

STATE OF NEW YORK

2060

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. WALKER -- read once and referred to the Committee on 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

(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

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

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1 be conducted in accordance with the law in effect on the date preceding
2 the effective date of this section;

3 (ii) The chancellor shall establish procedures to ensure that,
4 commencing in the two thousand twenty-four--two thousand twenty-five
5 academic year and for each academic year thereafter, all eighth grade
6 public school students take the specialized high school admissions test,
7 provided, however, that:

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

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

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

17 (A) The periodic study shall evaluate:

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

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

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

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

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

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

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

54 2. Establish, control and operate new schools or programs of the types
55 specified in subdivision one of this section, or to discontinue any such

1 schools and programs as he or she may determine; provided, however, that
2 the chancellor shall:

3 (a) consult with the affected community district education council
4 before:

5 [~~(a)~~] (i) substantially expanding or reducing such an existing school
6 or program within a community district;

7 [~~(b)~~] (ii) initially utilizing a community district school or facility
8 for such a school or program; and

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

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

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

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

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

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

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

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

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

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

47 (e) establish an outreach program to raise awareness about the
48 specialized high school admissions test, the test preparation program
49 established pursuant to paragraph (c) of this subdivision, and the test
50 preparation guide developed pursuant to paragraph (d) of this subdivi-
51 sion, which collectively shall be defined for purposes of this section
52 as the specialized high school admissions test offerings. Such outreach
53 program shall prioritize engagement with eligible students, parents and
54 guardians in community districts with low rates of public high school
55 students attending specialized high schools and include, but not be
56 limited to:

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

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

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

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

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

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

20 § 21-974.1 Gifted and talented programs and classes. Notwithstanding
21 any other provision of law, rule, regulation or local law to the contra-
22 ry, the department shall direct:

23 a. Each school district to establish by the two thousand twenty-four-
24 -two thousand twenty-five academic year at least one district gifted and
25 talented program for kindergarten through fifth grade public school
26 students in accordance with existing gifted and talented admissions
27 standards and processes.

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

34 § 5. 1. No later than thirty days following the effective date of this
35 act, there shall be established a commission on middle school achieve-
36 ment (hereinafter referred to as the "commission") to provide guidance,
37 advice, and make recommendations to the chancellor of the city district
38 on matters pertaining to education policy, performance and innovation in
39 New York city middle schools.

40 2. The members of the commission shall include, but not be limited to,
41 representatives of academic institutions, representatives of public
42 employees, and stakeholders with experience in education policy. The
43 commission, which shall include at least two residents of each borough
44 of New York city, shall be composed of 15 members appointed as follows:

45 (a) five members appointed by the governor;

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

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

48 3. No member of the commission shall be disqualified from holding any
49 public office or employment, nor shall he or she forfeit any such office
50 or employment by virtue of his or her appointment hereunder. All members
51 of the commission and its subcommittees shall serve at the pleasure of
52 their respective appointing authority.

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

55 5. A majority of the total members of the commission who have been
56 appointed shall constitute a quorum, and all recommendations of the

1 commission shall require approval of a majority of its total members.
2 Any subcommittee shall present its findings to the commission for
3 approval.

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

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

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

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

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

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

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

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

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

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

44 10. The commission shall make final recommendations to the governor,
45 the state legislature, and the chancellor no later than December 31,
46 2023.

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

48 (a) the amendments to paragraph (b) of subdivision 1 and subdivision 2
49 of section 2590-h of the education law made by sections two and three of
50 this act shall not affect the expiration of such section and subdivision
51 and shall be deemed to expire therewith; and

52 (b) section five of this act shall expire and be deemed repealed
53 December 31, 2023.