§ 336-a. Educational activities. 1. Social services districts shall make available vocational educational training and educational activities. Such activities may include but need not be limited to, high school education or education designed to prepare a participant for a high school equivalency certificate, basic and remedial education, education in English proficiency, education or a course of instruction in financial literacy and personal finance that includes instruction on household cash management techniques, career advice to obtain a well paying and secure job, using checking and savings accounts, obtaining and utilizing short and long term credit, securing a loan or other long term financing arrangement for high cost items, participation in a higher education course of instruction or trade school, and no more than a total of four years of post-secondary education (or the part-time equivalent). Educational activities pursuant to this section may be offered with any of the following providers which meet the performance or assessment standards established in regulations by the commissioner for such providers: a community college, licensed trade school, registered business school, or a two-year or four-year college; provided, however, that such post-secondary education must be necessary to the attainment of the participant's individual employment goal as set forth in the employability plan and such goal must relate directly to obtaining useful employment. When making an assignment to any educational activity pursuant to this subdivision, such assignment shall be permitted only to the extent that such assignment is consistent with the individual's assessment and employment plan goals in accordance with sections three hundred thirty-five and three hundred thirty-five-a of this title and shall require that the individual maintains satisfactory academic progress and hourly participation is documented consistent with federal and state requirements. For purposes of this provision "satisfactory academic progress" shall mean having a cumulative C average, or its equivalent, as determined by the academic institution. The requirement to maintain satisfactory academic progress may be waived if done so by the academic institution and the social services district based on undue hardship caused by an event such as a personal injury or illness of the student, the death of a relative of the student or other extenuating circumstances. Participation in an educational and/or vocational training program, that shall include, but not be limited to,

a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment, shall be approved consistent with such individual's assessment and employability plan to the extent that such approval does not jeopardize the state's ability to comply with federal work participation rates, as determined by the office of temporary and disability assistance.

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

3. When a participant is assigned to an appropriate vocational educational or educational activity and such activity is available at no cost to the social services district through the school district or board of cooperative educational services in which the participant resides or through another agency or organization providing educational services, the social services district shall refer the participant to such district, board, agency or organization.

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

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

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

(b) Any such participant who is age eighteen or nineteen shall be assigned to educational activities, except that the district shall assign such participant to employment and/or other activities under this title if the district has determined that such alternative activities are consistent with the participant's employability plan and, pursuant to department regulations, there has been a determination by the district based on such plan that educational activities are not appropriate for such participant or that the participant has failed to make good progress in such educational activities.

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

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

5. Any applicant for or recipient of public assistance pursuing activities described in this subdivision shall not be assigned to any other activity prior to conducting an assessment and developing an employability plan as prescribed in section three hundred thirty-five or three hundred thirty-five-a of this title. Local social services districts may periodically reevaluate a participant's employment plan and make assignments to other work activities in order to meet participation rates, giving due consideration to the participant's progress in the current, and if applicable, prior program.

6. Nothing required in this section shall be construed to supersede the eligibility requirements of teen parents as set forth in this chapter.