

STATE OF NEW YORK

3223

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. WALKER -- read once and referred 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.

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

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(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. 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 meet-

1 ing other than an executive session is to be conducted by means of a
2 conference telephone, conference video or similar communications equip-
3 ment, the public notice for the meeting shall inform the public that
4 such equipment will be used, and identify the means by which the public
5 may listen to such meeting.

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

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

25 (c) On or before July 1, 2020, the commission shall transmit to the
26 governor, the legislature, the mayor of the City of New York and the
27 chancellor of the city school district of the City of New York a report
28 containing its recommendations. Upon the transmission of the report to
29 the governor and the legislature the commission shall be dissolved.

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

39 § 8. This act shall take effect immediately and shall expire and be
40 deemed repealed June 30, 2021.