

**County of San Diego, Health and Human Services Agency (HHS) CalWORKs Program Guide**

**School Attendance Penalty**

**Number**

**Page**

42-100.H

1 of 3

**Background**

CalWORKs provisions require penalties for those families in which children are not meeting the school attendance requirement unless good cause exists.

**Policy**

**42-100.H.1 Penalty and Eligibility Worker Action**

If a child age 16 years of age or older has not been attending school and is deemed a chronic truant pursuant to Section 48263.6 of the Education Code, the needs of the child will not be considered in computing the grant of the family.

This will apply for any month in which the Eligibility Worker is informed by a school district or a county School Attendance Review Board (SARB) that the child did not attend school.

Review the case file to ensure if good cause has been requested or to evaluate exception criteria and the evaluation for the request has been completed prior to taking the penalty action. If good cause is requested and approved, or if any of the exception criteria is met, the penalty action will not be taken. Narrate all good cause requests/exception criteria met and determinations.

Refer to [CPG 42-100.H.5](#) on when to apply the penalty.

**42-100.H.2 Public Assistance Fraud Division (PAFD) Referral**

When the penalty has been imposed for more than six months, the case may be referred to PAFD to verify that the child is in the home.

**42-100.H.3 School Attendance Review Board (SARB) Referrals**

SARBs are able to independently request penalties to be imposed when a child does not meet certain school attendance criteria. The SARB will request penalties be applied through Eligibility Operations, and/or the Family Resource Center (FRC). Before applying the penalty, determine if a penalty is appropriate. Good cause may be requested and granted if appropriate.

**42-100.H.4 Welfare-To-Work (WTW) Plan**

Children aged 16, 17 and/or 18, and are attending school in a full-time basis are exempt from WTW. Therefore, children aged 16 and older, who have been deemed chronic truants or who are penalized for not attending school regularly, must be referred to WTW activities and have a WTW plan. The workers are required to remove the WTW exemption and register them to WTW.

Employment Case Managers (ECMs) are expected to identify the barriers to successful attendance and provide case management services to resolve the problem and eliminate the barriers. The WTW activity for the chronic truant or penalized child is school attendance to obtain a high school diploma. Inform the family of how to enroll the child in a continuation school, if needed.

Refer the family to the Family Stabilization (FS) program for evaluation of FS eligibility requirements. If the family does not otherwise meet FS program eligibility requirements or truancy services are not provided as part of the FS program, but a mandatory participant is unable to complete their work

**County of San Diego, Health and Human Services Agency (HHS) Agency (HHS) Agency (HHS)**  
**CalWORKs Program Guide**

	Number	Page
<b>School Attendance Penalty</b>	42-100.H	2 of 3

requirements due to a minor's truancy issues, then the case should be reviewed for WTW good cause and members of the family may be referred to counseling services. Refer to [CPG 10-007.D](#), [CPG 10-011.D](#), [CPG 10-011.E](#).

**42-100.H.5 School Attendance and Semi-Annual Reporting (SAR)**

Penalty action must be initiated when good cause does not exist or none of the exception criteria is met, and information is received from the school or SARB that a child age 16 years of age or older has not been attending school and is deemed a chronic truant pursuant to Section 48263.6 of the Education Code.

Take mid-period action on specific changes in eligibility and grant status, including school penalties, at the end of the month in which the change occurred, with timely notice, even if it results in a decrease in cash aid. If the timely notice requirement cannot be met, take action by the end of the following month.

If the child is the only aided member in the AU and that child is to be penalized, the grant for the AU is zero.

**Reminder:** The needs of an individual in an AU can only be removed if the individual is actually in the AU. If the individual is excluded from the AU (i.e., an SSI recipient or an undocumented alien) the penalty cannot be applied to that individual.

**42-100.H.6 Notice of Action (NOA)**

Use M40-105D1 NOA to inform recipients:

- Of the change in law and the AU's new grant amount
- Who have a penalty applied to the AU's grant amount and the grant amount will be increasing due to the law change

Use M40-105E NOA to:

- Specify which child is not attending regularly or lacks proof of regular attendance
- Specify that it pertains to children age 16 and older
- Inform that the AU's grant will be decreased
- Tell clients how they can correct a penalty and when cash aid would be restored

**Procedure:**

None.

**Impacts:**

None.

**References:**

- [EAS 40-105.5](#)
- [ACL 15-22](#)

**Approval for Release:**

**County of San Diego, Health and Human Services Agency (HHS)A)  
CalWORKs Program Guide**

	<b>Number</b>	<b>Page</b>
<b>School Attendance Penalty</b>	<b>42-100.H</b>	<b>3 of 3</b>

June 8, 2015

**Sunset Date:**

This policy will be reviewed for continuance by June 30, 2018.