

10496

I N   A S S E M B L Y

April 2, 2010

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Introduced by M. of A. HOOPER -- read once and referred to the Committee  
on Higher Education

AN ACT to amend the social services law, in relation to access to a  
college education by public assistance recipients who are subject to  
work participation requirements

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

1     Section 1. Section 336-a of the social services law, as amended by  
2     section 148 of part B of chapter 436 of the laws of 1997, is amended to  
3     read as follows:  
4     S 336-a. Educational activities. 1. Social services districts shall  
5     make available vocational educational training and educational activ-  
6     ities. Such activities may include but need not be limited to, high  
7     school education or education designed to prepare a participant for a  
8     high school equivalency certificate, basic and remedial education,  
9     education in English proficiency and no more than a total of [two] FOUR  
10    years of post-secondary education (or the part-time equivalent if full-  
11    time study would constitute an undue hardship) in any of the following  
12    providers which meet the performance or assessment standards established  
13    in regulations by the commissioner for such providers: a community  
14    college OR A TWO-YEAR COLLEGE, licensed trade school, registered busi-  
15    ness school, or a [two-year] FOUR-YEAR college; provided, however, that  
16    such post-secondary education must be necessary to the attainment of the  
17    participant's individual employment goal as set forth in the employabil-  
18    ity plan and such goal must relate directly to obtaining useful employ-  
19    ment in a recognized occupation.  
20    2. When a district contracts with a proprietary vocational school to  
21    provide vocational educational training to participants, not more than  
22    [twenty-five] FIFTY percent of the approved duration of the program  
23    shall be devoted to preparation for a high school equivalency diploma or  
24    instruction in English for students with limited proficiency in English.  
25    Participants needing instruction in basic literacy shall be referred to  
26    basic education programs. Instructors employed by proprietary schools to  
27    prepare a participant for a high school equivalency certificate or for

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

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1 education in English proficiency shall meet experience requirements  
2 established by the regulations of the commissioner of education.

3 3. When a participant is assigned to an appropriate vocational educa-  
4 tional or educational activity and such activity is available at no cost  
5 to the social services district through the school district or board of  
6 cooperative educational services in which the participant resides or  
7 through another agency or organization providing educational services  
8 WHICH MEET SUCH MINIMUM STANDARDS AS THE COMMISSIONER OF EDUCATION SHALL  
9 ESTABLISH, the social services district shall refer the participant to  
10 such district, board, agency or organization.

11 4. To the extent provided in paragraphs (a) through (d) of this subdi-  
12 vision and if resources permit, each social services official shall  
13 assign to appropriate educational activities any participant who has not  
14 obtained a high school diploma or its equivalent:

15 (a) In accordance with the provisions of this chapter, any such  
16 participant who is under age eighteen shall be required to attend educa-  
17 tional activities designed to prepare the individual for a high school  
18 degree or equivalency certificate. Participants who are not subject to  
19 compulsory school attendance requirements may be exempted from the  
20 requirements of this paragraph under criteria established by the depart-  
21 ment in consultation with the state education department and consistent  
22 with federal law and regulations.

23 (b) Any such participant who is age eighteen or nineteen shall be  
24 assigned to educational activities, except that the district shall  
25 assign such participant to employment and/or other activities under this  
26 title if the district has determined that such alternative activities  
27 are consistent with the participant's employability plan and, pursuant  
28 to [department] OFFICE regulations, there has been a determination by  
29 the district based on such plan that educational activities are not  
30 [appropriate] REQUIRED for such participant TO OBTAIN THE KNOWLEDGE AND  
31 SKILLS NEEDED TO BE EMPLOYED IN THE OCCUPATION CHOSEN BY THE PARTICIPANT  
32 AS HIS OR HER EMPLOYMENT GOAL IN SUCH PLAN BECAUSE HE OR SHE HAS CLEARLY  
33 AND AFFIRMATIVELY DEMONSTRATED THAT HE OR SHE ALREADY POSSESSES SUCH  
34 KNOWLEDGE AND SKILLS or that the participant has failed to [make good  
35 progress] MAINTAIN A CUMULATIVE C AVERAGE OR ITS EQUIVALENT in such  
36 educational activities, EXCEPT WHERE UNDUE HARDSHIP RESULTING FROM THE  
37 DEATH OF A RELATIVE OF THE STUDENT, THE PERSONAL INJURY OR ILLNESS OF  
38 THE STUDENT, OR OTHER EXTENUATING CIRCUMSTANCES, IS RESPONSIBLE FOR SUCH  
39 FAILURE TO MAINTAIN A CUMULATIVE C AVERAGE OR ITS EQUIVALENT.

40 (c) Any such participant who is an adult in a two-parent family and is  
41 under age twenty-five may be required to participate in educational  
42 activities consistent with his or her employment goals set forth in the  
43 employability plan.

44 (d) The social services official shall not assign a participant  
45 described in this subdivision to any activities which interfere with the  
46 educational activities assigned pursuant to such participant's employa-  
47 bility plan and described in this subdivision.

48 5. Any applicant for or recipient of public assistance pursuing VOCA-  
49 TIONAL EDUCATION OR EDUCATIONAL activities described in this [subdivi-  
50 sion] SECTION shall not be assigned to any other activity prior to  
51 conducting an assessment and developing an employability plan as  
52 prescribed in section three hundred thirty-five or three hundred thir-  
53 ty-five-a of this title AND MAY BE ASSIGNED TO SUCH OTHER ACTIVITY ONLY  
54 IF SUCH INDIVIDUAL'S ASSESSMENT AND SUCH INDIVIDUAL'S EMPLOYABILITY PLAN  
55 WARRANT THE ASSIGNMENT TO SUCH OTHER ACTIVITY. Local social services  
56 districts may periodically reevaluate a participant's employment plan

1 and make assignments to other work activities [in order to meet partic-  
2 ipation rates] NOT INCONSISTENT WITH THE REQUIREMENTS OF THIS SECTION,  
3 giving due consideration to the participant's progress in the current,  
4 and if applicable, prior program.

5 6. Nothing required in this section shall be construed to supersede  
6 the eligibility requirements of teen parents as set forth in this chap-  
7 ter.

8 7. (A) IN ANY SOCIAL SERVICES DISTRICT IN WHICH THE APPLICABLE FEDERAL  
9 OR STATE WORK ACTIVITY PARTICIPATION RATES WERE MET FOR THE PREVIOUS  
10 YEAR OR ARE PROJECTED WILL BE MET FOR THE CURRENT YEAR, PARTICIPANTS  
11 SHALL BE PERMITTED TO PURSUE POST-SECONDARY EDUCATION, INCLUDING PARTIC-  
12 IPATION IN A FOUR YEAR PROGRAM, IN SATISFACTION OF THE WORK ACTIVITY  
13 REQUIREMENTS OF THIS TITLE.

14 (B) WHEN A PARTICIPANT ENGAGES IN EDUCATIONAL ACTIVITY PURSUANT TO  
15 THIS SECTION IN FULL OR PARTIAL SATISFACTION OF HIS OR HER WORK REQUIRE-  
16 MENT, THE LOCAL DISTRICT SHALL COUNT EACH HOUR OF CLASSROOM PARTIC-  
17 IPATION AS WORK ACTIVITY AND SHALL ALSO COUNT THE TIME REASONABLY NECES-  
18 SARY FOR STUDY AND CLASS PREPARATION AS WORK ACTIVITY. FOR EACH HOUR OF  
19 CLASSROOM PARTICIPATION, THE TIME REASONABLY NECESSARY FOR STUDY AND  
20 CLASS PREPARATION SHALL BE DEEMED TO BE THE NUMBER OF SUPPLEMENTARY  
21 ASSIGNMENT HOURS REQUIRED BY STATE EDUCATION DEPARTMENT REGULATIONS FOR  
22 EACH CREDIT HOUR IN A COURSE OF PROFESSIONAL OR HIGHER EDUCATION;  
23 PROVIDED THAT A DISTRICT MAY COUNT A LARGER NUMBER OF HOURS IF A PARTIC-  
24 IPANT DEMONSTRATES THAT HIS OR HER EDUCATIONAL ACTIVITY REQUIRES A LARG-  
25 ER NUMBER OF HOURS FOR STUDY, PREPARATION OR OTHER SUPPLEMENTAL ACTIV-  
26 ITY.

27 (C) A DISTRICT SOCIAL SERVICES OFFICIAL SHALL NOT ASSIGN A PARTICIPANT  
28 DESCRIBED IN THIS SUBDIVISION TO ANY ACTIVITIES WHICH INTERFERE WITH THE  
29 EDUCATIONAL ACTIVITIES DESCRIBED IN THIS SUBDIVISION. THE DISTRICT SHALL  
30 NOT ASSIGN ANY ADDITIONAL ACTIVITIES TO A PARTICIPANT DESCRIBED IN THIS  
31 SUBDIVISION WHO IS ENROLLED AT LEAST HALF-TIME IN A POST-SECONDARY  
32 PROGRAM AND HAS AT LEAST A CUMULATIVE C AVERAGE OR ITS EQUIVALENT. THE  
33 DISTRICT MAY WAIVE THE REQUIREMENT THAT THE STUDENT HAVE AT LEAST A  
34 CUMULATIVE C AVERAGE OR ITS EQUIVALENT FOR UNDUE HARDSHIP BASED ON (I)  
35 THE DEATH OF A RELATIVE OF THE STUDENT; (II) THE PERSONAL ILLNESS OR  
36 INJURY OF THE STUDENT; OR (III) OTHER EXTENUATING CIRCUMSTANCES.

37 S 2. This act shall take effect on the one hundred twentieth day after  
38 it shall have become a law, provided, however, that effective immediate-  
39 ly, the addition, amendment and/or repeal of any rules or regulations  
40 necessary for the implementation of the provisions of this act on its  
41 effective date is authorized and directed to be made and completed on or  
42 before such effective date.