S T A T E O F N E W Y O R K

3963

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

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

AN ACT to amend the education law, in relation to the governance of the city school system for the city of New York; creating a temporary commission on public safety in the city school district of the city of New York; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The section heading of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

Continuation of city board and establishment of community districts; establishment of the city-wide councils on special education, English language learners, THE ARTS, and high schools.

S 2. Subdivision 7 of section 2590-b of the education law is renumbered subdivision 8 and a new subdivision 7 is added to read as follows:

7. (A) THERE SHALL BE A CITY-WIDE COUNCIL ON THE ARTS CREATED PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON THE ARTS SHALL CONSIST OF THIRTEEN VOTING MEMBERS AND ONE NON-VOTING MEMBER, AS FOLLOWS:

(I) TEN VOTING MEMBERS WHO SHALL BE PARENTS OF STUDENTS ATTENDING PUBLIC SCHOOLS. TWO MEMBERS REPRESENTING EACH BOROUGH SHALL BE SELECTED BY PRESIDENTS AND OFFICERS OF THE PARENT-TEACHERS' ASSOCIATIONS IN THE RELEVANT BOROUGH, PURSUANT TO A PROCESS ESTABLISHED BY THE CHANCELLOR. SUCH MEMBERS SHALL SERVE A TWO YEAR TERM;

(II) ONE VOTING MEMBER WHO SHALL BE A PARENT OF A STUDENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM. SUCH MEMBER SHALL BE APPOINTED BY THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, AND SHALL SERVE A TWO YEAR TERM;

(III) ONE VOTING MEMBER WHO SHALL BE A PARENT OF A STUDENT IN A BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAM CONDUCTED IN A PUBLIC SCHOOL. SUCH MEMBER SHALL BE APPOINTED BY THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, AND SHALL SERVE A TWO YEAR TERM;

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

LBD10041-01-1

(IV) ONE VOTING MEMBER APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK, WHO SHALL BE A RESIDENT OF THE CITY AND SHALL HAVE EXTENSIVE BUSINESS, TRADE, OR EDUCATION EXPERIENCE AND KNOWLEDGE WHO WILL MAKE A SIGNIFICANT CONTRIBUTION TO IMPROVING EDUCATION IN THE CITY DISTRICT. SUCH MEMBER SHALL SERVE FOR A TERM OF TWO YEARS; AND

(V) ONE NON-VOTING MEMBER WHO IS A PUBLIC HIGH SCHOOL SENIOR, APPOINTED BY THE CHANCELLOR PURSUANT TO A PROCESS DEVELOPED BY THE CHANCELLOR. SUCH MEMBER SHALL SERVE A ONE YEAR TERM.

OFFICERS OF PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS WHO ARE CANDIDATES IN THE SELECTION PROCESS ESTABLISHED BY THE CHANCELLOR PURSUANT TO THIS SUBDIVISION SHALL NOT BE ELIGIBLE TO CAST VOTES IN SUCH SELECTION PROCESS. THE ASSOCIATION SHALL ELECT A MEMBER TO VOTE IN THE PLACE OF EACH SUCH OFFICER FOR PURPOSES OF THE SELECTION PROCESS.

(B) THE CITY-WIDE COUNCIL ON THE ARTS SHALL HAVE THE POWER TO:

(I) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY INVOLVING THE ARTS;

(II) ISSUE AN ANNUAL REPORT ON COMPLIANCE WITH STATE REGULATIONS GOVERNING ARTS EDUCATION, THE EFFECTIVENESS OF THE CITY DISTRICT IN PROVIDING ARTS INSTRUCTION AND PROGRAMMING TO PUBLIC SCHOOL STUDENTS, AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE ADEQUACY, EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND

(III) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING THE DESIGN, IMPLEMENTATION AND EFFECTIVENESS ON ARTS CURRICULUM AND PROGRAMMING IN THE SCHOOLS.

(C) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, PURSUANT TO A PROCESS DEVELOPED BY THE CHANCELLOR THAT SHALL INCLUDE CONSULTATION WITH PARENTS OF STUDENTS ATTENDING PUBLIC HIGH SCHOOL; PROVIDED, HOWEVER, THAT WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY THE PUBLIC ADVOCATE, THE PUBLIC ADVOCATE SHALL APPOINT A MEMBER TO SERVE THE REMAINDER OF THE UNEXPIRED TERM.

S 3. Paragraph (a) of subdivision 1 of section 2590-c of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

(a) Nine voting members shall be parents whose children are attending a school under the jurisdiction of the community district, or have attended a school under the jurisdiction of the community district within the preceding two years, and shall be selected by the presidents and officers of the parents' association or parent-teachers' association. Such members shall serve for a term of two years, AND MAY NOT SERVE MORE THAN TWO TERMS. Presidents and officers of parents' associations or parent-teachers' associations who are candidates in the selection process pursuant to this section shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such president or officer for the purposes of the selection process.

S 4. 1. A temporary state commission, to be known as the commission on public safety in the city school district of the city of New York, and hereinafter referred to as the commission, is hereby created to examine, evaluate and make recommendations concerning the impact that the current chancellor's regulations and New York police department policies have on student safety, welfare, and achievement. Specifically the commission shall examine at least the following:

(a) the impact police and school safety officers have had on student safety and a safe learning environment;

(b) the methodology used to determine how many school safety and security officers are assigned to each school;

(c) the impact of law enforcement presence and activities on student rights and emotional welfare; and

(d) the appropriateness of the chancellor's current regulations.

2. The commission shall consist of twelve members, to be appointed as follows: one member to be appointed by the New York city chancellor, one member appointed by the New York city police commissioner, one member by the speaker of the New York city council, one member by the New York city public advocate, one by the collective bargaining unit representing public school teachers, one appointed by the organization representing New York city school supervisors, one appointed by the organization representing police officers in the city of New York and each borough president shall appoint one parent of a public school student who resides in the borough. The members of the temporary state commission established pursuant to this section shall be appointed no later than January 15, 2012 and shall convene the first meeting of the commission no later than January 22, 2012. The commission shall elect a chair, a vice-chair and a secretary from amongst its members. Notwithstanding the provisions of section 74 of the public officers law, section 806 of the general municipal law or any other provision of law, membership on the commission of any state or municipal officer or employee shall not constitute the violation of any code of ethics or a conflict of interest. The commission shall meet at least monthly. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments.

3. The commission may meet within and without the state, shall hold public hearings, and shall have all the powers of a legislative committee pursuant to the legislative law. The commission shall hold at least one hearing in each borough of New York city to solicit input from members of the public, students, and community based organizations. Such hearings shall be publicized in such manner as to solicit maximum public participation. The members of the commission shall select the commission chair.

4. The members of the commission shall receive no compensation for their services.

5. To the maximum extent feasible, the commission shall be entitled to request and receive, and shall utilize and be provided with such facilities, resources and data of any department, division, board, bureau, commission or agency of the state or any political subdivision thereof as it may reasonably request to properly carry out its powers and duties pursuant to this section. The speaker of the city council shall provide administrative support as necessary for the commission to carry out powers and duties of the commission.

6. The commission shall make a report to the chancellor of New York city schools, the city board, the New York city police department, the mayor of New York city, the speaker of the New York city council, the commissioner of education, and the chair and ranking member of the senate and assembly education committees of its findings, conclusions and recommendations on or before January 16, 2013, and shall submit with such report such legislative proposals as it deems necessary to implement its recommendations.

7. The temporary state commission established pursuant to this section shall expire and be terminated on the first day next succeeding the date of the submission of its report as provided in subdivision six of this section, and the chairperson of the temporary commission shall notify

the legislative bill drafting commission upon the submission of the commission's report as provided for in subdivision six of this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

S 5. Operation of a parent and student training center. 1. The Metropolitan Center for Urban Education at New York University, Steinhardt School of Culture, Education, and Human Development shall operate a parent and student training center, known as the parent and student training center ("center") for the support and training of parents or persons in parental relation to a student or students attending public school in the city of New York, and students attending public schools in the city of New York. The center shall design and implement programs for parent and student engagement within public schools in the city of New York, coordinating, where appropriate, with the city school district of the city of New York. The center shall:

(a) conduct outreach, recruitment, training and support programs for parents and students in order to increase their capacity to participate in and engage with local, district, and city-wide school governance and participatory structures designed to support and include parental and student input including but not limited to school leadership teams, community education councils, district leadership teams, parent associations, city-wide councils and other existing formal governance and participatory structures designed to support and include parental and student input;

(b) implement programs to enhance parents' and students' ability to support students' educational success;

(c) assist parents and students in interacting with city school district personnel and in developing an understanding of the function, structure and operations of the city of New York department of education, including providing basic information concerning school improvement strategies, school budget procedures and state and city structures and policies that impact education, and the effect of such strategies, procedures, structures and policies on the education being provided by the student's school; and

(d) ensure successful establishment and implementation of student success centers as pilot projects designed to increase the rate of college enrollment and train students to become youth leaders, including administering subcontracts between community-based organizations and the city school district for the implementation of student success centers in public high schools, with preference being given to existing student success centers, providing technical assistance to community-based organizations to successfully implement student success centers, and conducting annual evaluations of each student success center. At least $600,000 annually of total annual funds appropriated to the center shall be provided in the form of annual subcontracts to student success centers.

2. Priority in designing and implementing programs shall be given to schools and districts in which there is low overall academic achievement by students or which have a high density of English language learning students or low-income families. Schools with ineffective parent associations or without parent associations shall receive target support.

3. Upon request by the center, the city school district shall provide the center with the names and contact information of the officers of parent associations, members of councils of presidents, members of the

chancellor's parent advisory council, members of community education councils, members of school leadership teams, members of district leadership teams, and members of the city-wide councils.

4. The center shall be strictly non-partisan, shall not engage in issues of advocacy, and shall remain neutral in all policy matters and disputes.

S 6. The sum of three million two hundred thousand dollars ($3,200,000) is hereby appropriated to the parent and student training center created pursuant to section five of this act out of any moneys in the treasury of the city of New York in the fund set aside for the city school district of the city of New York to the credit of the city account not otherwise appropriated, to be paid as follows: (a) the sum of one million six hundred thousand dollars ($1,600,000) to be paid out during the fiscal year that the center is established; and (b) the sum of one million six hundred thousand dollars ($1,600,000) to be paid out in the fiscal year immediately following the fiscal year that the center is established.

S 7. This act shall take effect immediately; provided, however, that the amendments to section 2590-b of the education law made by sections one and two of this act, and section 2590-c of the education law made by section three of this act shall not affect the expiration or repeal of such provisions and shall expire and be deemed repealed therewith.