

# STATE OF NEW YORK

8004

## IN SENATE

March 19, 2018

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

AN ACT in relation to establishing the commission on diversity in specialized schools; 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. Commission established. (a) There is hereby created in the  
2 department of education a commission to be known as the "commission on  
3 diversity in specialized schools", hereafter referred to as the "commis-  
4 sion", which shall be charged with examining the City of New York's  
5 specialized senior high schools' admission policies to evaluate current  
6 diversity initiatives and make recommendations on how to improve diver-  
7 sity in such schools.

8 (b) The commission shall consist of 18 members. The 18 members shall  
9 be appointed as follows: (i) two members shall be appointed by the  
10 temporary president of the senate; (ii) two members shall be appointed  
11 by the speaker of the assembly; (iii) one member shall be appointed by  
12 the minority leader of the senate; (iv) one member shall be appointed by  
13 the minority leader of the assembly; (v) two members shall be appointed  
14 by the governor; (vi) five members shall be appointed by the board of  
15 regents; (vii) two members appointed by the mayor of the City of New  
16 York; and (viii) three members appointed by the chancellor of the city  
17 school district of the City of New York. The board of regents shall  
18 designate the chair from among the members of the commission.

19 (c) The members of the commission shall receive no compensation for  
20 their services as members, but shall be allowed their actual and neces-  
21 sary expenses incurred in the performance of their duties. Members of  
22 the commission shall be considered public officers for purposes of  
23 section 17 of the public officers law.

24 (d) The commission shall begin to act 45 days after this act shall  
25 have become a law. A quorum shall consist of a majority of the members  
26 of the commission entitled to vote on the matter under consideration.

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

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1 Approval of any matter shall require the affirmative vote of a majority  
2 of the members voting thereon.

3 (e) The members of the commission shall adopt by-laws for the manage-  
4 ment and regulation of its affairs.

5 § 2. Appointments to commission. The legislative leaders, the gover-  
6 nor, the mayor of the City of New York and the chancellor of the city  
7 school district of the City of New York shall submit their appointments  
8 to the board of regents, and the board of regents shall make appoint-  
9 ments, no later than 45 days after this act becomes a law. If any such  
10 appointment is not made by such date, the person or board responsible  
11 for making the appointment pursuant to subdivision (b) of section one of  
12 this act may make the appointment after that date, but the vacant  
13 appointment shall not count for calculation of a quorum until it is  
14 filled. Vacancies in the commission shall be filled in the same manner  
15 as the member whose vacancy is being filled was appointed.

16 § 3. Commission staff and agency liaison. (a) The commissioner of  
17 education shall designate such employees of the department of education  
18 as are reasonably necessary to provide support services to the commis-  
19 sion. The commissioner of education shall appoint one or more represen-  
20 tatives of the department of education to serve as liaison between such  
21 department and the commission.

22 (b) The chancellor of the city school district of the City of New York  
23 shall designate such employees of the city school district of the City  
24 of New York as are reasonably necessary to provide support services to  
25 the commission. The chancellor of the city school district of the City  
26 of New York shall appoint one or more representatives of the office of  
27 the chancellor of the city school district of the City of New York to  
28 serve as liaison between such office and the commission.

29 (c) All state agencies, public authorities, public benefit corpo-  
30 rations and the city school district of the City of New York shall  
31 provide such assistance as may be reasonably requested by the chair of  
32 the commission.

33 (d) The commission, acting by the chair of the commission, may employ  
34 additional staff and consultants, who shall be paid from amounts avail-  
35 able to the commission for that purpose.

36 § 4. Factors and information for consideration. The chancellor of the  
37 city school district of the City of New York shall submit to the commis-  
38 sion, no later than ninety days after this act becomes a law, a list of  
39 all diversity initiatives currently used by the specialized senior high  
40 schools. The chancellor may submit additional relevant factors to be  
41 considered in the deliberations of the commission. The commission may  
42 also adopt additional factors to be considered in its deliberations.

43 § 5. Deliberations of commission. The deliberations, meetings and  
44 other proceedings of the commission and any committee thereof shall be  
45 governed by article 7 of the public officers law. Any one or more  
46 members of a committee may participate in a meeting of such committee by  
47 means of a conference telephone, conference video or similar communi-  
48 cations equipment allowing all persons participating in the meeting to  
49 hear each other at the same time. Participation by such means shall  
50 constitute presence in person at a meeting. At any meetings of the  
51 commission conducted by means of a conference telephone, conference  
52 video or similar communications equipment, other than executive  
53 sessions, the public shall be given an opportunity to listen. If a meet-  
54 ing other than an executive session is to be conducted by means of a  
55 conference telephone, conference video or similar communications equip-  
56 ment, the public notice for the meeting shall inform the public that

1 such equipment will be used, and identify the means by which the public  
2 may listen to such meeting.

3 § 6. Commission recommendations. (a) The commission, upon consider-  
4 ation of demographic, geographic, educational and fiscal indicators  
5 shall develop recommendations for improving diversity in the City of New  
6 York's specialized senior high schools. Such recommendations shall  
7 include, but not be limited to, changes in the schools' admission proc-  
8 esses. In carrying out its functions, the commission shall collaborate  
9 with the city school district of the City of New York insofar as practi-  
10 cable to foster discussions among, and conduct formal public hearings  
11 with requisite public notice to solicit input and recommendations from  
12 stakeholder interests including but not limited to school district  
13 administrators, teachers, school board members, parents, students, non-  
14 pedagogical school support personnel, representatives from post-secon-  
15 dary institutions and other pertinent groups and individuals. The  
16 commission shall formally solicit recommendations from school district  
17 administrators, teachers, school board members, parents, students, non-  
18 pedagogical school support personnel, representatives from post-secon-  
19 dary institutions and other interested parties.

20 (b) The commission shall make recommendations relating to each  
21 specialized senior high school.

22 (c) On or before July 1, 2019, the commission shall transmit to the  
23 governor, the legislature, the mayor of the City of New York and the  
24 chancellor of the city school district of the City of New York a report  
25 containing its recommendations. Upon the transmission of the report to  
26 the governor and the legislature the commission shall be dissolved.

27 § 7. Severability clause. If any clause, sentence, paragraph, subdivi-  
28 sion, section or part of this act shall be adjudged by any court of  
29 competent jurisdiction to be invalid, such judgment shall not affect,  
30 impair, or invalidate the remainder thereof, but shall be confined in  
31 its operation to the clause, sentence, paragraph, subdivision, section  
32 or part thereof directly involved in the controversy in which such judg-  
33 ment shall have been rendered. It is hereby declared to be the intent of  
34 the legislature that this act would have been enacted even if such  
35 invalid provisions had not been included herein.

36 § 8. This act shall take effect immediately and shall expire and be  
37 deemed repealed June 30, 2020.