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I N A S S E M B L Y

February 20, 2014

Introduced by M. of A. RA, GRAF, McDONOUGH, KOLB, SALADINO, PALUMBO, LUPINACCI, PALMESANO, McKEVITT, MONTESANO, CURRAN, McLAUGHLIN, CROUCH, P. LOPEZ, LALOR, KATZ, BORELLI, MALLIOTAKIS, WALTER, RAIA, GOODELL, TENNEY, TEDISCO, FRIEND, GARBARINO, CERETTO, BLANKENBUSH, JOHNS, STEC, DUPREY, BUTLER, DiPIETRO, HAWLEY, GIGLIO, NOJAY, CORWIN, BARCLAY, FITZPATRICK, HENNESSEY -- Multi-Sponsored by -- M. of A. KEARNS, SKARTADOS, THIELE -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the Blue Ribbon Commission

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

1 Section 1. The education law is amended by adding a new article 7-B to  
2 read as follows:

3 ARTICLE 7-B

4 BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRICULUM  
5 SECTION 349-A. DEFINITIONS.

6 349-B. BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND  
7 CURRICULUM.

8 349-C. SUSPENSION OF COMMON CORE TESTING.

9 349-D. SUSPENSION OF COMMON CORE CURRICULUM.

10 349-E. WAIVER FROM RACE TO THE TOP OBLIGATIONS RELATED TO COMMON  
11 CORE.

12 S 349-A. DEFINITIONS. AS USED IN THIS ARTICLE:

13 1. "COMMISSION" SHALL MEAN THE BLUE RIBBON COMMISSION ON 21ST CENTURY  
14 TESTING AND CURRICULUM ESTABLISHED PURSUANT TO THIS ARTICLE.

15 2. "COMMON CORE CURRICULUM" SHALL MEAN ANY CURRICULUM DEVELOPED IN  
16 FURTHERANCE OF THE COMMON CORE ACADEMIC STANDARDS DEVELOPED BY THE  
17 NATIONAL GOVERNORS ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL  
18 OF CHIEF STATE SCHOOL OFFICERS.

19 3. "COMMON CORE STATE TEST" SHALL MEAN ANY STATE OR CONSORTIUM  
20 CREATED, DEVELOPED OR ADMINISTERED TEST GIVEN IN NEW YORK STATE TO

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

1 STUDENTS IN GRADES PRE-KINDERGARTEN THROUGH TWELVE THAT TESTS A  
2 STUDENT'S KNOWLEDGE AND SKILLS RELATING TO THE COMMON CORE CURRICULUM.

3 4. "CONSORTIUM" SHALL MEAN THE SMARTER BALANCED ASSESSMENT CONSORTIUM,  
4 THE PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS, OR  
5 ANY OTHER ORGANIZATION, ENTITY, OR GROUP DEVELOPING STANDARDIZED TESTS  
6 BASED OFF OF THE COMMON CORE CURRICULUM.

7 S 349-B. BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRIC-  
8 ULUM. 1. THERE IS HEREBY CREATED THE BLUE RIBBON COMMISSION ON 21ST  
9 CENTURY TESTING AND CURRICULUM, WHICH SHALL CONSIST OF THE FOLLOWING  
10 TWENTY-THREE MEMBERS WHO SHALL BE APPOINTED NO LESS THAN THIRTY DAYS  
11 AFTER THE EFFECTIVE DATE OF THIS SECTION:

12 A. FIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL  
13 BE THE COMMISSIONER;

14 B. TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
15 SENATE;

16 C. TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

17 D. TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
18 SENATE;

19 E. TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
20 BLY;

21 F. THREE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF NEW YORK STATE  
22 UNITED TEACHERS, ONE OF WHOM MUST HAVE COMPLETED THEIR SPECIAL EDUCATION  
23 CERTIFICATION AND ONE OF WHOM MUST PROVIDE INSTRUCTION TO ENGLISH AS A  
24 SECOND LANGUAGE STUDENTS;

25 G. ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE  
26 SCHOOL ADMINISTRATORS ASSOCIATION OF NEW YORK STATE;

27 H. TWO MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK  
28 STATE PARENT TEACHER ASSOCIATION, ONE OF WHOM MUST BE A PARENT OF A  
29 STUDENT WITH A CURRENT INDIVIDUAL EDUCATION PLAN;

30 I. ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE NEW  
31 YORK STATE COUNCIL OF SCHOOL SUPERINTENDENTS;

32 J. ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK  
33 STATE SCHOOL BOARDS ASSOCIATION;

34 K. ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK  
35 STATE ASSOCIATION OF INDEPENDENT SCHOOLS;

36 L. ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK  
37 STATE ASSOCIATION OF SCHOOL PSYCHOLOGISTS. SUCH MEMBER SHALL HAVE EXPE-  
38 RIENCE IN A CLINICAL SETTING.

39 2. NO MEMBER OF THE COMMISSION SHALL BE DISQUALIFIED FROM HOLDING ANY  
40 PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE  
41 OR EMPLOYMENT BY VIRTUE OF HIS OR HER APPOINTMENT PURSUANT TO THIS  
42 SECTION. MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR  
43 THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES  
44 INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS PURSUANT TO THIS SECTION.  
45 A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHORITY  
46 ONLY FOR GOOD CAUSE, AFTER NOTICE AND OPPORTUNITY TO BE HEARD. VACANCIES  
47 SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

48 3. POWERS AND DUTIES OF THE COMMISSION.

49 A. THE COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING IN EACH OF  
50 THE FOLLOWING REGIONS:

51 I. LONG ISLAND;

52 II. NEW YORK CITY;

53 III. HUDSON VALLEY;

54 IV. CAPITAL DISTRICT;

55 V. NORTH COUNTRY;

56 VI. CENTRAL NEW YORK;

1 VII. FINGER LAKES;

2 VIII. WESTERN NEW YORK;

3 IX. SOUTHERN TIER.

4 B. DURING THE PUBLIC HEARINGS, THE COMMISSION SHALL HEAR THE TESTIMONY  
5 OF VOLUNTARY WITNESSES, MAY COMPEL THE TESTIMONY OF WITNESSES AND MAY  
6 REQUIRE THE PRODUCTION OF ANY DOCUMENTS THE COMMISSION DEEMS REASONABLY  
7 NECESSARY TO CARRY OUT ITS RESPONSIBILITIES.

8 C. AFTER REVIEW, STUDY, AND RECEIPT OF PUBLIC COMMENT, THE COMMISSION  
9 SHALL ISSUE A REPORT AND PROMULGATE RECOMMENDATIONS GOVERNING EDUCA-  
10 TIONAL STANDARDS, CURRICULUM, THE IMPLEMENTATION THEREOF, AND TESTING IN  
11 THE STATE OF NEW YORK FOR GRADES PRE-KINDERGARTEN THROUGH TWELVE. RECOM-  
12 MENDATIONS SHALL INCLUDE INFORMATION ON, BUT SHALL NOT BE LIMITED TO,  
13 THE FOLLOWING:

14 I. AN ANALYSIS OF THE STATE STANDARDS AND RELATED CURRICULUM EXISTING  
15 IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR;

16 II. AN ANALYSIS OF THE COMMON CORE STANDARDS ESTABLISHED IN TWO THOU-  
17 SAND TEN BY THE NATIONAL GOVERNORS ASSOCIATION CENTER FOR BEST PRACTICES  
18 AND THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS;

19 III. AN ANALYSIS OF BEST PRACTICES, IN LIGHT OF THE STUDY AND REVIEW  
20 OF PRIOR STATE STANDARDS AND THOSE PUT FORTH BY THE NATIONAL GOVERNORS  
21 ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL OF CHIEF STATE  
22 SCHOOL OFFICERS, RELATED TO EDUCATIONAL STANDARDS AND PROMOTING COLLEGE  
23 AND CAREER READINESS FOR PRE-KINDERGARTEN THROUGH TWELFTH GRADE STUDENTS  
24 IN NEW YORK STATE;

25 IV. AN ANALYSIS OF AGE APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE  
26 MEANS OF IMPLEMENTING AND TRANSITIONING TO NEW EDUCATIONAL STANDARDS AND  
27 CURRICULUMS WITHIN THE STATE;

28 V. AN ANALYSIS OF THE TIME AND RESOURCES SPENT PREPARING FOR AND  
29 ADMINISTERING STATE-WIDE TESTS WITHIN THE STATE, FOR EACH GRADE, IN THE  
30 SCHOOL YEARS TWO THOUSAND NINE--TWO THOUSAND TEN, TWO THOUSAND TEN--TWO  
31 THOUSAND ELEVEN, TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, TWO THOUSAND  
32 TWELVE--TWO THOUSAND THIRTEEN, TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-  
33 TEEN;

34 VI. AN ANALYSIS OF THE DATA COLLECTED PURSUANT TO SUBPARAGRAPH V OF  
35 THIS PARAGRAPH AND THE IMPACT THAT THE TIME AND RESOURCES ALLOCATED HAD  
36 ON THE QUALITY OF INSTRUCTION AND EMOTIONAL WELL-BEING OF STUDENTS IN  
37 THE STATE;

38 VII. AN ANALYSIS OF THE IMPACT THAT A CHANGE IN CURRICULUM WILL HAVE  
39 ON STUDENTS WHO ARE ABSENT FROM THEIR REGULAR CLASSES FOR EXTENDED PERI-  
40 ODS EACH WEEK DUE TO RECEIVING SPECIAL EDUCATIONAL SERVICES, REMEDIAL  
41 SERVICES, OR STUDENTS WHO HAVE EXTENDED ABSENCES;

42 VIII. AN ANALYSIS OF HOW THE POTENTIAL REINSTATEMENT OF THE COMMON  
43 CORE CURRICULUM WILL IMPACT THE AMOUNT OF TIME THAT STUDENTS OF VARIOUS  
44 FAMILY STRUCTURES AND SOCIO-ECONOMIC BACKGROUNDS SPEND DOING HOMEWORK;

45 IX. AN ANALYSIS AS TO THE SUFFICIENCY OF THE COMMON CORE MODULES AND  
46 ANY LESSON PLANS PROVIDED TO THE SCHOOLS BY THE DEPARTMENT;

47 X. A COMPARISON OF LOCALLY DEVELOPED CURRICULUMS THAT WERE DEVELOPED  
48 IN ORDER TO INSTRUCT ON THE COMMON CORE STANDARDS AND THOSE THAT WERE  
49 PURCHASED FROM VENDORS, WITH A FOCUS ON QUALITY, AGE APPROPRIATENESS AND  
50 DEVELOPMENTAL APPROPRIATENESS;

51 XI. A REVIEW OF THE PERCENTAGE OF SCHOOLS THAT HAD FULLY IMPLEMENTED  
52 THE COMMON CORE CURRICULUM, THOSE THAT HAD PARTIALLY IMPLEMENTED THE  
53 COMMON CORE CURRICULUM, AND THOSE THAT HAD NOT IMPLEMENTED ANY PART OF  
54 THE COMMON CORE CURRICULUM DURING THE TWO THOUSAND THIRTEEN--TWO THOU-  
55 SAND FOURTEEN SCHOOL YEAR;

1 XII. AN ANALYSIS OF WHETHER OR NOT INSTRUCTION AND TESTING ON THE  
2 COMMON CORE CURRICULUM IS DEVELOPMENTALLY APPROPRIATE FOR CHILDREN WITH  
3 INDIVIDUALIZED EDUCATION PLANS AND CHILDREN WITH OTHER LEARNING DISABIL-  
4 ITIES.

5 D. AFTER CONCLUDING THEIR STUDY, THE COMMISSION MUST TAKE A VOTE ON  
6 WHETHER OR NOT THEY BELIEVE THE COMMON CORE CURRICULUM SHOULD BE REIN-  
7 STATED. THE RESULTS OF THAT VOTE MUST BE INCLUDED IN THEIR FINAL REPORT.

8 E. THE COMMISSION SHALL HAVE THE POWER TO:

9 I. APPOINT A CHAIRPERSON BY A MAJORITY VOTE;

10 II. CALL UPON ANY AGENCY, DEPARTMENT, OFFICE, DIVISION OR PUBLIC  
11 AUTHORITY, OR SCHOOL DISTRICT OF THIS STATE TO SUPPLY IT WITH SUCH  
12 INFORMATION AND ASSISTANCE AS THE COMMISSION DEEMS NECESSARY TO  
13 DISCHARGE ITS RESPONSIBILITIES. EACH AGENCY, DEPARTMENT, OFFICE, DIVI-  
14 SION OR SCHOOL DISTRICT OF THIS STATE SHALL COOPERATE WITH THE COMMIS-  
15 SION AND FURNISH SUCH INFORMATION AND ASSISTANCE AS IT REQUESTS TO  
16 ACCOMPLISH ITS PURPOSES;

17 III. APPOINT A COUNSEL AND SUCH OTHER STAFF AS THE COMMISSION DEEMS  
18 REASONABLY NECESSARY TO CARRY OUT ITS RESPONSIBILITIES;

19 IV. CONTRACT WITH ANY STATE OR PRIVATE ENTITY FOR THE PROVISION OF  
20 SUCH SERVICES AS THE COMMISSION DETERMINES TO BE REASONABLY NECESSARY;  
21 AND

22 V. TAKE OTHER ACTIONS NOT INCONSISTENT WITH THE PURPOSES OF THIS  
23 SECTION AS SHALL ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS.

24 F. RECOMMENDATIONS ISSUED BY THE COMMISSION SHALL BE DECIDED BY A  
25 MAJORITY VOTE. RECOMMENDATIONS ISSUED BY THE COMMISSION SHALL BE  
26 CONTAINED IN A REPORT TO THE GOVERNOR AND LEGISLATURE. THE REPORT SHALL  
27 BE ISSUED NO LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND SIXTEEN.

28 G. MEETINGS OF THE COMMISSION SHALL BE SUBJECT TO THE OPEN MEETINGS  
29 LAW ESTABLISHED BY ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

30 S 349-C. SUSPENSION OF COMMON CORE TESTING. NOTWITHSTANDING ANY  
31 PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL BE PROHIBITED  
32 FROM REQUIRING ANY SCHOOL OR SCHOOL DISTRICT IN THE STATE TO ISSUE A  
33 COMMON CORE STATE TEST AS DEFINED BY SUBDIVISION THREE OF SECTION THREE  
34 HUNDRED FORTY-NINE-A OF THIS ARTICLE UNTIL THE TWO THOUSAND SIXTEEN--TWO  
35 THOUSAND SEVENTEEN SCHOOL YEAR. DURING THE MORATORIUM, STATE-WIDE  
36 ASSESSMENTS FOR GRADES PRE-KINDERGARTEN THROUGH TWELVE SHALL BE DEVEL-  
37 OPED FROM STATE STANDARDS WHICH EXISTED FOR THE TWO THOUSAND NINE--TWO  
38 THOUSAND TEN SCHOOL YEAR.

39 S 349-D. SUSPENSION OF COMMON CORE CURRICULUM. NOTWITHSTANDING ANY  
40 PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL BE PROHIBITED  
41 FROM REQUIRING ANY SCHOOL OR SCHOOL DISTRICT IN THE STATE TO IMPLEMENT A  
42 COMMON CORE CURRICULUM AS DEFINED BY SUBDIVISION TWO OF SECTION THREE  
43 HUNDRED FORTY-NINE-A OF THIS ARTICLE UNTIL THE TWO THOUSAND SIXTEEN--TWO  
44 THOUSAND SEVENTEEN SCHOOL YEAR.

45 S 349-E. WAIVER FROM RACE TO THE TOP OBLIGATIONS RELATED TO COMMON  
46 CORE. THE DEPARTMENT SHALL BE REQUIRED, WITHIN THIRTY DAYS OF THE  
47 EFFECTIVE DATE OF THIS ARTICLE, TO APPLY TO THE UNITED STATE DEPARTMENT  
48 OF EDUCATION FOR ANY AND ALL FLEXIBILITY WAIVERS THAT MAY BE REQUIRED IN  
49 ORDER FOR THE STATE TO REMAIN IN COMPLIANCE WITH THE RACE TO THE TOP  
50 APPLICATION WHICH WAS SUBMITTED BY THE DEPARTMENT ON JUNE FIRST, TWO  
51 THOUSAND TEN. PROVIDED HOWEVER, IN THE EVENT THAT THE UNITED STATES  
52 DEPARTMENT OF EDUCATION SHALL DENY THE FLEXIBILITY WAIVER, OR ANY  
53 PORTION THEREOF, SUCH DENIAL SHALL HAVE NO EFFECT ON THE REQUIREMENTS  
54 AND PROHIBITIONS PROVIDED IN THIS ARTICLE.

55 S 2. This act shall take effect June 30, 2014 or on the thirtieth day  
56 after it shall have become a law, whichever is later.