

STATE OF NEW YORK

4502--B

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. CUNNINGHAM, JACKSON, DE LOS SANTOS, YEGER, ANDERSON, SHIMSKY, McDONOUGH -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to access to educational activities by public assistance recipients who are subject to work participation requirements

The People of the State of New York, represented in Senate and Assembly, 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

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

LBD07980-04-5

1 such providers: a community college, licensed trade school, registered
2 business school, or a two-year or four-year college; provided, however,
3 that such post-secondary education must be necessary to the attainment
4 of the participant's individual employment goal as set forth in the
5 employability plan and such goal must relate directly to obtaining
6 useful employment. When making an assignment to any educational activity
7 pursuant to this subdivision, such assignment shall be permitted only to
8 the extent that such assignment is consistent with the individual's
9 assessment and employment plan goals in accordance with sections three
10 hundred thirty-five and three hundred thirty-five-a of this title and
11 shall require that the individual maintains satisfactory academic
12 progress and hourly participation is documented consistent with federal
13 and state requirements. For purposes of this provision "satisfactory
14 academic progress" shall mean having a cumulative C average, or its
15 equivalent, as determined by the academic institution. The requirement
16 to maintain satisfactory academic progress may be waived if done so by
17 the academic institution and the social services district based on undue
18 hardship caused by an event such as a personal injury or illness of the
19 student, the death of a relative of the student or other extenuating
20 circumstances. Participation in an educational and/or vocational train-
21 ing program, that shall include, but not be limited to, a two-year post-
22 secondary degree program, which is necessary for the participant to
23 attain their individual employment goal and is likely to lead to a
24 degree or certification and sustained employment, shall be approved
25 consistent with such individual's assessment and employability plan to
26 the extent that such approval does not jeopardize the state's ability to
27 comply with federal work participation rates, as determined by the
28 office of temporary and disability assistance.

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

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

47 4. To the extent provided in paragraphs (a) through (d) of this subdivi-
48 sion and if resources permit, each social services official shall
49 assign to appropriate educational activities any participant who has not
50 obtained a high school diploma or its equivalent:

51 (a) In accordance with the provisions of this chapter, any such
52 participant who is under age eighteen shall be required to attend educa-
53 tional activities designed to prepare the individual for a high school
54 degree or equivalency certificate. Participants who are not subject to
55 compulsory school attendance requirements may be exempted from the
56 requirements of this paragraph under criteria established by the depart-

1 ment in consultation with the state education department and consistent
2 with federal law and regulations.

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

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

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

29 5. Any applicant for or recipient of public assistance pursuing activ-
30 ities described in this ~~[subdivision]~~ section shall not be assigned to
31 any other activity prior to conducting an assessment and developing an
32 employability plan as prescribed in section three hundred thirty-five or
33 three hundred thirty-five-a of this title and may be assigned to such
34 other activity only if such individual's assessment and such individ-
35 ual's employability plan warrant the assignment to such other activity.
36 Local social services districts may periodically reevaluate a partic-
37 ipant's employment plan and make assignments to other work activities
38 ~~[in order to meet participation rates]~~ if such assignment does not
39 prevent meeting federal participation rates, giving due consideration to
40 the participant's progress in the current, and if applicable, prior
41 program.

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

45 § 2. Section 336 of the social services law is amended by adding a new
46 subdivision 9 to read as follows:

47 9. For any participant engaged in an educational or training activity
48 pursuant to paragraphs (h), (i), (j), (k) or (n) of subdivision one of
49 this section, homework expected or required by the educational institu-
50 tion, including up to one hour of unsupervised homework per hour of
51 class time, plus additional hours of homework supervised by the educa-
52 tional institution, shall count towards satisfaction of the partic-
53 ipant's work activity requirements under this title, to the extent that
54 such participation shall not impair the need of the social services
55 district to meet federal and state work activity participation require-
56 ments.

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