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:

Section 1. Commission established. (a) There is hereby created in the department of education a commission to be known as the "commission on diversity in specialized schools", hereafter referred to as the "commission", which shall be charged with examining the City of New York's specialized senior high schools' admission policies to evaluate current diversity initiatives and make recommendations on how to improve diversity in such schools.

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

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

(d) The commission shall begin to act 45 days after this act shall have become a law. A quorum shall consist of a majority of the members 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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Approval of any matter shall require the affirmative vote of a majority of the members voting thereon.

(e) The members of the commission shall adopt by-laws for the management and regulation of its affairs.

§ 2. Appointments to commission. The legislative leaders, the governor, the mayor of the City of New York and the chancellor of the city school district of the City of New York shall submit their appointments to the board of regents, and the board of regents shall make appointments, no later than 45 days after this act becomes a law. If any such appointment is not made by such date, the person or board responsible for making the appointment pursuant to subdivision (b) of section one of this act may make the appointment after that date, but the vacant appointment shall not count for calculation of a quorum until it is filled. Vacancies in the commission shall be filled in the same manner as the member whose vacancy is being filled was appointed.

§ 3. Commission staff and agency liaison. (a) The commissioner of education shall designate such employees of the department of education as are reasonably necessary to provide support services to the commission. The commissioner of education shall appoint one or more representatives of the department of education to serve as liaison between such department and the commission.

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

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

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

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

§ 5. Deliberations of commission. The deliberations, meetings and other proceedings of the commission and any committee thereof shall be governed by article 7 of the public officers law. Any one or more members of a committee may participate in a meeting of such committee by means of a conference telephone, conference video or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting. At any meetings of the commission conducted by means of a conference telephone, conference video or similar communications equipment, other than executive sessions, the public shall be given an opportunity to listen. If a meeting other than an executive session is to be conducted by means of a conference telephone, conference video or similar communications equipment, the public notice for the meeting shall inform the public that

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

§ 6. Commission recommendations. (a) The commission, upon consideration of demographic, geographic, educational and fiscal indicators shall develop recommendations for improving diversity in the City of New York's specialized senior high schools. Such recommendations shall include, but not be limited to, changes in the schools' admission processes. In carrying out its functions, the commission shall collaborate with the city school district of the City of New York insofar as practicable to foster discussions among, and conduct formal public hearings with requisite public notice to solicit input and recommendations from stakeholder interests including but not limited to school district administrators, teachers, school board members, parents, students, non-pedagogical school support personnel, representatives from post-secondary institutions and other pertinent groups and individuals. The commission shall formally solicit recommendations from school district administrators, teachers, school board members, parents, students, non-pedagogical school support personnel, representatives from post-secondary institutions and other interested parties.

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

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

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

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