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

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I N A S S E M B L Y

March 3, 2009

Introduced by M. of A. ORTIZ, FIELDS, BRENNAN, HOYT, J. RIVERA, P. RIVERA, PERALTA, MILLMAN, AUBRY, GREENE, MARKEY, GALEF, TITUS, BENJAMIN, SCHROEDER, ESPAILLAT, COLTON, JEFFRIES, FINCH, KOLB, P. LOPEZ, BOYLAND -- Multi-Sponsored by -- M. of A. ALFANO, BENEDETTO, CAHILL, CALHOUN, CAMARA, DIAZ, EDDINGTON, ERRIGO, HIKIND, LANCMAN, V. LOPEZ, MAYERSOHN, McENENY, REILLY, SCARBOROUGH, SWEENEY, TOWNS, WRIGHT -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring the collection, maintenance and evaluation of high school graduation rates and the reporting of such rates

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

Section 1. Legislative intent and purpose. The legislature hereby finds and declares it necessary for the state to require the creation and maintenance of a data and public reporting system which collects and gathers data which accurately reflects and accounts for statewide high school graduation rates and which makes such data available to the public. It is necessary for the success of this state's economy that public high schools properly and efficiently provide all students with proper preparation for college. It is critical for the state to assess this preparation and, in doing so, must examine and evaluate graduation rates within the public school system.

An accurate evaluation of such information requires the collection of comprehensive data pertaining to statewide graduation rates including information which specifically reflects unique student identifiers such as race, ethnicity, disability, proficiency with the English language and socio-economic levels. This information may best be obtained by the state tracking students from kindergarten through postsecondary education.

Since parents and community members play such a critical role in ensuring strong educational accountability, the state must be required

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

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to make available to the public all such data and information reflecting the state's progress towards increasing graduation rates and such reports must be made readily accessible to the entire public.

S 2. The education law is amended by adding a new article 66 to read as follows:

ARTICLE 66
GRADUATION RATES

SECTION 3250. DEFINITIONS.
3251. DATA AND REPORTING SYSTEM, ESTABLISHED.
3252. REPORTING REQUIREMENTS.

S 3250. DEFINITIONS. IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "FOUR-YEAR COHORT" MEANS AND INCLUDES ALL STUDENTS WHO ENTER NINTH GRADE TOGETHER AND SHALL NOT EXCLUDE ANY STUDENT WHO HAS TRANSFERRED INTO THE GROUP DURING THE NINTH GRADE OF THE GROUP'S FIRST YEAR IN HIGH SCHOOL, DURING THE TENTH GRADE OF THE GROUP'S SECOND YEAR IN HIGH SCHOOL, THE ELEVENTH GRADE OF THE GROUP'S THIRD YEAR IN HIGH SCHOOL, OR DURING THE TWELFTH GRADE OF THE GROUP'S FOURTH YEAR IN HIGH SCHOOL, OR WHO HAS BEEN RETAINED IN GRADE, OR WHO IS ENROLLED IN A GED PROGRAM. STUDENTS RETAINED IN GRADE ARE ONLY COUNTED ONCE AS MEMBERS OF THEIR ORIGINAL COHORT. "FOUR-YEAR COHORT" SHALL NOT MEAN AND INCLUDE ANY STUDENT WHO DIES BEFORE GRADUATION, TRANSFERS OUT OF THE GROUP, OR PERMANENTLY LEAVES THE UNITED STATES.

2. "GRADUATION RATE" MEANS THE PERCENTAGE OBTAINED FROM APPLYING THE GRADUATION RATE FORMULA.

3. "GRADUATION RATE FORMULA" MEANS THE NUMBER OF STUDENTS WHO GRADUATE ON TIME WITH A HIGH SCHOOL DIPLOMA, AND NOT A GED, DIVIDED BY THE NUMBER OF STUDENTS IN THE FOUR-YEAR COHORT.

4. "ON TIME" MEANS ON OR BEFORE THE CONCLUSION OF A FOUR-YEAR COHORT'S FOURTH YEAR OF HIGH SCHOOL OR AT THE CONCLUSION OF A SENIOR SUMMER SESSION IN A JURISDICTION WHICH OFFERS SUCH SESSIONS.

5. "TRANSFER OUT" MEANS A STUDENT WHO THE COUNTY BOARD CONFIRMS, UPON THE APPROVAL OF WRITTEN VERIFICATION, HAS ENROLLED IN ANOTHER HIGH SCHOOL OR OTHER EDUCATIONAL PROGRAM FROM WHICH THAT SUCH STUDENT IS EXPECTED TO RECEIVE A HIGH SCHOOL DIPLOMA. "TRANSFER OUT" SHALL NOT MEAN A STUDENT ENROLLED IN A GED PROGRAM; OR AN ALTERNATIVE EDUCATION PROGRAM WHICH DOES NOT ISSUE OR PROVIDE CREDITS TOWARD A HIGH SCHOOL DIPLOMA.

S 3251. DATA AND REPORTING SYSTEM, ESTABLISHED. 1. BEGINNING ON OR BEFORE OCTOBER FIRST, TWO THOUSAND THIRTEEN, THE DEPARTMENT SHALL ON AN ANNUAL BASIS A. ESTABLISH AND IMPLEMENT A SYSTEM OR PROCESS BY WHICH THE DEPARTMENT SHALL COLLECT, MAINTAIN, ANALYZE AND EVALUATE STATEWIDE GRADUATION RATES IN PUBLIC HIGH SCHOOLS RELATING TO RACE, ETHNICITY, DISABILITY AND SOCIOECONOMIC FACTORS;

B. COMPILE INFORMATION RECEIVED PURSUANT TO THIS SUBDIVISION AND CALCULATE AN ANNUAL GRADUATION RATE FOR THE STATE;

C. POST SUCH INFORMATION FOR EACH SCHOOL DISTRICT ON THE DEPARTMENT'S PRIMARY WEBSITE WHICH SHALL BE CLASSIFIED INTO GROUPS BASED ON RACE, ETHNICITY, LANGUAGES SPOKEN OTHER THAN ENGLISH AS THE PRIMARY LANGUAGE, SPECIAL EDUCATION, AND SOCIOECONOMIC BACKGROUND. SOCIOECONOMIC INFORMATION SHALL BE OBTAINED FROM A LIST OF STUDENTS RECEIVING FREE OR REDUCED PRICED MEALS AND OTHER SUITABLE AND RELIABLE INFORMATION.

2. THE DEPARTMENT MAY DEVELOP AND IMPLEMENT ADDITIONAL INDICATORS TO COLLECT, MAINTAIN, ANALYZE AND EVALUATE AND PUBLICLY REPORT DATA REGARDING ALTERNATIVE HIGH SCHOOL COMPLETIONS.

3. THE DEPARTMENT SHALL: IMPLEMENT TRAINING FOR ADMINISTRATORS AND OTHER PERSONNEL RESPONSIBLE FOR COLLECTING, MAINTAINING, ANALYZING AND

EVALUATING AND PUBLICLY REPORTING DATA REGARDING FOUR-YEAR COHORTS AND GRADUATION RATES. THE DEPARTMENT SHALL ALSO IMPLEMENT A STANDARD PROCESS FOR VERIFYING THE ACCURACY OF DATA INCLUDING STATISTICAL CHECKS AND ON-SITE AUDITS OF RECORD-KEEPING PROCEDURES.

THE DEPARTMENT SHALL IMPLEMENT A PUBLIC AWARENESS CAMPAIGN INCLUDING OUTREACH TO CIVIC ASSOCIATIONS, COMMUNITY-BASED GROUPS AND PARENT ORGANIZATIONS AND A CAMPAIGN TO SOLICIT SUGGESTIONS AND COMMUNITY SUPPORT REGARDING THE NEED FOR COLLECTING, MAINTAINING, ANALYZING AND EVALUATING AND PUBLICLY REPORTING ACCURATE DATA REGARDING FOUR-YEAR COHORTS AND GRADUATION RATES.

S 3252. REPORTING REQUIREMENTS. ON OR BEFORE AUGUST FIRST, TWO THOUSAND NINE, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR, MAJORITY LEADER OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY REGARDING MEASURES BEING TAKEN TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE AND SHALL INCLUDE THE CATEGORIES AND CODES BEING USED FOR IDENTIFYING, TRACKING, CALCULATING AND PUBLICLY REPORTING TRANSFERS OUT OF A FOUR-YEAR COHORT, AS DEFINED IN THIS ARTICLE. SUCH REPORT SHALL BE IMMEDIATELY POSTED ON THE DEPARTMENT'S PRIMARY WEBSITE.

S 3. This act shall take effect July 1, 2009.