

STATE OF NEW YORK

10363

IN ASSEMBLY

March 2, 2026

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 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
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
25 employability plan and such goal must relate directly to obtaining
26 useful employment. When making an assignment to any educational activity
27 pursuant to this subdivision, such assignment shall be permitted only to

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

LBD07980-06-6

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

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 such participant's employment goal in such plan because such partic-
6 ipant has clearly and affirmatively demonstrated that such participant
7 already possesses such knowledge and skills or that the participant has
8 failed to [~~make good progress~~] maintain a cumulative C average or its
9 equivalent in such educational activities, except where undue hardship
10 resulting from the death of a relative of the student, the personal
11 injury or illness of the student, or other extenuating circumstances, is
12 responsible for such failure to maintain a cumulative C average or its
13 equivalent.

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

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

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

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

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

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

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