



#057-22

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #057-22**

DATE: March 11, 2022
TO: Division Superintendents
FROM: Jillian Balow, Superintendent of Public Instruction
SUBJECT: **Learnfare Procedures in the Temporary Assistance for Needy Families (TANF) Program**

Code of Virginia [22VAC40-35-50](#) requires local school divisions to notify Local Departments of Social Services (LDSS) of any student who is truant and whose family is receiving Temporary Assistance for Needy Families (TANF). The Learnfare system is a means by which the LDSS informs the local school division of those students whose families receive TANF benefits. This data allows the school to monitor their attendance and report to the LDSS when these students are truant. The data is provided to local school divisions on a monthly basis.

The Virginia Department of Social Services (VDSS) had requested that each school division identify a Learnfare Coordinator who is responsible for receiving the Learnfare information and making it available to their school staff who monitor attendance. Attachments to this memo include A) the *Learnfare Coordinator's Guide for School Systems*, B) a sample Learnfare file, and C) the list of current Learnfare Coordinators known to VDSS as of October 2021. Please review the designated Learnfare Coordinator list for your school division and contact VDSS to provide any update. This update should be provided to VDSS any time there is a change to the Learnfare Coordinator.

The Virginia Department of Education (VDOE) has developed the following recommendations to assist school divisions in the process of reporting truant students whose families are receiving TANF to LDSS.

- I. For school divisions who question whether parent or eligible student consent is required to comply with the Family Educational Rights and Privacy Act (FERPA) to notify the LDSS of truant students, the Notice of Personal Responsibility form for the TANF Program is required. By signing this form, the parent/guardian acknowledges that they understand that compliance with compulsory school attendance is tied to TANF eligibility and that the school will notify LDSS if the student is not attending school regularly. Consult with your school board attorney for additional guidance relating to whether a parent or eligible student needs to provide consent to disclose attendance information to LDSS.
- II. The *Code of Virginia* [§ 22.1-254](#) addresses compulsory attendance and exemptions to compulsory attendance, and the *Code of Virginia* [§ 22.1-258](#) addresses truancy and the intervention process. [Chapter 730](#) of the *Administrative Code of Virginia* consists of three sections: [8VAC-20-730-10](#) establishes definitions as it relates to the attendance policies and the collection and reporting of truancy; [8VAC-20-730-20](#) establishes the unexcused absence intervention process and responsibilities; and [8VAC-20-730-30](#) establishes data collection and reporting requirements.

[8VAC20-730-20](#) requires:

When a student has received five unexcused absences, the school principal or designee shall make a reasonable effort to ensure that direct contact is made with the parent. The parent shall be contacted in a face-to-face conference, by telephone, or through the use of other communication devices. During the direct contact with the parent and the student (if appropriate), reasons for nonattendance shall be documented and the consequences of nonattendance explained. An attendance plan shall be made with the student and parent or parents to resolve the nonattendance issues. The student and parent may be referred to a school-based multi-disciplinary team for assistance implementing the attendance plan and case management.

When the student accrues a seventh unexcused absence, the school principal or principal's designee shall schedule a face-to-face attendance conference, or an

interaction that is conducted through the use of communication technology. The attendance conference must be held within 10 school days from the date of the 10th unexcused absence. The principal or principal's designee shall make reasonable efforts to contact the student's parent or parents to attend the attendance conference either in person or via communication technology. If the principal or principal's designee, after reasonable efforts have been made, is unable to contact the student's parent, the conference shall be held regardless of whether the student's parent approves of the conference. The conference shall include the principal or principal's designee and a representative from the multidisciplinary team.

For consistency, the VDOE recommends that school divisions align with these regulations in determining when a student is “truant” and notifying the LDSS. At five unexcused absences, the direct contact with the parent should include informing the parent that the LDSS will be notified of the student’s absences when unexcused absences reach seven days. At seven unexcused absences, the school should notify the LDSS that the student is considered “truant” and include LDSS in scheduling the attendance conference. In notifying the LDSS, the VDOE recommends that the school division include the number of excused absences as well as unexcused absences to promote an understanding of the level of support the student and family may need.

- III. When the LDSS receives the notification from the school, the LDSS will work with the family to develop a plan to help the student comply with attendance requirements. The VDOE encourages schools to collaborate with LDSS to mutually develop an attendance plan. The goal of an attendance plan is to identify the reason(s) for a student’s truancy and determine the supports and interventions that best meet the needs of the student and their family. By mutually developing an attendance plan, information and insight from both the school and the LDSS may be used to develop the most effective plan for the student and family to avoid loss of TANF benefits and court involvement whenever possible.

For more information

Please direct questions regarding Learnfare to Michele Atkinson, Division of Benefit Programs, Virginia Department of Social Services, by email at Michele.Atkinson@dss.virginia.gov, or by

telephone at (804) 726-7929; or Cynthia Adams, Division of Benefit Programs, Virginia Department of Social Services, by email at Cynthia.Adams@dss.virginia.gov, or by telephone at (804) 726-7144.

The VDOE provides guidance to school divisions related to [attendance & truancy](#) interventions via training and technical assistance resources (e.g., [Chronic Absenteeism Learning Modules](#), [Chronic Absenteeism Webinars](#), [Chronic Absenteeism FAQs](#)). For more information about attendance, contact Joseph Wharff, Office of Student Services, by email at student.services@doe.virginia.gov, or by telephone at (800) 292-3820.

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- A. Attachment: [Learnfare Coordinator's Guide for School Systems](#) (DOCX)
- B. Attachment: [Learnfare Sample File](#) (DOCX)
- C. Attachment: [List of Current Learnfare Coordinators as of October 2021](#) (XLSX)