

# STATE OF NEW YORK

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2021-2022 Regular Sessions

## IN SENATE

January 7, 2021

Introduced by Sen. LIU -- 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 expanding access to advanced courses to improve educational equity

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

1 Section 1. The education law is amended by adding a new section 817 to  
2 read as follows:

3 § 817. Expanding access to advanced courses to improve educational  
4 equity. 1. Definitions. As used in this section the following terms  
5 shall have the following meanings:

6 a. "Advanced course" means as follows: (i) in middle school, any  
7 course that leads to a high school level regents examination or any  
8 honors, gifted, or accelerated course; and (ii) in high school, any  
9 honors, gifted, accelerated, advanced placement, international baccalau-  
10 reate, or dual or concurrent enrollment course or program.

11 b. "Early college and career experiences" means dual or concurrent  
12 enrollment courses and programs, work-based learning opportunities,  
13 apprenticeships, and courses or examinations for which a student may  
14 earn college credit or an industry-recognized certification.

15 c. "Educational agency" means a school district or public elementary  
16 or secondary school.

17 d. "Parent" means a parent, legal guardian, or person in parental  
18 relation to a student.

19 2. Providing transparency and support for parents and students. a.  
20 Starting with the two thousand twenty-one--two thousand twenty-two  
21 school year, each educational agency shall annually provide notification  
22 to parents and students of the benefits and the opportunities within the  
23 educational agency of participating in advanced courses and other early  
24 college and career experiences.

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

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1 b. For students in grades five through six, such notification shall  
2 include:

3 (i) a clear and understandable description of the middle and high  
4 school courses students should take in order to be prepared for entry  
5 and success in college, the workforce, and active citizenship, including  
6 but not limited to advanced courses;

7 (ii) language advising students and parents of the benefits of partic-  
8 ipating in advanced courses and other early college and career experi-  
9 ences; and

10 (iii) a description of the advanced courses offered by the school  
11 district in middle and high school and how to prepare for and enroll in  
12 them.

13 c. For students preparing to enter grades seven through twelve, such  
14 notification shall occur by January first of each school year or two  
15 weeks before registration for classes for the upcoming school year,  
16 whichever is earlier, and shall include:

17 (i) a clear and understandable description of the courses students  
18 should take in the applicable grade span in order to be prepared for  
19 entry and success in college, the workforce, and active citizenship,  
20 including but not limited to advanced courses;

21 (ii) language advising students and parents of the benefits of partic-  
22 ipating in advanced courses and other early college and career experi-  
23 ences;

24 (iii) a description of the advanced courses and early college and  
25 career experiences to be offered by the school and school district in  
26 the following school year; and

27 (iv) a description of the academic and non-academic support the school  
28 and school district provide to help students succeed in advanced cours-  
29 es, as well as any financial assistance available to reduce or eliminate  
30 any costs associated with participation in advanced courses, including  
31 but not limited to related fees, supplies, and assessments.

32 d. Notification under this subdivision shall be provided in no fewer  
33 than the five most commonly spoken languages in the educational agency,  
34 provided that, if an educational agency has a policy to provide informa-  
35 tion in more than five languages, the educational agency shall adhere to  
36 such policy.

37 e. Notification under this subdivision shall be provided electron-  
38 ically or by mail and be posted on the educational agency's website.

39 f. The department shall develop model notification templates for use  
40 by educational agencies and shall translate such model notifications  
41 into no fewer than the ten most commonly spoken languages in the state.

42 3. Automatic enrollment in advanced courses. a. Starting with the two  
43 thousand twenty-two--two thousand twenty-three school year, each school  
44 district shall adopt a policy providing for automatic enrollment in  
45 advanced coursework. Such policy shall automatically enroll any student  
46 entering grades seven through twelve who demonstrates readiness as  
47 provided in this subdivision in the next level of advanced course  
48 offered by the educational agency. Such policy shall include automatic  
49 enrollment in advanced courses in English language arts, math, and  
50 science, and may include any additional subjects as determined by the  
51 educational agency.

52 b. Students shall be able to demonstrate readiness using one of multi-  
53 ple measures on a list promulgated by the commissioner specifying such  
54 measures. Such list shall include, but shall not be limited to, scoring  
55 proficient or advanced on a statewide assessment, and shall include  
56 other measures, applied to all students enrolled in the educational

1 agency, that, in the judgment of the educational agency, is an indicator  
2 that a student demonstrates the ability to succeed in an advanced  
3 course.

4 c. The educational agency shall notify students and parents that the  
5 student has demonstrated readiness for one or more advanced courses  
6 pursuant to paragraph b of this subdivision.

7 d. If the number of students eligible for automatic enrollment in  
8 advanced courses exceed the available number of seats in such courses,  
9 the educational agency may include additional eligibility criteria for  
10 students to participate in advanced courses, provided that the criteria  
11 does not result in inequities or disparities in access to advanced  
12 courses or programs.

13 e. An educational agency shall permit a parent of a student to remove  
14 the student from an advanced course in which the student has been auto-  
15 matically enrolled and to exempt the student from any automatic enroll-  
16 ment in advanced courses.

17 § 2. This act shall take effect immediately.