

3656

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. RA, GRAF, McDONOUGH, KOLB, MURRAY -- read once
and referred to the Committee on Education

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 ARTICLE 7-B

4 BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRICULUM

5 SECTION 349-A. DEFINITIONS.

6 349-B. BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND
7 CURRICULUM.

8 349-C. SUSPENSION OF COMMON CORE TESTING.

9 349-D. SUSPENSION OF COMMON CORE CURRICULUM.

10 349-E. WAIVER FROM RACE TO THE TOP OBLIGATIONS RELATED TO COMMON
11 CORE.

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

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

15 2. "COMMON CORE CURRICULUM" SHALL MEAN ANY CURRICULUM DEVELOPED IN
16 FURTHERANCE OF THE COMMON CORE ACADEMIC STANDARDS DEVELOPED BY THE
17 NATIONAL GOVERNORS ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL
18 OF CHIEF STATE SCHOOL OFFICERS, INCLUDING THOSE DESIGNED BY ANY COMMER-
19 CIAL ENTITY PURSUANT TO A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF
20 EDUCATION.

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

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

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1 4. "CONSORTIUM" SHALL MEAN THE SMARTER BALANCED ASSESSMENT CONSORTIUM,
2 THE PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS, OR
3 ANY OTHER ORGANIZATION, ENTITY, OR GROUP DEVELOPING STANDARDIZED TESTS
4 BASED OFF OF THE COMMON CORE CURRICULUM.

5 5. "NEW YORK STATE DRAFT STANDARDS" SHALL MEAN THE RESULTS OF THE NEW
6 YORK STATE BOARD OF REGENTS STANDARDS REVIEW INITIATIVE INCLUDING BUT
7 NOT LIMITED TO THE DRAFT STUDENT LEARNING STANDARDS FOR ENGLISH LANGUAGE
8 ARTS/ENGLISH AS A SECOND LANGUAGE.

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

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

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

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

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

21 E. TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
22 BLY;

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

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

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

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

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

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

38 L. ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK
39 STATE ASSOCIATION OF SCHOOL PSYCHOLOGISTS. SUCH MEMBER SHALL HAVE EXPE-
40 RIENCE IN A CLINICAL SETTING.

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

50 3. POWERS AND DUTIES OF THE COMMISSION.

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

53 I. LONG ISLAND;

54 II. NEW YORK CITY;

55 III. HUDSON VALLEY;

56 IV. CAPITAL DISTRICT;

1 V. NORTH COUNTRY;
2 VI. CENTRAL NEW YORK;
3 VII. FINGER LAKES;
4 VIII. WESTERN NEW YORK;
5 IX. SOUTHERN TIER.

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

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

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

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

21 III. THE NEW YORK STATE DRAFT STANDARDS PREVIOUSLY COMMISSIONED BY THE
22 NEW YORK STATE BOARD OF REGENTS PRIOR TO THEIR ADOPTION OF COMMON CORE;

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

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

32 VI. AN ANALYSIS OF THE TIME AND RESOURCES SPENT PREPARING FOR AND
33 ADMINISTERING STATE-WIDE TESTS WITHIN THE STATE, FOR EACH GRADE, IN THE
34 SCHOOL YEARS TWO THOUSAND NINE--TWO THOUSAND TEN, TWO THOUSAND TEN--TWO
35 THOUSAND ELEVEN, TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, TWO THOUSAND
36 TWELVE--TWO THOUSAND THIRTEEN, TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
37 TEEN;

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

42 VIII. AN ANALYSIS OF THE IMPACT THAT A CHANGE IN CURRICULUM WILL HAVE
43 ON STUDENTS WHO ARE ABSENT FROM THEIR REGULAR CLASSES FOR EXTENDED PERI-
44 ODS EACH WEEK DUE TO RECEIVING SPECIAL EDUCATIONAL SERVICES, REMEDIAL
45 SERVICES, OR STUDENTS WHO HAVE EXTENDED ABSENCES;

46 IX. AN ANALYSIS OF HOW THE POTENTIAL REINSTATEMENT OF THE COMMON CORE
47 CURRICULUM WILL IMPACT THE AMOUNT OF TIME THAT STUDENTS OF VARIOUS FAMI-
48 LY STRUCTURES AND SOCIO-ECONOMIC BACKGROUNDS SPEND DOING HOMEWORK;

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

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

55 XII. A REVIEW OF THE PERCENTAGE OF SCHOOLS THAT HAD FULLY IMPLEMENTED
56 THE COMMON CORE CURRICULUM, THOSE THAT HAD PARTIALLY IMPLEMENTED THE

1 COMMON CORE CURRICULUM, AND THOSE THAT HAD NOT IMPLEMENTED ANY PART OF
2 THE COMMON CORE CURRICULUM DURING THE TWO THOUSAND THIRTEEN--TWO THOU-
3 SAND FOURTEEN SCHOOL YEAR;

4 XIII. AN ANALYSIS OF WHETHER OR NOT INSTRUCTION AND TESTING ON THE
5 COMMON CORE CURRICULUM IS DEVELOPMENTALLY APPROPRIATE FOR CHILDREN WITH
6 INDIVIDUALIZED EDUCATION PLANS AND CHILDREN WITH OTHER LEARNING DISABIL-
7 ITIES.

8 D. AFTER CONCLUDING THEIR STUDY, THE COMMISSION MUST TAKE A VOTE ON
9 WHETHER OR NOT THEY BELIEVE THE COMMON CORE CURRICULUM SHOULD BE CONTIN-
10 UED OR WHETHER NEW YORK STATE SHOULD ADOPT A SET OF NEW YORK STATE STAN-
11 DARDS AND CURRICULUM DEVELOPED BY EDUCATORS WORKING IN THE FIELD AND
12 DESIGNED TO BEST SUIT THE NEEDS OF THE INDIVIDUAL STUDENT.

13 E. THE COMMISSION SHALL HAVE THE POWER TO:

14 I. APPOINT A CHAIRPERSON BY A MAJORITY VOTE;

15 II. CALL UPON ANY AGENCY, DEPARTMENT, OFFICE, DIVISION OR PUBLIC
16 AUTHORITY, OR SCHOOL DISTRICT OF THIS STATE TO SUPPLY IT WITH SUCH
17 INFORMATION AND ASSISTANCE AS THE COMMISSION DEEMS NECESSARY TO
18 DISCHARGE ITS RESPONSIBILITIES. EACH AGENCY, DEPARTMENT, OFFICE, DIVI-
19 SION OR SCHOOL DISTRICT OF THIS STATE SHALL COOPERATE WITH THE COMMIS-
20 SION AND FURNISH SUCH INFORMATION AND ASSISTANCE AS IT REQUESTS TO
21 ACCOMPLISH ITS PURPOSES;

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

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

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

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

33 G. THE COMMISSION IS FURTHER EMPOWERED TO APPOINT AND IMPANEL A
34 COMMITTEE TO DEVELOP A SET OF NEW YORK STATE EDUCATIONAL STANDARDS AS
35 DESCRIBED BY PARAGRAPH D OF THIS SUBDIVISION SHOULD THEY RECOMMEND DOING
36 SO AT THE CONCLUSION OF THEIR REVIEW AND STUDY.

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

39 S 349-C. SUSPENSION OF COMMON CORE TESTING. NOTWITHSTANDING ANY
40 PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL BE PROHIBITED
41 FROM REQUIRING ANY SCHOOL OR SCHOOL DISTRICT IN THE STATE TO ISSUE A
42 COMMON CORE STATE TEST AS DEFINED BY SUBDIVISION THREE OF SECTION THREE
43 HUNDRED FORTY-NINE-A OF THIS ARTICLE.

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

49 S 349-E. WAIVER FROM RACE TO THE TOP OBLIGATIONS RELATED TO COMMON
50 CORE. THE DEPARTMENT SHALL BE REQUIRED, WITHIN THIRTY DAYS OF THE
51 EFFECTIVE DATE OF THIS ARTICLE, TO APPLY TO THE UNITED STATES DEPARTMENT
52 OF EDUCATION FOR ANY AND ALL FLEXIBILITY WAIVERS INCLUDING, BUT NOT
53 LIMITED TO, WAIVERS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF
54 1965, AS AMENDED BY THE NO CHILD LEFT BEHIND ACT OF 2001. PROVIDED
55 HOWEVER, IN THE EVENT THAT THE UNITED STATES DEPARTMENT OF EDUCATION
56 SHALL DENY THE FLEXIBILITY WAIVER, OR ANY PORTION THEREOF, SUCH DENIAL

1 SHALL HAVE NO EFFECT ON THE REQUIREMENTS AND PROHIBITIONS PROVIDED IN
2 THIS ARTICLE.
3 S 2. This act shall take effect June 30, 2015 or on the thirtieth day
4 after it shall have become a law, whichever is later.