

5571

2013-2014 Regular Sessions

I N S E N A T E

May 21, 2013

Introduced by Sen. FLANAGAN -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law and the labor law, in relation to access to certain wage reporting data for purposes of including data on employment and employment outcomes in required reports and evaluations under the federal workforce investment act and in the prekindergarten through post secondary data system

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

1 Section 1. Subdivision 2 of section 1007 of the education law, as
2 added by chapter 656 of the laws of 1999, is amended and a new subdivi-
3 sion 3 is added to read as follows:
4 2. Wage reporting information obtained by the office of [vocational
5 and educational services for individuals with disabilities] ADULT,
6 CAREER AND CONTINUING EDUCATION SERVICES of the department OR ITS
7 SUCCESSOR OFFICE from the state department of taxation and finance
8 pursuant to the tax law shall be considered confidential and shall not
9 be disclosed to persons or agencies other than those considered entitled
10 to such information, INCLUDING AUTHORIZED REPRESENTATIVES OF THE DEPART-
11 MENT, when such disclosure is necessary for the proper administration of
12 the department's vocational rehabilitation program.
13 3. WAGE REPORTING DATA OBTAINED BY THE DEPARTMENT FROM THE STATE
14 DEPARTMENT OF LABOR PURSUANT TO SUBDIVISION THREE OF SECTION FIVE
15 HUNDRED THIRTY-SEVEN OF THE LABOR LAW FOR PURPOSES OF THE VOCATIONAL
16 REHABILITATION PROGRAM SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE
17 DISCLOSED TO PERSONS OR AGENCIES OTHER THAN THOSE CONSIDERED ENTITLED TO
18 SUCH INFORMATION, INCLUDING AUTHORIZED REPRESENTATIVES OF THE DEPART-
19 MENT, WHEN SUCH DISCLOSURE IS NECESSARY FOR THE PROPER ADMINISTRATION OF
20 THE DEPARTMENT'S VOCATIONAL REHABILITATION PROGRAM.

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

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1 S 2. Section 305 of the education law is amended by adding a new
2 subdivision 40-a to read as follows:

3 40-A. THE COMMISSIONER SHALL OBTAIN WAGE REPORTING DATA FROM THE STATE
4 DEPARTMENT OF LABOR IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION FIVE
5 HUNDRED THIRTY-SEVEN OF THE LABOR LAW FOR THE PURPOSE OF INCLUDING DATA
6 ON EMPLOYMENT AND EMPLOYMENT OUTCOMES IN REQUIRED REPORTS AND EVALU-
7 ATIONS UNDER THE FEDERAL WORKFORCE INVESTMENT ACT AND IN THE PREKINDER-
8 GARTEN THROUGH POSTSECONDARY (P-20) DATA SYSTEM ESTABLISHED TO MEET THE
9 CONDITIONS OF FEDERAL GRANT AWARDS AND ANY APPLICABLE FEDERAL DATA
10 REQUIREMENTS OR FEDERAL OR STATE PROGRAM REQUIREMENTS. ANY PERSONALLY
11 IDENTIFIABLE INFORMATION PROVIDED PURSUANT TO THIS SUBDIVISION SHALL BE
12 CONFIDENTIAL AND SHALL NOT BE REDISCLOSED, EXCEPT TO AUTHORIZED REPRE-
13 SENTATIVES OF THE DEPARTMENT AND THE STATE UNIVERSITY OF NEW YORK AND
14 THE CITY UNIVERSITY OF NEW YORK FOR PURPOSES OF CARRYING OUT SUCH FEDER-
15 AL OR STATE REQUIREMENTS, INCLUDING BUT NOT LIMITED TO PROGRAM EVALU-
16 ATIONS.

17 S 3. Clause 8 of subparagraph (ii) of paragraph g of subdivision 3 of
18 section 537 of the labor law, as added by chapter 551 of the laws of
19 2008, is amended to read as follows:

20 (8) the office of [vocational and educational services for individuals
21 with disabilities] ADULT, CAREER AND CONTINUING EDUCATION SERVICES of
22 the education department, OR ITS SUCCESSOR OFFICE, for the evaluation of
23 the effect on earnings of participants, or former participants, in
24 employment and training programs for which the [office of vocational and
25 educational services for individuals with disabilities of the] education
26 department has reporting, monitoring or evaluating responsibilities.

27 S 4. Subparagraph (ii) of paragraph g of subdivision 3 of section 537
28 of the labor law is amended by adding a new clause 10 to read as
29 follows:

30 (10) TO THE STATE EDUCATION DEPARTMENT FOR THE PURPOSE OF INCLUDING
31 DATA ON EMPLOYMENT AND EMPLOYMENT OUTCOMES IN REQUIRED REPORTS AND EVAL-
32 UATIONS UNDER THE FEDERAL WORKFORCE INVESTMENT ACT AND IN THE PREKINDER-
33 GARTEN THROUGH POSTSECONDARY (P-20) DATA SYSTEM IN ACCORDANCE WITH THE
34 PROVISIONS OF SUBDIVISION FORTY-A OF SECTION THREE HUNDRED FIVE OF THE
35 EDUCATION LAW.

36 S 5. This act shall take effect immediately.