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Original sponsor(s): REP. ELLIS, Boyer, M.Davis, Brown, Collins,  
Spohnholz, Ulmer, Goll, Menard, Koponen, Navarre, Boucher

1 IN THE HOUSE BY THE HESS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 171 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to eligibility requirements for, and  
7 assistance granted under, the program of aid to  
8 families with dependent children; establishing a  
9 training and education program to expand employment  
10 opportunities for persons who receive aid to families  
11 with dependent children; repealing the work incentive  
12 program; establishing a pilot project relating to an  
13 alternative education program designed to meet the  
14 needs of persons of school age who are pregnant or  
15 are parents; and providing for an effective date."

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

17 \* Section 1. FINDINGS. (a) In AS 47.25.400, the legislature has  
18 declared that a purpose of the program of aid to families with dependent  
19 children is to strengthen family life. The legislature finds that this  
20 purpose would be promoted by granting aid on behalf of children who are  
21 deprived of parental support by reason of the unemployment of a parent. If  
22 this aid were authorized, there would be no disincentive to keeping a  
23 family intact because aid would be provided even if both parents were still  
24 in the child's household. Therefore, one purpose of this Act is to expand  
25 the eligibility of children and families to receive aid by including two-  
26 parent families who meet the applicable standards.

27 (b) The legislature also finds that persons who receive aid to fam-  
28 ilies with dependent children (AFDC) could decrease their dependence on the  
29 federal and state welfare systems if they were provided with opportunities

1 for education and training that would facilitate their participation as  
2 paid workers in the nation's economy. Therefore, in order to provide these  
3 opportunities and to comply with federal law, this Act establishes a JOBS  
4 (Job Opportunities and Basic Skills) program for AFDC recipients.

5 \* Sec. 2. AS 47.25.310 is amended to read:

6 Sec. 47.25.310. ELIGIBILITY FOR ASSISTANCE. The department  
7 shall grant assistance to the family of each dependent child and each  
8 pregnant woman it determines is eligible for assistance under AS 47.-  
9 25.310 - 47.25.420. The department shall apply sanctions authorized  
10 under AS 47.25.421(d) for failure to comply with the requirements of  
11 the JOBS program established under AS 47.25.421 - 47.25.429, or the  
12 requirements of an Indian or Native program approved under 42 U.S.C.  
13 682(i) [, OR TO EMPLOYERS UNDER A WORK INCENTIVE PROGRAM ESTABLISHED  
14 BY AS 23.15.650, AND BY 42 U.S.C. 633(e)(1) (SOCIAL SECURITY ACT, WIN  
15 PROGRAM), AS AMENDED].

16 \* Sec. 3. AS 47.25.310 is amended by adding new subsections to read:

17 (b) When determining whether a person has sufficient work his-  
18 tory for purposes of qualifying for benefits as the unemployed princi-  
19 pal wage earner in a family that includes a dependent child, the  
20 department shall consider as quarters of qualifying work up to four  
21 calendar quarters in the proper time period in which the person (1)  
22 attended on a full-time basis an elementary school, a secondary  
23 school, or a federally approved vocational or technical training  
24 course that is designed to prepare the person for gainful employment;  
25 or (2) participated in an education or training program established  
26 under the Job Training Partnership Act (P.L. 97-300) or a training and  
27 employment program operated or funded by the State Job Training Coor-  
28 dinating Council in the Department of Community and Regional Affairs  
29 through a grant from the Department of Labor. A person may substitute

1 quarters of education or training for quarters of work only once in  
2 the person's lifetime to establish eligibility under AS 47.25.310 -  
3 47.25.420.

4 (c) The department may not require as a condition of eligibility  
5 under AS 47.25.310 - 47.25.420 that a minor parent or a minor who is  
6 pregnant reside in a particular type of household or institutional  
7 setting.

8 \* Sec. 4. AS 47.25.320 is amended by adding new subsections to read:

9 (e) Until changed under (f) of this section, the department  
10 shall determine the amount of assistance payable for a second adult in  
11 a household where a child is dependent because of the unemployment of  
12 the principal wage earner according to the same standards it uses to  
13 determine the amount of assistance that is payable for a second adult  
14 in a household where a child is dependent because of parental mental  
15 or physical incapacity.

16 (f) In compliance with federal requirements, the department  
17 shall periodically study the standards it uses for determining the  
18 amounts of assistance that will be granted under this section. Based  
19 on the studies, the department shall adjust the standards and amounts  
20 within the maximums established by law. If statutory changes are  
21 needed to make the adjustments otherwise required under this section,  
22 the department shall report to the legislature its recommendations for  
23 changes in law necessary to authorize the adjustments.

24 \* Sec. 5. AS 47.25.410(3) is amended to read:

25 (3) "dependent child" means a needy child under 18 years of  
26 age, or under the age of 19 and a full-time student in a secondary  
27 school or an equivalent level of vocational or technical training that  
28 the child is reasonably expected to complete before reaching age 19,  
29 who is deprived of parental support or care by reason of the death,

1 continued absence from the home, unemployment, or physical or mental  
2 incapacity of a parent, and who is living with a father, mother,  
3 grandfather, grandmother, brother, sister, stepfather, stepmother,  
4 stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece  
5 in a place of residence maintained by one or more of these relatives  
6 as the child's home or their own home, and includes a child

7 (A) who would come within the meaning of dependent  
8 child except for removal of the child after April 30, 1961, from  
9 the home of a relative as a result of a judicial determination to  
10 the effect that continuation therein would be contrary to the  
11 welfare of the child,

12 (B) for whose placement the department is responsible,

13 (C) who has been placed in a foster family home as a  
14 result of such determination, and

15 (D) who received aid under this plan in and for the  
16 month in which court proceedings leading to such determination  
17 were initiated;

18 \* Sec. 6. AS 47.25 is amended by adding new sections to read:

19 ARTICLE 3A. JOB OPPORTUNITY AND BASIC SKILLS PROGRAM (JOBS).

20 Sec. 47.25.421. AUTHORIZATION TO IMPLEMENT PROGRAM. (a) In  
21 order to provide persons receiving aid under AS 47.25.310 - 47.25.420  
22 (Aid to Families with Dependent Children) with incentives, opportuni-  
23 ties, and necessary services for employment, training, and participa-  
24 tion in the nation's economy and to relieve their dependence on the  
25 federal and state social services and welfare system, the department  
26 shall administer a program of education, training, and job placement  
27 entitled JOBS, Job Opportunity and Basic Skills.

28 (b) In implementing the program, the department shall

29 (1) execute on behalf of the state the agreements or

1 contracts with appropriate state and federal agencies that are neces-  
2 sary to enable the state to meet the requirements of federal law;

3 (2) receive and expend money made available for the program  
4 by the state or federal government;

5 (3) supervise the expenditure of the money and the conduct  
6 of the program, ensuring that it complies with state and federal law;

7 (4) make reports and supply certifications that are re-  
8 quired in relation to the program; and

9 (5) otherwise cooperate with the federal government and its  
10 departments and agencies in the administration of the program.

11 (c) The department may carry out the program directly or through  
12 arrangements or under contracts with administrative entities involved  
13 with the Job Training Partnership Act (P.L. 97-300), as amended, with  
14 state and local education agencies, and with other public agencies or  
15 private organizations, including community-based organizations accept-  
16 able under federal regulations. The department shall contract for  
17 services under the program when feasible and in the state's interest.  
18 The department may adopt regulations to govern the operation of the  
19 program components that are operated under contract by other entities.  
20 Whether the department operates the program directly or through con-  
21 tract, the department shall coordinate the program with programs  
22 operated in the state under the Job Training Partnership Act and with  
23 other relevant employment, training, and education programs available  
24 in the state, including programs operated by Indian or Native organi-  
25 zations that receive grants from the federal government to operate  
26 their programs under 42 U.S.C. 682(i) and programs operated or funded  
27 by the State Job Training Coordinating Council in the Department of  
28 Community and Regional Affairs through a grant from the Department of  
29 Labor. The department shall consult with the Department of Education,

1 the Department of Labor, and the Department of Community and Regional  
2 Affairs to promote coordination of the planning and delivery of ser-  
3 vices under the program with programs operated by those departments.

4 (d) The department shall adopt regulations setting criteria for  
5 determining whether a person is in noncompliance with participation  
6 requirements of the program for the purpose of imposing sanctions  
7 under the program for nonparticipation and for noncompliance with a  
8 participation agreement. The department shall consult with Native  
9 organizations that are operating similar programs when developing  
10 regulations under this subsection.

11 Sec. 47.25.423. PROGRAM PARTICIPANTS. (a) The department shall  
12 require participation in the program by persons required to partici-  
13 pate under federal law. Except as provided in AS 47.25.425(f), the  
14 department may not require participation in the program by the parent  
15 or other relative of a child under three years of age if the person  
16 personally provides care for the child.

17 (b) The department may allow applicants for and recipients of  
18 aid under AS 47.25.310 - 47.25.420 to volunteer to participate in the  
19 program whether or not they are required to participate under (a) of  
20 this section.

21 (c) The department may give priority in the program to the  
22 following target populations in the order listed, with further priori-  
23 ty in each group being given to persons in families where the depen-  
24 dent child's custodial parent is under the age of 20:

25 (1) custodial parents under the age of 24 who have not  
26 completed high school or its equivalent and are not enrolled in a  
27 course of study;

28 (2) custodial parents under the age of 24 with little or no  
29 paid work experience in the 12 months preceding their application

1 under the program;

2 (3) members of families in which the youngest child who is  
3 receiving assistance under AS 47.25.310 - 47.25.420 is within two  
4 years of becoming ineligible for assistance because of age;

5 (4) members of families who received aid to families with  
6 dependent children in at least 36 of the 60 months preceding applica-  
7 tion under the program established in AS 47.25.421 - 47.25.429.

8 Sec. 47.25.425. PROGRAM COMPONENTS. (a) The department may  
9 offer to a participant in the program the following types of services  
10 and activities to the extent indicated as appropriate by the initial  
11 assessment under AS 47.25.427(a):

12 (1) educational activities, including high school or equiv-  
13 alent education combined with job training as needed, basic and reme-  
14 dial education to achieve a basic literacy level, education for indi-  
15 viduals with limited English proficiency, and career training through  
16 post-secondary education;

17 (2) job skills training;

18 (3) job readiness activities to help prepare participants  
19 for work;

20 (4) job development and job placement;

21 (5) job search requirements;

22 (6) on-the-job training;

23 (7) a work supplementation program;

24 (8) work experience; and

25 (9) other educational, training, or work-related services  
26 and activities, including reasonable activities designed to promote  
27 and develop entrepreneurial ability and success.

28 (b) The program components described under (a) of this section  
29 must conform to the requirements of federal law so as to ensure the

1 maximum federal financial participation in the costs of the program.

2 (c) In consultation with the Department of Community and Region-  
3 al Affairs and the Department of Labor, the department may initiate  
4 development of innovative public work programs designed to meet fed-  
5 eral requirements related to work activity for a person in a family  
6 that receives assistance on behalf of a dependent child who is depen-  
7 dent because of the unemployment of the primary wage earner in a  
8 two-parent family.

9 (d) To further the purposes of the work supplementation program,  
10 the department may use the options allowed under federal law to

11 (1) adjust the levels of the standards of need set by the  
12 department under AS 47.25.320(a) to the extent the department con-  
13 siders it to be appropriate; the need standards in effect in areas of  
14 the state in which the work supplementation program is in operation  
15 may differ from the need standards in effect in other areas; the need  
16 standards for categories of recipients may vary among the categories  
17 to the extent appropriate on the basis of ability to participate in  
18 the work supplementation program;

19 (2) adjust retrospective budgeting requirements and the  
20 amount of earned income to be disregarded to the extent allowed by  
21 federal law so as to encourage participation in the work supplemen-  
22 tation program and to decrease disincentives for retaining employment;  
23 and

24 (3) supplement jobs in the public and private sectors, as  
25 appropriate.

26 (e) In implementing the program component under which a person  
27 may pursue career training through post-secondary education, the  
28 department shall

29 (1) give priority to participation by persons without a

1 post-secondary degree, persons who were in a post-secondary program of  
2 training or education but whose participation was interrupted because  
3 of family circumstances, persons who have graduated from high school  
4 or hold an equivalent diploma, and persons who need retraining because  
5 of changes in the labor market;

6 (2) establish guidelines under which

7 (A) other sources of educational assistance must be  
8 exhausted before program money is used;

9 (B) the education must be consistent with the person's  
10 employment goal, and the employment goal must be consistent with  
11 the job market of the state;

12 (C) the education must take place in the state unless  
13 a particular type of training is not available in the state; if  
14 out-of-state education is approved, the department shall contract  
15 for supportive services for the participant at the location of  
16 the education, when feasible;

17 (D) the maximum annual or total training cost for  
18 books, tuition, and associated education fees reimbursable under  
19 the program shall be set under regulations of the department;

20 (3) require full-time student status after the initial six  
21 months for each participant and maintenance of a "C" average in graded  
22 programs or "passing" grades in pass/fail programs.

23 (f) In the case of a person who is a custodial parent under the  
24 age of 20, has not successfully completed a high school education or  
25 its equivalent, and is receiving aid under AS 47.25.310 - 47.25.420,  
26 the department may require the person to participate in educational  
27 activities directed toward the attainment of a high school diploma or  
28 its equivalent to the extent required by federal law. This require-  
29 ment is applicable to a person who might otherwise be exempt from

1 full-time participation under regulations of the department because  
2 the person personally provides care for a child under the age of six.  
3 Notwithstanding AS 47.25.423, this requirement is also applicable to a  
4 person who might otherwise be exempt from participation because the  
5 person personally provides care for a child under the age of three.

6 (g) In the case of a person who is a custodial parent at least  
7 20 years old but less than 25 years old, has not successfully complet-  
8 ed a high school education or its equivalent, is receiving aid under  
9 AS 47.25.310 - 47.25.420, had little or no paid work experience in the  
10 12 months preceding the person's application for aid under AS 47.25.-  
11 310 - 47.25.420, and is not otherwise exempt, the department may  
12 require the person to participate in either

13 (1) educational activities directed toward the attainment  
14 of a high school diploma or its equivalent; or

15 (2) another program component described in this section.

16 Sec. 47.25.427. PROGRAM OPERATION. (a) The department may  
17 operate the program under a case management system. Under an agree-  
18 ment described in (d) of this section, the department or the appropri-  
19 ate contractor may assign each participant to the various components  
20 of the program based on an assessment of the participant's

21 (1) family circumstances;

22 (2) needs for education, child care, and other supportive  
23 services;

24 (3) skills, prior work experience, and employability.

25 (b) During the assessment under (a) of this section, the case  
26 manager may recommend to the participant that the participant consider  
27 participating in program components designed to promote and develop  
28 entrepreneurial ability and success. If the assessment required under  
29 (a) of this section indicates that more than one available program

1 component would be appropriate for a participant, the department may  
2 assign the participant to the available appropriate component chosen  
3 by the participant.

4 (c) To the extent allowed by federal law, the components avail-  
5 able to persons who are members of families where two parents are  
6 living in the household may be the same as those available to persons  
7 who are members of families where only one parent is living in the  
8 household.

9 (d) The department shall require the participant, or the adult  
10 caretaker in the family of which the participant is a member, to  
11 negotiate and enter into an agreement with the department that spec-  
12 ifies the participant's obligations under the program, the duration of  
13 participation in the program, and the activities to be conducted and  
14 the services to be provided in the course of the participation. The  
15 agreement must also include a description of what sanctions may be  
16 imposed on the participant for noncompliance with the agreement and  
17 how noncompliance will be determined. The department shall provide  
18 the participant with whatever assistance is needed to review and  
19 understand the agreement. The participant and an authorized represen-  
20 tative of the department shall sign the agreement.

21 (e) Notwithstanding AS 47.25.423(a), the department may not  
22 require a person to participate in the program unless the department  
23 agrees to pay for

24 (1) costs of child care determined by the department to be  
25 necessary for the person's program participation; and

26 (2) other work-related expenses or expenses related to  
27 participation in a training program under AS 47.25.421 - 47.25.429, as  
28 determined by the department; this paragraph does not require the  
29 department to pay for the cost of tuition and books required for an

1 educational activity approved under the program.

2 (f) The department shall operate the program in a way that  
3 complements, where possible, similar programs operated by Indian or  
4 Native organizations under 42 U.S.C. 682(i). The department shall  
5 avoid duplicating Indian or Native program efforts and, where appro-  
6 priate, may negotiate agreements under which a client who is eligible  
7 under either (1) an Indian or Native program or (2) the state program,  
8 may be served by the other program without a change in funding source  
9 for the services provided.

10 Sec. 47.25.429. DEFINITIONS. In AS 47.25.421 - 47.25.429

11 (1) "department" means the Department of Health and Social  
12 Services;

13 (2) "participant" means a person who participates in the  
14 program;

15 (3) "program" means the JOBS program established under  
16 AS 47.25.421 - 47.25.429.

17 \* Sec. 7. AS 23.15.650 is repealed.

18 \* Sec. 8. DEMONSTRATION PROJECT; "UNEMPLOYMENT" DEFINITION. The De-  
19 partment of Health and Social Services shall seek authority and funding  
20 from the federal Secretary of Health and Human Services to conduct a demon-  
21 stration project under sec. 503 of the Family Support Act of 1988 designed  
22 to evaluate the comparative cost and employment effects of an alternative  
23 definition of unemployment that could be used for purposes of granting aid  
24 to families with dependent children who are dependent because of the unem-  
25 ployment of the family's principal wage earner. In the demonstration  
26 program, if approved by the federal government, the department shall ex-  
27 plore the option of eliminating from the definition any requirement relat-  
28 ing to the number of hours worked in a given time period.

29 \* Sec. 9. EXPLORATION OF INNOVATIVE ALTERNATIVES. The Department of

1 Health and Social Services shall explore the possibility of developing an  
2 innovative program of education and training designed for two-parent fami-  
3 lies who receive aid to families with dependent children. The department  
4 shall consider including in the program elements related to participation  
5 by both parents, participation for more than 16 hours a week, combining  
6 work experience and education components to satisfy work history require-  
7 ments, and the use of alternative work experience programs. If the depart-  
8 ment determines that statutory changes are needed to implement this type of  
9 innovative program, the department shall recommend the necessary changes to  
10 the legislature if they involve state law and seek federal approval if they  
11 involve federal law.

12 \* Sec. 10. PILOT PROJECT FOR TEENS. (a) The Department of Education  
13 may award a contract to a school district to establish a pilot project  
14 under which persons of school age who are either pregnant or are parents  
15 could attend an alternative education program designed to meet their needs  
16 for day care, transportation, and education related to parenting, job  
17 skills, health, and fitness.

18 (b) The department may award the project contract described in (a) of  
19 this section to a school district that

20 (1) has access to existing facilities to support the project;

21 (2) will serve persons of school age who are pregnant or are  
22 parents, including eligible school-aged persons from other areas of the  
23 state who are temporarily residing in the district in order to be near its  
24 specialized health facilities;

25 (3) agrees to accept into the project all school-aged persons  
26 receiving assistance under AS 47.25.310 - 47.25.420 (aid to families with  
27 dependent children) who apply for acceptance into the project and meet  
28 project participation criteria; and

29 (4) will work with rural educators to develop methodologies

1 applicable to rural communities.

2 (c) After determining where the project will be located according to  
3 the criteria set out in (b) of this section, the department shall retain  
4 oversight jurisdiction of the project.

5 (d) The department shall require the school district in which the  
6 project is located to submit information that will assist the department in  
7 evaluating the extent to which the project meets the needs of its partici-  
8 pants for day care, transportation, and education. The department shall  
9 also analyze the project's operation to determine the extent to which its  
10 methodologies would be suitable for application in other school districts  
11 that vary in size and demographics. To the extent that the department  
12 determines that the project's methodologies are not suitable for statewide  
13 application, the department shall develop recommendations for other method-  
14 ologies that would be applicable to other school districts.

15 (e) In this section, "school age" has the meaning given in AS 14.03.-  
16 070.

17 (f) This section is repealed June 30, 1992.

18 \* Sec. 11. This Act takes effect October 1, 1990.