

1419

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. MONTGOMERY, ADAMS, AVELLA, DIAZ, DILAN, HASSELL-THOMPSON, KRUEGER, 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

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

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

5 S 2. Paragraph (h) of subdivision 1 of section 336 of the social  
6 services law, as amended by chapter 214 of the laws of 1998, is amended  
7 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 S 3. Paragraph (i) of subdivision 1 of section 336 of the social  
21 services law, as added by section 148 of part B of chapter 436 of the  
22 laws of 1997, is amended to read as follows:

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

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

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

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

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

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