

a. That AFDC benefits are terminated or reduced because the registrant did not have good cause for failing to participate in JOBS and gives a specific reason for the action;

b. The beginning date, length of sanction and person or persons in the AFDC group to whom the sanction applies;

c. The registrant's right to apply for a fair hearing in accordance with s. PW-PA 20.18 [ch. HSS 225]; and

d. If this is the first sanction, that the sanction ends as soon as the sanctioned individual contacts the agency and agrees to participate in JOBS or accept employment.

(b) If the registrant does not request a fair hearing or if, after a fair hearing has been held, the hearing officer finds that the registrant has failed to participate in JOBS without good cause, the agency shall:

1. Deny aid in an AFDC unemployed parent case as follows:

a. In a case in which both caretaker relatives are required to participate in JOBS, remove the mandatory participant who refuses to participate or accept employment without good cause from the grant, but continue to provide aid to each remaining eligible child and adult in the household if the other caretaker relative is participating in JOBS; and

b. In a case in which only one caretaker relative is required to participate in JOBS, remove the mandatory participant who refuses to participate or accept employment without good cause and the other caretaker relative who is not participating from the grant, but continue to provide aid to each eligible child in the household. If the other caretaker relative who meets an exemption reason under sub. (1) volunteers to participate in JOBS, he or she shall be included in the grant;

2. In an AFDC-regular case, deny aid to any nonexempt caretaker relative or nonexempt dependent child who has failed to participate in JOBS without good cause, but continue to provide aid to each remaining eligible child and adult in the household; and

3. If application of a sanction would otherwise close the case because the sanctioned individual is a dependent child and there are no other eligible children in the household, continue benefit payments to meet the needs of the caretaker relative or relatives as long as the case continues to meet all other eligibility criteria.

(c) A sanction applied under par. (b) shall be effective:

1. Following the first occurrence of nonparticipation, until the failure to comply ceases;

2. Following the second occurrence of nonparticipation, until the failure to comply ceases or for 3 calendar months, whichever is longer; or

3. Following the third and each subsequent occurrence of nonparticipation, until the failure to comply ceases or for 6 calendar months, whichever is longer.

(d) If the sanctioned individual leaves the household, the sanction continues for that individual. The agency shall review eligibility for the remaining household members and shall make any necessary adjustments to the grant immediately. The sanction period shall run concurrently

with other reasons of ineligibility of the individual or the other household members. If, during the sanction period, other circumstances of the household change, the agency shall review eligibility for the household.

(e) The sanction period under par. (c) shall include any other period during which the sanctioned AFDC unemployed parent group, nonexempt primary person or nonexempt dependent child is ineligible for AFDC.

(f) The agency shall send written notice to a sanctioned individual as follows:

1. After 2 months to an individual being sanctioned for the first refusal or failure to cooperate, stating that the sanctioned individual may immediately end the sanction by contacting the agency and agreeing to participate in JOBS or to accept employment;

2. After 2 months to an individual being sanctioned for the second refusal or failure to cooperate, stating that the sanctioned individual may end the sanction after a period of 3 months from the beginning of the sanction has elapsed by contacting the agency and agreeing to participate in JOBS or to accept employment; and

3. After 5 months to an individual being sanctioned for the third or any subsequent refusal or failure to cooperate, stating that the sanctioned individual may end the sanction after a period of 6 months from the beginning of the sanction has elapsed by contacting the agency and agreeing to participate in JOBS or to accept employment.

(g) The agency shall end the sanction pursuant to par. (c) when the sanctioned individual contacts the agency and indicates that he or she will cooperate with the JOBS agency. The agency shall add the individual who had been sanctioned to the grant from the date he or she agrees to participate if all other eligibility factors are met. The agency shall notify the JOBS agency that the individual will cooperate and shall change the status of the individual from sanction to mandatory.

**History:** Cr. Register, April, 1983, No. 328, eff. 5-1-83; emerg. r. and recr. eff. 6-1-86; r. and recr. Register, November, 1986, No. 371, eff. 12-1-86; emerg. am. (1) (intro.), (i) and (j), cr. (1) (k), eff. 11-1-87; am. (1) (intro.), (a), (i) and (j), cr. (1) (k), r. (1) (c), Register, December, 1988, No. 396, eff. 1-1-89; emerg. am. (1) (intro.) to (b), (g), (h), (j), (2) (a) (intro.) to 2. a., (c) 1. and 2., r. and recr. (2) (6) and (d), cr. (2) (c) 3., (f) and (g), eff. 7-1-89; emerg. r. and recr. (2) (d), eff. 8-29-89; am. (1) (intro.) (b), (g), (h), (j) and (k), (2) (a) (intro.) to 2., (c) 1. and 2., cr. (1) (l), (2) (a) 2. d., (c) 3., (f) and (g), r. and recr. (2) (b) and (d), Register, February, 1990, No. 410, eff. 3-1-90.

*Emerg. am. eff. 9/1/94*

**HSS 201.195 Learnfare.** (1) **AUTHORITY AND PURPOSE.** This section is adopted under the authority of s. 49.50(2) and (7)(h)1, Stats., to provide rules for the administration of learnfare, a program that requires that all teenagers who are included in a grant under s. 49.19, Stats., who are parents or who are residing with a natural or adoptive parent and who have not graduated from high school or received a high school equivalency diploma attend school to meet WEOP participation requirements.

*Emerg. r. & recr. eff. 9/1/94*

(2) **APPLICABILITY.** This section applies to all school districts and all county and tribal income maintenance agencies, and to all teenagers included in an AFDC group who are parents or who are residing with a natural or adoptive parent and all AFDC groups which include a teenager who is a parent or who is residing with a natural or adoptive parent.

(3) **DEFINITIONS.** In this section:

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(a) "Ceased to attend" means that the teenager has 20 consecutive full school days of unexcused absences.

(b) "Dropout" means a teenager who has ceased to attend school, continues to reside in the school district, does not attend another school, has not graduated from high school or received a high school equivalency diploma and does not have an acceptable excuse under s. 118.15(1)(b) to (d) or (3), Stats.

(c) "Excused absence" means that the reason for the absence meets the school district's definition of a valid reason for the teenager not to attend school.

(d) "Full day" means the entire school day as defined by the school district.

(e) "High school equivalency diploma" means a certificate of educational achievement issued under s. 115.29(4), Stats., and ch. PI 5 following completion of a course of study.

(f) "Learnfare" means the program established under s. 49.50(7), Stats., which requires that all teenagers attend school to meet WEOP participation requirements.

(g) "Monthly attendance requirement" means that the teenager has no more than 2 full days of unexcused absences in a calendar month.

(h) "School" has the meaning prescribed in s. 49.50(7)(a), Stats., namely, any one of the following:

1. A public school, as described in s. 115.01(1), Stats.;
2. A private school, as defined in s. 115.001(3r), Stats.;
3. A vocational, technical and adult education school pursuant to a contract under s. 118.15(2), Stats.; or
4. A course of study meeting the standards established by the state superintendent of public instruction under s. 115.29(4), Stats., for the granting of a declaration of equivalency of high school graduation.

(i) "School attendance officer" has the meaning prescribed in s. 118.16(1)(a), Stats., namely, an employe designated by the school board to deal with matters relating to school attendance and truancy.

(j) "School district" means the territorial unit for school administration as specified in s. 115.01(3), Stats.

(k) "Teenager" means a person who is 13 to 19 years of age, a member of an AFDC group and a parent or residing with his or her natural or adoptive parent.

(l) "Unexcused absence" means that the reason for the absence does not meet the school district's definition of a valid reason for the teenager not to attend school.

(4) PARTICIPATION IN LEARNFARE. (a) A teenager shall attend school full or part time except that a teenager who has graduated from high school or received a high school equivalency diploma is exempt from the school attendance requirement under this section.

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(b) A teenager who is required to participate in learnfare under this section shall be considered to be meeting the school attendance requirements under the following circumstances:

1. A teenager who is required to attend school shall be considered to have met the attendance requirement by having fewer than 10 full days of unexcused absences from school during the most recently completed school semester.

2. A teenager who has 10 or more full days of unexcused absences from school during the most recently completed school semester or who was a dropout and returned to school during the semester under review or who is unable to verify previous attendance shall comply with the monthly attendance requirement.

3. If the school that the teenager is currently enrolled in does not keep daily attendance records, the teenager shall be considered to be meeting the school attendance requirement if the school verifies the continuing enrollment of the teenager in the semester under review.

4. The teenager is not required to comply with attendance requirements when the school the teenager is attending is not in regular session, including during the summer.

(c) Either the teenager or the primary person shall cooperate in providing information needed to verify enrollment information or good cause under sub. (7). If neither one cooperates, the teenager shall be ineligible for aid as provided under s. HSS 201.22.

(d) A teenager who is required to attend school but has good cause under sub. (7) for not attending may be referred by the agency to the WEOP program under ch. HSS 208.

(e) Either the teenager who is a dropout or the primary person shall notify the agency of the teenager's nonattendance at school in compliance with s. HSS 201.07.

(5) AGENCY RESPONSIBILITIES. (a) The agency shall review attendance information at all initial eligibility determinations and at all reviews under s. HSS 201.09(3).

(b) The agency shall inform the primary person that the signature of the parent, guardian, caretaker or pupil on the AFDC application for initial eligibility or eligibility redetermination constitutes permission for the release of school attendance information by the school district.

(c) 1. The agency shall request information from the school attendance officer in the teenager's school district about the teenager's attendance in the school district's most recently completed semester of attendance.

2. If information about the teenager's previous school attendance is not available or cannot be verified, the agency shall require the teenager to meet the monthly attendance requirement for one semester or until the information is obtained.

(d) The agency shall use the attendance information provided by a school to verify attendance for a teenager.

(e) The agency shall review a teenager's claim that he or she has a good cause reason under sub. (7) for not attending school and shall determine

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if a teenager excused under sub. (7) from attending should be referred to WEOP under ch. HSS 208.

(f) The agency shall administer day care and transportation funds available to teen parents under s. 49.50(7)(e)1, Stats. Payment for the cost of transportation to and from the child care provider shall be in the amount equal to the cost of transportation by the most appropriate means as determined by the department or the agency.

(6) SCHOOL DISTRICT RESPONSIBILITIES. (a) The school attendance officer shall provide information to the agency about the attendance of a teenager who is enrolled in a public school in the school district within 5 working days after the date of receipt of the written request from the agency.

(b) The requirement under 20 USC 1232g and s. 118.125(2), Stats., that written consent be given for a school district to make available the attendance records of a pupil shall be met in the case of a teenager in an AFDC group by the signature of the parent, guardian, caretaker or pupil on the AFDC application for initial eligibility or eligibility redetermination.

(c) The school district shall define how many hours of attendance count as a full day and shall provide that definition, upon request, to the agency.

(d) In reporting attendance, the school district may not add partial day absences together to constitute a full day of absence.

(7) GOOD CAUSE CRITERIA. (a) A teenager who is required to attend school to meet the learnfare participation requirements under s. 49.50(7)(g), Stats., shall comply except when there is good cause which shall be demonstrated by any of the following circumstances:

1. The teenager is the caretaker of a child less than 90 days old;
2. Child care services are necessary for the teenager to attend school but child care licensed under s. 48.65, Stats., certified under s. 48.651, Stats., or established under s. 120.13(14), Stats., is not available. Child care shall be considered unavailable if there is no space available for the child in day care licensed under s. 48.65, Stats., certified under s. 48.651, Stats., or established under s. 120.13(14), Stats., within reasonable travel time and distance, or if the cost of care where space is available exceeds the maximum rate established by the county under s. 46.98(4), Stats.;
3. Transportation to and from child care is necessary for the teenager's child and there is no public or private transportation available;
4. The teenager is temporarily excused from school attendance by the school district under s. 118.15(3), Stats.;
5. The teenager is prohibited by the school district from attending school and an expulsion under s. 120.13(1), Stats., is pending. This exemption no longer applies once the teenager has been formally expelled;
6. The teenager is unable to attend school because he or she was expelled under s. 120.13(1), Stats., and another school is not available because:

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a. There is no public or private school within reasonable travel time or distance which will accept the teenager;

b. There is no public or private transportation available to another school; or

c. There is a public or private school which will accept the teenager but the tuition charge is prohibitive and the teenager's school district refuses to pay the tuition;

7. The teenager is age 16 to 19 and the school district determines that he or she will not graduate from high school by the age of 20; or

8. The teenager failed to attend school for one or more of the following reasons:

a. Illness, injury, or incapacity of the teenager or a member of the teenager's family. In this subparagraph, "member of the teenager's family" means a spouse, child, parent or other dependent relative who lives with the teenager;

b. Court-required appearance or temporary incarceration;

c. Medical or dental appointments for the teenager or his or her child;

d. Death of a relative or a friend;

e. Observance of a religious holiday;

f. Family emergency;

g. Breakdown in transportation;

h. Suspension; or

i. Any other circumstances beyond the control of the teenager.

(b) Additional good cause criteria may be defined by the department through the fair hearing process.

(8) SANCTIONS FOR NOT PARTICIPATING. (a) *Notice*. Upon determining that a teenager has failed without a good cause reason under sub. (7) to attend school, the agency shall send written notice to the primary person which specifies:

1. That the teenager will be removed from the AFDC grant in the next possible payment month because the teenager required to attend school has failed to meet attendance requirements. If the teenager is the only child in the grant and benefit continuation under par. (c) or (e) will no longer apply, the notice shall also state that the entire grant will be discontinued;

2. The beginning date of the sanction, and the teenager to whom the sanction applies;

3. How the primary person can contact the school district for information regarding the children at risk program under s. 118.153, Stats.; and

4. The teenager's or primary person's right to request a fair hearing under par. (b).

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(b) *Fair hearing.* The teenager or primary person may request a fair hearing in accordance with s. 49.50(8), Stats., and s. PW-PA 20.18 on the agency's determination that the teenager has not been attending school.

(c) *Failure to meet monthly attendance requirement.* If the teenager or primary person does not request a fair hearing under par. (b) or if, after a fair hearing has been held, the hearing officer finds that the teenager has failed without good cause to meet the monthly attendance requirement, the agency shall discontinue or deny aid to the teenager in the next possible payment month in which a sanction is not already being applied for the teenager. If application of a sanction would close the case, benefit payments to meet the needs of the caretaker shall continue for one time up to 3 months the first time the teenager is sanctioned.

(d) *Effective period of sanction for failure to meet monthly attendance requirement.* A sanction applied under par. (c) shall be effective for one month for each month the teenager fails to meet the monthly attendance requirement.

(e) *Dropping out of school.* 1. If the teenager or primary person does not request a fair hearing under par. (b) or if, after a fair hearing has been held, the hearing officer finds that the teenager is a dropout, the agency shall discontinue or deny aid in the next possible payment month after the teenager dropped out to the teenager who has ceased to attend school. If application of a sanction would close the case, benefit payments to meet the needs of the caretaker shall continue for one time up to 3 months the first time the teenager is sanctioned.

2. If the fair hearing decision finds against the teenager or if the teenager failed to comply with the reporting requirements under s. HSS 201.07, the month or months the teenager was included in the grant but did not meet the school attendance requirements shall be considered an overpayment under s. HSS 201.30(3)(c).

(f) *Effective period of sanction for dropping out of school.* A sanction applied under par. (e) shall be effective until the teenager who is a dropout provides written verification from the school district that he or she has re-enrolled and has met the monthly attendance requirement under sub. (4) for one calendar month. Any month in which school is in session at least 10 days during that month may be used to meet the attendance requirement under sub. (4). This includes attendance at summer school. The sanction shall be removed in the next possible payment month.

**History:** Emerg. cr. eff. 11-1-87; emerg. r. and recr. eff. 12-4-87, except (7) (a) 1. to 3. and 7. and (b), eff. 3-1-88 and (8), eff. 2-1-88; emerg. am. (8) (c) (e) and (f), eff. 6-1-88; emerg. am. (1), (2) (intro.), (3) (j), (4) (b) 1. and 2., (6) (a) and (b), (8) (c) and (e) 1., renum. (4) (c) and (d), (5) (b) to (e) to be (4) (d) and (e), (5) (c) to (f) and am. (5) (c) 1., cr. (3) (hm), (4) (c), (5) (b) and (6) (c), eff. 9-1-88; cr. Register, December, 1988, No. 396, eff. 1-1-89.

**HSS 201.20 Supplemental security income recipients.** No person receiving SSI shall be eligible for AFDC. The income and assets of SSI recipients shall not be used when determining eligibility of others for AFDC or the amount of assistance to be granted.

**History:** Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.21 Strikers.** Any person who is a striker on the last day of the month shall not be eligible. If the primary person or the primary person's spouse is a striker, the primary person, the primary person's spouse and all children for whom the striker is legally responsible, shall not be eligi-

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ble. In this section, "striker" means a person involved in a strike or concerted stoppage of work by employees or any concerted slowdown or other interruption of operations by employees.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.22 Refusal to provide information.** If an applicant or recipient refuses to provide information necessary to determine AFDC eligibility, the people whose eligibility depends upon this information shall not be eligible. A person shall not be found ineligible for failure to provide verification if it is not within the person's power to provide verification.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.23 Social security number.** A social security number shall be furnished for each person in the AFDC group or, if a person does not have one, application for a number shall be made. If there is a refusal to furnish a number or apply for a number, the person for whom there is a refusal shall not be eligible for AFDC.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.24 Age.** To be eligible for AFDC as a deprived child, the individual shall be under age 18 or qualify as a dependent 18-year old. In this section, "dependent 18-year old" means a person who meets either of the following sets of criteria:

(1) **FIRST SET OF CRITERIA.** Is age 18 and a full-time student in a high school or in a equivalent level of vocational or technical training and can reasonably be expected to complete the program before reaching age 19. In this subsection, "full-time student" means a student who is classified as full-time or who is carrying sufficient credits to be reasonably expected to graduate, or receive a general education diploma before reaching age 19.

(2) **SECOND SET OF CRITERIA.** Is age 18 and regularly attending a high school program leading to a high school diploma and shall be determined to be an essential person. In this subsection, "regularly attending" means attendance which conforms to school rules. A student shall not be required to participate in summer school to be considered regularly attending. In this subsection, "essential person" means a person whom the primary person recognizes to be essential to the well-being of another recipient in the home who is a child under age 18 receiving either AFDC or SSI or a pregnant relative.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.25 Maternity care.** Even though there is no deprived child in the home, maternity care may be granted to a pregnant woman. To be eligible for maternity care the woman shall be at least 7 months pregnant. This requirement shall be met on the first of the month in which she becomes 7 months pregnant. The seventh month of pregnancy shall be established by counting back 3 calendar months from the medically verified expected date of delivery. Only the pregnant woman is eligible for maternity care. If the pregnant woman is married and living with her husband, either she or her husband shall meet the requirements under s. HSS 201.14(2), (3) or (4) for the pregnant woman to be eligible.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

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