

# Attention Single Parents on Welfare! Know Your Rights to Go to School!

A New Settlement in a Lawsuit, Davila v. Eggleston,<sup>1</sup> Makes it Easier for Single Parents on Welfare to Go To School. Here's A Summary of Your Rights Under the Davila Lawsuit.

## **1. You Have the Right to an "Assessment" Interview Before Being Assigned.**

A worker must usually conduct an "assessment" interview before "assigning" you to WEP or any other work activity. The worker must ask you about your background, your needs, and your preferences, including your preference to go to school. Tell the worker if you are in school or want to go to school.

## **2. The City Must Honor Your Preference For School When It Assigns You to a Work Activity.**

During the "assessment," the worker is supposed to talk to you about various "work activities" -- which are the activities that you can do to meet your weekly work requirement (usually 35 hours a week). Examples of work activities include WEP, Job Search, a paid job, work-study, internships, or school. After the assessment, the worker is supposed to complete an "Employability Plan." The Plan lists your work assignment. If you have a "preference" for going to school, internship or work-study, the worker must write down your preference and honor it to the extent possible when assigning you.

## **3. You Can Challenge Your Work Assignment and Employability Plan in a Fair Hearing.**

The worker must give you a copy of the Employability Plan. If you believe your preference for school was not honored, you can challenge the Plan and work assignment in a fair hearing.

## **4. You Have the Right To Review the HRA Master List of Approved Training Programs.**

The school programs you can attend to satisfy your work requirement are on the "HRA Master List of Approved Training Programs." That list contains hundreds of programs. You have the right to review the list and obtain help from the case worker in using it. If you are not yet enrolled in a program, but would like to be, tell your worker. She must help you find a program on the list that is suited to your needs. The worker must also give you time to find and enroll in a program (10 or 15 business days).

## **5. You Can Attend Vocational Education and Satisfy Part or All of Your Weekly Work Requirement.**

The proposed settlement has rules about how many hours of school count toward the work requirement and for how long school counts as work. If going to school makes sense for you, the general rule is that you may count up to 15 hours a week toward the work requirement in any "approved" school program (a program on the HRA Master list). There is no life-time limit on how long school counts as a work activity as long as you do not count more than 15 hours of school per week. You can do work-study or internships to satisfy the rest of your work requirement above 15 hours. Example: if you have a 35 hour work requirement, you can count up to 15 hours of class (including lab and tutoring), and 20 hours of work-study or internship on an ongoing basis to satisfy your 35 hour requirement.

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<sup>1</sup> Index Number 407163/96 (New York County Supreme Court)

If you are in school more than 15 hours a week, you can count **all** your school hours for up to a lifetime limit of 12 months. After 12 months, you can usually count only 15 hours of school. Under special circumstances, you may be able to count more than 15 hours of school after 12 months. Example: you are in class 19 hours a week. You can count all 19 hours toward your weekly requirement for 12 months. After 12 months of this, most parents can count only 15 of the 19 hours they spend in school. Under special circumstances, some parents can continue to count all 19 hours toward their work requirement for another 12 months.

**6. You Can Attend Adult Basic Education Programs and Satisfy Part or All of Your Work Requirement.**

Tell your worker if you want to go to a literacy, GED, Pre-GED, ESOL or any other adult basic education program. If you want to go to one of these programs, but don't know which one to go to, your worker must consult with you before selecting a program. In selecting a program, the worker must consider many important factors, such as whether the program meets your needs.

The proposed settlement has rules about how many hours of adult basic education count toward your work requirement. Generally, you can count 15 school hours toward your weekly work requirement on an ongoing basis. You may do work-study, internships or other work activities to satisfy the remaining part of your work requirement. If you are in a language immersion program, you can count **all** hours (even if more than 15 hours) for up to 90 days. After 90 days, the worker will evaluate if you can continue in the immersion program full-time beyond 90 days.

**7. The City Must Make Reasonable Efforts to Accommodate Your Class Hours and Location.**

The worker must make reasonable efforts to assign you to a WEP activity that is at or near your campus. She must also make sure that WEP does not conflict with your school hours. This is true even if you are in a four-year college program or if your work requirement is fewer than 35 hours.

**8. You Have the Right to Supportive Services While In School.**

You can get all training related expenses, such as car fare and child care for any child up to the age of 13 during the time spent in an approved school program, including hours spent in class, lab, tutoring, internships, or work-study. However, you cannot get child care during the period in which you are sanctioned or for time spent in a program that is not approved.

**9. You Have the Right To Written Notice About Education and Training and Supportive Services.**

Any written notice you receive instructing you to come in for an assessment or work assignment must also include information explaining that you have the option to go to school to satisfy your work requirement. You must also receive written notice any time the City approves, denies or cuts off your education or training assignment. Similarly, you must receive written notice any time the City approves, denies or cuts off supportive services, such as child care or car fare.

**Questions About the Davila Lawsuit? Contact: The Legal Aid Society (212.440.4300), The Urban Justice Center (646.602.5645), or The Welfare Law Center (212.633.6967).**