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

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I N A S S E M B L Y

May 14, 2014

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

AN ACT to amend the education law, in relation to removing any imposed confidentiality agreements regarding common core testing

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 52 to read as follows:

52. THE COMMISSIONER SHALL:

A. RELEASE COMMON CORE TEST CONTENT, QUESTIONS, AND ANSWERS FOR PUBLIC REVIEW AND DISCUSSION POST-TEST;

B. AMEND AND/OR REMOVE PROVISIONS OF THE EXISTING COMMON CORE CONFIDENTIALITY AGREEMENT OR ANY SUCH FUTURE AGREEMENTS REQUIRED BY THE DEPARTMENT, ITS VENDORS AND/OR SCHOOL DISTRICTS, THAT PROHIBIT TEACHERS, ADMINISTRATORS, OR OTHER SCHOOL EMPLOYEES FROM:

(1) DISCLOSING TEST CONTENT, QUESTIONS OR ANSWERS; AND

(2) DISCLOSING OR RETAINING ANY NOTES PERSONALLY TAKEN OR PREPARED AT THE TIME OF THE EXAMINATION;

C. ENSURE THAT TEACHERS, ADMINISTRATORS, OR OTHER SCHOOL EMPLOYEES WHO CHOOSE AFTER COMPLETION OF THE EXAMINATION TO ENGAGE IN PUBLIC DISCUSSION OF COMMON CORE TEST CONTENT NOT BE SUBJECT TO:

(1) ANY DISCIPLINARY ACTION IN ACCORDANCE WITH SECTIONS THREE THOUSAND TWENTY AND THREE THOUSAND TWENTY-A OF THIS CHAPTER; AND/OR

(2) ANY ACTION AGAINST THEIR CERTIFICATION PURSUANT TO PART EIGHTY-THREE OF THE REGULATIONS OF THE COMMISSIONER; AND

D. PROHIBIT THE REQUIREMENT THAT TEACHERS, ADMINISTRATORS, OR OTHER SCHOOL EMPLOYEES SIGN A COMMON CORE CONFIDENTIALITY AGREEMENT.

S 2. This act shall take effect immediately.

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

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