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House Bill 4041 (as passed by the House)
Sponsor: Representative Al Pscholka
House Committee: Families, Children, and Senior
Senate Committee: Families, Seniors and Human Services

Date Completed: 5-5-15

CONTENT

The bill would amend the Social Welfare Act to do the following:

- Prohibit a program group from receiving Family Independence Program (FIP) assistance if a member of the program group did not meet the Revised School Code's attendance requirements, with respect to a child under the age of 16.**
- Require a child who was 16 or older to be removed from a program group, if a member of the program group did not meet the attendance requirements with respect to that child.**
- Require the Department of Health and Human Services to implement policies that would be effective and binding on all program groups.**

(The Act defines "program group" as a family and all those individuals living with a family whose income and assets are considered for purposes of determining financial eligibility for Family Independence Program assistance.)

In addition to the current eligibility requirements for FIP assistance, the bill would require a person to be a member of a program group that met the proposed school attendance requirement.

Under the bill, a Family Independence Program assistance group could not receive FIP assistance if a member of the program group did not meet the attendance requirements of Section 1561 of the Revised School Code, with respect to a child under the age of 16. If a member of the program group did not meet the attendance requirements, with respect to a child who was 16 or older, the child would have to be removed from the program group.

The Department of Health and Human Services would have to implement policies in accordance with the bill that were effective and binding on all program groups and were exempt from the rule promulgation requirements of the Administrative Procedures Act.

(Under Section 1561 of the Revised School Code, for a child who turned 11 before December 1, 2009, or who entered sixth grade before 2009, the child's parent, guardian, or other person in Michigan having control and charge of the child must send him or her to a public school during the entire school year from the age of six to the child's 16th birthday. For a child who turned 11 on or after December 1, 2009, or who was 11 before that date and entered sixth grade in 2009 or later, the child's parent, guardian, or other person in Michigan having control and charge of the child must send him or her to a public school during the entire school year from the age of six to the child's 18th birthday. The provision makes exceptions for a child

who is regularly attending a State-approved nonpublic school or is being educated at home, and for certain other situations.)

MCL 400.57b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would codify current policy and would have a minimal fiscal impact on the State. The bill would have no fiscal impact on local units of government.

The Department has implemented a similar school attendance and student status policy, which is described in Bridges Eligibility Manual 245. The policy manual requires dependent children age six through 17 who are part of a Family Independence Program group to attend school full-time. A dependent child who is age 18 must attend high school full-time until the child either graduates or turns 19, whichever occurs first.

If a child age six through 15 is not attending school full-time, the entire FIP group is not eligible to receive FIP assistance. A dependent child age 16 or 17 who is not attending high school full-time is disqualified from FIP, but the other FIP group members may still receive benefits. Under current policy, FIP eligibility may be reinstated if full-time school attendance is achieved for 21 consecutive calendar days.

In FY 2013-14, 189 cases were sanctioned due to noncompliance with the policy, and during the first quarter of FY 2014-15, 68 cases were sanctioned.

Fiscal Analyst: Frances Carley

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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.