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DATE: June 7, 2001

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2001-149, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
EDUCATION INNOVATION
FINAL ANALYSIS**

BILL #: CS/HB 277, 1ST ENG
RELATING TO: School Attendance/Learnfare Program
SPONSOR(S): Council for Lifelong Learning and Representative Atwater & others
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION YEAS 14 NAYS 0
- (2) FISCAL POLICY & RESOURCES YEAS 12 NAYS 0
- (3) COUNCIL FOR LIFELONG LEARNING YEAS 15 NAYS 0
- (4)
- (5)

I. SUMMARY:

In 1993, the Legislature created the Learnfare Program, requiring the Department of Children and Families (DCF) to reduce the temporary cash assistance (TCA) for a participant's eligible dependent child or for an eligible teenage participant that displays a pattern of habitual truancy. Current law defines a habitual truant as a student that has accumulated 15 unexcused absences within 90 calendar days. The TCA that is reduced must be reinstated after a subsequent grading period in which the child's attendance has substantially improved.

Statutory provisions relating to the Learnfare Program require that each participant with a school-aged child attend a conference with a school official each semester to discuss his or her child's attendance, behavioral progress, and academic progress. Failure to attend a conference will result in the reduction of the participant's TCA.

Through two different pieces of legislation, the 2000 Legislature repealed and then amended the statute relating to the Learnfare Program. Presently, provisions relating to the Learnfare Program are still in statute; however, the statutory provisions include a footnote that indicates the provisions were repealed.

This act reestablishes the Learnfare Program in a different section of statute and repeals the current section of statute relating to the program. The act also requires DCF to reduce the TCA for a participant's eligible dependent child or for a teenage participant if the dependent child or teenage participant is identified as a dropout. Additionally, the act clarifies that the TCA must be reinstated to a recipient that has been sanctioned for failing to attend the requisite conference once that recipient attends the conference with the appropriate school official and that conference is documented by the school and reported to DCF. The act also corrects a cross reference in the definition of a habitual truant and directs school boards to encourage teachers and administrators to keep parents and guardians informed of student attendance requirements pursuant to law. Lastly, the act requires DCF to develop an electronic data transfer system that will collect, report, and share data and information relating to the Learnfare Program.

This act appropriates \$251,000 in federal nonrecurring Temporary Assistance for Needy Families funds to DCF in order to develop the aforementioned electronic data transfer system. The act may provide an initial savings to the state because of the reduction of a participant's TCA as a sanction for not meeting

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the program's requirements. However, the TCA must be reinstated once the participant is in compliance with the program's requirements, thus offsetting the initial savings.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

B. PRESENT SITUATION:

The Learnfare Program

In 1993, the Florida Legislature created the Learnfare Program to ensure that dependent children whose parents receive temporary cash assistance meet school attendance requirements (Ch. 93-136, L.O.F.). Provisions relating to the program appeared in two separate sections of statute until 1995, when the Legislature consolidated those statutory provisions to create s. 409.1855, F.S. In 1996, the Legislature renumbered the statute as s. 414.125, F.S. (Ch. 96-175, L.O.F.), and amended it to align with the welfare reform initiative addressed in the Work and Gain Economic Self-Sufficiency (WAGES) Bill.

Section 414.125, F.S., establishes the Learnfare Program, which requires the Department of Children and Families (DCF) to reduce the temporary cash assistance (TCA) for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements and who has been identified as a habitual truant. Subsection 228.041 (28), F.S., defines a habitual truant as a student who has 15 unexcused absences within 90 calendar days. According to s. 414.125, F.S., good cause exemptions from the rule of unexcused absences include the following: the student is expelled from school and alternative schooling is not available, no licensed day care is available for the child of an eligible teenage participant, prohibitive transportation problems exist, or the teen is over 16 years of age and not expected to graduate from high school by age 20. The TCA must be reinstated after a subsequent grading period in which the child's attendance has substantially improved.

Additionally, the Learnfare Program provides the participant with an opportunity to appeal the reduction. Within 10 days after sanction notification, the parent/guardian participant or eligible teenage participant may file an appeal and no sanction will be imposed until the appeal is resolved.

The Learnfare Program also requires each TCA recipient with a school-age child to have a conference with an appropriate school official during each semester. The purpose of the conference is to assure that the participant is involved in the child's educational progress and is aware of any existing attendance or academic problems. The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to DCF. A participant who without good cause fails to attend a conference with a school official is subject to a reduction in TCA.

Department of Children and Families (DCF)

According to DCF, temporary cash assistance includes all welfare cash benefits received by the participant. Welfare cash benefits do not include other aid received, such as food stamps, Medicaid, or federal housing subsidies. The amount of the TCA that is reduced is that amount allotted to the truant child or the amount allotted to the parent or guardian if he or she is not participating in the required conferences.

According to DCF, in January 2001, 62,584 families received temporary cash assistance. The chart below displays the maximum TCA payment available based upon family size and family shelter obligation (rent). The shelter obligation is the amount the recipient is responsible for and the rest of the obligation is paid by another person (a family member) or by some entity (federal Department of Housing and Urban Development). A household's actual TCA payment will vary based upon the household's countable income. The family size is determined by the number of household members eligible to be included in the TCA filing unit.

TEMPORARY CASH ASSISTANCE PAYMENT STANDARDS

	Shelter Obligation \$50.01/UP	Shelter Obligation .01-\$50	Shelter Obligation \$0
Family Size	Payment Standard	Payment Standard	Payment Standard
1	180	153	95
2	241	205	158
3	303	258	198
4	364	309	254
5	426	362	289
6	487	414	346
7	549	467	392
8	610	519	438
Additional Person	+62	+52	+48
Effective Date	July 1996	July 1996	July 1996

With respect to the Learnfare Program, the reduced amount is that amount allotted to the truant child or the amount allotted to the parent or guardian if he or she is not participating in the required conferences. The family size is reduced by one person for each sanction imposed; therefore the amount reduced ranges between \$35 - \$63.

Learnfare Sanctions

According to DCF, only the last sanction imposed on a participant is recorded for tracking purposes. For example, if a sanction is imposed on a participant, and then is lifted for compliance, but later another sanction is imposed, only the last sanction is recorded, not both. For the last three years, the sanctions recorded by DCF are as follows:

- 1998: 1,082 participants were sanctioned.
- 1999: 1,920 participants were sanctioned.
- 2000: 1,409 participants were sanctioned.

Department of Education (DOE)

In August 2000, DOE distributed a three-question survey to all state school districts to gauge the impact of the Learnfare Program. Forty-three districts responded and their primary responses are described below:

Question 1.

If you implemented the Learnfare Program and provided data to DCF during the 1999-2000 school year, have you seen any positive impacts of the Learnfare Program?

- 32 of 39 districts responded that schools within their district observe at least a minimum positive impact as a result of the Learnfare Program.
- 3 of 39 districts responded that schools within their district do not observe a positive impact as a result of the Learnfare Program.
- 4 of 39 districts responded that schools within their districts do not provide information or were unable to obtain information relating to the impact of the Learnfare Program.

Question 2.

If you received any feedback from school staff on the effectiveness of the conferences with the parents, please provide.

- 18 of 27 districts responded that schools within their district believe the conferences are effective.
- 3 of 27 districts responded that schools within their districts believe the conferences are not very effective.
- 2 of 27 districts responded that they receive no feedback from schools within their districts regarding the effectiveness of the conferences.

Question 3.

Please provide any recommendations you may have regarding the implementation of the Learnfare Program.

- 11 of 25 districts indicated that the need exists for improving the administration and implementation of the Learnfare Program.
- 4 of 25 districts stated that the Learnfare Program is effective as it is currently administered.
- 2 of 25 districts stated that the Learnfare Program is not effective or needs to be greatly improved.

2000 Legislation

In 2000, the Florida Legislature repealed s. 414.125, F.S., in Ch. 2000-165, L.O.F., but subsequently amended s. 414.125, F.S., in Ch. 2000-235, L.O.F. Consequently, the section of statute still remains part of the 2000 Florida Statutes and includes a footnote that indicates the

section of statute was repealed in 2000. Shortly after the end of the 2000 legislative session, DCF notified its district TCA administrators that the Learnfare Program had been repealed.

C. EFFECT OF PROPOSED CHANGES:

This act reestablishes the Learnfare Program in a different section of statute and repeals the current section of statute relating to the program. The act also requires DCF to reduce the TCA for a participant's eligible dependent child or for a teenage participant if the dependent child or teenage participant is identified as a dropout¹. However, the TCA must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the General Educational Development (GED) tests, or enrolls in other educational activities approved by the school board.

While a participant with a school age child who without good cause fails to attend a conference with a school official each semester is subject to a reduction in TCA, the act clarifies that the TCA must be reinstated once the participant attends the conference with the appropriate school official and that conference is documented by the school and reported to DCF.

The act no longer exempts a dependent child or eligible teenage participant who is over the age of 16 and not expected to graduate before the age of 20 from the attendance requirements.

The act requires DCF to develop an electronic data transfer system that will collect, report, and share data and information relating to the Learnfare Program. The information compiled must be submitted annually to the Legislature. The sum of \$251,000 in federal nonrecurring Temporary Assistance for Needy Families funds is appropriated to DCF in order to develop the electronic data transfer system.

Lastly, the act corrects a cross reference in the definition of a habitual truant and directs school boards to encourage teachers and administrators to keep parents and guardians informed of student attendance requirements pursuant to law.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Creates s. 414.1251, F.S., in order to reestablish the Learnfare Program, which requires DCF to reduce the TCA for a participant's dependent child or for a teenage participant if the dependent child or teenage participant is identified as a habitual truant or dropout, or for the participating parent or guardian that does not attend a conference with a school official each semester.

SECTION 2: Amends s. 228.041(28), F.S., in order to correct a cross-reference in the definition of a habitual truant.

¹ Subsection 228.041(29), F.S., defines a dropout as a student who meets any one or more of the following criteria: (a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any certificates of completion; (b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown; (c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, home education, or alternative educational program; (d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.091, F.S. (school attendance requirements are waived if the student has a hardship that requires the student to drive to and from work or to and from a medical care facility), court action, expulsion, medical reasons, or pregnancy; or (e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the school district's policy.

SECTION 3: Amends s. 230.23(15)(b), F.S., in order to direct school boards to encourage teachers and administrators to keep parents and guardians informed of student attendance requirements pursuant to law.

SECTION 4: Repeals s. 414.125, F.S., relating to the existing Learnfare Program.

SECTION 5: Appropriates \$251,000 in federal nonrecurring Temporary Assistance for Needy Families funds to DCF in order to develop an electronic data transfer system.

SECTION 6: Establishes that this act must take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This act does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The reenactment of the program will not in itself reduce state expenditures. The act may provide an initial savings to the state because of the reduction of a participant's TCA as a sanction for not meeting the program's requirements. However, the TCA must be reinstated once the participant is in compliance with the program's requirements, thus offsetting the initial savings.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This act does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This act does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Temporary cash assistance recipients that have school-aged children will have their benefits reduced if either their child has been identified as a habitual truant or dropout or if the recipients, themselves, do not attend a conference with a school official during each semester. Eligible teenage participants will also have their TCA reduced if they are identified as habitual truants or dropouts. The reduction amount is that portion of the assistance that is allotted to the child, teenage participant, or parent/guardian not in compliance with the program's requirements. However, those benefits must be reinstated once the child, teenage participant, or TCA recipient complies with the requirements of the program.

D. FISCAL COMMENTS:

This act appropriates \$251,000 in federal nonrecurring Temporary Assistance for Needy Families funds to DCF in order to develop the required electronic data transfer system.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This act does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This act does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This act does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This act does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

This act does not provide additional rule-making authority.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 6, 2001, the Committee on Education Innovation adopted, without objection, the following four amendments to HB 277:

- The first amendment requires DCF to reduce the TCA for a participant's dependent child or for a teenage participant if the dependent child or teenage participant is identified as a dropout. The TCA must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the General Educational Development (GED) tests, or enrolls in other educational activities approved by the school board.
- The second amendment no longer exempts a dependent child or eligible teenage participant who is over the age of 16 and not expected to graduate before the age of 20 from the attendance requirements.
- The third amendment clarifies that the TCA must be reinstated to a recipient that has been sanctioned for failure to attend the requisite conference once that recipient attends the conference with the appropriate school official and that conference is documented by the school and reported to the Department of Children and Families.
- The fourth amendment requires DCF to develop an electronic data transfer system that will collect, report, and share data and information relating to the Learnfare Program. The information compiled must be submitted annually to the Legislature.

On February 21, 2001, the Council for Lifelong Learning made HB 277, as amended, into a council substitute.

On March 8, 2001, the House of Representatives passed CS/HB 277 by a vote of 116-0. On May 2, 2001, the Senate amended CS/HB 277 in order to appropriate \$251,000 in federal funds to DCF for the purpose of developing the required electronic data transfer system and on May 3, 2001, the Senate passed CS/HB 277 as amended by a vote of 39-0. On May 4, 2001, the House of Representatives concurred with the Senate amendment and passed CS/HB 277 as amended by a vote of 119-0. On June 1, 2001, CS/HB 277, 1ST ENG became law (see Ch. 2001-149, L.O.F.).

SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

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Anitere Flores

Staff Director:

Daniel Furman

AS REVISED BY THE COMMITTEE ON FISCAL POLICY & RESOURCES:

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AS REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

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