STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
**DEPARTMENT OF SOCIAL SERVICES**
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ALL COUNTY LETTER 14-47

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order
[ ] Clarification Requested by One or More Counties
[X] Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS
ALL REFUGEE PROGRAM COORDINATORS
ALL CHILD CARE COORDINATORS
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: QUESTIONS AND ANSWERS REGARDING SELF-INITIATED PROGRAMS (SIPs) IN THE CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) WELFARE-TO-WORK (WTW) PROGRAM

REFERENCES: ALL COUNTY LETTER (ACL) 99-32, 10-09, 12-69, ALL COUNTY INFORMATION NOTICE (ACIN) I-50-04, I-13-11, WELFARE AND INSTITUTIONS CODE (WIC) SECTION 11325.23

The purpose of this letter is to provide guidance to counties regarding SIPs in the CalWORKs program. Contained in this letter is an attachment which answers questions received by the California Department of Social Services (CDSS) Employment Bureau.

If you have any program policy questions regarding the information in this letter, please contact your CDSS Employment Bureau county consultant at (916) 654-2137.

Sincerely,

***Original Document Signed By:***

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment

## QUESTIONS AND ANSWERS REGARDING SELF-INITIATED PROGRAMS

**Question 1:** If an individual is enrolled in a community college at the time of appraisal, but has not been accepted into a degree or certificate program, must the request for a SIP be approved?

**CDSS Response:** No, but an individual may still transfer into an approvable program. ACL 99-32 dated April 29, 1999, and Manual of Policies and Procedures (MPP) Section 42-711.549 explain that for purposes of Sections 42-711.541 and 42-711.547, "enrolled" means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions imposed by the institution offering the program, to maintain current enrollment status. If there are no formal acceptance procedures for the program, then enrollment status includes the declaration of a major. Therefore, if these criteria are not met, a request for a SIP shall not be approved. However, a student who is not in an approvable program at the time of appraisal, including a student who has not declared a major, may continue until the next education break, switch to an approvable program, and qualify as a SIP participant, as outlined in MPP Section 42-711.547. If the individual is completing general education, he or she must declare a major prior to the next education break in an approvable program. SIPs shall not be approved for individuals completing general education without a declared major.

**Question 2:** Can non-credit study time be included as part of a SIP?

**CDSS Response:** No. Unless the individual receives academic credit for the study time, it is not one of the activities listed in MPP section 42-716.31(a) through (j), and may not be included in a SIP participant's WTW plan. MPP Section 42-711.544 and Welfare and Institutions Code (WIC) Section 11325.23(a)(2)(C) explain that if participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities does not meet the per week hourly participation requirements, the county shall require concurrent participation in specified WTW activities to reach the hourly participation requirement.

**Question 3:** May exempt volunteers qualify for SIPs?

**CDSS Response:** Yes. In order to qualify for a SIP, an individual must be participating in a qualifying education or training program prior to appraisal, as described in MPP Section 42-711.541. This would also include an exempt individual who chooses to volunteer. If the individual was not appraised prior to becoming exempt, then the individual may qualify for a SIP if he or she chooses to volunteer. However, if the individual was appraised prior to becoming exempt, and the individual was not enrolled in a qualifying program prior to the date of the initial appraisal, then the individual would not be eligible for a SIP.

## QUESTIONS AND ANSWERS REGARDING SELF-INITIATED PROGRAMS

Exempt volunteers participating in SIPs are not required to participate for 20 hours or 30 hours a week. In addition, SIP participants that become exempt at a later date may return to participation as a SIP if they continued to meet all SIP criteria, or their program was interrupted, as described in ACL 13-01.

For example, if an individual was appraised, became exempt and later enrolled in a degree or certificate program during the exemption period, then the individual would not qualify for a SIP if he or she chooses to volunteer or after the exemption ends. However, if the individual was enrolled prior to appraisal, or was not required to attend appraisal before becoming exempt, the individual may qualify for a SIP if he or she chooses to volunteer during the exemption or after the exemption ends.

**Question 4:** Can a SIP be limited to a program that is no longer than 12 months in order to be approved?

**CDSS Response:** No. As stated in MPP Section 42-711.541 and ACL 99-32, a SIP is approved based on the following criteria:

1) The individual is enrolled as of the date he or she is appraised, or the date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment; and
2) The individual is making satisfactory progress in that program; and
3) The program will lead to self-supporting employment; and
4) The individual's WTW plan reflects this determination.

Program length is not part of the SIP approval criteria, and may not be used to determine eligibility for a SIP. An individual's SIP may not be denied, nor may the individual be required to change to another program, because of the length of the individual's program. As stated in MPP Section 42-711.543, counties must annually compile a list of approvable programs in cooperation with local education providers, based on what available programs will lead to employment. Programs on this list are determined to lead to employment, and will meet the requirements of MPP Section 42-711.543. Counties are reminded that if a program is not on the list, the county must provide written notice to the student on how to establish that the program will lead to employment.

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**Question 5:** Two-parent families are allowed to split the 35-hour per week work participation requirement. Does this rule also apply if both parents want to be in SIPs?

**CDSS Response:** No. MPP Sections 42-711.421 and .421(b) explain that an adult participant in a two-parent assistance unit, whose basis for aid is unemployment, shall participate at least 35 hours per week, and that both parents may contribute to this requirement. However if participation in a SIP is not at least 30 hours for one parent in a two parent household, the CWD shall require concurrent participation in work activities, pursuant to MPP Sections 42-716.31(a) through (j) to reach the 30-hour requirement (MPP Section 42-711.544 and WIC Section 11334.8). If both parents qualify for SIPs, they each have a 30-hour per week participation requirement, and are each entitled to necessary supportive services.

**Question 6:** What is the requirement of the second parent in a two-parent household if the first is in a SIP?

**CDSS Response:** If only one parent is in a SIP, that parent has an individual requirement of 30 hours each week. The remainder of the 35 hours must be met by either the individual in a SIP or the other parent in the household. If the non-SIP parent is exempt or has timed out, then the SIP individual must meet the full 35 hours required for the household, unless the exempt individual chooses to volunteer. If the non-SIP parent is excluded from the AU and it is considered a single parent AU with a requirement of 20 hours, then the SIP hourly requirement is also 20 hours.

**Question 7:** Are individuals participating in SIPs required to take summer classes? If they do not take classes over the summer or during other breaks, does the SIP end?

**CDSS Response:** No. If the program that the individual is participating in does not require or offer classes during the summer or other breaks, the individual would not be required to enroll in additional classes during those breaks. The individual would still be required to participate for 20 or 30 hours, as applicable, in WTW activities, based on the individual's assessment and according to MPP Section 42-711.544 and WIC Section 11325.23. In this case, the individual is still considered to be participating in a SIP, and will continue his or her program when classes resume. Because the individual is in a SIP, the activities he or she may participate in outside of classroom, laboratory, or internship hours are limited to those described in MPP Section 42-711.544. If the individual does not participate in WTW activities during the break, he or she may be sanctioned, but would not lose SIP status when the break ends. The county may not require an individual to attend classes during the summer or other breaks if it is not required by the participant's school or program.

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All changes to the required activities must be documented in the individual's WTW plan, and done sufficiently in advance that the individual can make any necessary changes to their transportation, child care or other necessary services.

**Question 8:** May an individual who has completed his or her education program continue to participate in a SIP if he or she is moving on to another education program? For example, an individual who has completed an associate degree or certificate program and wishes to transfer to a university to continue his or her education in the same field.

**CDSS Response:** The individual may be allowed to transfer; however, the program would not be a SIP. SIPs are available to an individual who is enrolled in a degree or certificate program at the time of appraisal, as described in MPP Section 42-711.541. An individual may continue their education if unable to find unsubsidized employment after completion of a SIP, and the county determines that further education is necessary. However, any programs after completion of a SIP would be WTW education activities.

An exception to this is if the individual's SIP is part of a structured education plan, as determined by the county and local education providers, which extended beyond the degree or certificate he or she was initially working toward. In this case the entire plan will be considered a single program for the purposes of MPP Section 42-711.541. The individual will need to meet all requirements, such as maintaining satisfactory progress, for the overall program, as well as for the specific school at which he or she is currently enrolled. For example, if a community college student is enrolled in an Associate Degree for Transfer Program, then the individual's program would be the bachelor's degree that the transfer program is designed to earn.

**Question 9:** Can a county require an individual in a SIP to use financial aid to pay for transportation and ancillary expenses such as books?

**CDSS Response:** No. WTW participants, including those enrolled in SIPs, are entitled to all necessary supportive services detailed in MPP Section 42-750. Financial aid cannot be used for WTW supportive services unless the individual voluntarily signs a Student Financial Aid Statement Welfare to Work Supportive Services (WTW 8) form. Please see ACIN I-50-04, I-13-11, and ACL 10-09 for more information. CDSS encourages counties to enter into agreements with local community colleges to best manage available resources.

## QUESTIONS AND ANSWERS REGARDING SELF-INITIATED PROGRAMS

**Question 10:** Are SIPs subject to the Welfare-to-Work 24-Month Time Clock?

**CDSS Response:** Yes, individuals in SIPs are WTW participants and subject to the Welfare-to-Work 24-Month Time Clock. However, many individuals in SIPs are able to meet CalWORKs federal standards through vocational education or concurrent activities such as unsubsidized employment or work study. In those situations, months would not count towards the Welfare-to-Work 24-Month Time clock. If an individual has exhausted his or her Welfare-to-Work 24-Month Time Clock, and does not receive an extension, he or she may continue in the approved SIP, but are also required to meet CalWORKs federal standards' core/non-core requirements through activities either related to the SIP, or assigned concurrently.

Counties are reminded that SIPs may not be denied if the SIP would extend past the individual's Welfare-to-Work 24-Month Time Clock. While an individual is required to meet CalWORKs federal standards after exhausting his or her Welfare-to-Work 24-Month Time Clock, the individual is still considered a SIP as long as they are making satisfactory progress.

**Question 11:** Which side of the WTW 2, page 1, should be completed for a SIP?

**CDSS Response:** If an individual's SIP and concurrent activities are such that the individual will meet CalWORKs federal standards as described in ACL 12-69, then the right side of the WTW 2 ("Federal Work Activities") should be completed. Otherwise, the left side of the form ("CalWORKs Welfare-to-Work 24-Month Time Clock") should be completed.