



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

Brian J. Wing
Commissioner

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 97 ADM-18

TO: Commissioners of
Social Services

DIVISION: Temporary
Assistance

DATE: September 11, 1997

SUBJECT: Student Grants and Supportive Services Budgeting (Williams vs. Dowling)

SUGGESTED DISTRIBUTION:	Income Maintenance (IM) Staff Medical Assistance (MA) Staff Food Stamp (FS) Staff CAP Coordinators Employment Coordinators Staff Development Coordinators
CONTACT PERSON:	Regional County Team Representative at 1-800-343-8859: Region I ext. 3-0332; Region II ext. 4-9344; Region III ext. 4-9307; Region IV ext. 4-9300; Region V ext. 3-1469; Region VI (212) 383-1658
ATTACHMENTS:	Attachment A - DSS-TBA1: "Request For Supportive Services Review" (8/97) available on-line Attachment B - DSS-TBA2: "Notice To All AFDC Recipients/Supportive Services" (8/97) - not available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
92 ADM-34 90 ADM-27	92 ADM-34	385.3	PL 102-325		95 LCM-78

I. PURPOSE

The purpose of this ADM is to advise social services districts (SSDs) (except for the Human Resources Administration (HRA) in New York City) of procedures they must now follow for Applicants/Recipients (A/Rs) as a result of the decision in the Williams vs. Dowling case.

II. BACKGROUND

95 ICM-78 notified SSDs of the Williams vs. Dowling lawsuit which challenged the Department's policy from October 1993 - July 1995 concerning the treatment of student grants when determining an A/R's need for supportive services. Prior to 95 ICM-78 and the filing of this lawsuit, the Department's policy was to include grants received by students for educational expenses when determining a student's need for supportive services, such as child care or transportation. 95 ICM-78 instructed SSDs to disregard amounts received as student grants when determining eligibility for or amount of supportive services for AFDC JOBS participants who are attending college. SSDs were also required to determine whether the college retained part of such grants for payment of any costs that would be covered as a JOBS supportive service.

III. PROGRAM IMPLICATIONS

As long as they meet the criteria explained below, A/Rs in all counties (except HRA in NYC) will be able to contact the SSD and request that their case be reviewed to see if they were eligible for JOBS supportive services. Between October 1, 1993 and July 24, 1995, the A/R must have:

1. Been an AFDC recipient and participated in JOBS (Job Opportunities and Basic Skills) AND
2. Received a Pell grant, Supplemental Educational Opportunity Grant (SEOG), College Work Study or some other Federal financial student assistance under the Title IV Higher Education Act of 1965 or through the Bureau of Indian Affairs AND
3. Received a fair hearing decision that JOBS supportive services payments (such as child care or transportation) were denied, discontinued, reduced or recovered from the A/R because the Federal financial student assistance was counted in the eligibility determination for the supportive services.

IV. REQUIRED ACTION

SSDs must continue to follow the procedures outlined in 95 ICM-78, and SSDs (except HRA in NYC) must do the following:

1. Post in waiting areas DSS-TBA2: "Notice To All AFDC Recipients/Supportive Services" (attached) for thirty (30) days.
2. When contacted by A/Rs who meet the criteria on DSS-TBA2:
 - A. Have A/Rs complete the attached DSS-TBA1: "Request For Supportive Services Review" and give them a signed copy;
 - B. Review administrative fair hearing decisions to determine if corrective payments should be made; and
 - C. Issue any necessary corrective payments once the A/Rs provide the SSD with the documentation showing that they paid for the services. These reimbursed payments are not counted as income or resources in the month of payment and the month thereafter.

V. SYSTEMS IMPLICATIONS

1. Upstate: If a retroactive payment needs to be provided, the Payment Type "W1 - Court Ordered Retroactive Payment" should be used.
2. NYC: None.

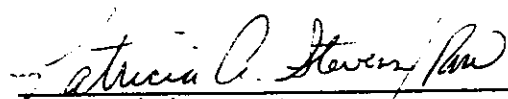
VI. ADDITIONAL INFORMATION

DSS-TBA1: "Request for Supportive Services Review" will NOT be printed. SSDs should photocopy the attached notice and give it to A/Rs who request it.

DSS-TBA2: "Notice To All AFDC Recipients/Supportive Services" (8/97) will not be printed. SSDs should photocopy and post the attached notice.

VII. EFFECTIVE DATE

This administrative directive is effective September 1, 1997.



Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

REQUEST FOR SUPPORTIVE SERVICES REVIEW

Between October 1, 1993 and July 24, 1995, I:

1. Participated in JOBS (Job Opportunities and Basic Skills) AND
2. Got a Pell grant, Supplemental Educational Opportunity Grant (SEOG), College Work Study or another type Federal financial student assistance under the Title IV Higher Education Act of 1965 or the Bureau of Indian Affairs AND
3. Had a fair hearing decision that JOBS supportive services payments (such as child care or transportation) were denied, discontinued, reduced or recovered from me because Federal financial student assistance was counted against me.

Please review my case. I understand that I may be eligible for a grant for these supportive services. I also understand that I must prove that I paid already for these services.

Recipient Signature _____ Date _____

Worker Signature _____ Date _____

NOTICE TO ALL AFDC RECIPIENTS**Student Grants and Supportive Services**

Between October 1, 1993 and July 24, 1995, did you:

1. Participate in JOBS (Job Opportunities and Basic Skills) AND
2. Get any Pell grants, Supplemental Educational Opportunity Grant (SEOG), College Work Study or any other Federal financial student assistance under the Title IV Higher Education Act of 1965 or the Bureau of Indian Affairs AND
3. Have a fair hearing decision that JOBS supportive services payments (such as child care or transportation) were denied, discontinued, reduced or recovered from you because Federal financial student assistance was counted against you?

If yes, talk to your worker and ask that your case be reviewed to see if you can get the supportive services payments that were denied, discontinued, reduced or recovered from you. You will be asked to fill out DSS-TBA1: "Request for Supportive Services Review" and give documentation for the money that you spent on the supportive services.

This notice must be posted for 30 days.

Date posted _____