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

2921

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. SWEENEY -- Multi-Sponsored by -- M. of A. CASTELLI, CLARK, COOK, DESTITO, ENGLEBRIGHT, GOTTFRIED, HOOPER, LANCMAN, MAGEE, MARKEY, MAYERSOHN, MILLMAN, ORTIZ, ROBINSON, TITONE, WEISENBERG, WEPRIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to enacting the "parent advocate act"

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

Section 1. Short title. This act shall be known and may be cited as the "parent advocate act".

S 2. The education law is amended by adding a new article 44 to read as follows:

ARTICLE 44

SCHOOL DISTRICT OFFICERS--STATE OFFICIALS

SECTION 2150. OFFICE OF PARENT ADVOCATE.

S 2150. OFFICE OF PARENT ADVOCATE. 1. THERE SHALL BE IN THE DEPARTMENT AN OFFICE TO BE KNOWN AS THE "OFFICE OF THE PARENT ADVOCATE". SUCH OFFICE SHALL BE UNDER THE SUPERVISION AND DIRECTION OF AN OFFICIAL KNOWN AS THE "PARENT ADVOCATE". THE PARENT ADVOCATE SHALL BE APPOINTED BY THE REGENTS. THE PARENT ADVOCATE SHALL REPORT DIRECTLY TO THE COMMISSIONER. THE PARENT ADVOCATE SHALL DEVOTE HIS OR HER ENTIRE TIME TO THE DUTIES OF SUCH OFFICE.

2. NO PERSON SHALL BE APPOINTED AS A PARENT ADVOCATE UNLESS AT THE TIME OF SUCH PERSON'S APPOINTMENT SUCH PERSON IS A RESIDENT OF THE STATE AND IS KNOWLEDGEABLE ON THE SUBJECT OF EDUCATION AND IS SKILLFUL IN MATTERS PERTAINING THERETO. ONCE APPOINTED, THE PARENT ADVOCATE SHALL CONTINUE IN OFFICE UNTIL SUCH PERSON'S TERM EXPIRES AND UNTIL SUCH PERSON'S SUCCESSOR HAS BEEN APPOINTED AND HAS QUALIFIED. THE TERM OF OFFICE SHALL BE FOUR YEARS.

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

LBD02944-01-1

3. ANY PARENT ADVOCATE MAY BE REMOVED BY THE REGENTS FOR CAUSE AFTER AN OPPORTUNITY TO BE HEARD. A STATEMENT OF THE CAUSE OF SUCH PERSON'S REMOVAL SHALL BE FILED BY THE REGENTS IN THE OFFICE OF THE SECRETARY OF STATE.

4. IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION, REMOVAL OR DISABILITY OF THE PARENT ADVOCATE, THE VACANCY SHALL BE FILLED BY THE REGENTS FOR THE UNEXPIRED TERM.

5. A. THE OFFICE OF THE PARENT ADVOCATE SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

(1) TO ASSIST PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN PUBLIC SCHOOL DISTRICTS IN THEIR INTERACTIONS WITH THE DEPARTMENT;

(2) TO IDENTIFY AREAS IN WHICH PARENTS OR GUARDIANS HAVE PROBLEMS IN DEALING WITH THE DEPARTMENT;

(3) TO PROPOSE SOLUTIONS, INCLUDING ADMINISTRATIVE CHANGES TO PRACTICES AND PROCEDURES OF THE DEPARTMENT;

(4) TO RECOMMEND LEGISLATIVE ACTION AS MAY BE APPROPRIATE TO RESOLVE CONTINUING COMMON PROBLEMS ENCOUNTERED BY PARENTS OR GUARDIANS;

(5) TO HELP PARENTS NAVIGATE LAWS AND DEPARTMENT RULES OR REGULATIONS;

(6) TO HELP PARENTS HAVE THEIR GRIEVANCES HEARD AND DECIDED;

(7) TO PROMOTE OPEN AND DIRECT COMMUNICATIONS; AND

(8) PROVIDE IN PLAIN LANGUAGE THE CORRECT PROCESS TO HAVE COMPLAINTS HEARD AND DECIDED BY THE DEPARTMENT.

B. THE PARENT ADVOCATE SHALL PREPARE A REPORT AS TO THE ACTIVITIES OF THE PARENT ADVOCATE. SUCH REPORT SHALL BE SUBMITTED TO THE REGENTS, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE COMMISSIONER NO LATER THAN THE THIRTY-FIRST DAY OF DECEMBER COMMENCING IN THE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND EVERY SECOND YEAR THEREAFTER. ANY SUCH REPORT SHALL CONTAIN FULL AND SUBSTANTIVE ANALYSIS, IN ADDITION TO STATISTICAL INFORMATION, AND SHALL:

(1) IDENTIFY THE INITIATIVES THE PARENT ADVOCATE HAS TAKEN ON IMPROVING EDUCATIONAL SERVICES AND THE DEPARTMENT'S RESPONSIVENESS;

(2) CONTAIN A SUMMARY OF AT LEAST TEN OF THE MOST SERIOUS PROBLEMS ENCOUNTERED BY PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN PUBLIC SCHOOL DISTRICTS, INCLUDING A DESCRIPTION OF THE NATURE OF SUCH PROBLEMS;

(3) CONTAIN AN INVENTORY OF THE ITEMS DESCRIBED IN SUBPARAGRAPHS ONE AND TWO OF THIS PARAGRAPH FOR WHICH ACTION HAS BEEN TAKEN AND THE RESULT OF SUCH ACTION; AND INVENTORY FOR WHICH ACTION REMAINS TO BE COMPLETED; AND AN INVENTORY FOR WHICH NO ACTION HAS BEEN TAKEN, AND THE REASONS FOR THE INACTION;

(4) CONTAIN RECOMMENDATIONS FOR SUCH ADMINISTRATIVE AND LEGISLATIVE ACTION AS MAY BE APPROPRIATE TO RESOLVE PROBLEMS ENCOUNTERED BY PARENTS OR GUARDIANS OF STUDENTS IN PUBLIC SCHOOL DISTRICTS; AND

(5) INCLUDE SUCH OTHER INFORMATION AS THE PARENT ADVOCATE MAY DEEM ADVISABLE.

S 3. Section 104 of the education law is amended to read as follows:

S 104. Other officers and employees. The commissioner [of education], subject to the approval of the regents, shall have power, in conformity with their rules, to appoint all other needed officers and employees and fix their titles, duties and salaries, INCLUDING THE SALARIES OF THE PARENT ADVOCATE AND EMPLOYEES OF THE OFFICE OF THE PARENT ADVOCATE AUTHORIZED BY SECTION TWENTY-ONE HUNDRED FIFTY OF THIS CHAPTER.

S 4. This act shall take effect immediately.