

STATE OF NEW YORK

4502

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. CUNNINGHAM, JACKSON, DE LOS SANTOS -- 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 1 of part X of chapter 56 of the laws of 2023, is
4 amended to read as 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. When making an assignment to any educational activity
3 pursuant to this subdivision, such assignment shall be permitted only to
4 the extent that such assignment is consistent with the individual's
5 assessment and employment plan goals in accordance with sections three
6 hundred thirty-five and three hundred thirty-five-a of this title and
7 shall require that the individual maintains satisfactory academic
8 progress and hourly participation is documented consistent with federal
9 and state requirements. For purposes of this provision "satisfactory
10 academic progress" shall mean having a cumulative C average, or its
11 equivalent, as determined by the academic institution. The requirement
12 to maintain satisfactory academic progress may be waived if done so by
13 the academic institution and the social services district based on undue
14 hardship caused by an event such as a personal injury or illness of the
15 student, the death of a relative of the student or other extenuating
16 circumstances. Participation in an educational and/or vocational train-
17 ing program, that shall include, but not be limited to, a two-year post-
18 secondary degree program, which is necessary for the participant to
19 attain their individual employment goal and is likely to lead to a
20 degree or certification and sustained employment, shall be approved
21 consistent with such individual's assessment and employability plan to
22 the extent that such approval does not jeopardize the state's ability to
23 comply with federal work participation rates, as determined by the
24 office of temporary and disability assistance.

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

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

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

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

55 (b) Any such participant who is age eighteen or nineteen shall be
56 assigned to educational activities, except that the district shall

1 assign such participant to employment and/or other activities under this
2 title if the district has determined that such alternative activities
3 are consistent with the participant's employability plan and, pursuant
4 to ~~[department]~~ office regulations, there has been a determination by
5 the district based on such plan that educational activities are not
6 ~~[appropriate]~~ required for such participant to obtain the knowledge and
7 skills needed to be employed in the occupation chosen by the participant
8 as such participant's employment goal in such plan because such partic-
9 ipant has clearly and affirmatively demonstrated that such participant
10 already possesses such knowledge and skills or that the participant has
11 failed to ~~[make-good-progress]~~ maintain a cumulative C average or its
12 equivalent in such educational activities, except where undue hardship
13 resulting from the death of a relative of the student, the personal
14 injury or illness of the student, or other extenuating circumstances, is
15 responsible for such failure to maintain a cumulative C average or its
16 equivalent.

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

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

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

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

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

47 (b) When a participant engages in educational activity pursuant to
48 this section in full or partial satisfaction of such participant's work
49 requirement, the local district shall count each hour of classroom
50 participation as work activity and shall also count the time reasonably
51 necessary for study and class preparation as work activity. For each
52 hour of classroom participation, the time reasonably necessary for study
53 and class preparation shall be deemed to be the number of supplementary
54 assignment hours required by state education department regulations for
55 each credit hour in a course of professional or higher education;
56 provided that a district may count a larger number of hours if a partic-

1 ipant demonstrates that such participant's educational activity requires
2 a larger number of hours for study, preparation or other supplemental
3 activity.

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

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