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

6594--A

2013-2014 Regular Sessions

I N A S S E M B L Y

April 10, 2013

Introduced by M. of A. NOLAN, ROSENTHAL, THIELE, SCHIMEL, GUNTHER, RA, OTIS, PEOPLES-STOKES, SKOUFIS, JAFFEE, FAHY, COLTON, HENNESSEY, ZEBROWSKI, PAULIN, BRINDISI, LAVINE -- Multi-Sponsored by -- M. of A. GLICK, LIFTON, MARKEY, SOLAGES -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring a study and report on the total cost of developing all student assessments

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 44 to read as follows:

44. A. THE COMMISSIONER SHALL UNDERTAKE A STUDY TO DETERMINE THE TOTAL COST OF DEVELOPING ALL STUDENT ASSESSMENTS, INCLUDING THE TOTAL COST OF PREPARING STUDENTS FOR ALL ASSESSMENTS, THE TOTAL COST OF ADMINISTERING ALL ASSESSMENTS, AND THE TOTAL COST OF GRADING AND REVIEWING ALL ASSESSMENTS IN THE TWO THOUSAND THIRTEEN -- TWO THOUSAND FOURTEEN SCHOOL YEAR.

B. THIS STUDY REQUIRED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION SHALL RESULT IN A REPORT, WHICH DETAILS ALL SAID COSTS AND SHALL BE FILED WITH THE GOVERNOR, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIRS OF THE ASSEMBLY AND SENATE EDUCATION COMMITTEES. SUCH REPORT SHALL ALSO BE POSTED ON THE WEBSITE OF THE DEPARTMENT BY DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN AND SHALL BE DEEMED A PUBLIC DOCUMENT.

C. THE COMMISSIONER'S STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

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

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(1) THE TOTAL NUMBER OF STUDENT ASSESSMENTS ADMINISTERED IN EACH SCHOOL DISTRICT IN THE STATE. THIS SHALL INCLUDE A COUNT OF STATE REQUIRED ASSESSMENTS AND ASSESSMENTS WHICH ARE LOCALLY OR COMMERCIALLY DEVELOPED ASSESSMENTS WHICH ARE ADMINISTERED BY PUBLIC SCHOOL DISTRICTS AND THE TOTAL NUMBER OF ASSESSMENTS EACH STUDENT COHORT WAS ADMINISTERED ON AVERAGE FROM KINDERGARTEN THROUGH GRADE TWELVE DURING THE TWO THOUSAND THIRTEEN -- TWO THOUSAND FOURTEEN SCHOOL YEAR;

(2) THE TOTAL COST OF STUDENT ASSESSMENTS ADMINISTERED IN EACH SCHOOL DISTRICT IN THE STATE. THE TOTAL COST SHALL BE DISAGGREGATED TO DETERMINE THE AMOUNT OF PUBLIC FUNDS WHICH WERE EXPENDED ON NON-SCHOOL DISTRICT EMPLOYEES, VENDORS, AND OTHER ENTITIES WITH WHICH THE STATE AND SCHOOL DISTRICTS CONTRACT FOR STUDENT ASSESSMENT PURPOSES INCLUDING PURCHASE AND LICENSING COSTS, TEST DEVELOPMENT, TEST BOOKLETS, SCORING SHEETS AND SCORING COSTS;

(3) LOGISTICAL, PREPARATION AND ADMINISTRATION COSTS INCLUDING, BUT NOT LIMITED TO, DISTRIBUTING AND COLLECTING ASSESSMENT MATERIALS, ASSESSMENT DIRECTIONS, AND STORING MATERIALS;

(4) COST OF TEST PREPARATION MATERIALS;

(5) COST OF DATA COACHES;

(6) COST OF DATA ANALYSIS OR DASHBOARD SYSTEMS, INFORMATION TECHNOLOGY MAINTENANCE, PURCHASE, OR UPGRADE;

(7) COST OF PROFESSIONAL DEVELOPMENT FOCUSED PRIMARILY ON STUDENT ASSESSMENT DATA;

(8) COST OF TRAINING FOR TEST ADMINISTRATORS AND PROCTORS;

(9) PER-PUPIL COSTS OF ANY ADDITIONAL ASSESSMENTS ADMINISTERED TO STUDENT SUBGROUPS INCLUDING ENGLISH LANGUAGE LEARNERS, STUDENTS RECEIVING INTERVENTION OR REMEDIATION SERVICES, STUDENTS WITH DISABILITIES, AND ECONOMICALLY DISADVANTAGED STUDENTS; AND

(10) ANY OTHER COSTS RELATED TO STUDENT ASSESSMENTS.

D. IN ADDITION, THE STUDY SHALL DETERMINE THE TOTAL AMOUNT OF TIME SPENT BY SCHOOL ADMINISTRATORS, TEACHERS, AND STUDENTS ON STUDENT ASSESSMENTS AND ASSOCIATED ACTIVITIES DURING THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR. THIS SHALL INCLUDE TIME SPENT BY STUDENTS TAKING ALL STATE AND DISTRICT ASSESSMENTS; TIME SPENT BY SCHOOL ADMINISTRATORS AND TEACHERS FOR ADMINISTRATIVE TASKS SUCH AS DISTRIBUTING AND COLLECTING ANSWERING SHEETS AND GIVING DIRECTIONS, AND THE TOTAL AMOUNT OF TIME SPENT PREPARING STUDENTS TO TAKE THE ASSESSMENTS. TIME RELATED DATA COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE DISAGGREGATED BY THE FOLLOWING STUDENT GROUPS: ENGLISH LANGUAGE LEARNERS, STUDENTS RECEIVING INTERVENTION OR REMEDIATION SERVICES, STUDENTS WITH DISABILITIES, GENERAL EDUCATION STUDENTS, AND ECONOMICALLY DISADVANTAGED STUDENTS.

E. THE COMMISSIONER SHALL SUBMIT THE METHODOLOGY USED TO CALCULATE THE COSTS ASSOCIATED WITH STUDENT ASSESSMENTS TO THE COMPTROLLER BEFORE THE COMMISSIONER CONDUCTS THE STUDY PURSUANT TO THIS SUBDIVISION. THE COMPTROLLER SHALL MAKE A WRITTEN ANALYSIS OF THE METHODOLOGY USED BY THE COMMISSIONER TO DETERMINE THE COSTS ASSOCIATED WITH STUDENT ASSESSMENTS. THE COMPTROLLER'S ANALYSIS SHALL INCLUDE A DETERMINATION ABOUT THE QUALITY OF THE METHODOLOGY USED BY THE COMMISSIONER AND THE EXTENT TO WHICH THE METHODOLOGY WILL RESULT IN AN ANALYSIS THAT PROPERLY ACCOUNTS FOR THE ACTUAL COSTS INCURRED BY SCHOOL DISTRICTS ON STUDENT ASSESSMENTS AND RELATED ACTIVITIES.

S 2. Section 305 of the education law is amended by adding a new subdivision 45 to read as follows:

45. A. THE COMMISSIONER SHALL UNDERTAKE A STATE-WIDE SURVEY OF SCHOOL ADMINISTRATORS AND TEACHERS ABOUT THE TIME THEY SPEND ON TEST PREPARA-

TION FOR EACH STUDENT ASSESSMENT AND THE IMPACT OF TEST PREPARATION ON THE QUALITY OF INSTRUCTION. THE SURVEY SHALL PROVIDE SCHOOL ADMINISTRATORS AND TEACHER RESPONDENTS ANONYMITY. THE SURVEY SHALL INCLUDE: THE IMPACT THAT STUDENT ASSESSMENTS HAVE ON CURRICULUM; THE AMOUNT OF TIME A TEACHER SPENDS ON TEST-TAKING STRATEGIES, SIMULATING THE TESTING ENVIRONMENT, AND ALIGNING CURRICULUM CONTENT TO ASSESSMENTS; THE EXTENT TO WHICH ASSESSMENTS AFFECT INSTRUCTION TIME FOR DIFFERENT STUDENT SUBGROUPS; AND ANY OTHER RELEVANT QUESTIONS ABOUT THE IMPACT OF STUDENT ASSESSMENTS ON THE SCHOOL LEARNING ENVIRONMENT. IN ADDITION THE SURVEY SHALL SOLICIT RECOMMENDATIONS FROM SCHOOL ADMINISTRATORS AND TEACHERS REGARDING MAKING STUDENT ASSESSMENTS COST EFFECTIVE, TIME EFFICIENT, SUPPORTIVE OF TEACHING AND LEARNING, ALIGNED WITH THE CURRICULUM AND FOCUSED ON STUDENT AND TEACHER GROWTH.

B. THIS SURVEY SHALL RESULT IN A REPORT WHICH DETAILS THE RESULTS AND CONCLUSIONS FROM THE SURVEY AND SHALL BE FILED WITH THE GOVERNOR, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIRS OF THE ASSEMBLY AND SENATE EDUCATION COMMITTEES BY DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN. SUCH REPORT SHALL ALSO BE POSTED ON THE WEBSITE OF THE DEPARTMENT AND SHALL BE DEEMED A PUBLIC DOCUMENT. THE REPORT SHALL NOT INCLUDE ANY INFORMATION WHICH SPECIFICALLY IDENTIFIES ANY INDIVIDUAL SCHOOL ADMINISTRATOR, TEACHER OR PUPIL.

S 3. This act shall take effect immediately.