

# RULES CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
 DEPARTMENT OF )  
 WORKFORCE DEVELOPMENT )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Stewart, Secretary of the Department of Workforce Development, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to amendments to the Learnfare program, (Subject) were duly approved and adopted by this department on August 13, 1998.

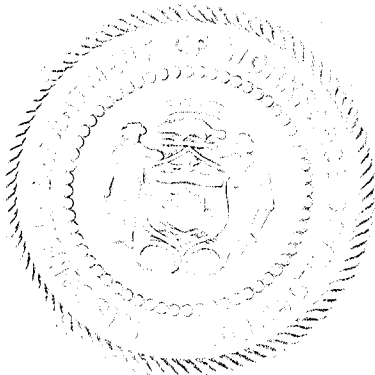
(Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 10:00 a.m. in the city of Madison, this 13th day of August A.D. 1997.

Connie Dagen  
 for Secretary



# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Workforce Development by section(s)

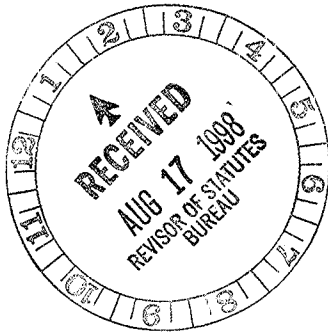
49.26(1)(gm)2 and (h)1, Stats. Stats., the Department of Workforce Development  creates;

amends;  repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

CR Rule 98-026 (Number)

DWD 12.25 - Learnfare Amendments (Title)

The attached rules shall take effect on October 1, 1998 pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 8-13-98

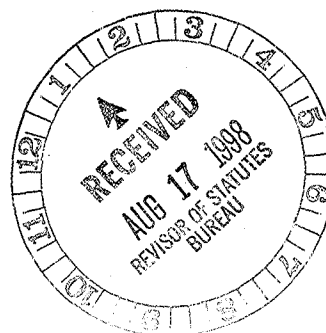
DEPARTMENT OF WORKFORCE DEVELOPMENT

Connie O'Brien  
for Secretary



State of Wisconsin  
Department of Workforce Development

# RULES in FINAL DRAFT FORM



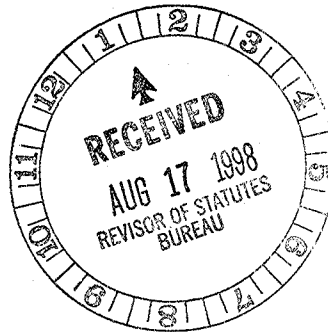
**Rule No.:** CR 98-026

**Relating to:** Learnfare Amendments



State of Wisconsin  
Department of Workforce Development

# RULES in FINAL DRAFT FORM



**Rule No.:** CR 98-026

**Relating to:** Learnfare Amendments

# 1998 AMENDMENTS TO DWD 12.25

## (LEARNFARE)

The Wisconsin Department of Workforce Development proposes an order to repeal DWD 12.25(3)(i) and (m), (4)(b)1. and 2., and (c) to (e), (5)(c)2., (7)(a)9.c. to h., (9)(a)2.c., and (10)(c), (e) and (f); to renumber DWD 12.25(3)(b) to (g), (j) to (L) and (n), and (10)(a), (b) and (d); to renumber and amend DWD 12.25(4)(b)(intro.), (f), and (g), (5)(c)1., (7)(a)9.i. and (10)(title); to amend DWD 12.25(1), (2)(b), (3)(a), (b), (c), (e), (h), (i), (L), (m), (o) and (p), (4)(a), (5)(a), (b), (d) and (f), (6)(a) and (b), (7)(title), (a)(intro.) and 1. to 7., 8.(intro.), a. and c., 9.(intro.)a. and b., and (b), (9)(title), (a)2.(intro.), a. and b., (11)(a)(intro.), 1., 2. and 4., (b), (c)(title), and (c); to repeal and recreate DWD 12.25 (5)(e), (8), and (9)(a)1. and (b); and to create DWD 12.25(3)(b), (d), (j), (k) and (n), (4)(d), (5)(g), (7)(a)9.c. and (10), relating to amendments to the learnfare program.

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### Rule Analysis

Statutory authority for rule: sec. 49.26(1)(gm)2 and (h)1, Stats.  
Statute interpreted by the rule: sec. 49.26, Stats.

This rule implements changes to the learnfare program made by 1997 Wisconsin Act 27 by amending the existing rules on the learnfare program, sec. DWD 12.25, Wis. Adm. Code, as follows:

Application of the school attendance requirement is changed from children aged 6 to 19 to children aged 6 to 17.

A child will not meet the learnfare attendance requirement if the child is not enrolled in school or was not enrolled in the immediately preceding semester.

Participation in case management is required for a child who does not meet the attendance requirements or who is a minor parent, a dropout, a returning dropout, or a habitual truant. If a child fails to meet the attendance requirements, or if the child and the child's parent fail to attend or reschedule a case management appointment or activity after two written advance notices have been given by the W-2 agency, the W-2 agency is required to impose a financial penalty unless an exemption reason or a good cause reason is verified.

The exemption reasons are the same criteria that have in the past been treated as good cause under learnfare. In addition, good cause for failing to participate in learnfare case management includes any of the following:

- Child care is needed and not available.

- Transportation to and from child care is needed and not available on either a public or private basis.
- There is a court-ordered appearance or temporary incarceration.
- Observance of a religious holiday.
- Death of a relative
- Family emergency.
- Illness, injury or incapacity of the child or a family member living with the child.
- Medical or dental appointment for the minor parent or the minor parent's child.
- Breakdown in transportation.
- A review or fair hearing decision identifies good cause circumstances.
- Other circumstances beyond the control of the child or the child's parent, as determined by the W-2 agency.

The financial penalty will be imposed as a reduction of the benefit amount paid to a W-2 participant who is in a community service job (CSJ) or transitional placement and will be imposed as a liability against a W-2 participant who is in a trial job. The amount of the penalty will be \$50 per month per penalty, not to exceed \$150 per W-2 group per month. The financial penalty will be imposed each month until the child meets the school attendance or case management requirements or until an exemption or good cause reason is verified.

SECTION 1. DWD 12.25(1) is amended to read:

DWD 12.25(1) This section is adopted under the authority of ss. ~~49.26(1)(h)1 as and~~ ~~Im.e.~~ 49.26(1)(gm)2 and (h)1 and 103.005(1), Stats., to provide rules for the administration of learnfare, a program that requires that all ~~preteens and teenagers~~ children ages 6 to 17 whose custodial parent is a participant in a W-2 employment position, 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 meet the school attendance requirements and that minor parents, dropouts, returning dropouts and habitual truants participate in case management to meet Wisconsin works participation requirements.

SECTION 2. DWD 12.25(2)(b) is amended to read:

DWD 12.25(2)(b) All ~~preteens and teenagers~~ children ages 6 to 17 included in a W-2 group who are parents or who are residing with a natural or adoptive parent and all W-2 groups

which include a teenager child who is a parent or who is residing with a natural or adoptive parent.

SECTION 3. DWD 12.25(3)(a) is amended to read:

DWD 12.25(3)(a) "Ceased to attend" means that the ~~preteen or the teenager~~ child has 20 consecutive full school days of unexcused absences.

SECTION 4. DWD 12.25(3)(b) and (c) to (f) are renumbered respectively DWD 12.25(3)(c) and (e) to (h), and as renumbered, DWD 12.25(3)(c), (e), (f) and (h) are amended to read:

DWD 12.25(3)(c) "Dropout" means a ~~preteen or a teenager~~ child who has ceased to attend 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.

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

(f) "Habitual truant" means a ~~pupil who is absent from school without an acceptable excuse under ss. 118.15 and 118.16, Stats., for any of the following:~~

~~1. Part or all of 5 or more days out of 10 consecutive days on which school is held in a semester.~~

~~2. Part or all of 10 or more days on which school is held in a semester has the meaning given in s. 118.16(1)(a), Stats.~~

**NOTE:** "Habitual truant" is defined in s. 118.16(1)(a), Stats., as "a pupil who is absent from school without an acceptable excuse under sub. (4) and s. 118.15 for part or all of 5 or more days on which school is held during a school semester."

(h) "Learnfare" means the program established under s. 49.26, Stats., ~~which requires that all preteens and all teenagers attend school to meet Wisconsin works participation requirements and this section~~

SECTION 5. DWD 12.25(3)(i) and (m) are repealed.

SECTION 6. DWD 12.25(3)(g), (j), (k), (L) and (n) are renumbered respectively DWD 12.25(3)(i), (L), (m), (o) and (p), and as renumbered DWD 12.25(3)(i), (L), (m), (o) and (p) are amended to read:

DWD 12.25(3)(i) "Learnfare case management" means intervention for the purpose of assessing family needs, incorporating a plan to maintain school enrollment and further school attendance into the employability learnfare case management plan and assisting in the implementation of the plan for the purpose of maintaining school enrollment and furthering regular school attendance and career preparation by the preteen or the teenager child.

(L) "School" has the meaning prescribed in s. 49.50(7)(a) 49.26(1)(a)2, 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 technical college 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.~~

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



(o) "School district" means the territorial unit for school administration as specified in s. 115.01(3), Stats. and includes a nonresident school district approved under s. 118.51, Stats.

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

SECTION 7. DWD 12.25(3)(b), (d), (j), (k), and (n) are created to read:

DWD 12.25(3)(b) "Child" means a person who is 6 to 17 years old

(d) "Enrolled" means a child is officially registered to attend school

(j) "Minor parent" means a child who is the parent of a dependent child.

(k) "Returning dropout" means a child who was a dropout and reenrolled in school in the same semester in which the child dropped out of school or the immediately succeeding semester.

(n) "School attendance requirement" means the child is enrolled in school or was enrolled in the immediately preceding semester.

SECTION 8. DWD 12.25(4)(a) is amended to read:

DWD 12.25(4)(a) A ~~preteen or a teenager~~ child shall attend school full or part time ~~meet the school attendance requirement~~ except that a ~~preteen or a teenager~~ child who has graduated from high school or received a high school equivalency diploma is exempt from the school attendance requirement under this section.

SECTION 9. DWD 12.25(4)(b)(intro.) is renumbered DWD 12.25(4)(b) and as renumbered is amended to read:

DWD 12.25(4)(b) A ~~preteen or a teenager~~ child who is required to participate in learnfare under this section shall be considered to have failed to have met the school attendance ~~requirements under the following circumstances:~~ requirement if the child is not enrolled in school or was not enrolled in the immediately preceding semester.

SECTION 10. DWD 12.25(4)(b)1 and 2 and (c) to (e) are repealed.

SECTION 11. DWD 12.25(4)(f) is renumbered DWD 12.25(4)(c) and as renumbered is amended to read:

DWD 12.25(4)(c) The ~~preteen, teenager~~ child or the W-2 participant shall cooperate in providing information needed to verify enrollment information or ~~good cause exemption reasons~~ under sub. (7). ~~If none of these individuals cooperate, no eligibility for a W-2 employment position exists~~ neither the child nor the W-2 participant cooperates, the W-2 participant shall be ineligible for a W-2 employment position.

SECTION 12. DWD 12.25(4)(d) is created to read:

DWD 12.25(4)(d) Minor parents, dropouts, returning dropouts, and habitual truants shall participate in case management under sub. (8).

SECTION 13. DWD 12.25(4)(g) is renumbered DWD 12.25 (4)(e) and as renumbered is amended to read:

DWD 12.25(4)(e) The ~~preteen or the teenager who is a dropout~~ or the W-2 participant shall notify the agency of the ~~preteen's or the teenager's dropout's~~ dropout's nonattendance at school in compliance with s. DWD 12.09(2)(m).

SECTION 14. DWD 12.25(5)(a) and (b) are amended to read:

DWD 12.25(5)(a) The W-2 agency shall review enrollment and attendance information at all initial eligibility determinations and at all reviews under s. DWD 12.16 (2) to (4).

(b) The W-2 agency shall inform the W-2 employment position participant that the signature of the participant on the W-2 application constitutes permission for the release of school enrollment and attendance information by the school district.

SECTION 15. DWD 12.25(5)(c)1. is renumbered DWD 12.25(5)(c) and as renumbered is amended to read:

DWD 12.25(5)(c) The W-2 agency shall request information from the school attendance officer in the ~~preteen's or the teenager's~~ child's school district about the ~~preteen's or teenager's~~ child's enrollment and attendance in the school district's current or most recently completed semester of attendance.

SECTION 16. DWD 12.25(5)(c)2. is repealed.

SECTION 17. DWD 12.25(5)(d) is amended to read:

DWD 12.25(5)(d) The W-2 agency shall use the enrollment and attendance information provided by a school to verify enrollment and attendance for a ~~preteen or a teenager~~ child.

SECTION 18. DWD 12.25(5)(e) is repealed and recreated to read:

DWD 12.25(5)(e) The W-2 agency shall review a child's claim that he or she is exempt under sub. (7) from the school attendance requirement, determine if a child is required to participate in case management under sub. (8), and review a child's claim that he or she has a good cause reason under sub. (10) for not participating in case management.

SECTION 19. DWD 12.25(5)(f) is amended to read:

DWD 12.25(5)(f) The W-2 agency shall administer child care, including applying the appropriate child care co-payment under s. 49.155, Stats., and transportation funds ~~available to parents under age 20~~ under s. 49.26(1)(e), 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 W-2 agency.

SECTION 20. DWD 12.25(5)(g) is created to read:

DWD 12.25(5)(g) If the child or W-2 participant does not have the power to produce verification of enrollment or good cause for not participating in case management, or requires assistance to do so, the W-2 agency shall proceed immediately to seek the verification.

**NOTE: See DWD 12.11, relating to verification.**

SECTION 21. DWD 12.25(6)(a) and (b) are amended to read:

DWD 12.25(6)(a) The school attendance officer shall provide information to the agency about the enrollment and attendance of a ~~preteen or a teenager~~ child who is enrolled in the 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 enrollment and attendance records of a pupil shall be met in the case of a ~~preteen or a teenager~~ child in a W-2 group by the signature of the parent, guardian, caretaker or pupil on the W-2 application for initial eligibility or eligibility redetermination.

SECTION 22. DWD 12.25(7)(title), (a)(intro.), 1. to 7., and 8. (intro.), a. and c. are amended to read:

DWD 12.25(7)(title) EXEMPTION REASONS

(7)(a)(intro.) A ~~preteen or a teenager~~ child who is required to ~~attend school~~ meet the school attendance requirement to meet the learnfare participation requirements under s. 49.26, Stats., shall comply except when ~~there is good cause~~ exempt which shall be demonstrated by any of the following circumstances:

1. The ~~preteen or a teenager~~ minor parent is the caretaker of a child who is less than 45 days old.
2. The ~~preteen or the teenager~~ minor parent is the caretaker of a child who is 45 to 89 days old and the ~~preteen or the teenager~~ minor parent has a physician's excuse, or child care for the ~~preteen's or the teenager's~~ minor parent's child is required but there is no available on-site day care at the school and the school has no home instruction program.

3. The ~~preteen or the teenager~~ minor parent is the caretaker of a child who is 90 or more days old and the ~~preteen or the teenager~~ minor parent has a physician's excuse.

4. Child care services for the ~~preteen's or the teenager's~~ minor parent's child are necessary for the ~~preteen or the teenager~~ minor parent 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 of the pupil's home.

5. Transportation to and from child care is necessary for the ~~preteen's or the teenager's~~ minor parent's child and there is no public or private transportation available.

6. The ~~preteen or the teenager~~ child is temporarily excused from school attendance by the school district under s. 118.15 (3), Stats.

7. The ~~preteen or the teenager~~ child 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 ~~preteen or the teenager~~ child has been formally expelled.

8. The ~~preteen or the teenager~~ child is unable to attend school because he or she was expelled under s. 120.13 (1), Stats., and another school is not available because for one of the following reasons:

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

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

SECTION 23. DWD 12.25(7)(a)9.(intro.), a. and b. are amended to read:

DWD 12.25(7)(a)9. (intro.) The ~~preteen or the teenager~~ child failed to attend enroll in school for one or more of the ~~following~~ reasons in this subdivision:

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

b. ~~Court required appearance or temporary~~ Temporary incarceration.

SECTION 24. DWD 12.25(7)(a)9.c. to h. are repealed.

SECTION 25. DWD 12.25(7)(a)9.c. is created to read:

DWD 12.25(7)(a)9.c. The child is on the waiting list for a children-at-risk program under s. 118.153, Stats., and a children-at-risk program that is appropriate for the child is not available.

SECTION 26. DWD 12.25(7)(a)9.i. is renumbered DWD 12.25(7)(a)9.d. and as renumbered is amended to read:

DWD 12.25(7)(a)9.d. Any other circumstance beyond the control of the ~~preteen or the teenager~~ child.

SECTION 27. DWD 12.25(7)(b) is amended to read:

DWD 12.25(7)(b) Additional ~~good cause criteria~~ exemption reasons may be defined by the department through the review of agency decision process under s. DWD 12.22.

SECTION 28. DWD 12.25(8) is repealed and recreated to read:

DWD 12.25(8) CASE MANAGEMENT. (a) When a child fails to meet the school attendance requirements or when a child is determined to be a minor parent, dropout, returning dropout, or habitual truant, the W-2 agency shall require the child to participate in case management.

(b) Upon referral or identification of a child for whom case management is required, the W-2 agency shall schedule an initial appointment with the child and the child's parent to conduct an assessment and complete a learnfare case management plan. The W-2 agency shall schedule the appointment at a time when the appointment will not interfere with the child's school schedule or the parent's work schedule. The W-2 agency shall send written notice of the appointment to the child and the child's parent at least 7 working days before the appointment date. The notice shall clearly state that if the child and the child's parent are unable to attend, the child or the child's parent shall contact the W-2 agency before the scheduled appointment date to reschedule the appointment.

(c) If the child and the child's parent fail to attend or reschedule the initial appointment, the W-2 agency shall send a second and last written notice. This notice shall ask the child or the child's parent to contact the W-2 agency within 5 working days and shall state that if the child or the child's parent does not contact the W-2 agency within 5 working days a financial penalty will be imposed.

(d) Case management requirements include the following:

1. The child and the child's parent shall participate in the assessment and the development of the learnfare case management plan and the parent shall sign the completed plan.

2. If the child is a dropout, the child or the child's parent shall provide verification of the child's return to school and attendance within 7 working days of the date that a school is available.

3. The child and the child's parent shall attend meetings scheduled by the W-2 agency. The W-2 agency shall schedule the meetings times when the meetings will not interfere with the parent's work schedule. The W-2 agency shall send written notice of a meeting to the child and the child's parent at least 7 working days before the scheduled meeting date. The notice shall

clearly state that if the child and the child's parent are unable to attend, the child or the child's parent shall contact the W-2 agency before the scheduled meeting date to reschedule the meeting. If the child and the child's parent fail to attend or reschedule the meeting, the W-2 agency shall send a second and last written notice. This notice shall ask the child or the child's parent to contact the W-2 agency within 5 working days and shall state that if the child or the child's parent does not contact the W-2 agency within 5 working days a financial penalty will be imposed.

4. If the W-2 agency determines that the child needs special services, the W-2 agency shall make the special services available at a time that does not interfere with the parent's work schedule. If the parent's participation is required, the parent shall participate along with the child in the special services activities.

5. The child or the child's parent, or both, shall engage in activities identified by the W-2 agency in the learnfare case management plan as necessary to maintain school enrollment or improve school attendance.

SECTION 29. DWD 12.25(9)(title) is amended to read:

DWD 12.25(9)(title) CRITERIA FOR APPLYING A FINANCIAL PENALTY.

SECTION 30. DWD 12.25(9)(a)1. is repealed and recreated to read:

DWD 12.25(9)(a)1. Except as provided under subd. 2., a child who fails to meet the school attendance requirement under sub. (4) without an exemption reason under sub. (7), or who fails to participate in case management under sub. (8) without good cause under sub. (10) and continues to fail to meet the school attendance requirement, may have a financial penalty imposed under sub. (11).

SECTION 31. DWD 12.25(9)(a)2.(intro.), a. and b. are amended to read:



DWD 12.25(9)(a)2 (intro.) No ~~sanction~~ financial penalty may be imposed ~~and any~~ existing ~~sanction shall be removed in the next possible payment month in which a sanction is not~~ already being applied for the preteen under any of the following circumstances:

a. The agency has not made a ~~case manager~~ case management available to a preteen child who has failed to meet the school attendance requirements requirement under sub. (4) or who is required to participate in case management under sub. (8).

b. The preteen child or ~~preteen's family~~ his or her parent is unable to comply with the learnfare case management plan because a service identified is not available and no appropriate alternative service as determined by the ~~learnfare case manager~~ W-2 agency is available.

SECTION 32. DWD 12.25(9)(a)2 c. is repealed.

SECTION 33. DWD 12.25(9)(b) is repealed and recreated to read:

DWD 12.25(9)(b) The W-2 group of a child who fails to meet the school attendance requirement under sub. (4) without an exemption reason under sub. (7), or who fails to participate in case management under sub. (8) without good cause under sub. (10) and continues to fail to meet the school attendance requirement, may have a financial penalty imposed under sub. (11) as long as he or she continues to do so or until an exemption reason under sub. (7) or a good cause reason under sub. (10) is verified.

SECTION 34. DWD 12.25(10)(c), (e) and (f) are repealed.

SECTION 35. DWD 12.25(10)(title) is renumbered DWD 12.25(11)(title) and as renumbered is amended to read:

DWD 12.25(11) APPLYING FINANCIAL PENALTIES.

SECTION 36. DWD 12.25(10)(a), (b), (d) are renumbered DWD 12.25(11)(a), (b) and (c).

SECTION 37. As renumbered, DWD 12.25(11)(a)(intro ), 1, 2, and 4, (b), (c)(title), and (c) are amended to read:

DWD 12.25(11)(a)(intro ) Upon determining that a ~~sanction or~~ financial penalty is proper under sub. (9), the W-2 agency shall send written notice to the W-2 participant which specifies all of the following:

1. That the CSJ or transitional benefit will be reduced or that a financial penalty will be imposed on a trial job participant, in the amount of \$50 per month per ~~child~~ penalty not to exceed \$150 per W-2 group per month, ~~in the next possible payment month~~ because the preteen child ~~required to attend school~~ has failed to meet the school attendance requirements and requirement ~~or the child~~ has failed to participate in learnfare case management ~~or the teenager required to attend school has failed and continues to fail~~ to meet the school attendance requirements requirement.

2. The ~~beginning date of the sanction or financial penalty, and the preteen or the teenager~~ child to whom the ~~sanction or~~ financial penalty applies.

4. The ~~preteen's, teenager's~~ child's or W-2 participant's right to request a review under par. (b), and that if a review is requested within 10 days of the date of the notice, the penalty will not be imposed until after the fact finding review decision.

(b) The ~~preteen, teenager~~ child or W-2 participant may request a review of an agency decision in accordance with s. 49.26, Stats., and s. DWD 12.22 on the W-2 agency's determination that a ~~sanction or~~ financial penalty is proper under sub. (9). If a review is requested within 10 days of the date of the notice of financial penalty, the penalty shall not be imposed until after the fact finding review decision, unless the participant withdraws the petition in writing or abandons the petition.

(c)(title) *Effective period of financial penalty.* A sanction or financial penalty applied under par. (e) shall be effective imposed each payment month until the preteen child meets the monthly school attendance requirement and or participates in case management or the teenager meets the monthly attendance requirement an exemption reason under sub. (4) or a good cause reason under sub. (7) (10) is verified.

SECTION 38. DWD 12.25(10) is created to read:

DWD 12.25(10) GOOD CAUSE FOR NOT PARTICIPATING IN CASE MANAGEMENT. (a) The W-2 agency shall determine if a child or the child's parent had good cause for failing to participate in learnfare case management. In making such a determination, the W-2 agency may require the child or the child's parent to provide written documentation that good cause existed. If the child or the child's parent does not have the power to produce documentation of good cause, or requires assistance to do so, the W-2 agency shall proceed immediately to seek the documentation.

(b) Good cause for failing to participate in learnfare case management shall be any of the following circumstances:

1. Child care is needed for the child to participate in case management, but child care is not available.
2. Transportation is needed to and from child care for the minor parent's child, but neither public nor private transportation is available.
3. Court-required appearance, including required court appearances for a victim of domestic abuse, or temporary incarceration.
4. Observance of a religious holiday.
5. Death of a relative.
6. Family emergency.

7. Illness, injury, or incapacity of the child or a family member living with the child. In this subdivision, "family member" means a spouse, child or parent.

8. Medical or dental appointment for the minor parent or the minor parent's child.

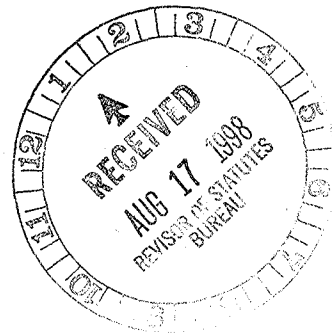
9. Breakdown in transportation.

10. A review decision under s. 49.152, Stats., identifies circumstances that justify good cause.

11. Other circumstances beyond the control of the child or the child's parent, but only as determined by the W-2 agency.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

(End)



Tommy G. Thompson  
Governor  
  
Linda Stewart  
Secretary



State of Wisconsin

Department of Workforce Development

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RS

August 13, 1998

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 W. Wilson St.  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: CR 98-026  
  
RULE NO.: DWD 12:25  
  
RELATING TO: Learnfare Amendments

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

Linda Stewart  
Secretary

