

STATE OF NEW YORK

9284

IN SENATE

May 12, 2022

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

AN ACT to amend the education law, in relation to establishing school registration and support and assistance for designated schools; and to repeal certain sections of the education law relating thereto

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

1 Section 1. Sections 211-a, 211-b, and 211-f of the education law are
2 REPEALED and a new section 211-a is added to read as follows:

3 § 211-a. School registration and support and assistance for designated
4 schools. 1. Registration of public schools. All public schools in the
5 state shall be registered by the board of regents, provided, however,
6 that charter schools shall not be subject to registration pursuant to
7 this section, but shall be held accountable for meeting or exceeding the
8 student performance standards and student assessment requirements appli-
9 cable to other public schools in accordance with the provisions of arti-
10 cle fifty-six of this chapter. Once registered, a school district shall
11 not close, merge, split, change the grade configuration, or substantial-
12 ly change the enrollment of the registered school without the prior
13 consent of the commissioner. The commissioner shall deny or require
14 modifications to a request only where approving the request shall have a
15 demonstrable and substantial negative impact on the learning environment
16 for students.

17 2. Annual determination of school need for support and assistance. The
18 commissioner shall determine annually whether each public school is in
19 need of additional support and assistance based on multiple measures,
20 including academic and non-academic measures, as determined by the
21 commissioner.

22 3. Identification of schools for additional support and assistance. If
23 based on the annual determination, pursuant to subdivision two of this
24 section, the commissioner determines that a school would benefit from
25 additional support and assistance based on academic performance and
26 other measures, the commissioner may designate the school for additional
27 support and assistance. Each school identified under this subdivision
28 shall develop an improvement plan to address the identified academic
29 performance and other measures. Such plan shall be developed in consul-
30 tation with a community engagement team appointed in accordance with

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

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1 subdivision thirteen of this section, in such form and in accordance
2 with such format as may be prescribed by the commissioner, and approved
3 by the board of education or chancellor, in a school district in a city
4 of one million or more inhabitants, by such date as the commissioner may
5 establish.

6 4. Identification of schools for intensive support and assistance. If
7 based on the annual determination, pursuant to subdivision two of this
8 section, a school is among those in the state as determined by the
9 commissioner that would most benefit from intensive support and assist-
10 ance, the commissioner may designate the school for intensive support
11 and assistance. Each school identified under this subdivision shall
12 develop an improvement plan to address the identified academic perform-
13 ance and other measures. Such plan shall be developed in consultation
14 with a community engagement team appointed in accordance with subdivi-
15 sion thirteen of this section, in such form and in accordance with such
16 format as may be prescribed by the commissioner, and approved by the
17 board or education or chancellor, in a school district in a city of one
18 million or more inhabitants, by such date as the commissioner may estab-
19 lish.

20 5. Alignment of federal and state accountability requirements. To the
21 greatest extent practicable, the commissioner shall align the process
22 for identification of schools for additional support and assistance and
23 intensive support and assistance and the actions that are required to be
24 taken as a result of such identifications with the state's plan approved
25 by the United States secretary of education for meeting the requirements
26 of section one thousand one hundred eleven of the elementary and second-
27 ary education act of nineteen hundred sixty-five, as amended, and the
28 federal regulations implementing such statute.

29 6. Demonstrable improvement targets for selected intensive support and
30 assistance schools. The commissioner shall assign school demonstrable
31 improvement targets to a school that:

32 a. is determined by the commissioner to be farthest from state stand-
33 ards upon the school's initial identification for intensive support and
34 assistance.

35 b. has remained identified for intensive support and assistance for
36 three consecutive years.

37 7. Removal of schools from designation. The commissioner shall estab-
38 lish performance targets for schools identified as in need of additional
39 support and assistance pursuant to subdivision three of this section or
40 intensive support and assistance pursuant to subdivision four of this
41 section. Schools that achieve their performance targets shall be removed
42 from their designation.

43 8. Educational support specialist. a. If a school is unable to make
44 demonstrable improvement, as determined by the commissioner, the commis-
45 sioner may appoint an educational support specialist to provide support
46 and assistance to the school and district in implementing the school's
47 improvement plan. The educational support specialist shall have:

48 (i) either:

49 (A) New York state certification as a school district administrator,
50 school district leader or a substantially equivalent certification, as
51 determined by the commissioner, issued by a jurisdiction outside the
52 state; or

53 (B) a doctorate in education, doctorate in philosophy in education or
54 other comparable advanced degree and a minimum of five years working
55 directly in low performing districts or dramatically raising the

1 achievement of high needs students in moderate to high performing
2 districts;

3 (ii) experience as a principal assistant superintendent, deputy super-
4 intendent, superintendent, or comparable administrator in a school
5 district, charter school, BOCES or a nonprofit educational organization
6 within the past three years or, where applicable, within the immediately
7 preceding three years from the date of appointment as an educational
8 support specialist;

9 (iii) demonstrated an ability to successfully work with at risk popu-
10 lations in closing achievement gaps; and

11 (iv) experience in school turnaround and sustaining the academic
12 success of at risk students.

13 b. The educational support specialist shall be neither a current
14 employee of the school district nor be permitted to do other compensated
15 work for the school district without the approval of the commissioner.
16 The educational support specialist shall be appointed by and serve at
17 the pleasure of the commissioner. The commissioner shall establish the
18 rate of compensation for the educational support specialist to be paid
19 by the school district. Such compensation may not exceed the salary of
20 the school district's superintendent except in extraordinary circum-
21 stances which shall be outlined by the commissioner to the board of
22 education. The educational support specialist shall be entitled to
23 defense and indemnification by the school district to the same extent as
24 a school district employee. The contract between the educational
25 support specialist and the school district shall be subject to approval
26 by the commissioner.

27 (i) The educational support specialist shall:

28 (A) Support and assist the school in implementing an improvement plan
29 for such school working with the district administration and the commu-
30 nity engagement team.

31 (B) Annually report to the board of education or chancellor, in a
32 school district in a city of one million or more inhabitants, and to the
33 commissioner on findings and recommendations regarding the school's
34 implementation of its improvement plan. Subject to the provisions of a
35 district's collective bargaining agreements, the educational support
36 specialist may recommend that the district take the following actions
37 regarding the school and provide a rationale for why these changes will
38 assist the school in meeting demonstrable improvement targets:

39 (1) expand, alter, or replace the curriculum and program offerings;

40 (2) replace principals and assistant principals who the educational
41 support specialist determines are unable or unwilling to implement the
42 school's improvement plan;

43 (3) increase the budget, subject to the availability of funds, or
44 reallocate the uses of the existing budget of the school;

45 (4) expand the school day, or school year, or both;

46 (5) for a school that offers first grade, add pre-kindergarten and
47 full-day kindergarten classes, if the school does not already have such
48 classes; and

49 (6) expand, alter, or replace the professional development program for
50 school staff, with an emphasis on strategies that involve teacher input
51 and feedback.

52 (ii) Upon receipt of any recommendations from the educational support
53 specialist, the board of education, or chancellor, in a school district
54 in a city of one million or more inhabitants working with the community
55 engagement team, shall either take such actions as are necessary to
56 implement the recommendations or provide a written explanation to the

1 commissioner of its reasons for not implementing such recommendations.
2 No recommendations may be adopted by the school district that alters the
3 collective bargaining agreement without the approval of the affected
4 collective bargaining unit. The commissioner shall review the educa-
5 tional support specialist's report and either direct the district to
6 take the actions recommended by the educational support specialist and
7 any other actions that the commissioner deems appropriate or, if the
8 written explanation provided by the district has merit, as determined by
9 the commissioner, excusing the district from such recommendations.

10 9. Disagreement with preliminary determination. Prior to designating a
11 school as needing additional support and assistance pursuant to subdivi-
12 sion three of this section, intensive support and assistance pursuant to
13 subdivision four of this section, placing the school under registration
14 review pursuant to subdivision ten of this section, or making a determi-
15 nation that a school has been unable to make annual progress or demon-
16 strable improvement, the commissioner shall notify the district of their
17 preliminary determination and offer the district an opportunity to disa-
18 gree in writing before they make a final determination in regard to the
19 school.

20 10. Placement of schools under registration review. If, after three
21 school years from the commissioner assigning the school demonstrable
22 improvement targets, the commissioner determines that a school has been
23 unable to make demonstrable improvement, the commissioner shall place
24 the school's registration under review, unless the commissioner finds
25 there are extenuating or extraordinary circumstances that warrant
26 providing the school with more time to achieve such demonstrable
27 improvement targets. Notwithstanding any other provisions of this
28 section, the commissioner shall not place under registration review
29 schools within a special act school district as defined in subdivision
30 eight of section four thousand one of this chapter.

31 11. Public notification. a. Upon placing the registration of a school
32 under review pursuant to subdivision ten of this section, the commis-
33 sioner shall notify the board of education or chancellor, in a school
34 district in a city of one million or more inhabitants, that the school
35 has been placed under registration review, and that the school is at
36 risk of having its registration revoked. Upon receipt of such notifica-
37 tion, the board of education, or chancellor, in a school district in a
38 city of one million or more inhabitants, shall take appropriate action
39 to notify the general public and school community of the issuance of
40 such notification pursuant to commissioner's regulations and provide
41 information on the school district's plan to improve the school's
42 performance.

43 b. Each year that a school remains under registration review, the
44 school district shall offer parents an opportunity to enroll their chil-
45 dren in a different registered school operated by the school district in
46 which seats in the same grade as the child will attend the following
47 school year are available. Districts shall adopt such enrollment poli-
48 cies as are necessary to give priority to parents who wish to transfer
49 their child from a school that has been placed under registration
50 review.

51 12. Registration review team. Upon the placement of a school's regis-
52 tration under review pursuant to subdivision ten of this section, the
53 commissioner, after consultation with the school district, shall assign
54 a registration review team. The registration review team shall conduct
55 resource and program and planning audits and examine the quality of
56 curriculum, instructional plans, and teaching in the school, the learn-

1 ing opportunities and support services available to students, and the
2 organization and operations of the school. After such review the team
3 shall provide diagnostic recommendations for school improvement, which
4 may include administrative and operational improvements. The superinten-
5 dent shall consider the recommendation of the team for inclusion in the
6 school improvement plan. The superintendent shall provide annually a
7 report to the commissioner on the school's progress on the implementa-
8 tion of the improvement plan.

9 13. Community engagement team. Upon identification of a school for
10 additional support and assistance, intensive support and assistance or
11 designation of a school for registration review pursuant to subdivision
12 ten of this section, the district shall establish a community engagement
13 team, which shall include community stakeholders, including but not
14 limited to the school principal, parents and guardians, teachers and
15 other school staff and students. Membership of teachers and other
16 school staff on such team shall be based upon the recommendation of the
17 respective collective bargaining unit. Membership of such team may be
18 modified by the district at any time. Such team shall develop recommen-
19 dations for improvement of the school and shall solicit input through
20 public engagement. The community engagement team shall present its
21 recommendations periodically to the school leadership and, as applica-
22 ble, the educational support specialist.

23 14. Required actions resulting from schools placed under registration
24 review. The commissioner may require school board members to undergo
25 conflict resolution training and up to fifteen hours of professional
26 development annually to support the implementation of a school improve-
27 ment plan for any school that has been placed under registration review
28 pursuant to subdivision ten of this section.

29 15. Removal from registration review. Schools placed under registra-
30 tion review that make demonstrable improvement, as determined by the
31 commissioner, for two consecutive years, or that are removed from desig-
32 nation as intensive support and assistance schools, shall be removed
33 from registration review.

34 16. Inability to make demonstrable improvement while under registra-
35 tion review. a. If, after two full school years under registration
36 review, the commissioner determines that the school is unable to make
37 demonstrable improvement in meeting performance targets established by
38 the commissioner, the commissioner shall require the district to take
39 one of the following actions:

40 (i) Enter into a contract to have the school be managed by an educa-
41 tional partnership organization pursuant to section two hundred eleven-c
42 of this part;

43 (ii) Close or phase out the school in accordance with a plan, which
44 may include the opening of a replacement school, approved by the commis-
45 sioner. In the event that a school district seeks to open a school to
46 replace a closing or phasing out school, the commissioner may assign an
47 educational support specialist to oversee the opening of a new school.
48 The assignment of the educational support specialist may be continued
49 until the school has for two consecutive years met performance targets
50 established by the commissioner.

51 b. A school shall be removed from registration review status upon an
52 educational partnership organization, entering into a contract to oper-
53 ate the school pursuant to this subdivision but shall be designated as
54 an intensive support and assistance school and shall be given demonstra-
55 ble improvement targets.

1 c. The commissioner may provide schools more time to demonstrate
2 demonstrable improvement upon a finding that there are extraordinary or
3 extenuating circumstances that warrant such an extension, as the commis-
4 sioner determines.

5 17. Establishment of a community school. A community school model
6 shall be implemented in any school which is managed by an educational
7 partnership organization, pursuant to subdivision sixteen of this
8 section.

9 18. Revocation of registration. If a school district fails to take one
10 of the actions pursuant to paragraph a of subdivision sixteen of this
11 section, the commissioner may designate the school as an unacceptable
12 learning environment, revoke the registration of the school, and cause
13 the district to implement a plan for the education of the students who
14 attend such school. Before taking such action, the commissioner shall
15 offer the school district an opportunity to provide justification for
16 why the commissioner should not take such actions, in a timeframe
17 prescribed by the commissioner. No school district may operate a public
18 school whose registration has been revoked pursuant to this subdivision.

19 19. Collective bargaining agreements. Notwithstanding any other
20 provision of law, rule, or regulation to the contrary, all collective
21 bargaining agreements entered into after July first, two thousand twen-
22 ty-two shall be consistent with the requirements of this section, unless
23 the agreement relates to the two thousand twenty-one--two thousand twen-
24 ty-two school year only. Nothing in this section shall be construed to
25 abrogate any conflicting provisions of any collective bargaining agree-
26 ment in effect on July first, two thousand twenty-two during the term of
27 such agreement and until the entry into a successor collective bargain-
28 ing agreement, provided that notwithstanding any other provision of law
29 to the contrary, upon expiration of such term and the entry into a
30 successor collective bargaining agreement the provisions of this section
31 shall apply; provided however no school district shall adopt an improve-
32 ment plan in conflict with the district collective bargaining agreement
33 without receiving approval from the affected collective bargaining unit.

34 20. Schools in receivership. All schools that were in receivership in
35 the two thousand twenty-one--two thousand twenty-two school year pursu-
36 ant to the former section two hundred eleven-f of this part and are
37 designated for intensive support and assistance in the two thousand
38 twenty-two--two thousand twenty-three school year pursuant to subdivi-
39 sion four of this section shall be placed under registration review
40 pursuant to subdivision eight of this section.

41 21. Regulations. The commissioner shall promulgate regulations to
42 implement the provisions of this section.

43 § 2. Subdivision 3 of section 211-c of the education law, as added by
44 section 1 of part A of chapter 57 of the laws of 2007, is amended to
45 read as follows:

46 3. The commissioner may appoint a distinguished educator to a school
47 district[+

48 ~~a-~~] when such district or a school within such district has failed to
49 achieve adequate yearly progress for four or more years[+

50 ~~b, as a member of a joint school intervention team pursuant to para-~~
51 ~~graph b of subdivision two of section two hundred eleven b of this~~
52 ~~part].~~

53 § 3. This act shall take effect July 1, 2022. Effective immediately,
54 the addition, amendment and/or repeal of any rule or regulation neces-
55 sary for the implementation of this act on its effective date are
56 authorized to be made and completed on or before such effective date.