

7873--A

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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:

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

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

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

3 S 4. Subparagraph (ii) of paragraph (a) of subdivision 7 of section
4 6206 of the education law, as amended 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 city university
10 within five years of receiving a [general] HIGH SCHOOL equivalency
11 diploma issued within New York state; or

12 S 5. Paragraph (ii) of subdivision 5 of section 6301 of the education
13 law, as amended by chapter 327 of the laws of 2002, is amended to read
14 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 state university
19 within five years of receiving a [general] HIGH SCHOOL equivalency
20 diploma issued within New York state; or

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

24 2. Notwithstanding any other law, rule or regulation to the contrary,
25 the state comptroller is hereby authorized and directed to receive for
26 deposit to the credit of the high school equivalency account, fees
27 established by the commissioner of education and approved by the direc-
28 tor of the budget to supplement administration of [the general educa-
29 tional development tests] HIGH SCHOOL EQUIVALENCY EXAMS for the high
30 school equivalency diploma.

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

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

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

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

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

8 S 9. The opening paragraph of subparagraph (iv) of paragraph (d) of
9 subdivision 1 of section 803 of the correction law, as added by chapter
10 738 of the laws of 2004, is amended to read as follows:

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

18 S 10. The opening paragraph of subparagraph (iv) of paragraph (d) of
19 subdivision 1 of section 803 of the correction law, as added by section
20 10-a of chapter 738 of the laws of 2004, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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