

STATE OF NEW YORK

1918

2019-2020 Regular Sessions

IN ASSEMBLY

January 18, 2019

Introduced by M. of A. RICHARDSON, LAVINE, SIMON, NIOU, ORTIZ, RAIA,
DE LA ROSA -- 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 chapter 275 of the laws of 2017, is amended to read as
4 follows:
5 § 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, education or a course of instruction
11 in financial literacy and personal finance that includes instruction on
12 household cash management techniques, career advice to obtain a well
13 paying and secure job, using checking and savings accounts, obtaining
14 and utilizing short and long term credit, securing a loan or other long
15 term financing arrangement for high cost items, participation in a high-
16 er education course of instruction or trade school, and no more than a
17 total of four years of post-secondary education (or the part-time equiv-
18 alent). Educational activities pursuant to this section may be offered
19 with any of the following providers which meet the performance or
20 assessment standards established in regulations by the commissioner for
21 such providers: a community college, licensed trade school, registered
22 business school, or a two-year or four-year college; provided, however,
23 that such post-secondary education must be necessary to the attainment

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

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1 of the participant's individual employment goal as set forth in the
2 employability plan and such goal must relate directly to obtaining
3 useful employment in a recognized occupation. When making any assignment
4 to any educational activity pursuant to this subdivision, such assign-
5 ment shall be permitted only to the extent that such assignment is
6 consistent with the individual's assessment and employment plan goals in
7 accordance with sections three hundred thirty-five and three hundred
8 thirty-five-a of this title and shall require that the individual main-
9 tains satisfactory academic progress and hourly participation is docu-
10 mented consistent with federal and state requirements. For purposes of
11 this provision "satisfactory academic progress" shall mean having a
12 cumulative C average, or its equivalent, as determined by the academic
13 institution. The requirement to maintain satisfactory academic progress
14 may be waived if done so by the academic institution and the social
15 services district based on undue hardship caused by an event such as a
16 personal injury or illness of the student, the death of a relative of
17 the student or other extenuating circumstances. Any enrollment in post-
18 secondary education beyond a twelve month period must be combined with
19 no less than twenty hours of participation averaged weekly in paid
20 employment or work activities or community service when paid employment
21 is not available.

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

32 3. When a participant is assigned to an appropriate vocational educa-
33 tional or educational activity and such activity is available at no cost
34 to the social services district through the school district or board of
35 cooperative educational services in which the participant resides or
36 through another agency or organization providing educational services
37 which meet such minimum standards as the commissioner of education shall
38 establish, the social services district shall refer the participant to
39 such district, board, agency or organization.

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

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

52 (b) Any such participant who is age eighteen or nineteen shall be
53 assigned to educational activities, except that the district shall
54 assign such participant to employment and/or other activities under this
55 title if the district has determined that such alternative activities
56 are consistent with the participant's employability plan and, pursuant

1 to [~~department~~] office regulations, there has been a determination by
2 the district based on such plan that educational activities are not
3 [~~appropriate~~] required for such participant to obtain the knowledge and
4 skills needed to be employed in the occupation chosen by the participant
5 as his or her employment goal in such plan because he or she has clearly
6 and affirmatively demonstrated that he or she already possesses such
7 knowledge and skills or that the participant has failed to [~~make—good~~
8 ~~progress~~] maintain a cumulative C average or its equivalent in such
9 educational activities, except where undue hardship resulting from the
10 death of a relative of the student, the personal injury or illness of
11 the student, or other extenuating circumstances, is responsible for such
12 failure to maintain a cumulative C average or its equivalent.

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

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

21 5. Any applicant for or recipient of public assistance pursuing voca-
22 tional education or educational activities described in this [~~subdivi-~~
23 ~~sion~~] section shall not be assigned to any other activity prior to
24 conducting an assessment and developing an employability plan as
25 prescribed in section three hundred thirty-five or three hundred thir-
26 ty-five-a of this title and may be assigned to such other activity only
27 if such individual's assessment and such individual's employability plan
28 warrant the assignment to such other activity. Local social services
29 districts may periodically reevaluate a participant's employment plan
30 and make assignments to other work activities [~~in order to meet partic-~~
31 ~~ipation rates~~] not inconsistent with the requirements of this section,
32 giving due consideration to the participant's progress in the current,
33 and if applicable, prior program.

34 6. Nothing required in this section shall be construed to supersede
35 the eligibility requirements of teen parents as set forth in this chap-
36 ter.

37 7. (a) In any social services district in which the applicable federal
38 or state work activity participation rates were met for the previous
39 year or are projected will be met for the current year, participants
40 shall be permitted to pursue post-secondary education, including partic-
41 ipation in a four year program, in satisfaction of the work activity
42 requirements of this title.

43 (b) When a participant engages in educational activity pursuant to
44 this section in full or partial satisfaction of his or her work require-
45 ment, the local district shall count each hour of classroom partic-
46 ipation as work activity and shall also count the time reasonably neces-
47 sary for study and class preparation as work activity. For each hour of
48 classroom participation, the time reasonably necessary for study and
49 class preparation shall be deemed to be the number of supplementary
50 assignment hours required by state education department regulations for
51 each credit hour in a course of professional or higher education;
52 provided that a district may count a larger number of hours if a partic-
53 ipant demonstrates that his or her educational activity requires a larg-
54 er number of hours for study, preparation or other supplemental activ-
55 ity.

1 (c) A district social services official shall not assign a participant
2 described in this subdivision to any activities which interfere with the
3 educational activities described in this subdivision. The district shall
4 not assign any additional activities to a participant described in this
5 subdivision who is enrolled at least half-time in a post-secondary
6 program and has at least a cumulative C average or its equivalent. The
7 district may waive the requirement that the student have at least a
8 cumulative C average or its equivalent for undue hardship based on (i)
9 the death of a relative of the student; (ii) the personal illness or
10 injury of the student; or (iii) other extenuating circumstances.

11 § 2. This act shall take effect on the one hundred twentieth day after
12 it shall have become a law, provided, however, that effective immediate-
13 ly, the addition, amendment and/or repeal of any rules or regulations
14 necessary for the implementation of the provisions of this act on its
15 effective date are authorized and directed to be made and completed on
16 or before such effective date.