§ 309-a. Twenty-first century schools program. 1. Twenty-first century schools plans. The commissioner is authorized to designate as "twenty-first century schools," schools which are implementing approved plans to achieve substantial improvement in student achievement. Applications for designation as a twenty-first century school may be submitted on behalf of an individual school, a subset of schools within a school district or all schools within a school district. Each application for designation as a twenty-first century school shall be made in a form prescribed by the commissioner and shall set forth a five-year plan to enable all students to achieve levels of educational achievement that are competitive with high international standards through implementation of innovative instructional strategies and restructuring of school management and programs. Such application shall be submitted by April first next preceding the school year in which operation as a twenty-first century school would commence. The twenty-first century school plan shall be developed through consultation with teachers, administrators, parents and other interested parties and shall be approved by the board of education at a public meeting. Such consultation shall be conducted in accordance with plans for school-based planning and shared decision making adopted in accordance with regulations of the commissioner. A school designated as a twenty-first century school may revise its plan, subject to approval by the commissioner and subject to all requirements governing initial development and approval of a plan. A twenty-first century school plan shall contain such information as the commissioner may require, including but not limited to:

a. identification of the school or schools included within the plan;

b. high, internationally competitive academic content and student achievement standards and mechanisms for assessing student achievement that are fair, reliable and valid, that have been selected or developed in conjunction with teachers, principals, parents and representatives of employers, organized labor, higher education institutions and community organizations and are consistent with standards and assessment practices developed by the department, by national organizations of subject-matter experts or by others;

c. specific actions to be undertaken to assure that all students, regardless of economic background, race, gender, ethnicity, disability or limited English proficiency, will have a fair opportunity to achieve the knowledge and skills described in the student achievement standards pursuant to paragraph b of this subdivision;

d. specific improvements in student achievement that the plan is expected to produce including, but not limited to, improvements in student achievement as reflected in grades, test scores, portfolio assessments and student demonstrations of skills or competencies and improvements in attendance and completion rates;

e. certifications by the superintendent of schools and the principal of each school included in the plan that the school will comply with all requirements of this chapter, rules of the board or regulations of the commissioner listed by the commissioner pursuant to subdivision three of this section;

f. a description of the staff development, training and support for teachers and other personnel that will be necessary to implement the plan;

g. any changes in school governance or management, work rules or assignment restrictions, pursuant to collective negotiations where applicable, needed in order to effectively focus and assist schools in preparing students to meet the achievement standards described in paragraph b of this subdivision;

h. any actions to be undertaken to assist families of students in addressing pressing needs that affect student achievement, including, but not limited to, forming partnerships with public and private agencies to increase the access of students and families to quality coordinated services;

i. any actions to be undertaken to facilitate the transition from school to work or to postsecondary education for all students including,

for example, integration of workplace readiness skills and career information into curricula, provision of school-structured work experiences, cooperation with local employers and articulation of school and college programs; and

j. a plan for evaluation of the effectiveness of the program.

2. Criteria for approval. The commissioner may designate a total of up to two hundred fifty twenty-first century schools by the nineteen hundred ninety-nine--two thousand school year. The commissioner shall promulgate criteria for the designation of twenty-first century schools which shall include, but not be limited to:

a. certifications by the commissioner that: (i) the student achievement standards described pursuant to paragraph b of subdivision one of this section represent high, internationally competitive standards for student knowledge and skills, (ii) that the mechanisms for assessing student achievement pursuant to such paragraph b are fair, reliable and valid; and (iii) the plan is designed to provide all students with educational services of a quality at least as high as those offered under existing practices, without regard to economic background, race, gender, ethnicity, disability or limited English proficiency;

b. the potential of the school plan for use as a model to be replicated by other similarly situated schools and the probability of success in substantially improving levels of achievement for all students, without regard to economic background, race, gender, ethnicity, disability or limited English proficiency;

c. evidence and strength of support for the proposal among teachers, parents and staff;

d. use of nationally recognized school restructuring and improvement models and reliance upon research-based strategies for improving student achievement; and

e. changes in local policies to provide the school or schools with additional enhanced flexibility.

The commissioner shall designate twenty-first century schools after consultation with the twenty-first century schools committee established pursuant to subdivision six of this section. The commissioner shall, to the extent practicable, provide for designation of schools located in a mixture of urban, rural and suburban settings. The commissioner shall take specific actions to encourage applications from schools located in economically and socially distressed communities.

3. Exemption from regulation. A school designated as a twenty-first century school shall:

a. be exempt from complying with rules of the board and regulations of the commissioner to the extent necessary to implement an approved twenty-first century school plan and except as provided in paragraphs b and c of this subdivision;

b. be authorized, as part of a twenty-first century school plan or revision thereto, to request approval by the commissioner to be exempted from specific requirements of this chapter except as provided in paragraph c of this subdivision and provided that the school shall continue to meet the underlying purposes of the statute to the satisfaction of the commissioner and that the exemption shall be granted only to the extent necessary to implement an approved twenty-first century school plan in the affected school or schools and provided further, that within thirty days of granting an exemption pursuant to this paragraph, the commissioner shall provide written notice of such action to the governor, the temporary president of the senate and the speaker of the assembly; and

c. not be exempt from complying with requirements of this chapter, rules of the board or regulations of the commissioner that (i) protect the health, safety and civil rights of students and staff, (ii) implement the requirements of federal law or regulation, (iii) provide for teacher, staff and parent participation and involvement, maintenance

of effort or equitable participation of students and staff in nonpublic schools, (iv) require the use of certified teachers, or (v) pertain to attendance of pupils; further, nothing herein shall be construed to exempt a twenty-first century school or its governing district from complying with the provisions of titles two and four of this chapter, with the requirement to offer students the opportunity to meet all the requirements for and receive a regents high school diploma or with requirements to reporting data necessary for the computation of state aid.

On or by October first, nineteen hundred ninety-four, the commissioner shall promulgate and provide to the governor, the temporary president of the senate and the speaker of the assembly a preliminary list of all requirements from which twenty-first century schools shall be required to request specific exemption as provided in paragraph b of this subdivision and with which twenty-first century schools shall be required to comply as provided in paragraph c of this subdivision. The commissioner shall promulgate a final list of all such requirements on November first, nineteen hundred ninety-four. The commissioner shall revise such list as needed and, in each case, shall provide a preliminary revised list to the governor, the temporary president of the senate and the speaker of the assembly at least thirty days prior to promulgating a final revised list.

4. School evaluations and reports. Each school designated as a twenty-first century school shall annually review its effectiveness in improving student performance and enabling all students to achieve to high internationally competitive standards and shall report the results of this review to the commissioner by September first next succeeding each year of operation as a twenty-first century school. Prior to the start of a school's third year of operation as a twenty-first century school, the school and the commissioner shall jointly review the school's performance to identify areas in need of improvement and to develop revisions to the school's twenty-first century school plan to remedy the identified shortcomings. If, as a result of such review, the commissioner determines that the school is unlikely to produce improvement in student achievement, he or she shall commence action to

revoke the school's designation as a twenty-first century school in accordance with the provisions of subdivision five of this section. The trustees or board of education of each district operating a twenty-first century school shall arrange for an independent evaluation of such school's effectiveness in substantially improving student achievement. Such independent evaluation shall be completed and transmitted to the commissioner within ninety days after completion of the fourth year of the school's operation as a twenty-first century school. Such independent evaluation shall be conducted by an agency selected by the trustees or board of education of the district and approved by the commissioner.

5. Duties of the commissioner and department. The commissioner shall promulgate guidelines to implement the provisions of this section, shall annually review the performance of all schools designated as twenty-first century schools, shall provide technical assistance and support, as appropriate, to all such schools, and shall submit to the regents, the legislature and the governor, no later than February first, an annual report describing the effectiveness of the twenty-first century schools program, recommending changes in the program and recommending changes in laws and regulations affecting all schools based upon the experiences of twenty-first century schools. The first such report shall be submitted no later than June first, nineteen hundred ninety-five and shall detail the steps undertaken to implement the provisions of this section. Each such annual report shall list and summarize all exemptions requested, granted and denied pursuant to paragraph b of subdivision three of this section. The commissioner may, acting either upon complaint or upon his or her own initiative, revoke a school's designation as a twenty-first century school for good cause shown and after affording the school an opportunity to present arguments against revocation.

6. Twenty-first century schools committee. There is hereby established the twenty-first century schools committee. The committee shall advise and assist the commissioner in developing guidelines to implement the provisions of this section, selecting schools for designation as twenty-first century schools, reviewing the performance of such schools,

evaluating the overall effectiveness of the twenty-first century schools program and recommending changes to the program and to laws, rules and regulations affecting all schools based upon the experiences of twenty-first century schools. The committee shall consist of thirteen members, appointed by the governor, of whom three shall be appointed on the recommendation of the commissioner, two on the recommendation of the temporary president of the senate, two on the recommendation of the speaker of the assembly, one on the recommendation of the minority leader of the senate and one on the recommendation of the minority leader of the assembly. The commissioner shall designate the chair. The appointing authorities shall attempt to assure that the membership of the committee includes representatives of parents, teachers, school board members and school administrators as well as representatives of their own institutions.