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# THE MISEDUCATION OF WELFARE REFORM: DENYING THE PROMISE OF POSTSECONDARY EDUCATION

*Rebekah J. Smith, Luisa S. Deprez, Sandra S. Butler*

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## THE MISEDUCATION OF WELFARE REFORM: DENYING THE PROMISE OF POSTSECONDARY EDUCATION

*Rebekah J. Smith, Luisa S. Deprez, Sandra S. Butler\**

*I did not graduate from high school with my class in 1977. With tolerably good grades but intolerable unresolved family and personal issues, I bought myself a ticket to life under the federal poverty line when I left high school and home. Years later, the Parents as Scholars program provided me the way out of that life by helping me get an education. I hope that by writing about it, I can help spread awareness of [higher education] as a powerful tool for making positive and lasting life changes.*

—Susannah Sprague, 2000 University of Southern Maine graduate through the Parents as Scholars program and current student at the University of Maine School of Law<sup>1</sup>

### I. INTRODUCTION

When Congress enacted “welfare reform” in 1996, decades of progress in assisting low-income mothers obtain a college education in order to escape poverty was nearly eradicated. The federal welfare reform law strongly discouraged states from incorporating postsecondary education into their welfare reform programs and focused instead on “work-first” policies. As a direct result, hundreds of thousands of low-income mothers across the country were forced to drop out of college and find jobs in order to comply with strict “work-first” welfare rules.

Despite the pressure imposed by the federal law, the State of Maine persevered in its effort to make college a reality for low-income mothers. Advocates in Maine were adamant that welfare reform policies focus on raising families out of poverty and endeavor to change the position of women in the labor market in order to relieve poverty for low-income single mothers. These farsighted views, embodied in the Maine Parents as Scholars program, have paid off for welfare recipients and for the state, with dividends. As the welfare reform law expires, Congress has the opportunity to reverse course and support states in providing access to postsecondary education for welfare recipients.

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1. *Parents as Scholars—A Way Out*, ORGANIZING (Center for Community Change, Washington, D.C.), July 2001, at 16.

In this paper, we will reveal how “work-first” ideology pushed the merits of postsecondary education for low-income women to the background despite the well-known, intimate relationship between higher education and women’s earnings, employment, and well-being. We will highlight the innovative approach taken in Maine to overcome the pressures of the federal welfare reform law and report on positive outcomes for Maine welfare recipients who were able to access higher education despite federal restrictions. Finally, we will explore the current Congressional proposals for renewing the welfare reform law in a manner more conducive to allowing low-income mothers access to education.

## II. WELFARE REFORM’S “WORK-FIRST” PHENOMENON: AN ATTACK ON HIGHER EDUCATION

Who would dispute that education is the great equalizer in our society that can give every citizen in our nation—regardless of race, gender, income or geographic background—the same opportunity to succeed?

—Senator Olympia J. Snowe<sup>2</sup>

When Aid to Dependent Children, the precursor to the current Temporary Aid to Needy Families (TANF) and the former Aid for Families with Dependent Children (AFDC), was first established within the Social Security Act of 1935, women raising children alone were provided financial benefits to enable them to remain home and care for their children. The provision of care for children in these single parent, mostly widowed, mostly white, families was the central issue of concern to the Act’s architects. No programs were established for workplace training or advanced education. None were needed. Women were thought to belong in the home to care for their children. Traditional notions of women as caretakers and nurturers, not as providers or workers, prevailed.

Over time, the population of what became known as “welfare recipients” grew and its ethnic and racial composition and marital status changed. Simultaneously, welfare policy grew more stringent, restrictive, and prescriptive. The initial aim of keeping women in their homes to care for their children gave way to requirements forcing them to work outside the home, handing over to others the care of their children.<sup>3</sup>

At the inception of welfare, the dominant image of women on welfare was that of the Madonna-like mother whose role in society was to care for and nurture her child. . . . A less idealized image of motherhood has characterized this new generation of welfare mothers. The stereotype that emerged—the “Black Welfare Queen”—reflects negative societal attitudes toward black women, toward women who have children out of wedlock and toward poor women who must resort to welfare to support their families.<sup>4</sup>

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2. Senator Olympia J. Snowe radio address, reported in *Education is the Top Priority for Republicans*, Snowe Says, PORTLAND PRESS HERALD, Jan. 16, 2000, at 3B (quoting U.S. Sen. Olympia J. Snowe).

3. E.g., Tonya L. Brito, *From Madonna to Proletariat: Constructing a New Ideology of Motherhood in Welfare Discourse*, 44 VILL. L. REV. 415, 415 (1999).

4. *Id.* Although this article does not attempt to disaggregate the racist from the sexist aspects of the changes in welfare, the authors recognize that race has assuredly played a major role in the evolution of the welfare system in the United States.

Over this same period, higher education became receptive to and encouraged applications from women. Decades of research and scores of studies now document the undeniable, positive impact of education on earnings, success, achievement, and individual and national well-being. But only over the last thirty-five years has education been clearly linked to “women’s economic status and their employment opportunities.”<sup>5</sup> Now, according to the Department of Education, “[a]chieving a bachelor’s degree . . . increase[s] women’s annual median earnings by as much as 71 percent.”<sup>6</sup> And the most recent United States Census data renders the true value of education undeniable.

Yet, in 1996, Congress overhauled the nation’s welfare system and in doing so, ignored the promise of education to raise poor mothers and their children out of poverty. “Welfare reform” replaced the AFDC program with TANF via the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). The federal law strongly suggested to states that they rescind access to higher education for welfare recipients, the vast majority of whom were single mothers.<sup>7</sup> These predominantly female-headed families, among the poorest and most vulnerable in the country, were confronted with an unachievable mandate: “end dependency” and “become self-sufficient,”<sup>8</sup> but do so without access to education. The principal intent of PRWORA, to move poor women off welfare and into jobs, was promulgated to “end the dependence of needy parents on government benefits by promoting job preparation” and “enable them to leave the program and become self-sufficient.”<sup>9</sup> Thus, “work-first” (and education last) became the unwavering mantra of welfare reform initiatives around the country.

The decision to discourage education for low-income mothers is typical of the gendered nature of welfare reform. Not only did the welfare reform law assert that work outside the home was more dignified than mothering, it completely disregarded the value of mothering such that “there is no longer a system that purports to honor motherhood and finds value in poor single women caring full-time for their children to ensure that they grow up to be productive citizens. Instead, a system exists that characterizes families on welfare as deviant and characterizes mothers as irresponsible.”<sup>10</sup> More intimately, welfare reform attempted to regulate women’s personal decisions about marriage and family; many states coerced single mothers to marry by offering bonus funding and others discouraged them from having more children by refusing to provide assistance to such children.<sup>11</sup> In addition, welfare reform supporters utilized the myth that welfare recipients are uninterested in employment despite the fact that

[t]he evidence over time is both consistent and persuasive that the vast majority of welfare recipients do not lack a work ethic. Empirical work demonstrates . . . that, against considerable odds, the majority of welfare recipients work while

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5. DOROTHY McBRIDE STETSON, *WOMEN’S RIGHTS IN THE U.S.A.: POLICY DEBATES AND GENDER ROLES* 137-38 (2d ed. 1997).

6. Sara Hebel, *Education Department Report Notes a Quarter-Century of Strides by Women in Academe*, *CHRON. HIGHER EDUC.*, Apr. 26, 2000, at 1, available at <http://www.choravirtualave.net/striars-of-women.htm>.

7. See 42 U.S.C. § 607(c)(2)(D), (d)(8) (2000).

8. See *id.* § 601(a).

9. *Id.* §§ 601(a)(2), 602(a)(1)(A)(i).

10. Brito, *supra* note 3, at 428.

11. *Id.*

they are on welfare, trying over and over to find and keep jobs, and that, in fact, the majority do leave welfare through work.<sup>12</sup>

Focusing on the juxtaposition of work-first policies to access to education, we note that the permanency of this mass move of mothers into jobs that would allow them to leave welfare depended upon the availability of well paying jobs with benefits, jobs that usually require a college degree. Even though numerous studies had clearly established higher education as a critical variable for spanning the chasm between poverty and economic security, states were strongly discouraged from allowing recipients to meet federal work participation requirements by attending college. The inevitable result has been the marginalization rather than the advancement of poor women and children.

PRWORA altered the fundamental basis of the social contract by ending low-income parents' entitlement to assistance and imposing a lifetime limit of five years of federally-funded assistance.<sup>13</sup> Further, the Act dramatically changed the financial arrangement between the states and the federal government. Under the former AFDC system, the federal government provided states with a fixed percentage, varied among states via a complex formula based on poverty measures, of the costs of welfare systems for each state. Thus, in those times when the economy faltered and welfare caseloads increased, the federal government shared the increased cost burdens with the states. Under TANF, however, states are allocated set amounts in "block grants," which have remained fixed over the course of the first five years of the law's existence, regardless of changes in caseloads or in the economy.<sup>14</sup>

Tied to each state's block grant came a myriad of strings—the most consequential being that each state was required to meet a target "participation rate" by placing a specific percentage of welfare recipients in "countable work activities" for a certain number of hours each week.<sup>15</sup> By 2002, each state was required to place 50% of all families receiving welfare assistance in countable work activities for at least thirty hours a week.<sup>16</sup> A state that failed to meet its participation rate would be penalized by a decrease in its block grant. In turn, individual welfare recipients who do not take part in thirty hours of countable work activities each week risk the reduction or complete loss of their TANF benefits.<sup>17</sup> But states were also given a credit towards their participation rate based upon the number of families who left the welfare rolls, regardless of the reason for leaving or the outcome

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12. JOEL F. HANDLER, *THE POVERTY OF WELFARE REFORM* 150 (1995).

13. 42 U.S.C. § 608(a)(7)(A) (2000).

14. *Id.* § 609(a)(7)(B)(ii). States are required to spend between 75% and 80% of the state funds they were expending on AFDC in order to receive their full federal TANF block grants. *Id.* In fiscal year 2000, all states met this so-called "maintenance of effort" requirement. See UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, *TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM, FOURTH ANNUAL REPORT TO CONGRESS II-14* (2000), available at <http://www.acf.dhhs.gov/programs/opre/ar2001/indexar.htm>.

15. See generally 42 U.S.C. § 607 (2000).

16. *Id.* § 607(a)(1), (c)(1)(A).

17. *Id.* § 607(e). Two-parent families, constituting a very small percentage of welfare cases, face increased requirements; most single parents are subject to the thirty-hour requirement, although there are some exceptions. For example, the federal law allows states to count as fully participating a single parent with a child under six who participates for twenty hours each week. *Id.* § 607(c)(2)(B). In Maine, state law defines a variety of "good cause" circumstances that allow a participant to take part less than thirty hours per week, but each participant to whom the state grants good cause depletes the state's participation rate. See 22 M.R.S.A. § 3790 (Supp. 2001).

of leaving. Welfare rolls dropped by about one-half around the country as welfare reform was implemented in the booming economy of the mid and late 1990s.<sup>18</sup> In this "race to the bottom," success has been determined by the number of families leaving welfare, not those leaving poverty.

Unlike past federal welfare laws that at least tolerated states providing access to education and training, PRWORA considered education to be a countable work activity in only a very limited manner. Instead of education, policies focused on job searches, paid employment, and volunteer placements, regardless of rate of pay, skill utilization, or opportunities for advancement. Under PRWORA, states could count a TANF recipient's thirty weekly hours of job-related education or vocational training as their full participation for only one year (this did not include basic adult education such as G.E.D. study or high school, which was even more limited); further, this option was allowed for an arbitrarily chosen maximum of 30% of a state's caseload.<sup>19</sup>

The fear of federal financial reprisal, coupled with the political hazards inherent in the failure to follow the path of tough, work-based reform, led most states to abandon programs offering postsecondary education to welfare recipients. Although higher education had been an option adopted by many states as part of the JOBS program established under the Family Support Act of 1988, PRWORA slammed shut this "window of opportunity" for poor women in 1996. PRWORA's restrictions diverted thousands of poor women from classrooms to workfare sites. Many more have been forced into the paid labor market, concentrated in low-paying jobs.

The irony of this policy is that the theory of investing in human capital through education is well established and rarely questioned in our society, until it is applied to the welfare population.<sup>20</sup> With the passage of PRWORA, policymakers who were promoting education for everyone else in society eschewed the benefits of higher education for low-income women with children. While others were encouraged to gain the knowledge and skills necessary to participate in the new economy, TANF recipients were expected to take any job they could find no matter how low-wage or insecure that job might be. The work-first philosophy, coupled with the credits given to states for getting families off of welfare, promoted a quick entrance into the labor market, rather than an investment in future marketability through education, as the best policy for state administrators to foist on welfare

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18. See UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM, FOURTH ANNUAL REPORT TO CONGRESS II-13 (2002), available at <http://www.acf.dhhs.gov/programs/opre/ar2001/indexar.htm>.

19. 42 U.S.C. § 607(c)(2)(D), (d)(8) (2000). After one year, the recipient would be required to take part in other countable work activities for the first twenty hours each week. For the final ten hours each week, states were given some flexibility in defining countable activities. Initially, most states did not count postsecondary education for the final ten hours due to fear of not meeting participation rates.

20. See generally Marilyn Gittell et al., *Building Human Capital: The Impact of Postsecondary Education on AFDC Recipients in Five States* (1993) (unpublished manuscript, on file with authors); Nancy Naples, *Bringing Everyday Life to Policy Analysis: The Case of White Rural Women Negotiating College and Welfare*, 2 J. POVERTY 23 (1998).

recipients.<sup>21</sup> Although states have developed elaborate work placement and training programs to move recipients into jobs, little regard is given to job type or security. Hence, any job, even those paying wages averaging \$7.00 an hour, fall within the defined acceptable ranges of placement.

Work-first policy has failed many welfare recipients because it is based on two faulty assumptions: that there are jobs available for welfare recipients and that these jobs will pay a living wage.<sup>22</sup> First, the shift that has taken place in the American economy over the past quarter-century has resulted in a decline in the relatively well-paid manufacturing jobs that attract low-skilled workers.<sup>23</sup> Simultaneously, there has been an increase in low-wage service-sector jobs for less skilled workers, and in higher-wage jobs requiring advanced degrees.<sup>24</sup> One of the most common barriers to employment that welfare recipients face is lack of skills and educational credentials;<sup>25</sup> one study determined that 60% of welfare recipients and 81% of welfare recipients who had not been employed in the previous year had low or very low basic skills.<sup>26</sup>

The last quarter-century of United States history has seen a decline in relatively well-paid manufacturing jobs, while the economy has experienced an upturn in high-wage jobs requiring college or graduate degrees.<sup>27</sup> Study after study

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21. See generally Miriam Dinerman & Audrey O. Faulkner, *Guest Editorial*, 15 *AFFILIA: J. OF WOMEN & SOC. WORK* 125 (2000); Andrew Gruber, *Promoting Long-Term Self-Sufficiency for Welfare Recipients: Post-Secondary Education and the Welfare Work Requirement*, 93 *Nw. U. L. REV.* 247 (1998); Diana Pearce, *Rights and Wrongs of Welfare Reform: A Feminist Approach*, 15 *AFFILIA: J. OF WOMEN & SOC. WORK* 133 (2000); Sylvia B. Weinberg, *Welfare Reform and Mutual Family Support: Effects on Mother-Led Mexican American Families*, 15 *AFFILIA: J. OF WOMEN & SOC. WORK* 204 (2000).

22. See Gruber, *supra* note 21, at 249.

23. NATIONAL GOVERNORS ASSOCIATION, *HR-44: POSTSECONDARY EDUCATION POLICY* § 44.2.3, available at [http://www.nga.org/nga/legislativeUpdate/1,1169,C\\_POLICY\\_POSITION^D\\_570,00.html](http://www.nga.org/nga/legislativeUpdate/1,1169,C_POLICY_POSITION^D_570,00.html). The National Governors Association's written policy position on postsecondary education states that "[o]ur nation's economy is undergoing a major transformation from one based on heavy industry to one based on skilled services and technology. This decrease in jobs in heavy industry and increase in jobs in skilled services and technology require a more educated workforce." *Id.*

24. Leavers' surveys reveal that among those who are employed, 46.2% work in the service industry, 24.2% are employed in the retail trade, and 14% have manufacturing jobs. ELISE RICHER ET AL., CENTER FOR LAW AND SOCIAL POLICY, *FREQUENTLY ASKED QUESTIONS ABOUT WORKING WELFARE LEAVERS* 7 (2001). In fact, "[l]eavers are far more concentrated in service occupations than women in general (less than 20 percent of all women work in service occupations), and in many states, are more concentrated in sales occupations as well 13 percent of all women hold sales positions." *Id.* at 9. One report on leavers' employment states that "[b]ecause welfare recipients tend to have less education and fewer skills than workers in general, they frequently move into jobs that require limited skill. As a result, former welfare recipients are concentrated in clerical/administration and service jobs." THE URBAN INSTITUTE, *FAST FACTS ON WELFARE POLICY: WELFARE LEAVERS ARE CONCENTRATED IN SERVICE AND CLERICAL JOBS* (2002).

25. See KRISTA OLSON & LADONNA PAVETTI, THE URBAN INSTITUTE, *PERSONAL AND FAMILY CHALLENGES TO THE SUCCESSFUL TRANSITION FROM WELFARE TO WORK* (1996), cited in KARIN MARTINSON & JULIE STRAWN, CENTER FOR LAW AND SOCIAL POLICY, *BUILT TO LAST: WHY SKILLS MATTER FOR LONG-RUN SUCCESSSES IN WELFARE REFORM* 6 (2002).

26. HANS P. JOHNSON & SONYA M. TAFOYA, PUBLIC POLICY INSTITUTE OF CALIFORNIA, *THE BASIC SKILLS OF WELFARE RECIPIENTS: IMPLICATIONS FOR WELFARE REFORM* 21-22 tbls. 3.4, 3.5 (1999).

27. See generally Gittell et al., *supra* note 20.



has shown that the majority of welfare recipients do not have the education and skills required by most employers.<sup>28</sup>

The second assumption on which the work-first strategy is based is that welfare recipients will secure jobs that pay living wages, or that they will move quickly from low-wage work into higher paid employment. In fact, many less-skilled workers stagnate in dead-end, low-paying positions.<sup>29</sup>

[While] a popular perception holds that present and former welfare recipients who start in low-wage jobs can gain skills in the workplace and move on to better jobs[, a]nalyzes conducted by the U.S. Department of Labor . . . show that most of those workers increase their earnings by only \$500 or \$600 annually by advancing in their current employment or changing jobs.<sup>30</sup>

Data on the impact of PRWORA show that while many TANF recipients are finding work, most of these jobs are unstable and do not pay enough to bring their families out of poverty.<sup>31</sup> Moreover, prior to PRWORA there was considerable documentation that women leaving welfare for employment faced multiple barriers to economic security, that they often had to package their wages with other income supports, and that higher education was one key predictor to leaving welfare for good.<sup>32</sup>

Nevertheless, immediate job placement for welfare recipients has been the norm despite evidence from the growing number of welfare leaver studies that find leavers are not doing all that well. A national analysis of a variety of surveys of welfare leavers, based on individual states as well as national data, found that in most states, leavers earn average wages ranging between \$7.50 and \$7.75 per hour.<sup>33</sup> In many states, "50% or more of leavers earn less than \$7.00 per hour."<sup>34</sup> And few leavers are offered employment benefits; only about one-third to one-half are allowed paid sick leave.<sup>35</sup>

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28. EILEEN SWEENEY ET AL., CENTER ON BUDGET AND POLICY PRIORITIES, WINDOWS OF OPPORTUNITY: STRATEGIES TO SUPPORT FAMILIES RECEIVING WELFARE AND OTHER LOW-INCOME FAMILIES IN THE NEXT STAGE OF WELFARE REFORM 33 (2000).

29. See Gruber, *supra* note 21, at 278; HARRY J. HOLZER & DOUGLAS WISSOKER, THE URBAN INSTITUTE, HOW CAN WE ENCOURAGE JOB RETENTION AND ADVANCEMENT FOR WELFARE RECIPIENTS? 5 (2001), available at [http://newfederalism.urban.org/html/anf\\_a49.html](http://newfederalism.urban.org/html/anf_a49.html) (explaining that most also earn relatively low wages and have limited prospects for advancement, either in these jobs or elsewhere).

30. Anthony P. Carnevale & Kathleen Sylvester, *As Welfare Rolls Shrink, Colleges Offer the Best Route to Good Jobs*, CHRON. HIGHER EDUC., Feb. 18, 2000, at B6.

31. See generally J. Bernstein et al., Center on Budget and Policy Priorities, Pulling Apart: A State-by-State Analysis of Income Trends (2000) (unpublished paper on file with authors); Dinerman & Faulkner, *supra* note 21, at 130; ANTHONY P. CARNEVALE ET AL., EDUCATIONAL TESTING SERVICE, A PIECE OF THE PUZZLE: HOW STATES CAN USE EDUCATION TO MAKE WORK PAY FOR WELFARE RECIPIENTS 13 (2000); see generally Maria Cancian & Daniel R. Meyer, *Work After Welfare: Women's Work Effort, Occupation and Economic Well-Being*, 24 SOC. WORK RES. 69 (2000).

32. See generally Margaret G. Brooks & John C. Buckner, Ph.D., *Work and Welfare: Job Histories, Barriers to Employment, and Predictors of Work Among Low-Income Single Mothers*, 66 AM. J. OF ORTHOPSYCHIATRY 526 (1996); KATHRYN EDIN & LAURA LEIN, MAKING ENDS MEET: HOW SINGLE MOTHERS SURVIVE WELFARE AND LOW-WAGE WORK (1997); R. SPALTER-ROSS ET AL., INSTITUTE OF WOMEN'S POLICY RESEARCH, WELFARE THAT WORKS: THE WORKING LIVES OF AFDC RECIPIENTS (1995).

33. RICHER ET AL., *supra* note 24, at 12.

34. *Id.* The median wage for leavers nationally was found to be \$7.15. *Id.* at 13.

35. *Id.* at 18. In all but one of the states surveyed, "close to half or more than half the leavers . . . are offered paid vacation from their jobs." *Id.*

Information from a 1998 joint study by the Children's Defense Fund and the National Coalition for the Homeless found that over 70% of welfare recipients who moved from welfare to work earned below the three-person poverty line amount of \$250 a week.<sup>36</sup> A Wisconsin-based study further confirmed that between 1995 and 1997, the proportion of welfare leavers living above the poverty line increased by only 4% (from 37% to 41%).<sup>37</sup> Moreover, most leavers were near-poor, with only 16% having total measured income at 150% of the poverty line, currently \$22,530 for a family of three.<sup>38</sup>

### III. DENIED PROMISE: THE VALUE OF EDUCATION FOR LOW-INCOME MOTHERS

#### A. *The Proof that Education Matters*

Congress's rejection of education as a meaningful route out of poverty for welfare recipients was in error. There is little debate that higher education can increase a person's earning capacity and is particularly helpful for women trying to escape poverty.<sup>39</sup> Studies consistently find substantial increases in earnings as education increases, generally between 6% and 12% for every year of postsecondary education.<sup>40</sup>

Further, education is not only key to development and freedom but is also a major source of women's empowerment, shaping the destiny of the educated individual and also enabling her to help others in a meaningful way. It is a public good, an investment in the future of a society. Women's empowerment through education works to both maximize individual potential and rectify larger injustices including the indoctrination of a subordinate status of women in society. Moreover, the relationship between the two fundamental functions of education in modern nations is both profound and inseparable: for the society, it maintains and transmits culture, values, and norms from one generation to another; for the indi-

36. ARLOC SHERMAN ET AL., CHILDREN'S DEFENSE FUND, WELFARE TO WHAT: EARLY FINDINGS ON FAMILY HARDSHIP AND WELL-BEING 9 (1998) (analyzing Census Bureau data).

37. MARIE CANCIAN ET AL., INSTITUTE FOR RESEARCH ON POVERTY, BEFORE AND AFTER TANF: THE ECONOMIC WELL-BEING OF WOMEN LEAVING WELFARE 39 (2000).

38. *Id.*

39. See generally Francine D. Blau, *Trends in the Well-Being of American Women, 1970-1995*, XXXVI J. OF ECON. LITERATURE 112 (1998); Gittell et al., *supra* note 20; Marilyn Gittell, *Education in a Democratic Society: From the 1960s to the 1980s*, in WOMEN, WORK AND SCHOOL: OCCUPATIONAL SEGREGATION AND THE ROLE OF EDUCATION 31 (Leslie R. Wolfe ed., 1991); Marilyn Gittell, *Women on Welfare: Education and Work*, in WOMEN, WORK AND SCHOOL: OCCUPATIONAL SEGREGATION AND THE ROLE OF EDUCATION 168 (Leslie R. Wolfe ed., 1991); Marilyn Gittell & Janice Moore, *Denying Independence: Barriers to the Education of Women on AFDC*, in JOB TRAINING FOR WOMEN: THE PROMISE AND LIMITS OF PUBLIC POLICIES 445 (Sharon L. Harlan & Ronnie J. Steinberg eds., 1989); Erika Kates, *Colleges Help Women in Poverty*, in FOR CRYING OUTLOUD: WOMEN'S POVERTY IN THE UNITED STATES 341 (Diane Dujon & Ann Withorn eds., 1996); Sandra Murray Nettles, *Higher Education as the Route to Self-Sufficiency for Low-Income Women and Women on Welfare*, in WOMEN, WORK AND SCHOOL: OCCUPATIONAL SEGREGATION AND THE ROLE OF EDUCATION 155 (Leslie R. Wolfe ed., 1991); *Welfare Reform and Postsecondary Education: Research and Policy Update*, 2 WELFARE REFORM NETWORK NEWS (Institute of Women's Policy Research, Washington, D.C.), Apr. 1998, at 3; Joanne J. Thompson, *Women, Welfare, and College: The Impact of Higher Education on Economic Well-Being*, 8 AFFILIA: J. WOMEN & SOC. WORK 425 (1993).

40. MARK GREENBERG ET AL., CENTER FOR LAW AND SOCIAL POLICY, STATE OPPORTUNITIES TO PROVIDE ACCESS TO POSTSECONDARY EDUCATION UNDER TANF, at ii (2000); SWEENEY ET AL., *supra* note 28, at 33.

vidual, it helps overcome disadvantage and allows one to gain greater control of her life.

The benefits for low-income women are many: "low income women who have engaged in higher education experience several tangible advantages: their incomes improve, their levels of satisfaction with their own lives and their children's improves; they become more productive citizens; and they become prime motivators in improving the lives of others closely connected to them."<sup>41</sup> In an exhaustive study tracing more than two decades of trends in the well-being of American women, economist Francine Blau affirmed the well-known strong positive associations between educational attainment and labor force participation, increased earnings, and general well-being.<sup>42</sup> Blau found wage gains of 20.3% for female college graduates, compared to 8% to 9% gains for women with high school degrees or some college, while high school dropouts suffered a 2.2% decline.<sup>43</sup>

Other national data confirm these findings: between 1979 and 1995, women with a high school diploma experienced a 3.6% drop in real wages whereas college-educated women experienced a 19.5% increase.<sup>44</sup> A 1992 Upjohn Institute study of college and technical school attendees and nonattendees (those not attending any postsecondary institution) found that "postsecondary technical education attendees had a 16 percent hourly wage advantage over non attendees and a 21 percent annual earnings advantage. Higher education attendees, in turn, had a 22 percent wage advantage and 32 percent annual earnings advantage over individuals who pursued postsecondary technical education."<sup>45</sup>

Further, education's relationship to earnings is more profound than ever. A 2000 Federal Reserve study concluded that "education levels played a crucial role in determining economic success."<sup>46</sup> The relationship is so strong that mean income grew between 1995 and 1998 *only* for families headed by individuals with at least some college education; median income between 1989 and 1998 rose appreciably *only* for families headed by college graduates.<sup>47</sup> A recent multi-study re-

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41. ERIKA KATES, CENTER FOR WOMEN'S POLICY STUDIES, WOMEN, WELFARE AND HIGHER EDUCATION: A SELECTED BIBLIOGRAPHY 2 (1992).

42. See Blau, *supra* note 39, at 120-21.

43. See *id.* at 131. Rising education attainment was also a factor in women's increasing labor force participation: rates increased 19% among college educated women and 29% for the most highly educated women while among the least educated women labor force participation rates rose by only 4%. *Id.* at 121, 124. By 1995, only 47% of women with less than a high school education were in the labor force compared to 83% of college graduates. See *id.* at 121.

44. JOHN FITZGERALD, MAINE CENTER FOR ECONOMIC POLICY, WORKING HARD, FALLING BEHIND: A REPORT ON THE MAINE WORKING PARENTS SURVEY 37 (1997).

45. KEVIN HOLLENBECK, W.E. UPJOHN INSTITUTE FOR EMPLOYMENT RESEARCH, POSTSECONDARY EDUCATION AS TRIAGE: RETURNS TO ACADEMIC AND TECHNICAL PROGRAMS 3-4 (1992). A study tracking twenty years of earnings data found that women with associate's degrees earned between 19% and 23% more than those without, even after controlling for differences in characteristics prior to entering college, and those with bachelor's degrees earned between 28% and 33% more than those without. See GREENBERG ET AL., *supra* note 40, at ii.

46. Richard W. Stevenson, *Fed Reports Family Gains From Economy*, N.Y. TIMES, Jan. 19, 2000, at C1.

47. See generally *id.*; see also Arthur B. Kennickell et al., *Recent Changes in U.S. Family Finances: Results from the 1998 Survey of Consumer Finances* 3 (2000), available at [www.federalreserve.gov/pubs/bulletin/2000/0100lead.pdf](http://www.federalreserve.gov/pubs/bulletin/2000/0100lead.pdf); CENTER FOR POLICY ALTERNATIVES AND LIFETIME TELEVISION, WOMEN'S VOICES 2000: THE MOST COMPREHENSIVE POLLING AND RESEARCH PROJECT ON WOMEN'S VALUES AND POLICY PRIORITIES FOR THE ECONOMY 23 (2000).

port found that a college education enabled the vast majority of women surveyed (81%) to become financially independent: an average of 70% attributed their success in securing employment to a college degree.<sup>48</sup>

Analyses of 2000 United States Census data confirm the positive correlations between educational attainment, employment, and wages. Earnings analyses indicate that average earnings in 1999 for women over eighteen years varied dramatically by educational attainment: women with a high school degree or GED earned \$16,079, compared with associate degreed women who earned \$22,630 and bachelor degreed women who earned \$29,811.<sup>49</sup> Not only can women with bachelor's degrees anticipate higher monthly earnings (\$2909) than women with associate's degrees (\$2216), vocational degrees (\$1830), or high school degrees (\$1493), they also experience greater job stability—women with bachelor's and associate's degrees worked 3.2 months out of 4 months while those with vocational education worked only 2.9 months out of 4 months and high school graduates worked only 2.6 months.<sup>50</sup>

Across a lifetime, these earnings differences are monumental. Recent Census reports find that "each successively higher education level is associated with an increase in earnings,"<sup>51</sup> and that when looking at work-life earnings, "women completing high school will earn an average of \$1.0 million, about 40 percent less than the estimated \$1.6 million for women completing a bachelor's degree."<sup>52</sup> Census reports explain that "[a]t most ages, more education equates with higher earnings" and "[o]ver an adult's working life, high school graduates can expect, on average to earn \$1.2 million; those with a bachelors' degree, \$2.1 million."<sup>53</sup>

Interestingly, the findings from the latest round of Census reports do not provide any new news about the importance of education. A 1993 report begins: "Does education pay off? The answer is a resounding yes! Data . . . show that the more education adults received, the bigger their paychecks were."<sup>54</sup> Census reports over the last decade clearly illustrate that "[g]reater educational attainment spells greater socioeconomic success for individuals and the country. For every progressively higher level of education, earnings are higher."<sup>55</sup>

Further, postsecondary education increases wages enough to radically decrease the need for families to rely on welfare. In a 1996 study of welfare recipients, sociologist Kathleen Harris confirmed that "[w]omen who finish high school or

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48. ONE DUPONT CIRCLE COALITION, WELFARE REFORM AND HIGHER EDUCATION (1997) (on file with authors).

49. UNITED STATES CENSUS BUREAU, EDUCATIONAL ATTAINMENT IN THE UNITED STATES (UPDATE): TABLE 9: EARNINGS IN 1999 BY EDUCATIONAL ATTAINMENT FOR PEOPLE 18 YEARS OLD AND OVER, BY AGE, SEX, RACE, AND HISPANIC ORIGIN 33 (2000), available at <http://www.census.gov/population/socdemo/education/p20-536/tab09.pdf>.

50. UNITED STATES CENSUS BUREAU, EDUCATIONAL ATTAINMENT IN THE UNITED STATES (UPDATE): TABLE 2A. MONTHLY INCOME, MONTHLY EARNINGS, AND AVERAGE WORK BY EDUCATION, 1996 (2000), available at <http://www.census.gov/population/socdemo/education/p70-721tab02a.txt>.

51. UNITED STATES CENSUS BUREAU, THE BIG PAYOFF: EDUCATIONAL ATTAINMENT AND SYNTHETIC ESTIMATES OF WORK-LIFE EARNINGS 2 (2002), available at <http://www.census.gov/prod/2002pubs/p23-210.pdf>.

52. *Id.* at 6.

53. Press Release, United States Census Bureau, Census Bureau Report Shows "Big Payoff" from Educational Degrees 1 (July 18, 2002) (on file with authors).

54. UNITED STATES CENSUS BUREAU, EDUCATION: THE TICKET TO HIGHER EARNINGS 1 (1993).

55. UNITED STATES CENSUS BUREAU, POPULATION PROFILE OF THE UNITED STATES 2000, at 9-1 (2000).

who obtain any postsecondary education significantly reduce their chances of repeat dependency."<sup>56</sup> Predictably, recipients with post high school education have a 41% lower chance of returning to welfare than do non-high school graduates.<sup>57</sup> Education, Harris concluded, "is more important in maintaining welfare exits than is contact with the labor force prior to entering welfare."<sup>58</sup>

Education can also protect workers from losing their jobs during recessions. Economic downturns have the greatest impact on workers with the least education.<sup>59</sup> Unemployment is consistently lower among college graduates than among individuals with less education.<sup>60</sup> In a recession, many low-skilled women who left public assistance for employment will be forced to cycle back onto welfare when their hours are reduced or they are laid off.<sup>61</sup>

Finally, beyond the concrete gains of education in terms of earning capacity and job stability, women on welfare who have pursued higher education report enriched personal lives and improved relationships with their children. "Maternal education has been deemed by some the single best predictor of children's later intellectual functioning because of its ability to consistently predict children's cognitive and academic outcomes across different measures and populations."<sup>62</sup> Others have noted that "[p]ositive correlations between mothers' educational attainment and children's well being, and particularly school outcomes and cognitive development, are among the most replicated results from developmental studies."<sup>63</sup>

In short, education provides low-income women with a means to a career, possible departure from patriarchal structures both within and outside of the home, independence and economic well-being, and decision-making control over their lives.

These findings merit immediate attention and a reversal of the antieducation policy of PRWORA. Higher education is crucial for families who are poor. Without it, low-wage work with its correspondingly high rates of unemployment and underemployment (11.5% and 20.2% for females with less than a high school education, and 5.7% and 12.1% for those with a high school diploma)<sup>64</sup> is often a family's only work opportunity, exacerbating its already desperate situation. Not only do these jobs provide insufficient income, they are less likely to come with benefits such as sick time, even unpaid.<sup>65</sup> This leaves mothers in a lurch when a child is sick or a car breaks down, possibly even costing them their jobs. An approach that disregards the potential of so many individuals to improve their individual status while also improving the stability of the whole is shortsighted. As

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56. Kathleen Mullan Harris, *Life After Welfare: Women, Work, and Repeat Dependency*, 61 AM. SOC. REV. 407, 416 (1996).

57. *Id.*

58. *Id.*

59. See Gruber, *supra* note 21, at 280.

60. *Id.*

61. See *id.*

62. Katherine A. Magnuson & Sharon M. McGroder, *The Effect of Increasing Welfare Mothers' Education on Their Young Children's Academic Problems and School Readiness 4*, available at [www.jcpr.org/wpfiles/magnuson\\_mcgroder.pdf](http://www.jcpr.org/wpfiles/magnuson_mcgroder.pdf).

63. *Id.* at 3. "[I]ncreases in maternal education are significantly and positively associated with children's academic school readiness, and negatively associated with children's academic problems." *Id.*

64. ECONOMIC POLICY INSTITUTE, *LOW-WAGE LABOR MARKET INDICATORS FOR DIVISION 1: NEW ENGLAND, 1994-1996* (on file with authors).

65. RICHER ET AL., *supra* note 24, at 18.

one author has noted, “[t]he new economic game is simultaneously a team game and an individual sport. Without support of the team the individual fails. Without the individual initiative the team fails. Both are necessary.”<sup>66</sup>

Nevertheless, for poor women whose access to postsecondary education is now restricted due to PRWORA, the prospects of securing meaningful, stable, and adequately paid work are dismal. In a Department of Health and Human Services Report to Congress, the Department confirmed that individuals “with no more than a high school education have the lowest amount of human capital and are the most at risk of being poor despite their work effort.”<sup>67</sup> The likelihood of remaining poor or becoming poorer is alarmingly high.

### *B. Against the Tide: Maine's Parents as Scholars Program*

*I had just started college in 1996 when welfare reform began. I was terrified that I was going to have to drop out, take a low-wage job, and never get my degree. I heard a lot about work, nothing about school, and I felt like all the odds were stacking up against me. I feel really lucky that I lived in Maine where people agreed that education should be part of welfare reform.*

—Heidi Hart, Former Parents as Scholars Participant, 2001 University of Southern Maine Graduate<sup>68</sup>

Maine's decision in 1996 to resist the absolutist aspects of the “work-first” philosophy of national welfare reform was visionary. Instead of rejecting education, Maine committed to continuing the route it had embarked upon fifteen years earlier, with the passage of the Welfare Employment Education and Training (WEET) Program:<sup>69</sup> assisting welfare recipients to overcome employment obstacles by pursuing higher education.<sup>70</sup> While other states eliminated education as an option for welfare recipients and instead focused on activities like job searches and volunteer placements designed for quick entry into the workplace, Maine implemented a long-term vision of helping low-income mothers find employment in a manner designed to keep them in the workforce and ultimately allow them to escape poverty. Maine presumed that when welfare families obtain college educations they will leave welfare earning higher wages, be more likely to obtain employment-based health insurance, and be less likely to return to welfare than their TANF counterparts.

Maine rejected the notion that moving families off welfare into employment precluded a state from helping families get education in order to produce a more

66. Lester C. Thurow, *Building Wealth*, ATLANTIC MONTHLY, June 1999, at 57, 64.

67. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, INDICATORS OF WELFARE DEPENDENCE AND WELL-BEING: INTERIM REPORT TO CONGRESS V-31 (1996) (emphasis omitted).

68. REBEKAH J. SMITH ET AL., MAINE EQUAL JUSTICE PARTNERS, PARENTS AS SCHOLARS: EDUCATION WORKS, at i (2002).

69. 22 M.R.S.A. § 3776 (1992) (repealed 1995).

70. In 1982, when the first Work Incentive Demonstration (WIN) Projects were announced by then-President Reagan, advocates persuaded the Maine Department of Human Services to take this opportunity to demonstrate the antipoverty impact of providing access to postsecondary education to welfare recipients. Through the 1980s, Maine's WEET program enjoyed considerable popularity but as the recession of the early 1990s took hold and the national attitude toward welfare began to shift dramatically, it came under criticism as being too expansive.

permanent transition off welfare. Unable to utilize federal funds, Maine created an entirely state-funded program, Parents as Scholars<sup>71</sup> (PaS), to help low-income parents go to college, providing them with a welfare cash grant equal to that received by those in the federally-funded TANF program.<sup>72</sup> Although the idea was novel at the time, Maine banked on the advice of national policy analysts that it would be able to count the funds it expended on the PaS program as part of its maintenance of effort requirement,<sup>73</sup> and state legislators wrote a provision into the law allowing the state to discontinue the program if that were not the case.<sup>74</sup>

Only one other state chose to allow such access to postsecondary education when welfare reform was initially passed.<sup>75</sup> This was so despite the fact that prior to PRWORA, all but three states encouraged welfare recipients to attend college by counting it at least partially towards their work requirement.<sup>76</sup> After PRWORA, the percentage of welfare recipients engaged in school activities nationally declined by more than half, as single mothers were forced to abandon college in order to meet "work-first" requirements.<sup>77</sup> Levels of postsecondary enrollment for parents receiving welfare dropped by up to 82% in individual states.<sup>78</sup> According to recent Census reports,

[o]nly a small fraction of mothers on welfare received job training in the years following the overhaul of the system, and even fewer participated in traditional education programs . . . . Overall, just 13.5 percent of women on welfare were enrolled in training programs, including job skills classes, training in how to find a job and traditional education.<sup>79</sup>

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71. 22 M.R.S.A. § 3790 (Supp. 2001).

72. Maine currently has the lowest cash benefit of any New England state. The maximum monthly grant that a family of three can receive is \$485. Me. Dep't of Hum. Serv. Reg. 10-144, Ch. 331, Appendix (Oct. 2001). Families are eligible for an additional \$50 Special Needs Housing Allowance when shelter costs equal or exceed 75% of a family's income. *Id.*

73. The federal Department of Health and Human Services approved this interpretation in early 1997. See 45 C.F.R. § 263.4 (2001). The Department of Human Services most recently reported to the legislature that it is expending approximately \$9 to \$10 million on the program annually. All of these dollars count towards Maine's maintenance of effort requirement.

74. 22 M.R.S.A. § 3790(6) (Supp. 2001).

75. See WYO. STAT. ANN. § 42-2-103(b)(iv)(C) (2002). Wyoming was the only other state to create a separate state-funded program for postsecondary education in the initial stages of welfare reform. Although the program was created on paper, it was never utilized because Wyoming was able to meet its federal participation rates and thus chose to allow participants to count postsecondary education in its federally-funded TANF program. The state-funded program would have allowed recipients a one time only opportunity to obtain a two- or four-year college degree. Heidi Goldberg, Center on Budget Policy Priorities, Postsecondary Education Under TANF 9 (June 2002) (unpublished manuscript, on file with authors). To take part in the state-funded program, a TANF recipient would be required to have a recent work history, to undergo an assessment to determine if a postsecondary degree was required to become employable, and to work during summer breaks. *Id.*

76. Gruber, *supra* note 21, at 256. The three states that did not allow postsecondary education to satisfy the work requirement were Michigan, Nevada, and Oregon. *Id.*

77. JULIE STRAWN ET AL., CENTER FOR LAW AND SOCIAL POLICY, IMPROVING EMPLOYMENT OUTCOMES UNDER TANF 7 (2001) (noting that in fiscal year 1996, 5.8% of all welfare recipients engaged in educational activities but this percentage had dropped to 2.7% by fiscal year 1999).

78. *Welfare Reform and Post-Secondary Education: Research and Policy Update*, 2 WELFARE REFORM NETWORK NEWS (Institute of Women's Policy Research, Washington, D.C.), Apr. 1998, at 2.

79. *Census: Welfare Moms Didn't Get Job Training*, PORTLAND PRESS HERALD, June 6, 2002, at 5A.

Because Maine had been providing access to education for welfare recipients for many years by the time welfare reform hit, a pool of dedicated and eloquent spokeswomen rose up in Maine to speak firsthand of the critical importance of this approach to self-sufficiency. In addition, a coalition of groups, representing a variety of interests from women's organizations to labor to organized religion, came together to combat the entrenched welfare stereotypes and to ensure that Maine adopted a humane and thoughtful approach to welfare reform. Armed with a powerful 1995 report detailing the shortage of job opportunities that could provide livable wages for low-skilled women in Maine,<sup>80</sup> advocates and former participants spoke out about the importance of education. By the time the PaS legislation came to a vote in the legislature, consensus had been amassed among welfare recipients, advocates, college administrators, state welfare officials, and legislators.<sup>81</sup>

The requirements for entrance into the Parents as Scholars program are straightforward: a parent must be eligible for welfare, cannot hold a marketable bachelor's degree, and must have matriculated into a two- or four-year college degree-granting program.<sup>82</sup> Further, an assessment performed by the applicant's welfare case worker must also establish: first, that the applicant does not possess the necessary skills to obtain employment that will enable her to earn 85% of the state's median wage for her family size; second, that the postsecondary education sought will significantly improve the participant's ability to support her family; and third, that the individual has the aptitude to successfully complete the proposed postsecondary program.<sup>83</sup> If these criteria are met and space is available, an applicant must be admitted into the PaS program.<sup>84</sup>

Once admitted into the PaS program, a participant is expected to enroll in a postsecondary institution full-time, unless special circumstances require less than full-time participation. Participants must also maintain at least a 2.0 grade point average. During the first twenty-four months, a participant must take part in at least twenty hours per week of school and work activities, which can include class time, study time (1.5 hours allotted for each hour of class time),<sup>85</sup> and work experience.<sup>86</sup> After twenty-four months, a participant must increase her weekly participation, by either adding fifteen hours of work experience to the initial twenty hours per week, or by taking part in a total of forty hours of education, training, and work experience each week.<sup>87</sup> Because the program is state funded, parents in the program do not have their months in the program counted towards their federal five-year time limit on benefits<sup>88</sup> and they are not considered in the calculation of the state's participation rate.

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80. STEPHANIE SEGUINO, MARGARET CHASE SMITH CENTER FOR PUBLIC POLICY, *LIVING ON THE EDGE: FAMILIES WORKING AND PROVIDING FOR FAMILIES IN THE MAINE ECONOMY, 1979-93* (1995).

81. For a more detailed history of the enactment of the Parents as Scholars program, see Luisa S. Deprez & Sandra S. Butler, *In Defense of Women's Economic Security: Securing Access to Higher Education Under Welfare Reform*, SOC. POL.: INT'L STUD. IN GENDER, ST. & SOC'Y, Summer 2001, at 210 [hereinafter *In Defense*].

82. 22 M.R.S.A. § 3790(2) (Supp. 2001).

83. *Id.* § 3790(2)(A)-(C).

84. *Id.*

85. Me. Dep't of Hum. Serv. Reg. 10-144, Ch. 607, § 16(III)(B)(b)(2) (Nov. 6, 2001).

86. 22 M.R.S.A. § 3790(2) (Supp. 2001).

87. *Id.* § 3790(3).

88. Maine does not have a time limit on benefits for families who are complying with program rules. *Id.* § 3762(15).



Because tuition assistance is available through PaS in only exceptional circumstances,<sup>89</sup> the vast majority of participants receive federal and state financial aid in the form of grants and loans. PaS participants are, however, eligible for assistance with a variety of support services through the program, including assistance with the costs of child care, transportation, and books and supplies. Participants may also be eligible for a range of services from the postsecondary institutions they attend: personal counseling, on campus health care, job search assistance, job opportunities, campus housing, child care, financial aid, support groups, academic advising, and wellness facilities and programs.

When creating PaS, the Maine legislature limited enrollment to 2000 participants,<sup>90</sup> but for numerous reasons the program has never been fully enrolled.<sup>91</sup> When postsecondary students on TANF were transferred into PaS at the inception of the program in 1997, approximately 800 students were enrolled. As of February 2002, 901 families were taking part in the program. Although the actual number of participants has not changed much in the five years since the program began, participation in PaS has increased by 50% as a percentage of Maine's welfare caseload, which has declined by almost half since January 1997.<sup>92</sup>

### C. Positive Outcomes for Maine's Parents as Scholars Graduates

The results for those who have obtained a college degree through Maine's PaS program have been overwhelmingly positive and life-changing. Concrete evidence of these outcomes, gathered by two authors of this paper, Luisa Deprez and Sandra Butler, mirrors national data and affirms the potential for education to drastically improve the lives of poor mothers and children. Deprez and Butler have been conducting a longitudinal study of a group of PaS participants since 1999.<sup>93</sup> Find-

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89. See *id.* § 3790(1).

90. *Id.*

91. There are a variety of theories as to why enrollment has never approached the limit. When the program began, many TANF recipients were not aware of it. Since notification has become uniform through standardized orientation procedures, the reasons that more TANF recipients do not participate in the program may include low self-esteem, poor prior experiences in education, and diversion from the program into immediate employment.

92. Maine Department of Human Services data show that the total TANF caseload declined from 18,017 families in January 1997 to 10,120 families in February 2002. The Department does not maintain data regarding the total number of participants who have taken part in the PaS program since its inception.

93. Deprez and Butler initially sent a nineteen-page survey to all 848 participants in the program in August 1999. They asked, among other things, about participants' current and past educational experiences, work and welfare-receipt histories, health and the health of their children, financial situations, child care circumstances, and use of time in their daily lives. Just over one-quarter of the participants completed the survey. In June 2000, a one-page follow-up survey was sent to the previous respondents. Most recently, in November 2001, an eight-page survey was sent to the 127 respondents who could still be located. Shorter than the first survey, this also asked questions about employment, education, finances, child care, and health. Sixty-five surveys were returned for a response rate of 52.1%. This relatively high response rate is attributed to participants' eagerness to report their success and desire to see the program thrive. Because this was the first survey in which the majority of respondents were graduates, it provided fruitful information on the status of PaS graduates. For more detailed information regarding the survey results, see Sandra S. Butler & Luisa Deprez, *Something Worth Fighting For: Higher Education for Women on Welfare*, 17 *AFFILIA: J. WOMEN & SOC. WORK* 30, 39-48 (2002).

ings from these surveys affirm the positive correlations between access to higher education and participants' well-being, empowerment, and enhanced relationships with and modeling for children.<sup>94</sup> The most recent survey, conducted in November 2001, verified, among other positive results, increased earnings, better job benefits, and enhanced employment security for PaS graduates.

In contrast, a survey of welfare recipients in Maine who left welfare without obtaining postsecondary education allows a contrasting of the starkly different outcomes. In 2001, the Maine Center for Economic Policy conducted a survey of adults who had been receiving welfare at some point during the first six months of 1997.<sup>95</sup> Over half of the respondents were "leavers," no longer receiving welfare in January 2001.<sup>96</sup> Comparing the outcomes for these leavers with PaS graduates underscores the benefits of higher education.

The survey responses of the PaS graduates showed not only the anticipated gains in earnings, but also improved benefit packages, increased job security, enhanced self-esteem, and heightened educational aspirations for the children of PaS graduates.<sup>97</sup> Eighty-five percent of graduates are employed.<sup>98</sup> Working graduates improved their earnings by nearly 50%; they were earning a median of \$11.65 per hour after graduating compared to a median of \$8.00 per hour prior to obtaining their degree.<sup>99</sup> The impact of PaS was best stated by this graduate:

I know if it weren't for Parents as Scholars I would never have been able to attend college, afford child-care, or put food on the table. Today, I would most likely be stuck in a low-wage job I hated, barely getting by . . . . I can now give my children a future they deserve.<sup>100</sup>

Many PaS respondents reported salaried positions, indicating that their jobs were more economically secure and provided professional opportunities. Their salaries extended as high as \$53,000 per year. PaS graduates are also far more

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[hereinafter *Something Worth Fighting For*]; *In Defense*, *supra* note 81, at 219-22; SMITH ET AL., *supra*, note 68.

94. See *Something Worth Fighting For*, *supra* note 93, at 39-48.

95. For a complete report on the results, see LISA POHLMANN, MAINE CENTER FOR ECONOMIC POLICY, WELFARE REFORM: LESSONS FROM MAINE (2002), at <http://www.mcecp.org/report-welfare/index.htm> (last visited Apr. 19, 2003).

96. Of the 748 respondents, 475 reported that they were no longer receiving TANF. See *id.* at 4, 18. These individuals may have gone off and then back on welfare in the intervening years between 1997 and 2001, but at a minimum they had been receiving welfare at some point during the first six months of 1997 and reported that they were not when they received the survey in January 2001. See *id.* at 7.

97. *In Defense*, *supra* note 81, at 219.

98. These survey results are taken from the final compilation of returned surveys. Any discrepancies between these numbers and the numbers reported in SMITH ET AL., *supra* note 68, are due to the publication of SMITH ET AL., *supra* note 68, before all surveys were returned.

99. A study of welfare leavers who obtained degrees in California through the CalWORKS program found that students who completed associate's degree programs increased their median annual earnings by 85% just one year after graduating. ANITA MATHUR ET AL., CENTER FOR LAW AND SOCIAL POLICY, CREDENTIALS COUNT: HOW CALIFORNIA'S COMMUNITY COLLEGES HELP PARENTS MOVE FROM WELFARE TO SELF-SUFFICIENCY 4 (2002), available at [http://www.clasp.org/DMS/Documents/1021060885.68/view\\_html](http://www.clasp.org/DMS/Documents/1021060885.68/view_html).

100. Anonymous respondent, reprinted in SMITH ET AL., *supra* note 68, at 13.

likely to be offered benefit packages from their employers than they were prior to obtaining their degree. Nearly 83% were offered benefits packages, and 57% took advantage of employer-sponsored health insurance.<sup>101</sup>

The expected result of these increased earnings and benefits would be that PaS graduates would leave welfare, usually permanently. Nearly 90% of working graduates had left TANF completely by the time they responded to the survey. And they are likely to weather economic downturns better because they are better equipped for jobs in the new economy. Over one-quarter, 27.3%, of the jobs in Maine in 1998 required at least some postsecondary training and 24% required college degrees.<sup>102</sup> It is projected that by 2008, 28.5% of Maine jobs will require at least some postsecondary training and 25.1% will require a degree.<sup>103</sup>

In addition to earning more and obtaining better benefits, PaS graduates reported another set of positive outcomes. They have greater self-respect and broader horizons, they feel healthier and happier, they relate better to their children, and education has become an essential part of their lives. Nearly all the survey respondents reported increased self-esteem and an enhanced ability to maintain stable relationships. Three common themes were empowerment, self-esteem, and well-being. This is no surprise given that PaS graduates maintained a median grade point average above 3.4; 81% of graduates maintained a grade point average above 3.0.<sup>104</sup>

As one respondent explained, "I never thought I was smart enough to go to college . . . what distorted thinking that was! I realized I was actually quicker at getting things [done] than I thought . . . All I needed was one small success after another to realize my worth."<sup>105</sup> Another stated: "Graduating from college is a goal I never dreamed I would attain while growing up. Getting into school with the support of PaS began an exciting journey for me. . . . Attending school opened a door for me that will never be closed."<sup>106</sup> Independence and liberation were specifically reported by over half of the respondents to the 1999 survey, and many discussed an ability to reject abusive relationships due to increased self-esteem and economic independence.

Finally, many respondents highlighted the positive impact their education had on their children's educational goals. Children of PaS participants often study side by side with their parents, become comfortable with college settings (some even

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101. SMITH ET AL., *supra* note 68. This figure does not include respondents who were offered employer-sponsored health insurance, but chose not to take advantage of it for whatever reason.

102. See MAINE DEPARTMENT OF LABOR, MAINE EMPLOYMENT OUTLOOK TO 2008, at 12 (2000). It has also been projected that in 2006, 32% of all of the six million jobs created in the country that year will require a bachelor's degree and 37% of all new jobs will require some postsecondary training. ANTHONY P. CARNEVALE & DONNA M. DESROCHERS, EDUCATIONAL TESTING SERVICES, GETTING DOWN TO BUSINESS: MATCHING WELFARE RECIPIENTS' SKILLS TO JOBS THAT TRAIN, EXECUTIVE SUMMARY 8 (1999). Because the percentage of adults with a four-year college degree is the lead indicator of a state's per capita income, these graduates are helping to increase Maine's per capita income, which was \$24,603 in 1999, compared to the national average of \$28,542. MAINE STATE PLANNING OFFICE, 30 AND 1000: HOW TO BUILD A KNOWLEDGE-BASED ECONOMY AND RAISE INCOMES TO THE NATIONAL AVERAGE BY 2010, at 4 (2001). In 1999, only 19.2% of adults in Maine held a four-year college degree compared to the national average of 24.4%. *Id.* at 16.

103. *Id.*; MAINE DEPARTMENT OF LABOR, *supra* note 102, at 12.

104. SMITH ET AL., *supra* note 68, at 2.

105. Anonymous participant, *reprinted in id.* at 12.

106. Anonymous participant, *reprinted in id.* at 12.

live in family dorm housing), and bear witness to the impact of postsecondary education. As one respondent explained, her educational experience has inspired her children "to get a good education and has shown them that they can aspire to be what they want to be . . . . It has shown them that to be self-sufficient they must work towards their careers and that education is a life-long journey." Another graduate wrote that since she completed her degree, "[t]wo of my children were on the honor roll in school and they have expressed that it is due to all of my influence and watching me study for many years."<sup>107</sup> For many respondents, the impact on their children was one of the best results of participating in PaS; said one, setting an example for her children "is the most important aspect of all of this."<sup>108</sup>

In contrast to the improved lives of PaS graduates, however, the respondents to the Maine Center for Economic Policy survey who had left welfare without postsecondary education were not faring well. Many reported an inability to obtain work; 31.8% were unemployed.<sup>109</sup> Among those leavers without postsecondary degrees who were able to find employment, median wages remained only \$7.50 per hour.<sup>110</sup> Only half of all employed leavers who had a different job sometime in the prior four years had experienced any wage gains between jobs.<sup>111</sup> Leavers without postsecondary degrees were much less likely to be offered benefits with their jobs; only 56.1% were offered health insurance.<sup>112</sup> They remained concentrated in low-wage sectors of the economy, where they typically earned annual wages just above the poverty line and well below a standard that would provide economic security for their families. In contrast to PaS graduates, the vast majority of whom left welfare behind permanently, nearly one in five of the leavers without postsecondary education had been forced back onto welfare at least once after having left in the previous three years.<sup>113</sup>

For the PaS graduates, education has made the difference between a life of welfare receipt caused by a lack of livable wage employment opportunities and economic independence brought about by improved job prospects. The employment experiences of PaS graduates prior to entering college were very similar to the experiences of individuals who left welfare without a degree. Prior to entering college, PaS graduates obtained median wages of \$8.00,<sup>114</sup> very similar to the median of \$7.50 obtained by current welfare leavers without a degree. Further, the two groups were clustered in similar types of employment: "Over three-quarters (81.6%) of PaS participants were employed in sales, service, or clerical positions prior to entering college, and nearly the same percentage (78.1%) of welfare leavers without postsecondary education work in those types of jobs."<sup>115</sup> Finally, among

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107. Anonymous participant, *reprinted in id.* at 11.

108. Anonymous participant, *reprinted in id.* at 11.

109. See SMITH ET AL., *supra* note 68, at 5, 7 (referencing unpublished data from the Maine Center for Economic Policy's 2001 TANF Parent Survey).

110. *Id.* at 1 (referencing unpublished data from the Maine Center for Economic Policy's 2001 TANF Parent Survey).

111. POHLMANN, *supra* note 95, at 13 tbl.4.

112. SMITH ET AL., *supra* note 68, at 1 (referencing unpublished data from the Maine Center for Economic Policy's 2001 TANF Parent Survey).

113. *Id.* at 7 (referencing unpublished data from the Maine Center for Economic Policy's 2001 TANF Parent Survey).

114. *Id.* at 5.

115. *Id.* at 12. "Prior to entering college, 38.9% of PaS participants were employed in service positions, 28.3% in the retail industry, and 14.4% in clerical positions." *Id.* "Similarly, 46.7% of welfare leavers without a degree hold service-oriented positions, 17.3% work in clerical or administrative support, and 14.1% are employed in sales positions." *Id.*

both groups, the loss of employment was a major causal factor in the need to seek welfare benefits. Among PaS participants, one of the most common reasons for seeking welfare assistance was a job-related change: 36.9% reported that they sought welfare due to the loss of employment, an inability to find a job, or a reduction in hours.<sup>116</sup> Among welfare leavers without education who had been forced to return to welfare, the principal reason was also work-related: 38% required assistance because of the loss of a job or a reduction in pay or hours.<sup>117</sup>

The survey results illustrate that PaS graduates tend to experience greatly increased economic security and independence for themselves and for their children. Although the struggles are often great, and participants frequently graduate with significant student loan debt, the benefits far outweigh the downsides of obtaining a degree through PaS. As Michelle Alexander, who received her bachelor's degree in social work in 1998 through the PaS program and then went on to get her master's degree after leaving welfare, concluded:

When I signed up for welfare, I was struggling to make ends meet, sleeping on my friend's couch while my infant daughter stayed with family members so I could hitchhike back and forth to my low-wage job. When I left welfare, however, I had a college degree and a ticket to greater economic security . . . . As a direct result of the help I received from Parents as Scholars, I am gainfully employed in rewarding work with people with severe mental illness in the community. Not that long ago, I saw no way out of poverty. . . . Now as I watch my daughter grow up, I am so proud of our accomplishments and feel secure in my ability to provide for her. I am full of hope about our future.<sup>118</sup>

#### IV. HOPE FOR EDUCATION IN THE REAUTHORIZATION OF THE FEDERAL WELFARE REFORM LAW

The welfare reform law enacted by Congress in 1996 contained a sunset provision providing that the law would expire on September 30, 2002. The deadline has now passed, and although Congress completed substantial work on a bill to reauthorize the welfare reform law last year, only a temporary continuation measure has been passed. It is not clear when substantive revisions will be enacted.

Since 1996, many states have followed Maine's lead and incorporated education into their welfare reform policies. The major reason that states have been able to shift course slightly and offer limited educational access to welfare recipients is due to the flexibility built, somewhat unintentionally, into the participation rate structure. Because state participation rate targets are currently 50%, and major credits have been obtained due to the caseload reduction credit which further reduces these target participation rates, states found that they had some flexibility in structuring the activities for their welfare recipients because they were able to meet their participation rates with relative ease.<sup>119</sup>

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116. *Id.*

117. POHLMANN, *supra* note 95, at 22.

118. SMITH ET AL., *supra* note 68, at 10 (quoting Michelle Alexander).

119. For fiscal year 2000, all states met their target participation rates, which ranged from 0% to 27.5%. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, TANF WORK PARTICIPATION RATES, FISCAL YEAR 2000 tbl.1, at [www.acf.dhhs.gov/programs/opre/particip/im00rate/table1a.htm](http://www.acf.dhhs.gov/programs/opre/particip/im00rate/table1a.htm). States reported actual participation rates from 6.3% to 77.4%. *Id.* Maine, with a target rate of 9.3%, reached an actual participation rate of 40%. *Id.*

Thus, since the initial pullback in 1996, many states have been able to allow some access to education.<sup>120</sup> Twenty-three states currently allow more education (either alone or in combination with work) than is countable under current federal law.<sup>121</sup> Several of these states, such as Illinois and North Carolina, “stop the clock” for families in education by not counting those months against the federal five-year time limit on benefits.<sup>122</sup>

Although programs vary widely from state to state, at least two states extend eligibility for welfare programs that allow postsecondary education to low-income families who might not otherwise qualify for welfare, in recognition that those who leave welfare are unlikely to escape poverty if they do not obtain skills. In Montana, the Post-Employment Training and Education Program is open to low-income parents who are earning incomes less than 150% of the federal poverty level and who have left TANF within the prior two years.<sup>123</sup> In Vermont, a separately state-funded program, implemented in July of 2001, provides a living expense stipend and support services to parents going to school who are living below 150% of the poverty level.<sup>124</sup>

In the spring of 2002, President Bush announced the principles that he wished welfare reauthorization to embrace.<sup>125</sup> His plan touted what some call the “success” of welfare reform, most often characterized as the halving of the number of families receiving welfare nationally,<sup>126</sup> and he often repeated that welfare reau-

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120. Only Maine, New Mexico, Vermont, and West Virginia have separate state-funded programs. CENTER FOR LAW AND SOCIAL POLICY, FORTY STATES LIKELY TO CUT ACCESS TO POSTSECONDARY TRAINING OR EDUCATION UNDER HOUSE-PASSED BILL tbl.1 n.1 (2002).

121. *Id.* at 1 n.1. Although details of state programs vary, as of June 2002, approximately nineteen states (Alaska, Arizona, Connecticut, Georgia, Iowa, Kentucky, Maine, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming) allowed participation in a college degree program to completely satisfy a parent's participation requirement, although five of those states limited countable participation to less than twelve months. *Id.* at tbl.1. An additional seven states (Alabama, Arkansas, California, Illinois, Louisiana, North Carolina, and North Dakota) allowed education to satisfy the work requirement, but additional work activities were often required of the parent; only five of these allow education to count for more than twelve months. *Id.* Finally, fifteen states (Delaware, Hawaii, Idaho, Indiana, Kansas, Michigan, Montana, New Hampshire, New Jersey, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Washington) and the District of Columbia allowed some education to count but always required additional work activities; only twelve of these have allowed education to count for more than twelve months. *Id.*

122. *Id.* at tbl.2.

123. MONT. ADMIN. R. 37-78-425(7) (2002). For a family of three, 150% of the federal poverty level is currently \$22,530.

124. VT. STAT. ANN. tit. 33, § 1122 (2001).

125. See generally Working Toward Independence, at <http://www.whitehouse.gov/news/releases/2002/02/welfare-reform-announcement-book.html> (document produced by administration of President George W. Bush, regarding their proposals for welfare reauthorization) (on file with authors).

126. *Id.* at 12. Since March 1994, the number of families receiving welfare assistance has declined by 63.2%. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM, FOURTH ANNUAL REPORT TO CONGRESS II-13 (2002), available at <http://www.acf.dhhs.gov/programs/opre/ar2001/indcxar.htm>. There is no consensus on how greatly the booming economy of the 1990s contributed to this decline. *Id.* (postulating that although the economy contributed to this decline, the primary agent was welfare reform); but cf. Nina Bernstein, *In Control Group, Most Welfare Recipients Left the Rolls Even Without Reform*, N.Y. TIMES, Feb. 20, 2002, at B5 (reporting that in a study of Connecticut programs that did not assign welfare recipients to welfare to work programs nearly as many

thorization needed to promote the "dignity" of work (meaning paid work outside the home).<sup>127</sup> President Bush also espoused the need for federal welfare reauthorization to allow states and localities the flexibility to frame policies to best meet the needs of its citizens.<sup>128</sup>

Yet President Bush's welfare reauthorization proposal contained provisions outrightly hostile to the concept that access to education for welfare recipients could play a critical role in a state's welfare policies. Bush's plan would not have allowed postsecondary education to be a "countable" work activity for families receiving TANF, even in its limited form in the current law.<sup>129</sup> Although states would be authorized to count certain activities designed to help a family overcome a barrier to employment, this provision would allow families only three months in such "barrier removal activities."<sup>130</sup> As a result, a family's ability to access education, ranging from G.E.D. to vocational education to postsecondary degree programs, would be limited to a three-month period once every two years.

In addition to greatly decreasing access to education, Bush's welfare reauthorization plan contained principles that would likely require states to create "workfare" types of programs. The President's proposal would require each family receiving welfare to take part in work activities for forty hours a week.<sup>131</sup>

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recipients left welfare for employment as among those forced to take part in work programs). Some contend that many families have left TANF not due to jobs but due to confusing bureaucratic processes, formal diversion programs, and less meaningful benefits. *See, e.g.*, Press Release, NOW Legal Defense and Education Fund, Government Data Show Welfare Reform Failure (July 17, 2002), at <http://www.nowldef.org/html/news/pr07-17-02.shtml> (last visited Apr. 19, 2003); NATIONAL CAMPAIGN FOR JOBS AND INCOME SUPPORT, KICKED OFF, KEPT OFF: HOW TANF KEEPS LOW-INCOME PEOPLE POOR 3 (2002), at <http://www.nationalcampaign.org/download/kickedoff.pdf> (last visited Apr. 19, 2003). Further, in the year prior to March 2002, thirty-four states had experienced an increase in their caseloads. CENTER FOR LAW AND SOCIAL POLICY, NEW DATA SHOW MOST STATES HAD TANF CASELOAD INCREASES IN LAST YEAR 1 (2002).

127. *See* Working Toward Independence, *supra* note 125, at 1, 4. President Bush stated in a recent speech:

The welfare reform is a true success story. Since the passage of the bill in 1996, welfare caseloads have dropped more than 50 percent. It's a remarkable achievement: 50 percent fewer people on welfare. Today, 5.4 million fewer people live in poverty than in 1996; 2.8 million fewer children live in poverty, and that's positive for America.

President George W. Bush, Remarks on Welfare Reform at Charleston, S.C. (July 29, 2002) (transcript on file with authors). Although many tout welfare reform as an unmitigated success, others contend that declines in poverty are slight compared to growth in the economy over this period and that welfare reform has been more focused on removing people from the rolls than ensuring they are moved out of poverty. *E.g.*, CENTER ON BUDGET AND POLICY PRIORITIES, COMMENTS ON TANF REAUTHORIZATION 1 (2001) (noting that the relative impact of the economy as compared to policies in reducing the welfare caseload were difficult to disaggregate and arguing that the reduction in poverty was modest due to the types of jobs welfare recipients were able to secure combined with decreases in benefits); NATIONAL CAMPAIGN FOR JOBS AND INCOME SUPPORT, *supra* note 126, at 3 (contending that "large and growing numbers of poor families, including two-parent, low-wage, and immigrant families are excluded from the safety net by state and federal policies").

128. Working Toward Independence, *supra* note 125, at 2 (acknowledging that "the immense capacity of states and localities to design and conduct effective social programs is the third foundation of the Administration's plan" following promoting work and strengthening families).

129. *Id.* at 16-17.

130. *Id.* at 17.

131. *Id.* at 16.

Twenty-four of those hours would have to be in federally-designed or designated countable work activities;<sup>132</sup> states would be required to define the activities that would qualify for the remaining sixteen hours each week. The federally-designated work activities would be greatly constricted from current law and would be limited to employment (subsidized or unsubsidized), on the job training, and supervised volunteering.<sup>133</sup> Finally, the President's plan called for states to increase their participation rates from the current 50%, with a generous credit for the number of families who have left welfare, to 70%, without any caseload reduction credit.<sup>134</sup> The result of this combination of proposals would be that states would lose the flexibility in participation rates and countable activities found in the current law that allowed them to count at least some education as a participant's work activity.<sup>135</sup> Apart from the outright refusal to include education as a countable work-related activity, the President's plan essentially required states to be subversive in their efforts to secure education for low-income mothers, by finding methods of skirting the federal law or be forced to rely on scarce state funds.

In response to a survey by the National Governor's Association and the American Public Human Services Association, the vast majority of states reported that they would not be able to meet the requirements in the President's plan without making drastic changes to all of their programs, whether those programs had been successful or not. In essence, states would be forced to create "workfare" types of

132. *Id.* at 16-17.

133. *Id.*

134. *Id.* at 16. The President's plan would have allowed a greatly scaled back credit in the form of an allowance for states to continue to count families who left TANF due to wages in their participation rate for three months. *Id.* Other alarming provisions aimed at low-income mothers included a request for \$300 million in additional funds to promote "healthy marriage" programs, despite the President's insistence that no new money was required for any other aspect of welfare reauthorization, not even to meet increased costs that states were incurring due to inflation. *Id.* at 3. Expanded funding for abstinence educational programs for teens was also a central tenet of Bush's proposal. *Id.* at 22-23. Many advocates spoke out against the marriage provisions of the President's plan, citing constitutional privacy protections and the prevalence of domestic violence, and arguing that marriage does not address the root causes of women's poverty and is not a long-term solution. *E.g.*, *Welfare Reform and Marriage Initiatives: Hearing on H.R. 4700 Before the Senate Finance Comm.*, 107th Cong. 2, 10 (2002) (statement of Jacqueline K. Payne, Policy Attorney, and Sherry Leiwant, Senior Staff Attorney, NOW Legal Defense and Education Fund) ("Congress must not use women's economic vulnerability as an opportunity to control their decisions regarding marriage and childbearing.").

135. [I]t is important to note that many states likely will assign recipients to more than [twenty-four] hours of paid or unpaid work so that the recipient can count toward the participation rates if she misses several hours for any reason, such as an illness, the need to care for a sick child, or a parent-teacher conference.

SHAWN FREMSTAD ET AL., CENTER FOR LAW AND SOCIAL POLICY, ONE STEP FORWARD OR TWO STEPS BACK? WHY THE BIPARTISAN SENATE FINANCE BILL REFLECTS A BETTER APPROACH TO TANF REAUTHORIZATION THAN THE HOUSE BILL 8 (2002). Even if states did find themselves able to count education after twenty-four hours, for single parents, working or taking part in a workfare program twenty-four hours a week would not allow them time to parent their children and also attend school in a way that would help them improve their employment outlook. Students who attend college on a part-time basis are less likely to graduate than those who participate on a full-time basis. Gruber, *supra* note 21, at 269 (citing STEPHANIE CUCCARO-ALAMIN & SUSAN P. CHOY, UNITED STATES DEPARTMENT OF EDUCATION, POSTSECONDARY FINANCING STRATEGIES: HOW UNDERGRADUATES COMBINE WORK, BORROWING AND ATTENDANCE 2 (1998) (listing multiple studies establishing the negative impacts of work and part-time attendance on postsecondary completion)).



programs—spending crucial dollars to create unpaid positions while also pushing people into whatever nongovernmental paid or unpaid positions they could find in order to ensure that work participation rates were met. Maine, along with many other states, has not taken such an approach, mainly because it has not been proven to be successful in moving families into stable long-term employment that will enable them to leave welfare behind.<sup>136</sup> Further, Bush's restrictions on education would curtail current educational programs in forty states.<sup>137</sup>

In response to President Bush's proposal, the Republican-controlled House of Representatives passed a bill, largely along party lines, providing President Bush with nearly all that he sought in a welfare reauthorization law.<sup>138</sup> The bill adopted the President's request to restrict access to education by excluding postsecondary education from the list of countable work activities, requiring a forty hour participation week for individual recipients, and increasing states' required participation rates.<sup>139</sup>

The Senate response to President Bush's proposal, however, was more tempered than that of the House. Led by Maine's Senior Senator, Republican Olympia J. Snowe, six members of the Senate Finance Committee created a model set of

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136. See FREMSTAD ET AL., *supra* note 135, at 8-9. "Research has never shown significant effects on employment and earnings for unpaid work experience programs. In a review of research conducted in the 1980s, the Manpower Demonstration Research Corporation (MDRC) concluded, 'there is little evidence that unpaid work experience leads to consistent employment or earnings effects.'" *Id.* (quoting THOMAS BROCK ET AL., MANPOWER DEMONSTRATION RESEARCH CORPORATION, UNPAID WORK EXPERIENCE FOR WELFARE RECIPIENTS: FINDINGS AND LESSONS FROM MDRC RESEARCH 3 (1993)). A 2001 effort to research work activities in Washington's TANF program found that unpaid work experience did not significantly increase the average earnings of participants who obtained jobs and only slightly increased paid employment, to a much lesser degree than job skills training or participating in paid subsidized employment. *Id.* (citing MARIEKA KLAWITTER, UNIVERSITY OF WASHINGTON, EFFECTS OF WORKFIRST ACTIVITIES ON EMPLOYMENT AND EARNINGS 4-5 (2001)).

137. CENTER FOR LAW AND SOCIAL POLICY, FORTY STATES LIKELY TO CUT ACCESS TO POSTSECONDARY TRAINING OR EDUCATION UNDER HOUSE-PASSED BILL 1 (2002).

138. H.R. 4737 passed by a vote of 229 (214 Republicans and 14 Democrats) to 197 (4 Republicans and 192 Democrats). LEXSEE 2002 House Roll No. 170.

139. H.R. 4737, 107th Cong. (2002). The House also acquiesced to Bush's request for \$300 million in new spending for experimental family formation programs. In addition to Bush's requests, the House bill included two additional measures that would be very dangerous for low-income parents and children. First, the House bill would require states to impose full family sanctions, an avenue that Maine has thoughtfully chosen not to follow although many other states have enacted such provisions. *Id.* § 407(e) (2002). Full family sanctions require that when a parent does not meet the weekly work requirement, the entire family's assistance is withdrawn. Many states, including Maine, sanction only the adult but continue assistance to children. The House bill would not require states to allow exceptions for families that cannot meet the work requirement due to a special circumstance, such as a disability. Further, states that chose not to implement such provisions, and instead chose to use state funds to help low-income children when their parents did not meet the work requirements, would not be allowed to count those state funds towards their maintenance of effort expenditures. Second, the House bill included a "superwaiver" provision that would allow federal administrators to waive provisions of many requirements on federal funds dispersed to states. *Id.* § 701 (2002). Many advocates are concerned that this would allow federal officials to waive hard-won legislatively-passed protections for low-income families in programs such as welfare, food stamps, and job training programs.

“tri-partisan principles” for welfare reauthorization.<sup>140</sup> One of the primary components of the tri-partisan principles was an expansion of access to basic and vocational education; they called for allowing states to count vocational education as meeting an individual’s work requirement for up to twenty-four months.

In addition, Senator Snowe, along with Senate Finance Committee Chair Democrat Max Baucus of Montana, introduced a separate bill called the Pathways to Self Sufficiency Act.<sup>141</sup> The Pathways Act would allow states to utilize federal funds to enact PaS-type programs for up to 10% of their caseloads to obtain associate’s and bachelor’s degrees.<sup>142</sup> Modeled on Maine’s PaS program, the bill, although it would not allow states to help parents with tuition costs,<sup>143</sup> would allow them to count higher education as a work activity and provide federally-funded TANF cash benefits to such families.<sup>144</sup> States would also be authorized to utilize federal funds to help parents going to college with support services such as child care, transportation, and books and supplies.<sup>145</sup>

In introducing the bill, Senator Snowe stated that although moving families to work should remain the priority of welfare reauthorization, “increasingly, education can be the key to self-sufficiency for welfare recipients.”<sup>146</sup> Referring to Maine’s PaS program, Senator Snowe noted that “education has played a key role in breaking the cycle of welfare and giving parents the skills necessary for higher wages—and ultimately, higher wages are the light at the end of [the] tunnel offering the promise of an end to public assistance.”<sup>147</sup> Snowe concluded that “[t]he bottom line is, if we expect parents to get off and stay off welfare, we need to give them the tools to find good jobs, whether it’s job training, education, or help dealing with barriers to employment like substance abuse or domestic violence.”<sup>148</sup>

In June of this year, the Senate Finance Committee voted out a welfare reauthorization bill that expanded vocational education to twenty-four months as a countable activity and also adopted Senator Snowe’s postsecondary option.<sup>149</sup> In

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140. Senator Snowe joined Finance Committee members John Breaux (D-LA), Orin Hatch (R-UT), Jim Jeffords (I-VT), Blanche Lincoln (D-AR), and John Rockefeller IV (D-WV) in creating the tri-partisan principles (on file with authors).

141. S. 2552, 107th Cong. § 1 (2002).

142. *Id.* § 2(b)(1)(E)(ii).

143. *Id.* § 2(a)(2).

144. *Id.* § 2(a)(5), (b).

145. *Id.* § 2(a)(5). Participants would be expected to make satisfactory progress in a college degree or vocational education program, going to school on a full-time basis, unless special circumstances required them to participate on only a part-time basis. *Id.* § 2(a)(3). Parents participating would be required to take part in a combination of educational activities, such as class time, study time, internships or working, for twenty-four hours per week during the first two years of participation and thirty hours per week after the first two years. *Id.* After the first two years of participation, participants would have a choice between working fifteen hours in addition to their school and study time or engaging in a combination of work and educational activities for thirty hours per week. *Id.*

146. Press Release, Senator Olympia J. Snowe, Snowe Working to Use Maine ‘Parents as Scholars’ as Model in Welfare Reform Law (May 22, 2002) (on file with authors).

147. *Id.*

148. *Id.*

149. S. 2052, 107th Cong. § 202(g) (2002). The Senate Finance Committee bill would also expand access to G.E.D. and other basic adult education from Bush’s proposal by allowing a state to count this as a work activity for up to six months. *Id.* § 202(e). The Senate Finance Committee bill also rejected the Bush request for a mandatory forty-hour participation week for

the Committee hearing, Senator Snowe remarked on how impressed she was with the PaS graduates she had met:

Just after Memorial Day, I met with graduates of Maine's program, and it was inspiring to listen to their stories about how they overcame numerous obstacles to secure a higher education. One woman hitchhiked to classes—she so desired to better herself she was willing to overcome all of the obstacles in order to create a better way of life for herself and her child.<sup>150</sup>

In response to the Senate Finance Committee's bill, President Bush renewed his call to remove education from the options for welfare recipients. In a speech at a South Carolina high school following the Senate Finance Committee vote, President Bush complained that the Senate Finance Committee bill created too many "loopholes" to moving people from welfare to work, citing increased access to postsecondary education as an example.<sup>151</sup> Implicitly referencing the Snowe proposal, Bush remarked:

Some people could spend their entire five years—there's a five-year work requirement—on welfare going to college. Now, that's not my view of helping people become independent and it's certainly not my view of understanding the importance of work and helping people achieve the dignity necessary so they can live a free life, free from government control.<sup>152</sup>

His remarks were greeted with applause from the audience in the high school auditorium.<sup>153</sup>

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welfare recipients; instead, the Committee agreed that the current thirty-hour requirement was sufficient, although states are allowed to impose increased requirements. The bill also rejected the House measures requiring states to implement full family sanctions and to allow states to apply for super-waivers. The Senate Finance Committee bill provided President Bush with additional marriage formation funding, but reduced the amount from his requested \$300 million to \$200 million. The President expressed his disappointment at the reduction, stating:

I'm not happy with the fact that [the Senate Finance Committee] reduced the amount of money by a third available to promote healthy marriage. That doesn't make sense to me. As a matter of fact, some of the money that they believe ought to be spent on so-called family building will go to programs that have nothing to do with promoting marriage.

President George W. Bush, Remarks on Welfare Reform at Charleston, S.C. (July 29, 2002) (transcript on file with authors). Finally, the bill included abstinence funding only to the tune of \$50 million. S. 2052, 107th Cong. § 302(b) (2002).

150. Press Release, Senator Olympia J. Snowe, Senate Finance Panel Adopts Snowe Legislation Setting Maine 'Parents as Scholars' as Model in Welfare Reform (June 26, 2002) (on file with authors).

151. President George W. Bush, Remarks on Welfare Reform at Charleston, S.C. (July 29, 2002) (transcript on file with authors).

152. *Id.* The press in Maine responded to Bush's attack on education with editorials decrying the classification of education as a "loophole." Editorial, *Counting College as Work Isn't a 'Loophole,'* PORTLAND PRESS HERALD, July 31, 2002, at 6A.

153. President George W. Bush, Remarks on Welfare Reform at Charleston, S.C. (July 29, 2002) (transcript on file with authors). Ironically, not only were his remarks made in a high school auditorium, but Bush began his speech by introducing a woman named Lucinda Bright who "didn't just want a job, she wanted to do something better for herself and for her children." *Id.* Working through a local program called Moving Up, she enrolled in a technical college and completed several courses on medical insurance before taking a job at a hospital. *Id.* According to President Bush, Ms. Bright is planning to return to school this fall to continue her education. *Id.*

Before the second session of the 107th Congress expired, Senator Snowe, unwilling to give up on the progress not yet realized, garnered the support of more than half of her Senate colleagues in encouraging the majority leader, Senator Tom Daschle, Democrat of South Dakota, to bring the welfare reauthorization bill to the Senate floor as quickly as possible.<sup>154</sup> Senator Snowe, along with Senator Blanche Lincoln, Democrat of Arkansas, obtained fifty signatures on a letter delivered to Daschle in mid-September pledging to limit amendments offered on the floor and requesting that he bring the bill up for a vote as soon as possible. Senator Daschle had previously been reluctant to bring the bill to the floor (and he voted against the bill in the Senate Finance Committee) based on concern that the child care funding in the bill was insufficient.

Ultimately, the full Senate did not have the opportunity to vote for the reauthorization bill in the 107th Congress. Concentrating on issues such as homeland security, the economic crisis, and corporate accountability, the Senate did not vote on welfare reauthorization before the fall elections. Although the possibility of a three-year compromise on the law, with limited changes, was discussed, it did not materialize. A lame duck session also failed to produce a renewed law, although the law has been continued until March 31 of this year.

The recently begun first session of the 108th Congress will see the process of reauthorization begin anew. President Bush has recently reiterated his desire to renew the program with the changes he outlined last spring. While the House and Senate deliberate, it is likely that three-month extensions will continue until agreement can be reached. With the 2002 elections bringing Republicans into control of both the House and Senate, the shift in power may make it difficult to replicate the advances made in the Senate last year.

## V. PROSPECTS FOR THE FUTURE

*In many states, "work first" is not just the rule—it's the mandate. Poor women, who are deemed "employable," are shunted away from training—training that would enable them to make livable wages to support themselves and their families—and are immediately placed in low-wage, "women's" jobs. Rarely are they encouraged or even given knowledge of training opportunities that might be available to them in nontraditional jobs that would pay more, have greater stability, and more upward mobility.<sup>155</sup>*

—Heidi Hartman Ph.D., President & C.E.O., The Institute for Women's Policy Research

Social welfare and economic policies in the United States have consistently failed to alleviate poverty among women, most particularly among those heading households. In part this has occurred because of institutionalized assumptions that "reforms are gender neutral."<sup>156</sup> In truth, welfare law is both individually and

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154. Robert Pear, *50 Senators Ask Daschle for Debate on Renewing Welfare Law*, N.Y. TIMES, Sept. 11, 2002, at A12.

155. Heidi Hartmann, Ph.D., *Preface* to CYNTHIA NEGREY, PH.D. ET AL., INSTITUTE FOR WOMEN'S POLICY RESEARCH, *WORKING FIRST BUT WORKING POOR: THE NEED FOR EDUCATION AND TRAINING FOLLOWING WELFARE REFORM*, at iii (2001).

156. Nahid Aslanbeigui et al., *Women and Economic Transformation*, in *WOMEN IN THE AGE OF ECONOMIC TRANSFORMATION 6* (Nahid Aslanbeigui et al. eds., 1994).

institutionally sexist (harmful to, oppressive of, and discriminatory toward women). Individually, in that the ideology that frames its construction is grounded in attitudes and beliefs that prejudice and discredit the behaviors of poor women with children. Institutionally, in that the ways in which welfare laws are written and welfare policy enacted systematically punish poor women and maintain damaging stereotypical images of them.

The high personal and social cost for women who are expected to fulfill family roles of both breadwinner and nurturer is often unacknowledged; the work they have been forced to do affords neither they nor their families security. Further, "[w]elfare reform which focuses on individual behaviors of welfare recipients and their children rather than on market barriers is doomed to fail. In short, there are not enough jobs available that pay livable wages—including health care and child care costs—for all the low-skilled women" receiving welfare.<sup>157</sup> Yet, solutions to alleviate poverty in the United States continue to offer singular solutions to very complex problems. One commentator has captured the essence of the tragedy of contemporary welfare policy:

[Current welfare rhetoric] reflects a heavy emphasis on discipline and social control, with little attention to questions of deprivation and need. In part, this emphasis stems from the way in which the issue has been framed. Current debate centers on the problem of welfare dependency, not on the problem of poverty.<sup>158</sup>

Despite the complexity of this issue, it is clear that higher education can make a substantial difference in the lives of poor women *and* address deep-rooted causes of poverty. A recent Educational Testing Service survey revealed that 69% of all welfare recipients have skills that qualify them for some postsecondary education that would enable them to increase their advantage in the labor market, position them for job advancements, and secure their families' stability and security.<sup>159</sup>

Further, as one of the most promising pathways out of poverty, higher education can also be one of the most promising pathways to gender equity. National trends indicate that increased access to higher education is critical to gender equity. As one generation transmits its experiences to another, longstanding and "typical" patterns of employment and education for women and for men can be replaced.<sup>160</sup> One study found compelling evidence that metropolitan areas with a high demand for female labor end up with more egalitarian labor markets and educational attainment. The continued expansion of women workers with college degrees may be the only prospect of undoing gender as a major force in the organization of work because it is the demand for women's labor in productive work that is important in diminishing gender inequality.<sup>161</sup>

If policymakers are serious about reducing poverty, not just welfare rolls, through welfare programs, it is illogical to exclude higher education as at least one

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157. Sandra Sue Butler & Mary Katherine Nevin, *Welfare Mothers Speak: One State's Effort to Bring Recipient Voices to the Welfare Debate*, in *INCOME SECURITY AND PUBLIC ASSISTANCE FOR WOMEN AND CHILDREN* 25, 29 (Keith M. Kilty et al. eds., 1997).

158. Matthew Diller, *Introductory Remarks: Is the Issue Welfare or Poverty?*, 22 *FORDHAM URB. L.J.* 875, 877 (1995).

159. CARNEVALE & DESROCHERS, *supra* note 102, at 7.

160. See Amartya Sen, *Gender and Cooperative Conflicts*, in *PERSISTENT INEQUALITIES: WOMEN AND WORLD DEVELOPMENT* 123, 137 (Irene Tinker ed., 1990).

161. David A. Cotter et al., *The Demand for Female Labor*, 103 *AM. J. SOC.* 1673 (1998).

of the facets of a multi-pronged approach. Instead of accepting the evidence that education matters and embracing gender equity as a goal, federal policymakers have forced states to subvert their policies in order to encourage education.

That higher education was discouraged in PRWORA is in marked contrast to current societal attitudes about education. A recent survey by the Public Agenda found that nearly nine out of ten Americans agree that college education has become as important as a high school diploma once was.<sup>162</sup> The public overwhelmingly favors helping low-income families to access education. Nationally, statistics lend broad support for government spending to help families leaving welfare obtain an education, even if more spending would be required.<sup>163</sup> A 2000 study found that eight in ten Americans favored government spending on education for individuals leaving welfare even if it would require additional government spending.<sup>164</sup>

Maine's Parents as Scholars program provides welfare recipients with access to postsecondary and higher education programs that can increase their prospects of a life without poverty. While the program is not an absolute guarantee of a life without poverty, low-income women and their families face greatly enhanced chances of secure living when their opportunities for obtaining and maintaining successful, supportive, and fulfilling work are increased.

Parents as Scholars models one way in which the long quest to reduce poverty among poor families can be achieved and affords low-income women who are parents the same access to higher education that the public at large believes is essential for the rest of society to succeed in the new economy. In the words of Senator Snowe: "This program sets an exemplary example of how we should be breaking the cycle of dependency, encouraging education, encouraging self-sufficiency, and encouraging people to leave the welfare rolls permanently."<sup>165</sup>

Nevertheless, while postsecondary education is a vital component in the formulation of social welfare and economic policies that seek to reduce poverty, it is only one piece of a very complex puzzle. The solution to welfare, seen simply as moving women into the workforce or securing their access to higher education, is short-sighted. If welfare "reform" and the presumable and subsequent well-being of poor women is to be measured by reduction in poverty rates and by sustained and permanent movement into the labor force, immediate attention needs to be focused on areas intimately tied to the success of this venture. Access to higher education ranks at the top of the list, although access alone is still not enough to change gendered asymmetries in both private and public spheres. In addition, issues such as assuring pay equity, raising the minimum wage, eliminating job segregation, increasing union affiliation, promoting labor market opportunities,

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162. Richard Morin, *What Americans Think: The Key to Success, A New Survey Shows That, More Than Ever, Most of Us Think a College Education is Necessary*, WASH. POST WKLY. EDITION, May 8, 2000, at 34.

163. See Sara Hebel, *Education Department Report Notes a Quarter-Century of Strides by Women in Academe*, CHRON. OF HIGHER EDUC. DAILY NEWS, Apr. 26, 2000, at 1.

164. See Richard Morin, *What Americans Think: The Voters Who Really Swing, Candidates Should be Wooing Working Class Whites, a New Book Suggests*, WASH. POST WKLY. EDITION, May 29, 2000, at 34.

165. Press Release, Senator Olympia J. Snowe, Senate Finance Panel Adopts Snowe Legislation Setting Maine 'Parents as Scholars' as Model in Welfare Reform (June 26, 2002) (on file with authors).

stabilizing benefits, and securing availability of supportive services demand immediate attention.

If the current restrictions on higher education are not eliminated in the reauthorization of PRWORA, the lives of millions of poor women and children will be further jeopardized as we enter a complex, global, technology-based future. Although much debate and consideration was invested in revising the welfare reform law last year, work on the bill was not completed and it continues to face an uncertain future. Many advocates fear that the extensive nationwide effort to bring real families' voices to the debate will be difficult to duplicate in another year. Further, the deteriorating federal budget picture, combined with the costs of combatting terrorism and the war in Iraq, will render it even more difficult for a welfare reauthorization law to create positive change for low-income families. If Congress does not act soon, low-income women and their children will be left behind once again.