S T A T E O F N E W Y O R K

5846--B

2009-2010 Regular Sessions

I N S E N A T E

June 11, 2009

Introduced by Sens. MONTGOMERY, SQUADRON, ADAMS, DIAZ, DILAN, ESPADA, HASSELL-THOMPSON, HUNTLEY, KRUEGER, ONORATO, OPPENHEIMER, PARKER, PERKINS, SAMPSON, SAVINO, SCHNEIDERMAN, STAVISKY, STEWART-COUSINS, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Paragraph (a) of subdivision 2 of section 335-a of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

(a) Based on the assessment required by subdivision one of this section, the social services official, in consultation with the participant, shall develop an employability plan in writing which shall set forth the services that will be provided by the social services official and the activities in which the participant will take part, including supportive services and shall set forth an employment goal for the participant. [A local social services district may assign recipients in households without dependent children to any activity.] TO THE EXTENT POSSIBLE, THE EMPLOYABILITY PLAN SHALL REFLECT THE PREFERENCES OF THE PARTICIPANT IN A MANNER THAT IS CONSISTENT WITH THE RESULTS OF THE PARTICIPANT'S ASSESSMENT AND THE NEED OF THE SOCIAL SERVICES DISTRICT TO MEET FEDERAL AND STATE WORK ACTIVITY PARTICIPATION REQUIREMENTS, AND, IF

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

LBD14231-03-0

SUCH PREFERENCES CANNOT BE ACCOMMODATED, THE REASONS SHALL BE SPECIFIED IN THE EMPLOYABILITY PLAN. The employability plan also shall take into account the participant's supportive services needs, available program resources, local employment opportunities, and where the social services official is considering an educational activity assignment for such participant, the participant's liability for student loans, grants and scholarship awards. The employability plan shall be explained to the participant. Any change to the participant's employability plan required by the social services official shall be discussed with the participant and shall be documented in writing.

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

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

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

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

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

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

HUNDRED THIRTY-FIVE AND THREE HUNDRED THIRTY-FIVE-A OF THIS TITLE AND SHALL REQUIRE THAT THE INDIVIDUAL MAINTAINS SATISFACTORY ACADEMIC PROGRESS. FOR PURPOSES OF THIS PROVISION "SATISFACTORY ACADEMIC PROGRESS" SHALL MEAN SATISFACTORY PROGRESS AS DEFINED IN 20 USC 1091(C).

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

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

S 6. This act shall take effect immediately; provided, however, that the amendments to paragraph (c) of subdivision 1 of section 131-n of the social services law made by section five of this act shall not affect the expiration of such section and shall be deemed to expire therewith.