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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. THIELE, BUTLER, FITZPATRICK, TOWNSEND, SALADINO, WALKER -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, BURLING, CONTE, ERRIGO, FINCH, GIGLIO, McDONOUGH, MILLER, O'MARA, RAIA, SAYWARD, TEDISCO -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to annual reporting by regents regarding assessments

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

Section 1. Legislative intent. The legislature finds and declares that educational assessments, including standardized tests, can be a vital component of ensuring the quality of education of all students in New York state. The legislature determines that in order to optimize the value of such standardized tests students, parents and educators must be assured that educational assessments used by the state are fair, equitable and valid measures of student achievement within the context of the state learning standards.

The legislature further finds and declares that it is not possible for school districts to make programmatic improvements and assist those students who fail to achieve competency in the state learning standards if school districts do not receive examination results until after a new school year has begun. Accordingly, the legislature finds and declares that in order to be accurate and meaningful evaluative tools, standardized assessment examinations must be reliably scored and the data released in a timely manner.

Therefore, it is the intent of the legislature to require the board of regents to identify and compile data regarding the regents' development, scoring and release of assessment examination data to be included in an annual report for submission to the governor and legislature.

S 2. The education law is amended by adding a new section 215-d to read as follows:

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

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S 215-D. ANNUAL REPORT BY REGENTS REGARDING ASSESSMENTS. THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK SHALL PREPARE AND SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, AND THE CHAIRPERSON AND RANKING MINORITY MEMBER OF THE SENATE AND ASSEMBLY EDUCATION COMMITTEES AND THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES, NOT LATER THAN THE FIRST DAY OF JANUARY, TWO THOUSAND ELEVEN AND THE FIRST DAY OF JANUARY OF EACH YEAR THEREAFTER, A REPORT CONCERNING EDUCATION ASSESSMENTS AND STANDARDS WHICH SHALL IN DETAIL SET FORTH: THE MANNER IN WHICH STANDARDIZED EXAMINATIONS USED BY THE EDUCATION DEPARTMENT ARE DEVELOPED AND HOW QUESTIONS ARE ASSIGNED POINT-VALUES; THE MANNER IN WHICH SUCH EXAMINATIONS ARE FIELD TESTED TO ENSURE ACCURACY AND RELIABILITY; THE MANNER IN WHICH SUCH EXAMINATIONS ARE SCORED, INCLUDING HOW DATA IS ANALYZED AND RELEASED, AND THE CIRCUMSTANCES UNDER WHICH AN EXAMINATION MAY BE RESCALED OR RESCORED AFTER SCORES HAVE BEEN RELEASED; STEPS THE REGENTS AND THE STATE EDUCATION DEPARTMENT HAVE TAKEN TO IMPROVE EXAMINATION RELIABILITY, VALIDITY, AND THE TIMELINESS OF SCORING AND RELEASE OF DATA; RECOMMENDATIONS FOR FUTURE IMPROVEMENT OF THE TIMELINESS OF SCORING AND RELEASE OF DATA; SPECIFIC EXAMPLES OF HOW EACH EXAMINATION RELATES TO STATE LEARNING STANDARDS, AND RECOMMENDATIONS FOR PRESENTING SUCH MATERIAL ACROSS THE CURRICULUM; AND SUCH OTHER INFORMATION AS REQUESTED BY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, OR THE MINORITY LEADER OF THE ASSEMBLY.

S 3. The education law is amended by adding a new section 215-e to read as follows:

S 215-E. ENSURING HIGH STANDARDS IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS. THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK SHALL ESTABLISH A MINIMUM REQUIREMENT AND CURRICULUM FOR EACH GRADE. SUCH REGENTS SHALL DESIGN GRADING SCALES THAT ALIGN WITH STANDARDS-BASED CURRICULUM AND DESIGNATE A PASSING STANDARDS-BASED SCORE FOR EACH GRADE LEVEL. THE COMMISSIONER SHALL REQUIRE THE USE OF STATE SYLLABI AND CORE CURRICULUM IN KINDERGARTEN THROUGH TWELFTH GRADE, WHERE AVAILABLE. THE COMMISSIONER SHALL REQUIRE STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE THAT DO NOT RECEIVE A REGENTS-DESIGNATED PASSING SCORE, TO ATTEND SUMMER SCHOOL.

S 4. This act shall take effect immediately; provided that section three of this act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.