

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:

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

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

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

23 S 2. Commission established. (a) There is hereby created in the execu-
24 tive department a commission to be known as the commission on state
25 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.

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

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

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

24 (d) The commission shall adopt by-laws for the management and regu-
25 lation of its affairs.

26 S 3. Commission staff and agency liaison. The commissioner of educa-
27 tion shall designate such employees of the department of education as
28 are reasonably necessary to provide support services to the commission.
29 The commission, acting by the chair of the commission, shall employ an
30 executive director and may employ additional staff and consultants, who
31 shall be paid from amounts available to the commission for such purpose.
32 The executive director shall oversee the operations of all other staff
33 and consultants employed by the commission and shall establish proce-
34 dures to ensure that all analysis and reviews conducted by the commis-
35 sion are accurate and advance the public policy of New York state. The
36 commissioner of education shall appoint one or more representatives of
37 the department of education to serve as liaison between the department
38 and the commission. All state agencies, public authorities and public
39 benefit corporations shall provide such assistance as may be reasonably
40 requested by the chair of the commission.

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

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

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

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

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

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

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

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

20 S 6. Advisory council. An advisory council shall be established to
21 provide input and advice to the commission regarding the New York state
22 assessment system. The advisory council shall be composed of five
23 members as follows: (i) one member who shall be representative of teach-
24 ers in New York state; (ii) one member who shall be representative of
25 school boards in New York state; (iii) one member who shall be represen-
26 tative of school superintendents in New York state; (iv) one member who
27 shall be representative of school parents in New York state; and (v) one
28 member who shall be representative of the business community in New York
29 state. All members to the advisory council shall be appointed by the
30 commission for a term of three years.

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

40 S 8. This act shall take effect immediately.