S T A T E O F N E W Y O R K

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I N A S S E M B L Y

June 6, 2013

Introduced by M. of A. NOLAN, DUPREY -- read once and referred to the Committee on Education -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

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

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

S 2. Clause (ii) of subparagraph 8 of paragraph h of subdivision 2 of section 355 of the education law, as added 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 3. Subparagraph (ii) of paragraph (a-1) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011, 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 city university

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

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within five years of receiving a [general] HIGH SCHOOL equivalency diploma issued within New York state; or

S 4. Subparagraph (ii) of paragraph (a) of subdivision 7 of section 6206 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 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 case of a recipient who has not completed secondary school or received such certificate;

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

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

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

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

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

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

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

c. Registration of graduating seniors. The department of education of the city of New York shall provide a postage paid board of elections of the city of New York voter registration form to each graduating student who receives a high school diploma, including but not limited to a

Regents, local, [general] HIGH SCHOOL equivalency or Individualized Education Program diploma. The department shall deliver such voter registration form to each graduating student at the same time and in the same manner as it delivers diplomas to each such student.

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

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

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

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

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

S 16. This act shall take effect January 1, 2015; provided, however, that the amendments to paragraph (a-1) of subdivision 7 of section 6206 of the education law made by section three of this act shall be subject to the expiration of such paragraph pursuant to section 16 of chapter 260 of the laws of 2011, as amended; provided further, that section four of this act shall take effect on the same date as the reversion of paragraph (a) of subdivision 7 of section 6206 of the education law as provided in section 16 of chapter 260 of the laws of 2011, as amended; and provided, further, that the amendments to subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law made by section nine of this act shall be subject to the expiration and reversion of such section, when upon such date the provisions of section ten of this act shall take effect.