

# 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.

LBD07980-01-5

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 subdivi-  
44 sion 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 employ-  
20 ment 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.