



Office of Temporary and Disability Assistance

KATHY HOCHUL
Governor

BARBARA C. GUINN
Acting Commissioner

Administrative Directive Memorandum

Section 1

Transmittal:	23-ADM-09
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	December 19, 2023
Subject:	Post-Secondary Education Work Activity Amendments to Social Services Law (SSL) as Authorized in the 2023-24 State Budget
Suggested Distribution:	Employment Coordinators, SNAP Directors, Temporary Assistance Directors, Staff Development Coordinators
Contact Person(s):	Employment and Advancement Services Bureau at: (518) 486-6106 or EASBureau@otda.ny.gov
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
22-ADM-08 21-ADM-04 11-ADM-06 09-ADM-16 08-ADM-07		18 NYCRR §385.6, §385.7	Social Services Law (SSL) §332 §335 §335-b §336 §336-a	Employment Policy Manual Sections 2, 3, 5, 6, 8 & 9	7 CFR 273.7 7 CFR 273.24

Section 2

I. Summary

This Administrative Directive (ADM) is to inform social services districts (districts) of the following changes resulting from amendments to Social Services Law (SSL) section 336-a authorized in the SFY 2023-24 Enacted State Budget regarding post-secondary education as a Public Assistance (PA) and Supplemental Nutrition Assistance Program (SNAP) Employment & Training (E&T) work activity.

- Social Services Law (SSL) Section 336-a of the social services law was amended to require districts to approve participation in an educational and/or vocational training program, which includes, but is not limited to, a two year post-secondary degree program, that is necessary

for the participant to obtain their individual employment goal and is likely to lead to a degree or certification in sustained employment as long as such approval doesn't jeopardize the State's ability to comply with federal work participation rates.

II. Purpose

The purpose of this ADM is to inform districts of changes to section 336-a authorized pursuant to Part X of Chapter 56 of the laws 2023 (SFY 2023-24 Enacted State Budget) regarding post-secondary education as a PA and SNAP E&T work activity and to provide direction to districts for implementing these new provisions.

III. Background

The goal of PA/SNAP E&T is to support clients with moving toward financial independence by helping them gain new skills and employment experience. Post-secondary education is proven to have one of the strongest positive impacts on an individual's economic stability and earnings potential, as illustrated by various government and academic surveys conducted on this topic.

Prior to the enactment of the SFY 2023-2024 Enacted State Budget, districts were authorized to approve employment plans for individuals seeking to participate in educational and/or vocational training programs, but they were not required to approve. The legislative change requires districts to approve educational and or vocational education training so long as the enrollment is appropriate and necessary for the individual to meet their employment goals.

IV. Program Implications

The amendments to SSL section 336-a, authorized pursuant to Part X of Chapter 56 of the laws 2023 (SFY 2023-24 Enacted State Budget), require districts to approve educational and/or vocational trainings programs, which include, but is not limited to, post-secondary education, as a work activity where the client's assessment and employment plan indicate that such activity would help them achieve their employment goals and likely lead to the attainment of a degree or certification, to the extent that such approval does not jeopardize the State's ability to comply with federal work participation rates. Districts should support clients' enrollment in an educational and/or vocational training program, including but not limited to, post-secondary credential-bearing programs up to a four-year degree if consistent with their assessment and employment plan. Post-secondary education providers may include community, public, and private colleges, and business, technical, trade or vocational schools. Districts are no longer required to assign 20 hours of concurrent work activity for clients engaged in post-secondary education beyond a 12-month period. However, districts may assign a concurrent work activity if the client's assessment and employment plan support such an assignment and the work activity does not interfere with the client's education.

Districts are encouraged to provide information, recommend participation, and make referrals to appropriate and available education and/or vocational training programs. For individuals who indicate they are not interested in educational and/or vocational training programs, including but not limited to post-secondary education, and that such programs would not support their employment goals, the district should evaluate if it would be more appropriate to assign the individual to another activity that supports the individual's employment goals. Districts should track attendance for educational and/or vocational training program work activities and individuals should be required to meet satisfactory academic progress, absent good cause afforded by the academic institution and social services district.

Districts should be aware of which education providers offer services in their county and should reach out to them to get an understanding of the capacity, eligibility requirements, costs, and

potential scholarships/tuition supports available for those programs. Information about scholarships and academic advising services for low-income students, adult learners, or workforce development are critical to an individual's potential success. The New York State Tuition Assistance Program ([TAP](#)) is a grant available to eligible full-time and part-time students of the State University of New York (SUNY), the City University of New York (CUNY), and other approved schools in New York State. SUNY's Educational Opportunity Program ([EOP](#)) provides academic support and financial aid to full-time students that meet special admissions considerations and income thresholds; recipients of PA and Safety Net Assistance are categorically income eligible. CUNY offers the Accelerated Study in Associate Programs ([ASAP](#)) at nine colleges to help students stay on track and graduate with 2-year degrees by providing a range of financial, academic, and personal supports. CUNY also offers the Accelerate, Complete, Engage ([ACE](#)) program for students in bachelor's degree programs.

V. Required Action

Assessment and Employability Plan

SSL §335 requires that districts complete assessments within 90 days of the date on which eligibility is determined for households with dependent children and within a year of the date of application for households without dependent children. However, districts are encouraged to prioritize the completion of the assessment to begin connecting individuals to services and activities as soon as practical. While reassessments must be completed no less frequently than annually, districts should conduct a reassessment anytime they become aware of a change in individual or case circumstances.

Districts may choose to use the [LDSS-4980 New York State Employment Assessment](#), a locally developed assessment tool, the Welfare-to-Work Caseload Management System (WTWCMS) or the New York City (NYC) Human Resources Administration (HRA) Self-sufficiency Employment and Assessment Management System (SEAMS) assessment functions to record the information gathered during the client assessment. Prior to the completion of the assessment, the district may assign the applicant/recipient to work activities. Individuals who are already participating in an educational and/or vocational training program, including but not limited to a post-secondary educational program, should be assessed by the district for the appropriateness of the activity. Districts are reminded that in accordance with 18 NYCRR 385.5 as part of their orientation, they are required to inform PA applicants and recipients of an individual's responsibilities associated with the repayment of student financial aid. This information should also be discussed, as appropriate, with individuals who are participating or considering participating in educational and/or vocational training programs, including but not limited to post-secondary education, during case management sessions.

While conducting an assessment with a PA/SNAP applicant/recipient, districts should evaluate whether a referral to a locally available educational and/or vocational training program, including but not limited to a post-secondary education program, is appropriate and whether the individual is interested in participating.

Assignment to Post-Secondary Education

SSL §336-a was amended to require that participation in an educational and/or vocational training program, that includes but is not 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 New York continues to meet our federal participation rate, districts currently have the flexibility to support clients' participation in

educational and/or vocational training programs, including but not limited to post-secondary education, that is likely to lead to sustained employment. Districts are encouraged to refer clients to their One-Stop Career Center to connect their academic advising with their local workforce needs. The district should also encourage participants to explore any on-campus advising services for low-income students, adult learners, or workforce development where available and appropriate.

Districts are reminded that [21-ADM-04](#) removed the 10-hour limitation on distance learning activities, so that countable hours of participation may include all hours conducted through a distance learning model to the extent such programs meet the work activity definitions and include appropriate supervision. Mechanisms for verifying and documenting actual hours of supervised participation may include online tracking of time participating in the educational activity, combined with intermittent review of work assigned to and completed by the student or reasonable approximations of the time required to complete work packets as determined by the education provider and approved by the district. Distance learning programs should be monitored closely to review participant engagement, successful progress in and completion of programs and to ensure overall effectiveness.

SNAP E&T Work Requirement Implications

Educational and/or vocational training programs, including but not limited to post-secondary education, are allowable SNAP E&T activity components, and thus time an individual spends participating in post-secondary education counts toward the mandatory SNAP E&T work requirements. Consistent with federal regulations and reporting requirements for SNAP imposed by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS), participation in post-secondary education captured in WTCMS and/or NYC Department of Social Services (DSS)/HRA systems will be reported as participation in SNAP E&T for individuals in PA/SNAP households.

Districts are reminded that students between 18 and 49 who are enrolled at least half-time in an institution of higher education must meet one of the student eligibility exemptions at 7 CFR 273.5(b) to qualify for SNAP benefits. These exemptions include students who:

- Are under age 18 or are age 50 or older.
- Have a physical or mental disability.
- Work at least 20 hours a week in paid employment.
- Participate in a State or federally financed work study program.
- Participate in an on-the-job training program.
- Care for a child under the age of 6.
- Care for a child between the ages 6 to 11 and lack the necessary childcare enabling them to attend school and work 20 hours a week or participate in work study.
- Are single parents enrolled full-time in college and taking care of a child under 12.
- Receive Temporary Assistance for Needy Families (TANF).
- Are assigned to, placed in, or self-placed in a college or other institution of higher education through certain employment and training programs, such as the SNAP E&T program.

Please note that individuals for whom participation in an educational and/or vocational training program, including but not limited to a post-secondary education program, has been approved by the district as an appropriate work activity assignment are considered exempt from SNAP student eligibility requirements under the criterion outlined in the last bullet on the list even if none of the other conditions apply to them.

Case Management

Districts are responsible for tracking a participant's attendance with their education and/or vocational program and checking in regularly on their academic progress throughout their enrollment in the program. When speaking or meeting with clients, workers should inquire about any supportive services that they might need and remind them of the minimum grade point average (GPA) required to keep participating, especially around midterms and final exams. The time spent with a case manager, career navigator, or college advisor, to determine the appropriate academic track for meeting the client's employment goals, is considered part of SNAP E&T case management and should be reported as such in WTCMS.

VI. Systems Implications

Districts are directed to create enrollments using the Post-Secondary Education activity from the Activity drop-down menu in WTCMS. Per [Section 385.9](#) of the Employment Policy Manual, the district may report the actual hours a client spends in class as well as supervised homework time and up to one hour of unsupervised homework time for each hour of class time, provided that the total homework time reported for participation does not exceed the hours required or advised by the respective educational program. 45 CFR § 261.60 stipulates that it is not acceptable to report scheduled hours of participation and that actual affirmative reporting of hours of participation in the work activity is required. Per [08-ADM-07](#), districts must obtain attendance sheets or other documentation to support the actual hours of participation in unpaid work activities, holiday time and hours of excused absence reported towards the federal participation rate no less than monthly; and must also obtain a document from the educational program to document the number of hours of homework/study time it expects as necessary for program participants. All hours of participation should be entered into the WTCMS (SEAMS for NYC) no later than the 15th of the month following the report month, and documentation must be maintained either as part of the case record or by alternate means that permits the district to locate the attendance record for any individual reported as participating.

Districts are also directed to create enrollments using Case Management Other than Assessment under the Activity drop-down menu in WTCMS to record the actual time spent with a client developing their employment plan, monitoring their progress with their SNAP E&T activity component, and coordinating with service providers. The purpose of case management services is to guide the participant toward appropriate SNAP E&T activity components based on the participant's needs and interests, support the participation in the SNAP E&T program, and to provide activities and resources that help the participant achieve program goals. For employment assessments, districts should create an enrollment using Case Management: Assessment.

VII. Effective Date

December 29, 2023

Issued By:

Name: Valerie T. Figueroa

Title: Deputy Commissioner

Division/Office: Employment and Income Support Programs / Office of Temporary and Disability Assistance