STATE OF NEW YORK

129--B

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ZACCARO, CRUZ, DAVILA, HEVESI, DeSTEFANO, MANKTELOW, RAMOS, CHANDLER-WATERMAN, JONES, BROOK-KRASNY, HOOKS, GALLAHAN, BEEPHAN, K. BROWN, TAPIA, BURROUGHS -- Multi-Sponsored by -- M. of A. REYES -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the correction law, the administrative code of the city of New York, the civil service law, the executive law, the labor law, the parks, recreation and historic preservation law, the social services law and the state finance law, in relation to changing the name of the general education development diploma to the Excelsior 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 diploma** exam. Notwithstanding any provision of law, no fee shall be established for admission to the [~~general education development~~] **Excelsior diploma** exam.

§ 2. Section 305 of the education law is amended by adding a new subdivision 63 to read as follows:

63. 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 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:

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

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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 training needs that may extend beyond the date of entry into work release; instructional programs including [~~GED~~] **Excelsior 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 seventh 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~~] **Excelsior diploma** test. The term "[~~high school equivalency diplomacy~~] **Excelsior diploma** 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 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 high school equivalency~~] **Excelsior diploma** test which replaced the General Education Development (GED) as the primary pathway to [~~a New York state high school equivalency~~] **an Excelsior** 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~~] **an Excelsior** 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~~] **an Excelsior diploma** program if [~~s/he~~] **such applicant, recipient or participant** has attained basic literacy but has not received a secondary school diploma.

§ 7. The twentieth 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 high school equivalency~~] **Excelsior diploma** test which replaced the general education development examination as the primary pathway to [~~a New York state high school equivalency~~] **an Excelsior** diploma.

§ 8. The eleventh 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~~] **Excelsior** diploma test. The term "[~~high school equivalency diploma~~] **Excelsior** 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 test or the test assessing secondary completion.

§ 9. Paragraph 5 of subdivision a of section 9-137 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

5. Educational background as self-reported by incarcerated individuals after admission to the custody of the department, categorized as follows based on the highest level of education achieved: no high school diploma or [~~general education~~] **Excelsior** diploma, [~~a general education~~] **an Excelsior** diploma, a high school diploma, some college but no degree, an associate's degree, a bachelor's degree, or a post-collegiate degree.

§ 10. Subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law, as amended by section 1 of part EE of chapter 56 of the laws of 2025, is amended to read as follows:

(iv) 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 equivalency~~] **an Excelsior** 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. The commissioner may designate additional programs and achievements for which merit time may be granted.

Such allowance shall be withheld for any serious disciplinary infraction or upon a judicial determination that the person, while an incarcerated individual, commenced or continued a civil action, proceeding or claim that was found to be frivolous as defined in subdivision (c) of section eight thousand three hundred three-a of the civil practice law and rules, or an order of a federal court pursuant to rule 11 of the federal rules of civil procedure imposing sanctions in an action commenced by a person, while an incarcerated individual, against a state agency, officer or employee.

§ 11. Paragraph (b) of subdivision 1 of section 58 of the civil service law, as amended by section 4 of part C of chapter 55 of the laws of 2025, is amended to read as follows:

(b) they are a high school graduate or a holder of [~~a high school equivalency~~] an Excelsior diploma, issued by an education department of any of the states of the United States or a holder of a comparable diploma issued by any commonwealth, territory or possession of the United States or by the Canal Zone or a holder of a report from the United States armed forces certifying their successful completion of the tests of general educational development, high school level;

§ 12. Paragraph (b) of subdivision 2 of section 352-a of the education law, as amended by section 1 of part II of chapter 56 of the laws of 2023, is amended to read as follows:

(b) To be eligible to receive such nomination and scholarship, the applicant must be a resident of the state. For purposes of this section, a state resident shall be defined as a person who has resided in the state of New York for a period of at least one year prior to the time of nomination, is a graduate or within one year of graduation from an approved high school or has attained [~~a New York state high school equivalency~~] an Excelsior diploma or its equivalent as determined by the commissioner.

§ 13. Clause (ii) of subparagraph 8 of paragraph h of subdivision 2 of section 355 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 equivalency~~] an Excelsior diploma exam preparation, received [~~a general equivalency~~] an Excelsior 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 equivalency~~] an Excelsior diploma issued within New York state; or

§ 14. Subdivision 2 of section 610 of the education law, as added by chapter 425 of the laws of 1988, is amended to read as follows:

2. Eligibility for scholarship. Liberty scholarships shall be awarded to persons:

a. who have applied for such scholarship;

b. who have graduated from a secondary school located within New York state or have received [~~a high school equivalency~~] an Excelsior diploma from New York state;

c. who have not attained the age of twenty-two as of June thirtieth prior to the academic year for which the initial award is received and who are undergraduate students receiving aid under this chapter for the first time during academic year nineteen hundred ninety-one--nineteen hundred ninety-two or thereafter;

d. who have enrolled in an approved program in a degree-granting institution located in New York state within twenty-four months of the date that the recipient graduated from secondary school or received [~~a high school equivalency~~] an Excelsior diploma, provided that those students who are temporarily unable to avail themselves of the award due to illness, military service or other causes in accordance with rules of the board of regents prior to receipt of the first payment of an award may be granted a leave of absence pursuant to regulations of the trustees of the higher education services corporation;

e. who satisfy the requirements of section six hundred sixty-one of this [~~chapter~~] title;

f. who retain good academic standing as defined by the commissioner; and

g. who qualify for a scholarship pursuant to subdivision six of this section.

§ 15. Subparagraph 7 of paragraph b of subdivision 1 of section 612 of the education law, as added by chapter 425 of the laws of 1988, is amended to read as follows:

(7) the degree to which the institution proposes to cooperate with school districts and not-for-profit community based organizations to provide services and insure continuity of such services until such students graduate from high school or receive [~~a high school equivalency~~] an Excelsior diploma.

§ 16. Clause (b) of subparagraph (ii) of paragraph a of subdivision 5 of section 661 of the education law, as amended by chapter 26 of the laws of 2019, is amended to read as follows:

(b) attended an approved New York state program for [~~a state high school equivalency~~] an Excelsior diploma, received [~~a state high school equivalency~~] an Excelsior diploma and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving [~~a state high school equivalency~~] an Excelsior diploma; or

§ 17. Subdivision 2 of section 679-g of the education law, as added by section 1 of part C of chapter 56 of the laws of 2015, is amended to read as follows:

2. Eligibility. To be eligible for an award pursuant to this section, an applicant shall: (a) have graduated from a high school located in New York state or attended an approved New York state program for [~~a state high school equivalency~~] an Excelsior diploma and received such [~~high school equivalency~~] diploma; (b) have graduated and obtained an undergraduate degree from a college or university with its headquarters located in New York state in or after the two thousand fourteen--fifteen academic year; (c) apply for this program within two years of obtaining such degree; (d) be a participant in a federal income-driven repayment plan whose payment amount is generally ten percent of discretionary income; (e) have income of less than fifty thousand dollars; (f) comply with subdivisions three and five of section six hundred sixty-one of this part; and (g) work in New York state, if employed. For purposes of this program, "income" shall be the total adjusted gross income of the applicant and the applicant's spouse, if applicable.

§ 18. Subdivision 5 of section 3622-a of the education law, as amended by chapter 422 of the laws of 2004, is amended to read as follows:

5. Transportation of pupils during the school day to and from programs at a board of cooperative educational services or to or from approved shared programs at other school districts, which programs may lead to a diploma or [~~a high school equivalency~~] an Excelsior diploma or to or from career education programs operated within the district;

§ 19. Subdivision 1 of section 6451 of the education law, as amended by chapter 917 of the laws of 1970, is amended to read as follows:

1. To advance the cause of educational opportunity in higher education, the commissioner may contract with non-public institutions of higher education for the support of special programs for the screening, testing, counseling, tutoring of, and, assistance to, residents of the state who are, (1) graduates of an approved high school or individuals who have attained [~~a New York state high school equivalency~~] an Excelsior diploma or its equivalent, as determined by the commissioner, (2) who have potential for the successful completion of a post secondary program, and (3) are economically and educationally disadvantaged, as defined by the regents.

§ 20. Subdivision 1 of section 6452 of the education law, as added by chapter 917 of the laws of 1970, is amended to read as follows:

1. To provide additional educational opportunity at the state university of New York and the city university of New York, such institutions shall provide special programs for the screening, testing, counseling, and tutoring of, and assistance to, residents of the state who are, (1) graduates of an approved high school or individuals who have attained [~~a New York state high school equivalency~~] an Excelsior diploma or its equivalent, as determined by the commissioner, (2) who have potential for the successful completion of a post secondary program, and (3) are economically and educationally disadvantaged.

§ 21. Clause 2 of subparagraph (ii) of paragraph (a) of subdivision 2 and clause 2 of subparagraph (ii) of paragraph (a) of subdivision 3 of section 6455 of the education law, as amended by chapter 26 of the laws of 2019, are amended to read as follows:

(2) attended an approved New York state program for [~~a state high school equivalency~~] an Excelsior diploma, received [~~a state high school equivalency~~] an Excelsior diploma and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving [~~a state high school equivalency~~] an Excelsior diploma; or

(2) attended an approved New York state program for [~~a state high school equivalency~~] an Excelsior diploma, received a state [~~high school equivalency~~] diploma and applied for attendance at the institution of higher education for the graduate study for which an award is sought within ten years of receiving [~~a state~~] an Excelsior [~~high school equivalency~~] diploma; or

§ 22. Subdivision 4 of section 532-d of the executive law, as amended by section 5 of part M of chapter 56 of the laws of 2017, is amended to read as follows:

4. for a homeless youth whose service plan involves independent living, provide practical assistance in achieving independence, either through direct provision of services or through written agreements with other community and public agencies for the provision of services in the following areas; high school education or [~~high school equivalency education~~] an Excelsior diploma; higher education assessment; job training and job placement; counseling; assistance in the development of socialization skills; guidance and assistance in securing housing appropriate to needs and income; and training in the development of skills necessary for responsible independent living, including but not limited to money and home management, personal care, and health maintenance; and

§ 23. Subdivision 15 of section 42 of the labor law, as added by section 6 of part E of chapter 389 of the laws of 1997, is amended to read as follows:

15. Notwithstanding any other law, rule or regulation to the contrary, the department shall prepare and submit to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the legislative commission on skills development and vocational education, an annual evaluation report of this program no later than October thirty-first following the end of the program year. The report shall include a statement of program objectives which identifies outcomes and indicators of the effectiveness of the program. It shall represent the extent to which program activities meet program objectives including, but not limited to, improvements in participants' educational competencies and employability skills as measured by accepted testing tools. The basic measures of performance for projects for in-school youth shall be:

high school retention, attainment of a high school diploma, enrollment in a post-secondary educational program or vocational skills training program, or attainment of unsubsidized employment. The basic measure of performance for projects for out-of-school youth shall be: improvement in basic academic and vocational skills, return to high school, attainment of [~~a high school equivalency~~] an Excelsior diploma, enrollment in a post-secondary educational program or vocational skills training program, or attainment of unsubsidized employment. The report shall include a separate count of participants who have participated in the same program model through more than one program cycle. A methodology shall be prescribed which requires collection of post-program information on program participants including, but not limited to, whether a participant receives a high school degree or its equivalent and subsequent labor market experience for one year following termination from the program, and the extent to which the participant achieved outcomes as defined by the certified program model. The report shall also describe the types of support services provided, levels of expenditure, and demonstrate how such support services improve participant involvement in local projects.

§ 24. Subparagraph (iii) of paragraph t of subdivision 4 of section 3.23 of the parks, recreation and historic preservation law, as amended by chapter 717 of the laws of 1988, is amended to read as follows:

(iii) encouraging corps members to continue studies during non-working hours to complete [~~high school equivalency~~] an Excelsior diploma or college courses or job skill training;

§ 25. Subdivision 1 and paragraph (b) of subdivision 2 of section 335 of the social services law, subdivision 1 as amended by chapter 819 of the laws of 2022, paragraph (b) of subdivision 2 as amended by section 148 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. Each social services official shall ensure that each recipient of public assistance who is a member of a household with dependent children and is eighteen years of age or older, or who is sixteen or seventeen years of age and is not attending secondary school and has not completed high school or [~~a high school equivalency~~] an Excelsior diploma program, receives an assessment of employability based on [~~his or her~~] their educational level, including literacy and English language proficiency, basic skills proficiency, child care and other supportive services needs; and skills, prior work experience, training and vocational interests. This assessment shall include a review of family circumstances including a review of any special needs of a child and whether home visiting services would be appropriate and beneficial for the family. Such assessment shall be completed within ninety days of the date on which such person is determined eligible for public assistance. An applicant for or recipient of public assistance may be assigned to work activities prior to completion of such assessment.

(b) Where an assessment indicates that a participant who is not subject to the education requirements of subdivision four of section three hundred thirty-six-a of this [~~title~~] article has not attained a basic literacy level, the social services official shall encourage and may require the participant to enter a program to achieve basic literacy or [~~high school equivalency~~] an Excelsior diploma or to enter such educational programs in combination with other training activities consistent with the employability plan.

§ 26. Paragraph (b) of subdivision 2 of section 335-a 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:

(b) Where an assessment indicates that a participant who is not subject to the education requirements of this title has not attained a basic literacy level, the social services official shall encourage and may require the participant to enter a program to achieve basic literacy or [~~high school equivalency~~] **an Excelsior diploma** or to enter such educational programs in combination with other training activities consistent with the employability plan.

§ 27. Paragraphs (j) and (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, are amended to read as follows:

(j) education directly related to employment, in the case of a recipient who has not yet received a high school diploma or [~~a certificate of high school equivalency~~] **an Excelsior diploma**;

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

§ 28. Subdivisions 1 and 2 and the opening paragraph and paragraph (a) of subdivision 4 of section 336-a of the social services law, subdivision 1 as amended by section 1 of part X of chapter 56 of the laws of 2023, subdivision 2 and the opening paragraph and paragraph (a) of subdivision 4 as amended by section 148 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. Social services districts shall make available vocational educational training and educational activities. Such activities may include but need not be limited to, high school education or education designed to prepare a participant for [~~a high school equivalency certificate~~] **an Excelsior diploma**, basic and remedial education, education in English proficiency, education or a course of instruction in financial literacy and personal finance that includes instruction on household cash management techniques, career advice to obtain a well paying and secure job, using checking and savings accounts, obtaining and utilizing short and long term credit, securing a loan or other long term financing arrangement for high cost items, participation in a higher education course of instruction or trade school, and no more than a total of four years of post-secondary education (or the part-time equivalent). Educational activities pursuant to this section may be offered with any of the following providers which meet the performance or assessment standards established in regulations by the commissioner for such providers: a community college, licensed trade school, registered business school, or a two-year or four-year college; provided, however, that such post-secondary education must be necessary to the attainment of the participant's individual employment goal as set forth in the employability plan and such goal must relate directly to obtaining useful employment. When making an assignment to any educational activity pursuant to this subdivision, such assignment shall be permitted only to the extent that such assignment is consistent with the individual's assessment and employment plan goals in accordance with sections three hundred thirty-five and three hundred thirty-five-a of this title and shall require that the individual maintains satisfactory academic progress and hourly participation is documented consistent with federal and state requirements. For purposes of this provision "satisfactory academic progress" shall mean having a cumulative C average, or its equivalent, as deter-

mined by the academic institution. The requirement to maintain satisfactory academic progress may be waived if done so by the academic institution and the social services district based on undue hardship caused by an event such as a personal injury or illness of the student, the death of a relative of the student or other extenuating circumstances. Participation in an educational and/or vocational training program, that shall include, but not be limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment, shall be approved consistent with such individual's assessment and employability plan to the extent that such approval does not jeopardize the state's ability to comply with federal work participation rates, as determined by the office of temporary and disability assistance.

2. When a district contracts with a proprietary vocational school to provide vocational educational training to participants, not more than twenty-five percent of the approved duration of the program shall be devoted to preparation for [~~a high school equivalency~~] **an Excelsior** diploma or instruction in English for students with limited proficiency in English. Participants needing instruction in basic literacy shall be referred to basic education programs. Instructors employed by proprietary schools to prepare a participant for [~~a high school equivalency certificate~~] **an Excelsior diploma** or for education in English proficiency shall meet experience requirements established by the regulations of the commissioner of education.

To the extent provided in paragraphs (a) through (d) of this subdivision and if resources permit, each social services official shall assign to appropriate educational activities any participant who has not obtained a high school diploma or its equivalent:

(a) In accordance with the provisions of this chapter, any such participant who is under age eighteen shall be required to attend educational activities designed to prepare the individual for a high school degree or [~~equivalency certificate~~] **an Excelsior diploma**. Participants who are not subject to compulsory school attendance requirements may be exempted from the requirements of this paragraph under criteria established by the department in consultation with the state education department and consistent with federal law and regulations.

§ 29. Section 97-hhh of the state finance law, as added by section 84 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

§ 97-hhh. [~~High school equivalency~~] **Excelsior diploma** account. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of the department of taxation and finance an account of the miscellaneous special revenue fund to be known as the [~~high school equivalency~~] **Excelsior diploma** account.

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~~] **Excelsior diploma** 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 for the [~~high school equivalency~~] **Excelsior** 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 for the [~~high school equivalency~~] **Excelsior** diploma.

§ 30. Subdivision 3 of section 97-jjjj of the state finance law, as amended by section 1 of part VV of chapter 57 of the laws of 2010, is amended to read as follows:

3. Moneys of this account, following appropriation by the legislature, shall be available to the state education department for services and expenses relating to state assessments of elementary and secondary school students, including but not limited to the [~~state high school equivalency~~] **Excelsior** diploma examination. Moneys of this account shall only be available for expenditure pursuant to approval of an expenditure plan by the director of the budget.

§ 31. Subparagraph 1 of paragraph d of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(1) Equivalent attendance shall mean the quotient of the total number of student hours of instruction in programs in a public school of a school district or a board of cooperative educational services leading to a high school diploma or [~~a high school equivalency~~] **an Excelsior** diploma as defined in regulations of the commissioner for pupils under the age of twenty-one not on a regular day school register of the district, divided by one thousand. Average daily attendance shall include the equivalent attendance of the school district. For the purposes of secondary school weighting, such equivalent attendance shall be considered as average daily attendance in grades seven through twelve.

§ 32. Paragraphs a, a-1 and e of subdivision 11 of section 3602 of the education law, paragraph a as amended by chapter 82 of the laws of 1995, paragraph a-1 as amended by section 20-a of part A of chapter 56 of the laws of 2025, paragraph e as amended and such subdivision as renumbered by section 15 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

a. School districts and boards of cooperative educational services (BOCES) providing approved programs shall be eligible for aid in accordance with the provisions of this subdivision for the attendance of persons twenty-one years of age or over who have not received a high school diploma or [~~a high school equivalency~~] **an Excelsior** diploma recognized by New York State who attend employment preparation education programs provided by such school districts or BOCES, which programs lead to a high school diploma or [~~high school equivalency~~] **an Excelsior** diploma as defined in regulations of the commissioner, even if such persons attend regular day school classes with permission of the board of education; provided that such programs are provided in accordance with a plan of service approved by the commissioner in accordance with the provisions of paragraph f of this subdivision. Such programs may operate between July first and June thirtieth of a school year. Whenever a person enrolls in a program approved pursuant to this subdivision offered by a BOCES or in a school district other than their district of residence, the program provider shall send a notice of such enrollment to the persons district of residence, and shall issue a new notice if such person moves from one district to another. In the event that the cost of a program approved and provided in accordance with the provisions of this subdivision exceeds all sources of funds, other than tax levy revenues, which are available to defray such expenses, the school district or BOCES providing such program shall determine an excess cost per contact hour provided during the base year, and then shall determine the local share of such excess costs for each school district whose residents were served by such program by multiplying such

base year hours by the excess cost per contact hour, and such local share shall be a charge against each such district, payable within forty-five days. Notwithstanding the provisions of section nineteen hundred fifty of this chapter, a BOCES shall be authorized to provide a program pursuant to this subdivision in the same manner as a school district.

a-1. Notwithstanding the provisions of paragraph a of this subdivision, for aid payable in the school years two thousand--two thousand one through two thousand nine--two thousand ten, and two thousand eleven--two thousand twelve through two thousand twenty-five--two thousand twenty-six, the commissioner may set aside an amount not to exceed two million five hundred thousand dollars from the funds appropriated for purposes of this subdivision for the purpose of serving persons twenty-one years of age or older who have not been enrolled in any school for the preceding school year, including persons who have received a high school diploma or [~~high school equivalency~~] an Excelsior diploma but fail to demonstrate basic educational competencies as defined in regulation by the commissioner, when measured by accepted standardized tests, and who shall be eligible to attend employment preparation education programs operated pursuant to this subdivision.

e. Employment preparation education apportionment. In addition to any other aid payable under this section, the apportionment pursuant to this subdivision shall be the product obtained when the employment preparation education hours are multiplied by the aid per contact hour which shall equal the product of the employment preparation program aid ceiling and the employment preparation education aid ratio computed to two decimals, rounded, as calculated based on data on file with the commissioner on May fifteenth of the base year. Notwithstanding the provisions of section thirty-six hundred nine-a of this part, the payment of such apportionment shall be based upon reports required by the commissioner for the periods ending December thirty-first, and June thirtieth of each school year; payments for the first reporting period shall be made after April first, based on claims on file by March first, provided that the total of all such payments shall not exceed twenty-five percent of the amount for such school year, with the approved amount of such claims reduced on a pro rata basis if necessary; the remainder of any payments due for the first period plus any payments due for the rest of the school year shall be paid after October first, based on claims on file by September fifteenth, provided that the total of such payments shall not exceed the total amount of ninety-six million dollars ($96,000,000) for such school year, with the approved amount of such claims reduced on a pro rata basis if necessary, provided that the total of such payment for services provided to persons who received a high school diploma or [~~a high school equivalency~~] an Excelsior diploma recognized by New York state shall not exceed the total amount set aside for such purpose pursuant to paragraph a-one of this subdivision in any such school year, with the approved amount of such claims reduced on a pro rata basis if necessary; and aid paid pursuant to this paragraph shall not be included in the computation of the district expenditure need as defined in such section thirty-six hundred nine-a of this part. The employment preparation education apportionment for the city school district of the city of New York shall be computed only for the city as a whole.

§ 33. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to section 803 of the correction law made by section ten of this act shall take effect on the same date and in the same manner as section 1 of part EE of chap-

ter 56 of the laws of 2025, takes effect and shall not affect the expiration of such section and shall be deemed repealed therewith; and, provided further, that the amendments to section 58 of the civil service law made by section eleven of this act shall take effect on the same date and in the same manner as section 4 of part C of chapter 55 of the laws of 2025, takes effect. Effective immediately, the addition, amendment 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.