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

780

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT creating the commission on state educational assessments

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

Section 1. Legislative findings. The legislature hereby finds that the educational assessment process in New York state is an important public policy matter that affects school children across the state. The legislature finds that the establishment of an independent commission, the commission on state educational assessments, whose purpose is to review and analyze state educational assessments, is in the public interest of the state of New York.

The legislature further finds that the New York state board of regents initiated higher learning standards for public school children. As part of this effort, new assessments were developed to accurately measure the new learning standards. The legislature further finds that these New York state initiatives were followed by the enactment of the federal No Child Left Behind Act, which greatly expanded every state's testing obligations.

The legislature further finds that there are many issues related to educational assessments that are of interest to educational stakeholders, the general public, and state policy makers. These include the connection between the learning standards and the assessments, the nature and validity of the state tests, the adequacy of the technical evidence that supports the reliability and validity of the test, the accuracy and consistency of test scoring, the training of those who score assessments and the determination of performance levels.

S 2. Commission established. (a) There is hereby created in the executive department a commission to be known as the commission on state educational assessments, hereafter referred to as the commission, which

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

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shall be charged with examining the state educational assessment system for students enrolled in primary and secondary schools in New York state. The commission shall consist of 11 members. The 11 members shall serve three year terms and shall be appointed as follows: (i) three members shall be appointed by the temporary president of the senate; (ii) three members shall be appointed by the speaker of the assembly; (iii) one member shall be appointed by the minority leader of the senate; (iv) one member shall be appointed by the minority leader of the assembly; and (v) three members shall be appointed by the governor. The governor shall designate the chair from among the members of the commission. One member each appointed by the governor, the temporary president of the senate, and the speaker of the assembly shall be an expert in the field of educational assessments.

(b) The members of the commission shall receive no compensation for their services as members, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. Members of the commission shall be considered public officers for purposes of section 17 of the public officers law.

(c) The commission shall begin to act 60 days after this act shall have become a law. A quorum shall consist of a majority of the members of the commission entitled to vote on the matter under consideration. Approval of any matter shall require the affirmative vote of a majority of the members voting thereon.

(d) The commission shall adopt by-laws for the management and regulation of its affairs.

S 3. Commission staff and agency liaison. The commissioner of education shall designate such employees of the department of education as are reasonably necessary to provide support services to the commission. The commission, acting by the chair of the commission, shall employ an executive director and may employ additional staff and consultants, who shall be paid from amounts available to the commission for such purpose. The executive director shall oversee the operations of all other staff and consultants employed by the commission and shall establish procedures to ensure that all analysis and reviews conducted by the commission are accurate and advance the public policy of New York state. The commissioner of education shall appoint one or more representatives of the department of education to serve as liaison between the department and the commission. All state agencies, public authorities and public benefit corporations shall provide such assistance as may be reasonably requested by the chair of the commission.

S 4. Powers and duties. The commission shall undertake the following activities to carry out its mission:

(i) perform annual and periodic reviews of New York state assessments to determine the adequacy of the psychometric qualities of the test and the appropriateness of the scoring methods;

(ii) undertake reviews of state educational assessments. Each review would be conducted by one or more testing experts with technical credentials in the specific area of review. These reviews may be performed by the commission or by independent assessment evaluators contracted with by the commission to perform such reviews;

(iii) produce research on assessment issues of concern in the state;

(iv) describe and analyze effective strategies schools have used to improve performance on state tests;

(v) solicit input from the advisory council and other interested and affected parties about the state assessment system and other related matters; and

(vi) periodically report and make recommendations regarding the state assessment system and related subjects, as well as file an annual report before December first of each year with the governor, the legislature, and the chancellor of the board of regents regarding the activities of the commission.

S 5. Deliberations of commission. The deliberations, meetings and other proceedings of the commission shall be governed by article 7 of the public officers law. Any one or more members of the commission may participate in a meeting of such commission by means of a conference telephone, conference video or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting. At any meetings of the commission conducted by means of a conference telephone, conference video or similar communications equipment, the public shall be given the opportunity to listen. If a meeting is to be conducted by means of a conference telephone, conference video or similar communications equipment, the public notice for the meeting shall inform the public that such equipment will be used, and identify the means by which the public may listen to such meeting.

S 6. Advisory council. An advisory council shall be established to provide input and advice to the commission regarding the New York state assessment system. The advisory council shall be composed of five members as follows: (i) one member who shall be representative of teachers in New York state; (ii) one member who shall be representative of school boards in New York state; (iii) one member who shall be representative of school superintendents in New York state; (iv) one member who shall be representative of school parents in New York state; and (v) one member who shall be representative of the business community in New York state. All members to the advisory council shall be appointed by the commission for a term of three years.

S 7. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 8. This act shall take effect immediately.