

Legislative Analysis



FAMILY INDEPENDENCE PROGRAM ASSISTANCE: SCHOOL ATTENDANCE

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House Bill 4388 (Substitute H-1)
Sponsor: Rep. Al Pscholka
Committee: Families, Children, and Seniors

Complete to 4-30-13

A SUMMARY OF HOUSE BILL 4388 AS REPORTED FROM COMMITTEE ON 4-24-13

The bill would amend the Social Welfare Act regarding eligibility for family independence program assistance in the following ways:

- A family independence program assistance group could not receive program assistance if a member of the program group does not meet the attendance requirements of Section 1561 of the Revised School Code with respect to a child under 16 years old.
- If a member of a program assistance group does not meet the attendance requirements with respect to a child 16 years of age or older, that child would be removed from the program group.
- The Department of Human Services would be required to implement policies in accordance with these provisions that would be effective and binding on all program groups and that would be exempt from the rule promulgation requirements of the Administrative Procedures Act.

[Section 1561 of the Revised School Code specifies the following:

- A child who turned 11 before December 1, 2009, or who entered 6th grade before 2009 must attend school from the age of 6 until the child's 16th birthday.
- A child who turned 11 on or after December 1, 2009, or a child who was 11 before that date and entered 6th grade in 2009 or later must attend school from the age of 6 until the child's 18th birthday.

The section contains a number of exceptions to this basic requirement, including for home-school students. It also says the section does not apply to a child who turns 11 on or after December 1, 2009, or who was age 11 before that date and enters 6th grade in 2009 or later, if that child is at least 16 years old and the child's parent or legal guardian has provided to school officials a written notice that the child has the permission of the parent or legal guardian to stop attending school.]

The bill would also amend Section 57 of the Social Welfare Act so that beginning January 1, 2013, a reference to the JET (Jobs, Education, Training) Program would mean the PATH Program. The bill would define the PATH Program to mean: "Partnership. Accountability. Training. Hope. Work Partnership Program." Under the bill, the term "Substance Abuse" would be defined to by reference to Section 100D of the Mental Health Code rather than Section 6107 of the Public Health Code.

MCL 400.57 et al

FISCAL IMPACT:

Beginning October 1, 2012, the Department of Human Services implemented a similar truancy policy for family independence program assistance, so this bill would codify current policy and should have a minimal fiscal impact to state and local units of government.

POSITIONS:

The Department of Human Services testified in support of the bill. (4-24-13)

ACLU opposes the bill. (4-17-13)

A representative of the Center for Civil Justice testified in opposition of the bill. (4-17-13)

A representative of the Michigan Advocacy Project testified in opposition to the bill. (4-17-13)

National Association of Social Workers of Michigan opposes the bill. (4-17-13)

A representative of the UAW Local 6000 testified in opposition to the bill. (4-24-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.