

# STATE OF NEW YORK

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2167

2017-2018 Regular Sessions

## IN ASSEMBLY

January 17, 2017

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Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to permitting the parents of students attending a persistently lowest-achieving school to choose an education intervention model; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature hereby finds that the  
2 current state of our education system in New York state is not providing  
3 all its students with access to the best possible education, thus inhib-  
4 iting their ability to become fully participating members of society.  
5 New York state was recently ranked 35th in the country in their progress  
6 on the National Assessment of Educational Progress, otherwise referred  
7 to as the Nation's Report Card, a national test instituted every other  
8 year to students in every state. The gaps in achievement between  
9 students based on race and geographic location are staggering and unac-  
10 ceptable. In 2011, White students in New York state were almost twice as  
11 likely as their African-American and Hispanic counterparts to meet basic  
12 standards in reading and writing. According to the state education  
13 department, in 2011 only 47% of public high school students in the city  
14 of Buffalo and the city of Rochester graduated, a reduction from a 53%  
15 graduation rate in 2009.

16 Although there have been steps taken on the state level to correct and  
17 reverse these alarming trends and gaps in achievement, the speed with  
18 which they are implemented is insufficient, and the varying needs of  
19 districts cannot be met by one universal approach. The legislature  
20 believes that to ensure the successful rehabilitation of our lowest  
21 performing schools, we must engage and encourage the involvement of the  
22 parents in the process. Allowing parents to assert control over how  
23 persistently lowest achieving schools are revitalized will instill a

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

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1 sense of ownership over the approach implemented, and help ensure their  
2 continued involvement in the process. When considering how to best  
3 address their individual situation, parents will have to become organ-  
4 ized and informed about the different challenges the school faces.  
5 Parental involvement is the only aspect of education reform that the  
6 state and the local educational authorities have little to no control  
7 over, yet it is a requirement for many programs and grants designed to  
8 assist in these much needed reforms.

9 Therefore, this legislation will provide a pilot program that allows  
10 parents, in a portion the state identified as having persistently lowest  
11 achieving schools, to collectively come together and provide direction  
12 on how to correct and ensure the adequate education of their children.

13 § 2. Short title. This act shall be known and may be cited as the  
14 "parent empowerment pilot program".

15 § 3. The education law is amended by adding a new section 3614 to read  
16 as follows:

17 § 3614. Parent empowerment pilot program. 1. For the purposes of this  
18 section, the following terms shall mean:

19 a. "Persistently lowest-achieving school" means a public school that  
20 has failed to make annual year progress for four years in a row or more  
21 as identified by the commissioner.

22 b. "Intervention model" means federal education intervention models,  
23 which include the turnaround model, restart model, transformation model  
24 or closure model.

25 c. "Turnaround model" means that a school must replace the principal  
26 and rehire no more than fifty percent of the school's staff, adopt a new  
27 governance structure, provide job-embedded professional development,  
28 offer staff financial and career-advancement incentives, implement a  
29 research-based, aligned instructional program, extend learning and  
30 teacher planning time, create a community-orientation, and provide oper-  
31 ating flexibility.

32 d. "Restart model" means that a school closes and reopens under a  
33 charter school operator, a charter management organization (CMO) or an  
34 education partnership organization that has been selected through a  
35 rigorous review process. A restart model must enroll, within the grades  
36 it serves, any former student who wishes to attend.

37 e. "Transformation model" means that a school must replace the princi-  
38 pal, provide job-embedded professional development, implement a rigorous  
39 teacher-evaluation and reward system, offer financial and career  
40 advancement incentives, implement comprehensive instructional reform,  
41 extend learning- and teacher-planning time, create a community-orienta-  
42 tion, and provide operating flexibility and sustained support.

43 f. "Closure model" means that the school is closed and its students  
44 are enrolled in other, higher-achieving schools.

45 g. "School district" means a local education authority with jurisdic-  
46 tion over a subject school.

47 h. "Final disposition" means a decision by a school district with  
48 regard to a petition seeking the implementation of an intervention model  
49 at a subject school under their jurisdiction.

50 i. "Petition" means a document used by petitioners seeking support for  
51 an intervention model at a subject school consistent with the provisions  
52 of this section.

53 j. "Petitioner" means a parent or other person working with parents of  
54 a subject school to collect signatures in support of a petition seeking  
55 to implement an intervention model at a subject school.

1 k. "Lead petitioner" means up to five parents with students enrolled  
2 in a subject school who initiate and lead a petition drive seeking to  
3 implement an intervention model in that subject school.

4 l. "Contact person" means an individual lead petitioner designated to  
5 be the official contact person with regard to official communications  
6 required under this section.

7 m. "Parent" means a parent, legal guardian, or foster parent responsi-  
8 ble for education decisions for a public school student enrolled in a  
9 subject school.

10 n. "Subject school" means a persistently lowest-achieving school that  
11 is the subject of a petition seeking to implement an intervention model.

12 o. "Eligible student" means a student enrolled at a subject school on  
13 the date when a petition seeking the implementation of an intervention  
14 model is commenced.

15 2. a. Any school identified by the commissioner as persistently  
16 lowest-achieving shall be eligible for participation in the parent  
17 empowerment pilot program. The program shall allow parents of a subject  
18 school to circulate petitions in support of an intervention model, which  
19 a school district shall act upon pursuant to this section if fifty-one  
20 percent or more of the parents of the students enrolled in the subject  
21 school sign a petition in support of the intervention model. Such peti-  
22 tion shall be prepared and submitted in accordance with subdivisions  
23 three, four and five of this section. Such petition shall identify only  
24 one intervention model, and all eligible parents shall be afforded the  
25 opportunity to participate.

26 b. A school district must provide in writing to any person who  
27 requests it total subject school enrollment data and the number of  
28 signatures that would be required to implement an intervention model  
29 pursuant to the standard provided in paragraph a of this subdivision.

30 c. Upon submission of a petition, the school district in which the  
31 subject school is located shall be required to implement the specified  
32 intervention model or an alternative intervention model pursuant to the  
33 provisions of subdivision six of this section.

34 d. Notwithstanding any provision of law to the contrary, a subject  
35 school which is designated in accordance with this section to restart as  
36 a charter school shall apply for a charter and operate in accordance  
37 with article fifty-six of this chapter, provided however:

38 (i) a charter school created under this subdivision shall serve the  
39 same population and grades as the previous school;

40 (ii) notwithstanding any other provision of law, all students enrolled  
41 at the time the petition process commences shall be given the opportu-  
42 nity to enroll in the charter school prior to the admission of other  
43 students; and

44 (iii) the provisions of paragraph (b) of subdivision three and subpar-  
45 agraph (i) of paragraph (b-1) of subdivision three of section twenty-  
46 eight hundred fifty-four of this chapter shall not apply to charter  
47 schools opened pursuant to this section.

48 3. a. A petition shall only contain signatures of parents of students  
49 attending the subject school.

50 b. Only one parent per student may sign a petition.

51 c. A petition may be signed by a parent once for each of his or her  
52 students attending the subject school, provided however a separate peti-  
53 tion box must be completed in its entirety for each of his or her  
54 students.

55 d. A petition may be circulated and presented in sections, so long as  
56 each section complies with requirements set forth in this subdivision

1 and subdivision four of this section regarding the content of the peti-  
2 tion.

3 e. Signature gatherers may not offer gifts, rewards, or tangible  
4 incentives to parents to sign a petition. Nor shall signature gatherers  
5 make any threats of coercive action, false statements or false promises  
6 of benefits to parents in order to persuade them to sign a petition,  
7 except that signature gatherers, school site staff or other members of  
8 the public may discuss education related improvements hoped to be real-  
9 ized by implementing any intervention described in these regulations.  
10 Signature gatherers, students, school site staff, school district staff,  
11 members of the community, and parents shall be free from harassment,  
12 threats, and intimidation related to circulation of or signing a peti-  
13 tion, and from being discouraged to sign or being encouraged to revoke  
14 their signature on a petition. Signature gatherers shall disclose if  
15 they are being paid and shall not be paid per signature.

16 f. Subject school or district resources shall not be used to impede,  
17 assist or in any way influence the petition signature gathering process  
18 other than as specifically provided in this section.

19 4. a. The petition and each section of the petition shall contain the  
20 following elements:

21 (i) a heading which states that it is a petition of parents to request  
22 that a model intervention be implemented at the specified subject school  
23 and to be submitted to a specified school district;

24 (ii) a statement that the petition seeks the signatures of the parent  
25 of the students attending the subject school;

26 (iii) the name and public contact information of the contact person  
27 who is to be contacted by persons interested in the petition or by the  
28 school district;

29 (iv) identification of the intervention model;

30 (v) a description of the intervention model using the language set  
31 forth in paragraphs c, d, e, or f of subdivision one of this section  
32 without omission, to ensure full disclosure of the impact of the inter-  
33 vention model;

34 (vi) the name of the subject school;

35 (vii) boxes that are consecutively numbered commencing with number 1,  
36 with sufficient space for the signature of each petition signer as well  
37 as his or her printed name, date, student's name, the student's date of  
38 birth, and the student's current grade. The boxes may also have space  
39 for the signer's address, city or unincorporated community name, and zip  
40 code, or request other information, and, if so, the petition shall make  
41 clear that providing such information is voluntary and cannot be made a  
42 condition of signing;

43 (viii) an affirmation that the signing parent is requesting the school  
44 district to implement the identified intervention model at the subject  
45 school;

46 (ix) if requesting that a school district implement the restart model  
47 and that the subject school be reopened under a specific charter school  
48 operator, charter management organization, or education partnership  
49 organization, a clear statement containing that information on the front  
50 of the petition, including contact information of the charter school  
51 operator, charter management organization or education partnership  
52 organization; and

53 (x) the names of any agencies or organizations that are supporting the  
54 petition, either through direct financial assistance or in-kind contrib-  
55 utions of staff and volunteer support, must be prominently displayed on  
56 the front page of the petition.

1 b. The department shall develop a sample petition, which shall be  
2 available on the department's website. The department shall make the  
3 sample petition available in the languages predominantly spoken in the  
4 affected community upon request. A petitioner shall not be required to  
5 use the sample petition; however, alternate petitions must contain all  
6 required components pursuant to this section and regulatory require-  
7 ments.

8 5. a. Completed petitions shall be submitted to the school district by  
9 the lead petitioners. Lead petitioners may not submit a petition to the  
10 school district until they have collected the signatures of fifty-one  
11 percent or more of the subject school parents. The date of submission of  
12 the petition shall be the start date for implementation of all statutory  
13 and regulatory requirements established pursuant to this section.

14 b. Consistent with paragraph a of subdivision six of this section,  
15 lead petitioners shall be allowed to resubmit their petition once to  
16 correct errors identified by the school district, verify signatures  
17 after a good faith effort is made by the school district to do so first,  
18 or submit additional signatures. The start date for a resubmitted peti-  
19 tion shall be the date it is resubmitted. No rolling petitions shall be  
20 accepted by the school district.

21 c. At the time of petition submission the petitioners shall submit a  
22 separate document that identifies the lead petitioners and the contact  
23 person with their contact information. The school district shall subse-  
24 quently process all official communications pursuant to this section  
25 through the contact person.

26 6. a. Upon receipt of the petition, the school district may make  
27 reasonable efforts to verify that the signatures on the petition can be  
28 counted consistent with these regulations. A school district shall not  
29 invalidate the signature of a parent of an eligible student on a minor  
30 technicality, and shall assume that the parent is entitled to sign the  
31 petition unless there is clear and convincing evidence to the contrary.  
32 The school district shall make a good faith effort to contact parents  
33 when a signature is not clearly identifiable including phone calls to  
34 the parent.

35 b. If, on the date the petition is submitted, a subject school is  
36 identified pursuant to paragraph a of subdivision one of this section,  
37 it shall remain a subject school until final disposition of the petition  
38 unless that school has ceased to be identified as being in improvement  
39 status.

40 c. In connection with the petition, the school district may only  
41 contact parents to verify eligible signatures on the petition. The lead  
42 petitioners for the petition shall be consulted to assist in contacting  
43 parents when the school district fails to reach a parent.

44 d. Upon receipt, the school district may, within forty calendar days,  
45 return the petition to the contact person if the school district deter-  
46 mines any of the following:

47 (i) less than fifty-one percent of the parents of students meeting the  
48 requirements of paragraph a of subdivision three of this section have  
49 signed the petition;

50 (ii) the school named in the petition is not a subject school; or

51 (iii) the petition does not substantially meet the requirements speci-  
52 fied in subdivisions three and four of this section. In such a case, the  
53 school district shall immediately provide the contact person written  
54 notice of its reasons for returning the petition and its supporting  
55 findings.



1 e. If the school district finds that sufficient signatures cannot be  
2 verified, it shall immediately notify the contact person and provide the  
3 contact person with the names of those parents it cannot verify. The  
4 lead petitioners shall be provided sixty calendar days to assist the  
5 school district in verifying the signatures. A number of methods may be  
6 used, including, but not limited to, an official notarization process or  
7 having the parent appear at the school or district office.

8 f. If the school district finds errors or problems with a submitted  
9 petition other than the number of valid petition signatures, it shall  
10 notify the contact person in writing of such errors or problems and  
11 request that they be corrected or clarified prior to the final disposi-  
12 tion of the petition.

13 g. If the petition is returned pursuant to paragraph d, e or f of this  
14 subdivision, the same petition may be resubmitted once to the school  
15 district with verified signatures or other necessary corrections,  
16 provided that no substantive changes may be made to the petition. The  
17 resubmission must be completed no later than sixty calendar days after  
18 the return of the petition pursuant to this subdivision. Upon resubmis-  
19 sion of the petition, the school district shall have twenty-five calen-  
20 dar days to verify the resubmitted signatures, additional signatures or  
21 corrections to the petition.

22 h. If substantive changes are made to the petition, it must be recir-  
23 culated for signatures before it may be submitted to the school district  
24 and it shall be deemed a new petition.

25 i. If the school district does not return the petition, the school  
26 district shall have forty-five calendar days from the date the petition  
27 is received to reach a final disposition. The date may be extended by an  
28 additional twenty-five calendar days if the school district and the lead  
29 petitioners agree to the extension in writing.

30 j. The school district shall notify the commissioner in writing within  
31 fifteen calendar days of its receipt of a petition, and within five  
32 calendar days of the final disposition of the petition. The notice of  
33 final disposition shall state:

34 (i) that the school district will implement the model intervention in  
35 the petition; or

36 (ii) the reason it cannot implement the intervention model in the  
37 petition, designate which intervention model it will implement instead,  
38 and how the intervention model selected by the school district will  
39 ensure that the school will make adequate yearly progress.

40 k. The commissioner shall review the final disposition as submitted by  
41 a school district. If the commissioner concludes that the school  
42 district has not presented sufficient grounds for rejecting the recom-  
43 ended intervention model in the petition, or has not provided suffi-  
44 cient grounds for choosing an alternative intervention model, the  
45 commissioner shall reject the school district's decision. Such rejection  
46 shall be provided to the school district and the lead petitioner in  
47 writing within thirty days of receipt of the final disposition from the  
48 school district, including issues that the school district may address  
49 in reconsidering their decision. Upon receipt of the commissioner's  
50 decision to reject their final disposition, a school district shall have  
51 thirty days to resubmit an amended final disposition. If the school  
52 district does not submit an amended final disposition within the thirty  
53 day period, the intervention model in the petition shall be implemented  
54 by the school district. If the commissioner concludes that a re-submit-  
55 ted final decision by the school district is still insufficient, the  
56 commissioner shall, within thirty days, issue a final disposition after

1 consulting with the school district and the lead petitioners, and the  
2 school district shall implement that intervention model on a timetable  
3 specified by the commissioner.

4 7. The provisions of this section shall be applicable to cities having  
5 a population of more than two hundred twenty-five thousand and less than  
6 three hundred thousand.

7 8. The commissioner shall promulgate rules and regulations necessary  
8 to implement the provisions of this section, including to ensure the  
9 transition in school governance and other changes related to implementa-  
10 tion of the turnaround model in a manner that results in minimal  
11 disruption to the instructional environment.

12 9. By January first of the year in which this act expires, the depart-  
13 ment shall submit to the office of the governor, the president of the  
14 senate, the speaker of the assembly, the minority leader of the senate,  
15 the minority leader of the assembly, the senate standing committee on  
16 education and the assembly standing committee on education a report of  
17 the usage, implementation, cost and all relevant student performance  
18 data for schools which participated in the parent empowerment program.

19 § 4. This act shall take effect on the first of July next succeeding  
20 the date on which it shall have become a law, provided, however, that  
21 this act shall expire and be deemed repealed ten years after the date of  
22 enactment, and provided further that the commissioner of education shall  
23 be immediately authorized and directed to promulgate rules and regu-  
24 lations and take any and all other actions necessary to implement the  
25 provisions of this act on such date.