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I N   S E N A T E

May 14, 2014

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, the state finance law, the public health law, the social services law, the correction law, the administrative code of the city of New York and the civil service law, in relation to high school equivalency diplomas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The education law is amended by adding a new section 317-a  
2     to read as follows:

3     S 317-A. HIGH SCHOOL EQUIVALENCY EXAMS. NO FEE SHALL BE ESTABLISHED  
4     FOR ADMISSION TO ANY EXAM THAT WOULD AWARD A HIGH SCHOOL EQUIVALENCY  
5     DIPLOMA OR ITS EQUIVALENT, AS DETERMINED BY THE COMMISSIONER.

6     S 2. Clause (ii) of subparagraph 8 of paragraph h of subdivision 2 of  
7     section 355 of the education law, as added by chapter 327 of the laws of  
8     2002, is amended to read as follows:

9     (ii) attended an approved New York state program for [general] HIGH  
10     SCHOOL equivalency diploma exam preparation, received a [general] HIGH  
11     SCHOOL equivalency diploma issued within New York state and applied for  
12     attendance at an institution or educational unit of the state university  
13     within five years of receiving a [general] HIGH SCHOOL equivalency  
14     diploma issued within New York state; or

15     S 3. Subparagraph (ii) of paragraph (a-1) of subdivision 7 of section  
16     6206 of the education law, as amended by chapter 260 of the laws of  
17     2011, is amended to read as follows:

18     (ii) attended an approved New York state program for [general] HIGH  
19     SCHOOL equivalency diploma exam preparation, received a [general] HIGH  
20     SCHOOL equivalency diploma issued within New York state and applied for  
21     attendance at an institution or educational unit of the city university  
22     within five years of receiving a [general] HIGH SCHOOL equivalency  
23     diploma issued within New York state; or

24     S 4. Subparagraph (ii) of paragraph (a) of subdivision 7 of section  
25     6206 of the education law, as amended by chapter 327 of the laws of  
26     2002, is amended to read as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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(ii) attended an approved New York state program for [general] HIGH SCHOOL equivalency diploma exam preparation, received a [general] HIGH SCHOOL equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the city university within five years of receiving a [general] HIGH SCHOOL equivalency diploma issued within New York state; or

S 5. Paragraph (ii) of subdivision 5 of section 6301 of the education law, as amended by chapter 327 of the laws of 2002, is amended to read as follows:

(ii) attended an approved New York state program for [general] HIGH SCHOOL equivalency diploma exam preparation, received a [general] HIGH SCHOOL equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the state university within five years of receiving a [general] HIGH SCHOOL equivalency diploma issued within New York state; or

S 6. Subdivisions 2 and 3 of section 97-hhh of the state finance law, as added by section 84 of part A of chapter 436 of the laws of 1997, are amended to read as follows:

2. Notwithstanding any other law, rule or regulation to the contrary, the state comptroller is hereby authorized and directed to receive for deposit to the credit of the high school equivalency account, fees established by the commissioner of education and approved by the director of the budget to supplement administration of [the general educational development tests] HIGH SCHOOL EQUIVALENCY EXAMS for the high school equivalency diploma.

3. Moneys of this account, following appropriation by the legislature, shall be available to the state education department for services and expenses related to the administration of [the general educational development tests] HIGH SCHOOL EQUIVALENCY EXAMS for the high school equivalency diploma.

S 7. Subdivision 4 of section 2807-g of the public health law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

4. Eligible programs shall include programs which provide one or more of the following services in connection with training an eligible worker to: (i) obtain a new position, (ii) continue to meet the requirements of an existing position, or (iii) otherwise meet the requirements of the changing health care industry: (a) assessments to help determine training needs; (b) remediation, including preparation in English for speakers or writers of other languages, instruction in basic reading or mathematics, or completion of requirements for a [general] HIGH SCHOOL equivalency diploma [(GED)]; (c) basic skills development; (d) reorientation; and (e) skills and educational enhancement, including, where appropriate, the provision of college level or college degree course work. To the extent that an eligible program is providing services to train eligible workers to obtain a new position or to continue to meet the requirements of an existing position only, reimbursement shall also be available to an eligible organization for the actual cost of any employment or employment-related expenses incurred by the eligible organization in fulfilling the duties and responsibilities of such employees while they are engaged in such training programs.

S 8. Paragraph (k) of subdivision 1 of section 336 of the social services law, as added by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

(k) satisfactory attendance at secondary school or a course of study leading to a certificate of [general] HIGH SCHOOL equivalency in the

1 case of a recipient who has not completed secondary school or received  
2 such certificate;

3 S 9. The opening paragraph of subparagraph (iv) of paragraph (d) of  
4 subdivision 1 of section 803 of the correction law, as added by chapter  
5 738 of the laws of 2004, is amended to read as follows:

6 Such merit time allowance may be granted when an inmate successfully  
7 participates in the work and treatment program assigned pursuant to  
8 section eight hundred five of this article and when such inmate obtains  
9 a [general] HIGH SCHOOL equivalency diploma, an alcohol and substance  
10 abuse treatment certificate, a vocational trade certificate following at  
11 least six months of vocational programming or performs at least four  
12 hundred hours of service as part of a community work crew.

13 S 10. The opening paragraph of subparagraph (iv) of paragraph (d) of  
14 subdivision 1 of section 803 of the correction law, as added by section  
15 10-a of chapter 738 of the laws of 2004, is amended to read as follows:

16 (iv) Such merit time allowance may be granted when an inmate success-  
17 fully participates in the work and treatment program assigned pursuant  
18 to section eight hundred five of this article and when such inmate  
19 obtains a [general] HIGH SCHOOL equivalency diploma, an alcohol and  
20 substance abuse treatment certificate, a vocational trade certificate  
21 following at least six months of vocational programming or performs at  
22 least four hundred hours of service as part of a community work crew.

23 S 11. Subdivision 19 of section 2 of the correction law, as amended by  
24 chapter 63 of the laws of 1994, is amended to read as follows:

25 19. "Vocational and skills training facility" means a correctional  
26 facility designated by the commissioner to provide a vocational and  
27 skills training program ("VAST") to inmates who need such service before  
28 they participate in a work release program. The VAST facility shall  
29 provide intensive assessment, counseling, job search assistance and  
30 where appropriate academic and vocational instruction to program partic-  
31 ipants. Such assistance may include an assessment of any inmate's educa-  
32 tion attainment level and skills aptitudes; career counseling and explo-  
33 ration; the development of a comprehensive instructional plan including  
34 identification of educational and training needs that may extend beyond  
35 the date of entry into work release; instructional programs including  
36 [GED] HIGH SCHOOL EQUIVALENCY EXAM preparation or post-secondary  
37 instruction as appropriate; occupational skills training; life skills  
38 training; employment readiness including workplace behavior; and job  
39 search assistance. The department and the department of labor shall  
40 jointly develop activities providing career counseling, job search  
41 assistance, and job placement services for participants. Nothing  
42 contained in this section shall be deemed to modify the eligibility  
43 requirements provided by law applicable to inmates participating in a  
44 work release program.

45 S 12. Subdivision c of section 3-209 of the administrative code of the  
46 city of New York, as added by local law number 34 of the city of New  
47 York for the year 2004, is amended to read as follows:

48 c. Registration of graduating seniors. The department of education of  
49 the city of New York shall provide a postage paid board of elections of  
50 the city of New York voter registration form to each graduating student  
51 who receives a high school diploma, including but not limited to a  
52 Regents, local, [general] HIGH SCHOOL equivalency or Individualized  
53 Education Program diploma. The department shall deliver such voter  
54 registration form to each graduating student at the same time and in the  
55 same manner as it delivers diplomas to each such student.

1 S 13. Subdivision b of section 21-703 of the administrative code of  
2 the city of New York, as added by local law number 23 of the city of New  
3 York for the year 2003, is amended to read as follows:

4 b. If an applicant, recipient or participant who is eligible for  
5 education or training as set forth in subdivision c of this section  
6 expresses an intention or preference to the agency to enroll in educa-  
7 tion, training or vocational rehabilitation, or if an applicant's,  
8 recipient's or participant's assessment indicates that he or she lacks  
9 basic literacy, a secondary school diploma, or a [general] HIGH SCHOOL  
10 equivalency diploma [(GED)] or otherwise indicates that education,  
11 training or vocational rehabilitation would enhance the individual's  
12 ability to obtain and maintain employment, then the agency shall offer  
13 such applicant, recipient or participant the opportunity to enroll in an  
14 approved program or programs, provided that such approved program or  
15 programs can be classified as countable work activities.

16 S 14. Paragraph (b) of subdivision 1 of section 58 of the civil  
17 service law, as amended by chapter 244 of the laws of 2013, is amended  
18 to read as follows:

19 (b) he or she is a high school graduate or a holder of a high school  
20 equivalency diploma issued by an education department of any of the  
21 states of the United States or a holder of a comparable diploma issued  
22 by any commonwealth, territory or possession of the United States or by  
23 the Canal Zone or a holder of a report from the United States armed  
24 forces certifying his or her successful completion of A HIGH SCHOOL  
25 EQUIVALENCY EXAM OR the tests of general educational development, high  
26 school level;

27 S 15. Severability. The provisions of this act shall be severable, and  
28 if the application of any clause, sentence, paragraph, subdivision,  
29 section or part of this act to any person or circumstance shall be  
30 adjudged by any court of competent jurisdiction to be invalid, such  
31 judgement shall not necessarily affect, impair or invalidate the appli-  
32 cation of any such clause, sentence, paragraph, subdivision, section,  
33 part of this act or remainder thereof, as the case may be, to any other  
34 person or circumstance, but shall be confined in its operation to the  
35 clause, sentence, paragraph, subdivision, section or part thereof  
36 directly involved in the controversy in which such judgment shall have  
37 been rendered.

38 S 16. This act shall take effect January 1, 2015; provided, however,  
39 that the amendments to paragraph (a-1) of subdivision 7 of section 6206  
40 of the education law made by section three of this act shall be subject  
41 to the expiration of such paragraph pursuant to section 16 of chapter  
42 260 of the laws of 2011, as amended; provided further, that section four  
43 of this act shall take effect on the same date as the reversion of para-  
44 graph (a) of subdivision 7 of section 6206 of the education law as  
45 provided in section 16 of chapter 260 of the laws of 2011, as amended;  
46 and provided, further, that the amendments to subparagraph (iv) of para-  
47 graph (d) of subdivision 1 of section 803 of the correction law made by  
48 section nine of this act shall be subject to the expiration and rever-  
49 sion of such section, when upon such date the provisions of section ten  
50 of this act shall take effect.