

# STATE OF NEW YORK

4015

2021-2022 Regular Sessions

## IN SENATE

February 1, 2021

Introduced by Sens. COMRIE, GOUNARDES -- read twice and ordered printed,  
and when printed to be committed to the Committee on New York City  
Education

AN ACT to amend the education law and the administrative code of the  
city of New York, 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 establish a commission on middle school  
achievement; and providing for the repeal of certain provisions upon  
the expiration thereof

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

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

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

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

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

13 (i) The [~~special~~] specialized high schools shall include the present  
14 schools known as:

15 (A) The Bronx High School of Science, Stuyvesant High School, Brooklyn  
16 Technical High School, Fiorello H. LaGuardia High School of Music and  
17 the Arts in the borough of Manhattan, ~~Brooklyn Latin School, High School~~  
18 for Math, Science and Engineering at City College, High School for Amer-  
19 ican Studies at Lehman College, Queens High School for Sciences at York  
20 College, and Staten Island Technical High School; and

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

LBD07664-02-1

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

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

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

15 (B) the procedures shall permit the parent or guardian of an eligible  
16 student to opt such student out of the specialized high school admis-  
17 sions test, at the parent or guardian's discretion for any reason.

18 (iii) Notwithstanding any other provision of law, the chancellor shall  
19 undertake a periodic study of the specialized high school admissions  
20 test.

21 (A) The periodic study shall evaluate:

22 (1) the specialized high school admissions test's predictive validity  
23 concerning students' performance at specialized high schools; and

24 (2) whether questions on the specialized high school admissions test  
25 evidence bias on the basis of sex, gender, race, religion or creed,  
26 national origin or ancestry, or income.

27 (B) Such study shall be conducted by a qualified third party and occur  
28 on a schedule to be determined by the chancellor, but no less than every  
29 four years. The first study pursuant to this subparagraph shall be  
30 completed and the results published pursuant to clause (C) of this  
31 subparagraph no later than the fifteenth of July, two thousand twenty-  
32 three.

33 (C) The results of each such study shall be published on the city  
34 board's official internet website no later than one month after they are  
35 received by the chancellor. A copy of the study shall be filed with the  
36 city board and made available to parent groups, community boards, commu-  
37 nity superintendents, and school-based management teams in a manner  
38 determined by the chancellor.

39 (D) The score of any specialized high school admissions test subject  
40 shall not be released or disclosed by the test agency to any person,  
41 organization, corporation, association, college, university, or govern-  
42 mental agency or subdivision unless specifically authorized by the  
43 specialized high school admissions test subject. The test agency may,  
44 however, release all scores received by a specialized high school admis-  
45 sions test subject on a test to anyone designated by the specialized  
46 high school admissions test subject to receive the current score. This  
47 section shall not be construed to prohibit the release of scores and  
48 other information in the possession of a test agency for purposes of  
49 research leading to studies and reports concerning the tests themselves.  
50 Such studies and reports shall contain no information identifiable with  
51 any individual specialized high school admissions test subject or user  
52 institution unless authorized by such individual or institution.

53 (iv) The chancellor shall establish procedures to provide for the  
54 public release of the results of any bias and sensitivity analyses  
55 conducted as part of the specialized high school admissions test.

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

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

7 (a) consult with the affected community district education council  
8 before:

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

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

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

14 (b) establish by the two thousand twenty-four--two thousand twenty-  
15 five academic year at least ten specialized high schools, in accordance  
16 with the chancellor's regulations on specialized high schools, in addi-  
17 tion to those specialized high schools identified in clause (A) of  
18 subparagraph (i) of paragraph (b) of subdivision one of this section,  
19 provided, however, that the majority of the specialized high schools  
20 established pursuant to this paragraph are located in areas that are at  
21 least two miles away from any specialized high school identified in  
22 clause (A) of subparagraph (i) of paragraph (b) of subdivision one of  
23 this section.

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

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

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

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

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

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

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

48 (iii) any other information the chancellor determines would be appro-  
49 priate to provide to assist students in preparing for the specialized  
50 high school admissions test.

51 (e) establish an outreach program to raise awareness about the  
52 specialized high school admissions test, the test preparation program  
53 established pursuant to paragraph (c) of this subdivision, and the test  
54 preparation guide developed pursuant to paragraph (d) of this subdivi-  
55 sion, which collectively shall be defined for purposes of this section  
56 as the specialized high school admissions test offerings. Such outreach

1 program shall prioritize engagement with eligible students, parents and  
2 guardians in community districts with low rates of public high school  
3 students attending specialized high schools and include, but not be  
4 limited to:

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

8 (ii) advertisements, including within mass transit locations;

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

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

17 (v) partnerships with community-based organizations, the New York city  
18 housing authority, the mayor's office of immigrant affairs, and the New  
19 York city department of homeless services to facilitate outreach to  
20 eligible students, parents and guardians regarding the specialized high  
21 school admissions test offerings.

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

24 § 21-974.1 Gifted and talented programs and classes. Notwithstanding  
25 any other provision of law, rule, regulation or local law to the contra-  
26 ry, the department shall direct:

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

32 b. Each school district shall register all eligible public school  
33 students not currently enrolled in gifted and talented programs to take  
34 the gifted and talented admissions examination as of the two thousand  
35 twenty-two--two thousand twenty-three academic year. A parent or guardi-  
36 an may opt-out of the gifted and talented admissions examination on  
37 behalf of such student.

38 § 5. 1. No later than thirty days following the effective date of this  
39 act, there shall be established a commission on middle school achieve-  
40 ment (hereinafter referred to as the "commission") to provide guidance,  
41 advice, and make recommendations to the chancellor of the city district  
42 on matters pertaining to education policy, performance and innovation in  
43 New York city middle schools.

44 2. The members of the commission shall include, but not be limited to,  
45 representatives of academic institutions, representatives of public  
46 employees, and stakeholders with experience in education policy. The  
47 commission, which shall include at least two residents of each borough  
48 of New York city, shall be composed of fifteen members appointed as  
49 follows:

50 (a) five members appointed by the governor;

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

52 (c) five members appointed by the speaker of the assembly.

53 3. No member of the commission shall be disqualified from holding any  
54 public office or employment, nor shall he or she forfeit any such office  
55 or employment by virtue of his or her appointment hereunder. All members

1 of the commission and its subcommittees shall serve at the pleasure of  
2 their respective appointing authority.

3 4. The commission shall select a chair, or co-chairs, by a majority  
4 vote of all members of the commission.

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

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

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

21 8. The commission shall comprehensively review and assess New York  
22 city's middle schools, including their structure, operations, and proc-  
23 esses, to identify successful models and strategies that support student  
24 achievement and provide students with a high-quality education. Such  
25 review shall include, but not be limited to, evaluation of the follow-  
26 ing:

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

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

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

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

41 (v) past failures to improve performance at under-performing middle  
42 schools; and

43 (vi) whether the overall structure of New York city's middle and high  
44 school system meets students' needs.

45 9. In carrying out its responsibilities, the commission shall study  
46 national and international public education models and best practices  
47 for the education of middle school-age children and make recommendations  
48 regarding ways to increase educational productivity and student perform-  
49 ance in New York city middle schools.

50 10. The commission shall make final recommendations to the governor,  
51 the state legislature, and the chancellor no later than the thirty-first  
52 of December, two thousand twenty-one.

53 § 6. This act shall take effect immediately, provided, however, that:

54 (a) the amendments to paragraph (b) of subdivision 1 and subdivision 2  
55 of section 2590-h of the education law made by sections two and three of

1 this act shall not affect the expiration of such section and subdivision  
2 and shall be deemed to expire therewith; and  
3 (b) section five of this act shall expire and be deemed repealed  
4 December 31, 2021.