STATE OF NEW YORK

8821--A

IN SENATE

March 15, 2024

Introduced by Sens. SEPULVEDA, GOUNARDES, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the correction law, and the administrative code of the city of New York, in relation to changing the name of the general education development diploma to the Excelsior high school diploma

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 317 of the education law, as added by chapter 170 of the laws of 1994, is amended to read as follows:

§ 317. [~~General education development~~] **Excelsior high school diploma** exam. Notwithstanding any provision of law, no fee shall be established for admission to the [~~general education development~~] **Excelsior high school diploma** exam.

§ 2. Section 305 of the education law is amended by adding a new subdivision 61 to read as follows:

61. The commissioner shall promulgate rules and regulations to change the name of the state high school equivalency diploma, as established pursuant to section 100.7 of title eight of the New York codes, rules and regulations, to the Excelsior high school diploma.

§ 3. Subdivision 19 of section 2 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

19. "Vocational and skills training facility" means a correctional facility designated by the commissioner to provide a vocational and skills training program ("VAST") to incarcerated individuals who need such service before they participate in a work release program. The VAST facility shall provide intensive assessment, counseling, job search assistance and where appropriate academic and vocational instruction to program participants. Such assistance may include an assessment of any incarcerated individual's education attainment level and skills aptitudes; career counseling and exploration; the development of a comprehensive instructional plan including identification of educational and

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

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training needs that may extend beyond the date of entry into work release; instructional programs including [~~GED~~] **Excelsior high school diploma** preparation or post-secondary instruction as appropriate; occupational skills training; life skills training; employment readiness including workplace behavior; and job search assistance. The department and the department of labor shall jointly develop activities providing career counseling, job search assistance, and job placement services for participants. Nothing contained in this section shall be deemed to modify the eligibility requirements provided by law applicable to incarcerated individuals participating in a work release program.

§ 4. The 7th undesignated paragraph of subdivision a of section 9-151 of the administrative code of the city of New York, as added by local law number 168 of the city of New York for the year 2017, is amended to read as follows:

High school equivalency diploma test. The term "high school equivalency diplomacy test" means any test offered by the New York state education department for the purpose of establishing the equivalent of a high school diploma, including, but not limited to, a [~~general education development~~] **Excelsior high school diploma** test or the test assessing secondary completion.

§ 5. Subdivision a of section 21-408 of the administrative code of the city of New York, as added by local law number 86 of the city of New York for the year 2018, is amended to read as follows:

a. Definitions. For the purposes of this section, the term "test assessing secondary completion (TASC)" means the [~~New York state~~] **Excelsior** high school [~~equivalency~~] **diploma** test which replaced the General Education Development (GED) as the primary pathway to [~~a New York state~~] **an Excelsior** high school [~~equivalency~~] diploma.

§ 6. Subdivision b and paragraph 4 of subdivision c of section 21-703 of the administrative code of the city of New York, as added by local law number 23 of the city of New York for the year 2003, are amended to read as follows:

b. If an applicant, recipient or participant who is eligible for education or training as set forth in subdivision c of this section expresses an intention or preference to the agency to enroll in education, training or vocational rehabilitation, or if an applicant's, recipient's or participant's assessment indicates that [~~he or she~~] **such applicant, recipient or participant** lacks basic literacy, a secondary school diploma, or a [~~general equivalency~~] **Excelsior high school** diploma [~~(GED)~~] or otherwise indicates that education, training or vocational rehabilitation would enhance the individual's ability to obtain and maintain employment, then the agency shall offer such applicant, recipient or participant the opportunity to enroll in an approved program or programs, provided that such approved program or programs can be classified as countable work activities.

4. An applicant, recipient or participant is eligible to participate in a [~~GED~~] **Excelsior high school diploma** program if [~~s/he~~] **such applicant, recipient or participant** has attained basic literacy but has not received a secondary school diploma.

§ 7. The 20th undesignated paragraph of subdivision a of section 21-902.1 of the administrative code of the city of New York, as amended by local law number 145 of the city of New York for the year 2016, is amended to read as follows:

Test assessing secondary completion (TASC). The term "test assessing secondary completion (TASC)" means the [~~New York state~~] **Excelsior** high school [~~equivalency~~] **diploma** test which replaced the general education

development examination as the primary pathway to [~~a New York state~~] **an Excelsior** high school [~~equivalency~~] diploma.

§ 8. The 11th undesignated paragraph of subdivision a of section 21-924 of the administrative code of the city of New York, as added by local law number 21 of the city of New York for the year 2024, is amended to read as follows:

High school equivalency diploma test. The term "high school equivalency diploma test" means any test that the New York state education department offers for the purpose of establishing the equivalent of a high school diploma, including, but not limited to, a [~~general education development~~] **Excelsior high school diploma** test or the test assessing secondary completion.

§ 9. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the amendment, addition and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.