**M E M O R A N D U M**

**TO:** EES Program Administrators

**FROM:** Kathe Decker

**DATE:** September 29, 2011

**SUBJECT:** Implementation Instructions - KEESM Revision #50

This memo provides implementation instructions and information for the following policy changes in the Kansas Economic and Employment Support Manual (KEESM) Revision 50 effective October 1, 2011.

1. **School Enrollment for TAF**A TAF child as defined by KEESM 2210, age 7 through 18, must be enrolled and attending school, including a home school that is registered with the Kansas Department of Education. Ineligibility for TAF for the entire household will exist if a child in the home is not enrolled and attending school. This includes all children in the household, including those coded DI or SI. The ES-3100 requests information on all individuals who are students. EES staff are to explore school enrollment on all persons ages 7 through 18 at application and review. Enrollment in GED is considered as being enrolled in school. Enrollment verification can be obtained with the new School Enrollment Verification (notice A800 and KEESM form ES-4103), school records or other means which accurately provide the information needed to verify enrollment. The school will determine if adequate attendance is being maintained, or if the child is considered truant.

**Note:** There is NO penalty to the corresponding food assistance or medical assistance case for failure of the child to be enrolled and attending school. In addition, when the TAF case closes, the former TAF benefit will NOT be counted as income as done with a work program failure to cooperate. This is a situation of ineligibility for TAF, not a failure to cooperate.

Local school districts are responsible for tracking unexcused absences and reporting truant students between the ages 7 and 12 to Kansas SRS. If a student has continued absences from school a report is filed with the SRS and an assessment is done to determine if the child needs to stay in the home or if other measures should be taken. Once a school district notifies CFS of truancy the CFS worker will notify the EES case manager. Verification via a letter or phone call to the district will confirm a child’s on-going truancy. The TAF case is not eligible if a child in the MFU is not enrolled and attending school. The TAF case is to be closed the following month, giving timely and adequate notice. Once a child has re-established school enrollment, the TAF case may be reopened. A new application will be required if the information is received after the date of closure.

When applications or reviews are received when school is not in session, or when a family is moving from another school district (out of county or out of state), the application can be processed if the family indicates the child will be enrolled when the first opportunity arises. However, staff will need to set a worker alert to verify enrollment has been completed. If the child is not enrolled at the start of the school year, or first available time for orientation for GED, the TAF case is ineligible and the case is to be closed, allowing for timely and adequate notice.

**Example 1**

Johnny (age 12) lives with his mom and 3 sisters. Johnny has been reported truant to CFS. CFS notifies the EES case manager. The case manager contacts the school district and verifies Johnny is truant. The case manager closes the TAF assistance case effective November 31st, giving timely and adequate notice. There is no penalty to the corresponding FA case for failure to be enrolled and attending school. When the TAF case closes, the TAF income is removed from the FA budget.

Two weeks later, December 3rd, Johnny, with a CFS plan, re-enrolls in school. The HH would have to reapply for TAF assistance as we have entered the new month. If Johnny had re-enrolled and reported being in school prior to the TAF closure, the case could revert to open, and no new application would be required.

**Example 2**

Alice (age 16) lives with her 10 year old sister and her dad. Alice is not attending school. At the TAF review, the EES case manager verifies with the school district Alice is not attending school. The TAF review is denied. CFS later determines Alice should be placed in foster care. Alice was removed from the household and she is no longer part of the MFU. No penalty to the corresponding FA case for failure to be enrolled and attending school. Alice is removed from the FA case when agency notified she is in foster care. A new application will be required for TAF.

**Example 3**

Timmy (age 17) brought a weapon to school and has been expelled. The school district has no alternative education site and he will not be allowed to re-enroll in school until the following year. The family will be ineligible for assistance as long as Timmy is part of the MFU. The case manager closes the TAF assistance case giving timely and adequate notice. No penalty to the corresponding FA case for failure to be enrolled and attending school. Remove TAF income from the FA case.

Example 4

A family moves to Kansas from Missouri in June. A TAF application is received. The mother indicates the child will be enrolled in Middle School in August. The TAF application is processed and the worker sets an alert for August 10th. On the 10th of August, the worker verifies the child has been enrolled in the local school district. No further action is required until the next review.

**Example 5**

Carol (age 12) was in a car wreck. She is hospitalized and in critical condition. The family expects she will be in the hospital for many months. This is not a truancy situation. Once Carol is out of the hospital, and able to complete home schooling, or return to school, she will be required to be enrolled. No action is taken on the TAF case. Carol is residing in an institution and must be removed from the FA case if her hospital stay is expected to continue.

**Example 6**

Sami is a 17 year old parenting teen. She and her baby live with her mother and two younger siblings and are on her mother’s TAF case. It is discovered at review that Sami has not attended classes since the birth of her baby 3 months ago and has for all intents and purposes dropped out. Sami meets the definition of a child in KEESM 2210 and must be enrolled in high school or GED before her mother can be eligible for TAF. The worker contacts Sami’s mother and requests proof of enrollment. In 15 days, if the documentation is received, the review is approved. If not, TAF is denied as they are no longer eligible.

**Example 7**

Jen is an 18 year old parenting teen who does not have her HS diploma or her GED. She does not meet the definition of a child in KEESM 2210. Jen applies for TAF and is told she must be enrolled in GED or High School and attending classes for at least 1 hour a week to meet work participation requirements for a parenting teen. If there are no available classes at the time of application, the worker will process the application and set an alert to check on Jen when new class terms begin. They may require Jen to job search or take life skills classes until such time she can enroll. However, if classes are available and Jen fails to enroll, the application would be denied for “work related requirements not met” ( notice A213).

**New Notices**

 **A244 -** TAF Denial, Child Not Enrolled/Attending School

**A444 -** TAF Closure, Child Not Enrolled/Attending School

**A445-** TAF Closure, Change In Food Assistance, Child Not Enrolled/Attending School

1. **Food Assistance**

**Non-Citizens Unable or Unwilling to Provide Immigrant Documentation**

Non-citizens who are unable or unwilling to provide immigrant documentation will now be considered disqualified household members and coded DF on SEPA. The DF SEPA code will count all income and resources, and allow all expenses towards the remaining family members. (The currently used DI SEPA code only counts a prorated share of income and expenses, and counts all resources). As stated in the SOC, persons unable include those who are in the country illegally as they are unable to provide legal documentation. Persons unwilling include those that fail to respond to a request for information regarding immigrant status or documentation.

This policy change applies to all applications received or processed on or after October 1, 2011. For ongoing cases with a non-citizen currently coded with a SEPA code of DI, a printout will be prepared on or around October 10th listing cases that will require review for further actions. The report will list all persons coded DI with a non-US citizenship code. **If the DI person is an illegal non-citizen, then the DI coding must be changed to DF by the December benefit month. For persons coded DI that have failed to provide documentation, the DI coding must also be changed to DF by the December benefit month.** Persons on the printout must be carefully reviewed to determine which persons must be coded DF instead of DI.

**Persons that are in the country legally and who have provided documentation that does not meet any of the eligibility criteria of 2143.1 or 2143.2 will remain coded DI.**
The report will be issued based on the October KAECSES extracts and sorted by Section/Unit/Caseload and sent electronically as soon as it is available.

This policy change will result in a decrease in benefits for some households and may result in termination of benefits for other households. A special change/termination notice explaining the policy change has been prepared for staff use. The new notices are the F725 FA Change/Non-Citizen Status and the F425 FA Closure/Non-Citizen Status. Spanish translations will be included on both notices.

For persons who claim to be in the country legally who have failed to provide documentation, the F725 and the F425 notices will also request documentation one more time. Give the household 10 days to provide proper documentation. If the proper verification is provided and the person’s status has been determined, then changes shall be made as appropriate depending on the status of the non-citizen. If **after providing documentation of non-citizen status** the person does not meet any of the criteria of 2143.1 or 2143.2, the person’s status will revert back to DI. If they fail to provide the documentation, then the SEPA status will remain DF. If the case closes due to the change in the treatment of income for a failure to provide immigrant documentation AND the household provides adequate documentation in the 30 days following case closure, the case can be reinstated. If after the 30 days following case closure, the household will have to reapply.

In situations where a secondary verification is required by SAVE, and no information is received from the SAVE system, the person shall be coded DI as they are cooperating to the best of their ability, and a third party collateral is the one failing to provide the information. Careful documentation of this action is required in the case file.

**Example 1 - Unable to provide documentation of immigrant status**

Maria Garza’s SEPA code is changed from DI to DF. Her children are U.S. citizens and getting assistance. Maria failed to respond to a request for verification of her immigration status when she initially applied. She reported she was in the country illegally, so could not provide any documents. The F725 notice is sent on Oct. 14.

**Example 2 - Provides immigrant documentation and is eligible**

Alex Garcia applied for benefits in Jan. 2011. His wife and children are citizens of the U.S. He reported at the time of application he was a Cuban/Haitian entrant. Verification of his status was requested and not provided. His SEPA code is changed from DI to DF and the F725 notice is sent on Oct. 17. He responds on Nov. 4th by providing proof that he is a Cuban entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980. SAVE verifies his status. Since this status is eligible for food assistance, he is added to the food assistance case effective Dec. 1, with a SEPA code of IN.

**Example 3 - Provided immigrant documentation and remains ineligible**

Penelope Smyth, her husband and 2 children applied for food assistance in April 2011. Her children are US citizens as they were born here. She and her husband provided immigrant documentation at the time of application and do not meet any of the food assistance eligibility criteria of 2143.1or 2143.2. The food assistance was opened for the two children. Their SEPA code is NOT changed from DI to DF. It will remain DI since documentation has been provided and they do not meet any of the eligibility criteria to participate.

**Example 4 - Unwilling to provide immigrant documentation**

Consuelo Martinez and her 3 children apply for food assistance in Dec. 2010. Verification of immigrant status is requested for Consuelo and the children. She provides U.S. birth certificates for 2 of the children, but fails to provide any documentation for herself and one child who is 17. The case is open and Consuelo and the 17 year old are coded DI. With this change, Consuelo and the 17 year old’s SEPA codes are changed from DI to DF effective November 2011. The F725 is sent on Oct. 10 and the household is told to provide immigrant documentation for her and the 17 year old. She fails to provide the requested information. Consuela and the 17 year old remain coded DF on SEPA.