

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 28, 1997

ALL COUNTY LETTER 97-70

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: IMPLEMENTATION OF IMMUNIZATION & SCHOOL ATTENDANCE PROVISIONS - CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY FOR KIDS (CalWORKs) PROGRAM

REFERENCE: ASSEMBLY BILL (AB) 1542, CHAPTER 270, STATUTES OF 1997

The purpose of this letter is to provide implementation instructions to the County Welfare Departments (CWDs) on the new immunization and school attendance provisions of Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997. AB 1542 allows the California Department of Social Services (CDSS) to implement these new provisions through All County Letter (ACL). The CDSS will be adopting emergency regulations no later than July 1, 1998. The CDSS will issue additional ACLs to provide instructions for implementing other provisions of AB 1542.

IMMUNIZATION (WIC Section 11265.8)

Effective January 1, 1998, all parents/caretaker relatives must furnish verification that all pre-school age children in the assistance unit (AU) have received age-appropriate immunizations. This new requirement applies to all applicants and recipients of CalWORKs.

The immunizations required under this new provision are those recommended by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics and the American Academy of Family Physicians. Attachment 1 specifies the currently recommended immunizations and the ages at which they should be received. These recommended immunizations are updated annually. Starting February 1998, CWDs will annually receive information on any changes to these recommended immunizations directly from the Immunizations Branch of the Department of Health Services through its "Immunization Update" newsletter.

Counties are advised to work with their local county health departments' Immunization Coordinators, and Child Health and Disability Prevention (CHDP) Coordinators in implementing this new provision. Attachments 2 & 3 are lists of the local county Immunization Coordinators and CHDP Coordinators. Counties have discretion in the method of implementation of this new provision. The Immunization Branch, however, will provide additional implementation suggestions and tools directly to counties which counties may consider.

EXEMPTIONS

The immunization requirement does not apply if the parent/caretaker relative submits a physician's written statement that the child should not be immunized for medical reasons. The statement should include the prohibitive medical condition and duration. An AU shall also be exempted upon submission of an affidavit that the immunization requirement is contrary to their beliefs.

VERIFICATION

Verification of immunizations must be submitted at application, and recipients must continue to submit verification at redetermination until the child(ren) completes all age-appropriate immunizations or reaches the age of six. Applicants for CalWORKs must submit verification within 30 days of determination of eligibility for Medi-Cal, and applicants receiving Medi-Cal shall have 45 days to submit verification. Current CalWORKs recipients shall submit verification within 45 days of annual redetermination. Verification of immunization for a child(ren), under the age of six, who is added to the AU is submitted in accordance with the applicant time frames outlined above. The CWD has discretion in determining acceptable verification.

FAILURE TO COOPERATE

In establishing failure to cooperate, counties must determine that applicants who applied for CalWORKs and Medi-Cal simultaneously have had Medi-Cal benefits available to them for use for at least 30 days prior to the deadline for submitting immunization verification. If an applicant/recipient fails to submit verification of immunization for any pre-school age child(ren) in the AU, the grant shall be reduced by the amount equal to the needs of the parent or caretaker relative in the AU. For two-parent families, the needs for both parents/caretaker relatives shall be disallowed. Because this penalty is imposed on a "month to month" basis, the mandatory voucher/vendor payment provision does not apply. However, the parent(s)/caretaker relative(s) subject to the afore-mentioned penalty are still required to comply with their work requirements pursuant to their Welfare to Work Plan. Information regarding the Welfare to Work Plan is provided in the CalWORKs Welfare to Work ACL 97-72. Additionally, information regarding mandatory voucher/vendor payments is provided in the Financial Provisions ACL 97-66.

The parent(s)/caretaker relative(s) subject to the penalty is not included in the AU size for purposes of determining the MAP for both financial eligibility and the grant computation.

Any non-exempt income the penalized parent(s)/caretaker relative(s) may receive, however, is counted. Once verification is submitted, the grant is increased to include the parent/caretaker relative's needs effective the first of the month in which verification is received. See Attachment 4 for an example of the grant computation.

A summary of the various penalties under the CalWORKs program will be provided in chart format in an All County Information Notice to be released in the near future.

GOOD CAUSE

The county shall determine if good cause exists for not submitting verification due to lack of reasonable access to immunization services. If the county determines good cause exists, the applicant/recipient shall have an additional 30 days in which to submit immunization verification. Applicants whose applications are in process at the time of implementation may be granted an additional 30 days if the county determines they did not have reasonable access to immunization services.

DATA COLLECTION/TRACKING

The CDSS is currently assessing reporting and tracking requirements relative to CalWORKs. Acknowledging the need to address the data collection needs as expeditiously as possible, the Information Services Bureau and the California Welfare Directors Association have established a sub-committee to specifically review these issues. Counties will receive instructions in a subsequent letter regarding the data collection requirements for immunization.

INFORMING REQUIREMENT

At the time of application and redetermination, all applicants and recipients must be given a notice informing them of:

- their obligation to secure immunizations for the children in the AU under the age of six;
- the recommended immunizations;
- the immunization exemptions due to personal/religious beliefs or for medical reasons; and
- how immunizations may be obtained.

A recommended informing notice (Temp CW 101) that fulfills the above statutory informing requirements has been developed by CDSS for county use. See Attachment 5. Counties may reformat or reword the narrative to meet the county's needs. Counties will be responsible for revising the informing notice annually to update the recommended immunizations. Additional informational material on immunizations may be obtained from local health department Immunization Coordinators and through the local CHDP Program.

SCHOOL ATTENDANCE (WIC Section 11253.5)

Effective January 1, 1998, all children in the AU for whom school attendance is compulsory pursuant to the Education Code Section 48200 must attend school as a CalWORKs requirement. What constitutes failure to attend school is defined by the school district. In addition, those recipients not exempted from the Welfare to Work requirements must have this school attendance requirement incorporated as part of their Welfare to Work Plan. Anyone eligible for the Cal-Learn program and children subject to participation in county school attendance demonstration projects in Merced and San Diego counties are exempted from this provision.

VERIFICATION/GOOD CAUSE

Applicants for CalWORKs are not required to verify school attendance for the child(ren) in the AU prior to being granted assistance. For the cases approved for CalWORKs assistance counties will have discretion as to when verification of school attendance is required. Similarly county discretion exists regarding acceptable verification and determination of good cause for lack of school attendance. When requested by the county, recipients must cooperate in providing documentation routinely available from the school or school district of school attendance for all applicable children in the AU.

Counties are advised to work with their local school districts to identify and/or develop methods of verifying school attendance when school attendance documentation is not routinely available to recipients. Counties should also consult with local school districts in establishing reasonable timeframes for recipients to obtain verification.

FAILURE TO COOPERATE

If the child in the AU is not regularly attending school and is under age 16, the grant shall be reduced by the amount equal to the needs of the parent(s) or caretaker relative(s) in the AU. If the child is age 16 or older, the child's needs shall not be considered. Because this penalty is imposed on a "month to month" basis, the mandatory voucher/vendor payment provision does not apply. However, the parent(s)/caretaker(s) or child subject to the aforementioned penalty are still required to comply with their work requirements pursuant to their Welfare to Work Plan. Information regarding the Welfare to Work plan is provided in the CalWORKs Welfare to Work ACL 97-72. Additionally, information regarding mandatory voucher/vendor payments is provided in the Financial Provisions ACL 97-66.

The parent(s)/caretaker relative(s) or child subject to the penalty is not included in the AU size for purposes of determining the MAP for the AU and in the MAP used to compute the AU's aid payment. Any non-exempt income the penalized parent/caretaker relative(s) or child may receive, however, is counted. Once verification is submitted, the grant is increased to include the parent/caretaker relative's or child's needs effective the first of the month in which verification is received. See Attachment 4 for an example of the grant computation.

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DATA COLLECTION/TRACKING

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INFORMING REQUIREMENT

All applicants and recipients of CalWORKs shall be informed of this new requirement. Attachment 6 is a recommended informing notice CDSS has developed for county use. Counties may reformat or reword the narrative to meet the county's needs.

NOTICES OF ACTION

Attachment 7 lists changes in Notice of Action (NOA) messages along with copies, for the new immunization and school attendance provisions. For all NOA's, CWDs should cite the appropriate county directives, instructions, or procedures when applicable.

TRANSLATIONS

Counties should call the Forms Management Bureau at (916) 657-1907 or CALNET at 437-1907 for camera-ready copies of any form, NA form, NOA messages or suggested informing language in any language. However, counties that have provided Language Services Bureau with a county contact and the specific languages requested (Spanish, Chinese, Cambodian, and Vietnamese) will automatically be sent those languages as soon as the document (form/NA form/NOA messages/informing notice) is translated.

CONTACTS

Any questions regarding this letter may be directed to Henry Puga at (916) 654-1068 or CALNET (916) 454-1068. Contact Elizabeth Allred for questions regarding forms at (916) 657-3350 or ATSS (916) 457-3350. Attachments 8 & 9 are lists of questions and answers for the immunization and school attendance requirements as requested by counties.

Sincerely,

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments