

1062

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. PARKER, PERALTA, PERKINS, SAMPSON -- 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 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 ASSEMBLY, 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

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

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1 shall be devoted to preparation for a high school equivalency diploma or  
2 instruction in English for students with limited proficiency in English.  
3 Participants needing instruction in basic literacy shall be referred to  
4 basic education programs. Instructors employed by proprietary schools to  
5 prepare a participant for a high school equivalency certificate or for  
6 education in English proficiency shall meet experience requirements  
7 established by the regulations of the commissioner of education.

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

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

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

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

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

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

53 5. Any applicant for or recipient of public assistance pursuing VOCA-  
54 TIONAL EDUCATION OR EDUCATIONAL activities described in this [subdivi-  
55 sion] SECTION shall not be assigned to any other activity prior to  
56 conducting an assessment and developing an employability plan as

prescribed in section three hundred thirty-five or three hundred thirty-five-a of this title AND MAY BE ASSIGNED TO SUCH OTHER ACTIVITY ONLY IF SUCH INDIVIDUAL'S ASSESSMENT AND SUCH INDIVIDUAL'S EMPLOYABILITY PLAN WARRANT THE ASSIGNMENT TO SUCH OTHER ACTIVITY. Local social services districts may periodically reevaluate a participant's employment plan and make assignments to other work activities [in order to meet participation rates] NOT INCONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, giving due consideration to the participant's progress in the current, and if applicable, prior program.

6. Nothing required in this section shall be construed to supersede the eligibility requirements of teen parents as set forth in this chapter.

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

(B) WHEN A PARTICIPANT ENGAGES IN EDUCATIONAL ACTIVITY PURSUANT TO THIS SECTION IN FULL OR PARTIAL SATISFACTION OF HIS OR HER WORK REQUIREMENT, THE LOCAL DISTRICT SHALL COUNT EACH HOUR OF CLASSROOM PARTICIPATION AS WORK ACTIVITY AND SHALL ALSO COUNT THE TIME REASONABLY NECESSARY FOR STUDY AND CLASS PREPARATION AS WORK ACTIVITY. FOR EACH HOUR OF CLASSROOM PARTICIPATION, THE TIME REASONABLY NECESSARY FOR STUDY AND CLASS PREPARATION SHALL BE DEEMED TO BE THE NUMBER OF SUPPLEMENTARY ASSIGNMENT HOURS REQUIRED BY STATE EDUCATION DEPARTMENT REGULATIONS FOR EACH CREDIT HOUR IN A COURSE OF PROFESSIONAL OR HIGHER EDUCATION; PROVIDED THAT A DISTRICT MAY COUNT A LARGER NUMBER OF HOURS IF A PARTICIPANT DEMONSTRATES THAT HIS OR HER EDUCATIONAL ACTIVITY REQUIRES A LARGER NUMBER OF HOURS FOR STUDY, PREPARATION OR OTHER SUPPLEMENTAL ACTIVITY.

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

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