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

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2011-2012 Regular Sessions

I N A S S E M B L Y

May 27, 2011

Introduced by M. of A. THIELE, CALHOUN, KOLB -- Multi-Sponsored by -- M. of A. J. MILLER, RABBITT -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to high performing schools modifying state mandated curriculum

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

Section 1. The education law is amended by adding a new section 3204-a to read as follows:

S 3204-A. FREEDOM FROM STATE MANDATES. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "HIGH PERFORMING SCHOOL" MEANS AN ELEMENTARY, MIDDLE OR HIGH SCHOOL DETERMINED BY THE DEPARTMENT TO BE AMONG THE TOP TWENTY PERCENT OF HIGHEST PERFORMING SCHOOLS IN NEW YORK STATE.

(B) "CURRICULUM PLAN" MEANS A PLAN SUBMITTED BY A HIGH PERFORMING SCHOOL TO THE DEPARTMENT DESCRIBING THE CURRICULUM MANDATES THE SCHOOL PROPOSES TO MODIFY. SUCH PLAN SHALL INCLUDE A DESCRIPTION OF HOW THE SCHOOL WILL CONTINUE TO MAINTAIN ITS HIGH PERFORMING STATUS.

2. HIGH PERFORMING SCHOOL CRITERIA. THE DEPARTMENT SHALL DEVELOP CRITERIA FOR DETERMINING THOSE SCHOOLS THAT ARE AMONG THE TOP TWENTY PERCENT PERFORMING HIGH SCHOOLS, MIDDLE SCHOOLS AND ELEMENTARY SCHOOLS IN NEW YORK STATE. SUCH CRITERIA SHALL INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, AN ATTENDANCE RATE OF AT LEAST NINETY PERCENT, A STUDENT POPULATION WHERE AT LEAST EIGHTY PERCENT MEETS OR EXCEEDS ALL STATE MANDATED TESTING REQUIREMENTS FOR AT LEAST TWO CONSECUTIVE YEARS, AND CONTINUED IMPROVEMENT IN MEETING OR EXCEEDING ACADEMIC STANDARDS.

3. EXEMPTIONS. A HIGH PERFORMING SCHOOL SHALL BE EXEMPT FROM ALL STATE AND LOCAL LAWS, RULES, REGULATIONS OR POLICIES GOVERNING PUBLIC OR PRIVATE SCHOOLS, BOARDS OF EDUCATION AND SCHOOL DISTRICTS, EXCEPT THOSE RELATING TO SCHOOL PERSONNEL, AS SPECIFICALLY PROVIDED IN THE SCHOOL'S

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

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CURRICULUM PLAN. NOTHING IN THIS SUBDIVISION SHALL AFFECT THE REQUIREMENTS OF COMPULSORY EDUCATION OF MINORS ESTABLISHED BY THIS PART. A HIGH PERFORMING SCHOOL SHALL MEET THE SAME HEALTH AND SAFETY, CIVIL RIGHTS, AND STUDENT ASSESSMENT REQUIREMENTS APPLICABLE TO OTHER PUBLIC SCHOOLS.

4. EDUCATION PROGRAMS. A HIGH PERFORMING SCHOOL SHALL DESIGN ITS EDUCATION PROGRAMS TO MEET OR EXCEED THE STUDENT PERFORMANCE STANDARDS ADOPTED BY THE BOARD OF REGENTS AND THE STUDENT PERFORMANCE STANDARDS CONTAINED IN THEIR CHARTER. STUDENTS ATTENDING HIGH PERFORMING SCHOOLS SHALL BE REQUIRED TO TAKE REGENTS EXAMINATIONS TO THE SAME EXTENT SUCH EXAMINATIONS ARE REQUIRED OF OTHER PUBLIC SCHOOL STUDENTS. A HIGH PERFORMING SCHOOL OFFERING INSTRUCTION IN THE HIGH SCHOOL GRADES MAY GRANT REGENTS DIPLOMAS AND LOCAL DIPLOMAS TO THE SAME EXTENT AS OTHER PUBLIC SCHOOLS, AND SUCH OTHER CERTIFICATES AND HONORS AS ARE SPECIFICALLY AUTHORIZED BY THEIR CURRICULUM PLAN, AND IN TESTIMONY THEREOF GIVE SUITABLE CERTIFICATES, HONORS AND DIPLOMAS UNDER ITS SEAL; AND EVERY CERTIFICATE AND DIPLOMA SO GRANTED SHALL ENTITLE THE CONFEREE TO ALL PRIVILEGES AND IMMUNITIES WHICH BY USAGE OR STATUTE ARE ALLOWED FOR SIMILAR DIPLOMAS OF CORRESPONDING GRADE GRANTED BY ANY OTHER PUBLIC SCHOOL.

5. MODIFICATION OF CURRICULUM MANDATE. EACH JUNE FIRST, THE DEPARTMENT SHALL PUBLISH A LIST OF THE HIGH PERFORMING SCHOOLS. HIGH PERFORMING SCHOOLS MAY SUBMIT TO THE DEPARTMENT A PROPOSED CURRICULUM PLAN, WHICH SPECIFIES THE SPECIFIC STATE AND LOCAL LAWS, RULES AND REGULATIONS OR POLICIES OF WHICH A SCHOOL WISHES TO BE RELIEVED. THE DEPARTMENT SHALL REVIEW THE PROPOSED CURRICULUM PLAN WITHIN SIXTY DAYS AND ACCEPT THE PLAN OR PROPOSE CHANGES TO THE SCHOOL'S PLAN. THE BOARD OF EDUCATION OF THE DISTRICT WITH JURISDICTION OVER THE HIGH PERFORMING SCHOOL SHALL CONSIDER THE DEPARTMENT'S PROPOSED CHANGES BEFORE IMPLEMENTING THE SCHOOL'S CURRICULUM PLAN. THEREAFTER, SUCH HIGH PERFORMING SCHOOL SHALL HAVE AN AUTOMATIC APPROVAL OF SUCH CURRICULUM PLAN FOR FOUR YEARS. IN NO EVENT SHALL A DISTRICT BE RELIEVED FROM COMPLYING WITH THE EXISTING COLLECTIVE BARGAINING AGREEMENT IN EFFECT IN SUCH DISTRICT OR ANY LAW OR REGULATION RELATED TO PERSONNEL ISSUES.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.