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 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 in effect prior to the thirty-first of March, 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 the present schools known as:

(A) 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;** and

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

LBD07664-02-1

(B) 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 shall be given no later than the thirty-first of October of each academic year; and

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

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

(A) The periodic study shall evaluate:

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

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

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

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

(D) The score of any specialized high school admissions test subject shall not be released or disclosed by the test agency to any person, organization, corporation, association, college, university, or governmental agency or subdivision unless specifically authorized by the specialized high school admissions test subject. The test agency may, however, release all scores received by a specialized high school admissions test subject on a test to anyone designated by the specialized high school admissions test subject to receive the current score. This section shall not be construed to prohibit the release of scores and other information in the possession of a test agency for purposes of research leading to studies and reports concerning the tests themselves. Such studies and reports shall contain no information identifiable with any individual specialized high school admissions test subject or user institution unless authorized by such individual or institution.

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

§ 3. 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:

(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; and

[~~(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 the chancellor's 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 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.

§ 4. 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 such student.

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

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 two residents of each borough of New York city, shall be composed of fifteen members appointed as follows:

(a) five members appointed by the governor;

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

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

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 their respective appointing authority.

4. The commission shall select a chair, or co-chairs, by a majority vote of all 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 the state and of New York city 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 New York city'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:

(i) 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;

(ii) 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;

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

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

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

(vi) whether the overall structure of New York city'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 New York city middle schools.

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

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

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

this act shall not affect the expiration of such section and subdivision and shall be deemed to expire therewith; and

(b) section five of this act shall expire and be deemed repealed December 31, 2021.