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

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:

Section 1. Subdivision 2 of section 1007 of the education law, as added by chapter 656 of the laws of 1999, is amended and a new subdivision 3 is added to read as follows:

2. Wage reporting information obtained by the office of [vocational and educational services for individuals with disabilities] ADULT, CAREER AND CONTINUING EDUCATION SERVICES of the department OR ITS SUCCESSOR OFFICE from the state department of taxation and finance pursuant to the tax law shall be considered confidential and shall not be disclosed to persons or agencies other than those considered entitled to such information, INCLUDING AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT, when such disclosure is necessary for the proper administration of the department's vocational rehabilitation program.

3. WAGE REPORTING DATA OBTAINED BY THE DEPARTMENT FROM THE STATE DEPARTMENT OF LABOR PURSUANT TO SUBDIVISION THREE OF SECTION FIVE HUNDRED THIRTY-SEVEN OF THE LABOR LAW FOR PURPOSES OF THE VOCATIONAL REHABILITATION PROGRAM SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO PERSONS OR AGENCIES OTHER THAN THOSE CONSIDERED ENTITLED TO SUCH INFORMATION, INCLUDING AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT, WHEN SUCH DISCLOSURE IS NECESSARY FOR THE PROPER ADMINISTRATION OF 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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S 2. Section 305 of the education law is amended by adding a new subdivision 40-a to read as follows:

40-A. THE COMMISSIONER SHALL OBTAIN WAGE REPORTING DATA FROM THE STATE DEPARTMENT OF LABOR IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION FIVE HUNDRED THIRTY-SEVEN OF THE LABOR LAW FOR THE PURPOSE OF INCLUDING DATA ON EMPLOYMENT AND EMPLOYMENT OUTCOMES IN REQUIRED REPORTS AND EVALUATIONS UNDER THE FEDERAL WORKFORCE INVESTMENT ACT AND IN THE PREKINDERGARTEN THROUGH POSTSECONDARY (P-20) DATA SYSTEM ESTABLISHED TO MEET THE CONDITIONS OF FEDERAL GRANT AWARDS AND ANY APPLICABLE FEDERAL DATA REQUIREMENTS OR FEDERAL OR STATE PROGRAM REQUIREMENTS. ANY PERSONALLY IDENTIFIABLE INFORMATION PROVIDED PURSUANT TO THIS SUBDIVISION SHALL BE CONFIDENTIAL AND SHALL NOT BE REDISCLOSED, EXCEPT TO AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT AND THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK FOR PURPOSES OF CARRYING OUT SUCH FEDERAL OR STATE REQUIREMENTS, INCLUDING BUT NOT LIMITED TO PROGRAM EVALUATIONS.

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

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

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

(10) TO THE STATE EDUCATION DEPARTMENT FOR THE PURPOSE OF INCLUDING DATA ON EMPLOYMENT AND EMPLOYMENT OUTCOMES IN REQUIRED REPORTS AND EVALUATIONS UNDER THE FEDERAL WORKFORCE INVESTMENT ACT AND IN THE PREKINDERGARTEN THROUGH POSTSECONDARY (P-20) DATA SYSTEM IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FORTY-A OF SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW.

S 5. This act shall take effect immediately.