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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE HUMAN SERVICES AND**

**GOVERNMENTAL AFFAIRS DIVISION**

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**COMMITTEE ON EDUCATION**

Hon. Mark Treyger, *Chair*

**COMMITTEE ON CIVIL AND HUMAN RIGHTS**

Hon. Mathieu Eugene, *Chair*

 **May 1, 2019**

**PRECONSIDERED INT. NO. (T2019-4276):** By The Speaker (Council Member Johnson) and Council Members Treyger, Cornegy, Borelli and Powers

**TITLE:** A Local Law in relation to creating a specialized high school taskforce

**PRECONSIDERED INT. NO. (T2019-4277):** By Council Member Treyger

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on the demographics of school staff in New York city public schools

**ADMINISTRATIVE CODE:** Adds section 21-960.1

**PRECONSIDERED INT. NO. (T2019-4287):** By Council Members Lander, Treyger and Torres

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to expanding reports on demographic data in New York city public schools

**ADMINISTRATIVE CODE:** Amendssections 21-956, 21-957, 21-958 and 21-959

**PRECONSIDERED INT. NO. (T2019-4279):** By Council Members Rivera, The Speaker (Council Member Johnson) and Rosenthal

**TITLE:** A Local Law in relation to creating district diversity working groups

**PRECONSIDERED INT. NO. (T2019-4281):** By The Public Advocate (Mr. Williams) and Council Members Torres, Lander, Richards and Cornegy

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a school diversity advisory group

**ADMINISTRATIVE CODE:** Addssection 21-999

**PROPOSED INT. NO. 949-A:** By Council Members Torres, Rosenthal, Rivera, Espinal, Moya, Rose, Cornegy and Lancman

**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to creating a school diversity monitor within the human rights commission

**CHARTER:** Amends section 905

**ADMINISTRATIVE CODE:** Addssections 8-801, 8-802 and 8-803

**PROPOSED RES. NO. 196-A:** By Council Member Barron

**TITLE:** A Resolution calling upon the New York State Legislature to pass and the Governor to sign A.10427A/S.8503A, to change the admissions criteria for New York City's Specialized High Schools

**PROPOSED RES. NO. 417-A:** By Council Members Holden, Cornegy, Brannan, Koo, Gibson and Ulrich

**TITLE:** A Resolution calling upon the New York City Department of Education to create more district Gifted and Talented programs and classes, including intermediate school programs, and create pathways for admission that ensure equitable access for students throughout the City

**PROPOSED RES. NO. (T2019-4317):** By Council Member Powers

**TITLE:** A Resolution calling upon the New York City Department of Education to ensure the methodology for developing and scoring the Specialized High School Admissions Test, and the methodology for any future process implemented for Specialized High School admissions, be transparent and accessible to the general public

**Introduction**

On May 1, 2019, the Committee on Education, chaired by Council Member Mark Treyger, and the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene, will hold a joint oversight hearing on “Segregation in New York City Schools.” This is the first hearing on diversity that the Committee on Education has held this session. In the prior Legislative Session, the Council held a hearing on the issue of diversity in NYC schools in December 2014 and December 2017. Representatives from the Department of Education (DOE), the New York City Commission on Human Rights (CCHR), union leaders, advocates, educators, parents, and students have been invited to testify.

**ANALYSIS OF PRECONSIDERED INT. NO. \_\_\_\_\_ (T2019-4276)**

A Local Law in relation to creating a specialized high school taskforce.

The proposed legislation would require the establishment of a task force to issue recommendations regarding the admissions standards for specialized high schools. The task force would be comprised of at least 17 members and would be charged with considering and developing recommendations for alternative admissions criteria for the eight test-based specialized high schools in New York City. The proposed legislation would provide that recommendations for such criteria could be eliminating the specialized high school admissions test, the department discovery program, the department dream program, state standardized examinations, grade point average, and other measures. The legislation would provide that the task force would be required to meet no less than monthly, and to hold at least one public hearing every quarter to solicit feedback. The task force would be required to submit a report of its findings and recommendations to the Mayor and the Speaker of the Council, and post the report on the Department of Education’s website. The proposed bill would provide that the local law would take effect immediately and would be deemed repealed upon submission of the required report.

**ANALYSIS OF PRECONSIDERED INT. NO. \_\_\_\_\_ (T2019-4277)**

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the demographics of school staff in New York city public schools.

The proposed legislation would amend Local Law 59/2015 to require the Department of Education to annually report on the demographics of school staff. Such information would include the number of employees at each school, disaggregated by gender, race/ethnicity, length of employment, years of experience, highest degree earned, and job title. The bill would provide that such data would also be aggregated citywide and by community school district, and borough as applicable. The bill would provide that the local law would take effect immediately.

**ANALYSIS OF PRECONSIDERED INT. NO. \_\_\_\_\_ (T2019-4278)**

A Local Law to amend the administrative code of the city of New York, in relation to expanding reports on demographic data in New York city public schools.

The proposed legislation would require the Department of Education (DOE) to expand upon the report required pursuant to Local Law 59/2015 by requiring information regarding individual grade levels within a school, and information regarding students who attend school outside of the attendance zone in which students reside. The proposed bill would further expand upon Local Law 59 by requiring DOE to include information on charter schools under the jurisdiction of the DOE, as well as information on charter schools in the five boroughs, to the extent the DOE has such information. Additionally, the bill would require the DOE to report on admissions preferences established under the DOE’s diversity in admissions pilot, and to report high school data regarding diversity efforts on an individual school level. The proposed bill would further amend Local Law 59 to require the DOE to report categories that contain zero as zero, unless reporting as such would violate student privacy laws. Finally, the proposed legislation would provide that the local law would take effect immediately.

**ANALYSIS OF PRECONSIDERED INT. NO. \_\_\_\_\_ (T2019-4279)**

A Local Law in relation to creating district diversity working groups.

The proposed legislation would establish a working group in each community school district to review and make recommendations to foster and increase school diversity. The bill would require that each working group consist of at least 13 members, including teachers, parents, principals, students, community education council members, superintendents, and representatives of the Department of Education. The bill would further require each working group to partner with a community based organization and to create a plan to foster and increase school diversity, examining areas such as admissions, transfers, language access, and school transportation. Each working group would be required to meet at least once per quarter and hold at least one public hearing each quarter to solicit feedback. Each working group would be required to submit a report of its findings and plan to increase school diversity to the Mayor, the Chancellor, and the Speaker of the City Council. The proposed bill would provide that the local law would take effect immediately and would be repealed upon submission of the required plans.

**ANALYSIS OF PRECONSIDERED INT. NO. \_\_\_\_\_ (T2019-4281)**

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a school diversity advisory group.

The proposed legislation would codify the establishment of a School Diversity Advisory Group to assist the Department of Education (DOE) in achieving diverse and integrated schools. The advisory group would be required to review DOE policies and engage parents, teachers, students, and other community members to formulate recommendations to the DOE. The group would consist of at least 23 members including teachers; principals; parents; students; and experts in culturally responsive curriculum, restorative justice school discipline policies, teacher education and training, and integration or education policy. The group would be required to meet at least once per quarter and to hold five public hearings to solicit feedback. The group would further be required to submit an annual report on findings and recommendations to the Mayor and the Speaker of the City Council and post such report on the DOE’s website. Areas to be considered by the advisory group would include: setting racial and socio-economic diversity goals; supporting schools in diversifying their populations; professional development; inequities in funding formulas; accessibility and integration of students with disabilities; pedagogy and curriculum; school climate; restorative justice and practices; parent and teacher empowerment; and any other areas the advisory group deems necessary. The proposed bill would further require the DOE to include an addendum on future reports to include information regarding the implementation of any recommendations from the advisory group, including relevant timelines for implementation. The proposed bill would provide that the local law would take effect immediately.

**ANALYSIS OF INT. NO. 949-A**

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to creating a school diversity monitor within the human rights commission.

The proposed legislation would require the Human Rights Commission to study racial segregation in Department of Education (DOE) schools, including charter schools under the DOE”s jurisdiction, and develop recommendations for remedying such segregation. The proposed legislation would establish a School Diversity Monitor within the Human Rights Commission to – in collaboration with DOE - identify how school diversity data held by the DOE can be analyzed to best support the school integration efforts; develop appropriate professional development training; secure additional federal and state funding to train and supports teachers and staff in culturally responsive instruction; ensure that individual education programs are translated for all students, parents or guardians requesting such translation; and monitor racial and socio-economic segregation in schools and make recommendations to alleviate disparate impact discrimination. The proposed bill would require the School Diversity Monitor to submit an annual report outlining its work to the Mayor and the Speaker of the Council, and post such report on the Human Rights Commission’s website. The bill would provide that Human Rights Commission may promulgate rules necessary to implement the local law, and would provide that the local law would take effect immediately.

Int. No.

By The Speaker (Council Member Johnson) and Council Members Treyger, Cornegy, Borelli and Powers

A LOCAL LAW

In relation to creating a specialized high school taskforce

Be it enacted by the Council as follows:

Section 1. Specialized high school taskforce. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

Department. The term “department” means the New York city department of education.

Specialized high schools. The term “specialized high schools” has the same meaning as such term is defined in paragraph b of subdivision 1 of section 2590-h of the education law.

b. There shall be a taskforce to issue recommendations for improving the admission standards for the specialized high schools. The taskforce shall consist of at least 17 members as follows:

1. The mayor, or the mayor’s designee;

2. The speaker of the council, or the speaker’s designee;

3. The chancellor, or the chancellor’s designee;

4. Ten members appointed by the mayor, including one member who shall be a student, one member who shall be a parent of a child attending a public school within the city school district, four members who shall be departmental employees, one member who shall be an expert in the scientific field of study that examines education and learning processes and the human attributes, interactions, organizations, and institutions that shape educational outcomes, one member who shall be a psychologist with an expertise in psychological test use, one member who shall be an expert in assessment, evaluation, testing and other aspects of educational measurement, and one member who shall be a teacher currently employed by the department; and

5. Four members appointed by the speaker of the council, including one member who shall be a parent of a child attending a public school within the city school district, one member who shall be an expert in the scientific field of study that examines education and learning processes and the human attributes, interactions, organizations, and institutions that shape educational outcomes, one member who shall be a psychologist with an expertise in psychological test use, and one member who shall be an expert in assessment, evaluation, testing and other aspects of educational measurement.

c. All members shall be appointed within 90 days after the effective date of this local law. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

d. Membership on the taskforce shall not constitute holding of a public office, and members of the taskforce shall not be required to take or file oaths of office before serving on the taskforce. Each member of the taskforce shall serve without compensation.

e. The taskforce shall be required to meet no less than monthly. The taskforce shall also be required to hold at least one public hearing every quarter to solicit public comment and recommendations on the admissions process for the specialized high schools.

f. The taskforce shall examine alternative admissions criteria for the specialized high schools to increase diversity. Such alternative admissions criteria shall include but not be limited to eliminating the specialized high school admissions test, the department discovery program, the department dream program, state standardized examinations, grade point average and other measures.

g. The taskforce shall submit a report of its findings and recommendations to the mayor and the speaker of the council no later than September 1, 2020. The report shall also be posted to the department’s website. The taskforce shall dissolve upon submission of the report required by this local law.

§ 2. This local law takes effect immediately and is deemed repealed upon issuance of the report required by section one of this local law.

MMB

LS #10445; LS #4213; LS #6543; and LS #7339

4/19/19; 9:59 a.m.

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Int. No.

By Council Member Treyger

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reporting on the demographics of school staff in New York city public schools

Be it enacted by the Council as follows:

Section 1. Chapter 6 of title 21-A of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended by adding a new section 21-960.1 to read as follows:

§ 21-960.1 Annual report on the demographics of school staff in New York city public schools. No later than November 1, 2020, and annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding the following:

a. For each school in the city school district of the city of New York and charter schools under the jurisdiction of the department, the department shall report:

1. The number of employees employed at such school, disaggregated by:

(a) Gender;

(b) Race or ethnicity;

(c) Length of employment at such school;

(d) Years of experience;

(e) Highest degree earned; and

(f) Job title.

b. The report required pursuant to subdivision a of this section shall be aggregated by community school district for schools serving grades pre-kindergarten through eight, by borough, and citywide.

c. For purposes of the public report required pursuant to this section, if a category contains between one and five employees, or contains an amount that would allow another category that contains between one and five employees to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero. The data in any report submitted to the speaker of the council shall not be suppressed.

§ 2. This local law takes effect immediately.

MMB

LS #10108

4/19/19; 9:55 a.m.

Int. No.

By Council Members Lander, Treyger and Torres

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to expanding reports on demographic data in New York city public schools

Be it enacted by the Council as follows:

Section 1. Section 21-956 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended to read as follows:

§ 21-956 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

[“]Over the counter[”]. The term “over the counter” [shall mean] means a process of enrollment for high school students other than the citywide high school admissions process.

[“]Performance level[”]. The term “performance level” [shall mean] means the classification of test scores received on the New York state English language arts and mathematics examinations into four proficiency categories as reported by the state.

[“]Resident in temporary housing[”]. The term “resident in temporary housing” [shall mean] means satisfying the definition of “homeless child” as set forth in chancellor’s regulation A-780.

[“]School[”]. The term “school” [shall mean] means a school of the city school district of the city of New York, including charter schools under the jurisdiction of the department.

[“]Special programs[”]. The term “special programs” [shall mean] means academic programs including but not limited to gifted and talented programs in grades kindergarten through five [and dual], language programs in grades kindergarten through eight and programs with specific criteria for admissions including but not limited to screened, screened language, composite score, talent test, audition and school-managed admissions, in grades six through 12.

§ 2. Subdivisions a, b, d, e and f of section 21-957 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, are amended to read as follows:

§ 21-957 Annual report on the demographics of students in kindergarten through grade eight. Not later than December 31, 2015, and by November 1 of each year thereafter, the department shall submit to the speaker of the council and post on its website a report regarding the following:

a. For each community school district, school within such district, [and] special program within such school, and grade within such school the total number of public school students enrolled in the preceding school year in grades kindergarten through eight and the number and percentage of such students who:

1. [receive] Receive special education services;

2. [are] Are English language learners;

3. [receive free or reduced price school lunch] Are eligible for public assistance from the human resources administration;

4. [reside] Reside in temporary housing; [and]

5. Are attending school out of the attendance zone in which the student resides, if applicable; and

[5] 6. [are] Are attending school out of the community school district in which the student resides.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. [grade] Grade level;

2. [race] Race or ethnicity;

3. [gender] Gender; and

4. [for students who are English language learners, primary home language.] English language learner status; and

5. The student’s primary home language.

d. For each school and special program set forth in subdivision a of this section, the department shall report:

1. [the] The admissions process used by such school or special program, [such as] including, but not limited to, whether admission to such school or special program is based on a lottery, a geographic zone, a screening of candidates for such school, or a standardized test; [and]

2. [whether other] Any criteria or methods that are used [for admission] to supplement the admissions process, including but not limited to preferences established under the department’s diversity in admissions pilot, composite score formulas, waitlists or a principal's discretion[.];

3. A side-by-side comparison of the racial and ethnic demographics of the school or special program with the racial and ethnic demographics of all students in kindergarten through grade eight that reside within the applicable attendance zone, and, if the applicable attendance zone is smaller than the community school district, a side-by-side comparison of the racial and ethnic demographics of the school or special program, the applicable attendance zone and the community school district; and

4. Whether such school or special program is becoming more or less similar to the racial and ethnic demographics of the applicable attendance zone and the community school district, based on the comparison required pursuant to paragraph 3 of this subdivision.

e. For each community school district, [T]the department shall report on whether the department made any efforts in such community school district during the preceding school year to encourage a diverse student body in its schools and special programs and, if so, the details of any such efforts, including, but not limited to, strategic site selection of new schools and special programs, making recommendations to the community education council to draw attendance zones with recognition of the demographics of neighborhoods, the allocation of resources for schools and special programs, and targeted outreach and recruitment efforts.

f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0] one and [5] five students, or contains an amount that would allow another category that contains between [0] one and [5] five students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 3. Section 21-957 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. The report required pursuant to this section shall, to the extent the department has such information, include data regarding charter schools located within the five boroughs.

§ 4. Subdivisions a, b, d, e and f of section 21-958 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, are amended to read as follows:

§ 21-958 Annual report on high school student demographics. Not later than December 31, 2015, and by November 1 of each year thereafter, the department shall submit to the speaker of the council and post on its website a report regarding the following:

a. For each public high school, the total number of students enrolled in grades nine through twelve in the preceding school year and the number and percentage of such students who:

1. [receive] Receive special education services;

2. [are] Are English language learners;

3. [receive free or reduced price school lunch] Are eligible for public assistance from the human resources administration;

4. [reside] Reside in temporary housing; and

5. [are] Are enrolled over the counter.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. [grade] Grade level;

2. [race] Race or ethnicity;

3. [gender] Gender; and

4. [for student who are English language learners, primary home language.] English language learner status; and

5. The student’s primary home language.

d. For each high school set forth in subdivision a of this section, the department shall report:

1. [the] The admissions process used by such school, such as whether admissions to such school is based on a lottery, a geographic zone, a screening of candidates for such school, or a standardized test; and

2. [whether] Whether other criteria or methods are used for admissions including, but not limited to, preferences established under the department’s diversity in admissions pilot, over the counter admissions, waitlists, or a principal’s discretion.

e. The department shall report, on an individual high school level, on efforts each individual high schools has taken during the preceding school year to encourage a diverse student body [in its high schools] including, but not limited to, strategic site selection of new schools and special programs, the allocation of resources for schools and special programs, and targeted outreach and recruitment efforts.

f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0] one and [5] five students, or contains an amount that would allow another category that contains between [0] one and [5] five students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 5. Subdivision b of section 21-959 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended to read as follows:

b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0] one and [5] five students, or contains an amount that would allow another category that contains between [0] one and [5] five students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 6. This local law takes effect immediately.

NAB/MMB

LS #8738

4/19/19; 9:44 a.m.

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Int. No.

By Council Members Rivera, The Speaker (Council Member Johnson) and Rosenthal

A LOCAL LAW

In relation to creating district diversity working groups

Be it enacted by the Council as follows:

Section 1. District diversity working groups. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Community school district. The term “community school district” has the same meaning as such term is defined in subdivision 2 of section 2590-a of the education law.

Department. The term “department” means the New York city department of education.

b. There shall be a working group established for every community school district to review and make recommendations to foster and increase school diversity. Each working group shall consist of at least 13 members. Members of each working group shall be appointed by the mayor and consist of, at minimum, the following:

1. One elementary school teacher currently employed by the department and assigned to a school within the respective community school district;

2. Two middle school teachers currently employed by the department and assigned to a school within the respective community school district;

3. Two principals currently employed by the department and assigned to a school within the respective community school district;

4. Four parents of students attending a school within the respective community school district;

5. Two students currently attending a middle school within the respective community school district;

6. One representative of the community education council within the respective community school district; and

7. The superintendent, or superintendent’s designee, with jurisdiction over the respective community school district.

c. For each working group, the mayor shall appoint a department representative to serve as a co-facilitator.

d. Each working group shall select a community based organization to serve as a co-facilitator selected from a list established by the mayor. A community based organization is required to have a mission focused in support of multicultural education, diversity, or equity and justice.

e. All members shall be appointed within 90 days after the effective date of this local law. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

f. Membership on a working group shall not constitute holding of a public office, and members of a working group shall not be required to take or file oaths of office before serving on the taskforce. Each member of a working group shall serve without compensation.

g. Each working group shall be required to meet no less than quarterly. Each working group shall additionally be required to hold at least one public hearing every quarter to solicit public comment and recommendations on improving diversity within the respective community school district.

h. The mayor may designate one or more agencies to provide staffing and other administrative support to each working group.

i. Each working group shall create a plan to foster and increase school diversity. Areas that should be examined include but are not limited to: admission policies, transfer trends, language access and student transportation.

j. Each working group shall submit a report of its findings and a plan to increase school diversity to the mayor, chancellor of the city school district of the city of New York, and the speaker of the council no later than September 1, 2020.

k. Each working group shall dissolve upon submission of the plans required by this local law.

§ 2. This local law takes effect immediately and is deemed repealed upon issuance of the plans required by section one of this local law.

MMB

LS #8100

4/19/19; 8:32 a.m.

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Int. No.

By The Public Advocate (Mr. Williams) and Council Members Torres, Lander, Richards and Cornegy

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the establishment of a school diversity advisory group

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 28 to read as follows:

Chapter 28. School Diversity Advisory Group

§ 21-999 School diversity advisory group. a. There shall be a school diversity advisory group to assist the department in achieving diverse, integrated schools that offer academic and social benefits for all students. Such advisory group shall review current department policies and engage parents, teachers, students, advocates, other community leaders and local and national experts on school diversity to formulate recommendations to the department in its efforts to achieve integration and equity for city of New York public school students.

b. The school diversity advisory group shall consist of at least 23 members as follows:

1. The mayor or the mayor’s designee;

2. The speaker of the council or the speaker’s designee;

3. Sixteen members appointed by the mayor of which four shall be teachers or principals employed by the department, two shall be current students, five shall be experts in the field of culturally responsive curriculum and pedagogy, restorative justice school discipline policies, teacher education and training, integration or education policy, and five shall be parents of a child attending a public school within the city school district; and

4. Five members appointed by the speaker of the council, chosen from individuals representing community based organizations.

c. The parental appointees pursuant to paragraph 1 of subdivision b of this section shall be residents of the city, shall be from different boroughs and one shall be a parent of a child in an elementary school, one shall be a parent of a child in a middle school and one shall be a parent of a child in high school.

d. Membership on the advisory group shall not constitute the holding of a public office, and members of the advisory group shall not be required to take or file oaths of office before serving on the advisory group. Each member of the advisory group shall serve without compensation for a term of 12 months, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

e. All members shall be appointed within 90 days after the effective date of this local law. Each member can be re-appointed to serve successive terms. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment. The members shall designate a chair from amongst themselves.

f. The mayor may designate one or more agencies to provide staffing and other administrative support to the advisory group.

g. The advisory group shall be required to meet no less than quarterly and shall also be required to hold five public hearings annually to solicit public comment on the integration of New York city public schools.

h. No later than December 1, 2020, and annually thereafter, the advisory group shall prepare a report on findings, annual review of departmental integration efforts and recommendations to the department. The recommendations shall address areas including, but not limited to:

1. Setting racial and socio-economic diversity goals and how the department can best track and publish metrics in achieving such goals;

2. How the department can support schools in diversifying their populations;

3. Professional development of departmental employees;

4. How the department can change its funding formulas for schools to better address inequitable opportunities in schools for programs, staff and facilities;

5. Accessibility and integration of students with disabilities;

6. Pedagogy and curriculum;

7. School climate;

8. Restorative justice and practices;

9. Parent and teacher empowerment; and

10. Any other areas the advisory group deems necessary.

i. The report required pursuant to subdivision h of this section shall be submitted to the mayor and the speaker of the council and posted on the department’s reports section of its website. The department shall to notify students, parents, teachers and administrators each time such report is posted to the department’s website. The department is required to maintain on its reports section of its website all reports submitted by the advisory group.

j. The department shall be required to add an addendum for reports required in year 2021 and annually thereafter that shall include information on the implementation of such recommendations. The department shall be required to include a detailed explanation for recommendations that the department chooses not to implement. For those recommendations the department chooses to enact, the department in its addendum shall be required to include an implementation timeframe for each recommendation. If a target date will not be met, the department shall include an explanation and identify remedial steps the department will take to achieve the implementation timeframe in subsequent years.

§ 2. This local law takes effect immediately.

MMB

LS #1839; LS #2663; LS#8739

4/19/19; 9:29 a.m.

Proposed Int. No. 949-A

By Council Members Torres, Lander, Rosenthal, Rivera, Espinal, Moya, Rose, Cornegy and Lancman

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to creating a school diversity monitor within the human rights commission

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 905 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

c. Studies. 1. To study the problems of prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby in all or any fields of human relationship; and

(2) To study the prevalence and causes of racial segregation in schools of the city school district of the city of New York, including charter schools, and develop recommendations for remedying such segregation.

§ 2. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

Chapter 8: School Diversity Monitor

§ 8-801 Definitions. As used in this chapter, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

Commission. The term “commission” means the city commission on human rights.

Department. The term “department” means the New York city department of education.

School. The term “school” means a school of the city school district of the city of New York, or a charter school under the jurisdiction of the department.

§ 8-802 School diversity monitor. a. There shall be a school diversity monitor which shall be appointed by the commission.

b. Whenever in the judgment of the mayor or the chairperson of the commission the public interests shall so require, the school diversity monitor may be removed from office by either.

c. Whenever a vacancy shall occur, a school diversity monitor shall be appointed by the commission within 30 days thereafter.

d. The school diversity monitor shall, in collaboration with the department pursuant to section 906 of the New York city charter:

1. Identify how school diversity data held by the department can be analyzed to best support the department’s school integration efforts;

2. Develop appropriate professional development training for department teachers in culturally responsive pedagogical practices;

3. Secure additional federal and state funding to train and supports teachers and staff in culturally responsive instruction;

4. Ensure that individual education programs are translated for all students, parents or guardians requesting such translation; and

5. Monitor racial and socio-economic segregation in schools and make recommendations to alleviate disparate impact discrimination.

e. The school diversity monitor shall possess such powers in addition to any other powers that may be assigned to him or her, pursuant to any other provision of law, by the mayor or the commission wherein such position has been established.

f. On or before February 1, 2020, and annually thereafter, the school diversity monitor shall report to the mayor, the speaker of the council and post to the commission’s website a report outlining the school diversity monitor’s work pursuant to subdivision d of this section for the previous calendar year.

§ 8-803 Rules. The commission may promulgate rules necessary to implement the provisions of this chapter.

§ 2. This local law takes effect immediately.

PLS/MMB

LS 7245/Int. 1378-2016

LS 289

4/19/19; 8:40 a.m.

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Proposed Res. No. 196-A

..Title

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.10427A/S.8503A, to change the admissions criteria for New York City’s Specialized High Schools.

..Body

By Council Member Barron

Whereas, There are nine Specialized High Schools in New York City that serve the needs of academically and artistically gifted students; and

Whereas, For eight of these schools, admission is based solely on the score attained on the Specialized High Schools Admissions Test (SHSAT), while for Fiorello H. LaGuardia High School of Music & Art and Performing Arts (LaGuardia), acceptance is based on an audition and a review of a student's academic records; and

Whereas, A 1971 State law, known as the Hecht-Calandra Act, makes the SHSAT exam the only measure that can be used to admit students to Stuyvesant High School, the Bronx High School of Science and Brooklyn Technical High School; and

Whereas, Civil rights advocates have long complained about the relatively small number of black and Hispanic students in these most selective high schools; and

Whereas, For the 2017-18 school year, black students were offered only 3.8% of the seats at the eight schools and Hispanics 6.5%, even though 64% of the city’s public school students are black or Hispanic. Asians were offered 52.5% of the seats, while whites were offered 28%; and

Whereas, In September 2012, a coalition of educational and civil rights groups, including the NAACP Legal Defense and Educational Fund, filed a federal complaint saying that black and Hispanic students were disproportionately excluded from New York City’s most selective high schools because of a single-test admittance policy that is racially discriminatory; and

Whereas, The Thomas B. Fordham Institute, an education policy group, researched 165 selective high schools around the country and found that New York City’s specialized schools were the only ones that used a single test as the sole admission criterion, while others use multiple factors including grades, teacher recommendations, essays and interviews; and

Whereas, Similarly, college admissions generally do not rely on a single test score, but rather a variety of factors which may include SAT or ACT test scores as well as grades, teacher recommendations, essays and interviews; and

Whereas, Furthermore the three leading organizations in the area of educational test measurement — the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education — have concluded that a high-stakes decision with a major impact on a student’s educational opportunities, such as admission to a specialized or gifted/talented program, should not depend on the results of a single test; and

Whereas, A.10427A, sponsored by Assemblymember Barron, and its companion bill S.8503A, sponsored by Senator Parker, would create a new admissions system for the City's specialized high schools that would, over a period of three years, phase out the use of the achievement test and instead offer admission to students attending public middle schools in New York City who rank both in the top of their school's eighth grade and in the top quarter of eighth grade public school students Citywide; and

Whereas, Determination of a public school student's ranking in eighth grade would be made based on a set of criteria, including multiple measures of student achievement, determined by the Chancellor of the New York City Department of Education; and

Whereas, Such criteria would include grades in core academic courses and standardized test scores during seventh grade and could include other measures as well and, based on such criteria, students would be assigned a composite score; and

Whereas, As specified in A.10427A and S.8503A, in the first year under the new system, seats would be reserved in the specialized high schools for students in the top 3% of their eighth grade; in the second year, seats would be reserved for students in the top 5% of their eighth grade; and during the third year and subsequent years, for students who are in the top 5 - 7% of their eighth grade; and

Whereas, A.10427A and S.8503A would also provide that, in the first two years, the remaining seats in the specialized high schools would be filled by students who take the SHSAT and who score at or above the cut-off score for such remaining seats; and

Whereas, Further, A.10427A and S.8503A would also require that, during the third year and subsequent years, the remaining seats at each of the specialized high schools would be filled by a random selection process among eighth grade students from both public and private schools who have a grade point average of at least 3.7; and

Whereas, This new admissions policy is expected to increase diversity in the eight specialized high schools that are currently required to rely on the SHSAT as the sole criterion for admission; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.10427A/S.8503A, to change the admissions criteria for New York City’s Specialized High Schools.

LS# 3004/ Res 442-2014

LS# 507

JA

6/21/18

Proposed Res. No. 417-A

..Title

Resolution calling upon the New York City Department of Education to create more district Gifted and Talented programs and classes, including intermediate school programs, and create pathways for admission that ensure equitable access for students throughout the City.

..Body

By Council Members Holden, Cornegy, Brannan, Koo, Gibson and Ulrich

Whereas, There are two types of Gifted and Talented (G&T) programs in New York City, district and citywide, according to the Department of Education’s (DOE) website; and

Whereas, The district G&T program gives admissions priority to applicants who live in their district and offers a few G&T classes per grade, and the citywide G&T program gives no admissions priority based on district of residence and all students in these schools attend the G&T program; and

Whereas, To enroll in any G&T program, students in pre-K through second grade must fill out a request for testing form two months before the testing period begins and take an admissions examination that uses both verbal and nonverbal tests to determine if a child is eligible to apply for G&T programs; and

Whereas, The policy of the Department of Education is that students must score at or above the 90th percentile to be eligible for district G&T programs and at or above the 97th percentile to be eligible for citywide G&T programs; and

Whereas, Due to competitiveness and a limited number of seats, however, students often must score at or above the 99th percentile to gain admission to the citywide G&T programs; and

Whereas, Typically, more students qualify for G&T programs than the number of available seats, as was the case in 2018 when 9,074 received eligible scores and 6,733 applied for programs but just 3,854 were offered seats in G&T programs; and

Whereas, In most schools, after second grade there is no admissions examination or official pathway for entry into a G&T program except when a student leaves the program, which is extremely rare; and

Whereas, Some, but not all, intermediate sixth through eighth grade schools provide G&T classes to top performing students; and

Whereas, Intermediate school G&T programs could offer automatic admission to students from elementary G&T programs and create other pathways for entering students who were not enrolled in a G&T program in elementary school; and

Whereas, Further, while some districts have multiple districtwide G&T programs starting in kindergarten, others have just one and four districts have no G&T programs that start in kindergarten; and

Whereas, DOE’s restrictive admissions practices and insufficient number of G&T programs has limited opportunities for students; and

Whereas, If all school districts had at least one district G&T program for both elementary kindergarten through fifth grade and intermediate sixth through eighth grade, many more students would have the opportunity to benefit from such a program; and

Whereas, DOE should expand the number of G&T programs and implement admissions processes that ensure equitable access to students in districts throughout the City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to create more district Gifted and Talented programs and classes, including intermediate school programs, and create pathways for admission that ensure equitable access for students throughout the City.

LS #6304

SIL/JA

4/16/2019

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Preconsidered Res. No.

..Title

Resolution calling on the New York City Department of Education to ensure the methodology for developing and scoring the Specialized High School Admissions Test, and the methodology for any future process implemented for Specialized High School admissions, be transparent and accessible to the general public.

..Body

By Council Member Powers

 Whereas, The New York City (NYC) Department of Education (DOE) manages NYC’s public school system, which includes more than 1,800 schools, with over 400 high schools; and

 Whereas, Included within the DOE’s 400 high schools, are nine Specialized High Schools (SHS), which serve students who excel academically and/or artistically; and

 Whereas, In NYC, SHS are regarded as the most prestigious public schools, with students scoring at the 99th percentile of the state SAT distribution and accounting for the majority of NYC students who attend Harvard, Princeton, and Yale, according to a 2018 Brookings’ report; and

 Whereas, For eight of the nine SHS, admission is based solely on the score attained on a single test, the Specialized High School Admissions Test (SHSAT), while for one of these schools, Fiorello H. LaGuardia High School of Music & Art and Performing Arts (LaGuardia), acceptance is based on an audition and a review of a student’s academic records; and

 Whereas, Notably, the enactment of a State law in 1971, known as the Hecht-Calandra Act, codified into law the SHS’ use of a single test for admission, with the exception of LaGuardia, requiring that admission into a SHS “be solely and exclusively” gained by taking a specialized, voluntary admissions test, the SHSAT; and

 Whereas, Due to the high educational standards of these schools, they are highly sought after and competitive; and

 Whereas, For example, the DOE reports that approximately 27,500 NYC 8th graders took the SHSAT for admittance into one of the eight test-based SHS for the 2019-20 school year; however, only 4,798 of these students received an offer to one of the SHS as a result of their SHSAT score; and

 Whereas, Despite the high demand for students to be admitted into SHS, there has been widespread discussion of the eight test-based SHS’ use of a single test for admission, as many contend that considering other factors, such as student grades, will help create a fairer admissions system; and

 Whereas, To support this assertion, a 2008 Arizona State University and University at Colorado at Boulder study by Dr. Joshua Feinman revealed striking flaws in the SHSAT’s methodology, finding that: the SHSAT has an unusual, not widely known scoring feature that can favor those who have access to extensive test-prep tutors; thousands of students who are not accepted have scores that are statistically indistinguishable from thousands who are granted admission due to the use of less precise methods; certain versions of the SHSAT may increase the chances students have to gain admission; and no studies have ever been done to see if the SHSAT is subject to prediction bias across gender and ethnic groups; and

 Whereas, Notably, the student population at these test-based SHS does not adequately represent the broader NYC high school population, which is apparent in these SHS’ lack of black or Latino students (less than 10% in 2018) despite the DOE system being approximately two-thirds black or Latino over all, according to The New Yorker; and

 Whereas, Thus, it is vital to ensure that the methods behind developing and scoring the SHSAT, or any future SHS admissions’ methodology, be transparent and accessible, and subject to critical analysis and improvement, to help ensure that NYC’s SHS are diverse and representative of the whole City; now, therefore be it

 Resolved, That the Council of the City of New York calls on the New York City Department of Education to ensure the methodology for developing and scoring the Specialized High School Admissions Test, and the methodology for any future process implemented for Specialized High School admissions, be transparent and accessible to the general public.

KK
LS 7339

4/29/19