

# STATE OF NEW YORK

2492

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sens. COMRIE, GOUNARDES, SEPULVEDA -- 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

(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

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

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1 effective date of this section; admissions to the special schools shall  
2 be conducted in accordance with the law in effect on the date preceding  
3 the effective date of this section;

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

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

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

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

18 (A) The periodic study shall evaluate:

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

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

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

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

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

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

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

55 2. Establish, control and operate new schools or programs of the types  
56 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.