

## **CERTIFICATIONS FOR LEAP WAIVER:**

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### **260.75(a)(1):**

Existing LEAP policies have been continually applied since September 1, 1996 (Ohio implemented its TANF program October 1, 1996). Ohio initially implemented the LEAP waiver in September 1989.

### **260.75(a)(2):**

Ohio's LEAP technical waivers allow the state to conduct the demonstration statewide for all pregnant and parenting teens under the age of 20 who do not possess a high school diploma or its equivalent. Specifically, Ohio was granted a waiver of Sections 402(a)(19)(A), (C)(iii), (v), (vi) (E) of the Social Security Act and various provisions of the regulations at 45 CFR 250.30(b)(1), (8) and (9), 250.32 and 250.41.

### **260.75(b):**

Inconsistencies exist with respect to exemptions from the LEAP program, with special requirements concerning educational activities in determining monthly participation rates and with respect to applicable sanctions at Section 408(a)(4) of the Act.

### **260.75(b)(1)(i):**

In accordance with the LEAP waiver, the following two-parent and all-parent cases are exempt from participation for the purpose of determining the denominator of the work participation rate:

- (1) the teen is the primary caregiver of a child who is less than six weeks old.
- (2) child care services are necessary for the teen to attend school, but child care is unavailable.
- (3) transportation to or from the teen's school is necessary and there is no public, private, or CDHS-supported transportation available.
- (4) transportation to or from child care is necessary and there is no public, private, or CDHS-supported transportation available.
- (5) the teen is reasonably prevented from attending school by a physical or mental illness which is expected to last one month or longer.
- (6) the child of the teen parent is ill with a physical or mental illness which is expected to last at least one month or longer and this requires full-time care by the teen.
- (7) the teen is unable to attend school because the teen was expelled from school and another school or GED program is not available because:
  - (A) there is no public or private school or GED program within reasonable travel time or distance which will accept the teen;
  - (B) there is no public, private, or CDHS-supported transportation available to another school

or GED program; or

(C) there is a public or private school which will accept the teen but the tuition charge is prohibitive and the teen's school district refuses to pay the tuition.

(8) there are other exceptional circumstances that reasonably prevent the teen from attending school.

Ohio will include the case in the numerator and denominator if another individual in the family meets the standard for being “engaged in work”.

**260.75(b)(1)(ii):**

In accordance with the LEAP waiver, all non-exempt two-parent and all-parent cases will be required to attend secondary school or the equivalent and will be required to meet the minimum attendance requirements in accordance with state policy. It should be noted that, due to their age, some LEAP teens attend elementary or middle schools to fulfill their LEAP requirements. These requirements apply to all pregnant or parenting teens under the age of 20 regardless of marital status or head-of-household designation.

Individuals required to participate in the LEAP program who are age 18 and over may meet the LEAP program requirements through participation in work activities in place of educational activities if it is determined that participation in educational activities is inappropriate.

For the duration of the waiver, LEAP teens who are deemed to be engaged in work by participating in LEAP activities will be excluded from the 30% limit specified in 45 CFR Section 261.33.

**260.75(b)(1)(iii):**

Teens subject to LEAP requirements receive a sanction in the following situations:

- ✓ Failure, without good cause, to meet the assessment and orientation, school enrollment, regular attendance requirement, or to cooperate with home-based case management, as assigned, results in a \$62 reduction in the OWF payment.
- ✓ Individuals who have had two consecutive sanctions are required to participate in a face-to-face interview to resolve issues or barriers. Failure, without good cause, to attend the face-to-face interview or to comply with LEAP requirements following the interview results in the imposition of the \$62 sanction for a period of six months or until compliance. The calculation of the six-month period includes the two-consecutive months which prompted the face-to-face interview.
- ✓ If the individual has not complied by the end of the six-month sanction period, the OWF payment is decreased by the amount for the individual required to participate and for any child or children of such individual in the assistance group.
- ✓ Teens age 18 or over who meet LEAP program requirements through participation in work activities are subject to Ohio’s progressive full-family sanction, in lieu of the above sanctions.

**CERTIFICATIONS FOR TIME LIMIT WAIVER:**

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**260.75(a)(1):**

Ohio implemented its time limit waiver provision in July 1996 (TANF was implemented in 10/96) and the policies were continually applied through 9/30/97. Beginning 10/1/97, Ohio aligned its time limit policies with the requirements of Section 408(a)(7) of the Social Security Act.

**260.75(a)(2):**

One of our technical waivers for the “Ohio First” demonstration permits Ohio to conduct a demonstration statewide that allows the state to establish time limits for the receipt of benefits and exemptions from those limits. Receipt of cash benefits was limited to 36 months out of any 60 month period for assistance groups headed by adults. Specifically, Ohio was granted a waiver of Section 402(a) of the Social Security Act to enable the state to establish time limits for the receipt of benefits and exemptions from those limits.

**260.75(b):**

Inconsistencies existed from 10/1/96 through 9/30/97 with respect to exemptions from the time limit, with respect to the applicability of time limits to the control and experimental groups and with respect to the effect of the time limit on individuals who were not exempt from the time limit.

**260.75(b)(2)&(3):**

In accordance with the time limit waiver, the following cases were exempt from 10/1/96 through 10/1/97 and therefore, any month in which the adult was exempt will be excluded from the determination of the number of months of federal assistance received by the family during that time period:

- ✓ the assistance group consisted of a dependent child who resided with a caretaker relative who was not a required member of the assistance group
- ✓ the assistance group was one for which staff of the local county department of human services determined that the time limit would impose a hardship (a local department could exempt up to 15% of the county’s recipient population for this reason.
- ✓ the assistance group was headed by an individual who was exempt from JOBS (this reason would encompass all the prior law JOBS exemptions)
- ✓ the assistance group was headed by an individual who was not able to actively participate in a JOBS component because he/she was on a waiting list as maintained by the county department of human services; or
- ✓ other good cause existed as determined by criteria established by the county department of human services. Good cause included, at least, the inability, through no fault of the individual, to obtain or retain employment at or after the expiration of the time limit which provides income, in combination with other income, which equals the cash payment standard plus the work expense deduction. The state could specify that individuals in such cases must have substantially complied with all JOBS requirements and may not have voluntarily turned down or terminated employment or substantially reduced hours of employment, without good cause as established in state policy approved by the department.

During the period 10/1/96 through 9/30/97, in accordance with the terms and conditions of the demonstration, Ohio implemented a random assignment evaluation. Ohio chooses to exclude cases assigned to the

experimental and control groups during that time period, which were not otherwise exempt, for the purpose of determining compliance with the federal time limit.

We agree with the provision in 45 CFR section 260.74(b)(1) that states that generally a state will count , toward the Federal five-year limit, all months for which the head-of-household or spouse of the head-of-household subject to the state time limit receives assistance with federal TANF funds, just as it would if it did not have an approved waiver. However, the manner in which Ohio applied the time limit to non-exempt cases is inconsistent with the time limit requirements of section 408(a)(7) of the Act. Under Ohio's time limit for the period 10/1/96 through 9/30/97, receipt of cash benefits was limited to 36 months out of any 60 month period rather than to a lifetime limit of 60 months. Individuals who were subject to Ohio's waiver time limits would be unfairly disadvantaged by retroactively counting their months of receipt toward the federal lifetime limit of 60 months.

Based on the stated inconsistency, any month in which the non-exempt adult received benefits during the period 10/1/96 through 9/30/97 will be excluded from the determination of the number of months of federal assistance received by the family.