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

5073

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, BRADLEY -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to directing the commissioner of education to develop alternative assessments for regents exams

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

Section 1. Legislative intent. The legislature hereby finds and declares that the use of rigorous alternative assessments for measuring knowledge, skills, performance and competency in the public schools has been an acceptable and indeed desirable alternative to the use of regents examinations as a means of gauging student achievement. Furthermore, portfolio performance-based assessments have been approved in New York state by the state education department and the state board of regents during the past decade. Portfolio performance-based methods of testing are used in other states and many institutions of higher learning and will allow high schools, which so choose, to have the flexibility and innovative freedom necessary to educate and nurture the children of New York state within the framework of the state's high standards.

S 2. The education law is amended by adding a new section 319 to read as follows:

S 319. ALTERNATIVE ASSESSMENTS. 1. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ALL STUDENTS ENROLLED IN A HIGH SCHOOL WHICH OPERATED UNDER A VARIANCE BY THE COMMISSIONER TO USE ALTERNATIVE ASSESSMENTS DURING THE TWO THOUSAND--TWO THOUSAND ONE SCHOOL YEAR SHALL ONLY BE REQUIRED TO ACHIEVE A PASSING GRADE ON THE REGENTS EXAMINATION FOR ENGLISH, IN ADDITION TO ANY OTHER LOCAL GRADUATION REQUIREMENTS, TO MEET GRADUATION REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

2. ANY STUDENT WHO ENROLLS IN A HIGH SCHOOL DURING THE TWO THOUSAND TWO--TWO THOUSAND THREE THROUGH TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEARS WHICH OPERATED UNDER A VARIANCE BY THE COMMISSIONER TO USE

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

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ALTERNATIVE ASSESSMENTS DURING THE TWO THOUSAND--TWO THOUSAND ONE SCHOOL YEAR SHALL ONLY BE REQUIRED TO ACHIEVE A PASSING GRADE ON THE REGENTS EXAMINATIONS FOR ENGLISH AND MATHEMATICS, IN ADDITION TO ANY OTHER LOCAL GRADUATION REQUIREMENTS, TO MEET GRADUATION REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

3. THE COMMISSIONER SHALL DEVELOP A PORTFOLIO PERFORMANCE-BASED ALTERNATIVE ASSESSMENT WHICH WILL MEASURE AN EQUIVALENT LEVEL OF KNOWLEDGE AND SKILL AND WHICH MAY BE SUBSTITUTED FOR CERTAIN ASSESSMENTS SPECIFIED IN REGULATIONS PROMULGATED BY THE DEPARTMENT. A PORTFOLIO PERFORMANCE-BASED ALTERNATIVE ASSESSMENT FOR THE REGENTS EXAMINATIONS FOR GLOBAL HISTORY AND GEOGRAPHY, UNITED STATES HISTORY AND GOVERNMENT, AND THE SCIENCES SHALL MEET THE FOLLOWING CONDITIONS AND CRITERIA:

(A) ASSESSMENTS SHALL MEASURE THE STATE LEARNING STANDARDS FOR THE RESPECTIVE CONTENT AREA;

(B) ALTERNATIVE ASSESSMENTS SHALL BE AT LEAST AS RIGOROUS AS THE CORRESPONDING REQUIRED STATE ASSESSMENT;

(C) ALTERNATIVE ASSESSMENTS SHALL BE CONSISTENT WITH TECHNICAL CRITERIA FOR VALIDITY, RELIABILITY, AND FREEDOM FROM BIAS;

(D) ALTERNATIVE ASSESSMENTS SHALL BE AVAILABLE FOR USE BY ANY SCHOOL OR SCHOOL DISTRICT IN NEW YORK STATE; AND

(E) ALTERNATIVE ASSESSMENT PROCEDURES SHALL BE CONDUCTED UNDER CIRCUMSTANCES APPROVED BY THE COMMISSIONER.

S 3. This act shall take effect immediately, provided, however, that the commissioner of education is directed to promulgate rules and regulations necessary for the implementation of the provisions of subdivision 3 of section 319 of the education law as added by section two of this act on or before the first of July two years after the date on which it shall have become a law.