

STATE OF NEW YORK

1939

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring a study and report on the total cost of developing all student assessments and to establish a content review committee to review standardized test items and passages; and making an appropriation therefor

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

1 Section 1. Section 305 of the education law is amended by adding a new
2 subdivision 56 to read as follows:

3 56. a. The commissioner shall undertake a study to determine the total
4 cost of developing all student assessments, including the total cost of
5 preparing students for all assessments, the total cost of administering
6 all assessments, and the total cost of grading and reviewing all assess-
7 ments in the two thousand sixteen--two thousand seventeen school year.

8 b. This study required pursuant to paragraph a of this subdivision
9 shall result in a report, which details all said costs and shall be
10 filed with the governor, the director of the division of the budget, the
11 speaker of the assembly, the temporary president of the senate, the
12 chair of the assembly ways and means committee, the chair of the senate
13 finance committee and the chairs of the assembly and senate education
14 committees. Such report shall also be posted on the website of the
15 department by December thirty-first, two thousand seventeen and shall be
16 deemed a public document.

17 c. The commissioner's study shall include, but not be limited to, the
18 following information:

19 (1) The total number of student assessments administered in each
20 school district in the state. This shall include a count of state
21 required assessments and assessments which are locally or commercially
22 developed assessments which are administered by public school districts
23 and the total number of assessments each student cohort was administered

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

LBD00919-01-7

1 on average from kindergarten through grade twelve during the two thou-
2 sand sixteen--two thousand seventeen school year;

3 (2) The total cost of student assessments administered in each school
4 district in the state. The total cost shall be disaggregated to deter-
5 mine the amount of public funds which were expended on non-school
6 district employees, vendors, and other entities with which the state and
7 school districts contract for student assessment purposes including
8 purchase and licensing costs, test development, test booklets, scoring
9 sheets and scoring costs;

10 (3) Logistical, preparation and administration costs including, but
11 not limited to, distributing and collecting assessment materials,
12 assessment directions, and storing materials;

13 (4) Cost of test preparation materials;

14 (5) Cost of data coaches;

15 (6) Cost of data analysis or dashboard systems, information technology
16 maintenance, purchase, or upgrade;

17 (7) Cost of professional development focused primarily on student
18 assessment data;

19 (8) Cost of training for test administrators and proctors;

20 (9) Per-pupil costs of any additional assessments administered to
21 student subgroups including English language learners, students receiv-
22 ing intervention or remediation services, students with disabilities,
23 and economically disadvantaged students; and

24 (10) Any other costs related to student assessments.

25 d. In addition, the study shall determine the total amount of time
26 spent by school administrators, teachers, and students on student
27 assessments and associated activities during the two thousand sixteen--
28 two thousand seventeen school year. This shall include time spent by
29 students taking all state and district assessments; time spent by school
30 administrators and teachers for administrative tasks such as distribut-
31 ing and collecting answering sheets and giving directions, and the total
32 amount of time spent preparing students to take the assessments. Time
33 related data collected pursuant to this paragraph shall be disaggregated
34 by the following student groups: English language learners, students
35 receiving intervention or remediation services, students with disabili-
36 ties, general education students, and economically disadvantaged
37 students.

38 e. The commissioner shall submit the methodology used to calculate the
39 costs associated with student assessments to the comptroller before the
40 commissioner conducts the study pursuant to this subdivision. The comp-
41 troller shall make a written analysis of the methodology used by the
42 commissioner to determine the costs associated with student assessments.
43 The comptroller's analysis shall include a determination about the qual-
44 ity of the methodology used by the commissioner and the extent to which
45 the methodology will result in an analysis that properly accounts for
46 the actual costs incurred by school districts on student assessments and
47 related activities.

48 § 2. Section 305 of the education law is amended by adding a new
49 subdivision 57 to read as follows:

50 57. a. The commissioner shall undertake a state-wide survey of school
51 administrators and teachers about the time they spend on test prepara-
52 tion for each student assessment and the impact of test preparation on
53 the quality of instruction. The survey shall provide school administra-
54 tors and teacher respondents anonymity. The survey shall include: the
55 impact that student assessments have on curriculum; the amount of time a
56 teacher spends on test-taking strategies, simulating the testing envi-

1 ronment, and aligning curriculum content to assessments; the extent to
2 which assessments affect instruction time for different student
3 subgroups; and any other relevant questions about the impact of student
4 assessments on the school learning environment. In addition the survey
5 shall solicit recommendations from school administrators and teachers
6 regarding making student assessments cost effective, time efficient,
7 supportive of teaching and learning, aligned with the curriculum and
8 focused on student and teacher growth.

9 b. This survey shall result in a report which details the results and
10 conclusions from the survey and shall be filed with the governor, the
11 director of the division of the budget, the speaker of the assembly, the
12 temporary president of the senate, the chair of the assembly ways and
13 means committee, the chair of the senate finance committee and the
14 chairs of the assembly and senate education committees by December thir-
15 ty-first, two thousand seventeen. Such report shall also be posted on
16 the website of the department and shall be deemed a public document. The
17 report shall not include any information which specifically identifies
18 any individual school administrator, teacher or pupil.

19 § 3. Section 305 of the education law is amended by adding a new
20 subdivision 51-b to read as follows:

21 51-b. On or before June first, two thousand seventeen, and each year
22 thereafter, the commissioner shall release a significant amount of test
23 questions and corresponding correct answers from each of the most
24 recently administered English language arts and mathematics examinations
25 in grades three through eight of that year. The number of questions and
26 answers released shall not be so significant as to hinder or impair the
27 validity and/or reliability of future examinations but shall provide
28 enough of an overview of each examination so that teachers, administra-
29 tors, principals, parents and students can be provided with sufficient
30 feedback on the types of questions administered and, by July first, two
31 thousand seventeen, and each year thereafter, the commissioner shall
32 release the general student success rate in answering such questions
33 correctly.

34 § 4. The sum of eight million four hundred thousand dollars
35 (\$8,400,000), or so much thereof as may be necessary, is hereby appro-
36 priated to the department of education out of any moneys in the state
37 treasury in the general fund to the credit of the state purposes
38 account, not otherwise appropriated, and made immediately available, for
39 the purpose of carrying out the provisions of subdivision 51-b of
40 section 305 of the education law, as added by section three of this act
41 and for creating and printing more forms of state standardized assess-
42 ments in order to eliminate stand-alone multiple choice field tests and
43 release a significant amount of test questions. Such moneys shall be
44 payable on the audit and warrant of the comptroller on vouchers certi-
45 fied or approved by the commissioner of education in the manner
46 prescribed by law.

47 § 5. Section 305 of the education law is amended by adding a new
48 subdivision 58 to read as follows:

49 58. The commissioner is authorized and directed to establish a content
50 review committee for the purpose of reviewing any standardized test
51 items and/or selected passages for use on state assessments in grades
52 three through eight to ensure that they are grade appropriate and that
53 the complexity of the items and passages are within grade-level expecta-
54 tions. Such committee shall also ensure that any test items and/or
55 selected passages are fair and appropriately measure the learning stand-
56 ards approved by the board of regents applicable to such subject and/or

1 grade level. Such committee shall also ensure that adequate and appro-
2 priate time is given to students for the administration of such assess-
3 ments, provided however that subdivision forty-nine of this section must
4 be complied with. The content review committee shall include classroom
5 teachers and experienced educators in the content area and/or grade
6 level of the items/passages being reviewed, including teachers of
7 students with disabilities and English language learners.

8 § 6. This act shall take effect immediately.