost of the program would be directly related to the percentage of AFDC dropouts returning to school. If the "return rate" were 0% the net GF/School Aid saving would be (\$4,800,000). If the "return rate" were 100%, the net GF/School Aid cost would be \$12,400,000. The "break-even" return rate (0 net GF/School Aid cost) would be approximately 28%. Due to a lack of solid data on what percentage of dropouts would return to school, the fiscal impact of the bill is indeterminate.

Fiscal Analyst: A. Rich (S.B. 864)
S. Angelotti (S.B. 865)

S8990\S864SA

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

SFA BILL ANALYSIS

Senate Bill SB 865

Analysis Summary

See SB 864 0