STATE OF NEW YORK

5570

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

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

AN ACT to amend the education law, in relation to authorizing the chancellor of the city district to control and operate certain specialized high schools in the city of New York; and to amend the administrative code of the city of New York, in relation to directing each school district in the city of New York to provide at least one district gifted and talented program for kindergarten through fifth grade public school students

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

Section 1. Section 2590-a of the education law is amended by adding a new subdivision 11 to read as follows:

11. Specialized high school admissions test. The term "specialized high school admissions test" shall mean the competitive, objective and scholastic achievement examination required for admission to specialized high schools pursuant to section twenty-five hundred ninety-g of this article as in effect prior to March thirty-first, nineteen hundred ninety-seven.

§ 2. Paragraph (b) of subdivision 1 of section 2590-h of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

(b) all specialized [~~senior~~] high schools.

(i) The [~~special~~] **specialized** high schools shall include**:**

(A) the present schools known as[~~:~~] The Bronx High School of Science, Stuyvesant High School, Brooklyn Technical High School, Fiorello H. LaGuardia High School of Music and the Arts in the borough of Manhattan, **Brooklyn Latin School, High School for Math, Science and Engineering at City College, High School for American Studies at Lehman College, Queens High School for Sciences at York College, and Staten Island Technical High School;**

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

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(B) the specialized high schools established pursuant to paragraph (b) of subdivision two of this section; and

(C) and such further schools which the city board may designate from time to time. The special schools shall be permitted to maintain a discovery program in accordance with the law in effect on the date preceding the effective date of this section; admissions to the special schools shall be conducted in accordance with the law in effect on the date preceding the effective date of this section;

(ii) The chancellor shall establish procedures to ensure that, commencing in the two thousand twenty-two--two thousand twenty-three academic year and for each academic year thereafter, all eighth grade public school students take the specialized high school admissions test, provided, however, that:

(A) the specialized high school admissions test takes place during regular school hours and be given no later than October thirty-first of each academic year; and

(B) the procedures shall permit the parent or guardian of an eligible student to opt that student out of the specialized high school admissions test, at the parent or guardian's discretion for any reason.

§ 3. Paragraph (b) of subdivision 1 of section 2590-h of the education law, as amended by chapter 720 of the laws of 1996, is amended to read as follows:

(b) all specialized [~~senior~~] high schools.

(i) The [~~special~~] specialized high schools shall include:

(A) the present schools known as[~~:~~] The Bronx High School of Science, Stuyvesant High School, Brooklyn Technical High School, Fiorello H. LaGuardia High School of Music and the Arts in the borough of Manhattan, Brooklyn Latin School, High School for Math, Science and Engineering at City College, High School for American Studies at Lehman College, Queens High School for Sciences at York College, and Staten Island Technical High School;

(B) the specialized high schools established pursuant to paragraph (b) of subdivision two of this section; and

(C) and such further schools which the city board may designate from time to time.

The special schools shall be permitted to maintain a discovery program in accordance with the law in effect on the date preceding the effective date of this section; admissions to the special schools shall be conducted in accordance with the law in effect on the date preceding the effective date of this section;

(ii) The chancellor shall establish procedures to ensure that, commencing in the two thousand twenty-two--two thousand twenty-three academic year and for each academic year thereafter, all eighth grade public school students take the specialized high school admissions test, provided, however, that:

(A) the specialized high school admissions test takes place during regular school hours and be given no later than October thirty-first of each academic year; and

(B) the procedures shall permit the parent or guardian of an eligible student to opt that student out of the specialized high school admissions test, at the parent or guardian's discretion for any reason.

§ 4. Subdivision 2 of section 2590-h of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such

schools and programs as he or she may determine; provided, however, that the chancellor shall [~~consult~~]:

(a) Consult with the affected community district education council before:

[~~(a)~~] (i) substantially expanding or reducing such an existing school or program within a community district;

[~~(b)~~] (ii) initially utilizing a community district school or facility for such a school or program;

[~~(c)~~] (iii) instituting any new program within a community district.

(b) Establish by the two thousand twenty-four--two thousand twenty-five academic year at least ten specialized high schools, in accordance with New York City Chancellor Regulations on specialized high schools, in addition to those specialized high schools identified in clause (A) of subparagraph (i) of paragraph (b) of subdivision one of this section, provided however that the majority of the specialized high schools established pursuant to this paragraph are located in areas that are at least two miles away from any specialized high school identified in clause (A) of subparagraph (i) of paragraph (b) of subdivision one of this section.

(c) Establish by the two thousand twenty-two--two thousand twenty-three academic year a test preparation program available, at no cost, to all public school students in the sixth and seventh grades in connection with the specialized high school admissions test. This program shall be optional for sixth and seventh grade students.

(i) The test preparation program classes shall be scheduled outside of the regular operating hours of the school day and include class sessions meeting on Saturdays during the school year and weekdays during the summer for students completing sixth and seventh grade.

(ii) Transportation and meals shall be provided to all public school students who are eligible for this program at no cost.

(iii) The chancellor shall establish procedures for notifying public school students and parents or guardians about the availability of such test preparation program at least twice during each of the students' fifth grade and sixth grade years, at each parent-teacher conference occurring during those school years, and through other methods of communication deemed appropriate by the chancellor.

(d) Prepare and release a test preparation guide, which shall be distributed at no cost to all public school seventh grade students on the first day of each school year, that includes:

(i) a breakdown of the topics covered by the specialized high school admissions test;

(ii) actual questions used on the previous year's specialized high school admissions test; and

(iii) any other information the chancellor determines would be appropriate to provide to assist students in preparing for the specialized high school admissions test.

(e) Establish an outreach program to raise awareness about the specialized high school admissions test, the test preparation program established pursuant to paragraph (c) of this subdivision, and the test preparation guide developed pursuant to paragraph (d) of this subdivision, which collectively shall be defined for purposes of this section as the specialized high school admissions test offerings. Such outreach program shall prioritize engagement with eligible students, parents and guardians in community districts with low rates of public high school students attending specialized high schools and include, but not be limited to:

(i) a dedicated outreach staff that engages eligible students, parents and guardians at middle schools and appropriate community venues and events regarding the specialized high school admissions test offerings;

(ii) advertisements, including within mass transit locations;

(iii) a direct telephone outreach campaign for eligible students, parents and guardians to receive and solicit information regarding the specialized high school admissions test offerings;

(iv) dedicated middle school specialists on staff at the 311 customer service center, as defined in chapter three of title twenty-three of the administrative code of the city of New York, for eligible students, parents and guardians who solicit information regarding the specialized high school admissions test offerings; and

(v) partnerships with community-based organizations, the New York City Housing Authority, the Mayor's Office of Immigrant Affairs, and the New York City Department of Homeless Services to facilitate outreach to eligible students, parents and guardians regarding the specialized high school admissions test offerings.

§ 5. Subdivision 2 of section 2590-h of the education law, as amended by chapter 720 of the laws of 1996, is amended to read as follows:

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such schools and programs as he or she may determine; provided, however, that [~~he~~] the chancellor shall [~~consult~~]:

(a) Consult with the affected community board before:

[~~(a)~~] (i) substantially expanding or reducing such an existing school or program within a community district;

[~~(b)~~] (ii) initially utilizing a community district school or facility for such a school or program;

[~~(c)~~] (iii) instituting any new program within a community district.

(b) Establish by the two thousand twenty-four--two thousand twenty-five academic year at least ten specialized high schools, in accordance with New York City Chancellor Regulations on specialized high schools, in addition to those specialized high schools identified in clause (A) of subparagraph (i) of paragraph (b) of subdivision one of this section, provided however that the majority of the specialized high schools established pursuant to this paragraph are located in areas that are at least two miles away from any specialized high school identified in clause (A) of subparagraph (i) of paragraph (b) of subdivision one of this section.

(c) Establish by the two thousand twenty-two--two thousand twenty-three academic year a test preparation program available, at no cost, to all public school students in the sixth and seventh grades in connection with the specialized high school admissions test. This program shall be optional for sixth and seventh grade students.

(i) The test preparation program classes shall be scheduled outside of the regular operating hours of the school day and include class sessions meeting on Saturdays during the school year and weekdays during the summer for students completing sixth and seventh grade.

(ii) Transportation and meals shall be provided to all public school students who are eligible for this program at no cost.

(iii) The chancellor shall establish procedures for notifying public school students and parents or guardians about the availability of such test preparation program at least twice during each of the students' fifth grade and sixth grade years, at each parent-teacher conference occurring during those school years, and through other methods of communication deemed appropriate by the chancellor.

(d) Prepare and release a test preparation guide, which shall be distributed at no cost to all public school seventh grade students on the first day of each school year, that includes:

(i) a breakdown of the topics covered by the specialized high school admissions test;

(ii) actual questions used on the previous year's specialized high school admissions test; and

(iii) any other information the chancellor determines would be appropriate to provide to assist students in preparing for the specialized high school admissions test.

(e) Establish an outreach program to raise awareness about the specialized high school admissions test, the test preparation program established pursuant to paragraph (c) of this subdivision, and the test preparation guide developed pursuant to paragraph (d) of this subdivision, which collectively shall be defined for purposes of this section as the specialized high school admissions test offerings. Such outreach program shall prioritize engagement with eligible students, parents and guardians in community districts with low rates of public high school students attending specialized high schools and include, but not be limited to:

(i) a dedicated outreach staff that engages eligible students, parents and guardians at middle schools and appropriate community venues and events regarding the specialized high school admissions test offerings;

(ii) advertisements, including within mass transit locations;

(iii) a direct telephone outreach campaign for eligible students, parents and guardians to receive and solicit information regarding the specialized high school admissions test offerings;

(iv) dedicated middle school specialists on staff at the 311 customer service center, as defined in chapter three of title twenty-three of the administrative code of the city of New York, for eligible students, parents and guardians who solicit information regarding the specialized high school admissions test offerings; and

(v) partnerships with community-based organizations, the New York City Housing Authority, the Mayor's Office of Immigrant Affairs, and the New York City Department of Homeless Services to facilitate outreach to eligible students, parents and guardians regarding the specialized high school admissions test offerings.

§ 6. The administrative code of the city of New York is amended by adding a new section 21-974.1 to read as follows:

§ 21-974.1 Gifted and talented programs and classes. Notwithstanding any other provision of law, rule, regulation or local law to the contrary, the department shall direct:

a. Each school district to establish by the two thousand twenty-two--two thousand twenty-three academic year at least one district gifted and talented program for kindergarten through fifth grade public school students in accordance with existing gifted and talented admissions standards and processes.

b. Each school district shall register all eligible public school students not currently enrolled in gifted and talented programs to take the gifted and talented admissions examination as of the two thousand twenty-two--two thousand twenty-three academic year. A parent or guardian may opt-out of the gifted and talented admissions examination on behalf of that student.

§ 7. The education law is amended by adding a new section 2590-b-1 to read as follows:

§ 2590-b-1. Commission on middle school achievement. 1. No later than thirty days following the effective date of a chapter of the laws of two thousand twenty-one that added this section, there shall be established a commission on middle school achievement ("the commission"). The commission shall provide guidance, advice, and make recommendations to the chancellor on matters pertaining to education policy, performance and innovation in middle schools located in the city district.

2. The members of the commission shall include, but not be limited to, representatives of academic institutions, representatives of public employees, and stakeholders with experience in education policy. The commission, which shall include at least one resident of each borough of the city of New York, shall be composed of eight members appointed as follows:

(a) two members appointed by the speaker of the assembly;

(b) two members appointed by the majority leader of the senate; and

(c) four members appointed by the governor.

3. No member of the commission shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment by virtue of his or her appointment hereunder. All members of the commission and its subcommittees shall serve at the pleasure of his or her respective appointing authority.

4. The commission shall vote for a chair, or co-chairs, from among the members of the commission.

5. A majority of the total members of the commission who have been appointed shall constitute a quorum, and all recommendations of the commission shall require approval of a majority of its total members. Any subcommittee shall present its findings to the commission for approval.

6. Every agency, department, office, division or public authority of this state and of the city of New York shall cooperate with the commission and furnish such information and assistance as the commission determines is reasonably necessary to accomplish its purposes.

7. The commission shall attempt to engage and solicit the additional input of a broad and diverse range of groups, organizations, and individuals who are not members of the commission, including, without limitation, members of school boards, superintendents, principals, teachers, parents and representatives of public sector employees, and may request documents, conduct public hearings, hear the testimony of witnesses and take any other actions it deems necessary to carry out its purposes.

8. The commission shall comprehensively review and assess the city district's middle schools, including their structure, operations, and processes, to identify successful models and strategies that support student achievement and provide students with a high-quality education. Such review shall include, but not be limited to, evaluation of the following:

(a) teacher recruitment and performance, including incentives for teacher retention as well as the teacher preparation, certification, and evaluation systems utilized in city district middle schools;

(b) factors that support student achievement from pre-kindergarten through middle school and prepare students for a successful transition to high school, including, but not limited to class size, student-teacher ratios, and availability of supplemental individualized or small-group tutoring;

(c) parent and family engagement, including the impact of the school calendar, school schedule and district-level policies on parental involvement in middle school;

(d) unique issues faced by high-need urban middle schools, including identification of services that these districts might require to be successful;

(e) past failures to improve performance at under-performing middle schools; and

(f) whether the overall structure of the city district's middle and high school system meets students' needs.

9. In carrying out its responsibilities, the commission shall study national and international public education models and best practices for the education of middle school-age children and make recommendations regarding ways to increase educational productivity and student performance in city district's middle schools.

10. The commission shall make final recommendations to the governor, the state legislature, and the chancellor no later than December thirty-first, two thousand twenty-one at which time it shall terminate its work and be relieved of all responsibilities and duties hereunder.

§ 8. This act shall take effect immediately; provided, however, that the amendments to paragraph (b) of subdivision 1 of section 2590-h of the education law made by section two of this act shall be subject to the expiration and reversion of such section pursuant to section 17 of chapter 345 of the laws of 2009, as amended, when upon such date section three of this act shall take effect; provided further, that the amendments to subdivision 2 of section 2590-h of the education law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of chapter 91 of the laws of 2002, when upon such date section five of this act shall take effect.