

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

3838--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. AUBRY, COLTON, MOSLEY, FAHY, SEPULVEDA -- Multi-Sponsored by -- M. of A. ABINANTI, CLARK, McDONALD, PERRY, SKARTADOS -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to providing inmates with the opportunity to take the test assessing secondary completion

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

1 Section 1. Section 136 of the correction law, as amended by chapter 98
2 of the laws of 2007, is amended to read as follows:
3 S 136. Correctional education. 1. The objective of correctional educa-
4 tion in its broadest sense should be the socialization of the inmates
5 through varied impressional and expressional activities, with emphasis
6 on individual inmate needs. The objective of this program shall be the
7 return of these inmates to society with a more wholesome attitude toward
8 living, with a desire to conduct themselves as good citizens, and with
9 the skill and knowledge which will give them a reasonable chance to
10 maintain themselves and their dependents through honest labor. To this
11 end each inmate shall be given a program of education which, on the
12 basis of available data, seems most likely to further the process of
13 socialization and rehabilitation. Provided that, the commissioner, in
14 consultation with the commissioner of education, shall develop a curric-
15 ula for and require provision of an education program to all inmates, on
16 a periodic basis, on the consequences and prevention of shaken baby
17 syndrome which may include the viewing of a video presentation thereon.
18 The time daily devoted to such education shall be such as is required
19 for meeting the above objectives. The director of education, subject to
20 the direction of the commissioner and after consultation with the

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

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1 commissioner of education, shall develop the curricula and the education
2 programs that are required to meet the special needs of each correction-
3 al facility in the department. The commissioner of education, in [co-op-
4 eration] COOPERATION with the commissioner and the director of educa-
5 tion, shall set up the educational requirements for the certification of
6 teachers in all such correctional facilities. Such educational require-
7 ments shall be sufficiently broad and comprehensive to include training
8 in penology, sociology, psychology, philosophy, in the special subjects
9 to be taught, and in any other professional courses as may be deemed
10 necessary by the responsible officers, and shall include training relat-
11 ing to the consequences and prevention of shaken baby syndrome which may
12 include the viewing of a video presentation thereon. No certificates for
13 teaching service in the state institutions shall be issued unless a
14 minimum of four years of training beyond the high school has been
15 secured, or an acceptable equivalent. Existing requirements for the
16 certification of teachers in the institutions shall continue in force
17 until changed pursuant to the provisions of this section.

18 2. ALL INMATES ADMITTED TO THE DEPARTMENT SERVING A DETERMINATE TERM
19 OF IMPRISONMENT, OR AN INDETERMINATE SENTENCE OF IMPRISONMENT OTHER THAN
20 A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE, WHO HAVE BEEN EVALUATED
21 UPON ADMISSION PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED THIR-
22 TY-SEVEN OF THIS ARTICLE AND ARE DETERMINED TO BE CAPABLE OF SUCCESSFUL-
23 LY COMPLETING THE ACADEMIC COURSE WORK REQUIRED FOR THE TEST ASSESSING
24 SECONDARY COMPLETION, SHALL BE PROVIDED WITH THE OPPORTUNITY TO COMPLETE
25 SUCH COURSE WORK AT LEAST TWO MONTHS PRIOR TO THE DATE ON WHICH SUCH
26 INMATE MAY BE PAROLED, CONDITIONALLY RELEASED, RELEASED TO POST-RELEASE
27 SUPERVISION PURSUANT TO SECTION 70.40 OF THE PENAL LAW, OR PRESUMPTIVELY
28 RELEASED, PURSUANT TO SECTION EIGHT HUNDRED THREE OF THIS CHAPTER. UPON
29 ADMISSION TO THE DEPARTMENT, SUCH INMATES WILL BE PROVIDED WITH WRITTEN
30 NOTICE THAT THE TEST ASSESSING SECONDARY COMPLETION PROGRAMS ARE AVAIL-
31 ABLE FOR ALL INMATES WHO SO APPLY.

32 3. THE DEPARTMENT SHALL ENSURE THAT ACADEMIC EDUCATION PROGRAMS WHICH
33 PROVIDE THE APPROPRIATE CURRICULUM AND CERTIFIED ACADEMIC STAFF FOR THE
34 TEST ASSESSING SECONDARY COMPLETION INSTRUCTION ARE AVAILABLE AT ALL
35 CORRECTIONAL FACILITIES HOUSING INMATES WHO ARE ELIGIBLE AS SPECIFIED IN
36 SUBDIVISION TWO OF THIS SECTION. THE DEPARTMENT SHALL PROVIDE ACADEMIC
37 STAFF WHO ARE QUALIFIED TO PROVIDE SUCH INSTRUCTION AND WHO ARE MEMBERS
38 OF THE COMPETITIVE CLASS OF THE CIVIL SERVICE OF NEW YORK STATE. THE
39 DEPARTMENT SHALL DEVELOP A PLAN FOR IMPLEMENTATION OF THE TEST ASSESSING
40 SECONDARY COMPLETION REQUIREMENT WHICH SHALL BE PRESENTED TO THE ASSEM-
41 BLY STANDING COMMITTEE ON CORRECTION AND THE SENATE STANDING COMMITTEE
42 ON CRIME VICTIMS, CRIME AND CORRECTION ON OR BEFORE APRIL FIRST, TWO
43 THOUSAND NINETEEN.

44 S 2. This act shall take effect three years after it shall have become
45 a law; provided, however, that effective immediately, the addition,
46 amendment and/or repeal of any rule or regulation necessary for the
47 implementation of this act on its effective date are authorized and
48 directed to be made and completed on or before such effective date.