

HOUSE BILL NO. 555  
INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA PARENTS AS SCHOLARS PROGRAM; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO CREATE A STATE-FUNDED PROGRAM WITH TEMPORARY ASSISTANCE FOR NEEDY FAMILIES MAINTENANCE OF EFFORT FUNDS TO FUND PUBLIC ASSISTANCE TO RECIPIENTS IN APPROVED EDUCATIONAL PROGRAMS; AMENDING SECTIONS 53-4-201 AND 53-4-212, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION.** **Section 1. Montana parents as scholars program -- department duties.** (1) There is a Montana parents as scholars program administered by the department.

(2) The department shall:

(a) use state maintenance of effort funds required by the temporary assistance for needy families program, to the extent practicable, in a separate state-funded program to provide public assistance only to eligible individuals for the purpose of continuation of education leading toward a high school diploma, a general equivalency degree, an associate's degree, or a baccalaureate degree;

(b) establish or coordinate a skills training center pilot program in coordination with the board of regents or a community college district to provide training to individuals identified as appropriate through an assessment process;

(c) allow an individual receiving public assistance from the state-funded program to attend an approved educational program if the individual:

(i) has completed an employee assessment conducted as provided by rule;

(ii) meets the income and resource eligibility requirements;

(iii) qualifies as a full-time student pursuant to subsection (4); and

(iv) completes a 180-hour work activity requirement in a 12-month period that may include work study, internships, or paid employment;

(d) limit approved educational programs to educational courses that are intended to promote economic self-sufficiency, not to exceed the baccalaureate level or one vocational training program; and

(e) amend the state plan submitted to the United States department of health and human services to provide that the state elects, as authorized by 42 U.S.C. 602(a)(1)(A)(ii), to define work as including all activities permitted under 42 U.S.C. 607 and satisfactory full-time school attendance.

(3) Subject to the availability of funds, the department shall provide to a recipient of public assistance from a state-funded program who is in an approved educational program at least 2 hours of dependent day care, if needed, for each hour that the recipient is required to be attending a class, laboratory, or other required instructional activity. The department shall also provide for dependent day care while the recipient is in a work activity.

- (4) A state-funded program must require a recipient to be a full-time student, which means a recipient:
- (a) shall maintain enrollment in at least 12 credit hours each semester or 30 credit hours a year;
  - (b) shall maintain a 2.0 grade point average on a 4.0 grade point scale;
  - (c) shall cooperate with paternity and child support requirements;
  - (d) shall agree to relocate after graduation, if necessary, to seek employment in a job for which the education was intended; and
  - (e) may not be allowed to remain in the program after receiving a baccalaureate degree.

**Section 2.** Section 53-4-201, MCA, is amended to read:

**"53-4-201. Definitions.** As used in part 6 and this part, the following definitions apply:

(1) "Approved educational program" means a program in a unit of the Montana university system, as provided in 20-25-201, a community college, a tribal college, or any other accredited college in Montana enrolled in in pursuit of an associate's or baccalaureate degree or an accredited high school or training program approved by the department by rule.

~~(1)~~(2) "Assessment" means the process of evaluating a recipient's skills, education, job readiness, and barriers to employment. The term may include further in-depth examination to identify and access services and resources to assist the recipient in eliminating barriers to employment if barriers are identified during the initial assessment.

~~(2)~~(3) "Department" means the department of public health and human services provided for in 2-15-2201.

~~(3)~~(4) (a) "Dependent child", for public assistance purposes, means:

- (i) a child under 18 years of age; or
- (ii) a person under 19 years of age who is a student, as defined by the department by rule.

(b) The person described in subsection ~~(3)(a)(i)~~ (4)(a)(i) or ~~(3)(a)(ii)~~ (4)(a)(ii) must be living with a specified caretaker relative, as defined by the department by rule.

~~(4)(5)~~ "FAIM project" means the families achieving independence in Montana project as established in 53-4-601.

~~(5)(6)~~ "Family" means a group of people who live with a dependent child, each of whom is related to the dependent child by blood, marriage, or adoption or by law, such as:

(a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law to be a parent in the case of a child conceived by artificial insemination; or

(b) a sibling.

~~(6)(7)~~ "Federal poverty level" means the measure of indigence established annually by the U.S. office of management and budget.

~~(7)(8)~~ "Financial assistance" means the programs funded, in part, with temporary assistance for needy families, as provided in 45 CFR 260.31(a).

~~(8)(9)~~ "Nonfinancial assistance" means the programs funded, in part, with temporary assistance for needy families, as provided in 45 CFR 260.31(b).

~~(9)(10)~~ "Public assistance" or "assistance" means a type of monetary or other assistance furnished under this title to a person by a state or county agency, regardless of the original source of the assistance.

~~(10)(11)~~ "Specified caretaker relative" means a person within a degree of kinship to the dependent child, as specified by department rule, who lives with the child and exercises care and control over the child.

~~(11)(12)~~ "State plan" means the policies and procedures governing the state of Montana's FAIM project and other programs funded by temporary assistance for needy families. It is prepared by the department and certified by the federal agency that provides funding for those programs.

~~(12)(13)~~ "Temporary assistance for needy families" means the federal block grant established pursuant to 42 U.S.C. 601, et seq."

**Section 3.** Section 53-4-212, MCA, is amended to read:

**"53-4-212. Department to make rules.** (1) The department shall make rules and take action as necessary or desirable for the administration of public assistance programs.

(2) The department shall adopt rules that may include but are not limited to rules concerning:

(a) eligibility requirements, including gross and net income limitations, resource limitations, and income and resource exclusions;

- (b) amounts of assistance, methods for computing benefit amounts, and the length of time for which benefits may be granted;
- (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be eligible for assistance;
- (d) procedures and policies for employment and training programs, requirements for participation in employment and training programs, and exemptions, if any, from participation requirements;
- (e) requirements for specified caretaker relatives, including cooperation with assessments, the number of hours of participation required for each month, specific activities required to address employment barriers, and other terms of performance;
- (f) eligibility for and terms and conditions of child-care assistance for financial assistance recipients, including maximum amounts of assistance payable and amounts of copayments required by specified caretaker relatives;
- (g) eligibility criteria and participation requirements for nonfinancial assistance recipients;
- (h) terms of ineligibility or sanctions against a specified caretaker relative or other family member who fails to enter into a family investment agreement, as provided for in 53-4-606, or to comply with the individual's obligations under the agreement, including the length of the period of ineligibility, if any;
- (i) requirements, if any, for participation in the employment and training demonstration project;
- (j) eligibility for and terms and conditions of extended medical assistance benefits;
- (k) reporting requirements;
- (l) sanctions, disqualification, or other penalties for failure or refusal to comply with the rules or requirements of a public assistance program;
- (m) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship or for families that include an individual who has been battered or subjected to extreme cruelty, as defined in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, including but not limited to the duration of the exemption;
- (n) individuals who must be included as members of an assistance unit;
- (o) categories of aliens who may receive assistance, if any;
- (p) requirements relating to the assignment of child and medical support rights and cooperation in establishing paternity and obtaining child and medical support;
- (q) requirements for eligibility and other terms and conditions of other programs to strengthen and preserve families;

- (r) special eligibility or participation requirements applicable to teenage parents, if any; ~~and~~
- (s) conditions under which assistance may be continued when an adult or a dependent child is temporarily absent from the home and the length of time for which assistance may be continued; ~~and~~
- (t) approved educational programs, appropriate educational courses of study, employee assessment instruments, and administration of the Montana parents as scholars program provided for in [section 1]."

NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 4, part 2, and the provisions of Title 53, chapter 4, part 2, apply to [section 1].

NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2005.

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