

2323

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sens. MONTGOMERY, ADAMS, DIAZ, DILAN, HASSELL-THOMPSON, HUNTLEY, KRUEGER, OPPENHEIMER, PARKER, PERKINS, SAMPSON, SAVINO, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to clarifying the definitions of vocational educational training and educational activities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (a) of subdivision 2 of section 335-a of the
2 social services law, as amended by section 148 of part B of chapter 436
3 of the laws of 1997, is amended to read as follows:
4 (a) Based on the assessment required by subdivision one of this
5 section, the social services official, in consultation with the partic-
6 ipant, shall develop an employability plan in writing which shall set
7 forth the services that will be provided by the social services official
8 and the activities in which the participant will take part, including
9 supportive services and shall set forth an employment goal for the
10 participant. [A local social services district may assign recipients in
11 households without dependent children to any activity.] TO THE EXTENT
12 POSSIBLE, THE EMPLOYABILITY PLAN SHALL REFLECT THE PREFERENCES OF THE
13 PARTICIPANT IN A MANNER THAT IS CONSISTENT WITH THE RESULTS OF THE
14 PARTICIPANT'S ASSESSMENT AND THE NEED OF THE SOCIAL SERVICES DISTRICT TO
15 MEET FEDERAL AND STATE WORK ACTIVITY PARTICIPATION REQUIREMENTS, AND, IF
16 SUCH PREFERENCES CANNOT BE ACCOMMODATED, THE REASONS SHALL BE SPECIFIED
17 IN THE EMPLOYABILITY PLAN. The employability plan also shall take into
18 account the participant's supportive services needs, available program
19 resources, local employment opportunities, and where the social services
20 official is considering an educational activity assignment for such
21 participant, the participant's liability for student loans, grants and
22 scholarship awards. The employability plan shall be explained to the

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 participant. Any change to the participant's employability plan required
2 by the social services official shall be discussed with the participant
3 and shall be documented in writing.

4 S 2. Paragraph (h) of subdivision 1 of section 336 of the social
5 services law, as amended by chapter 214 of the laws of 1998, is amended
6 to read as follows:

7 (h) vocational educational training as time limited by federal law.
8 For the purposes of this title, "vocational educational training" shall
9 include but not be limited to organized educational programs offering a
10 sequence of courses which are directly related to the preparation of
11 individuals for current or emerging occupations [requiring other than a
12 baccalaureate or advanced degree] INCLUDING PROGRAMS THAT REQUIRE UP TO
13 FOUR YEARS OF POST-SECONDARY EDUCATION. Such programs shall include
14 competency-based applied learning which contributes to an individual's
15 academic knowledge, higher-order reasoning, and problem-solving skills,
16 work attitudes, general employability skills, and the occupational-spe-
17 cific skills necessary for economic independence. Such term also
18 includes applied technology education;

19 S 3. Paragraph (i) of subdivision 1 of section 336 of the social
20 services law, as added by section 148 of part B of chapter 436 of the
21 laws of 1997, is amended to read as follows:

22 (i) job skills training directly related to employment. JOB SKILLS
23 TRAINING DIRECTLY RELATED TO EMPLOYMENT SHALL INCLUDE BUT NOT BE LIMITED
24 TO PARTICIPATION IN UP TO FOUR YEARS OF POST-SECONDARY EDUCATION TO THE
25 EXTENT CONSISTENT WITH FEDERAL AND STATE REQUIREMENTS;

26 S 4. Subdivision 1 of section 336-a of the social services law, as
27 amended by section 148 of part B of chapter 436 of the laws of 1997, is
28 amended to read as follows:

29 1. Social services districts shall make available vocational educa-
30 tional training and educational activities INCLUDING PROGRAMS THAT
31 REQUIRE UP TO FOUR YEARS OF POST-SECONDARY EDUCATION. Such activities
32 may include but need not be limited to, high school education or educa-
33 tion designed to prepare a participant for a high school equivalency
34 certificate, basic and remedial education, AND education in English
35 proficiency and SHALL INCLUDE no more than a total of [two] FOUR years
36 of post-secondary education (or the part-time equivalent if full-time
37 study would constitute an undue hardship) [in]. EDUCATIONAL ACTIVITIES
38 PURSUANT TO THIS SECTION MAY BE OFFERED WITH any of the following
39 providers which meet the performance or assessment standards established
40 in regulations by the commissioner for such providers: a community
41 college, licensed trade school, registered business school, or a two-
42 year OR FOUR-YEAR college; provided, however, that such post-secondary
43 education must be necessary to the attainment of the participant's indi-
44 vidual employment goal as set forth in the employability plan and such
45 goal must relate directly to obtaining useful employment in a recognized
46 occupation. WHEN MAKING ANY ASSIGNMENT TO ANY EDUCATIONAL ACTIVITY
47 PURSUANT TO THIS SUBDIVISION, SUCH ASSIGNMENT SHALL BE PERMITTED ONLY TO
48 THE EXTENT THAT SUCH ASSIGNMENT IS CONSISTENT WITH THE INDIVIDUAL'S
49 ASSESSMENT AND EMPLOYMENT PLAN GOALS IN ACCORDANCE WITH SECTIONS THREE
50 HUNDRED THIRTY-FIVE AND THREE HUNDRED THIRTY-FIVE-A OF THIS TITLE AND
51 SHALL REQUIRE THAT THE INDIVIDUAL MAINTAINS SATISFACTORY ACADEMIC
52 PROGRESS. FOR PURPOSES OF THIS PROVISION "SATISFACTORY ACADEMIC
53 PROGRESS" SHALL MEAN SATISFACTORY PROGRESS AS DEFINED IN 20 USC 1091(C).

54 S 5. Paragraph (c) of subdivision 1 of section 131-n of the social
55 services law, as amended by chapter 373 of the laws of 2003, is amended
56 to read as follows:

1 (c) an amount up to one thousand four hundred dollars in a separate
2 bank account established by an individual while currently in receipt of
3 assistance for the purpose of paying tuition at a two-year OR FOUR-YEAR
4 accredited post-secondary educational institution, so long as the funds
5 are not used for any other purpose,
6 S 6. This act shall take effect immediately; provided, however, that
7 the amendments to paragraph (c) of subdivision 1 of section 131-n of the
8 social services law made by section five of this act shall not affect
9 the expiration of such section and shall be deemed to expire therewith.