

6251

2009-2010 Regular Sessions

I N S E N A T E

October 28, 2009

---

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

AN ACT to amend the education law, in relation to authorizing boards of cooperative educational services to contract with charter schools; to clarifying that five-year charters for charter schools comprise five instructional years; to removing the cap on the total number of charter schools in the state and eliminating the reservation of charter schools for the New York city school district; to allowing charter schools to operate at more than one site; to authorizing the provision of facilities aid to charter schools; to expanding the pupil admission preference in charter schools; and to authorizing charter schools to operate pre-kindergarten programs (Part A); to amend the education law, in relation to mandating an immediate review of science, technology, engineering and mathematics regents standards and establishing standards that are globally competitive (Part B); to amend the education law, in relation to increasing the length of the evaluation period of teacher candidates to receive tenure recommendation from 3 years to 6 years; to providing for public disclosure of school district budgets; to requiring high school teachers to possess an undergraduate or graduate degree in the field in which they teach and to pass the regents examination in that field; to amend the education law, in relation to shifting the costs associated with the schools under registration review (SURR) process from the school to the department of education and creating an improvement incentive fund for schools under registration review; to establishing a more stringent and comprehensive school evaluation system for grading public schools and universities within the state; and to establishing an educational data warehouse (Part C); and to amend the education law, in relation to providing for alternate routes of teacher certification; to increasing the length of the school year and school day; to establishing an incentive system for schools and teachers; and to providing the option of alternate assessment as a manner of earning units of credit (Part D)

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

LBD14897-02-9

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

1 Section 1. This act enacts into law major components of legislation  
2 relating to the reformation of state educational standards. Each compo-  
3 nent is wholly contained within a Part identified as Parts A through D.  
4 The effective date for each particular provision contained within such  
5 Part is set forth in the last section of such Part. Any provision in any  
6 section contained within a Part, including the effective date of the  
7 Part, which makes a reference to a section "of this act", when used in  
8 connection with that particular component, shall be deemed to mean and  
9 refer to the corresponding section of the Part in which it is found.  
10 Section six of this act sets forth the general effective date of this  
11 act.

12 S 2. This act shall be known and may be cited as the "education reform  
13 act of 2010".

14 S 3. Legislative intent. The New York state public education system,  
15 from pre-kindergarten through university, is in need of systematic  
16 reformation. Demanding and rigorous standards and accountability across  
17 the spectrum of schools will allow our state to become an educational  
18 leader in the twenty-first century and will drastically improve our  
19 economy by creating educated citizens more capable of contributing  
20 effectively and dynamically to the workforce. Additionally, such refor-  
21 mation will allow New York state to qualify as a serious competitor for  
22 the federal government's education stimulus monies, the Race to the Top  
23 funds.

24 At a moment in our state's history where we face the worst budget  
25 crisis to date, we should strive to improve, compete, and enhance our  
26 economic standing; we need to compete effectively for the Race to the  
27 Top Funding and use it to implement the below reforms. Therefore, it is  
28 in the public interest to implement changes to the public education  
29 system that will enable New York and its citizens to accomplish these  
30 goals.

31 PART A

32 Section 1. Subparagraph 2 of paragraph h of subdivision 4 of section  
33 1950 of the education law, as amended by chapter 474 of the laws of  
34 1996, is amended to read as follows:

35 (2) To enter into contracts with the United States of America, the  
36 State of New York, any school district, community college, public insti-  
37 tution of higher education, independent institution of higher education  
38 eligible for aid under section sixty-four hundred one of this chapter,  
39 CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAPTER, or  
40 public agency in relation to the program of the board of cooperative  
41 educational services, and any such school district, community college,  
42 institution of higher education, CHARTER SCHOOL, or public agency is  
43 hereby authorized and empowered to do and perform any and all acts  
44 necessary or convenient in relation to the performance of any such  
45 contracts.

46 S 2. Paragraph (p) of subdivision 2 of section 2851 of the education  
47 law, as added by chapter 4 of the laws of 1998, is amended to read as  
48 follows:

49 (p) The term of the proposed charter, which shall not exceed five  
50 years DURING WHICH INSTRUCTION IS PROVIDED TO PUPILS.

1 S 3. Subdivision 9 of section 2852 of the education law, as amended by  
2 section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to  
3 read as follows:

4 9. [The] THERE SHALL BE NO LIMIT ON THE total number of charters  
5 issued pursuant to this article [shall not exceed two hundred. One  
6 hundred of such charters shall be issued on the recommendation of the  
7 charter entity described in paragraph (b) of subdivision three of  
8 section twenty-eight hundred fifty-one of this article, and one hundred  
9 of such charters shall be issued on the recommendation of the other  
10 charter entities set forth in subdivision three of section twenty-eight  
11 hundred fifty-one of this article, provided that up to fifty of the  
12 additional charters authorized to be issued by the chapter of the laws  
13 of two thousand seven which amended this subdivision effective July  
14 first, two thousand seven shall be reserved for a city school district  
15 of a city having a population of one million or more]. The failure of  
16 any body to issue the regulations authorized pursuant to this article  
17 shall not [effect] AFFECT the authority of a charter entity to propose a  
18 charter to the board of regents or the board of regents' authority to  
19 grant such charter. [A conversion of an existing public school to a  
20 charter school or the renewal or extension of a charter shall not be  
21 counted toward the numerical limits established by this subdivision.]

22 S 4. Paragraph (a) of subdivision 1 of section 2853 of the education  
23 law, as added by chapter 4 of the laws of 1998, is amended to read as  
24 follows:

25 (a) Upon the approval of a charter by the board of regents, the board  
26 of regents shall incorporate the charter school as an education corpo-  
27 ration for a term not to exceed five years DURING WHICH INSTRUCTION IS  
28 PROVIDED TO PUPILS. Such certificate of incorporation shall not modify  
29 or limit any terms of the charter approved by the board of regents. Upon  
30 approval of an application to renew a charter, the board of regents  
31 shall extend the certificate of incorporation for a term not to exceed  
32 five years DURING WHICH INSTRUCTION IS PROVIDED TO PUPILS. Upon termi-  
33 nation or nonrenewal of the charter of a charter school pursuant to  
34 section twenty-eight hundred fifty-five of this article, the certificate  
35 of incorporation of the charter school shall be revoked by the board of  
36 regents pursuant to section two hundred nineteen of this chapter,  
37 provided that compliance with the notice and hearing requirements of  
38 such section twenty-eight hundred fifty-five of this article shall be  
39 deemed to satisfy the notice and hearing requirements of such section  
40 two hundred nineteen. It shall be the duty of the trustees of the char-  
41 ter school to obtain federal tax-exempt status no later than one year  
42 following approval of a charter school by the board of regents. For  
43 purposes of this article, "certificate of incorporation" shall mean the  
44 provisional charter issued by the board of regents to form the charter  
45 school as an educational corporation pursuant to sections two hundred  
46 sixteen and two hundred seventeen of this chapter.

47 S 5. Paragraph (b-1) of subdivision 1 of section 2853 of the education  
48 law, as added by chapter 4 of the laws of 1998, is amended to read as  
49 follows:

50 (b-1) An education corporation operating a charter school shall not be  
51 authorized to operate more than one school [or] BUT MAY BE AUTHORIZED TO  
52 house any grade at more than one site[, provided that:

53 (A) a]. A CHARTER SCHOOL HOUSING ANY GRADE AT MORE THAN ONE SITE SHALL  
54 HAVE EACH SUCH ADDITIONAL SITE DEEMED AS A CHARTER ISSUED FOR THE  
55 PURPOSES OF SUBDIVISION NINE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO  
56 OF THIS ARTICLE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A

1 CHARTER ENTITY MAY APPROVE A REVISION TO A CHARTER OR CHARTERS IN  
2 ACCORDANCE WITH PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION  
3 TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE TO AUTHORIZE AN EDUCATION  
4 CORPORATION TO HOUSE ANY GRADE OR GRADES AT MORE THAN ONE SITE, INCLUD-  
5 ING THE DISSOLUTION AND CONSOLIDATION OF EXISTING EDUCATION CORPORATIONS  
6 OPERATING CHARTER SCHOOLS TO A SINGLE EDUCATION CORPORATION. IF A CHAR-  
7 TER SCHOOL HAS EMPLOYEES WHO ARE MEMBERS OF A COLLECTIVE BARGAINING  
8 ORGANIZATION PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW THAT  
9 MERGES OR CONSOLIDATES WITH A CHARTER SCHOOL WHOSE EMPLOYEES ARE NOT  
10 MEMBERS OF A COLLECTIVE BARGAINING ORGANIZATION, EMPLOYEES OF THE MERGED  
11 OR CONSOLIDATED CHARTER SCHOOL SHALL BE MEMBERS OF THE COLLECTIVE  
12 BARGAINING ORGANIZATION THAT REPRESENTED LIKE POSITIONS, IF ANY, PRIOR  
13 TO THE MERGER OR CONSOLIDATION. A charter school may operate in more  
14 than one building at a single site; [and

15 (B)] a charter school which provides instruction to its students at  
16 different locations for a portion of their school day shall be deemed to  
17 be operating at a single site; AND A CHARTER SCHOOL OPERATING AT MORE  
18 THAN ONE SITE BUT WHICH HOUSES EACH GRADE AT A SINGLE SITE SHALL BE  
19 DEEMED TO BE OPERATING AT A SINGLE SITE.

20 S 6. Paragraph (c) of subdivision 4 of section 2853 of the education  
21 law, as added by chapter 4 of the laws of 1998, is amended to read as  
22 follows:

23 (c) A charter school may contract with a school district or the  
24 governing body of a public college or university for the use of a school  
25 building and grounds, INCLUDING the operation and maintenance thereof.  
26 Any such contract shall provide such services or facilities at cost,  
27 PROVIDED THAT A SCHOOL DISTRICT AND A CHARTER SCHOOL MAY ENTER INTO AN  
28 AGREEMENT FOR SUCH CHARTER SCHOOL TO PAY UP TO THE AMOUNT PROVIDED  
29 PURSUANT TO PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT  
30 HUNDRED FIFTY-SIX OF THIS ARTICLE FOR THE USE OF SUCH FACILITIES.

31 S 7. Paragraph (b) of subdivision 2 of section 2854 of the education  
32 law, as amended by section 5 of part D-2 of chapter 57 of the laws of  
33 2007, is amended to read as follows:

34 (b) Any child who is qualified under the laws of this state for admis-  
35 sion to a public school is qualified for admission to a charter school.  
36 The school shall enroll each eligible student who submits a timely  
37 application by the first day of April each year, unless the number of  
38 applications exceeds the capacity of the grade level or building. In  
39 such cases, students shall be accepted from among applicants by a random  
40 selection process, provided, however, that an enrollment preference  
41 shall be provided to pupils returning to the charter school in the  
42 second or any subsequent year of operation and pupils residing in the  
43 school district in which the charter school is located, and siblings of  
44 pupils already enrolled in the charter school; PROVIDED, HOWEVER, THAT A  
45 CHARTER SCHOOL MAY ESTABLISH AN ENROLLMENT PREFERENCE FOR PUPILS RESID-  
46 ING IN SCHOOL DISTRICTS CONTIGUOUS TO THE SCHOOL DISTRICT IN WHICH THE  
47 CHARTER SCHOOL IS LOCATED IN THE SAME MANNER TO SUCH ENROLLMENT PREFER-  
48 ENCE FOR PUPILS RESIDING IN THE SCHOOL DISTRICT IN WHICH THE CHARTER  
49 SCHOOL IS LOCATED. For the purposes of this paragraph and paragraph (a)  
50 of this subdivision, the school district in which the charter school is  
51 located shall mean, for the city school district of the city of New  
52 York, the community district in which the charter school is located.

53 S 8. Paragraph (c) of subdivision 2 of section 2854 of the education  
54 law, as added by chapter 4 of the laws of 1998, is amended to read as  
55 follows:

1 (c) A charter school shall serve one or more of the grades [one]  
2 KINDERGARTEN through twelve, and shall limit admission to pupils within  
3 the grade levels served. Nothing herein shall prohibit a charter school  
4 from establishing a [kindergarten] PRE-KINDERGARTEN program, PROVIDED  
5 HOWEVER, THAT THE STUDENTS ENROLLED IN SUCH PRE-KINDERGARTEN PROGRAM  
6 SHALL NOT BE INCLUDED IN THE ENROLLMENT FOR PURPOSES OF PARAGRAPHS (A)  
7 AND (B) OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-SIX OF  
8 THIS ARTICLE; AND PROVIDED FURTHER, HOWEVER, THAT SUCH PRE-KINDERGARTEN  
9 PROGRAM SHALL BE ELIGIBLE FOR FUNDING IN ACCORDANCE WITH PARAGRAPH (D)  
10 OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-SIX OF THIS  
11 ARTICLE.

12 S 9. Subdivision 1 of section 2856 of the education law is amended by  
13 adding two new paragraphs (d) and (e) to read as follows:

14 (D) THE COMMISSIONER SHALL PAY EACH CHARTER SCHOOL OPERATING A  
15 PRE-KINDERGARTEN PROGRAM A GRANT AMOUNT IN PROPORTION TO THE AMOUNT  
16 COMPUTED FOR THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED  
17 PURSUANT TO SUBDIVISION TEN OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS  
18 CHAPTER BASED ON THE PROJECTED NUMBER OF PRE-KINDERGARTEN PUPILS TO BE  
19 SERVED BY THE CHARTER SCHOOL. PAYMENTS PURSUANT TO THIS PARAGRAPH SHALL  
20 BE MADE BY THE COMMISSIONER IN SIX SUBSTANTIALLY EQUAL INSTALLMENTS EACH  
21 YEAR BEGINNING ON THE FIRST BUSINESS DAY OF JULY AND EVERY TWO MONTHS  
22 THEREAFTER. PAYMENTS MADE PURSUANT TO THIS PARAGRAPH SHALL BE MADE BY  
23 THE COMMISSIONER FROM MONEYS APPROPRIATED BY THE STATE LEGISLATURE FOR  
24 THE SUPPORT OF PUBLIC SCHOOLS. AMOUNTS PAYABLE TO A CHARTER SCHOOL IN  
25 ITS FIRST YEAR OF OPERATION OF A PRE-KINDERGARTEN PROGRAM SHALL BE BASED  
26 ON THE PROJECTIONS OF INITIAL-YEAR ENROLLMENT SET FORTH IN THE CHARTER  
27 UNTIL ACTUAL ENROLLMENT DATA IS REPORTED TO THE COMMISSIONER BY THE  
28 CHARTER SCHOOL. SUCH PROJECTIONS SHALL BE RECONCILED WITH THE ACTUAL  
29 ENROLLMENT AS ACTUAL ENROLLMENT DATA IS SO REPORTED AND AT THE END OF  
30 THE SCHOOL'S FIRST YEAR OF OPERATION AND EACH SUBSEQUENT YEAR BASED ON A  
31 FINAL REPORT OF ACTUAL ENROLLMENT BY THE CHARTER SCHOOL, AND ANY NECES-  
32 SARY ADJUSTMENTS RESULTING FROM SUCH FINAL REPORT SHALL BE MADE TO  
33 PAYMENTS DURING THE SCHOOL'S FOLLOWING YEAR OF OPERATION.

34 (E) AN AMOUNT EQUAL TO FIFTEEN PER CENTUM OF THE AMOUNT CALCULATED  
35 PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE PAID BY THE  
36 COMMISSIONER DIRECTLY TO EACH CHARTER SCHOOL RECEIVING PAYMENTS IN  
37 ACCORDANCE WITH SUCH PARAGRAPH. PAYMENTS PURSUANT TO THIS PARAGRAPH  
38 SHALL BE MADE BY THE COMMISSIONER IN SIX SUBSTANTIALLY EQUAL INSTALL-  
39 MENTS EACH YEAR BEGINNING ON THE FIRST BUSINESS DAY OF JULY AND EVERY  
40 TWO MONTHS THEREAFTER. PAYMENTS MADE PURSUANT TO THIS PARAGRAPH SHALL BE  
41 MADE BY THE COMMISSIONER FROM MONEYS APPROPRIATED BY THE STATE LEGISLA-  
42 TURE FOR THE SUPPORT OF PUBLIC SCHOOLS.

43 S 10. Subdivision 1 of section 2856 of the education law, as separate-  
44 ly amended by chapter 4 of the laws of 1998 and section 12 of part A of  
45 chapter 57 of the laws of 2009, is amended to read as follows:

46 1. (A) The enrollment of students attending charter schools shall be  
47 included in the enrollment, attendance and, if applicable, count of  
48 students with disabilities of the school district in which the pupil  
49 resides. The charter school shall report all such data to the school  
50 districts of residence in a timely manner. Each school district shall  
51 report such enrollment, attendance and count of students with disabili-  
52 ties to the department. The school district of residence shall pay  
53 directly to the charter school for each student enrolled in the charter  
54 school who resides in the school district an amount equal to one hundred  
55 percent of the amount calculated pursuant to paragraph f of subdivision  
56 one of section thirty six hundred two of this chapter for the school

1 district for the year prior to the base year increased by the percentage  
2 change in the state total approved operating expense calculated pursuant  
3 to subdivision eleven of section thirty six hundred two of this chapter  
4 from two years prior to the base year to the base year; provided, howev-  
5 er, that for the two thousand nine--two thousand ten school year, the  
6 charter school basic tuition shall be the amount payable by such  
7 district as charter school basic tuition for the two thousand eight--two  
8 thousand nine school year. The school district shall also pay directly  
9 to the charter school any federal or state aid attributable to a student  
10 with a disability attending charter school in proportion to the level of  
11 services for such student with a disability that the charter school  
12 provides directly or indirectly. Notwithstanding anything in this  
13 section to the contrary, amounts payable pursuant to this subdivision  
14 may be reduced pursuant to an agreement between the school and the char-  
15 ter entity set forth in the charter. Payments made pursuant to this  
16 subdivision shall be made by the school district in six substantially  
17 equal installments each year beginning on the first business day of July  
18 and every two months thereafter. Amounts payable under this subdivision  
19 shall be determined by the commissioner. Amounts payable to a charter  
20 school in its first year of operation shall be based on the projections  
21 of initial-year enrollment set forth in the charter. Such projections  
22 shall be reconciled with the actual enrollment at the end of the  
23 school's first year of operation, and any necessary adjustments shall be  
24 made to payments during the school's second year of operation.

25 (B) THE COMMISSIONER SHALL PAY EACH CHARTER SCHOOL OPERATING A  
26 PRE-KINDERGARTEN PROGRAM A GRANT AMOUNT IN PROPORTION TO THE AMOUNT  
27 COMPUTED FOR THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED  
28 PURSUANT TO SUBDIVISION TEN OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS  
29 CHAPTER BASED ON THE PROJECTED NUMBER OF PRE-KINDERGARTEN PUPILS TO BE  
30 SERVED BY THE CHARTER SCHOOL. PAYMENTS PURSUANT TO THIS PARAGRAPH SHALL  
31 BE MADE BY THE COMMISSIONER IN SIX SUBSTANTIALLY EQUAL INSTALLMENTS EACH  
32 YEAR BEGINNING ON THE FIRST BUSINESS DAY OF JULY AND EVERY TWO MONTHS  
33 THEREAFTER. PAYMENTS MADE PURSUANT TO THIS PARAGRAPH SHALL BE MADE BY  
34 THE COMMISSIONER FROM MONEYS APPROPRIATED BY THE STATE LEGISLATURE FOR  
35 THE SUPPORT OF PUBLIC SCHOOLS. AMOUNTS PAYABLE TO A CHARTER SCHOOL IN  
36 ITS FIRST YEAR OF OPERATION OF A PRE-KINDERGARTEN PROGRAM SHALL BE BASED  
37 ON THE PROJECTIONS OF INITIAL-YEAR ENROLLMENT SET FORTH IN THE CHARTER  
38 UNTIL ACTUAL ENROLLMENT DATA IS REPORTED TO THE COMMISSIONER BY THE  
39 CHARTER SCHOOL. SUCH PROJECTIONS SHALL BE RECONCILED WITH THE ACTUAL  
40 ENROLLMENT AS ACTUAL ENROLLMENT DATA IS SO REPORTED AND AT THE END OF  
41 THE SCHOOL'S FIRST YEAR OF OPERATION AND EACH SUBSEQUENT YEAR BASED ON A  
42 FINAL REPORT OF ACTUAL ENROLLMENT BY THE CHARTER SCHOOL, AND ANY NECES-  
43 SARY ADJUSTMENTS RESULTING FROM SUCH FINAL REPORT SHALL BE MADE TO  
44 PAYMENTS DURING THE SCHOOL'S FOLLOWING YEAR OF OPERATION.

45 (C) AN AMOUNT EQUAL TO FIFTEEN PER CENTUM OF THE AMOUNT CALCULATED  
46 PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE PAID BY THE  
47 COMMISSIONER DIRECTLY TO EACH CHARTER SCHOOL RECEIVING PAYMENTS IN  
48 ACCORDANCE WITH SUCH PARAGRAPH. PAYMENTS PURSUANT TO THIS PARAGRAPH  
49 SHALL BE MADE BY THE COMMISSIONER IN SIX SUBSTANTIALLY EQUAL INSTALL-  
50 MENTS EACH YEAR BEGINNING ON THE FIRST BUSINESS DAY OF JULY AND EVERY  
51 TWO MONTHS THEREAFTER. PAYMENTS MADE PURSUANT TO THIS PARAGRAPH SHALL BE  
52 MADE BY THE COMMISSIONER FROM MONEYS APPROPRIATED BY THE STATE LEGISLA-  
53 TURE FOR THE SUPPORT OF PUBLIC SCHOOLS.

54 S 11. Paragraph a of subdivision 9 of section 3602-e of the education  
55 law, as amended by section 21 of part B of chapter 57 of the laws of  
56 2008, is amended to read as follows:

1 a. Each year, the commissioner shall determine the maximum allocation  
2 that each district AND CHARTER SCHOOL would be eligible to receive  
3 pursuant to this section in the following school year based on pupil  
4 data on file with the commissioner on a date prescribed by the commis-  
5 sioner, and applying the formula specified in subdivision ten of this  
6 section. No later than April thirtieth of the base year, the commis-  
7 sioner shall notify districts AND CHARTER SCHOOLS of the maximum allocations  
8 they may be eligible for pursuant to this section in the following  
9 school year, and such maximum allocations shall be deemed final and not  
10 subject to change thereafter, EXCEPT AS PROVIDED IN PARAGRAPH (D) OF  
11 SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-SIX OF THIS CHAP-  
12 TER.

13 S 12. Subdivision 1 of section 3602-e of the education law is amended  
14 by adding a new paragraph a-1 to read as follows:

15 A-1. "CHARTER SCHOOL" SHALL MEAN A SCHOOL AUTHORIZED BY ARTICLE  
16 FIFTY-SIX OF THIS CHAPTER. NOTWITHSTANDING ANY PROVISION OF THIS SECTION  
17 TO THE CONTRARY, APPROVAL OF PRE-KINDERGARTEN PROGRAMS OPERATED BY A  
18 CHARTER SCHOOL SHALL BE MADE IN ACCORDANCE WITH SECTION TWENTY-EIGHT  
19 HUNDRED FIFTY-TWO OF THIS CHAPTER.

20 S 13. This act shall take effect April 1, 2010; provided that the  
21 amendments to subdivision 1 of section 2856 of the education law made by  
22 section nine of this act shall be subject to the expiration and rever-  
23 sion of such subdivision pursuant to subdivision d of section 27 of  
24 chapter 378 of the laws of 2007, as amended, when upon such date the  
25 provisions of section ten of this act shall take effect.

26

## PART B

27 Section 1. Section 211 of the education law, as added by section 1 of  
28 part A of chapter 57 of the laws of 2007, is amended to read as follows:

29 S 211. Review of regents learning standards. 1. The regents shall  
30 periodically review and evaluate the existing regents learning standards  
31 to determine if they should be strengthened, modified or combined so as  
32 to provide adequate opportunity for students to acquire the skills and  
33 knowledge they need to succeed in employment or postsecondary education  
34 and to function productively as civic participants upon graduation from  
35 high school. Such review and evaluation shall be conducted upon a sched-  
36 ule adopted by the regents, provided that a review and evaluation of the  
37 English language arts standards shall be completed as soon as possible,  
38 but no later than the end of the two thousand seven--two thousand eight  
39 school year AND PROVIDED FURTHER THAT A REVIEW AND EVALUATION OF THE  
40 SCIENCE, TECHNOLOGY, ENGINEERING AND MATH STANDARDS SHALL BE COMPLETED  
41 AS SOON AS POSSIBLE, BUT NO LATER THAN THE END OF THE TWO THOUSAND TEN-  
42 -TWO THOUSAND ELEVEN SCHOOL YEAR.

43 2. In conducting such reviews, the regents shall seek the recommenda-  
44 tions of teachers, school administrators, teacher educators and others  
45 with educational expertise on improvements to the standards so that they  
46 ensure that students are prepared, in appropriate progression, for post-  
47 secondary education or employment.

48 3. IN CONDUCTING REVIEWS AND EVALUATIONS OF THE SCIENCE, TECHNOLOGY,  
49 ENGINEERING AND MATH STANDARDS, THE REGENTS SHALL REVIEW INTERNATIONAL  
50 STANDARDS FOR SCIENCE, TECHNOLOGY, ENGINEERING AND MATH AND SHALL ENSURE  
51 THAT APPROPRIATE REGENTS STANDARDS ARE SUFFICIENTLY STRINGENT TO PROMOTE  
52 STUDENT ACHIEVEMENT AND PREPARATION FOR GLOBAL COMPETITIVENESS.

53 S 2. The education law is amended by adding a new section 309-b to  
54 read as follows:

1 S 309-B. SCIENCE, TECHNOLOGY, ENGINEERING AND MATH STANDARDS. 1. THE  
2 COMMISSIONER AND THE BOARD OF REGENTS ARE AUTHORIZED AND DIRECTED TO  
3 ESTABLISH AND IMPLEMENT PROGRAMS, RULES AND REGULATIONS FOR A STATE-WIDE  
4 SYSTEM DESIGNED TO ENHANCE AND EXPAND THE PROVISION OF SCIENCE, TECHNOL-  
5 OGY, ENGINEERING AND MATH (STEM) EDUCATION IN PRE-KINDERGARTEN THROUGH  
6 TWELFTH GRADE. IN SO DOING, THE COMMISSIONER AND THE BOARD OF REGENTS  
7 SHALL FOLLOW INTERNATIONALLY-BENCHMARKED STANDARDS AND ASSESSMENTS AS  
8 PRESCRIBED BY THE FEDERAL DEPARTMENT OF EDUCATION. FUNDING FROM STATE,  
9 FEDERAL, AND PHILANTHROPIC RESOURCES THAT IS OR MAY BE TARGETED TO STEM  
10 EDUCATION SHALL BE ALLOCATED IN A MANNER THAT IS CONSISTENT WITH THE  
11 INTERNATIONALLY-BENCHMARKED STANDARDS AND ASSESSMENTS.

12 2. PROGRAMS AND POLICIES THAT THE DEPARTMENT AND THE BOARD OF REGENTS  
13 SHALL CONSIDER IN DEVISING ENHANCED STEM EDUCATION OPPORTUNITIES SHALL  
14 INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

15 A. SUPPORT FOR LOCAL, REGIONAL AND STATEWIDE NETWORKS DESIGNED TO LINK  
16 LOWER EDUCATION, HIGHER EDUCATION AND INDUSTRY TO FOSTER COLLABORATION  
17 AND PARTNERSHIPS;

18 B. THE CREATION OF ALTERNATE ROUTES TO MATH AND SCIENCE TEACHER  
19 CERTIFICATION TO EXPAND THE POOL OF QUALIFIED STEM TEACHERS;

20 C. EXPANDED STEM OPPORTUNITIES IN CAREER AND TECHNICAL EDUCATION  
21 SCHOOLS;

22 D. INCENTIVES TO PROMOTE THE CREATION OF LOCAL OR REGIONAL DEDICATED  
23 STEM SCHOOLS BY INDIVIDUAL OR MULTIPLE SCHOOL DISTRICTS;

24 E. ALTERED STUDENT SEAT TIME REQUIREMENTS TO ENCOURAGE STEM-RELATED  
25 INTERNSHIPS, APPRENTICESHIPS, WORK-STUDY PROGRAMS AND OTHER HANDS-ON  
26 STEM LEARNING EXPERIENCES;

27 F. AFFORDING STEM INDUSTRY PROFESSIONALS THE OPPORTUNITY TO PROVIDE  
28 CLASSROOM INSTRUCTION IN SCHOOL AND INDUSTRY SETTINGS;

29 G. ALLOWING OPEN-SOURCE STEM CURRICULUM AND SUPPORT SERVICES; AND

30 H. IDENTIFICATION, RE-ASSESSMENT, AND EFFECTIVE TARGETING OF EXISTING  
31 STEM-RELATED RESOURCES IN SUPPORT OF STATE AND LOCAL STEM GOALS.

32 S 3. The commissioner, or his or her designee, shall, on or before  
33 July 1, 2011, report to the governor and the legislature regarding the  
34 results of the board of regents' review of the current standards for  
35 science, technology, engineering and math standards, together with the  
36 department of education's findings, conclusions, recommendations and  
37 progress regarding the implementation of internationally bench-marked  
38 standards for science, technology, engineering and math standards. The  
39 report shall include a summary of 2009 state standards and of 2009  
40 student achievement as measured by both federal and state standardized  
41 testing, and a summary of 2009 international student achievement, as  
42 measured by federal standardized testing. The commissioner shall submit  
43 with the report such legislative proposals as he or she deems necessary  
44 to fully implement internationally benchmarked standards for science,  
45 technology, engineering and math standards within the state educational  
46 curriculum.

47 S 4. This act shall take effect April 1, 2010.

48

#### PART C

49 Section 1. Section 3004 of the education law is amended by adding a  
50 new subdivision 7 to read as follows:

51 7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL  
52 PRESCRIBE REGULATIONS REQUIRING THAT ALL PERSONS APPLYING, ON OR AFTER  
53 APRIL FIRST, TWO THOUSAND TEN, FOR A CERTIFICATE OR LICENSE TO BE A  
54 TEACHER OF SUBJECTS IN THE CORE AREAS OF SCIENCE, MATHEMATICS, ENGLISH

1 AND HISTORY FOR GRADES NINE THROUGH TWELVE SHALL, IN ADDITION TO ALL THE  
2 OTHER CERTIFICATION OR LICENSURE REQUIREMENTS, HAVE OBTAINED AN UNDER-  
3 GRADUATE OR GRADUATE DEGREE IN THE SUBJECT HE OR SHE SEEKS TO TEACH AND  
4 SHALL HAVE PASSED THE REGENTS EXAMINATION FOR THE SUBJECT HE OR SHE  
5 SEEKS TO TEACH WITHIN TWO YEARS PRIOR TO APPLYING FOR THE CERTIFICATE OR  
6 LICENSE. EACH APPLICANT SHALL PROVIDE THE DEPARTMENT WITH DOCUMENTATION  
7 SHOWING THAT HE OR SHE HAS COMPLETED THE REQUIRED COURSE WORK AND HAS  
8 TAKEN AND PASSED THE REGENTS EXAMINATION.

9 S 2. Paragraphs (a) and (b) of subdivision 1 of section 3012 of the  
10 education law, paragraph (a) as amended by chapter 737 of the laws of  
11 1992 and paragraph (b) as amended by chapter 442 of the laws of 1980, is  
12 amended to read as follows:

13 (a) Teachers and all other members of the teaching staff of school  
14 districts, including common school districts and/or school districts  
15 employing fewer than eight teachers, other than city school districts,  
16 shall be appointed by the board of education, or the trustees of common  
17 school districts, upon the recommendation of the superintendent of  
18 schools, for a probationary period of [three] SIX years, except that in  
19 the case of a teacher who has rendered satisfactory service as a regular  
20 substitute for a period of two years or as a seasonally licensed per  
21 session teacher of swimming in day schools who has served in that capac-  
22 ity for a period of two years and has been appointed to teach the same  
23 subject in day schools, on an annual salary, the probationary period  
24 shall be limited to [one year] FOUR YEARS; provided, however, that in  
25 the case of a teacher who has been appointed on tenure in another school  
26 district within the state, the school district where currently employed,  
27 or a board of cooperative educational services, and who was not  
28 dismissed from such district or board as a result of charges brought  
29 pursuant to subdivision one of section three thousand twenty-a of this  
30 chapter, the probationary period shall not exceed [two] FIVE years. The  
31 service of a person appointed to any of such positions may be discont-  
32 inued at any time during such probationary period, on the recommenda-  
33 tion of the superintendent of schools, by a majority vote of the board of  
34 education or the trustees of a common school district.

35 (b) Principals, administrators, supervisors and all other members of  
36 the supervising staff of school districts, including common school  
37 districts and/or school districts employing fewer than eight teachers,  
38 other than city school districts, shall be appointed by the board of  
39 education, or the trustees of a common school district, upon the recom-  
40 mendation of the superintendent of schools for a probationary period of  
41 [three] SIX years. The service of a person appointed to any of such  
42 positions may be discontinued at any time during the probationary period  
43 on the recommendation of the superintendent of schools, by a majority  
44 vote of the board of education or the trustees of a common school  
45 district.

46 S 3. Subdivision 1 of section 3012-b of the education law, as amended  
47 by section 1 of part C of chapter 57 of the laws of 2008, is amended to  
48 read as follows:

49 1. The regents shall promulgate rules establishing minimum standards  
50 for tenure determinations for teachers of all school districts and  
51 boards of cooperative educational services whose probationary period  
52 commences on or after July first, two thousand eight. Such rules shall  
53 require a superintendent of schools or district superintendent of  
54 schools, prior to recommending tenure, to evaluate all relevant factors,  
55 including the candidate's effectiveness over the applicable probationary  
56 period, or over [three] SIX years in the case of a regular substitute

1 with a one-year probationary period, in contributing to the successful  
2 academic performance of his or her students, using a process that  
3 complies with subdivision two of this section.

4 S 4. Paragraph a of subdivision 2 of section 3012-b of the education  
5 law, as amended by section 1 of part C of chapter 57 of the laws of  
6 2008, is amended to read as follows:

7 a. evaluation of the extent to which the teacher successfully utilized  
8 analysis of available student performance data and other relevant infor-  
9 mation when providing instruction [but the teacher shall not be granted  
10 or denied tenure based on student performance data];

11 S 5. The education law is amended by adding a new section 3613 to read  
12 as follows:

13 S 3613. DISTRICT BUDGET DISCLOSURE. 1. NO LATER THAN JULY FIRST OF  
14 EACH SCHOOL YEAR, EVERY SCHOOL DISTRICT ENTITLED TO APPORTIONMENT PURSU-  
15 ANT TO THE PROVISIONS OF THIS PART SHALL DISCLOSE ON ITS WEBSITE THE  
16 FULL COSTS OF THE DISTRICT'S BUDGET FOR THE SCHOOL YEAR COMMENCING ON  
17 JULY FIRST OF THAT YEAR, AS APPROVED BY THE DEPARTMENT, INCLUDING THE  
18 COSTS OF PHYSICAL PLANT MAINTENANCE AND IMPROVEMENTS, CONSTRUCTION PLANS  
19 AND COLLECTIVE BARGAINING AGREEMENTS. THE DISCLOSURE SHALL:

20 A. SPECIFY THE ALLOCATION OF MONIES FOR EACH SCHOOL WITHIN THE  
21 DISTRICT;

22 B. INCLUDE THE COSTS AND A DESCRIPTION OF ANY INTER-DISTRICT AGREE-  
23 MENTS, INCLUDING COSTS ASSOCIATED WITH BOARDS OF COOPERATIVE EDUCATIONAL  
24 SERVICES AGREEMENTS; AND

25 C. INCLUDE THE COSTS AND A DESCRIPTION OF ANY MULTIPLE YEAR CONTRACTS  
26 AND DESCRIBE IN FULL ANY OUT-YEAR BUDGETING OF ALL COSTS AND EXPENSES.

27 2. UPON REQUEST, THE DISTRICT SHALL MAKE THE DISCLOSURE INFORMATION  
28 AVAILABLE IN WRITTEN FORMAT.

29 S 6. Subdivision 39 of section 305 of the education law, as amended by  
30 section 3 of part A of chapter 57 of the laws of 2008, is amended and  
31 three new subdivisions 42, 43 and 44 are added to read as follows:

32 39. The commissioner shall develop a school leadership report card and  
33 a separate school progress report card to assist boards of education,  
34 the state and the public in assessing the performance of school leaders,  
35 including superintendents of schools and building principals, and the  
36 schools that they lead. The report cards shall include an assessment of  
37 the school's progress in achieving standards of excellence. By January  
38 first, two thousand nine, the commissioner shall develop such standards  
39 of excellence which shall include, but not be limited to, parent  
40 involvement, curriculum, teacher quality, and accountability measures as  
41 set forth in section two hundred eleven-a of this title. The commission-  
42 er shall promulgate regulations requiring the trustees or boards of  
43 education of every common, union free, central, central high school and  
44 city school district, and the chancellor of a city school district in a  
45 city of one million or more inhabitants, to attach copies of such report  
46 cards to the statement of estimated expenditures pursuant to section  
47 sixteen hundred eight or seventeen hundred sixteen of this chapter,  
48 where applicable, and to otherwise make the report cards publicly avail-  
49 able in the same manner as a school district report card WITHIN THIRTY  
50 DAYS OF THE DATE UPON WHICH THE DEPARTMENT PROVIDES THE REPORT CARD TO  
51 THE DISTRICT.

52 42. THE REGENTS SHALL ESTABLISH PERFORMANCE MEASURES AND SET PERFORM-  
53 ANCE STANDARDS FOR INDIVIDUAL PUBLIC SCHOOLS AND COMMUNITY COLLEGES,  
54 WITH MEASURES AND STANDARDS BASED PRIMARILY ON STUDENT ACHIEVEMENT. THE  
55 REGENTS AND THE CHANCELLOR OF THE STATE UNIVERSITY SYSTEM SHALL ESTAB-

1 LISH SYSTEM-WIDE PERFORMANCE MEASURES AND SET PERFORMANCE STANDARDS FOR  
2 INDIVIDUAL STATE UNIVERSITIES, INCLUDING ACTUAL COMPLETION RATES.

3 43. THE REGENTS AND THE CHANCELLOR OF THE STATE UNIVERSITY SYSTEM  
4 SHALL ESTABLISH SYSTEM-WIDE MEASURES AND STANDARDS TO PROVIDE STATE  
5 RESIDENTS WITH INFORMATION ON WHAT THE PUBLIC IS RECEIVING IN RETURN FOR  
6 THE FUNDS IT INVESTS IN EDUCATION AND HOW WELL THE STATE EDUCATIONAL  
7 SYSTEM EDUCATES ITS STUDENTS.

8 44. THE COMMISSIONER SHALL IMPLEMENT AND MAINTAIN A SYSTEM OF DATA  
9 COLLECTION AND ANALYSIS THAT WILL IMPROVE INFORMATION ABOUT THE EDUCA-  
10 TIONAL SUCCESS OF INDIVIDUAL STUDENTS AND SCHOOLS, INCLUDING SCHOOLS  
11 OPERATING FOR THE PURPOSE OF PROVIDING EDUCATIONAL SERVICES TO YOUTH IN  
12 DEPARTMENT OF JUVENILE JUSTICE PROGRAMS. THE INFORMATION AND ANALYSES  
13 MUST BE CAPABLE OF IDENTIFYING EDUCATIONAL PROGRAMS OR ACTIVITIES IN  
14 NEED OF IMPROVEMENT, AND REPORTS PREPARED PURSUANT TO THIS SUBDIVISION  
15 SHALL BE DISTRIBUTED TO THE APPROPRIATE DISTRICT SCHOOL BOARDS PRIOR TO  
16 DISTRIBUTION TO THE GENERAL PUBLIC.

17 S 7. Section 211-a of the education law, as added by section 1 of part  
18 A of chapter 57 of the laws of 2007, is amended to read as follows:

19 S 211-a. Enhanced state accountability system. To more fully implement  
20 the requirements of section one thousand one hundred eleven of the  
21 elementary and secondary education act of nineteen hundred sixty-five,  
22 as amended, and the federal regulations implementing such statute, the  
23 regents shall develop and implement an enhanced state accountability  
24 system that uses growth measures to the extent required by this section.  
25 THE GOAL OF THE ACCOUNTABILITY SYSTEM SHALL BE TO INCREASE THE PROFI-  
26 CIENCY OF ALL STUDENTS WITHIN ONE SEAMLESS, EFFICIENT SYSTEM, BY ALLOW-  
27 ING THEM THE OPPORTUNITY TO EXPAND THEIR KNOWLEDGE AND SKILLS THROUGH  
28 LEARNING OPPORTUNITIES AND RESEARCH, AND TO ENSURE THAT NEW YORK  
29 STUDENTS ARE PROVIDED WITH A LEVEL OF EDUCATION THAT EQUALS OR EXCEEDS  
30 THAT PROVIDED BY OTHER STATES.

31 1. By the start of the two thousand eight--two thousand nine school  
32 year, the regents shall establish, using existing state assessments, an  
33 interim, modified accountability system for schools and districts that  
34 is based on a growth model, subject to approval of the United States  
35 department of education where required under federal law. THE INTERIM  
36 SYSTEM SHALL BE IMPLEMENTED DURING THE TWO THOUSAND EIGHT--TWO THOUSAND  
37 NINE AND TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEARS.

38 2. The regents shall proceed with the development of an enhanced  
39 accountability system, with revised or new state assessments, based on  
40 an enhanced growth model that, to the extent feasible and consistent  
41 with federal law, includes a value-added assessment model that employs a  
42 scale-score approach to measure growth of students at all levels. [(a)  
43 If the regents establish that the assessment scaling and accountability  
44 methodology employed have been determined by external experts in educa-  
45 tional testing and measurement to be valid and reliable and in accord-  
46 ance with established standards for educational and psychological test-  
47 ing, and (b)] PROVIDED the approval of the United States department of  
48 education has been obtained where required by federal law, the enhanced  
49 growth model shall be implemented no later than the start of the two  
50 thousand ten--two thousand eleven school year.

51 3. In implementing the provisions of subdivisions one and two of this  
52 section, the regents shall by July first, two thousand eight, establish  
53 targets for improvement of schools and school districts based upon INDI-  
54 VIDUAL STUDENT LEARNING GAINS IN PUBLIC SCHOOLS, SCHOOL GRADES, THE  
55 STUDENTS' READINESS TO CONTINUE THROUGH THE EDUCATIONAL SYSTEM, perform-  
56 ance on state assessments, STUDENTS' ABILITY TO COMPETE WITH STUDENTS IN

1 OTHER STATES AS MEASURED BY NATIONAL STANDARDIZED TEST SCORES, gradu-  
2 ation rates, RETURN ON INVESTMENT OF EDUCATIONAL FUNDING, and other  
3 indicators of progress, such as student retention rates and college  
4 attendance and completion rates. COMMENCING WITH THE TWO THOUSAND TEN-  
5 -TWO THOUSAND ELEVEN SCHOOL YEAR, ALL TARGETS FOR IMPROVEMENT SHALL BE  
6 KEYED TO NATIONAL SCHOLASTIC ACHIEVEMENT BENCHMARKS AS MEASURED BY THE  
7 NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP).

8 4. THE ENHANCED ACCOUNTABILITY SYSTEM SHALL BE ESTABLISHED BY THE  
9 COMMISSIONER WITHIN THE DEPARTMENT AS A PERMANENT, SINGLE, UNIFIED  
10 ACCOUNTABILITY SYSTEM WITH MULTIPLE COMPONENTS.

11 5. THE ENHANCED ACCOUNTABILITY SYSTEM SHALL COMPLY WITH THE REQUIRE-  
12 MENTS OF THE "NO CHILD LEFT BEHIND ACT OF 2001," PUB. L. NO. 107-110,  
13 AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

14 6. As used in this chapter, the following words shall have the follow-  
15 ing meanings:

16 a. "Growth model" shall mean the assessment of a cohort of students,  
17 or individual students, over time that measures the academic progress  
18 made by those students.

19 b. "Value added assessment model" shall mean a form of growth model  
20 that includes an evaluation of the specific effects of programs, and  
21 other relevant factors, on the academic progress of individual students  
22 over time.

23 S 8. Section 211-b of the education law, as added by section 1 of part  
24 A of chapter 57 of the laws of 2007, is renumbered section 211-d and  
25 amended to read as follows:

26 S 211-d. Consequences for consistent lack of improvement in academic  
27 performance. In addition to taking appropriate action pursuant to the  
28 regulations of the commissioner and the requirements of federal law, the  
29 following actions shall be taken to increase school and district  
30 accountability for academic performance:

31 1. The regents shall expand the scope and improve the effectiveness of  
32 the schools under registration review (SURR) process in the two thousand  
33 seven--two thousand eight school year and thereafter, so as to ensure  
34 that all schools that meet the criteria for identification as SURR shall  
35 be so identified. The goal of such expansion shall be to identify as  
36 SURR up to a total of five percent of the schools in the state within  
37 four years, and to reorganize or restructure schools so identified in  
38 cases where such action is appropriate. ANY SCHOOL RECEIVING A GRADE OF  
39 D OR F BY THE DEPARTMENT PURSUANT TO THE PROVISIONS OF SECTION TWO  
40 HUNDRED ELEVEN-C OF THIS PART SHALL AUTOMATICALLY BE CONSIDERED TO BE A  
41 SCHOOL UNDER REGISTRATION REVIEW.

42 2. The regents shall develop a plan for increased support and possible  
43 intervention in schools in improvement, corrective action, or restruc-  
44 turing status or in SURR status. Notwithstanding any provision of law to  
45 the contrary, the regents shall establish a two-step process as follows:

46 a. The appointment by the commissioner of a school quality review team  
47 to assist any school in school improvement, corrective action, restruc-  
48 turing status or SURR status in developing and implementing a school  
49 improvement, corrective action, restructuring, or comprehensive plan for  
50 the school. Such team may also conduct resource and program and planning  
51 audits and examine the quality of curriculum, instructional plans, and  
52 teaching in the schools, the learning opportunities and support services  
53 available to students, and the organization and operations of the  
54 school. After such review, the team shall provide diagnostic recommenda-  
55 tions for school improvement, which may include administrative and oper-  
56 ational improvements. The recommendation of such team shall be advisory.

1 The reasonable and necessary expenses incurred in the performance of the  
2 team's official duties shall be a charge upon the [school district, or  
3 charter school, where applicable, that operates the school] DEPARTMENT.

4 b. The appointment by the commissioner of a joint school intervention  
5 team, for schools in (i) restructuring status or (ii) SURR status that  
6 have failed to demonstrate progress as specified in their corrective  
7 action plan or comprehensive education plan. Administrators and educa-  
8 tors from the district or charter school where applicable must be  
9 included on the team, as well as any distinguished educator appointed to  
10 the district pursuant to section two hundred [eleven-c] ELEVEN-E of this  
11 part. Such team shall assist the school district in developing, review-  
12 ing and recommending plans for reorganizing or reconfiguring of such  
13 schools. The recommendations of such team should be advisory. The  
14 reasonable and necessary expenses incurred in the performance of the  
15 school intervention team's official duties shall be a charge upon the  
16 [school district, or charter school where applicable, that operates the  
17 school] DEPARTMENT.

18 3. A school district that has been identified as requiring academic  
19 progress, as defined by 100.2(p)(7) of the commissioner's regulations OR  
20 WHICH HAS ACHIEVED A GRADE OF D OR F BY THE DEPARTMENT PURSUANT TO THE  
21 PROVISIONS OF SECTION TWO HUNDRED ELEVEN-C OF THIS ARTICLE, or includes  
22 one or more schools under registration review, in need of improvement,  
23 in corrective action or restructuring status shall be required to submit  
24 a district improvement plan to the commissioner for approval. In formu-  
25 lating the district improvement plan, the district shall consider redi-  
26 recting resources to programs and activities included in the menu of  
27 options under subdivision three of section two hundred [eleven-d]  
28 ELEVEN-F of this part in the schools so identified. If such options are  
29 not adopted in the district improvement plan, the school district shall  
30 provide the commissioner with an explanation of such decision which  
31 shall be considered by the commissioner in determining whether to  
32 approve such plan. The trustees or board of education shall hold a  
33 public hearing before adoption of the district improvement plan and a  
34 transcript of the testimony at such hearing shall be submitted to the  
35 commissioner for review with the district improvement plan.

36 4. The commissioner shall develop a plan for intervention in schools  
37 under restructuring or SURR status that fail to demonstrate progress on  
38 established performance measures and may be targeted for closure. Such  
39 plan shall specify criteria for school closure and include processes to  
40 be followed, research based options, and alternatives and strategies to  
41 reorganizing, restructuring or reconfiguring schools. Such plan shall be  
42 developed with input from educators including, but not limited to,  
43 administrators, teachers and individuals identified as distinguished  
44 educators pursuant to section two hundred [eleven-c] ELEVEN-E of this  
45 part.

46 5. (a) The regents shall ensure that all school districts include in  
47 any contract of employment, entered into, amended, or extended with a  
48 superintendent of schools, community superintendent or deputy, assist-  
49 ant, associate or other superintendent of schools who has been or will  
50 be appointed for a fixed term, a provision requiring that such contract  
51 specify that the superintendent shall be required to cooperate fully  
52 with any distinguished educator appointed by the commissioner pursuant  
53 to section two hundred [eleven-c] ELEVEN-E of this part.

54 (b) In the case of a superintendent of schools, community superinten-  
55 dent or deputy, assistant, associate or other superintendent of schools  
56 who is not appointed for a fixed term, the contract provisions contained

1 in paragraph (a) of this subdivision shall be deemed to apply to such  
2 superintendent immediately.

3 (c) In the case of a charter school, the contract of employment of the  
4 principal or headmaster or other chief school officer of the charter  
5 school that is entered into, amended or extended shall also be required  
6 to include the provisions contained in paragraph (a) of this subdivi-  
7 sion. In addition, such contract provisions shall be deemed to apply  
8 immediately to any such person not appointed for a fixed term.

9 6. THE COMMISSIONER SHALL DEVELOP A PLAN TO REWARD SCHOOLS THAT HAVE  
10 SUCCESSFULLY COMPLETED RESTRUCTURING OR COME OFF OF SURR STATUS, OR  
11 ACHIEVED STANDARDS OF MEASURE AS DEEMED APPROPRIATE BY THE COMMISSIONER,  
12 AND SHALL ESTABLISH AN IMPROVEMENT INCENTIVE FUND TO PROVIDE FOR THE  
13 AWARD OF PERFORMANCE INCENTIVE GRANTS TO SUCH SCHOOLS. THE GRANTS SHALL  
14 BE USED TO CONTINUE IMPROVEMENT EFFORTS AND IMPLEMENT EDUCATIONAL  
15 PROGRAMS AT THE RECIPIENT SCHOOL, AS DEEMED APPROPRIATE BY THE COMMIS-  
16 SIONER. SUCH PLAN SHALL SPECIFY CRITERIA FOR THE AWARD OF A GRANT AND  
17 INCLUDE PROCESSES TO BE FOLLOWED, AND SHALL BE DEVELOPED WITH INPUT FROM  
18 EDUCATORS INCLUDING, BUT NOT LIMITED TO, ADMINISTRATORS, TEACHERS AND  
19 INDIVIDUALS IDENTIFIED AS DISTINGUISHED EDUCATORS PURSUANT TO SECTION  
20 TWO HUNDRED ELEVEN-E OF THIS PART.

21 7. THE COMMISSIONER SHALL OVERSEE THE PERFORMANCE OF DISTRICT SCHOOL  
22 BOARDS AND COMMUNITY COLLEGE BOARDS OF TRUSTEES IN ENFORCEMENT OF ALL  
23 LAWS AND RULES. DISTRICT SCHOOL BOARDS AND COMMUNITY COLLEGE BOARDS OF  
24 TRUSTEES SHALL BE PRIMARILY RESPONSIBLE FOR COMPLIANCE WITH LAW AND  
25 STATE BOARD RULE.

26 (A) IN ORDER TO ENSURE COMPLIANCE WITH LAW OR STATE BOARD RULE, THE  
27 COMMISSIONER SHALL HAVE THE AUTHORITY TO REQUEST AND RECEIVE INFORMA-  
28 TION, DATA, AND REPORTS FROM SCHOOL DISTRICTS AND COMMUNITY COLLEGES.  
29 DISTRICT SCHOOL SUPERINTENDENTS AND COMMUNITY COLLEGE PRESIDENTS ARE  
30 RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA REPORTED TO THE  
31 STATE BOARD.

32 (B) THE COMMISSIONER MAY INVESTIGATE ALLEGATIONS OF NONCOMPLIANCE WITH  
33 LAW OR STATE BOARD RULE AND DETERMINE PROBABLE CAUSE. THE COMMISSIONER  
34 SHALL REQUIRE THE DISTRICT SCHOOL BOARD OR COMMUNITY COLLEGE BOARD OF  
35 TRUSTEES TO DOCUMENT COMPLIANCE WITH LAW OR STATE BOARD RULE. IF THE  
36 DISTRICT SCHOOL BOARD OR COMMUNITY COLLEGE BOARD OF TRUSTEES CANNOT  
37 SATISFACTORILY DOCUMENT COMPLIANCE, THE COMMISSIONER MAY ORDER COMPLI-  
38 ANCE WITHIN A SPECIFIED TIMEFRAME.

39 8. IF THE COMMISSIONER DETERMINES THAT A DISTRICT SCHOOL BOARD OR  
40 COMMUNITY COLLEGE BOARD OF TRUSTEES IS UNWILLING OR UNABLE TO COMPLY  
41 WITH LAW OR STATE BOARD RULE WITHIN THE SPECIFIED TIME, THE COMMISSIONER  
42 SHALL HAVE THE AUTHORITY TO INITIATE ANY OF THE FOLLOWING ACTIONS:

43 (A) REPORT TO THE LEGISLATURE THAT THE SCHOOL DISTRICT OR COMMUNITY  
44 COLLEGE HAS BEEN UNWILLING OR UNABLE TO COMPLY WITH LAW OR STATE BOARD  
45 RULE AND RECOMMEND ACTION TO BE TAKEN BY THE LEGISLATURE;

46 (B) REDUCE THE DISCRETIONARY APPROPRIATION UNTIL THE SCHOOL DISTRICT  
47 OR COMMUNITY COLLEGE COMPLIES WITH THE LAW OR STATE BOARD RULE;

48 (C) WITHHOLD THE TRANSFER OF STATE FUNDS, DISCRETIONARY GRANT FUNDS,  
49 OR ANY OTHER FUNDS SPECIFIED AS ELIGIBLE FOR THIS PURPOSE BY THE LEGIS-  
50 LATURE UNTIL THE SCHOOL DISTRICT OR COMMUNITY COLLEGE COMPLIES WITH THE  
51 LAW OR STATE BOARD RULE;

52 (D) DECLARE THE SCHOOL DISTRICT OR COMMUNITY COLLEGE INELIGIBLE FOR  
53 COMPETITIVE GRANTS; AND

54 (E) REQUIRE MONTHLY OR PERIODIC REPORTING ON THE SITUATION RELATED TO  
55 NONCOMPLIANCE UNTIL IT IS REMEDIED.

1 S 9. Section 211-c of the education law is renumbered section 211-e  
2 and subdivision 7, as added by section 1 of part A of chapter 57 of the  
3 laws of 2007, is amended to read as follows:

4 7. The reasonable and necessary expenses incurred by the appointed  
5 distinguished educators while performing their official duties shall be  
6 paid by the [school district] DEPARTMENT.

7 S 10. Section 211-d of the education law, as added by section 12 of  
8 part A of chapter 57 of the laws of 2007, is renumbered section 211-f,  
9 paragraph b of subdivision 2 is amended by adding a new subparagraph  
10 (iv) and paragraph a of subdivision 4 is amended to read as follows:

11 (IV) IF A SCHOOL DOES NOT MOVE FROM THE LOWEST-PERFORMING CATEGORY  
12 DURING THE INITIAL YEAR OF IMPLEMENTATION OF A CONTRACT FOR EXCELLENCE,  
13 THE SCHOOL DISTRICT SHALL SUBMIT A PLAN, WHICH IS SUBJECT TO APPROVAL BY  
14 THE DEPARTMENT, FOR IMPLEMENTING A DIFFERENT OPTION AT THE BEGINNING OF  
15 THE NEXT SCHOOL YEAR, UNLESS THE DEPARTMENT DETERMINES THAT THE SCHOOL  
16 IS LIKELY TO MOVE FROM THE LOWEST-PERFORMING CATEGORY IF ADDITIONAL TIME  
17 IS PROVIDED TO IMPLEMENT INTERVENTION AND SUPPORT STRATEGIES. IN ORDER  
18 TO ADVANCE TO A HIGHER CATEGORY, A SCHOOL MUST MAKE SIGNIFICANT PROGRESS  
19 BY IMPROVING ITS SCHOOL GRADE AND BY INCREASING STUDENT PERFORMANCE IN  
20 MATHEMATICS AND READING.

21 a. A district's contract for excellence for the academic year two  
22 thousand eight--two thousand nine and thereafter, shall be developed  
23 through a public process, in consultation with parents or persons in  
24 parental relation, teachers, administrators, and any distinguished  
25 educator appointed pursuant to section two hundred [eleven-c] ELEVEN-E  
26 of this chapter.

27 S 11. The education law is amended by adding five new sections 211-b,  
28 211-c, 211-g, 211-h and 211-i to read as follows:

29 S 211-B. AUTHORITY TO ENFORCE PUBLIC SCHOOL IMPROVEMENT. 1. THE  
30 DEPARTMENT SHALL HOLD ALL SCHOOL DISTRICTS AND PUBLIC SCHOOLS ACCOUNT-  
31 ABLE FOR STUDENT PERFORMANCE. THE DEPARTMENT IS RESPONSIBLE FOR A STATE  
32 SYSTEM OF SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY THAT ASSESSES  
33 STUDENT PERFORMANCE BY SCHOOL, IDENTIFIES SCHOOLS IN WHICH STUDENTS ARE  
34 NOT MAKING ADEQUATE PROGRESS TOWARD STATE STANDARDS, AND INSTITUTES  
35 APPROPRIATE MEASURES FOR ENFORCING IMPROVEMENT.

36 2. THE DEPARTMENT SHALL PROVIDE FOR UNIFORM ACCOUNTABILITY STANDARDS  
37 FOR ALL PUBLIC SCHOOLS FOR GRADES PRE-KINDERGARTEN THROUGH UNIVERSITY,  
38 AND SHALL PROVIDE ASSISTANCE OF ESCALATING INTENSITY TO LOW-PERFORMING  
39 SCHOOLS, DIRECT SUPPORT TO SCHOOLS IN ORDER TO IMPROVE AND SUSTAIN  
40 PERFORMANCE, FOCUS ON THE PERFORMANCE OF STUDENT SUBGROUPS, AND ENHANCE  
41 STUDENT PERFORMANCE.

42 3. EACH SCHOOL DISTRICT SHALL BE ACCOUNTABLE FOR IMPROVING THE ACADEM-  
43 IC ACHIEVEMENT OF ALL STUDENTS AND FOR IDENTIFYING AND TURNING AROUND  
44 LOW-PERFORMING SCHOOLS IN THE DISTRICT.

45 4. FOR THE PURPOSE OF DETERMINING WHETHER A PUBLIC SCHOOL REQUIRES  
46 ACTION TO ACHIEVE A SUFFICIENT LEVEL OF SCHOOL IMPROVEMENT, THE DEPART-  
47 MENT SHALL ANNUALLY CATEGORIZE A PUBLIC SCHOOL IN ONE OF SIX CATEGORIES  
48 BASED ON THE SCHOOL'S GRADE, AND THE LEVEL AND RATE OF CHANGE IN STUDENT  
49 PERFORMANCE IN THE AREAS OF READING AND MATHEMATICS, DISAGGREGATED INTO  
50 STUDENT SUBGROUPS AS DESCRIBED IN THE FEDERAL ELEMENTARY AND SECONDARY  
51 EDUCATION ACT, 20 U.S.C. S 6311(B)(2)(C)(V)(II).

52 5. APPROPRIATE INTERVENTION AND SUPPORT STRATEGIES SHALL BE APPLIED TO  
53 SCHOOLS THAT REQUIRE ACTION TO ACHIEVE A SUFFICIENT LEVEL OF IMPROVEMENT  
54 AS DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION. THE INTERVENTION AND  
55 SUPPORT STRATEGIES MUST ADDRESS STUDENT PERFORMANCE, INCLUDING, BUT NOT  
56 LIMITED TO, IMPROVEMENT PLANNING, LEADERSHIP QUALITY IMPROVEMENT, EDUCA-

1 TOR QUALITY IMPROVEMENT, PROFESSIONAL DEVELOPMENT, CURRICULUM ALIGNMENT  
2 AND PACING, AND THE USE OF CONTINUOUS IMPROVEMENT AND MONITORING PLANS  
3 AND PROCESSES. THE DEPARTMENT MAY PRESCRIBE REPORTING REQUIREMENTS TO  
4 REVIEW AND MONITOR THE PROGRESS OF THE SCHOOLS. THE DEPARTMENT SHALL  
5 CREATE A MATRIX THAT REFLECTS INTERVENTION AND SUPPORT STRATEGIES TO  
6 ADDRESS THE PARTICULAR NEEDS OF SCHOOLS IN EACH CATEGORY.

7 (A) INTERVENTION AND SUPPORT STRATEGIES SHALL BE APPLIED TO SCHOOLS  
8 BASED UPON THE SCHOOL CATEGORIZATION AS PROVIDED IN SECTION TWO HUNDRED  
9 ELEVEN-C OF THIS PART. THE DEPARTMENT SHALL APPLY THE MOST INTENSE  
10 INTERVENTION STRATEGIES TO THE LOWEST-PERFORMING SCHOOLS. FOR ALL BUT  
11 THE LOWEST CATEGORY AND "F" SCHOOLS IN THE SECOND LOWEST CATEGORY, THE  
12 INTERVENTION AND SUPPORT STRATEGIES SHALL BE ADMINISTERED SOLELY BY THE  
13 DISTRICTS AND THE SCHOOLS.

14 (B) THE LOWEST-PERFORMING SCHOOLS ARE SCHOOLS THAT HAVE RECEIVED:

15 (1) A GRADE OF "F" IN THE MOST RECENT SCHOOL YEAR AND IN FOUR OF THE  
16 LAST SIX YEARS; OR

17 (2) A GRADE OF "D" OR "F" IN THE MOST RECENT SCHOOL YEAR AND MEET AT  
18 LEAST THREE OF THE FOLLOWING CRITERIA:

19 (A) THE PERCENTAGE OF STUDENTS WHO ARE NOT PROFICIENT IN READING HAS  
20 INCREASED WHEN COMPARED TO MEASUREMENTS TAKEN FIVE YEARS PREVIOUS;

21 (B) THE PERCENTAGE OF STUDENTS WHO ARE NOT PROFICIENT IN MATHEMATICS  
22 HAS INCREASED WHEN COMPARED TO MEASUREMENTS TAKEN FIVE YEARS PREVIOUS;

23 (C) AT LEAST SIXTY-FIVE PERCENT OF THE SCHOOL'S STUDENTS ARE NOT  
24 PROFICIENT IN READING; OR

25 (D) AT LEAST SIXTY-FIVE PERCENT OF THE SCHOOL'S STUDENTS ARE NOT  
26 PROFICIENT IN MATHEMATICS.

27 6. IN THE SCHOOL YEAR AFTER A SCHOOL IS INITIALLY IDENTIFIED AS A  
28 SCHOOL IN THE LOWEST-PERFORMING CATEGORY, THE SCHOOL DISTRICT MUST  
29 SUBMIT TO THE DEPARTMENT AND COMPLY WITH A CONTRACT FOR EXCELLENCE AS  
30 PROVIDED IN SECTION TWO HUNDRED ELEVEN-F OF THIS ARTICLE.

31 S 211-C. SCHOOL GRADING SYSTEM. 1. THE COMMISSIONER SHALL PREPARE  
32 ANNUAL REPORTS OF THE RESULTS OF THE STATEWIDE ASSESSMENT PROGRAM WHICH  
33 DESCRIBE STUDENT ACHIEVEMENT IN THE STATE, EACH DISTRICT, AND EACH  
34 SCHOOL FOR GRADES KINDERGARTEN THROUGH TWELVE. THE COMMISSIONER SHALL  
35 PRESCRIBE THE DESIGN AND CONTENT OF THESE REPORTS, WHICH MUST INCLUDE,  
36 WITHOUT LIMITATION, DESCRIPTIONS OF THE PERFORMANCE OF ALL SCHOOLS  
37 PARTICIPATING IN THE ASSESSMENT PROGRAM AND ALL OF THEIR MAJOR STUDENT  
38 POPULATIONS AS DETERMINED BY THE COMMISSIONER, AND SHALL ALSO INCLUDE  
39 THE MEDIAN SCORES OF ALL ELIGIBLE STUDENTS WHO SCORED AT OR IN THE  
40 LOWEST TWENTY-FIFTH PERCENTILE OF THE STATE IN THE PREVIOUS SCHOOL YEAR.

41 2. THE ANNUAL REPORT SHALL IDENTIFY SCHOOLS AS HAVING ONE OF THE  
42 FOLLOWING GRADES, DEFINED ACCORDING TO RULES OF THE DEPARTMENT:

43 (A) "A" SCHOOLS MAKING EXCELLENT PROGRESS;

44 (B) "B" SCHOOLS MAKING ABOVE AVERAGE PROGRESS;

45 (C) "C" SCHOOLS MAKING SATISFACTORY PROGRESS;

46 (D) "D" SCHOOLS MAKING LESS THAN SATISFACTORY PROGRESS; OR

47 (E) "F" SCHOOLS FAILING TO MAKE ADEQUATE PROGRESS.

48 3. EACH SCHOOL THAT HAS STUDENTS WHO ARE TESTED THROUGH STATE AND/OR  
49 NATIONAL ACHIEVEMENT TESTING AND INCLUDED IN THE SCHOOL GRADING SYSTEM  
50 SHALL RECEIVE A SCHOOL GRADE, EXCEPT AS FOLLOWS:

51 A. A SCHOOL SHALL NOT RECEIVE A SCHOOL GRADE IF THE NUMBER OF ITS  
52 STUDENTS TESTED AND INCLUDED IN THE SCHOOL GRADING SYSTEM IS LESS THAN  
53 THE MINIMUM SAMPLE SIZE NECESSARY, BASED ON ACCEPTED PROFESSIONAL PRACTICE,  
54 FOR STATISTICAL RELIABILITY AND PREVENTION OF THE UNLAWFUL RELEASE  
55 OF PERSONALLY IDENTIFIABLE STUDENT DATA UNDER 20 U.S.C. S 1232G.

1 B. AN ALTERNATIVE SCHOOL MAY CHOOSE TO RECEIVE A SCHOOL GRADE UNDER  
2 THIS SECTION OR A SCHOOL IMPROVEMENT RATING. FOR CHARTER SCHOOLS THAT  
3 MEET THE DEFINITION OF AN ALTERNATIVE SCHOOL, THE DECISION TO RECEIVE A  
4 SCHOOL GRADE IS THE DECISION OF THE CHARTER SCHOOL GOVERNING BOARD.

5 4. A SCHOOL THAT SERVES ANY COMBINATION OF STUDENTS IN KINDERGARTEN  
6 THROUGH GRADE THREE WHICH DOES NOT RECEIVE A SCHOOL GRADE BECAUSE ITS  
7 STUDENTS ARE NOT TESTED AND INCLUDED IN THE SCHOOL GRADING SYSTEM SHALL  
8 RECEIVE THE SCHOOL GRADE DESIGNATION OF A K-THREE FEEDER PATTERN SCHOOL  
9 IDENTIFIED BY THE DEPARTMENT AND VERIFIED BY THE SCHOOL DISTRICT. A  
10 SCHOOL FEEDER PATTERN EXISTS IF AT LEAST SIXTY PERCENT OF THE STUDENTS  
11 IN THE SCHOOL SERVING A COMBINATION OF STUDENTS IN KINDERGARTEN THROUGH  
12 GRADE THREE ARE SCHEDULED TO BE ASSIGNED TO THE GRADED SCHOOL.

13 5. FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, A SCHOOL'S  
14 GRADE SHALL BE BASED ON A COMBINATION OF:

15 (A) STUDENT ACHIEVEMENT SCORES, INCLUDING ACHIEVEMENT SCORES FOR  
16 STUDENTS SEEKING A SPECIAL DIPLOMA;

17 (B) STUDENT LEARNING GAINS AS MEASURED BY ANNUAL STATE ASSESSMENTS IN  
18 GRADES THREE THROUGH TEN AND LEARNING GAINS FOR STUDENTS SEEKING A  
19 SPECIAL DIPLOMA, AS MEASURED BY AN ALTERNATE ASSESSMENT TOOL, SHALL BE  
20 INCLUDED NOT LATER THAN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE  
21 SCHOOL YEAR; AND

22 (C) IMPROVEMENT OF THE LOWEST TWENTY-FIFTH PERCENTILE OF STUDENTS IN  
23 THE SCHOOL IN READING, MATHEMATICS, OR WRITING ON THE STATE ACHIEVEMENT  
24 TESTS, UNLESS THESE STUDENTS ARE EXHIBITING SATISFACTORY PERFORMANCE.

25 6. BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL  
26 YEAR FOR SCHOOLS COMPRISED OF HIGH SCHOOL GRADES NINE, TEN, ELEVEN AND  
27 TWELVE, FIFTY PERCENT OF THE SCHOOL GRADE SHALL BE BASED ON A COMBINA-  
28 TION OF THE FACTORS LISTED IN SUBDIVISION FIVE OF THIS SECTION AND THE  
29 REMAINING FIFTY PERCENT ON THE FOLLOWING FACTORS:

30 (A) THE HIGH SCHOOL GRADUATION RATE OF THE SCHOOL AS DETERMINED BY THE  
31 DEPARTMENT;

32 (B) THE PERFORMANCE AND PARTICIPATION OF THE SCHOOL'S STUDENTS IN  
33 COLLEGE BOARD ADVANCED PLACEMENT COURSES, INTERNATIONAL BACCALAUREATE  
34 COURSES, DUAL ENROLLMENT COURSES, AND ADVANCED INTERNATIONAL CERTIFICATE  
35 OF EDUCATION COURSES; AND THE STUDENTS' ACHIEVEMENT OF INDUSTRY CERTIF-  
36 ICATION IN A CAREER AND PROFESSIONAL ACADEMY;

37 (C) THE AGGREGATE SCORES OF ALL ELIGIBLE STUDENTS ENROLLED IN THE  
38 SCHOOL IN READING, MATHEMATICS, AND OTHER SUBJECTS AS MEASURED BY THE  
39 PSAT, SAT, THE ACT, AND THE COMMON PLACEMENT TEST FOR POSTSECONDARY  
40 READINESS;

41 (D) THE EARNING OF COLLEGE CREDIT BY ALL ELIGIBLE STUDENTS ENROLLED IN  
42 THE SCHOOL IN DUAL ENROLLMENT PROGRAMS;

43 (E) THE HIGH SCHOOL GRADUATION RATE OF ALL ELIGIBLE AT-RISK STUDENTS  
44 WHO SCORED IN THE BOTTOM TWENTY-FIFTH PERCENTILE ON THE GRADE EIGHT  
45 STATE ASSESSMENT READING AND MATHEMATICS EXAMINATIONS;

46 (F) THE PERFORMANCE OF THE SCHOOL'S STUDENTS ON STATEWIDE STANDARDIZED  
47 REGENTS EXAMINATIONS; AND

48 (G) THE GROWTH OR DECLINE IN THE COMPONENTS LISTED IN PARAGRAPHS (A)  
49 THROUGH (F) OF THIS SUBDIVISION FROM YEAR TO YEAR.

50 7. STUDENT ASSESSMENT DATA USED IN DETERMINING SCHOOL GRADES SHALL  
51 INCLUDE:

52 A. THE AGGREGATE SCORES OF ALL ELIGIBLE STUDENTS ENROLLED IN THE  
53 SCHOOL WHO HAVE BEEN ASSESSED ON THE STATE ASSESSMENT TESTS; AND

54 B. THE AGGREGATE SCORES OF ALL ELIGIBLE STUDENTS ENROLLED IN THE  
55 SCHOOL WHO HAVE BEEN ASSESSED ON THE STATE ASSESSMENT TESTS AND WHO HAVE  
56 SCORED AT OR IN THE LOWEST TWENTY-FIFTH PERCENTILE OF STUDENTS IN THE

1 SCHOOL IN READING, MATHEMATICS, OR WRITING, UNLESS THESE STUDENTS ARE  
2 EXHIBITING SATISFACTORY PERFORMANCE.

3 8. THE SCORES OF STUDENTS WHO ARE HOME SCHOOLED OR ENROLLED IN  
4 PROGRAMS OPERATED OR CONTRACTED BY THE DEPARTMENT OF JUVENILE JUSTICE  
5 SHALL BE INCLUDED IN THE CALCULATION OF THE HOME SCHOOL'S GRADE. AS USED  
6 IN THIS SECTION, THE TERM "HOME SCHOOL" MEANS THE SCHOOL TO WHICH THE  
7 STUDENT WOULD BE ASSIGNED IF THE STUDENT WERE NOT HOME SCHOOLED OR IN  
8 THE CHARGE OF THE DEPARTMENT OF JUVENILE JUSTICE.

9 9. THE REGENTS SHALL ADOPT APPROPRIATE CRITERIA FOR EACH SCHOOL GRADE.  
10 THE CRITERIA MUST ALSO GIVE ADDED WEIGHT TO STUDENT ACHIEVEMENT IN READ-  
11 ING. SCHOOLS DESIGNATED WITH A GRADE OF "C" MAKING SATISFACTORY  
12 PROGRESS, SHALL BE REQUIRED TO DEMONSTRATE THAT ADEQUATE PROGRESS HAS  
13 BEEN MADE BY STUDENTS IN THE SCHOOL WHO ARE IN THE LOWEST TWENTY-FIFTH  
14 PERCENTILE IN READING, MATHEMATICS, OR WRITING ON THE FCAT, UNLESS THESE  
15 STUDENTS ARE EXHIBITING SATISFACTORY PERFORMANCE.

16 10. BEGINNING WITH THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN  
17 SCHOOL YEAR, FOR SCHOOLS COMPRISED OF HIGH SCHOOL GRADES NINE, TEN,  
18 ELEVEN AND TWELVE, THE CRITERIA FOR SCHOOL GRADES MUST ALSO GIVE ADDED  
19 WEIGHT TO THE GRADUATION RATE OF ALL ELIGIBLE AT-RISK STUDENTS. IN ORDER  
20 FOR A HIGH SCHOOL TO BE DESIGNATED AS HAVING A GRADE OF "A" MAKING  
21 EXCELLENT PROGRESS, THE SCHOOL MUST DEMONSTRATE THAT AT-RISK STUDENTS IN  
22 THE SCHOOL ARE MAKING ADEQUATE PROGRESS.

23 11. THE ANNUAL REPORT SHALL IDENTIFY EACH SCHOOL'S PERFORMANCE AS  
24 HAVING IMPROVED, REMAINED THE SAME, OR DECLINED. THIS SCHOOL IMPROVEMENT  
25 RATING SHALL BE BASED ON A COMPARISON OF THE CURRENT YEAR'S AND PREVIOUS  
26 YEAR'S STUDENT AND SCHOOL PERFORMANCE DATA.

27 12. (A) AN ALTERNATIVE SCHOOL THAT PROVIDES DROPOUT PREVENTION AND  
28 ACADEMIC INTERVENTION SERVICES SHALL RECEIVE A SCHOOL IMPROVEMENT  
29 RATING; PROVIDED THAT AN ALTERNATIVE SCHOOL SHALL NOT RECEIVE A SCHOOL  
30 IMPROVEMENT RATING IF THE NUMBER OF ITS STUDENTS FOR WHOM STUDENT  
31 PERFORMANCE DATA IS AVAILABLE FOR THE CURRENT YEAR AND PREVIOUS YEAR IS  
32 LESS THAN THE MINIMUM SAMPLE SIZE NECESSARY, BASED ON ACCEPTED PROFES-  
33 SIONAL PRACTICE, FOR STATISTICAL RELIABILITY AND PREVENTION OF THE  
34 UNLAWFUL RELEASE OF PERSONALLY IDENTIFIABLE STUDENT DATA. THE SCHOOL  
35 IMPROVEMENT RATING SHALL IDENTIFY AN ALTERNATIVE SCHOOL AS HAVING ONE OF  
36 THE FOLLOWING RATINGS DEFINED ACCORDING TO RULES OF THE DEPARTMENT:

37 (1) IMPROVING MEANS THE STUDENTS ATTENDING THE SCHOOL ARE MAKING MORE  
38 ACADEMIC PROGRESS THAN WHEN THE STUDENTS WERE SERVED IN THEIR HOME  
39 SCHOOLS;

40 (2) MAINTAINING MEANS THE STUDENTS ATTENDING THE SCHOOL ARE MAKING  
41 PROGRESS EQUIVALENT TO THE PROGRESS MADE WHEN THE STUDENTS WERE SERVED  
42 IN THEIR HOME SCHOOLS; AND

43 (3) DECLINING MEANS THE STUDENTS ATTENDING THE SCHOOL ARE MAKING LESS  
44 ACADEMIC PROGRESS THAN WHEN THE STUDENTS WERE SERVED IN THEIR HOME  
45 SCHOOLS. THE SCHOOL IMPROVEMENT RATING SHALL BE BASED ON A COMPARISON OF  
46 STUDENT PERFORMANCE DATA FOR THE CURRENT YEAR AND PREVIOUS YEAR.

47 (B) STUDENT DATA USED IN DETERMINING AN ALTERNATIVE SCHOOL'S SCHOOL  
48 IMPROVEMENT RATING SHALL INCLUDE:

49 (1) THE AGGREGATE SCORES OF ALL ELIGIBLE STUDENTS WHO WERE ASSIGNED TO  
50 AND ENROLLED IN THE SCHOOL AS OF OCTOBER FIRST OF EACH SCHOOL YEAR, WHO  
51 HAVE BEEN ASSESSED ON THE STATE ASSESSMENT TESTS, AND WHO HAVE COMPARA-  
52 BLE ASSESSMENT TEST SCORES FOR THE PRECEDING SCHOOL YEAR; AND

53 (2) THE AGGREGATE SCORES OF ALL ELIGIBLE STUDENTS WHO WERE ASSIGNED TO  
54 AND ENROLLED IN THE SCHOOL AS OF OCTOBER FIRST OF EACH SCHOOL YEAR, WHO  
55 HAVE BEEN ASSESSED ON THE STATE ASSESSMENT TESTS, AND WHO HAVE COMPARA-  
56 BLE ASSESSMENT TEST SCORES FOR THE PRECEDING SCHOOL YEAR AND WHO HAVE

1 SCORED IN THE LOWEST TWENTY-FIFTH PERCENTILE OF STUDENTS IN THE STATE ON  
2 THE READING ASSESSMENT TEST. THE ASSESSMENT SCORES OF STUDENTS WHO ARE  
3 SUBJECT TO DISTRICT SCHOOL BOARD POLICIES FOR EXPULSION FOR REPEATED OR  
4 SERIOUS OFFENSES, WHO ARE IN DROPOUT RETRIEVAL PROGRAMS SERVING STUDENTS  
5 WHO HAVE OFFICIALLY BEEN DESIGNATED AS DROPOUTS, OR WHO ARE IN PROGRAMS  
6 OPERATED OR CONTRACTED BY THE DEPARTMENT OF JUVENILE JUSTICE MAY NOT BE  
7 INCLUDED IN AN ALTERNATIVE SCHOOL'S SCHOOL IMPROVEMENT RATING.

8 (C) FOR EACH ALTERNATIVE SCHOOL RECEIVING A SCHOOL IMPROVEMENT RATING,  
9 THE DEPARTMENT SHALL ANNUALLY IDENTIFY THE PERCENTAGE OF STUDENTS MAKING  
10 LEARNING GAINS AS COMPARED TO THE PERCENTAGE OF THE SAME STUDENTS MAKING  
11 LEARNING GAINS IN THEIR HOME SCHOOLS IN THE YEAR PRIOR TO BEING ASSIGNED  
12 TO THE ALTERNATIVE SCHOOL.

13 13. THE DEPARTMENT SHALL ANNUALLY DEVELOP, IN COLLABORATION WITH THE  
14 SCHOOL DISTRICTS, A SCHOOL REPORT CARD TO BE DELIVERED TO PARENTS  
15 THROUGHOUT EACH SCHOOL DISTRICT. THE REPORT CARD SHALL INCLUDE THE  
16 SCHOOL'S GRADE, INFORMATION REGARDING SCHOOL IMPROVEMENT, AN EXPLANATION  
17 OF SCHOOL PERFORMANCE AS EVALUATED BY THE FEDERAL NO CHILD LEFT BEHIND  
18 ACT OF 2001, AND INDICATORS OF RETURN ON INVESTMENT. EACH SCHOOL'S  
19 REPORT CARD SHALL BE PUBLISHED ANNUALLY BY THE DEPARTMENT ON ITS  
20 WEBSITE, AND THE SCHOOL DISTRICT SHALL PROVIDE THE SCHOOL REPORT CARD TO  
21 EACH PARENT.

22 14. THE ANNUAL REPORT REQUIRED BY SUBDIVISION ONE OF THIS SECTION  
23 SHALL INCLUDE DISTRICT GRADES, WHICH SHALL CONSIST OF WEIGHTED DISTRICT  
24 AVERAGE GRADES, BY LEVEL, FOR ALL ELEMENTARY SCHOOLS, MIDDLE SCHOOLS,  
25 AND HIGH SCHOOLS IN THE DISTRICT. A DISTRICT'S WEIGHTED AVERAGE GRADE  
26 SHALL BE CALCULATED BY WEIGHTING INDIVIDUAL SCHOOL GRADES DETERMINED BY  
27 SCHOOL ENROLLMENT.

28 S 211-G. STATE EDUCATIONAL DATA SYSTEM AND WAREHOUSE. 1. THE COMMIS-  
29 SIONER SHALL DEVELOP AND IMPLEMENT AN INTEGRATED INFORMATION SYSTEM FOR  
30 EDUCATIONAL MANAGEMENT. THE SYSTEM MUST BE DESIGNED TO COLLECT, VIA  
31 ELECTRONIC TRANSFER, ALL STUDENT AND SCHOOL PERFORMANCE DATA REQUIRED TO  
32 ASCERTAIN THE DEGREE TO WHICH SCHOOLS AND SCHOOL DISTRICTS ARE MEETING  
33 STATE PERFORMANCE STANDARDS, AND MUST BE CAPABLE OF PRODUCING DATA FOR A  
34 COMPREHENSIVE ANNUAL REPORT ON SCHOOL AND DISTRICT PERFORMANCE. IN ADDI-  
35 TION, THE SYSTEM SHALL SUPPORT, AS FEASIBLE, THE MANAGEMENT DECISIONS TO  
36 BE MADE IN EACH DIVISION OF THE DEPARTMENT AND AT THE INDIVIDUAL SCHOOL  
37 AND DISTRICT LEVELS. SIMILAR DATA ELEMENTS AMONG DIVISIONS AND LEVELS  
38 SHALL BE COMPATIBLE. THE SYSTEM SHALL BE BASED ON AN OVERALL CONCEPTUAL  
39 DESIGN; THE INFORMATION NEEDED FOR SUCH DECISIONS, INCLUDING FISCAL,  
40 STUDENT, PROGRAM, PERSONNEL, FACILITY, COMMUNITY, EVALUATION, AND OTHER  
41 RELEVANT DATA; AND THE RELATIONSHIP BETWEEN COST AND EFFECTIVENESS. THE  
42 SYSTEM SHALL BE MANAGED AND ADMINISTERED BY THE COMMISSIONER AND SHALL  
43 INCLUDE A DISTRICT SUBSYSTEM COMPONENT TO BE ADMINISTERED AT THE  
44 DISTRICT LEVEL, WITH INPUT FROM THE REPORTS-AND-FORMS CONTROL MANAGEMENT  
45 COMMITTEES. EACH DISTRICT SCHOOL SYSTEM WITH A UNIQUE MANAGEMENT INFOR-  
46 MATION SYSTEM SHALL ASSURE THAT COMPATIBILITY EXISTS BETWEEN ITS UNIQUE  
47 SYSTEM AND THE DISTRICT COMPONENT OF THE STATE SYSTEM SO THAT ALL DATA  
48 REQUIRED AS INPUT TO THE STATE SYSTEM IS MADE AVAILABLE VIA ELECTRONIC  
49 TRANSFER AND IN THE APPROPRIATE INPUT FORMAT.

50 2. THE COMMISSIONER SHALL:

51 (A) CONSULT WITH SCHOOL DISTRICT REPRESENTATIVES IN THE DEVELOPMENT OF  
52 THE SYSTEM DESIGN MODEL AND IMPLEMENTATION PLANS FOR THE MANAGEMENT  
53 INFORMATION SYSTEM FOR PUBLIC SCHOOL EDUCATION MANAGEMENT;

54 (B) PROVIDE OPERATIONAL DEFINITIONS FOR THE PROPOSED SYSTEM;

55 (C) DETERMINE THE INFORMATION AND SPECIFIC DATA ELEMENTS REQUIRED FOR  
56 THE MANAGEMENT DECISIONS MADE AT EACH EDUCATIONAL LEVEL, RECOGNIZING

1 THAT THE PRIMARY UNIT FOR INFORMATION INPUT IS THE INDIVIDUAL SCHOOL AND  
2 RECOGNIZING THAT TIME AND EFFORT OF INSTRUCTIONAL PERSONNEL EXPENDED IN  
3 COLLECTION AND COMPILATION OF DATA SHOULD BE MINIMIZED;

4 (D) DEVELOP STANDARDIZED TERMINOLOGY AND PROCEDURES TO BE FOLLOWED AT  
5 ALL LEVELS OF THE SYSTEM;

6 (E) DEVELOP A STANDARD TRANSMITTAL FORMAT TO BE USED FOR COLLECTION OF  
7 DATA FROM THE VARIOUS LEVELS OF THE SYSTEM;

8 (F) DEVELOP APPROPRIATE COMPUTER PROGRAMS TO ASSURE INTEGRATION OF THE  
9 VARIOUS INFORMATION COMPONENTS DEALING WITH STUDENTS, PERSONNEL, FACILI-  
10 TIES, FISCAL, PROGRAM, COMMUNITY, AND EVALUATION DATA;

11 (G) DEVELOP THE NECESSARY PROGRAMS TO PROVIDE STATISTICAL ANALYSIS OF  
12 THE INTEGRATED DATA IN SUCH A WAY THAT REQUIRED REPORTS MAY BE DISSEM-  
13 INATED, COMPARISONS MAY BE MADE, AND RELATIONSHIPS MAY BE DETERMINED IN  
14 ORDER TO PROVIDE THE NECESSARY INFORMATION FOR MAKING MANAGEMENT DECISI-  
15 SIONS AT ALL LEVELS;

16 (H) DEVELOP OUTPUT REPORT FORMATS WHICH WILL PROVIDE DISTRICT SCHOOL  
17 SYSTEMS WITH INFORMATION FOR MAKING MANAGEMENT DECISIONS AT THE VARIOUS  
18 EDUCATIONAL LEVELS;

19 (I) DEVELOP A PHASED PLAN FOR DISTRIBUTING COMPUTER SERVICES EQUITABLY  
20 AMONG ALL PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN THE STATE AS RAPIDLY AS  
21 POSSIBLE. THE PLAN SHALL DESCRIBE ALTERNATIVES AVAILABLE TO THE STATE IN  
22 PROVIDING SUCH COMPUTING SERVICES AND SHALL CONTAIN ESTIMATES OF THE  
23 COST OF EACH ALTERNATIVE, TOGETHER WITH A RECOMMENDATION FOR ACTION. IN  
24 DEVELOPING THE PLAN, THE FEASIBILITY OF SHARED USE OF COMPUTING HARDWARE  
25 AND SOFTWARE BY SCHOOL DISTRICTS, COMMUNITY COLLEGES, AND UNIVERSITIES  
26 SHALL BE EXAMINED;

27 (J) ASSIST THE DISTRICT SCHOOL SYSTEMS IN ESTABLISHING THEIR SUBSYSTEM  
28 COMPONENTS AND ASSURING COMPATIBILITY WITH CURRENT DISTRICT SYSTEMS;

29 (K) ESTABLISH PROCEDURES FOR CONTINUOUS EVALUATION OF SYSTEM EFFICIEN-  
30 CY AND EFFECTIVENESS;

31 (L) INITIATE A REPORTS-MANAGEMENT AND FORMS-MANAGEMENT SYSTEM TO  
32 ASCERTAIN THAT DUPLICATION IN COLLECTION OF DATA DOES NOT EXIST AND THAT  
33 FORMS AND REPORTS FOR REPORTING UNDER STATE AND FEDERAL REQUIREMENTS AND  
34 OTHER FORMS AND REPORTS ARE PREPARED IN A LOGICAL AND UNCOMPLICATED  
35 FORMAT, RESULTING IN A REDUCTION IN THE NUMBER AND COMPLEXITY OF  
36 REQUIRED REPORTS, PARTICULARLY AT THE SCHOOL LEVEL; AND

37 (M) INITIATE SUCH OTHER ACTIONS AS ARE NECESSARY TO CARRY OUT THE  
38 IMPLEMENTATION OF AN INFORMATION SYSTEM FOR PUBLIC SCHOOL MANAGEMENT  
39 NEEDS BE IMPLEMENTED.

40 3. EACH SCHOOL DISTRICT SHALL:

41 (A) ESTABLISH, AT THE DISTRICT LEVEL, A REPORTS-CONTROL AND FORMS-CON-  
42 TROL MANAGEMENT SYSTEM COMMITTEE COMPOSED OF SCHOOL ADMINISTRATORS AND  
43 CLASSROOM TEACHERS. THE DISTRICT SCHOOL BOARD SHALL APPOINT SCHOOL  
44 ADMINISTRATOR MEMBERS AND CLASSROOM TEACHER MEMBERS OR, IN SCHOOL  
45 DISTRICTS WHERE APPROPRIATE, THE CLASSROOM TEACHER MEMBERS SHALL BE  
46 APPOINTED BY THE BARGAINING AGENT. TEACHERS SHALL CONSTITUTE A MAJORITY  
47 OF THE COMMITTEE MEMBERSHIP. THE COMMITTEE SHALL PERIODICALLY RECOMMEND  
48 PROCEDURES TO THE DISTRICT SCHOOL BOARD FOR ELIMINATING, REDUCING,  
49 REVISING, AND CONSOLIDATING PAPERWORK AND DATA COLLECTION REQUIREMENTS  
50 AND SHALL SUBMIT TO THE DISTRICT SCHOOL BOARD AN ANNUAL REPORT OF ITS  
51 FINDINGS;

52 (B) WITH ASSISTANCE FROM THE COMMISSIONER, DEVELOP SYSTEMS COMPATIBIL-  
53 ITY BETWEEN THE STATE MANAGEMENT INFORMATION SYSTEM AND UNIQUE LOCAL  
54 SYSTEMS;

55 (C) PROVIDE, WITH THE ASSISTANCE OF THE DEPARTMENT, IN-SERVICE TRAIN-  
56 ING DEALING WITH MANAGEMENT INFORMATION SYSTEM PURPOSES AND SCOPE, A

1 METHOD OF TRANSMITTING INPUT DATA, AND THE USE OF OUTPUT REPORT INFORMA-  
2 TION;

3 (D) ESTABLISH A PLAN FOR CONTINUOUS REVIEW AND EVALUATION OF LOCAL  
4 MANAGEMENT INFORMATION SYSTEM NEEDS AND PROCEDURES;

5 (E) ADVISE THE COMMISSIONER OF ALL DISTRICT MANAGEMENT INFORMATION  
6 NEEDS;

7 (F) TRANSMIT REQUIRED DATA INPUT ELEMENTS TO THE APPROPRIATE PROCESS-  
8 ING LOCATIONS IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE COMMIS-  
9 SIONER;

10 (G) DETERMINE REQUIRED REPORTS, COMPARISONS, AND RELATIONSHIPS TO BE  
11 PROVIDED TO DISTRICT SCHOOL SYSTEMS BY THE SYSTEM OUTPUT REPORTS,  
12 CONTINUOUSLY REVIEWING THESE REPORTS FOR USEFULNESS AND MEANINGFULNESS,  
13 AND SUBMITTING RECOMMENDED ADDITIONS, DELETIONS, AND CHANGE REQUIREMENTS  
14 IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED BY THE COMMISSIONER; AND

15 (H) BE RESPONSIBLE FOR THE ACCURACY OF ALL DATA ELEMENTS TRANSMITTED  
16 TO THE DEPARTMENT.

17 4. TO PROVIDE DATA REQUIRED TO IMPLEMENT EDUCATION PERFORMANCE  
18 ACCOUNTABILITY MEASURES IN STATE AND FEDERAL LAW, THE COMMISSIONER SHALL  
19 INITIATE AND MAINTAIN STRATEGIES TO IMPROVE DATA QUALITY AND TIMELINESS.  
20 ALL DATA COLLECTED FROM PUBLIC SCHOOLS FOR GRADES KINDERGARTEN THROUGH  
21 TWELVE AND FROM STATE UNIVERSITIES SHALL, AS DETERMINED BY THE COMMIS-  
22 SIONER, BE INTEGRATED INTO THE STATE EDUCATIONAL DATA WAREHOUSE. THE  
23 COMMISSIONER SHALL HAVE UNLIMITED ACCESS TO SUCH DATA SOLELY FOR THE  
24 PURPOSES OF CONDUCTING STUDIES, REPORTING ANNUAL AND LONGITUDINAL  
25 STUDENT OUTCOMES, AND IMPROVING COLLEGE READINESS AND ARTICULATION. ALL  
26 PUBLIC EDUCATIONAL INSTITUTIONS SHALL PROVIDE DATA TO THE DATA WAREHOUSE  
27 IN A FORMAT SPECIFIED BY THE COMMISSIONER.

28 5. SCHOOL DISTRICTS AND PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS  
29 SHALL MAINTAIN INFORMATION SYSTEMS THAT WILL PROVIDE THE DEPARTMENT, THE  
30 BOARD OF REGENTS, THE CHANCELLOR AND THE LEGISLATURE WITH INFORMATION  
31 AND REPORTS NECESSARY TO ADDRESS THE SPECIFICATIONS OF THE ACCOUNTABIL-  
32 ITY SYSTEM.

33 6. THE COMMISSIONER SHALL DETERMINE THE STANDARDS FOR THE REQUIRED  
34 DATA, MONITOR DATA QUALITY, AND MEASURE IMPROVEMENTS. THE COMMISSIONER  
35 SHALL REPORT ANNUALLY TO THE BOARD OF REGENTS, THE CHANCELLOR, THE  
36 GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE  
37 ASSEMBLY DATA QUALITY INDICATORS AND RATINGS FOR ALL SCHOOL DISTRICTS  
38 AND PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.

39 7. BEFORE ESTABLISHING ANY NEW REPORTING OR DATA COLLECTION REQUIRE-  
40 MENTS, THE COMMISSIONER SHALL UTILIZE EXISTING DATA BEING COLLECTED TO  
41 REDUCE DUPLICATION AND MINIMIZE PAPERWORK.

42 S 211-H. COMMUNITY COLLEGE ACCOUNTABILITY PROCESS. 1. THE REGENTS AND  
43 THE COMMUNITY COLLEGE BOARDS OF TRUSTEES SHALL DEVELOP AND IMPLEMENT AN  
44 ACCOUNTABILITY PLAN TO IMPROVE AND EVALUATE THE INSTRUCTIONAL AND ADMIN-  
45 ISTRATIVE EFFICIENCY AND EFFECTIVENESS OF THE STATE COMMUNITY COLLEGE  
46 SYSTEM. THIS PLAN SHALL BE DESIGNED IN CONSULTATION WITH THE GOVERNOR  
47 AND THE LEGISLATURE AND SHALL ADDRESS THE FOLLOWING ISSUES:

48 (A) GRADUATION RATES OF ASSOCIATES OF ARTS (AA) AND ASSOCIATES OF  
49 SCIENCE (AS) DEGREE-SEEKING STUDENTS COMPARED TO FIRST-TIME-ENROLLED  
50 STUDENTS SEEKING THE ASSOCIATE DEGREE;

51 (B) MINORITY STUDENT ENROLLMENT AND RETENTION RATES;

52 (C) STUDENT PERFORMANCE, INCLUDING STUDENT PERFORMANCE IN COLLEGE-LEV-  
53 EL ACADEMIC SKILLS, MEAN GRADE POINT AVERAGES FOR COMMUNITY COLLEGE AA  
54 TRANSFER STUDENTS, AND COMMUNITY COLLEGE STUDENT PERFORMANCE ON STATE  
55 LICENSURE EXAMINATIONS;

56 (D) JOB PLACEMENT RATES OF COMMUNITY COLLEGE CAREER STUDENTS;

- 1 (E) STUDENT PROGRESSION BY ADMISSION STATUS AND PROGRAM;  
2 (F) CAREER ACCOUNTABILITY STANDARDS;  
3 (G) INSTITUTIONAL ASSESSMENT EFFORTS RELATED TO THE REQUIREMENTS FOR  
4 ACCREDITATION; AND  
5 (H) SUCH OTHER MEASURES APPROVED BY THE REGENTS.

6 2. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT PROVIDING THE RESULTS  
7 OF INITIATIVES TAKEN DURING THE PRIOR YEAR AND THE INITIATIVES AND  
8 RELATED OBJECTIVE PERFORMANCE MEASURES PROPOSED FOR THE NEXT YEAR.

9 S 211-I. STATE UNIVERSITY ACCOUNTABILITY PROCESS. 1. IT IS THE INTENT  
10 OF THE LEGISLATURE THAT AN ACCOUNTABILITY PROCESS BE IMPLEMENTED THAT  
11 PROVIDES FOR THE SYSTEMATIC, ONGOING EVALUATION OF QUALITY AND EFFEC-  
12 TIVENESS OF STATE UNIVERSITIES. THE ACCOUNTABILITY PROCESS SHALL MONI-  
13 TOR PERFORMANCE AT THE SYSTEM LEVEL IN EACH OF THE MAJOR AREAS OF  
14 INSTRUCTION, RESEARCH, AND PUBLIC SERVICE, WHILE RECOGNIZING THE DIFFER-  
15 ING MISSIONS OF EACH OF THE STATE UNIVERSITIES. THE ACCOUNTABILITY PROC-  
16 ESS SHALL PROVIDE FOR THE ADOPTION OF SYSTEM-WIDE PERFORMANCE STANDARDS  
17 AND PERFORMANCE GOALS FOR EACH STANDARD IDENTIFIED THROUGH A COLLABORA-  
18 TIVE EFFORT INVOLVING STATE UNIVERSITIES, THE BOARD OF GOVERNORS, THE  
19 LEGISLATURE, AND THE GOVERNOR. THESE STANDARDS AND GOALS SHALL MAINTAIN  
20 CONGRUITY WITH THE PERFORMANCE-BASED BUDGETING PROCESS. THE UNIVERSITY  
21 ACCOUNTABILITY REPORTS SHALL REFLECT MEASURES DEFINED THROUGH PERFOR-  
22 MANCE-BASED BUDGETING. THE PERFORMANCE-BASED BUDGETING MEASURES MUST  
23 ALSO REFLECT THE ELEMENTS OF TEACHING, RESEARCH, AND SERVICE INHERENT IN  
24 THE MISSIONS OF THE STATE UNIVERSITIES.

25 2. BY DECEMBER THIRTY-FIRST OF EACH YEAR, THE CHANCELLOR SHALL SUBMIT  
26 AN ANNUAL ACCOUNTABILITY REPORT PROVIDING INFORMATION ON THE IMPLEMENTA-  
27 TION OF PERFORMANCE STANDARDS, ACTIONS TAKEN TO IMPROVE UNIVERSITY  
28 ACHIEVEMENT OF PERFORMANCE GOALS, THE ACHIEVEMENT OF PERFORMANCE GOALS  
29 DURING THE PRIOR YEAR, AND INITIATIVES TO BE UNDERTAKEN DURING THE NEXT  
30 YEAR. THE ACCOUNTABILITY REPORTS SHALL BE DESIGNED IN CONSULTATION WITH  
31 THE GOVERNOR AND THE LEGISLATURE.

32 S 12. This act shall take effect April 1, 2010; provided, however,  
33 that the amendments to section 3012-b of the education law made by  
34 sections three and four of this act shall not affect the repeal of such  
35 section and shall be deemed to be repealed therewith.

36 PART D

37 Section 1. Subdivision 2 of section 3001 of the education law, as  
38 amended by chapter 658 of the laws of 2002, is amended to read as  
39 follows:

40 2. Not in possession of a teacher's certificate issued under the  
41 authority of this chapter or a diploma issued on the completion of a  
42 course in state college for teachers or state teachers college of this  
43 state; PROVIDED THAT PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO  
44 PERSONS WHO ARE DIRECTLY CERTIFIED AS A TEACHER OR PRINCIPAL BY AN  
45 EDUCATION-ORIENTED ORGANIZATION APPROVED BY THE DEPARTMENT OR WHO HAVE  
46 TWO YEARS OF SATISFACTORY EXPERIENCE THROUGH THE TEACH FOR AMERICA  
47 PROGRAM.

48 The provisions of this subdivision shall not prohibit a certified  
49 teacher from permitting a practice or cadet teacher enrolled in an  
50 approved teacher education program from teaching a class without the  
51 presence of the certified teacher in the classroom provided the class-  
52 room certified teacher is available at all times and retains supervision  
53 of the practice or cadet teacher. The number of certified teachers shall  
54 not be diminished by reason of the presence of cadet teachers.

1 S 2. Subdivision 2 of section 3001 of the education law, as amended by  
2 chapter 538 of the laws of 1973, is amended to read as follows:

3 2. Not in possession of a teacher's certificate issued under the  
4 authority of this chapter or a diploma issued on the completion of a  
5 course in state college for teachers or state teachers college of this  
6 state; PROVIDED THAT PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO  
7 PERSONS WHO ARE DIRECTLY CERTIFIED AS A TEACHER OR PRINCIPAL BY AN  
8 EDUCATION-ORIENTED ORGANIZATION APPROVED BY THE DEPARTMENT OR WHO HAVE  
9 TWO YEARS OF SATISFACTORY EXPERIENCE THROUGH THE TEACH FOR AMERICA  
10 PROGRAM.

11 The provisions of this subdivision shall not prohibit a certified  
12 teacher from permitting a practice or cadet teacher enrolled in an  
13 approved teacher education program from teaching a class without the  
14 presence of the certified teacher in the classroom provided the class-  
15 room certified teacher is available at all times and retains supervision  
16 of the practice or cadet teacher. The number of certified teachers shall  
17 not be diminished by reason of the presence of cadet teachers.

18 S 3. Subdivision 6 of section 3004 of the education law, as added by  
19 section 5 of part A of chapter 57 of the laws of 2007, is amended to  
20 read as follows:

21 6. The regents and the commissioner shall review the alternative  
22 teacher preparation programs available to candidates for teaching  
23 certificates under the regulations of the commissioner in the two thou-  
24 sand seven--two thousand eight school year and shall [consider means of  
25 expanding] EXPAND the availability of such preparation [in the future]  
26 NO LATER THAN THE COMMENCEMENT OF THE TWO THOUSAND TEN--TWO THOUSAND  
27 ELEVEN SCHOOL YEAR, while maintaining teacher quality. The regents and  
28 the commissioner shall develop programs to assist in the expansion of  
29 alternative teacher preparation programs, INCLUDING AUTHORIZING EDUCA-  
30 TION-ORIENTED ORGANIZATIONS OTHER THAN SCHOOLS OF EDUCATION TO DIRECTLY  
31 CERTIFY TEACHERS AND PRINCIPALS.

32 S 4. Subdivision 8 of section 1604 of the education law, as amended by  
33 chapter 590 of the laws of 1995, is amended to read as follows:

34 8. To appoint and enter into contract with a superintendent of schools  
35 as provided in, and consistent with, section seventeen hundred eleven of  
36 this chapter, and to employ in accordance with, and subject to, the  
37 provisions of section three thousand twelve of this chapter as many  
38 legally qualified teachers as the schools of the district require; to  
39 determine the rate of compensation of each teacher and to determine the  
40 terms of school to be held during each school year, and to employ  
41 persons to supervise, organize, conduct and maintain athletic, play-  
42 ground and social center activities when they are authorized by a vote  
43 of a district meeting as provided by law. The regular teachers of the  
44 school may be employed at an increased compensation or otherwise, and by  
45 separate agreement, written or oral, for one or more of such additional  
46 duties. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE BOARD  
47 OF TRUSTEES MAY EMPLOY AS TEACHERS (A) UNCERTIFIED TEACHERS WITH AT  
48 LEAST THREE YEARS OF ELEMENTARY, MIDDLE OR SECONDARY CLASSROOM TEACHING  
49 EXPERIENCE; (B) TENURED OR TENURE TRACK COLLEGE FACULTY; (C) INDIVIDUALS  
50 WITH TWO YEARS OF SATISFACTORY EXPERIENCE THROUGH THE TEACH FOR AMERICA  
51 PROGRAM; AND (D) INDIVIDUALS WHO POSSESS EXCEPTIONAL BUSINESS, PROFES-  
52 SIONAL, ARTISTIC, ATHLETIC, OR MILITARY EXPERIENCE, PROVIDED, HOWEVER,  
53 THAT SUCH TEACHERS DESCRIBED IN CLAUSES (A), (B), (C), AND (D) OF THIS  
54 PARAGRAPH SHALL NOT IN TOTAL COMPRISE MORE THAN THIRTY PER CENTUM OF THE  
55 TEACHING STAFF OF A SCHOOL, OR FIVE TEACHERS, WHICHEVER IS LESS. A

1 TEACHER CERTIFIED OR OTHERWISE APPROVED BY THE COMMISSIONER SHALL NOT BE  
2 INCLUDED IN THE NUMERICAL LIMITS ESTABLISHED BY THE PRECEDING SENTENCE.

3 S 5. Subdivision 16 of section 1709 of the education law, as amended  
4 by chapter 687 of the laws of 1949, is amended to read as follows:

5 16. To contract with and employ such persons as by the provisions of  
6 this chapter are qualified teachers, to determine the number of teachers  
7 to be employed in the several departments of instruction in said school,  
8 and at the time of such employment, to make and deliver to each teacher  
9 a written contract as required by section three thousand eleven of this  
10 chapter, except as otherwise provided by sections three thousand twelve  
11 and three thousand thirteen; and employ such persons as may be necessary  
12 to supervise, organize, conduct and maintain athletic, playground and  
13 social center activities, or for any one or more of such purposes; and  
14 to adopt rules and regulations governing the excusing of absences of all  
15 teachers and other employees and for the granting of leaves of absence  
16 to such employees either with or without pay. The regular teachers of  
17 the school may be employed at an increased compensation or otherwise,  
18 and by separate agreement, written or oral, for one or more of such  
19 purposes. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE  
20 BOARD OF TRUSTEES MAY EMPLOY AS TEACHERS (A) UNCERTIFIED TEACHERS WITH  
21 AT LEAST THREE YEARS OF ELEMENTARY, MIDDLE OR SECONDARY CLASSROOM TEACH-  
22 ING EXPERIENCE; (B) TENURED OR TENURE TRACK COLLEGE FACULTY; (C) INDI-  
23 VIDUALS WITH TWO YEARS OF SATISFACTORY EXPERIENCE THROUGH THE TEACH FOR  
24 AMERICA PROGRAM; AND (D) INDIVIDUALS WHO POSSESS EXCEPTIONAL BUSINESS,  
25 PROFESSIONAL, ARTISTIC, ATHLETIC, OR MILITARY EXPERIENCE, PROVIDED,  
26 HOWEVER, THAT SUCH TEACHERS DESCRIBED IN CLAUSES (A), (B), (C), AND (D)  
27 OF THIS PARAGRAPH SHALL NOT IN TOTAL COMPRISE MORE THAN THIRTY PER  
28 CENTUM OF THE TEACHING STAFF OF A SCHOOL, OR FIVE TEACHERS, WHICHEVER IS  
29 LESS. A TEACHER CERTIFIED OR OTHERWISE APPROVED BY THE COMMISSIONER  
30 SHALL NOT BE INCLUDED IN THE NUMERICAL LIMITS ESTABLISHED BY THE PRECED-  
31 ING SENTENCE.

32 S 6. The education law is amended by adding a new section 3111 to read  
33 as follows:

34 S 3111. EDUCATION INCENTIVE PROGRAM. 1. ON OR BEFORE JULY FIRST, TWO  
35 THOUSAND TEN, THE COMMISSIONER SHALL ESTABLISH AN EDUCATION INCENTIVE  
36 PROGRAM TO RECOGNIZE AND REWARD THOSE TEACHERS AND SCHOOLS THAT DEMON-  
37 STRATE SUCCESS IN ACHIEVING THE STATE'S EDUCATIONAL GOALS.

38 2. THE EDUCATION INCENTIVE PROGRAM SHALL PROVIDE FOR THE AWARD OF  
39 PERFORMANCE BONUS INCENTIVE GRANTS TO SCHOOLS WHICH MEET THE FOLLOWING  
40 CRITERIA:

41 A. ACHIEVE BENCHMARK SCORES ON STATE EXAMINATIONS IN CORE SUBJECT  
42 AREAS OF MATHEMATICS, SCIENCE, HISTORY AND LANGUAGE ARTS, WITH AN OVER-  
43 ALL SCHOOL QUALIFYING EXAMINATION SCORE TO BE BASED ON ANNUAL COMBINED  
44 AVERAGES OF SCORES OBTAINED ON THE INDIVIDUAL SUBJECT EXAMINATIONS BY  
45 STUDENTS AT THE SCHOOL;

46 B. ACHIEVE BENCHMARK HIGH SCHOOL GRADUATION RATES OR DEMONSTRATE  
47 MARKED IMPROVEMENT IN SCORES AND/OR HIGH SCHOOL GRADUATION RATES;

48 C. IMPROVE PERFORMANCE BY MOVING UP A CERTAIN NUMBER OF RANKINGS; OR

49 D. RANK IN THE TOP TEN PERCENT OF SCHOOLS IN THE STATE FOR ACHIEVEMENT  
50 IN EXAMINATION SCORES OR GRADUATION RATES.

51 3. THE EDUCATION INCENTIVE PROGRAM SHALL PROVIDE FOR THE AWARD OF  
52 PERFORMANCE BONUS INCENTIVE GRANTS TO A TEACHER WHOSE STUDENTS ACHIEVE  
53 BENCHMARK SCORES ON STATE EXAMINATIONS FOR COURSES TAUGHT BY THAT TEACH-  
54 ER, IN CORE SUBJECT AREAS OF MATHEMATICS, SCIENCE, HISTORY AND LANGUAGE  
55 ARTS, WITH AN OVERALL QUALIFYING EXAMINATION SCORE TO BE BASED ON ANNUAL

1 COMBINED AVERAGES OF SCORES OBTAINED ON THE INDIVIDUAL SUBJECT EXAMINA-  
2 TIONS BY STUDENTS AT THE SCHOOL.

3 4. THE EDUCATION INCENTIVE PROGRAM SHALL PROVIDE FOR THE AWARD OF  
4 PERFORMANCE BONUS INCENTIVE GRANTS TO PRINCIPALS WHOSE SCHOOLS QUALIFY  
5 FOR AN AWARD UNDER SUBDIVISION TWO OF THIS SECTION AND TO SUPERINTEN-  
6 DENTS OF DISTRICTS CONTAINING A BENCHMARK NUMBER OF QUALIFYING SCHOOLS.

7 5. AWARDS RECEIVED BY A SCHOOL SHALL BE USABLE AT THE RECIPIENT  
8 SCHOOL'S DISCRETION PROVIDED THAT:

9 A. A SCHOOL SHALL GIVE PRIORITY TO ACADEMIC ENHANCEMENT PURPOSES IN  
10 USING AN AWARD RECEIVED UNDER THE PROGRAM; AND

11 B. AN AWARD MAY NOT BE USED FOR ANY PURPOSE RELATED TO ATHLETICS.

12 6. TO OBTAIN AN AWARD UNDER THE PROGRAM, A SCHOOL, TEACHER, PRINCIPAL  
13 OR SUPERINTENDENT SHALL SUBMIT TO THE DEPARTMENT A WRITTEN APPLICATION  
14 IN A FORM, MANNER, AND TIME PRESCRIBED BY THE COMMISSIONER.

15 7. THE COMMISSIONER SHALL ANALYZE AND ADJUST, AS NEEDED, THE SUM OF  
16 AND NUMBER OF AWARDS TO ENSURE THAT THE PURPOSE OF THE PROGRAM IS REAL-  
17 IZED.

18 8. AN AWARD OR SUBSIDY GRANTED UNDER THIS SECTION MAY BE FUNDED BY  
19 DONATIONS, GRANTS, OR LEGISLATIVE APPROPRIATIONS. THE COMMISSIONER MAY  
20 SOLICIT AND RECEIVE GRANTS AND DONATIONS FOR MAKING AWARDS UNDER THIS  
21 SECTION. THE DEPARTMENT SHALL ACCOUNT FOR AND DISTRIBUTE THE DONATIONS,  
22 GRANTS, OR LEGISLATIVE APPROPRIATIONS. THE DEPARTMENT SHALL APPLY TO THE  
23 PROGRAM ANY AVAILABLE FUNDS FROM ITS APPROPRIATIONS THAT MAY BE USED FOR  
24 PURPOSES OF THE PROGRAM. THE GRANT OF ANY AWARD OR SUBSIDY UNDER THE  
25 PROGRAM IS SUBJECT TO THE AVAILABILITY OF FUNDS.

26 9. ALL INFORMATION REGARDING INDIVIDUAL STUDENTS RECEIVED BY THE  
27 DEPARTMENT IN CONNECTION WITH AN APPLICATION FOR AN AWARD PURSUANT TO  
28 THE PROVISIONS OF THIS SECTION SHALL BE CONFIDENTIAL AND SHALL NOT BE  
29 DISCLOSED IN ANY FORM THAT CONTAINS INDIVIDUAL IDENTIFYING INFORMATION.

30 S 7. Subdivision 2 of section 551 of the education law, as added by  
31 chapter 414 of the laws of 1972, is amended to read as follows:

32 2. The apportionment pursuant to this section shall be reduced by one  
33 [one hundred eightieth] TWO HUNDREDTH for each day less than [one  
34 hundred eighty] TWO HUNDRED days that such school was actually in total  
35 session in the base year, except that the commissioner may disregard  
36 such reduction up to five days if he finds that the school was not in  
37 session for [one hundred eighty] TWO HUNDRED days because of extraor-  
38 dinary adverse weather conditions, impairment of heating facilities,  
39 insufficiency of water supply, shortage of fuel or the destruction of a  
40 school building, and if the commissioner further finds that such school  
41 cannot make up such days of instruction during the school year. No such  
42 reduction shall be made, however, for any day on which such school was  
43 in session for the purpose of administering the regents examinations or  
44 the regents scholarship examinations, or any day, not to exceed three  
45 days, when such school was not in session because of a conference of  
46 teachers called by the principal of the school.

47 S 8. Subdivision 2 of section 1704 of the education law, as amended by  
48 chapter 543 of the laws of 1971, is amended to read as follows:

49 2. Except as otherwise provided by law, no board of education or  
50 community board in the city school district of the city of New York  
51 shall provide for a school year consisting of fewer than [one hundred  
52 eighty] TWO HUNDRED days of school.

53 S 9. Paragraph a of subdivision 4 of section 3204 of the education law  
54 is amended to read as follows:

55 a. A full time day school or class, except as otherwise prescribed,  
56 shall be in session for not less than [one hundred ninety] TWO HUNDRED

1 days each year, inclusive of legal holidays that occur during the term  
2 of said school and exclusive of Saturdays.

3 S 10. Paragraph m of subdivision 12 of section 3602-e of the education  
4 law, as amended by section 19 of part B of chapter 57 of the laws of  
5 2007, is amended to read as follows:

6 m. a process for the waiver of the time requirements established  
7 pursuant to this subdivision in order to authorize the operation of a  
8 summer universal prekindergarten program limited to the months of July  
9 and August, upon a finding by the commissioner that the school district  
10 is unable to operate the program during the regular school session  
11 because of a lack of available space pursuant to regulations of the  
12 commissioner. Notwithstanding any other provision of this section to the  
13 contrary, such process shall provide for a reduction of the aid per  
14 prekindergarten pupil payable for pupils served pursuant to such waiver  
15 by one [one-hundred eightieth] TWO HUNDREDTH of the aid per prekinde-  
16 rgarten pupil determined pursuant to paragraph [a] B of subdivision ten  
17 [or subparagraph (i) of paragraph b of subdivision ten-a] of this  
18 section for each day less than [one hundred eighty] TWO HUNDRED days  
19 that the summer program is in session.

20 S 11. Subdivision 16 of section 3602-e of the education law, as  
21 amended by section 19 of part B of chapter 57 of the laws of 2007, is  
22 amended to read as follows:

23 16. The grant payable to a school district pursuant to this section in  
24 the current year shall be reduced by one [one-hundred eightieth] TWO  
25 HUNDREDTH for each day less than [one hundred eighty] TWO HUNDRED days  
26 that the universal prekindergarten classes of the district were actually  
27 in session, except that the commissioner may disregard such reduction  
28 for any deficiency that may be disregarded in computing total foundation  
29 aid pursuant to subdivision seven or eight of section thirty-six hundred  
30 four of this chapter.

31 S 12. Subdivision 7 of section 3604 of the education law, as amended  
32 by section 31 of part B of chapter 57 of the laws of 2007, is amended to  
33 read as follows:

34 7. No district shall be entitled to any portion of such school moneys  
35 on such apportionment unless the report of the trustees or board of  
36 education for the preceding school year shall show that the public  
37 schools were actually in session in the district and taught by a quali-  
38 fied teacher or by successive qualified teachers or by qualified teach-  
39 ers for not less than [one hundred eighty] TWO HUNDRED days. The moneys  
40 payable to a school district pursuant to section thirty-six hundred  
41 nine-a of this chapter in the current year shall be reduced by one  
42 [one-hundred eightieth] TWO HUNDREDTH of the district's total foundation  
43 aid for each day less than [one hundred eighty] TWO HUNDRED days that  
44 the schools of the district were actually in session, except that the  
45 commissioner may disregard such reduction, up to five days, in the  
46 apportionment of public money, if he finds that the schools of the  
47 district were not in session for [one hundred eighty] TWO HUNDRED days  
48 because of extraordinarily adverse weather conditions, impairment of  
49 heating facilities, insufficiency of water supply, shortage of fuel,  
50 lack of electricity, natural gas leakage, unacceptable levels of chemi-  
51 cal substances, or the destruction of a school building either in whole  
52 or in part, and if, further, the commissioner finds that such district  
53 cannot make up such days of instruction by using for the secondary  
54 grades all scheduled vacation days which occur prior to the first sched-  
55 uled regents examination day in June, and for the elementary grades all  
56 scheduled vacation days which occur prior to the last scheduled regents

1 examination day in June. For the purposes of this subdivision, "sched-  
2 uled vacation days" shall mean days on which the schools of the district  
3 are not in session and for which no prohibition exists in subdivision  
4 eight of this section for them to be in session.

5 S 13. Subdivision 2-a of section 3635 of the education law, as amended  
6 by chapter 424 of the laws of 2005, is renumbered subdivision 3 and is  
7 amended to read as follows:

8 3. The superintendent of each city school district, in a city having a  
9 population in excess of one million, shall prepare a public school  
10 calendar and shall notify officials of nonpublic schools to which trans-  
11 portation has been requested not later than the first day of June in  
12 each year, of the days on which the public schools will be in session in  
13 the following school year. Such school district which provides transpor-  
14 tation to nonpublic schools shall provide such transportation for the  
15 same number of days as the public schools are open but shall not provide  
16 transportation services for more than [one hundred eighty] TWO HUNDRED  
17 days. Officials of each nonpublic school to which transportation is  
18 provided by a city school district of a city having a population in  
19 excess of one million may notify such district, not later than the first  
20 day of July of each school year, of a maximum of five days, exclusive of  
21 Saturdays, Sundays or legal holidays upon which public schools are  
22 required to be closed, on which the public schools are scheduled to be  
23 closed, except that in any year in which the first or last day of Pass-  
24 over and Easter Sunday are separated by more than seven days, such offi-  
25 cials may notify the district of a maximum of ten days, but such school  
26 district will be required to provide for transportation to such nonpub-  
27 lic school provided that such five or ten additional days, whichever is  
28 applicable, are limited to the following: the Tuesday, Wednesday, Thurs-  
29 day and Friday after Labor Day, Rosh Hashanah, Yom Kippur, the week in  
30 which public schools are closed for spring recess, December twenty-  
31 fourth and the week between Christmas day and New Year's day, the Tues-  
32 day, Wednesday, Thursday and Friday after the observance of Washington's  
33 birthday, and, in the boroughs of Brooklyn and Queens only, Anniversary  
34 Day as designated in section twenty-five hundred eighty-six of this  
35 chapter.

36 S 14. Section 3205 of the education law is amended by adding a new  
37 subdivision 4 to read as follows:

38 4. FOR PURPOSES OF THIS ARTICLE, "FULL-TIME INSTRUCTION" AND  
39 "FULL-TIME DAY INSTRUCTION" SHALL MEAN NOT LESS THAN SIX AND ONE HALF  
40 HOURS PER DAY OF INSTRUCTIONAL TIME, REGARDLESS OF THE LENGTH OF THE  
41 SCHOOL DAY.

42 S 15. Section 3204 of the education law is amended by adding a new  
43 subdivision 6 to read as follows:

44 6. SUBJECT TO RULES AND REGULATIONS OF THE BOARD OF REGENTS, A PUPIL  
45 MAY, CONSISTENT WITH THE REQUIREMENTS OF PUBLIC EDUCATION, EXERCISE THE  
46 OPTION OF TESTING OUT OF A COURSE BY DEMONSTRATING MASTERY OF THE STAND-  
47 ARDS FOR THAT COURSE BY PASSING THE REGENTS EXAMINATIONS OR OTHER STATE  
48 EXAMINATION FOR THAT COURSE. A PUPIL WHO SATISFACTORILY TESTS OUT OF THE  
49 COURSE SHALL BE CONSTRUED AS HAVING EARNED A UNIT OF CREDIT IN THE  
50 SUBJECT OF THE COURSE.

51 S 16. This act shall take effect April 1, 2010; provided that the  
52 amendments to subdivision 2 of section 3001 of the education law made by  
53 section one of this act shall be subject to the expiration and reversion  
54 of such section pursuant to section 2 of chapter 658 of the laws of  
55 2002, as amended, when upon such date the provisions of section two of  
56 this act shall take effect.

1 S 4. The commissioner of education and the board of regents are  
2 authorized and directed to take all actions necessary to implement the  
3 provisions of this act on or before its effective date. The commissioner  
4 of education is authorized and directed to promulgate rules and regu-  
5 lations necessary to implement the provisions of this act on or before  
6 its effective date.

7 S 5. Severability clause. If any clause, sentence, paragraph, subdivi-  
8 sion, section or part of this act shall be adjudged by any court of  
9 competent jurisdiction to be invalid, such judgment shall not affect,  
10 impair, or invalidate the remainder thereof, but shall be confined in  
11 its operation to the clause, sentence, paragraph, subdivision, section  
12 or part thereof directly involved in the controversy in which such judg-  
13 ment shall have been rendered. It is hereby declared to be the intent of  
14 the legislature that this act would have been enacted even if such  
15 invalid provisions had not been included herein.

16 S 6. This act shall take effect immediately provided, however, that  
17 the applicable effective date of Parts A through D of this act shall be  
18 as specifically set forth in the last section of such Parts.