

STATE OF NEW YORK

3644

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. RA, CURRAN, STEC, RAIA, LUPINACCI, MONTESANO, CROUCH, PALMESANO, HAWLEY, DiPIETRO, McDONOUGH, MURRAY, BRABENEC, WALTER, McKEVITT, GRAF, GARBARINO -- Multi-Sponsored by -- M. of A. BARCLAY, GIGLIO, McLAUGHLIN, THIELE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to creating the commission on exceptional standards for New York state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 115
2 to read as follows:

3 § 115. Commission on exceptional standards for New York state. 1.
4 Definitions. a. "Commission" shall mean the commission on exceptional
5 standards for New York state.

6 b. "Common core curriculum" shall mean any curriculum developed in
7 furtherance of the common core academic standards developed by the
8 national governors association center for best practices and the council
9 of chief state school officers, including those designed by any commer-
10 cial entity pursuant to a contract with the New York state department of
11 education.

12 c. "Common core state test" shall mean any state or consortium
13 created, developed or administered test given in New York state to
14 students in grades pre-kindergarten through twelve that tests a
15 student's knowledge and skills relating to the common core curriculum.

16 2. Commission on exceptional standards for New York state. a. There
17 is hereby created the commission on exceptional standards for New York
18 state, which shall consist of the following twenty-three members who
19 shall be appointed no less than thirty days after the effective date of
20 this section:

21 (1) five members shall be appointed by the governor, one of whom shall
22 be the commissioner;

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

LBD06722-01-7

1 (2) two members shall be appointed by the temporary president of the
2 senate;

3 (3) two members shall be appointed by the speaker of the assembly;

4 (4) two members shall be appointed by the minority leader of the
5 senate;

6 (5) two members shall be appointed by the minority leader of the
7 assembly;

8 (6) three members shall be appointed by the president of New York
9 state united teachers, one of whom must have completed their special
10 education certification and one of whom must provide instruction to
11 English as a second language students;

12 (7) one member shall be appointed by the executive director of the
13 school administrators association of New York state;

14 (8) two members shall be appointed by the president of the New York
15 state parent teacher association, one of whom must be a parent of a
16 student with a current individual education plan;

17 (9) one member shall be appointed by the executive director of the New
18 York state council of school superintendents;

19 (10) one member shall be appointed by the president of the New York
20 state school boards association;

21 (11) one member shall be appointed by the president of the New York
22 state association of independent schools; and

23 (12) one member shall be appointed by the president of the New York
24 state association of school psychologists. Such member shall have expe-
25 rience in a clinical setting.

26 b. No member of the commission shall be disqualified from holding any
27 public office or employment, nor shall he or she forfeit any such office
28 or employment by virtue of his or her appointment pursuant to this
29 section. Members of the commission shall receive no compensation for
30 their service, but shall be allowed their actual and necessary expenses
31 incurred in the performance of their functions pursuant to this section.
32 A member of the commission may be removed by the appointing authority
33 only for good cause, after notice and opportunity to be heard. Vacancies
34 shall be filled in the same manner as original appointments.

35 3. Powers and duties of the commission. a. The commission shall hold
36 at least one public hearing in each of the following regions:

37 (1) Long Island;

38 (2) New York city;

39 (3) Hudson valley;

40 (4) Capital district;

41 (5) North country;

42 (6) Central New York;

43 (7) Finger lakes;

44 (8) Western New York; and

45 (9) Southern tier.

46 b. During the public hearings, the commission shall hear the testimony
47 of voluntary witnesses, may compel the testimony of witnesses and may
48 require the production of any documents the commission deems reasonably
49 necessary to carry out its responsibilities.

50 c. The commission shall have the power to:

51 (1) appoint a chairperson by a majority vote;

52 (2) call upon any agency, department, office, division or public
53 authority, or school district of this state to supply it with such
54 information and assistance as the commission deems necessary to
55 discharge its responsibilities. Each agency, department, office, divi-
56 sion or school district of this state shall cooperate with the commis-

1 sion and furnish such information and assistance as it requests to
2 accomplish its purposes;

3 (3) appoint a counsel and such other staff as the commission deems
4 reasonably necessary to carry out its responsibilities;

5 (4) contract with any state or private entity for the provision of
6 such services as the commission determines to be reasonably necessary;
7 and

8 (5) take other actions not inconsistent with the purposes of this
9 section as shall enable the commission to carry out its function.

10 d. Meetings of the commission shall be subject to the open meetings
11 law established by article seven of the public officers law.

12 e. After review, study, and receipt of public comment, the commission
13 shall issue a report and promulgate recommendations on a new set of
14 state-wide educational standards for this state. Recommendations shall
15 include, but shall not be limited to, development of a new set of state-
16 wide educational standards targeted specifically towards students of
17 this state.

18 f. Recommendations issued by the commission shall be contained in a
19 report to the governor and legislature. The report shall be issued no
20 later than January thirty-first, two thousand eighteen.

21 4. Suspension of common core testing. Notwithstanding any provision of
22 law to the contrary, the department of education shall be prohibited
23 from requiring any school or school district in the state to issue a
24 common core state test as defined by subdivision one of this section.

25 5. Suspension of common core curriculum. Notwithstanding any provision
26 of law to the contrary, the department of education shall be prohibited
27 from requiring any school or school district in the state to implement a
28 common core curriculum as defined by subdivision one of this section.

29 § 2. This act shall take effect immediately.