

# SENATE BILL No. 231

March 21, 1991, Introduced by Senators WARTNER, DE GROW, SCHWARZ, EMMONS, GAST, EHLERS, WELBORN, DILLINGHAM, DUNASKISS, CISKY and HONIGMAN and referred to the Committee on Education.

A bill to amend Act No. 280 of the Public Acts of 1939, entitled as amended  
"The social welfare act,"  
as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, by adding sections 57, 57a, 57b, 57c, 57d, 57e, 57f, and 57g.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 280 of the Public Acts of 1939, as  
2 amended, being sections 400.1 to 400.121 of the Michigan Compiled  
3 Laws, is amended by adding sections 57, 57a, 57b, 57c, 57d, 57e,  
4 57f, and 57g to read as follows:

5 SEC. 57. FOR PURPOSES OF THIS SECTION AND SECTIONS 57A TO  
6 57G:

7 (A) "CARETAKER RELATIVE" MEANS THE MOTHER, FATHER,  
8 GRANDMOTHER, GRANDFATHER, BROTHER, SISTER, STEPMOTHER,

1 STEPFATHER, STEPBROTHER, STEPSISTER, UNCLE, AUNT, FIRST COUSIN,  
2 NEPHEW, OR NIECE OF A STUDENT WITH WHOM THE STUDENT IS LIVING IN  
3 A PLACE OF RESIDENCE MAINTAINED BY THE CARETAKER RELATIVE AS HIS  
4 OR HER OWN HOME.

5 (B) "DROPOUT" MEANS A STUDENT WHO HAS BEEN ENROLLED IN A  
6 REGULAR K-12 SCHOOL PROGRAM IN A SCHOOL DISTRICT, BUT, FOR A  
7 REASON OTHER THAN THE DEATH OF THE STUDENT, LEAVES THE REGULAR  
8 SCHOOL PROGRAM IN THAT SCHOOL DISTRICT BEFORE GRADUATING AND DOES  
9 NOT RE-ENROLL IN ANOTHER REGULAR K-12 SCHOOL PROGRAM.

10 (C) "DROPOUT COUNT TIME PERIOD" MEANS A PERIOD THAT BEGINS  
11 ON THE PUPIL MEMBERSHIP COUNT DAY IN 1 SCHOOL YEAR AND CONCLUDES  
12 ON THE CORRESPONDING PUPIL MEMBERSHIP COUNT DAY IN THE NEXT  
13 SCHOOL YEAR.

14 (D) "ENROLLED IN A SCHOOL DISTRICT" MEANS THAT DURING A  
15 DROPOUT COUNT TIME PERIOD A STUDENT MEETS 1 OF THE FOLLOWING:

16 (i) THE STUDENT WAS COUNTED AS A FULL-TIME MEMBER ON A PUPIL  
17 MEMBERSHIP COUNT DAY.

18 (ii) THE STUDENT TRANSFERRED INTO A SCHOOL DISTRICT AFTER  
19 THE PUPIL MEMBERSHIP COUNT DAY AND WOULD HAVE BEEN INCLUDED IN  
20 THE FULL-TIME MEMBER COUNT IF HE OR SHE HAD BEEN IN THE SCHOOL  
21 DISTRICT ON THE PUPIL MEMBERSHIP COUNT DAY.

22 (iii) THE STUDENT WAS NOT INCLUDED IN THE FULL-TIME MEMBER  
23 COUNT ON A PUPIL MEMBERSHIP COUNT DAY, BUT THE STUDENT'S STATUS  
24 HAS CHANGED AND IF HE OR SHE HAD BEEN IN THE CURRENT NEW STATUS  
25 ON THE PUPIL MEMBERSHIP COUNT DAY, THE STUDENT WOULD HAVE BEEN  
26 COUNTED AS A FULL-TIME MEMBER.

1 (E) "EXCUSED ABSENCE" MEANS AN ABSENCE THAT MEETS THE  
2 NONPUBLIC SCHOOL'S OR SCHOOL DISTRICT'S DEFINITION OF AN ABSENCE  
3 FOR WHICH THERE IS A VALID REASON NOT TO ATTEND SCHOOL.

4 (F) "FULL DAY" MEANS THE ENTIRE SCHOOL DAY AS DEFINED BY THE  
5 NONPUBLIC SCHOOL OR SCHOOL DISTRICT.

6 (G) "GOOD CAUSE" MEANS A REASON DESCRIBED IN SECTION 57A(1)  
7 FOR THE STUDENT'S FAILURE TO MEET THE SCHOOL ATTENDANCE REQUIRE-  
8 MENTS OF SECTION 57B.

9 (H) "MONTHLY ATTENDANCE REQUIREMENT" MEANS A REQUIREMENT  
10 THAT THE STUDENT HAVE NOT MORE THAN 2 FULL DAYS OF UNEXCUSED  
11 ABSENCES IN A CALENDAR MONTH.

12 (I) "MOST PROGRAM" MEANS THE MICHIGAN OPPORTUNITY AND SKILLS  
13 TRAINING PROGRAM ESTABLISHED BY THE STATE DEPARTMENT IN ACCORD-  
14 ANCE WITH SECTION 402(a)(19) OF THE SOCIAL SECURITY ACT, 42  
15 U.S.C. 602 (a)(19).

16 (J) "REGULAR K-12 SCHOOL PROGRAM" MEANS A PROGRAM OFFERED BY  
17 A SCHOOL DISTRICT OR NONPUBLIC SCHOOL THAT PROVIDES COURSES THAT,  
18 IF SUCCESSFULLY COMPLETED, LEAD TO A HIGH SCHOOL DIPLOMA, AND  
19 THAT SERVES STUDENTS WHO MEET THE NONPUBLIC SCHOOL'S OR SCHOOL  
20 DISTRICT'S DEFINITION OF FULL-TIME MEMBERSHIP.

21 (K) "SCHOOL" MEANS BOTH OF THE FOLLOWING:

22 (i) A PUBLIC SCHOOL OPERATED BY A SCHOOL DISTRICT.

23 (ii) A NONPUBLIC SCHOOL AS DEFINED IN SECTION 5 OF THE  
24 SCHOOL CODE OF 1976, BEING SECTION 380.5 OF THE MICHIGAN COMPILED  
25 LAWS.

1       (1) "SCHOOL CODE OF 1976" MEANS ACT NO. 451 OF THE PUBLIC  
2 ACTS OF 1976, BEING SECTIONS 380.1 TO 380.1852 OF THE MICHIGAN  
3 COMPILED LAWS.

4       (M) "SCHOOL DISTRICT" MEANS THAT TERM AS DEFINED IN SECTION  
5 6 OF THE SCHOOL CODE OF 1976, BEING SECTION 380.6 OF THE MICHIGAN  
6 COMPILED LAWS, A LOCAL ACT SCHOOL DISTRICT AS DEFINED IN SECTION  
7 5 OF THE SCHOOL CODE OF 1976, BEING SECTION 380.5 OF THE MICHIGAN  
8 COMPILED LAWS, OR AN INTERMEDIATE SCHOOL DISTRICT AS DEFINED IN  
9 SECTION 4 OF THE SCHOOL CODE OF 1976, BEING SECTION 380.4 OF THE  
10 MICHIGAN COMPILED LAWS.

11       (N) "STUDENT" MEANS A PERSON WHO IS RECEIVING AID TO FAMI-  
12 LIES WITH DEPENDENT CHILDREN OR GENERAL ASSISTANCE UNDER THIS ACT  
13 AND IS EITHER OF THE FOLLOWING:

14       (i) REQUIRED TO ATTEND SCHOOL PURSUANT TO SECTION 1561 OF  
15 THE SCHOOL CODE OF 1976, BEING SECTION 380.1561 OF THE MICHIGAN  
16 COMPILED LAWS.

17       (ii) AT LEAST AGE 16 AND LESS THAN AGE 18.

18       (O) "UNEXCUSED ABSENCE" MEANS AN ABSENCE THAT MEETS THE NON-  
19 PUBLIC SCHOOL'S OR SCHOOL DISTRICT'S DEFINITION OF AN ABSENCE FOR  
20 WHICH THERE IS NOT A VALID REASON FOR THE STUDENT NOT TO ATTEND  
21 SCHOOL.

22       SEC. 57A. (1) A STUDENT SHALL ATTEND SCHOOL IN ACCORDANCE  
23 WITH SECTION 57B AS A CONDITION OF RECEIVING AID TO FAMILIES WITH  
24 DEPENDENT CHILDREN OR GENERAL ASSISTANCE UNDER THIS ACT UNLESS 1  
25 OR MORE OF THE FOLLOWING APPLY:

1 (A) THE STUDENT HAS GRADUATED FROM A PUBLIC OR PRIVATE HIGH  
2 SCHOOL OR PASSED A GRADUATE EQUIVALENCY EXAMINATION APPROVED BY  
3 THE STATE BOARD OF EDUCATION.

4 (B) THE STUDENT IS EXCUSED FROM ATTENDING SCHOOL UNDER SEC-  
5 TION 1561 OF THE SCHOOL CODE OF 1976, BEING SECTION 380.1561 OF  
6 THE MICHIGAN COMPILED LAWS.

7 (C) THE STUDENT IS A PARENT OF A CHILD OF 45 DAYS OF AGE OR  
8 LESS.

9 (D) IF CHILD CARE SERVICES ARE NECESSARY IN ORDER FOR THE  
10 STUDENT TO ATTEND SCHOOL, CHILD CARE AND TRANSPORTATION TO AND  
11 FROM THE CHILD CARE SERVICES, AS REQUIRED BY LAW, ARE NOT  
12 AVAILABLE.

13 (E) THE STUDENT IS PROHIBITED FROM ATTENDING SCHOOL DURING A  
14 SUSPENSION OR DURING THE PENDENCY OF AN EXPULSION UNDER SECTION  
15 1311 OF THE SCHOOL CODE OF 1976, BEING SECTION 380.1311 OF THE  
16 MICHIGAN COMPILED LAWS.

17 (F) IF THE STUDENT WAS EXPELLED FROM A SCHOOL UNDER SECTION  
18 1311 OF THE SCHOOL CODE OF 1976, THERE IS NOT ANOTHER SCHOOL  
19 AVAILABLE THAT THE STUDENT CAN ATTEND FOR 1 OR MORE OF THE FOL-  
20 LOWING REASONS:

21 (i) THERE IS NO PUBLIC OR PRIVATE SCHOOL WITHIN REASONABLE  
22 TRAVEL TIME OR DISTANCE FROM THE STUDENT'S RESIDENCE THAT WILL  
23 ACCEPT THE STUDENT.

24 (ii) THERE IS NO PUBLIC OR PRIVATE TRANSPORTATION AVAILABLE  
25 TO ANOTHER SCHOOL.

1       (iii) THERE IS A PUBLIC OR PRIVATE SCHOOL AVAILABLE THAT  
2 WILL ACCEPT THE STUDENT, BUT THE TUITION CHARGE IS PROHIBITIVE  
3 AND THE STUDENT'S SCHOOL DISTRICT REFUSES TO PAY THE TUITION.

4       (2) FOR PURPOSES OF THIS SECTION, ATTENDING SCHOOL INCLUDES  
5 PARTICIPATION IN A GENERAL EDUCATIONAL DEVELOPMENT TESTING PREPA-  
6 RATION PROGRAM AS DEFINED IN SECTION 4 OF THE STATE SCHOOL AID  
7 ACT OF 1979, ACT NO. 94 OF THE PUBLIC ACTS OF 1979, BEING SECTION  
8 388.1604 OF THE MICHIGAN COMPILED LAWS.

9       SEC. 57B. (1) A STUDENT WHO IS REQUIRED TO ATTEND SCHOOL  
10 PURSUANT TO SECTION 57A IS MEETING THE SCHOOL ATTENDANCE REQUIRE-  
11 MENT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
12 SECTION IF HE OR SHE HAS FEWER THAN 10 FULL DAYS OF UNEXCUSED  
13 ABSENCES FROM SCHOOL DURING THE MOST RECENTLY COMPLETED SCHOOL  
14 SEMESTER OR THE EQUIVALENT OF A SEMESTER.

15       (2) A STUDENT WHO HAS 10 OR MORE FULL DAYS OF UNEXCUSED  
16 ABSENCES FROM SCHOOL DURING THE SCHOOL SEMESTER OR ITS EQUIVALENT  
17 UNDER REVIEW OR WHO WAS A DROPOUT AND RETURNED TO SCHOOL DURING  
18 THE SEMESTER OR ITS EQUIVALENT UNDER REVIEW OR WHO IS UNABLE TO  
19 VERIFY PREVIOUS ATTENDANCE SHALL MEET WITH A COUNSELOR FROM THE  
20 STATE DEPARTMENT AT LEAST ONCE A MONTH FOR A PERIOD OF 3 MONTHS.  
21 THE COUNSELING SHALL BE PROVIDED IN CONSULTATION WITH SCHOOL  
22 OFFICIALS AND THE DEPARTMENT OF EDUCATION AND SHALL BE DIRECTED  
23 TOWARD IDENTIFYING AND RESOLVING THOSE PROBLEMS THAT HAVE CON-  
24 TRIBUTED TO THE TRUANCY. AT THE END OF THE 3 MONTHS, THE STUDENT  
25 SHALL MEET THE MONTHLY ATTENDANCE REQUIREMENT OR BE SUBJECT TO  
26 PENALTIES AS PROVIDED IN SECTION 57F.

1 (3) IF INFORMATION ABOUT A STUDENT'S PREVIOUS SCHOOL  
2 ATTENDANCE IS NOT AVAILABLE OR CANNOT BE VERIFIED, THE STUDENT  
3 SHALL MEET THE MONTHLY ATTENDANCE REQUIREMENT FOR 1 SEMESTER OR  
4 ITS EQUIVALENT OR UNTIL THE INFORMATION IS OBTAINED.

5 (4) A STUDENT OR THE STUDENT'S CARETAKER RELATIVE SHALL  
6 COOPERATE IN PROVIDING INFORMATION NEEDED TO VERIFY ENROLLMENT  
7 AND ATTENDANCE INFORMATION OR WHETHER THERE IS GOOD CAUSE FOR NOT  
8 ATTENDING SCHOOL. IF NEITHER ONE COOPERATES, THE STATE DEPART-  
9 MENT SHALL TAKE ACTION AS PROVIDED UNDER SECTIONS 57E AND 57F.

10 (5) A STUDENT'S OR CARETAKER RELATIVE'S CONSENT TO THE  
11 RELEASE OF SCHOOL ATTENDANCE RECORDS IS A CONDITION OF ELIGIBIL-  
12 ITY FOR AID TO FAMILIES WITH DEPENDENT CHILDREN OR GENERAL  
13 ASSISTANCE.

14 SEC. 57C. FOR EACH AID TO FAMILIES WITH DEPENDENT CHILDREN  
15 OR GENERAL ASSISTANCE CASE THAT INCLUDES A STUDENT, THE STATE  
16 DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

17 (A) REVIEW ATTENDANCE INFORMATION AT THE INITIAL ELIGIBILITY  
18 DETERMINATION, AT THE END OF EACH SEMESTER OR ITS EQUIVALENT,  
19 AND, FOR THOSE INDIVIDUALS WHO ARE SUBJECT TO THE MONTHLY  
20 ATTENDANCE REQUIREMENT, AT MONTHLY INTERVALS.

21 (B) NOTIFY THE CARETAKER RELATIVE OF THE STUDENT OF ALL OF  
22 THE FOLLOWING:

23 (i) THAT, UNLESS EXEMPTED PURSUANT TO SECTION 57A(1) OR  
24 EXCUSED ACCORDING TO STANDARD DEFINITIONS DEVELOPED PURSUANT TO  
25 SECTION 1578A OR 1591 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF  
26 THE PUBLIC ACTS OF 1976, BEING SECTIONS 380.1578A AND 380.1591 OF  
27 THE MICHIGAN COMPILED LAWS, THE STUDENT IS REQUIRED TO ATTEND

1 SCHOOL AS A CONDITION OF ELIGIBILITY FOR AID TO FAMILIES WITH  
2 DEPENDENT CHILDREN OR GENERAL ASSISTANCE, AND THAT PENALTIES MAY  
3 BE APPLIED EITHER TO THE STUDENT OR TO THE CARETAKER RELATIVE IF  
4 A STUDENT HAS MORE THAN 2 UNEXCUSED ABSENCES DURING A MONTH THAT  
5 SCHOOL IS IN SESSION.

6 (ii) THAT, AS A CONDITION OF RECEIVING ASSISTANCE, THE STU-  
7 DENT AND CARETAKER RELATIVE ARE REQUIRED TO COOPERATE IN PROVID-  
8 ING INFORMATION NEEDED TO VERIFY THE STUDENT'S ENROLLMENT AND  
9 ATTENDANCE, AND TO CONSENT TO THE RELEASE OF THE STUDENT'S  
10 ENROLLMENT AND ATTENDANCE RECORDS FROM THE SCHOOL.

11 (iii) THAT THE STUDENT OR CARETAKER RELATIVE SHOULD CONTACT  
12 THE SCHOOL FOR A DEFINITION OF EXCUSED AND UNEXCUSED ABSENCES.

13 (iv) THAT THE STUDENT OR CARETAKER RELATIVE HAS A RIGHT TO A  
14 HEARING UNDER SUBDIVISION (E).

15 (C) REQUEST INFORMATION FROM THE DEPARTMENT OF EDUCATION  
16 REGARDING THE STUDENT'S ATTENDANCE DURING EACH SEMESTER OR ITS  
17 EQUIVALENT.

18 (D) FOR EACH STUDENT WHO IS SUBJECT TO THE MONTHLY  
19 ATTENDANCE REQUIREMENT, REQUEST INFORMATION FROM THE DEPARTMENT  
20 OF EDUCATION REGARDING THE STUDENT'S ATTENDANCE DURING THE  
21 MONTH.

22 (E) IF REQUESTED, REVIEW AND DETERMINE IN A HEARING HELD  
23 JOINTLY WITH THE DEPARTMENT OF EDUCATION THE CLAIM OF A STUDENT  
24 OR CARETAKER RELATIVE THAT THE STUDENT'S UNEXCUSED ABSENCE WAS  
25 FOR GOOD CAUSE OR THAT AN ABSENCE WAS NOT UNEXCUSED. THE JOINT  
26 HEARING SHALL BE HELD IN ACCORDANCE WITH CHAPTER 4 OF THE  
27 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC



1 ACTS OF 1969, BEING SECTIONS 24.271 TO 24.287 OF THE MICHIGAN  
2 COMPILED LAWS.

3 (F) PROVIDE COUNSELING AS PRESCRIBED BY SECTION 57B(2).

4 (G) DETERMINE WHETHER A STUDENT EXCUSED FROM ATTENDING  
5 SCHOOL FOR GOOD CAUSE SHOULD BE REFERRED TO THE MOST PROGRAM FOR  
6 OTHER ACTIVITIES.

7 (H) ADMINISTER CHILD CARE AND TRANSPORTATION FUNDS AVAILABLE  
8 TO A STUDENT WHO IS A PARENT, AS PROVIDED UNDER THE PROGRAM OF  
9 AID TO FAMILIES WITH DEPENDENT CHILDREN.

10 SEC. 57D. THE DEPARTMENT OF EDUCATION SHALL PROVIDE THE  
11 STATE DEPARTMENT WITH ATTENDANCE INFORMATION AS REQUIRED BY  
12 SECTIONS 1578A AND 1591 OF THE SCHOOL CODE OF 1976, ACT NO. 451  
13 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 380.1578A AND 380.1591  
14 OF THE MICHIGAN COMPILED LAWS.

15 SEC. 57E. (1) UPON DETERMINING THAT A STUDENT HAS FAILED  
16 WITHOUT GOOD CAUSE TO MEET THE MONTHLY ATTENDANCE REQUIREMENT OF  
17 SECTION 57B(2), THE STATE DEPARTMENT SHALL SEND WRITTEN NOTICE BY  
18 CERTIFIED MAIL TO THE CARETAKER RELATIVE AND TO THE STUDENT THAT  
19 SPECIFIES ALL OF THE FOLLOWING:

20 (A) THAT, EXCEPT AS PROVIDED UNDER SECTION 57F(5), THE STU-  
21 DENT OR THE CARETAKER RELATIVE WILL BE REMOVED FROM THE ASSIST-  
22 ANCE GRANT IN THE NEXT POSSIBLE PAYMENT MONTH BECAUSE THE STUDENT  
23 FAILED TO MEET THE MONTHLY ATTENDANCE REQUIREMENT.

24 (B) THE BEGINNING DATE OF THE PENALTY, AND THE STUDENT OR  
25 CARETAKER RELATIVE TO WHOM THE PENALTY APPLIES.

26 (C) THE STUDENT'S OR CARETAKER RELATIVE'S RIGHT TO REQUEST A  
27 HEARING UNDER SUBSECTION (2).

1       (2) THE STUDENT OR CARETAKER RELATIVE MAY REQUEST A JOINT  
2 ADMINISTRATIVE HEARING PRESCRIBED BY SECTION 57C(E) ON THE DETER-  
3 MINATION THAT THE STUDENT HAS FAILED WITHOUT GOOD CAUSE TO MEET  
4 THE MONTHLY ATTENDANCE REQUIREMENT.

5       SEC. 57F. (1) IF A STUDENT WHO HAS FAILED WITHOUT GOOD  
6 CAUSE TO MEET THE MONTHLY ATTENDANCE REQUIREMENT OR THE STUDENT'S  
7 CARETAKER RELATIVE DOES NOT REQUEST A HEARING UNDER SECTION  
8 57E(2), OR IF, AFTER A HEARING HAS BEEN HELD, THE HEARING OFFICER  
9 FINDS THAT THE STUDENT HAS FAILED WITHOUT GOOD CAUSE TO MEET THE  
10 MONTHLY ATTENDANCE REQUIREMENT, THE STATE DEPARTMENT SHALL DO THE  
11 FOLLOWING:

12       (A) IF THE STUDENT IS NOT MORE THAN 12 YEARS OF AGE, DETER-  
13 MINE THE AMOUNT OF ASSISTANCE FOR THE NEXT POSSIBLE PAYMENT MONTH  
14 IN WHICH A PENALTY IS NOT ALREADY BEING APPLIED WITHOUT INCLUDING  
15 THE NEEDS OF THE CARETAKER RELATIVE.

16       (B) IF THE STUDENT IS MORE THAN 12 YEARS OF AGE, DETERMINE  
17 THE AMOUNT OF ASSISTANCE FOR THE NEXT POSSIBLE PAYMENT MONTH IN  
18 WHICH A PENALTY IS NOT ALREADY BEING APPLIED WITHOUT INCLUDING  
19 THE NEEDS OF THE STUDENT.

20       (2) A PENALTY APPLIED UNDER SUBSECTION (1) IS EFFECTIVE FOR  
21 1 MONTH FOR EACH MONTH THE STUDENT FAILS TO MEET THE MONTHLY  
22 ATTENDANCE REQUIREMENT.

23       (3) IF A STUDENT WHO HAS DROPPED OUT OF SCHOOL OR THE  
24 STUDENT'S CARETAKER RELATIVE DOES NOT REQUEST A HEARING UNDER  
25 SECTION 57E(2), OR IF, AFTER A HEARING HAS BEEN HELD, THE HEARING  
26 OFFICER FINDS THAT THE STUDENT IS A DROPOUT, THE STATE DEPARTMENT  
27 SHALL DETERMINE THE AMOUNT OF ASSISTANCE FOR THE NEXT POSSIBLE

1 PAYMENT MONTH AFTER THE STUDENT DROPPED OUT WITHOUT INCLUDING THE  
2 NEEDS OF THE STUDENT.

3 (4) A PENALTY APPLIED UNDER SUBSECTION (3) IS EFFECTIVE  
4 UNTIL THE STUDENT WHO IS A DROPOUT PROVIDES WRITTEN VERIFICATION  
5 FROM THE SCHOOL THAT HE OR SHE HAS RE-ENROLLED AND UNTIL HE OR  
6 SHE HAS MET THE MONTHLY ATTENDANCE REQUIREMENT FOR 1 CALENDAR  
7 MONTH. THE PENALTY SHALL BE REMOVED IN THE NEXT POSSIBLE PAYMENT  
8 MONTH AFTER THE MONTHLY ATTENDANCE REQUIREMENT HAS BEEN MET.

9 (5) IF A STUDENT WHO IS MORE THAN 12 YEARS OF AGE AND WHO  
10 HAS FAILED TO MEET THE MONTHLY ATTENDANCE REQUIREMENT OR DROPPED  
11 OUT OF SCHOOL IS THE ONLY DEPENDENT CHILD IN THE FAMILY AND  
12 REMOVAL OF THE STUDENT'S NEEDS WOULD CLOSE THE CASE, THE STATE  
13 DEPARTMENT SHALL CONTINUE PAYMENTS TO MEET THE NEED OF THE CARE-  
14 TAKER RELATIVE IF THE CARETAKER RELATIVE IS OTHERWISE ELIGIBLE.

15 (6) IF THE STUDENT AND THE STUDENT'S CARETAKER RELATIVE FAIL  
16 TO COOPERATE IN PROVIDING INFORMATION NEEDED TO VERIFY THE  
17 STUDENT'S ENROLLMENT, ATTENDANCE, OR GOOD CAUSE FOR FAILURE TO  
18 ATTEND SCHOOL, THE STATE DEPARTMENT SHALL DO 1 OF THE FOLLOWING:

19 (A) IF THE STUDENT IS NOT MORE THAN 12 YEARS OF AGE, DETER-  
20 MINE THE AMOUNT OF ASSISTANCE FOR THE NEXT POSSIBLE PAYMENT MONTH  
21 IN WHICH A PENALTY IS NOT ALREADY BEING APPLIED WITHOUT INCLUDING  
22 THE NEEDS OF THE CARETAKER RELATIVE.

23 (B) IF THE STUDENT IS MORE THAN 12 YEARS OF AGE, DETERMINE  
24 THE AMOUNT OF ASSISTANCE FOR THE NEXT POSSIBLE PAYMENT MONTH IN  
25 WHICH A PENALTY IS NOT ALREADY BEING APPLIED WITHOUT INCLUDING  
26 THE NEEDS OF THE STUDENT.

1 (7) A PENALTY APPLIED UNDER SUBSECTION (6) IS EFFECTIVE  
2 UNTIL THE STUDENT OR CARETAKER RELATIVE COOPERATES IN PROVIDING  
3 VERIFICATION OF THE STUDENT'S ENROLLMENT AND ATTENDANCE OR GOOD  
4 CAUSE FOR FAILURE TO ATTEND SCHOOL OR CONSENTS TO THE RELEASE OF  
5 THE STUDENT'S ENROLLMENT OR ATTENDANCE RECORDS.

6 (8) IF THE STATE DEPARTMENT FINDS THAT A PENALTY APPLIES FOR  
7 A MONTH OR MONTHS IN WHICH THE STUDENT OR CARETAKER RELATIVE WAS  
8 INCLUDED IN THE GRANT, THE AMOUNT OF THE PAYMENT COVERING THE  
9 NEEDS OF THE STUDENT OR THE CARETAKER RELATIVE, AS APPLICABLE, IS  
10 AN OVERPAYMENT SUBJECT TO RECOUPMENT.

11 SEC. 57G. (1) THE STATE DEPARTMENT SHALL REQUEST A WAIVER  
12 FROM THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND  
13 HUMAN SERVICES UNDER SECTION 1115(a) OF THE SOCIAL SECURITY ACT,  
14 42 U.S.C. 1315(a), TO PERMIT THE APPLICATION OF THE SCHOOL  
15 ATTENDANCE REQUIREMENTS OF SECTIONS 57 TO 57F TO RECIPIENTS OF  
16 AID TO FAMILIES WITH DEPENDENT CHILDREN. THE STATE DEPARTMENT  
17 SHALL REQUEST THE WAIVER FOR A PERIOD OF 36 MONTHS OR FOR THE  
18 PERIOD THE SECRETARY FINDS NECESSARY TO ENABLE THE STATE TO  
19 IMPLEMENT THE PROGRAM DESCRIBED IN SECTIONS 57 TO 57F.

20 (2) A PROVISION OF SECTIONS 57 TO 57F FOR WHICH A FEDERAL  
21 WAIVER IS REQUIRED SHALL NOT BE APPLIED TO A RECIPIENT OF AID TO  
22 FAMILIES WITH DEPENDENT CHILDREN UNLESS THE FEDERAL WAIVER IS IN  
23 EFFECT. IF A WAIVER IS GRANTED FOR PARTS OF THE PROGRAM  
24 DESCRIBED IN SECTIONS 57 TO 57F BUT NOT FOR OTHERS, THE STATE  
25 DEPARTMENT SHALL IMPLEMENT THOSE PARTS OF THE PROGRAM FOR WHICH  
26 THE WAIVER HAS BEEN GRANTED.

1       Section 2. This amendatory act shall not take effect unless  
2 Senate Bill No. 230  
3                   of the 86th Legislature is enacted into law.