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CERTIFICATE

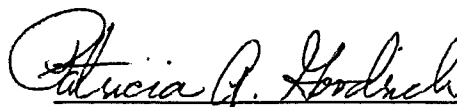
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to the conditions under which the enrollment of a recipient of Aid to Families with Dependent Children (AFDC) in a vocational or academic college meets the work/training requirement for AFDC recipients were duly approved and adopted by this Department on October 8, 1990.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 8th day of October, 1990.

SEAL:



Patricia A. Goodrich, Secretary
Department of Health and Social Services

10-1-90

10-4-90

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
CREATING RULES

To create HSS 208.065, 209.03(1m), and 210.04(2m), relating to the extent to which and the conditions under which enrollment of an AFDC recipient in a vocational or technical school or in an undergraduate program at an academic college or university meets the requirement that a recipient participate in employment and training activities as a condition of eligibility for AFDC.

Analysis Prepared by the Department of Health and Social Services

The intent of the Aid to Families with Dependent Children (AFDC) program is to provide temporary financial support to eligible families and to help the parent or parents return to or attain economic self-sufficiency. As a condition of eligibility for AFDC, recipients are required to register for employment and training and, unless exempt, to participate in the Job Opportunities and Basic Skills (JOBS) Training program as created by the Family Support Act of 1988 (P.L. 100-485). The purpose of the JOBS program and Wisconsin's own welfare reform efforts is to ensure that AFDC recipients obtain the education and training they need to help them avoid long-term dependence on public assistance.

On July 1, 1989, the Department implemented the JOBS program under a JOBS state plan approved by the Office of Family Assistance, U.S. Department of Health and Human Services. Under this plan the Department will permit AFDC recipients to satisfy the requirement that they participate in employment and training activities by their participation in post-secondary education and training programs. The final JOBS regulations at 45 CFR Part 250 (Federal Register, 10/13/89) provide that a state may consider an individual enrolled in a vocational or technical school or in an undergraduate program at an academic college or university to be meeting the requirement that a recipient participate in employment and training activities as a condition of eligibility for AFDC.

The rules proposed in this order, affecting ch. HSS 208, Wisconsin Employment Opportunities Program (WEOP), ch. HSS 209, Community Work Experience Program (CWEP) and ch. HSS 210, Work Experience and Job Training (WEJT) program, establish a uniform statewide policy on post-secondary education and training in relation to the employment and training program participation requirement and establish the conditions under which enrollment in a vocational or technical school or in an undergraduate program at an academic college or university will qualify as satisfactory participation in JOBS.

An AFDC employment and training agency may initiate post-secondary education or training for a mandatory participant. Participation in post-secondary education or training must be based on the recipient's employability plan. Employment and training program funds may be used to pay for the cost of the post-secondary education or training but alternative funds such as grants or loans must be sought first, unless the employment and training agency determines it is in the best interest of the program and the participant to fund the activity. The participant must be enrolled in a program at a vocational or technical school or be enrolled in another education or training program that by definition is classified as a 2 year program.

An AFDC applicant or recipient who is participating in self-initiated post-secondary educational activities at the time he or she enrolls in the JOBS program or who begins participation after enrolling in the JOBS program may continue to attend and will be determined to be satisfactorily participating in JOBS under certain conditions. To meet the JOBS participation requirement, a mandatory participant will be required to participate full-time in post-secondary education or training activities as defined by the institution. If, however, he or she chooses to attend school part-time, that person may also have to participate in other employment and training activities for a total of no more than 129 hours per month. An exception may be made if individual or family circumstances prevent full-time attendance. The employment and training agency will determine the number of hours the individual must participate in other employment and training activities, taking into account the number of hours the individual spends in classroom and nonclassroom educational activities. A JOBS participant must be enrolled in an education or training program, must be making satisfactory progress and be in good academic standing as determined by the school, and the educational activities must have a clear employment goal. In a 2-parent household, participation in post-secondary educational activities will count as satisfactory participation for only one parent.

The Department's authority to create these rules is found in s.49.50(2), (7)(am), (7j)(a) and (7m)(k), Stats. The rules interpret s.49.50(7)(am) to (d) and (f), (7j)(a), (as) and (d) and (7m)(a), (f), (fm) and (h), Stats.

SECTION 1. HSS 208.065 is created to read:

HSS 208.065 PARTICIPATION IN POST-SECONDARY EDUCATION AND TRAINING PROGRAMS. (1) APPROVAL. The WEOP agency shall determine if post-secondary education or training activities for a WEOP participant constitutes satisfactory participation in WEOP. That determination shall be made in accordance with the conditions set forth in this section.

(2) DEFINITIONS. In this section:

(a) "Calendar year" means a continuous period of 12 months beginning with the month participation in educational activities begins and including months when a mandatory participant is not attending school.

(b) "Remedial education" means educational activities to enable an individual to complete high school or the equivalent or achieve a basic literacy level, or education for an individual with limited English proficiency.

(3) POST-SECONDARY EDUCATION OR TRAINING INITIATED BY WEOP. The WEOP agency may initiate post-secondary education or training activities for a WEOP participant. Conditions for WEOP agency initiation and continued acceptance of those activities are as follows:

(a) The participant has completed orientation, his or her educational needs have been assessed, an employability plan has been developed as required under 42 USC 682b and the education program is included in the employability plan;

(b) The participant is able to obtain funds other than WEOP to pay for the cost of the education or training. The WEOP agency may grant an exception if the participant and the WEOP agency are unable to find alternative funding, or if the WEOP agency determines that funding the activity is in the best interests of the WEOP program;

(c) The participant enrolls in and attends a program at a vocational or technical school, or enrolls in and attends another education or training program that would, by definition of the education or training institution, be classified as a 2 year program. This may include a program at an academic college or university if the individual has previously earned sufficient credits to complete the course of study within 2 calendar years if the individual was attending full-time. This does not mean that the individual is required to complete the remaining degree work within 2 years. Time spent in remedial education is not counted against the 2 years. Enrollment in a graduate program at a college or university is not acceptable;

(d) The participant has not previously completed a degree or diploma course of study at a vocational or technical school or at an academic college or university. The WEOP agency may grant an exception for a participant who needs education to update skills or secure certification related to a previously completed course of study. The WEOP agency may also grant an exception if the participant has completed a 2 year degree program in a field where there are few prospects for employment as determined by the WEOP agency;

(e) The education or training activities have a clear employment goal in a recognized occupation where there are prospects for employment as determined by the WEOP agency;

(f) The participant is participating full-time, as defined by the institution, in the education or training activities. If the individual chooses to attend school less than full-time, the WEOP agency may also require the participant to work or participate in other employment and training activities for a combined total of no more than 129 hours per month. Study time shall be included in calculating the 129 hours. The WEOP agency may grant an exception if individual or family circumstances prevent full-time participation;

(g) The participant is making satisfactory progress in the educational program and is in good academic standing as defined by the school. The WEOP agency shall review the individual's progress in education or training activities;

(h) During periods when school is not in session, the WEOP agency may require the participant to participate in other employment and training activities. If the WEOP agency requires the participant to participate during periods when school is not in session, the WEOP agency shall assign the participant to appropriate temporary activities which may include employment. Participation in these activities may not prevent the individual from returning to school. In this paragraph, "when school is not in session" means in the summer, if the participant is not attending summer school, and between-quarter or between-semester breaks of 3 or more weeks;

(i) Participation in post-secondary education or training activities counts as satisfactory participation for only one parent in a 2-parent household; and

(j) Participation in training or education activities approved by the department's division of vocational rehabilitation is considered as meeting the requirements of this subsection.

(4) SELF-INITIATED POST-SECONDARY EDUCATION OR TRAINING. When an AFDC recipient is participating in self-initiated post-secondary education or training activities, the conditions for approval under sub. (1) shall be as follows:

(a) The participant:

1. Applied for admission in the post-secondary education or training program before being referred to WEOP and has been accepted;

2. Applied for admission in the post-secondary education or training program during a period of at least a month or more when he or she was not assigned to another WEOP activity and has been accepted;

3. Was a student in good standing as defined by the post-secondary education or training institution at the time this subsection became effective.

(b) The participant has not quit a permanent full-time job without good cause within the 12 month period prior to enrolling in the WEOP program. A participant shall be considered to have good cause if any of the following apply:

1. The participant's gross monthly income on the job was less than the sum of the AFDC grant for that family size, plus the income amounts that would have been disregarded in AFDC for child care, work-related expenses and earned income disregards;

2. The job paid less than 185% of the federal poverty line and did not offer health care benefits for one or more members of the AFDC group;

3. Personal circumstances, including but not limited to divorce, death of a family member, physical disability or relocation, caused the participant to quit the job; or

4. Other good cause reasons under s.HSS 208.05 apply;

(c) The participant has completed orientation, his or her education and training needs have been assessed, an employability plan has been developed as required under 42 USC 682b and the education program is included in the employability plan;

(d) The participant is enrolled in a vocational or technical school or is enrolled in an academic college or university in an undergraduate program. Enrollment in a graduate program at a college or university is not acceptable;

(e) The participant has not previously completed a degree or diploma course of study at a vocational or technical school or at an academic college or university. The WEOP agency may grant an exception for a participant who needs education to update skills or to secure certification related to a previously completed course of study. The WEOP agency may also grant an exception if the participant completed a 2 year degree program in a field where there are few prospects for employment as determined by the WEOP agency;

(f) The cost of the schooling is financed by a source other than WEOP, such as by a federal or state grant or loan or a combination of grant and loan;

(g) The educational activities have a clear employment goal in a recognized occupation where there are prospects for employment as determined by the WEOP agency;

(h) The participant is making satisfactory progress in the education or training program and is in good academic standing, as determined by the school. The WEOP agency shall review the participant's progress in the education and training activities. The WEOP agency may not require a participant to come in for a review during times when he or she is scheduled for educational activities;

(i) The participant is participating full-time, as defined by the institution, in post-secondary education or training activities. If the individual chooses to attend school less than full-time, the WEOP agency may require the participant to work or participate in other employment and training activities for a combined total of no more than 129 hours per month. Study time shall be included in calculating the 129 hours. The WEOP agency manager may grant an exception if individual or family circumstances prevent full-time participation and the individual is attending a vocational or technical school or, if attending an academic college or university, the individual has less than 2 years of a 4 year program to complete at the time he or she first enrolls in WEOP. In unusual situations, the WEOP agency may also grant an exception for an individual who is attending the first 2 years of a 4 year program, if temporary circumstances expected to last no more than one year prevent full-time participation;

(j) During periods when school is not in session, the WEOP agency may require the participant to participate in other employment and training activities. If the WEOP agency requires the participant to participate during periods when school is not in session, the WEOP agency shall assign the participant to appropriate temporary activities. Participation in these activities may not prevent the participant from returning to school. In this paragraph, "when school is not in session" means in the summer, if the participant is not attending summer school, and between-quarter or between-semester breaks of 3 or more weeks;

(k) Participation in post-secondary education or training counts as satisfactory participation for only one parent in a 2-parent household; and

(l) Participation in training or education activities approved by the department's division of vocational rehabilitation is considered as meeting the requirements of this subsection.

SECTION 2. HSS 209.03(lm) is created to read:

HSS 209.03(lm) PARTICIPATION IN SELF-INITIATED POST-SECONDARY EDUCATION AND TRAINING PROGRAMS. An agency shall determine if participation in post-secondary education or training activities by a mandatory participant constitutes satisfactory participation in CWEP. That determination shall be made in accordance with the following conditions:

(a) The participant:

1. Applied for admission in the post-secondary education or training program before being referred to CWEP and has been accepted;

2. Applied for admission in the post-secondary education or training program during a period of at least a month or more when he or she was not assigned to another CWEP activity and has been accepted; or

3. Was a student in good standing as defined by the post-secondary education or training institution at the time this subsection became effective.

(b) The participant has not quit a permanent full-time job without good cause within the 12 month period prior to enrolling in the CWEP program. A participant shall be considered to have good cause if any of the following apply:

1. The participant's gross monthly income on the job was less than the sum of the AFDC grant for that family size plus the income amounts that would have been disregarded in AFDC for child care, work-related expenses and earned income disregards;

2. The job paid less than 185% of the federal poverty line and did not offer health care benefits for one or more members of the AFDC group;

3. Personal circumstances including but not limited to divorce, death of a family member, physical disability or relocation, caused the participant to quit the job; or

4. Other good cause reasons under s. HSS 209.03(3) apply;

(c) The participant has completed orientation, his or her education and training needs have been assessed, an employability plan has been developed as required under 42 USC 682b and the education program is included in the employability plan.

(d) The participant is enrolled in a vocational or technical school or is enrolled in an academic college or university in an undergraduate program. Enrollment in a graduate program at a college or university is not acceptable;

(e) The participant has not previously completed a degree or diploma course of study at a vocational or technical school or at an academic college or university. The CWEP agency may grant an exception for a participant who needs education to update skills or to secure certification related to a previously completed course of study. The CWEP agency may also grant an exception if the participant completed a 2 year degree program in an field where there are few prospects for employment as determined by the CWEP agency;

(f) The cost of the schooling is financed by a source other than CWEP, such as by a federal or state grant or loan or a combination of grant and loan;

(g) The educational activities have a clear employment goal in a recognized occupation where there are prospects for employment as determined by the CWEP agency;

(h) The participant is making satisfactory progress in the education or training program and is in good academic standing, as determined by the school. The CWEP agency shall review the participant's progress in the education and training activities. The CWEP agency may not require a participant to come in for a review during times when he or she is scheduled for educational activities;

(i) The participant is participating full-time, as defined by the institution, in post-secondary education or training activities. If the individual chooses to attend school less than full-time, the CWEP agency may require the participant to work or participate in other employment and training activities for a combined total of no more than 129 hours per month. Study time shall be included in calculating the 129 hours. The CWEP agency manager may grant an exception if individual or family circumstances prevent full-time participation and the individual is attending a vocational or technical school or, if attending an academic college or university, the individual has less than 2 years of a 4 year program to complete at the time he or she first enrolls in CWEP. In unusual situations, the CWEP agency may also grant an exception for an individual who is attending the first 2 years of a 4 year program, if temporary circumstances expected to last no more than one year prevent full time participation;

(j) During periods when school is not in session, the CWEP agency may require the participant to participate in other employment and training activities. If the CWEP agency requires the participant to participate during periods when school is not in session, the CWEP agency shall assign the participant to appropriate temporary activities. Participation in these activities may not prevent the participant from returning to school. In this paragraph, "when school is not in session" means in the summer, if the participant is not attending summer school, and between-quarter or between-semester breaks of 3 or more weeks;

(k) Participation in post-secondary education or training counts as satisfactory participation for only one parent in a 2-parent household; and

(l) Participation in training or education activities approved by the department's division of vocational rehabilitation is considered as meeting the requirements of this subsection.

SECTION 3. HSS 210.04(2m) is created to read:

HSS 210.04(2m) PARTICIPATION IN POST-SECONDARY EDUCATIONAL PROGRAMS. (a) Approval. The WEJT agency shall determine if post-secondary education or training activities for a WEJT participant constitute satisfactory participation in the WEJT program. That determination shall be made in accordance with conditions set forth in this subsection.

(b) Definitions. In this subsection:

1. "Calendar year" means a continuous period of 12 months beginning with the month participation in educational activities begins and including months when a mandatory participant is not attending school.

2. "Remedial education" means educational activities to enable an individual to complete high school or the equivalent or achieve a basic literacy level, or education for an individual with limited English proficiency.

(c) Post-secondary education or training initiated by WEJT. The WEJT agency may initiate post-secondary education or training activities for a WEJT participant. Conditions for WEJT initiation and continued acceptance of those activities are as follows:

1. The participant has completed orientation, his or her educational needs have been assessed, an employability plan has been developed as required under 42 USC 682b and the education program is included in the employability plan;

2. The participant is able to obtain funds other than WEJT to pay for the cost of the education or training. The WEJT agency manager may grant an exception if the participant and the WEJT agency are unable to find alternative funding, or if the WEJT agency manager determines that funding the activity is in the best interests of the WEJT program;

3. The participant enrolls in and attends a program at a vocational or technical school, or enrolls in and attends another education or training program that would, by definition of the education or training institution, be classified as a 2 year program. This may include a program at an academic college or

university if the individual has previously earned sufficient credits to complete the course of study within 2 calendar years if the individual was attending full-time. This does not mean that the individual is required to complete the remaining degree work within 2 years. Time spent in remedial education is not counted against the 2 years. Enrollment in a graduate program at a college or university is not acceptable;

4. The participant has not previously completed a degree or diploma course of study at a vocational or technical school or at an academic college or university. The WEJT agency may grant an exception for a participant who needs education to update skills or secure certification related to a previously completed course of study. The WEJT agency may also grant an exception if the participant has completed a 2 year degree program in a field where there are few prospects for employment as determined by the WEJT agency;

5. The education or training activities have a clear employment goal in a recognized occupation where there are prospects for employment as determined by the WEJT agency;

6. The participant is participating full-time, as defined by the institution, in the education or training activities. If the participant chooses to attend school less than full-time, the WEJT agency may also require the participant to work or participate in other employment and training activities for a combined total of no more than 129 hours per month. Study time shall be included in calculating the 129 hours. The WEJT agency may grant an exception if individual or family circumstances prevent full-time participation;

7. The participant is making satisfactory progress in the educational program and is in good academic standing as defined by the school. The WEJT agency shall review the individual's progress in education or training activities;

8. During periods when school is not in session, the WEJT agency may require the participant to participate in other employment and training activities. If the WEJT agency requires the participant to participate during periods when school is not in session, the WEJT agency shall assign the participant to appropriate temporary activities which may include employment. Participation in these activities may not prevent the individual from returning to school. In this subdivision, "when school is not in session" means in the summer, if the participant is not attending summer school, and between-quarter or between-semester breaks of 3 or more weeks;

9. Participation in post-secondary education or training counts as satisfactory participation for only one parent in a 2-parent household; and

10. Participation in training or education activities approved by the department's division of vocational

rehabilitation is considered as meeting the requirements of this subsection.

(d) Self-initiated post-secondary education or training.

When an AFDC recipient is participating in self-initiated post-secondary education or training activities, the conditions for approval under par. (a) shall be as follows:

1. The participant:

a. Applied for admission in the post-secondary education or training program before being referred to WEJT and has been accepted;

b. Applied for admission in the post-secondary education or training program during a period of at least a month or more when he or she was not assigned to another WEJT activity and has been accepted; or

c. Was a student in good standing as defined by the post-secondary education or training institution at the time this subsection became effective.

2. The participant has not quit a permanent full-time job without good cause within the 12 month period prior to enrolling in the WEJT program. A participant shall be considered to have good cause if any of the following apply:

a. The participant's gross monthly income on the job was less than the sum of the AFDC grant for that family size, plus the income amounts that would have been disregarded in AFDC for child care, work-related expenses and earned income disregards;

b. The job paid less than 185% of the federal poverty line and did not offer health care benefits for one or more members of the AFDC group;

c. Personal circumstances including but not limited to divorce, death of a family member, physical disability or relocation, caused the participant to quit the job; or

d. Other good cause reasons under s. HSS 210.04(5) apply;

3. The participant has completed orientation, his or her education and training needs have been assessed, an employability plan has been developed as required under 42 USC 682b and the education program is included in the employability plan;

4. The participant is enrolled in a vocational or technical school or is enrolled in an academic college or university in an undergraduate program. Enrollment in a graduate program at a college or university is not acceptable;

5. The participant has not previously completed a degree or diploma course of study at a vocational or technical school or at

an academic college or university. The WEJT agency may grant an exception for a participant who needs education to update skills or to secure certification related to a previously completed course of study. The WEJT agency may also grant an exception if the participant completed a 2 year degree program in a field where there are few prospects for employment as determined by the WEJT agency;

6. The cost of the schooling is financed by a source other than WEJT, such as by a federal or state grant or loan or a combination of grant and loan;

7. The educational activities have a clear employment goal in a recognized occupation where there are prospects for employment as determined by the WEJT agency;

8. The participant is making satisfactory progress in the education or training program and is in good academic standing, as determined by the school. The WEJT agency shall review the participant's progress in the education and training activities. The WEJT agency may not require a participant to come in for a review during times when he or she is scheduled for educational activities;

9. The participant is participating full-time, as defined by the institution, in post-secondary education or training activities. If the individual chooses to attend school less than full-time, the WEJT agency manager may also require the participant to work or participate in other employment and training activities for a combined total of no more than 129 hours per month. Study time shall be included in calculating the 129 hours. The WEJT agency manager may grant an exception if individual or family circumstances prevent full-time participation and the individual is attending a vocational or technical school or, if attending an academic college or university, the individual has less than 2 years of a 4 year program to complete at the time he or she first enrolls in WEJT. In unusual situations, the WEJT agency manager may also grant an exception for an individual who is attending the first 2 years of a 4 year program, if temporary circumstances expected to last no more than one year prevent full time participation;

10. During periods when school is not in session, the WEJT agency may require the participant to participate in other employment and training activities. If the WEJT agency requires the participant to participate during periods when school is not in session, the WEJT agency shall assign the participant to appropriate temporary activities. Participation in these activities may not prevent the participant from returning to school. In this subdivision, "when school is not in session" means in the summer, if the participant is not attending summer school, and between-quarter or between-semester breaks of 3 or more weeks;


11. Participation in post-secondary education or training counts as satisfactory participation for only one parent in a 2-parent household; and

12. Participation in training or education activities approved by the department's division of vocational rehabilitation is considered as meeting the requirements of this subsection.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register as provided in s.227.22(2), Stats.

Wisconsin Department of Health
and Social Services

Dated: October 8, 1990

By: 

Patricia A. Goodrich
Secretary

SEAL: