



**Temporary Assistance for Needy Families (TANF)  
and Learnfare  
Virginia Department of Social Services  
October 2020**

- Legal Basis of Learnfare
- Brief History of Learnfare
- School Attendance Requirements
- Definition of Truancy
- Learnfare Coordinators
- TANF Program Requirements



# Legal Basis of Learnfare

3

## *Code of Virginia*

- **§22.1-254 et seq.** – Addresses compulsory attendance and exemptions to compulsory attendance. Link: <https://law.lis.virginia.gov/vacode/22.1-254/>
- **§22.1-258 et seq.** – Addresses truancy and the intervention process. Link: <https://law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-258/>
- **§63.2-606** – Ties compliance with compulsory school attendance to TANF eligibility – Link: <https://law.lis.virginia.gov/vacode/63.2-606/>



## *Administrative Code of Virginia*

**22VAC40-35-50** – Requires the Virginia Department of Social Services (VDSS) and the Virginia Department of Education (DOE) to establish procedures to carry out the Learnfare requirement - Link to the regulation:

<https://law.lis.virginia.gov/admincode/title22/agency40/chapter35/section50/>



# History of Learnfare

# 4

In 1995, the Virginia General Assembly enacted Virginia's welfare reform legislation, the *Virginia Independence Program* (VIP). As part of the welfare reform initiative, the "Learnfare" requirement, an effort to reduce student truancy by tying Aid to Families with Dependent Children (AFDC) payments to the school attendance of school aged children in AFDC assistance units, was introduced.



5



- Required local school divisions to provide notice to parents or guardians regarding compulsory school attendance requirements and enforcement procedures;
- Redefined unexplained absences that triggered intervention;
- Clarified the role of attendance officers; and
- Increased the penalties for noncompliance with compulsory school requirements.

# History of Learnfare (Cont'd)

# 6

In August 1999, each school division was asked to designate a Learnfare Coordinator to whom the Virginia Department of Social Services, Home Office, in Richmond, would email TANF data each month.

Currently, Learnfare data is emailed monthly to Learnfare Coordinators at local school divisions.



# School Attendance Requirement

# 7

## **Children under Age 18**

To be eligible for TANF assistance, children in the assistance unit under age 18, including minor parents, must comply with the compulsory school attendance requirement, pursuant to §22.1-254 et seq. of the *Code of Virginia*.

## **Children Age 18**

To be eligible for TANF assistance, a child age 18 must meet the school attendance requirement. If he is attending a secondary school or vocational/technical school of secondary equivalency and is meeting the enrollment and attendance requirements as determined by the local school board, he meets the school attendance requirement.





# School Attendance Requirement

# 8

To accurately capture school attendance in the VaCMS, the **Education – Details** screen must be completed correctly. Proper completion of the **Enrollment Status** in the **Current Education Details** section of the screen is particularly important. This field captures whether a child is enrolled in school (full-time or part-time), not enrolled, truant or his enrollment status is unknown.

**Current Education Details**

School Name:	<input type="text" value="Nonview Elem"/>	School Address:	<input type="text"/>
Type of Educational Institution:	<div>Full-time Not Enrolled Part-time <b>Truant</b> Unknown</div>	Verification:	<input type="text" value="Collateral contact with school"/>
* Enrollment Status:		Be participating in a work incentive program or be assigned to or placed in an institution of higher education through:	<input type="text"/>
Anticipated graduation date:	<input type="text" value="mm/dd/yyyy"/>	Is the individual participating in a state or federally financed work-study program during the regular school year?:	<input type="text"/>
Is the individual physically, mentally or emotionally unprepared to attend school?:	<input type="text"/>	Student works at least 80 hours per month:	<input type="text"/>
Student is self-employed at least 20 hours per month:	<input type="text"/>	Student meets the minimum wage requirement:	<input type="text"/>
Satisfactory Progress?	<input type="text"/>	Satisfactory Progress Validation:	<input type="text"/>
Approved Activity or Not?	<input type="text"/>	Caretaker in School Validation:	<input type="text"/>
Caretaker in School Same Time as Child?	<input type="text"/>		
Is Child care available?	<input type="text"/>		





# School Attendance Requirement

9

For example, for a child **age 5**, who will not reach his 6<sup>th</sup> birthday until after September 30 of the school year, whose parent or guardian notifies the school board that he does not wish the child to attend school until the following school year because the child is not physically, mentally or emotionally prepared to attend school, the child's **Enrollment Status** must be **Not Enrolled** and the below highlighted question must be answered, **Yes**. Otherwise, the child's participation status will be "countable child" and he will be excluded from the assistance unit with the Notice Reason: *Not enrolled full time in school*.

Current Education Details	
School Name:	<input type="text"/>
School Address:	<input type="text"/>
Type of Educational Institution:	<input type="text"/>
* Enrollment Status:	<input type="text" value="Not Enrolled"/>
Verification:	<input type="text" value="Client statement"/>
Anticipated graduation date:	<input type="text" value="mm / dd / yyyy"/>
Be participating in a work incentive program or be assigned to or placed in an institution of higher education through:	<input type="text"/>
Is the individual physically, mentally or emotionally unprepared to attend school?:	<input type="text" value="YES"/>
Is the individual participating in a state or federally financed work-study program during the regular school year?:	<input type="text"/>



# School Attendance Requirement

# 10

For a child **age 18**, who is enrolled and attending a secondary school or vocational/technical school of secondary equivalency and is meeting the enrollment and attendance requirements as determined by the local school board, the **Current Education Details** screen must be completed correctly. The **Enrollment Status** must be **Full-time**. Otherwise, the child's participation status will "countable child" and he will not be included in the assistance unit. Notice reason: *Not enrolled full time in school*.

Current Education Details			
School Name:	Norview High	School Address:	
Type of Educational Institution:	High School		
* Enrollment Status:	Full-time	Verification:	Collateral contact with school
Anticipated graduation date:	06 / 07 / 2021	Be participating in a work incentive program or be assigned to or placed in an institution of higher education through:	
Is the individual physically, mentally or emotionally unprepared to attend school?:		Is the individual participating in a state or federally financed work-study program during the regular school year?:	
Student works at least 80 hours per month:			
Student is self-employed at least 20 hours per month:		Student meets the minimum wage requirement:	
Satisfactory Progress?		Satisfactory Progress Validation:	
Approved Activity or Not?			
Caretaker in School Same Time as Child?		Caretaker in School Validation:	
Is Child care available?			



# Definition of Truancy

11

TANF guidance at 201.3.A provides, ***Truancy is defined as noncompliance with State compulsory school attendance requirements as determined by the local school division.***

- Local school boards may set additional rules deemed necessary to carry out the intent of the compulsory attendance laws. The additional rules may also be applied by the local school division in identifying children who are truant.
- The determination of truancy is **always** made by the local school system. If the agency receives notification from a source other than the school, such as the applicant or recipient, **the agency must verify truancy through the school.** (See Note at 201.3.B)



# Learnfare Coordinators

# 12

On or about the first day of each month, the VDSS sends encrypted Learnfare data, via email, to Local School Division Learnfare Coordinators. Local School Division Learnfare Coordinators are responsible for receiving the information and making it available to staff in their school divisions who monitor attendance. The data, taken from current TANF records in VaCMS, allows school divisions to monitor attendance and report truancy of TANF recipients to the local departments of social services.

## SAMPLE LEARNFARE FILE SENT TO SCHOOL SYSTEM

FIPS	Case #	Worker	TANF Case Name (Parent)	Child's SSN	Name of Child	Child DOB	Address		City	St.	ZIP
139	113xxxxxx	lak139	xxxxxx JULIE D	xxxxx8471	xxxxxx DANNY R	2011xxxx	xxxx xxxx Street		xxxxx	VA	22835
139	113xxxxxx	lak139	xxxxxxx AMBER L	xxxxx2951	xxxxxxx ELIZABETH M	2012xxxx	xxxx xxxxx S' Apartment x		xxxxxxxxx	VA	22851
139	113xxxxxx	lak139	xxxxxxxxx LORETTA L	xxxxx4465	xxxxxxx TANIA R	2010xxxx	xxxxxxxxxxx Road		xxxxx	VA	22538
139	113xxxxxx	lak139	xxxxxxxxx KATHERINE	xxxxx4849	xxxxxxx TROY D	2012xxxx	xxx xxxxx Road		xxxxxxxxxxx	VA	22650
139	113xxxxxx	lak139	xxxxxxxxx MELISSA L	xxxxx5245	xxxxxxx AMBER N	2003xxxx	xxxxx xxxx xxxxx Road		xxxxxxx	VA	22851
139	114xxxxxx	lak139	xxxxxxxxx DONNA	xxxxx4101	xxxxxxx KAYDEN L	2011xxxx	xxx xxxxxxxxx Road		xxxxxxx	VA	22835
139	113xxxxxx	lak139	xxxxxx ROBERT R	xxxxx7529	xxxxxxx SHIANA N	2000xxxx	xxxxxxxxxxx Drive		xxxxx	VA	22835



# Learnfare Coordinators

13

The VDSS TANF/VIEW Unit maintains a registry of Local School Division Learnfare Coordinators. The registry includes the name, position, telephone number, email address and office address for each Local School Division Learnfare Coordinator.



**To ensure information is expeditiously shared between local school divisions and local departments of social services (LDSS), the VDSS TANF/VIEW Unit is establishing a registry of LDSS Learnfare Coordinators.**



Local school divisions will identify truant TANF recipients by:

1. Monitoring the monthly Learnfare file and their school attendance records; or
2. Implementing an alternate method developed with the local department of social services.

Any child in a TANF recipient household determined truant by the local school division should be reported to the local department of social services.



# Learnfare and the Local Department of Social Services

# 15

When notified by the local school division that a child is truant, the LDSS worker must notify the child's parent or caretaker, in writing, of the truancy. The *Advance Notice of Proposed Action* may not be used for this purpose. The notification must:

1. Inform the parent/caretaker that the truant child may lose eligibility for TANF benefits;
2. Advise the parent/caretaker to contact the LDSS within five working days to cooperate in developing a plan to achieve compliance with compulsory school attendance laws; and
3. Advise the parent/caretaker that failure to contact the LDSS may result in the truant child's ineligibility for TANF benefits due to noncooperation.





It is imperative that local school divisions and local departments or social services work together to develop a model plan to resolve truancy and bring the child into compliance with compulsory school attendance laws.

The model plan should be developed in a way that it can be used to establish an individualized plan that addresses a truant child's situation.



# Learnfare and the Local Department of Social Services

# 17

## Individualized Plan for School Attendance

- ✓ If the caretaker contacts the agency, the LDSS is responsible for working with the caretaker and the school to develop an individualized plan for the truant child.
- ✓ The worker must explain to the caretaker that failure to follow the plan will result in the truant child being removed from the TANF payment.
- ✓ The plan must be in writing, with a copy given to the caretaker and a copy scanned in the record.
- ✓ The LDSS must verify that the caretaker is cooperating with the plan.
- ✓ The truant child meets school attendance requirements during the plan's period provided the caretaker continues to cooperate in meeting plan requirements.



# Sample Individualized Plan for Compulsory School Attendance

# 18

I understand that to receive TANF benefits my child, **Name of Truant Child**, must comply with the **Name of Public School Division's** attendance policy. In cooperation with the **Name of LDSS**, I agree to the following plan for my child.

**Reason for non-attendance:**

1. **Anxiety**
2. **Recent divorce of parents**

**Timeframe for achieving compliance:**  
**60 days**

**Schedule of actions caretaker agrees to complete:**

1. **Take child to scheduled counseling and tutoring sessions;**
2. **Ensure child is taking medication as prescribed;**
3. **Keep visitation schedule with child's father; and**
4. **Encourage child to attend school.**

**Actions constituting compliance:**

1. **Child does not miss counseling and tutoring sessions without good cause;**
2. **Parent agrees to meet with agency service worker in 30 days to discuss progress; and**
3. **Child meets school attendance requirements.**

**School contacts:**

**Date of compliance/monitoring results:**

Parent/Caretaker's Signature \_\_\_\_\_

Date \_\_\_\_\_

Agency Representative's Signature \_\_\_\_\_

Date \_\_\_\_\_



# Learnfare and the Local Department of Social Services

# 19

If the **caretaker fails to respond to the written notice within five working days**, the LDSS must:

- make reasonable efforts to personally contact the applicant/recipient to explain the requirement to develop a plan to return the child to school and the result of not cooperating with the requirement. Documented the attempts to contact the applicant/recipient; and
- if, after reasonable efforts, the local department is unable to make personal contact, mail an "Advance Notice of Proposed Action" to the caretaker advising him that the truant child will be ineligible for TANF benefits if the caretaker fails to contact the agency to develop a plan to return the child to school.



# Learnfare and the Local Department of Social Services

# 20

If the **caretaker responds to the notice or contact, but fails to cooperate in developing a plan or complying with the plan**, the LDSS must take action effective the next month, if administratively possible, to remove the truant child from the payment due to noncooperation.

- The child's failure or refusal to cooperate with the plan is considered noncooperation by the caretaker, as the caretaker is responsible for the child's actions.
- If the truant child is the only eligible child, the case is ineligible for assistance and must be closed. If the caretaker and child subsequently decide to cooperate with the plan, the caretaker must reapply for TANF.



# Learnfare and the Local Department of Social Services

## Reinstatements Following Noncooperation in Establishing or Following the Plan

The child's needs are to be reinstated once the agency has verified that the caretaker is again cooperating.

- If noncooperation occurred in relation to development of the plan, development of the plan must be completed for cooperation to exist.
- If noncooperation occurred in following the plan once developed, the caretaker must demonstrate her cooperation before the child's needs can be reinstated.
- The child's needs must be added to the payment effective the month following the month in which cooperation occurs. If the caretaker contacts the agency prior to the actual removal of the child and cooperates in developing the plan, the child's needs must not be removed from the payment.



## Truant Applicants

During the application process, if an assistance unit member is truant, the LDSS must:

1. Notify the applicant of the requirements listed in Section 201.3 C;
2. Allow the applicant an opportunity to comply with the school attendance requirement during the 30-day processing period by either enrolling the child or by cooperating with the agency in establishing a plan for compliance; and
3. Notify the applicant of the child's eligibility or ineligibility on the "Notice of Action" form when action is taken on the application.





# Learnfare and the Local Department of Social Services

# 23

- **Court Adjudication** - If the LDSS receives notification that a court has adjudicated a juvenile delinquent for failing to comply with compulsory school attendance laws, the worker must remove the truant child from the payment effective the following month, if administratively possible.
- **Job Corps** - A child enrolled in the Job Corps is considered to be in compliance with school attendance requirements without regard to actual attendance records.
- **SSI Children** - The school attendance requirement applies to an SSI child only when the SSI child is the only eligible child in the assistance unit.



# Learnfare and the Local Department of Social Services

# 24

**Children may be excused from school attendance by the local school board. These children are not truant and no action is required:**

- a. children who are home schooled or tutored by someone other than the parent;
- b. children whose parents are conscientiously opposed to attendance at school for religious reasons;
- c. children whose parents are opposed to attendance at school for health or safety reasons; and
- d. children age five who will not reach their sixth birthday until after September 30 of the school year, whose parent or guardian notifies the school board that he does not wish the child to attend school until the following year because the child is not mentally, physically, or emotionally prepared to attend school.



# Learnfare and the Local Department of Social Services

# 25

**The agency must explore the availability of alternate programs for children excused for the following reasons:**

- a. children in violation of school board policies, including weapons, alcohol or drugs charges, or intentional injury to another person; and
- b. children who cannot benefit from education at the school.

If a program is located in which the child can participate, a plan must be developed. If no program is available or appropriate, the child is not truant and must not have his needs removed from the payment.



## ***Learnfare Coordinator's Guide for School Systems***

Provides information regarding the Learnfare Report to Local School Division Learnfare Coordinators

Located on the *TANF-VIEW Training Documents* page on FUSION:

<https://fusion.dss.virginia.gov/bp/BP-Home/TANF-and-VIEW/Training-Documents>

## ***Appendix D of Implementing Welfare Reform Requirements for Teenage Parents: Lessons from Experience in Four States***

History of Learnfare, including obstacles faced and overcome by VDSS and DOE in the implementation of Learnfare

Website address: <http://aspe.hhs.gov/hsp/isp/teepareq/apenva.htm>



## **Michele Atkinson**

Email: [michele.atkinson@dss.virginia.gov](mailto:michele.atkinson@dss.virginia.gov)

Phone: (804) 726-7929

## **Monique Majeus**

Email: [monique.majeus@dss.virginia.gov](mailto:monique.majeus@dss.virginia.gov)

Phone: (804) 726-7940



# Thank You

# 28

As Nelson Mandela proclaimed:

