

5707

2015-2016 Regular Sessions

I N A S S E M B L Y

March 3, 2015

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. RIVERA,
WEPRIN -- read once and referred 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 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, subdivision 1
3 as amended by section 4 of part J of chapter 58 of the laws of 2014, is
4 amended to read as follows:
5 S 336-a. Educational activities. 1. Social services districts shall
6 make available vocational educational training and educational activ-
7 ities. Such activities may include but need not be limited to, high
8 school education or education designed to prepare a participant for a
9 high school equivalency certificate, basic and remedial education,
10 education in English proficiency and no more than a total of [four] TWO
11 years of post-secondary education (or the part-time equivalent IF FULL-
12 TIME STUDY WOULD CONSTITUTE AN UNDUE HARDSHIP). [Educational activities
13 pursuant to this section may be offered with] IN any of the following
14 providers which meet the performance or assessment standards established
15 in regulations by the commissioner for such providers: a community
16 college, licensed trade school, registered business school, or a two-
17 year [or four-year college]; provided, however, that such post-secondary
18 education must be necessary to the attainment of the participant's indi-
19 vidual employment goal as set forth in the employability plan and such
20 goal must relate directly to obtaining useful employment in a recognized
21 occupation. [When making any assignment to any educational activity
22 pursuant to this subdivision, such assignment shall be permitted only to
23 the extent that such assignment is consistent with the individual's
24 assessment and employment plan goals in accordance with sections three

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

LBD06896-02-5

1 hundred thirty-five and three hundred thirty-five-a of this title and
2 shall require that the individual maintains satisfactory academic
3 progress and hourly participation is documented consistent with federal
4 and state requirements. For purposes of this provision "satisfactory
5 academic progress" shall mean having a cumulative C average, or its
6 equivalent, as determined by the academic institution. The requirement
7 to maintain satisfactory academic progress may be waived if done so by
8 the academic institution and the social services district based on undue
9 hardship caused by an event such as a personal injury or illness of the
10 student, the death of a relative of the student or other extenuating
11 circumstances. Any enrollment in post-secondary education beyond a
12 twelve month period must be combined with no less than twenty hours of
13 participation averaged weekly in paid employment or work activities or
14 community service when paid employment is not available.]

15 2. When a district contracts with a proprietary vocational school to
16 provide vocational educational training to participants, not more than
17 [twenty-five] FIFTY percent of the approved duration of the program
18 shall be devoted to preparation for a high school equivalency diploma or
19 instruction in English for students with limited proficiency in English.
20 Participants needing instruction in basic literacy shall be referred to
21 basic education programs. Instructors employed by proprietary schools to
22 prepare a participant for a high school equivalency certificate or for
23 education in English proficiency shall meet experience requirements
24 established by the regulations of the commissioner of education.

25 3. When a participant is assigned to an appropriate vocational educa-
26 tional or educational activity and such activity is available at no cost
27 to the social services district through the school district or board of
28 cooperative educational services in which the participant resides or
29 through another agency or organization providing educational services,
30 WHICH MEET SUCH MINIMUM STANDARDS AS THE COMMISSIONER OF EDUCATION SHALL
31 ESTABLISH, the social services district shall refer the participant to
32 such district, board, agency or organization.

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

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

45 (b) Any such participant who is age eighteen or nineteen shall be
46 assigned to educational activities, except that the district shall
47 assign such participant to employment and/or other activities under this
48 title if the district has determined that such alternative activities
49 are consistent with the participant's employability plan and, pursuant
50 to [department] OFFICE regulations, there has been a determination by
51 the district based on such plan that educational activities are not
52 [appropriate] REQUIRED for such participant TO OBTAIN THE KNOWLEDGE AND
53 SKILLS NEEDED TO BE EMPLOYED IN THE OCCUPATION CHOSEN BY THE PARTICIPANT
54 AS HIS OR HER EMPLOYMENT GOAL IN SUCH PLAN BECAUSE HE OR SHE HAS CLEARLY
55 AND AFFIRMATIVELY DEMONSTRATED THAT HE OR SHE ALREADY POSSESSES SUCH
56 KNOWLEDGE AND SKILLS or that the participant has failed to [make good

progress] MAINTAIN A CUMULATIVE C AVERAGE OR ITS EQUIVALENT in such educational activities, EXCEPT WHERE UNDUE HARDSHIP RESULTING FROM THE DEATH OF A RELATIVE OF THE STUDENT, THE PERSONAL INJURY OR ILLNESS OF THE STUDENT, OR OTHER EXTENUATING CIRCUMSTANCES, IS RESPONSIBLE FOR SUCH FAILURE TO MAINTAIN A CUMULATIVE C AVERAGE OR ITS EQUIVALENT.

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

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

5. Any applicant for or recipient of public assistance pursuing VOCATIONAL EDUCATION OR EDUCATIONAL activities described in this [subdivision] SECTION shall not be assigned to any other activity prior to 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 TWO 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)

1 THE DEATH OF A RELATIVE OF THE STUDENT; (II) THE PERSONAL ILLNESS OR
2 INJURY OF THE STUDENT; OR (III) OTHER EXTENUATING CIRCUMSTANCES.
3 S 2. This act shall take effect on the one hundred twentieth day after
4 it shall have become a law, provided, however, that effective immediate-
5 ly, the addition, amendment and/or repeal of any rules or regulations
6 necessary for the implementation of the provisions of this act on its
7 effective date is authorized and directed to be made and completed on or
8 before such effective date.