

HOUSE BILL NO. 375

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MARTIN

Introduced: 1/13/92

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the Department of Health and Social Services to seek a waiver from
2 the federal government so that the state may require certain recipients of aid to families
3 with dependent children to attend school; and providing for an effective date."

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

5 * Section 1. AS 47.25.423(a) is amended to read:

6 (a) The department shall require participation in the program by persons required to
7 participate under federal law and persons required to participate under (d) of this section.
8 Except as provided in (d) of this section [AS 47.25.425(f)], the department may not require
9 participation in the program by the parent or other relative of a child under three years of age
10 if the person personally provides care for the child.

11 * Sec. 2. AS 47.25.423(b) is amended to read:

12 (b) The department may allow applicants for and recipients of aid under AS 47.25.310 -
13 47.25.420 to volunteer to participate in the program whether or not they are required to
14 participate under (a) or (d) of this section.

1 • **Sec. 3.** AS 47.25.423 is amended by adding new subsections to read:

2 (d) The department shall require an individual who is receiving aid under AS 47.25.310 -
3 47.25.420 to participate in the program by attending a public school if all of the following apply:

4 (1) the individual is of school age, as defined in AS 14.03.070, and has not
5 successfully completed a high school education or its equivalent;

6 (2) the individual is not excused from attending a public school under
7 AS 14.30.010(b);

8 (3) the individual is a parent or is residing with the individual's natural or
9 adoptive parent;

10 (4) if the individual is the caretaker of a child, the child is at least 45 days old,
11 and

12 (A) child care is available for the child at the school;

13 (B) the school provides an instruction program for the caretaker at home;

14 or

15 (C) child care licensed under AS 47.35 is available for the child and
16 appropriate transportation to and from child care is also available;

17 (5) the individual is not prohibited from attending school while an action for
18 suspension or denial of admission is pending under AS 14.30.045;

19 (6) if the individual was suspended from or denied admission to a school, there
20 is a public school available that the individual can attend;

21 (7) if the individual is at least 16 years of age, the school district does not
22 determine that the individual will fail to graduate from high school before reaching the age of
23 20;

24 (8) the individual does not have good cause for failing to attend school, as defined
25 by the department by regulation;

26 (9) if the individual is the mother of a child, a physician has not determined that
27 the individual should delay returning to school after giving birth.

28 (e) The requirement of (d) of this section is applicable to a person who might otherwise
29 be exempt from full-time participation under regulations of the department because the person
30 personally provides care for a child under the age of six.

31 (f) When applying a sanction under AS 47.25.310(a) and 47.25.421(d) for an individual's

1 first failure to comply with the program participation requirements of (d) of this section, the
2 department may not eliminate aid to other persons in the individual's assistance unit even though
3 loss of the individual's eligibility would normally eliminate the eligibility of the entire assistance
4 unit. Instead, under these circumstances, the department shall make a payment under
5 AS 47.25.310 - 47.25.420 to meet only the needs of the individual's parent or parents, or other
6 caretaker relative, who would otherwise be eligible for aid under AS 47.25.310 - 47.25.420.
7 However, aid provided under this paragraph may not be granted for more than three months.

8 (g) The department may require consent to the release of school attendance records as
9 a condition of eligibility for aid under AS 47.25.310 - 47.25.420.

10 (h) If an individual required to attend school under (d) of this section is enrolled in a
11 public school, communications between the school district and the department concerning the
12 individual's school attendance for the purpose of (d) of this section may only be made by a
13 person designated for that purpose by the governing board of the school district.

14 * Sec. 4. AS 47.25.427(e) is amended to read:

15 (e) Notwithstanding AS 47.25.423(a) and (d), the department may not require a person
16 to participate in the program unless the department agrees to pay for

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

19 (2) other work-related expenses or expenses related to participation in a training
20 program under AS 47.25.421 - 47.25.429, as determined by the department; this paragraph does
21 not require the department to pay for the cost of tuition and books required for an educational
22 activity approved under the program.

23 * Sec. 5. AS 47.25.425(f) is repealed.

24 * Sec. 6. (a) By October 1, 1992, the Department of Health and Social Services shall request a
25 waiver from the Secretary of Health and Human Services to allow the application of the school
26 attendance requirement under AS 47.25.423(d) - (h), as enacted by sec. 3 of this Act.

27 (b) The commissioner of health and social services shall send written notice to the legislature
28 and to the revisor of statutes upon receiving federal approval of a waiver submitted under (a) of this
29 section. The commissioner shall also provide for reasonable notice of the new requirements of this Act
30 to recipients of assistance under AS 47.25.310 - 47.25.420 after federal approval of these changes is
31 received.

1 (c) If the federal secretary has not made a decision by April 15, 1993, on the request for waiver
2 submitted under (a) of this section, the commissioner of health and social services shall immediately
3 report that fact to the legislature. If the federal secretary has disapproved the waiver request, the
4 commissioner of health and social services shall immediately report that fact to the legislature along with
5 recommendations as to statutory changes that may be necessary to gain federal approval.

6 * Sec. 7. Section 6 of this Act takes effect immediately under AS 01.10.070(c).

7 * Sec. 8. Except as provided in sec. 7 of this Act, this Act takes effect on the first August 15 that
8 occurs after the commissioner of health and social services sends to the legislature and the revisor of
9 statutes the notice required under sec. 6(b) of this Act or 90 days after the federal waiver is approved,
10 whichever is later.