

5355

2011-2012 Regular Sessions

I N A S S E M B L Y

February 16, 2011

Introduced by M. of A. AUBRY, COLTON -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to providing inmates with the opportunity to obtain a general equivalency diploma

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

1 Section 1. Section 136 of the correction law, as amended by chapter 98
2 of the laws of 2007, is amended to read as follows:
3 S 136. Correctional education. 1. The objective of correctional educa-
4 tion in its broadest sense should be the socialization of the inmates
5 through varied impressional and expressional activities, with emphasis
6 on individual inmate needs. The objective of this program shall be the
7 return of these inmates to society with a more wholesome attitude toward
8 living, with a desire to conduct themselves as good citizens, and with
9 the skill and knowledge which will give them a reasonable chance to
10 maintain themselves and their dependents through honest labor. To this
11 end each inmate shall be given a program of education which, on the
12 basis of available data, seems most likely to further the process of
13 socialization and rehabilitation. Provided that, the commissioner, in
14 consultation with the commissioner of education, shall develop a curric-
15 ula for and require provision of an education program to all inmates, on
16 a periodic basis, on the consequences and prevention of shaken baby
17 syndrome which may include the viewing of a video presentation thereon.
18 The time daily devoted to such education shall be such as is required
19 for meeting the above objectives. The director of education, subject to
20 the direction of the commissioner and after consultation with the
21 commissioner of education, shall develop the curricula and the education
22 programs that are required to meet the special needs of each correction-
23 al facility in the department. The commissioner of education, in [co-op-
24 eration] COOPERATION with the commissioner and the director of educa-
25 tion, shall set up the educational requirements for the certification of

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

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1 teachers in all such correctional facilities. Such educational require-
2 ments shall be sufficiently broad and comprehensive to include training
3 in penology, sociology, psychology, philosophy, in the special subjects
4 to be taught, and in any other professional courses as may be deemed
5 necessary by the responsible officers, and shall include training relat-
6 ing to the consequences and prevention of shaken baby syndrome which may
7 include the viewing of a video presentation thereon. No certificates for
8 teaching service in the state institutions shall be issued unless a
9 minimum of four years of training beyond the high school has been
10 secured, or an acceptable equivalent. Existing requirements for the
11 certification of teachers in the institutions shall continue in force
12 until changed pursuant to the provisions of this section.

13 2. ALL INMATES ADMITTED TO THE DEPARTMENT SERVING A DETERMINATE TERM
14 OF IMPRISONMENT, OR AN INDETERMINATE SENTENCE OF IMPRISONMENT OTHER THAN
15 A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE, WHO HAVE BEEN EVALUATED
16 UPON ADMISSION PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED THIR-
17 TY-SEVEN OF THIS ARTICLE AND ARE DETERMINED TO BE CAPABLE OF SUCCESSFUL-
18 LY COMPLETING THE ACADEMIC COURSE WORK REQUIRED FOR A GENERAL EQUIVALEN-
19 CY DIPLOMA, SHALL BE PROVIDED WITH THE OPPORTUNITY TO COMPLETE SUCH
20 COURSE WORK AT LEAST TWO MONTHS PRIOR TO THE DATE ON WHICH SUCH INMATE
21 MAY BE PAROLED, CONDITIONALLY RELEASED, RELEASED TO POST RELEASE SUPER-
22 VISION PURSUANT TO SECTION 70.40 OF THE PENAL LAW, OR PRESUMPTIVELY
23 RELEASED, PURSUANT TO SECTION EIGHT HUNDRED THREE OF THIS CHAPTER. UPON
24 ADMISSION TO THE DEPARTMENT, SUCH INMATES WILL BE PROVIDED WITH WRITTEN
25 NOTICE THAT GENERAL EQUIVALENCY PROGRAMS ARE AVAILABLE FOR ALL INMATES
26 WHO SO APPLY.

27 3. THE DEPARTMENT SHALL ENSURE THAT ACADEMIC EDUCATION PROGRAMS WHICH
28 PROVIDE THE APPROPRIATE CURRICULUM AND CERTIFIED ACADEMIC STAFF FOR
29 GENERAL EQUIVALENCY DIPLOMA INSTRUCTION ARE AVAILABLE AT ALL CORRECTION-
30 AL FACILITIES HOUSING INMATES WHO ARE ELIGIBLE AS SPECIFIED IN SUBDIVI-
31 SION TWO OF THIS SECTION. THE DEPARTMENT SHALL PROVIDE ACADEMIC STAFF
32 WHO ARE QUALIFIED TO PROVIDE SUCH INSTRUCTION AND WHO ARE MEMBERS OF THE
33 COMPETITIVE CLASS OF THE CIVIL SERVICE OF NEW YORK STATE. THE DEPARTMENT
34 SHALL PROVIDE SUFFICIENT STAFF AT EACH CORRECTIONAL FACILITY WHERE
35 ELIGIBLE INMATES ARE CONFINED TO ENSURE A CLASSROOM RATIO OF TWENTY
36 INMATES FOR EACH GENERAL EQUIVALENCY DIPLOMA INSTRUCTOR. THE DEPARTMENT
37 SHALL DEVELOP A PLAN FOR IMPLEMENTATION OF THE GENERAL EQUIVALENCY
38 DIPLOMA REQUIREMENT WHICH SHALL BE PRESENTED TO THE ASSEMBLY STANDING
39 COMMITTEE ON CORRECTION AND THE SENATE STANDING COMMITTEE ON CRIME
40 VICTIMS, CRIME AND CORRECTION ON OR BEFORE APRIL FIRST, TWO THOUSAND
41 THIRTEEN.

42 S 2. This act shall take effect three years after it shall have become
43 a law; provided, however, that effective immediately, the addition,
44 amendment and/or repeal of any rule or regulation necessary for the
45 implementation of this act on its effective date are authorized and
46 directed to be made and completed on or before such effective date.