



TANF Final Rule: Implications for Education and Training

On February 5th, the Department of Health and Human Services (HHS) released final regulations for the Temporary Assistance for Needy Families (TANF) program. The final rule contains several important, but relatively modest, changes from the interim final rule published by HHS in June, 2006. A number of the changes respond to comments submitted by Women Work! and many other organizations.

While the final rule leaves in place several restrictions that hinder States' ability to advance welfare recipients through education and training, many of the changes are significant improvements from the interim final rule.

The new rules will go into effect on October 1, 2008.

What is changed under the final rule?

- **Unsupervised homework time.** The previous rule required that all homework be supervised in order to count toward work participation rates. In our comments to HHS, Women Work! raised serious concerns about this restriction, arguing that this unreasonable requirement would make it much more difficult for TANF recipients to balance family caregiving responsibilities with work and education responsibilities.

The final rule allows states to count up to one hour of unsupervised homework time for each hour of class time. Total homework time counted for participation cannot exceed the hours required or advised by the educational program.

- **Bachelor's degrees.** Stating that "the TANF program was not intended to be a college scholarship program," the previous regulations explicitly prohibited postsecondary education that results in a BA degree from counting as a core work activity.

The final rule recognizes the important role that BA degrees can play in advancing economic self-sufficiency and allows education leading to a Bachelor's degree to count toward federal work participation requirements as part of the vocational education work activity.

- **Distance learning.** The final rule allows time spent in distance learning programs to count toward work participation requirements, so long as the programs meet the definition of vocational education or on-the-job training and include supervision.
- **On-the-job training.** The new rule clarifies that on-the-job training—a core work activity that is not subject to time limit—can include any paid training, whether provided at a work site or off site.

What is not changed in the final rule?

- **Documentation for class time.** As under the previous rule, the final rule requires all hours of class time to be documented.
- **Prohibition on stand-alone ESL and basic skills training as a core activity.** As under the previous rule, basic education and ESL cannot count as stand-alone vocational education activities—even if they are part of a sequence leading to an occupational program.

However, the final rule does allow that stand-alone ESL and basic skills training programs can count as education or job skills training related directly to employment. According to statutory requirements, both work activities are only countable once a participant has completed 20 hours of core activities.

- **Statutory restrictions on education and training.** HHS is tasked with creating rules to implement the laws that Congress passes; the agency does not have the authority to change those laws. As a result, the final rule does not and cannot alter the statutory requirement that vocational educational training be limited to 12 months. The final regulation does clarify that vocational educational activities can count as job skills training—which is not subject to a 12 month limit—so long as those activities are directly related to a specific job or occupation. However, again, according to the statute, job skills training is only countable when combined with 20 hours of a “core activity,” such as employment.

More Information:

The Center for Law and Social Policy (CLASP) has developed a complete listing of changes contained in the final rule:

http://clasp.org/publications/summary_of_tanf_final_rule.pdf

The full text of the rule is available at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/08-455.htm>