

# STATE OF NEW YORK

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3253

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

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Introduced by M. of A. CUNNINGHAM -- 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  
24 of the participant's individual employment goal as set forth in the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (c) A district social services official shall not assign a participant  
56 described in this subdivision to any activities which interfere with the

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

9 § 2. This act shall take effect on the one hundred twentieth day after  
10 it shall have become a law. Effective immediately, the addition, amend-  
11 ment and/or repeal of any rules or regulations necessary for the imple-  
12 mentation of the provisions of this act on its effective date are  
13 authorized to be made and completed on or before such effective date.