S T A T E O F N E W Y O R K

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I N S E N A T E

February 12, 2014

Introduced by Sens. ZELDIN, AVELLA, BALL, BOYLE, DILAN, FARLEY, GRIFFO, LATIMER, MARCHIONE, MAZIARZ, ROBACH, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the Blue Ribbon Commission

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 7-B to read as follows:

ARTICLE 7-B

BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRICULUM

SECTION 349-A. DEFINITIONS.

349-B. BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRICULUM.

349-C. SUSPENSION OF COMMON CORE TESTING.

349-D. SUSPENSION OF COMMON CORE CURRICULUM.

349-E. WAIVER FROM RACE TO THE TOP OBLIGATIONS RELATED TO COMMON CORE.

S 349-A. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "COMMISSION" SHALL MEAN THE BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRICULUM ESTABLISHED PURSUANT TO THIS ARTICLE.

2. "COMMON CORE CURRICULUM" SHALL MEAN ANY CURRICULUM DEVELOPED IN FURTHERANCE OF THE COMMON CORE ACADEMIC STANDARDS DEVELOPED BY THE NATIONAL GOVERNORS ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS.

3. "COMMON CORE STATE TEST" SHALL MEAN ANY STATE OR CONSORTIUM CREATED, DEVELOPED OR ADMINISTERED TEST GIVEN IN NEW YORK STATE TO STUDENTS IN GRADES PRE-KINDERGARTEN THROUGH TWELVE THAT TESTS A STUDENT'S KNOWLEDGE AND SKILLS RELATING TO THE COMMON CORE CURRICULUM.

4. "CONSORTIUM" SHALL MEAN THE SMARTER BALANCED ASSESSMENT CONSORTIUM, THE PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS, OR

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

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ANY OTHER ORGANIZATION, ENTITY, OR GROUP DEVELOPING STANDARDIZED TESTS BASED OFF OF THE COMMON CORE CURRICULUM.

S 349-B. BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRICULUM. 1. THERE IS HEREBY CREATED THE BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRICULUM, WHICH SHALL CONSIST OF THE FOLLOWING TWENTY-THREE MEMBERS WHO SHALL BE APPOINTED NO LESS THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION:

A. FIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL BE THE COMMISSIONER;

B. TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

C. TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

D. TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

E. TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY;

F. THREE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF NEW YORK STATE UNITED TEACHERS, ONE OF WHOM MUST HAVE COMPLETED THEIR SPECIAL EDUCATION CERTIFICATION AND ONE OF WHOM MUST PROVIDE INSTRUCTION TO ENGLISH AS A SECOND LANGUAGE STUDENTS;

G. ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE SCHOOL ADMINISTRATORS ASSOCIATION OF NEW YORK STATE;

H. TWO MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE PARENT TEACHER ASSOCIATION, ONE OF WHOM MUST BE A PARENT OF A STUDENT WITH A CURRENT INDIVIDUAL EDUCATION PLAN;

I. ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE NEW YORK STATE COUNCIL OF SCHOOL SUPERINTENDENTS;

J. ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE SCHOOL BOARDS ASSOCIATION;

K. ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE ASSOCIATION OF INDEPENDENT SCHOOLS;

L. ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE ASSOCIATION OF SCHOOL PSYCHOLOGISTS. SUCH MEMBER SHALL HAVE EXPERIENCE IN A CLINICAL SETTING.

2. NO MEMBER OF THE COMMISSION SHALL BE DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT BY VIRTUE OF HIS OR HER APPOINTMENT PURSUANT TO THIS SECTION. MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS PURSUANT TO THIS SECTION. A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHORITY ONLY FOR GOOD CAUSE, AFTER NOTICE AND OPPORTUNITY TO BE HEARD. VACANCIES SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

3. POWERS AND DUTIES OF THE COMMISSION.

A. THE COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING IN EACH OF THE FOLLOWING REGIONS:

I. LONG ISLAND;

II. NEW YORK CITY;

III. HUDSON VALLEY;

IV. CAPITAL DISTRICT;

V. NORTH COUNTRY;

VI. CENTRAL NEW YORK;

VII. FINGER LAKES;

VIII. WESTERN NEW YORK;

IX. SOUTHERN TIER.

B. DURING THE PUBLIC HEARINGS, THE COMMISSION SHALL HEAR THE TESTIMONY OF VOLUNTARY WITNESSES, MAY COMPEL THE TESTIMONY OF WITNESSES AND MAY REQUIRE THE PRODUCTION OF ANY DOCUMENTS THE COMMISSION DEEMS REASONABLY NECESSARY TO CARRY OUT ITS RESPONSIBILITIES.

C. AFTER REVIEW, STUDY, AND RECEIPT OF PUBLIC COMMENT, THE COMMISSION SHALL ISSUE A REPORT AND PROMULGATE RECOMMENDATIONS GOVERNING EDUCATIONAL STANDARDS, CURRICULUM, THE IMPLEMENTATION THEREOF, AND TESTING IN THE STATE OF NEW YORK FOR GRADES PRE-KINDERGARTEN THROUGH TWELVE. RECOMMENDATIONS SHALL INCLUDE INFORMATION ON, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

I. AN ANALYSIS OF THE STATE STANDARDS AND RELATED CURRICULUM EXISTING IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR;

II. AN ANALYSIS OF THE COMMON CORE STANDARDS ESTABLISHED IN TWO THOUSAND TEN BY THE NATIONAL GOVERNORS ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS;

III. AN ANALYSIS OF BEST PRACTICES, IN LIGHT OF THE STUDY AND REVIEW OF PRIOR STATE STANDARDS AND THOSE PUT FORTH BY THE NATIONAL GOVERNORS ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS, RELATED TO EDUCATIONAL STANDARDS AND PROMOTING COLLEGE AND CAREER READINESS FOR PRE-KINDERGARTEN THROUGH TWELFTH GRADE STUDENTS IN NEW YORK STATE;

IV. AN ANALYSIS OF AGE APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE MEANS OF IMPLEMENTING AND TRANSITIONING TO NEW EDUCATIONAL STANDARDS AND CURRICULUMS WITHIN THE STATE;

V. AN ANALYSIS OF THE TIME AND RESOURCES SPENT PREPARING FOR AND ADMINISTERING STATE-WIDE TESTS WITHIN THE STATE, FOR EACH GRADE, IN THE SCHOOL YEARS TWO THOUSAND NINE--TWO THOUSAND TEN, TWO THOUSAND TEN--TWO THOUSAND ELEVEN, TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN, TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN;

VI. AN ANALYSIS OF THE DATA COLLECTED PURSUANT TO SUBPARAGRAPH V OF THIS PARAGRAPH AND THE IMPACT THAT THE TIME AND RESOURCES ALLOCATED HAD ON THE QUALITY OF INSTRUCTION AND EMOTIONAL WELL-BEING OF STUDENTS IN THE STATE;

VII. AN ANALYSIS OF THE IMPACT THAT A CHANGE IN CURRICULUM WILL HAVE ON STUDENTS WHO ARE ABSENT FROM THEIR REGULAR CLASSES FOR EXTENDED PERIODS EACH WEEK DUE TO RECEIVING SPECIAL EDUCATIONAL SERVICES, REMEDIAL SERVICES, OR STUDENTS WHO HAVE EXTENDED ABSENCES;

VIII. AN ANALYSIS OF HOW THE POTENTIAL REINSTATEMENT OF THE COMMON CORE CURRICULUM WILL IMPACT THE AMOUNT OF TIME THAT STUDENTS OF VARIOUS FAMILY STRUCTURES AND SOCIO-ECONOMIC BACKGROUNDS SPEND DOING HOMEWORK;

IX. AN ANALYSIS AS TO THE SUFFICIENCY OF THE COMMON CORE MODULES AND ANY LESSON PLANS PROVIDED TO THE SCHOOLS BY THE DEPARTMENT;

X. A COMPARISON OF LOCALLY DEVELOPED CURRICULUMS THAT WERE DEVELOPED IN ORDER TO INSTRUCT ON THE COMMON CORE STANDARDS AND THOSE THAT WERE PURCHASED FROM VENDORS, WITH A FOCUS ON QUALITY, AGE APPROPRIATENESS AND DEVELOPMENTAL APPROPRIATENESS;

XI. A REVIEW OF THE PERCENTAGE OF SCHOOLS THAT HAD FULLY IMPLEMENTED THE COMMON CORE CURRICULUM, THOSE THAT HAD PARTIALLY IMPLEMENTED THE COMMON CORE CURRICULUM, AND THOSE THAT HAD NOT IMPLEMENTED ANY PART OF THE COMMON CORE CURRICULUM DURING THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR;

XII. AN ANALYSIS OF WHETHER OR NOT INSTRUCTION AND TESTING ON THE COMMON CORE CURRICULUM IS DEVELOPMENTALLY APPROPRIATE FOR CHILDREN WITH INDIVIDUALIZED EDUCATION PLANS AND CHILDREN WITH OTHER LEARNING DISABILITIES.

D. AFTER CONCLUDING THEIR STUDY, THE COMMISSION MUST TAKE A VOTE ON WHETHER OR NOT THEY BELIEVE THE COMMON CORE CURRICULUM SHOULD BE REINSTATED. THE RESULTS OF THAT VOTE MUST BE INCLUDED IN THEIR FINAL REPORT.

E. THE COMMISSION SHALL HAVE THE POWER TO:

I. APPOINT A CHAIRPERSON BY A MAJORITY VOTE;

II. CALL UPON ANY AGENCY, DEPARTMENT, OFFICE, DIVISION OR PUBLIC AUTHORITY, OR SCHOOL DISTRICT OF THIS STATE TO SUPPLY IT WITH SUCH INFORMATION AND ASSISTANCE AS THE COMMISSION DEEMS NECESSARY TO DISCHARGE ITS RESPONSIBILITIES. EACH AGENCY, DEPARTMENT, OFFICE, DIVISION OR SCHOOL DISTRICT OF THIS STATE SHALL COOPERATE WITH THE COMMISSION AND FURNISH SUCH INFORMATION AND ASSISTANCE AS IT REQUESTS TO ACCOMPLISH ITS PURPOSES;

III. APPOINT A COUNSEL AND SUCH OTHER STAFF AS THE COMMISSION DEEMS REASONABLY NECESSARY TO CARRY OUT ITS RESPONSIBILITIES;

IV. CONTRACT WITH ANY STATE OR PRIVATE ENTITY FOR THE PROVISION OF SUCH SERVICES AS THE COMMISSION DETERMINES TO BE REASONABLY NECESSARY; AND

V. TAKE OTHER ACTIONS NOT INCONSISTENT WITH THE PURPOSES OF THIS SECTION AS SHALL ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS.

F. RECOMMENDATIONS ISSUED BY THE COMMISSION SHALL BE DECIDED BY A MAJORITY VOTE. RECOMMENDATIONS ISSUED BY THE COMMISSION SHALL BE CONTAINED IN A REPORT TO THE GOVERNOR AND LEGISLATURE. THE REPORT SHALL BE ISSUED NO LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND SIXTEEN.

G. MEETINGS OF THE COMMISSION SHALL BE SUBJECT TO THE OPEN MEETINGS LAW ESTABLISHED BY ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

S 349-C. SUSPENSION OF COMMON CORE TESTING. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL BE PROHIBITED FROM REQUIRING ANY SCHOOL OR SCHOOL DISTRICT IN THE STATE TO ISSUE A COMMON CORE STATE TEST AS DEFINED BY SUBDIVISION THREE OF SECTION THREE HUNDRED FORTY-NINE-A OF THIS ARTICLE UNTIL THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR. DURING THE MORATORIUM, STATE-WIDE ASSESSMENTS FOR GRADES PRE-KINDERGARTEN THROUGH TWELVE SHALL BE DEVELOPED FROM STATE STANDARDS WHICH EXISTED FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR.

S 349-D. SUSPENSION OF COMMON CORE CURRICULUM. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL BE PROHIBITED FROM REQUIRING ANY SCHOOL OR SCHOOL DISTRICT IN THE STATE TO IMPLEMENT A COMMON CORE CURRICULUM AS DEFINED BY SUBDIVISION TWO OF SECTION THREE HUNDRED FORTY-NINE-A OF THIS ARTICLE UNTIL THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR.

S 349-E. WAIVER FROM RACE TO THE TOP OBLIGATIONS RELATED TO COMMON CORE. THE DEPARTMENT SHALL BE REQUIRED, WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, TO APPLY TO THE UNITED STATE DEPARTMENT OF EDUCATION FOR ANY AND ALL FLEXIBILITY WAIVERS THAT MAY BE REQUIRED IN ORDER FOR THE STATE TO REMAIN IN COMPLIANCE WITH THE RACE TO THE TOP APPLICATION WHICH WAS SUBMITTED BY THE DEPARTMENT ON JUNE FIRST, TWO THOUSAND TEN. PROVIDED HOWEVER, IN THE EVENT THAT THE UNITED STATES DEPARTMENT OF EDUCATION SHALL DENY THE FLEXIBILITY WAIVER, OR ANY PORTION THEREOF, SUCH DENIAL SHALL HAVE NO EFFECT ON THE REQUIREMENTS AND PROHIBITIONS PROVIDED IN THIS ARTICLE.

S 2. This act shall take effect June 30, 2014 or on the thirtieth day after it shall have become a law, whichever is later.