

STATE OF NEW YORK

3889

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. BAILEY, COMRIE -- 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 enacting the Educational Rights Transparency for New York Families Act

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

Section 1. Short title. This act shall be known and may be cited as the "Educational Rights Transparency for New York Families Act".

§ 2. The education law is amended by adding a new article 67 to read as follows:

ARTICLE 67

EDUCATIONAL RIGHTS TRANSPARENCY FOR NEW YORK FAMILIES ACT

Section 3350. Short title.

3351. Standards for resource related educational rights.

3352. Reporting by school employees and school boards.

3353. Educational rights publication for parents and students.

§ 3350. Short title. This article shall be known and may be cited as the "Educational Rights Transparency for New York Families Act".

§ 3351. Standards for resource related educational rights. The commissioner shall promulgate rules and regulations regarding a student's resource related educational rights, including but not limited to target goals and definitions for:

(a) sufficient numbers of qualified teachers, principals, and other personnel;

(b) suitable and up-to-date curricula;

(c) support for students who are not meeting, or at risk of not meeting, any state learning standards in a core academic subject, including English language arts, math, science and social studies;

(d) adequate resources for students with disabilities and English-language learners;

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

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- 1 (e) appropriate class sizes;
- 2 (f) sufficient and up-to-date books, supplies, libraries, educational
- 3 technology, and laboratories;
- 4 (g) a safe and orderly environment; and
- 5 (h) adequate and accessible school buildings.

6 § 3352. Reporting by school employees and school boards. 1. Beginning
7 in the two thousand twenty-two--two thousand twenty-three school year,
8 the board of education or trustees, as defined in section two of this
9 chapter, of every school district within the state, however created and
10 the chancellor of the city school district of the city of New York shall
11 establish a program engaging teachers, support staff, parents and, at
12 the high school level, student leaders in an annual school level self-
13 assessment of each school's ability to follow and meet the rules and
14 regulations promulgated pursuant to section thirty-three hundred fifty-
15 one of this article. The department shall develop and issue, policies
16 and procedures for such annual assessment.

17 2. (a) The board of education or trustees of each school district, or
18 the chancellor of the city school district of the city of New York, as
19 applicable, shall examine any data and make inspections to validate the
20 findings of the annual school level assessments made pursuant to subdi-
21 vision one of this section. Such examination shall include an audit of
22 the adequacy of a district's own resources and capacity to meet the
23 needs of each school located in such district in regard to complying
24 with the rules and regulations promulgated pursuant to section thirty-
25 three hundred fifty-one of this article.

26 (b) The findings of such examination shall be compiled into a report
27 which shall be filed with the department and posted conspicuously on the
28 website for the department and each school district. In the event an
29 examination finds resource gaps at the school or district level, such
30 report shall additionally include proposed remedies both that can be
31 carried out with the district's available resources and an explanation
32 of resource gaps that may be remedied through additional state aid.

33 3. (a) A school employee shall, no more than sixty days after learning
34 of a school's noncompliance with the rules and regulations promulgated
35 pursuant to section thirty-three hundred fifty-one of this article,
36 either through the annual assessment process pursuant to subdivision one
37 of this section or at any other time, document such noncompliance in
38 writing and file a report with the board of education or trustees of
39 such school district or the chancellor of the city school district of
40 the city of New York, as applicable.

41 (b) Within thirty days of receiving a report of noncompliance pursuant
42 to paragraph (a) of this subdivision, the board of education or trustees
43 of such school district or the chancellor of the city school district of
44 the city of New York, as applicable, shall ensure that:

45 (i) written notification is issued to the parent or guardian of any
46 student affected by such noncompliance. Such written notification shall
47 be provided in English and translated as necessary into the primary
48 language of such parent or guardian; and

49 (ii) the board of education or trustees of such school district or the
50 chancellor of the city school district of the city of New York, as
51 applicable, submits the findings of noncompliance to the department's
52 office of accountability.

53 4. The department shall review, store and organize all noncompliance
54 reports submitted pursuant to subdivisions two and three of this section
55 in a publicly accessible database.

1 5. The department's office of accountability shall develop and issue
2 recommendations to a board of education or trustees of a school district
3 or the chancellor of the city school district of the city of New York,
4 as applicable, of a noncompliant school to bring such school into
5 compliance with the rules and regulations promulgated pursuant to
6 section thirty-three hundred fifty-one of this article.

7 § 3353. Educational rights publication for parents and students. 1.
8 The department shall promulgate a parent and student friendly publica-
9 tion detailing the resource related educational rights of students with-
10 in the state. Such publication shall include, but is not limited to,
11 information regarding a student's right to:

12 (a) sufficient numbers of qualified teachers, principals, and other
13 personnel;

14 (b) suitable and up-to-date curricula;

15 (c) support for students who are not meeting, or at risk of not meet-
16 ing, any state learning standards in a core academic subject, including
17 English language arts, math, science and social studies;

18 (d) adequate resources for students with disabilities and English-lan-
19 guage learners;

20 (e) appropriate class sizes;

21 (f) sufficient and up-to-date books, supplies, libraries, educational
22 technology, and laboratories;

23 (g) a safe and orderly environment; and

24 (h) adequate and accessible school buildings.

25 Such publication shall additionally include a phone number and an
26 email address to the appropriate department office to accommodate ques-
27 tions or complaints from parents or guardians of students regarding
28 resource related educational rights.

29 2. The department shall conspicuously post and maintain the publica-
30 tion required pursuant to subdivision one of this section on the website
31 of the department and require that every school district within the
32 state do the same on their respective sites. The department shall also
33 require every school district within the state to provide a parent or
34 guardian of a student in such district with a hard copy of such publica-
35 tion upon the initial release of the publication, at the start of each
36 academic year, to a parent or guardian of a student when such student is
37 enrolled in a new school and to a parent or guardian upon the request of
38 such parent or guardian. Such publication shall be made available in
39 English and the nine most common languages other than English spoken by
40 parents or guardians of New York state school children as determined by
41 the department.

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