

STATE OF NEW YORK

5845

2023-2024 Regular Sessions

IN SENATE

March 20, 2023

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, the state finance 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 § 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 § 2. Clause (ii) of subparagraph 8 of paragraph h of subdivision 2 of
7 section 355 of the education law, as amended by chapter 669 of the laws
8 of 2022, 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 § 3. Subparagraph (ii) of paragraph (a-1) of subdivision 7 of section
16 6206 of the education law, as amended by chapter 669 of the laws of
17 2022, 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
22 within five years of receiving a [~~general~~] high school equivalency
23 diploma issued within New York state; or

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

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§ 4. Subparagraph (ii) of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 669 of the laws of 2022, 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

§ 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

§ 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.

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

(k) satisfactory attendance at secondary school or a course of study leading to a certificate of ~~[general]~~ high school equivalency in the case of a recipient who has not completed secondary school or received such certificate;

§ 8. The opening paragraph of subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law, as separately amended by section 1 of chapter 242 and section 224 of chapter 322 of the laws of 2021, is amended to read as follows:

Such merit time allowance may be granted when an incarcerated individual successfully participates in the work and treatment program assigned pursuant to section eight hundred five of this article and when such incarcerated individual obtains a ~~[general]~~ high school equivalency diploma, an alcohol and substance abuse treatment certificate, a vocational trade certificate following at least six months of vocational programming, at least eighteen credits in a program registered by the state education department from a degree-granting higher education institution or performs at least four hundred hours of service as part of a community work crew.

§ 9. The opening paragraph of subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law, as separately

1 amended by section 2 of chapter 242 and section 224-a of chapter 322 of
2 the laws of 2021, is amended to read as follows:

3 Such merit time allowance may be granted when an incarcerated individ-
4 ual successfully participates in the work and treatment program assigned
5 pursuant to section eight hundred five of this article and when such
6 incarcerated individual obtains a [~~general~~] high school equivalency
7 diploma, an alcohol and substance abuse treatment certificate, a voca-
8 tional trade certificate following at least six months of vocational
9 programming, at least eighteen credits in a program registered by the
10 state education department from a degree-granting higher education
11 institution or performs at least four hundred hours of service as part
12 of a community work crew.

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

15 19. "Vocational and skills training facility" means a correctional
16 facility designated by the commissioner to provide a vocational and
17 skills training program ("VAST") to incarcerated individuals who need
18 such service before they participate in a work release program. The VAST
19 facility shall provide intensive assessment, counseling, job search
20 assistance and where appropriate academic and vocational instruction to
21 program participants. Such assistance may include an assessment of any
22 incarcerated individual's education attainment level and skills apti-
23 tudes; career counseling and exploration; the development of a compre-
24 hensive instructional plan including identification of educational and
25 training needs that may extend beyond the date of entry into work
26 release; instructional programs including [~~GED~~] high school equivalency
27 exam preparation or post-secondary instruction as appropriate; occupa-
28 tional skills training; life skills training; employment readiness
29 including workplace behavior; and job search assistance. The department
30 and the department of labor shall jointly develop activities providing
31 career counseling, job search assistance, and job placement services for
32 participants. Nothing contained in this section shall be deemed to modi-
33 fy the eligibility requirements provided by law applicable to incarcer-
34 ated individuals participating in a work release program.

35 § 11. Subdivision c of section 3-209 of the administrative code of the
36 city of New York, as added by local law number 34 of the city of New
37 York for the year 2004, is amended to read as follows:

38 c. Registration of graduating seniors. The department of education of
39 the city of New York shall provide a postage paid board of elections of
40 the city of New York voter registration form to each graduating student
41 who receives a high school diploma, including but not limited to a
42 Regents, local, [~~general~~] high school equivalency or Individualized
43 Education Program diploma. The department shall deliver such voter
44 registration form to each graduating student at the same time and in the
45 same manner as it delivers diplomas to each such student.

46 § 12. Subdivision b of section 21-703 of the administrative code of
47 the city of New York, as added by local law number 23 of the city of New
48 York for the year 2003, is amended to read as follows:

49 b. If an applicant, recipient or participant who is eligible for
50 education or training as set forth in subdivision c of this section
51 expresses an intention or preference to the agency to enroll in educa-
52 tion, training or vocational rehabilitation, or if an applicant's,
53 recipient's or participant's assessment indicates that he or she lacks
54 basic literacy, a secondary school diploma, or a [~~general~~] high school
55 equivalency diploma [~~(-GED)~~] or otherwise indicates that education,
56 training or vocational rehabilitation would enhance the individual's

1 ability to obtain and maintain employment, then the agency shall offer
2 such applicant, recipient or participant the opportunity to enroll in an
3 approved program or programs, provided that such approved program or
4 programs can be classified as countable work activities.

5 § 13. Paragraph (b) of subdivision 1 of section 58 of the civil
6 service law, as amended by chapter 244 of the laws of 2013, is amended
7 to read as follows:

8 (b) he or she is a high school graduate or a holder of a high school
9 equivalency diploma issued by an education department of any of the
10 states of the United States or a holder of a comparable diploma issued
11 by any commonwealth, territory or possession of the United States or by
12 the Canal Zone or a holder of a report from the United States armed
13 forces certifying his or her successful completion of a high school
14 equivalency exam or the tests of general educational development, high
15 school level;

16 § 14. Severability. The provisions of this act shall be severable, and
17 if the application of any clause, sentence, paragraph, subdivision,
18 section or part of this act to any person or circumstance shall be
19 adjudged by any court of competent jurisdiction to be invalid, such
20 judgment shall not necessarily affect, impair or invalidate the applica-
21 tion of any such clause, sentence, paragraph, subdivision, section, part
22 of this act or remainder thereof, as the case may be, to any other
23 person or circumstance, but shall be confined in its operation to the
24 clause, sentence, paragraph, subdivision, section or part thereof
25 directly involved in the controversy in which such judgment shall have
26 been rendered.

27 § 15. This act shall take effect January 1, 2024; provided, however,
28 that the amendments to paragraph (a-1) of subdivision 7 of section 6206
29 of the education law made by section three of this act shall be subject
30 to the expiration of such paragraph pursuant to section 16 of chapter
31 260 of the laws of 2011, as amended; provided further, that section four
32 of this act shall take effect on the same date as the reversion of para-
33 graph (a) of subdivision 7 of section 6206 of the education law as
34 provided in section 16 of chapter 260 of the laws of 2011, as amended;
35 and provided, further, that the amendments to subparagraph (iv) of para-
36 graph (d) of subdivision 1 of section 803 of the correction law made by
37 section eight of this act shall be subject to the expiration and rever-
38 sion of such section, when upon such date the provisions of section nine
39 of this act shall take effect.