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## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ZACCARO, CRUZ, DAVILA, HEVESI, DeSTEFANO, MANKTELOW, RAMOS, CHANDLER-WATERMAN, BROOK-KRASNY, GALLAHAN, BEEPHAN, K. BROWN, TAPIA, BURROUGHS, OTIS, HOOKS -- 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 -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

1 Section 1. Section 317 of the education law, as added by chapter 170  
2 of the laws of 1994, is amended to read as follows:  
3 § 317. [~~General education development~~] Excelsior diploma exam.  
4 Notwithstanding any provision of law, no fee shall be established for  
5 admission to the [~~general education development~~] Excelsior diploma exam.  
6 § 2. Section 305 of the education law is amended by adding a new  
7 subdivision 63 to read as follows:  
8 63. The commissioner shall promulgate rules and regulations to change  
9 the name of the state high school equivalency diploma, as established  
10 pursuant to section 100.7 of title eight of the New York codes, rules  
11 and regulations, to the Excelsior diploma.

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

LBD00560-04-6

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

3 19. "Vocational and skills training facility" means a correctional  
4 facility designated by the commissioner to provide a vocational and  
5 skills training program ("VAST") to incarcerated individuals who need  
6 such service before they participate in a work release program. The VAST  
7 facility shall provide intensive assessment, counseling, job search  
8 assistance and where appropriate academic and vocational instruction to  
9 program participants. Such assistance may include an assessment of any  
10 incarcerated individual's education attainment level and skills apti-  
11 tudes; career counseling and exploration; the development of a compre-  
12 hensive instructional plan including identification of educational and  
13 training needs that may extend beyond the date of entry into work  
14 release; instructional programs including [~~GED~~] Excelsior diploma prepa-  
15 ration or post-secondary instruction as appropriate; occupational skills  
16 training; life skills training; employment readiness including workplace  
17 behavior; and job search assistance. The department and the department  
18 of labor shall jointly develop activities providing career counseling,  
19 job search assistance, and job placement services for participants.  
20 Nothing contained in this section shall be deemed to modify the eligi-  
21 bility requirements provided by law applicable to incarcerated individ-  
22 uals participating in a work release program.

23 § 4. The seventh undesignated paragraph of subdivision a of section  
24 9-151 of the administrative code of the city of New York, as added by  
25 local law number 168 of the city of New York for the year 2017, is  
26 amended to read as follows:

27 [~~High school equivalency diploma~~] Excelsior diploma test. The term  
28 "~~[high school equivalency diploma]~~ Excelsior diploma test" means any  
29 test offered by the New York state education department for the purpose  
30 of establishing the equivalent of a high school diploma, including, but  
31 not limited to, a general education development test or the test assess-  
32 ing secondary completion.

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

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

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

45 b. If an applicant, recipient or participant who is eligible for  
46 education or training as set forth in subdivision c of this section  
47 expresses an intention or preference to the agency to enroll in educa-  
48 tion, training or vocational rehabilitation, or if an applicant's,  
49 recipient's or participant's assessment indicates that [~~he or she~~] such  
50 applicant, recipient or participant lacks basic literacy, a secondary  
51 school diploma, or [~~a general equivalency~~] an Excelsior diploma [~~(GED)~~]  
52 or otherwise indicates that education, training or vocational rehabili-  
53 tation would enhance the individual's ability to obtain and maintain  
54 employment, then the agency shall offer such applicant, recipient or  
55 participant the opportunity to enroll in an approved program or

1 programs, provided that such approved program or programs can be classi-  
2 fied as countable work activities.

3 4. An applicant, recipient or participant is eligible to participate  
4 in [~~a-GED~~] an Excelsior diploma program if [~~s/he~~] such applicant, recip-  
5 ient or participant has attained basic literacy but has not received a  
6 secondary school diploma.

7 § 7. The twentieth undesignated paragraph of subdivision a of section  
8 21-902.1 of the administrative code of the city of New York, as amended  
9 by local law number 145 of the city of New York for the year 2016, is  
10 amended to read as follows:

11 Test assessing secondary completion (TASC). The term "test assessing  
12 secondary completion (TASC)" means the [~~New York state high school~~  
13 ~~equivalency~~] Excelsior diploma test which replaced the general education  
14 development examination as the primary pathway to [~~a New York state high~~  
15 ~~school equivalency~~] an Excelsior diploma.

16 § 8. The eleventh undesignated paragraph of subdivision a of section  
17 21-924 of the administrative code of the city of New York, as added by  
18 local law number 21 of the city of New York for the year 2024, is  
19 amended to read as follows:

20 [~~High school equivalency~~] Excelsior diploma test. The term "[~~high~~  
21 ~~school equivalency diploma~~] Excelsior diploma test" means any test that  
22 the New York state education department offers for the purpose of estab-  
23 lishing the equivalent of a high school diploma, including, but not  
24 limited to, a general education development test or the test assessing  
25 secondary completion.

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

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

35 § 10. Subparagraph (iv) of paragraph (d) of subdivision 1 of section  
36 803 of the correction law, as amended by section 1 of part EE of chapter  
37 56 of the laws of 2025, is amended to read as follows:

38 (iv) Such merit time allowance may be granted when an incarcerated  
39 individual successfully participates in the work and treatment program  
40 assigned pursuant to section eight hundred five of this article and when  
41 such incarcerated individual obtains [~~a general equivalency~~] an Excels-  
42 ior diploma, an alcohol and substance abuse treatment certificate, a  
43 vocational trade certificate following at least six months of vocational  
44 programming, at least eighteen credits in a program registered by the  
45 state education department from a degree-granting higher education  
46 institution or performs at least four hundred hours of service as part  
47 of a community work crew. The commissioner may designate additional  
48 programs and achievements for which merit time may be granted.

49 Such allowance shall be withheld for any serious disciplinary infrac-  
50 tion or upon a judicial determination that the person, while an incar-  
51 cerated individual, commenced or continued a civil action, proceeding or  
52 claim that was found to be frivolous as defined in subdivision (c) of  
53 section eight thousand three hundred three-a of the civil practice law  
54 and rules, or an order of a federal court pursuant to rule 11 of the  
55 federal rules of civil procedure imposing sanctions in an action

1 commenced by a person, while an incarcerated individual, against a state  
2 agency, officer or employee.

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

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

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

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

24 § 13. Clause (ii) of subparagraph 8 of paragraph h of subdivision 2 of  
25 section 355 of the education law, as amended by chapter 669 of the laws  
26 of 2022, is amended to read as follows:

27 (ii) attended an approved New York state program for [~~general equiv-~~  
28 ~~alency~~] an Excelsior diploma exam preparation, received [~~a general~~  
29 ~~equivalency~~] an Excelsior diploma issued within New York state and  
30 applied for attendance at an institution or educational unit of the  
31 state university within five years of receiving [~~a general equivalency~~]  
32 an Excelsior diploma issued within New York state; or

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

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

37 a. who have applied for such scholarship;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 1. To advance the cause of educational opportunity in higher educa-  
50 tion, the commissioner may contract with non-public institutions of  
51 higher education for the support of special programs for the screening,  
52 testing, counseling, tutoring of, and, assistance to, residents of the  
53 state who are, (1) graduates of an approved high school or individuals  
54 who have attained [~~a New York state high school equivalency~~] an Excels-  
55 ior diploma or its equivalent, as determined by the commissioner, (2)  
56 who have potential for the successful completion of a post secondary

1 program, and (3) are economically and educationally disadvantaged, as  
2 defined by the regents.

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

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

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

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

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

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

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

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

47 15. Notwithstanding any other law, rule or regulation to the contrary,  
48 the department shall prepare and submit to the governor, the temporary  
49 president of the senate, the speaker of the assembly and the chair of  
50 the legislative commission on skills development and vocational educa-  
51 tion, an annual evaluation report of this program no later than October  
52 thirty-first following the end of the program year. The report shall  
53 include a statement of program objectives which identifies outcomes and  
54 indicators of the effectiveness of the program. It shall represent the  
55 extent to which program activities meet program objectives including,  
56 but not limited to, improvements in participants' educational competen-

1 cies and employability skills as measured by accepted testing tools. The  
2 basic measures of performance for projects for in-school youth shall be:  
3 high school retention, attainment of a high school diploma, enrollment  
4 in a post-secondary educational program or vocational skills training  
5 program, or attainment of unsubsidized employment. The basic measure of  
6 performance for projects for out-of-school youth shall be: improvement  
7 in basic academic and vocational skills, return to high school, attain-  
8 ment of [~~a high school equivalency~~] an Excelsior diploma, enrollment in  
9 a post-secondary educational program or vocational skills training  
10 program, or attainment of unsubsidized employment. The report shall  
11 include a separate count of participants who have participated in the  
12 same program model through more than one program cycle. A methodology  
13 shall be prescribed which requires collection of post-program informa-  
14 tion on program participants including, but not limited to, whether a  
15 participant receives a high school degree or its equivalent and subse-  
16 quent labor market experience for one year following termination from  
17 the program, and the extent to which the participant achieved outcomes  
18 as defined by the certified program model. The report shall also  
19 describe the types of support services provided, levels of expenditure,  
20 and demonstrate how such support services improve participant involve-  
21 ment in local projects.

22 § 24. Subparagraph (iii) of paragraph t of subdivision 4 of section  
23 3.23 of the parks, recreation and historic preservation law, as amended  
24 by chapter 717 of the laws of 1988, is amended to read as follows:

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

28 § 25. Subdivision 1 and paragraph (b) of subdivision 2 of section 335  
29 of the social services law, subdivision 1 as amended by chapter 819 of  
30 the laws of 2022, paragraph (b) of subdivision 2 as amended by section  
31 148 of part B of chapter 436 of the laws of 1997, are amended to read as  
32 follows:

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

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

1 § 26. Paragraph (b) of subdivision 2 of section 335-a of the social  
2 services law, as amended by section 148 of part B of chapter 436 of the  
3 laws of 1997, is amended to read as follows:

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

11 § 27. Paragraphs (j) and (k) of subdivision 1 of section 336 of the  
12 social services law, as amended by section 148 of part B of chapter 436  
13 of the laws of 1997, are amended to read as follows:

14 (j) education directly related to employment, in the case of a recipi-  
15 ent who has not yet received a high school diploma or [~~a certificate of~~  
16 ~~high school equivalency~~] an Excelsior diploma;

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

21 § 28. Subdivisions 1 and 2 and the opening paragraph and paragraph (a)  
22 of subdivision 4 of section 336-a of the social services law, subdivi-  
23 sion 1 as amended by section 1 of part X of chapter 56 of the laws of  
24 2023, subdivision 2 and the opening paragraph and paragraph (a) of  
25 subdivision 4 as amended by section 148 of part B of chapter 436 of the  
26 laws of 1997, are amended to read as follows:

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

1 mined by the academic institution. The requirement to maintain satisfac-  
2 tory academic progress may be waived if done so by the academic institu-  
3 tion and the social services district based on undue hardship caused by  
4 an event such as a personal injury or illness of the student, the death  
5 of a relative of the student or other extenuating circumstances. Partic-  
6 ipation in an educational and/or vocational training program, that shall  
7 include, but not be limited to, a two-year post-secondary degree  
8 program, which is necessary for the participant to attain their individ-  
9 ual employment goal and is likely to lead to a degree or certification  
10 and sustained employment, shall be approved consistent with such indi-  
11 vidual's assessment and employability plan to the extent that such  
12 approval does not jeopardize the state's ability to comply with federal  
13 work participation rates, as determined by the office of temporary and  
14 disability assistance.

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

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

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

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

41 § 97-hhh. [~~High school equivalency~~] Excelsior diploma account. 1.  
42 There is hereby established in the joint custody of the state comp-  
43 troller and the commissioner of the department of taxation and finance  
44 an account of the miscellaneous special revenue fund to be known as the  
45 [~~high school equivalency~~] Excelsior diploma account.

46 2. Notwithstanding any other law, rule or regulation to the contrary,  
47 the state comptroller is hereby authorized and directed to receive for  
48 deposit to the credit of the [~~high school equivalency~~] Excelsior diploma  
49 account, fees established by the commissioner of education and approved  
50 by the director of the budget to supplement administration of the  
51 [~~general educational development~~] tests for the [~~high school equivalen-~~  
52 ~~cy~~] Excelsior diploma.

53 3. Moneys of this account, following appropriation by the legislature,  
54 shall be available to the state education department for services and  
55 expenses related to the administration of the [~~general educational~~  
56 ~~development~~] tests for the [~~high school equivalency~~] Excelsior diploma.

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

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

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

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

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

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

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

7 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
8 sion, for aid payable in the school years two thousand--two thousand one  
9 through two thousand nine--two thousand ten, and two thousand eleven--  
10 two thousand twelve through two thousand twenty-five--two thousand twenty-  
11 ty-six, the commissioner may set aside an amount not to exceed two  
12 million five hundred thousand dollars from the funds appropriated for  
13 purposes of this subdivision for the purpose of serving persons twenty-  
14 one years of age or older who have not been enrolled in any school for  
15 the preceding school year, including persons who have received a high  
16 school diploma or [~~high school equivalency~~] an Excelsior diploma but  
17 fail to demonstrate basic educational competencies as defined in regu-  
18 lation by the commissioner, when measured by accepted standardized  
19 tests, and who shall be eligible to attend employment preparation educa-  
20 tion programs operated pursuant to this subdivision.

21 e. Employment preparation education apportionment. In addition to any  
22 other aid payable under this section, the apportionment pursuant to this  
23 subdivision shall be the product obtained when the employment prepara-  
24 tion education hours are multiplied by the aid per contact hour which  
25 shall equal the product of the employment preparation program aid ceil-  
26 ing and the employment preparation education aid ratio computed to two  
27 decimals, rounded, as calculated based on data on file with the commis-  
28 sioner on May fifteenth of the base year. Notwithstanding the provisions  
29 of section thirty-six hundred nine-a of this part, the payment of such  
30 apportionment shall be based upon reports required by the commissioner  
31 for the periods ending December thirty-first, and June thirtieth of each  
32 school year; payments for the first reporting period shall be made after  
33 April first, based on claims on file by March first, provided that the  
34 total of all such payments shall not exceed twenty-five percent of the  
35 amount for such school year, with the approved amount of such claims  
36 reduced on a pro rata basis if necessary; the remainder of any payments  
37 due for the first period plus any payments due for the rest of the  
38 school year shall be paid after October first, based on claims on file  
39 by September fifteenth, provided that the total of such payments shall  
40 not exceed the total amount of ninety-six million dollars (\$96,000,000)  
41 for such school year, with the approved amount of such claims reduced on  
42 a pro rata basis if necessary, provided that the total of such payment  
43 for services provided to persons who received a high school diploma or  
44 [~~a high school equivalency~~] an Excelsior diploma recognized by New York  
45 state shall not exceed the total amount set aside for such purpose  
46 pursuant to paragraph a-one of this subdivision in any such school year,  
47 with the approved amount of such claims reduced on a pro rata basis if  
48 necessary; and aid paid pursuant to this paragraph shall not be included  
49 in the computation of the district expenditure need as defined in such  
50 section thirty-six hundred nine-a of this part. The employment prepara-  
51 tion education apportionment for the city school district of the city of  
52 New York shall be computed only for the city as a whole.

53 § 33. This act shall take effect on the ninetieth day after it shall  
54 have become a law; provided, however, that the amendments to section 803  
55 of the correction law made by section ten of this act shall not affect  
56 the expiration of such section and shall be deemed repealed therewith.

1 Effective immediately, the addition, amendment and/or repeal of any rule  
2 or regulation necessary for the implementation of this act on its effec-  
3 tive date are authorized to be made and completed on or before such  
4 effective date.