

5365

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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

AN ACT to amend the education law, the public health law, the social services law and the correction law, in relation to high school equivalency exams

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

1     Section 1. Section 317 of the education law, as added by chapter 170  
2 of the laws of 1994, is amended to read as follows:  
3     S 317. [General education development] HIGH SCHOOL EQUIVALENCY exam.  
4 Notwithstanding any provision of law, no fee shall be established for  
5 admission to the [general education development] HIGH SCHOOL EQUIVALENCY  
6 exam.  
7     S 2. Subdivision 4 of section 2807-g of the public health law, as  
8 added by chapter 1 of the laws of 1999, is amended to read as follows:  
9     4. Eligible programs shall include programs which provide one or more  
10 of the following services in connection with training an eligible worker  
11 to: (i) obtain a new position, (ii) continue to meet the requirements of  
12 an existing position, or (iii) otherwise meet the requirements of the  
13 changing health care industry: (a) assessments to help determine training  
14 needs; (b) remediation, including preparation in English for speakers  
15 or writers of other languages, instruction in basic reading or mathematics,  
16 or completion of requirements for a [general] HIGH SCHOOL equivalency  
17 diploma [(GED)]; (c) basic skills development; (d) reorientation;  
18 and (e) skills and educational enhancement, including, where  
19 appropriate, the provision of college level or college degree course  
20 work. To the extent that an eligible program is providing services to  
21 train eligible workers to obtain a new position or to continue to meet  
22 the requirements of an existing position only, reimbursement shall also  
23 be available to an eligible organization for the actual cost of any  
24 employment or employment-related expenses incurred by the eligible

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

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1 organization in fulfilling the duties and responsibilities of such  
2 employees while they are engaged in such training programs.

3 S 3. Clause (ii) of subparagraph 8 of paragraph h of subdivision 2 of  
4 section 355 of the education law, as added by chapter 327 of the laws of  
5 2002, is amended to read as follows:

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

12 S 4. Subparagraph (ii) of paragraph (a) of subdivision 7 of section  
13 6206 of the education law, as amended by chapter 327 of the laws of  
14 2002, is amended to read as follows:

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

21 S 5. Subparagraph (ii) of paragraph (a-1) of subdivision 7 of section  
22 6206 of the education law, as amended by chapter 260 of the laws of  
23 2011, is amended to read as follows:

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

30 S 6. Paragraph (ii) of subdivision 5 of section 6301 of the education  
31 law, as amended by chapter 327 of the laws of 2002, is amended to read  
32 as follows:

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

39 S 7. Paragraph (k) of subdivision 1 of section 336 of the social  
40 services law, as amended by section 148 of part B of chapter 436 of the  
41 laws of 1997, is amended to read as follows:

42 (k) satisfactory attendance at secondary school or a course of study  
43 leading to a certificate of [general] HIGH SCHOOL equivalency in the  
44 case of a recipient who has not completed secondary school or received  
45 such certificate;

46 S 8. Subdivision 19 of section 2 of the correction law, as amended by  
47 chapter 63 of the laws of 1994, is amended to read as follows:

48 19. "Vocational and skills training facility" means a correctional  
49 facility designated by the commissioner to provide a vocational and  
50 skills training program ("VAST") to inmates who need such service before  
51 they participate in a work release program. The VAST facility shall  
52 provide intensive assessment, counseling, job search assistance and  
53 where appropriate academic and vocational instruction to program partic-  
54 ipants. Such assistance may include an assessment of any inmate's educa-  
55 tion attainment level and skills aptitudes; career counseling and explo-  
56 ration; the development of a comprehensive instructional plan including

1 identification of educational and training needs that may extend beyond  
2 the date of entry into work release; instructional programs including  
3 [GED] HIGH SCHOOL EQUIVALENCY EXAM preparation or post-secondary  
4 instruction as appropriate; occupational skills training; life skills  
5 training; employment readiness including workplace behavior; and job  
6 search assistance. The department and the department of labor shall  
7 jointly develop activities providing career counseling, job search  
8 assistance, and job placement services for participants. Nothing  
9 contained in this section shall be deemed to modify the eligibility  
10 requirements provided by law applicable to inmates participating in a  
11 work release program.

12 S 9. The opening paragraph of subparagraph (iv) of paragraph (d) of  
13 subdivision 1 of section 803 of the correction law, as added by section  
14 7 of chapter 738 of the laws of 2004, is amended to read as follows:

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

22 S 10. The opening paragraph of subparagraph (iv) of paragraph (d) of  
23 subdivision 1 of section 803 of the correction law, as added by section  
24 10-a of chapter 738 of the laws of 2004, is amended to read as follows:

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

32 S 11. This act shall take effect January 1, 2014; provided, however,  
33 that section four of this act shall take effect on the same date as the  
34 reversion of paragraph (a) of subdivision 7 of section 6206 of the  
35 education law as provided in section 16 of chapter 260 of the laws of  
36 2011, as amended; provided further that the amendments to paragraph  
37 (a-1) of subdivision 7 of section 6206 of the education law made by  
38 section five of this act shall not affect the expiration of such para-  
39 graph and shall expire and be deemed repealed therewith; and provided  
40 further that the amendments to subparagraph (iv) of paragraph (d) of  
41 subdivision 1 of section 803 of the correction law made by section nine  
42 of this act shall not affect the expiration of such section and shall  
43 expire and be deemed repealed therewith, when upon such date the  
44 provisions of section ten of this act shall take effect.