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Fighting Poverty Through Advocacy.

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Written Testimony to the House Committee on Families, Children, and Seniors on HB 4041

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Introduction

Chairperson Hooker and members of the committee, my name is Katie Linehan and I am an attorney for the Center for Civil Justice (CCJ), a non-profit organization based out of Flint. We provide a variety of services to low-income people and their advocates in a 14-county region of mid-Michigan and the Thumb. We regularly meet and work closely with many non-profit human services providers, including faith-based and community-based organizations, and a myriad of other agencies that work to assist parents who are trying hard to maximize their potential for self-sufficiency. These agencies also work to fill the gaps when low income families lack the resources to make ends meet.

I am providing written testimony in opposition to HB 4041. HB 4041 seeks to amend section 57b of the Social Welfare Act using the exact same language that was proposed by HB 4388 in 2013. HB 4041 would add a provision to the Social Welfare Act that:

- Prohibits an entire family from receiving cash assistance benefits, if a child in that family under the age of 16 is not attending school in compliance with the Revised School Code; and
- Prohibits cash assistance to a child age 16 and over who is not attending school in compliance with the School Code, but would not prohibit cash assistance to the others in the group.

While HB 4041, directs DHS to implement policies, it is clear from its general and vague structure that HB 4041 is intended to codify the current DHS policies. As a result, our testimony is focused on the deficiencies in the policy as we believe any legislation should address deficiencies, rather than codify them.

Unacceptable features of the current policy and HB 4041 include:

- The lack of a statewide standard for schools districts to use when measuring acceptable attendance;
- Penalties that deny assistance to an entire family, including children who are not truant or are not of school age and parents who may not be able to control a child's truant behavior once the child arrives at school;
- Penalties that further destabilize families by putting them at risk of homelessness and thus undermine educational success;

- Failure to ensure services, such as supervision of older children while a parent is working, that may be necessary to improve attendance and support; and
- Failure to define and recognize good cause exceptions, including disability-related absences.

HB 4041 and current DHS policy lack clarity and guidance in defining or establishing standards for “regular school attendance.”

Neither HB 4041 nor current DHS policy provides any guidance, definition, or standard concerning a uniform state-wide definition of school attendance. While HB 4041 refers to Section 1561 of the Revised School Code, MCL 380.1561, for the description of “compulsory school attendance”, that statute adds nothing that would clarify this nebulous term. DHS policy leaves it up to local schools and school districts to define or set standards for enrollment and attendance compliance. Virtually every school district has an attendance policy that is unique to that district. Some districts notify parents after a single instance of truancy and others do not inform parents until there are several instances. Definitions of what is an ‘excused’ absence also vary.

It is highly unlikely that each school district’s policy would include any direction or explanation concerning how its attendance records are to be maintained for purposes of reporting to DHS on individual children. Furthermore, it was very apparent from community meetings at the time the DHS policy was implemented that there is a wide divergence concerning schools’ approach to suspensions and how those are reflected on students’ attendance records. Without sufficient guidance in either the proposed legislation, the Revised School Code, or the current DHS policy, inconsistent and unacceptable results across the state are guaranteed.

HB 4041 provides for severe punishment for an entire family—including pre-school and non-truant siblings—if a child age 6 through 15 does not meet the nebulous “regular school attendance” test.

HB 4041 codifies longstanding DHS policy that requires verification of school attendance for dependent children age 16 through 18 (and minor parents) who have not graduated from high school. These older teens and minor parents are removed from the family’s cash assistance grant if they fail to attend school. As long as the family includes other children, the family continues to receive cash assistance, reduced to remove the truant child.

Effective October 1, 2012, DHS modified its written policy so that an entire family’s cash assistance benefit is stopped if a child in the family aged 6 through 15 does not regularly attend school. HB 4041 would codify this harmful and severe policy, which punishes families already struggling under the stress of poverty. For families in deep poverty, loss of their already meager income means dire consequences not only for the truant child, but for any other child in the household who is not truant, including infants and pre-schoolers. Loss of income makes it impossible for families to make ends meet, leading to eviction or utility shutoffs, and further instability that cannot possibly lead to improved school attendance.

Furthermore, a sibling's truancy is almost certainly beyond the control of the children who are regularly attending school, or not yet old enough to attend, and may be beyond the control of the parents as well. Even the most diligent parent has little control over school attendance of a 14- or 15-year-old child who is dropped off at the school door, goes into the building, but then leaves at any time during the school day and is subsequently absent. Moreover, once a child turns 13, DHS doesn't offer any financial help to indigent parents, who have to work in the early morning, to pay for adult supervision to ensure older children get to school.

For many families who rely on FIP to make ends meet during a period of unemployment or underemployment, this full family sanction means the loss of all or most of the family's monthly income—a punishment for a child's truancy that is so severe one could hardly imagine it being imposed on any other group of families. This puts the entire family at risk of homelessness, utility shut-offs, and resulting involvement of the child protection system, which is expensive and terribly disruptive for families. In addition, the policy puts the family's cash assistance benefit into the hands of children as young as six years of age. This is a significant burden for a young child.

Absent from HB 4041 are any provisions for good cause exceptions or mandated services to address the causes of school attendance issues prior to sanction.

Neither the proposed legislation nor the current DHS policy creates any exceptions based on good cause. For that matter, neither addresses the very real challenges facing families with children with disabilities that may impact school attendance. Relying on schools and school districts to address these serious issues while creating and applying district-by-district policy is ill-advised and will result in vastly different treatment of cash assistance groups being challenged by disabilities.

Likewise, neither the proposed legislation nor the current DHS policy requires DHS to assess and assist the cash assistance group in overcoming challenges that result in a child's school attendance issue *prior* to application of the severe sanction of terminating the group's cash assistance benefit. An example of such a challenge is a situation previously described in which a parent, who cannot receive paid childcare (because the child is 13 or older), works at a job that requires them to leave home before the child leaves for school. Such a situation could well interfere with the parent's ability to ensure consistent school attendance.

Conclusion

The State of Michigan and DHS should be removing barriers and assisting families toward self-sufficiency, rather than creating more barriers and pushing these families further away from those goals. Instead of directly addressing the issue of school attendance, this proposed legislation and the DHS policy it seeks to codify sanction the entire family for the actions of one child. That sanction will not guarantee the child's school attendance and will create barriers in the family's path toward self-sufficiency.

