

3801--A

2015-2016 Regular Sessions

I N   S E N A T E

February 17, 2015

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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attendance at an institution or educational unit of the city university within five years of receiving a [general] HIGH SCHOOL equivalency diploma issued within New York state; or

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

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

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

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

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

2. Notwithstanding any other law, rule or regulation to the contrary, the state comptroller is hereby authorized and directed to receive for deposit to the credit of the high school equivalency account, fees established by the commissioner of education and approved by the director of the budget to supplement administration of [the general educational development tests] HIGH SCHOOL EQUIVALENCY EXAMS for the high school equivalency diploma.

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

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

4. Eligible programs shall include programs which provide one or more of the following services in connection with training an eligible worker to: (i) obtain a new position, (ii) continue to meet the requirements of an existing position, or (iii) otherwise meet the requirements of the changing health care industry: (a) assessments to help determine training needs; (b) remediation, including preparation in English for speakers or writers of other languages, instruction in basic reading or mathematics, or completion of requirements for a [general] HIGH SCHOOL equivalency diploma [(GED)]; (c) basic skills development; (d) reorientation; and (e) skills and educational enhancement, including, where appropriate, the provision of college level or college degree course work. To the extent that an eligible program is providing services to train eligible workers to obtain a new position or to continue to meet the requirements of an existing position only, reimbursement shall also be available to an eligible organization for the actual cost of any employment or employment-related expenses incurred by the eligible organization in fulfilling the duties and responsibilities of such 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 section  
10 7 of chapter 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 Such merit time allowance may be granted when an inmate successfully  
22 participates in the work and treatment program assigned pursuant to  
23 section eight hundred five of this article and when such inmate obtains  
24 a [general] HIGH SCHOOL equivalency diploma, an alcohol and substance  
25 abuse treatment certificate, a vocational trade certificate following at  
26 least six months of vocational programming or performs at least four  
27 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, 2017; 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.