

5846

2009-2010 Regular Sessions

I N S E N A T E

June 11, 2009

Introduced by Sens. MONTGOMERY, SQUADRON, DILAN, HASSELL-THOMPSON, KRUEGER, PARKER, SAMPSON, SCHNEIDERMAN, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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. Paragraphs (h) and (i) of subdivision 1 of section 336 of the  
5 social services law, paragraph (h) as amended by chapter 214 of the laws  
6 of 1998 and paragraph (i) as amended by section 148 of part B of chapter  
7 436 of the laws of 1997, are amended to read as follows:

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

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

24 S 3. Subdivision 1 of section 336-a of the social services law, as  
25 amended by section 148 of part B of chapter 436 of the laws of 1997, is  
26 amended to read as follows:

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

49 S 4. Paragraph (c) of subdivision 1 of section 131-n of the social  
50 services law, as amended by chapter 373 of the laws of 2003, is amended  
51 to read as follows:

52 (c) an amount up to one thousand four hundred dollars in a separate  
53 bank account established by an individual while currently in receipt of  
54 assistance for the purpose of paying tuition at a two-year OR FOUR-YEAR  
55 accredited post-secondary educational institution, so long as the funds  
56 are not used for any other purpose,

1 S 5. This act shall take effect immediately; provided, however, that  
2 the amendments to paragraph (c) of subdivision 1 of section 131-n of the  
3 social services law made by section four of this act shall not affect  
4 the expiration of such section and shall be deemed to expire therewith.