

6009

2013-2014 Regular Sessions

I N S E N A T E

December 11, 2013

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to truth in testing for the common core

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 TRUTH IN TESTING FOR THE COMMON CORE

5 SECTION 349-A. DEFINITIONS.

6 349-B REPORTING.

7 349-C INDEPENDENT AUDIT.

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

9 1. "TEST" OR "COMMON CORE STATE TEST" MEANS ANY STATE CREATED, DEVEL-  
10 OPED OR ADMINISTERED TEST GIVEN IN NEW YORK STATE TO STUDENTS IN ENGLISH  
11 LANGUAGE ARTS AND MATHEMATICS THAT TEST STUDENTS' KNOWLEDGE AND SKILLS  
12 RELATING TO COMMON CORE STANDARDS.

13 2. "COMMON CORE" MEANS THE NEW YORK STATE P-12 COMMON CORE LEARNING  
14 STANDARDS (CCLS) FOR ENGLISH LANGUAGE ARTS AND MATHEMATICS ON WHICH NEW  
15 YORK STATE COMMON CORE TESTS WILL BE BASED.

16 3. "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION OF THE STATE OF  
17 NEW YORK.

18 4. "TEST SUBJECT" MEANS ANY INDIVIDUAL TO WHOM A TEST IS ADMINISTERED.

19 5. "TEST AGENCY" MEANS AN ORGANIZATION, ASSOCIATION, CORPORATION,  
20 PARTNERSHIP OR INDIVIDUAL THAT DEVELOPS, SPONSORS OR ADMINISTERS A TEST;  
21 PROVIDED, HOWEVER, THAT THE DEPARTMENT SHALL NOT BE INCLUDED WITHIN THE  
22 DEFINITION OF A TEST AGENCY FOR PURPOSES OF THIS ARTICLE.

23 S 349-B. REPORTING. THE COMMISSIONER, BEGINNING JULY FIRST, TWO THOU-  
24 SAND FOURTEEN AND ANNUALLY THEREAFTER, SHALL REPORT TO THE GOVERNOR, THE

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

LBD13261-01-3

1 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE  
2 CHAIRS OF THE SENATE AND ASSEMBLY EDUCATION COMMITTEES ON:

3 1. THE EFFECTIVENESS OF COMMON CORE STATE TESTS IN ENHANCING STUDENT  
4 LEARNING AND PERFORMANCE;

5 2. THE FAIRNESS AND APPROPRIATENESS OF TEST ITEMS FOR EACH GRADE  
6 LEVEL, INCLUDING THE PERCENTAGE OF TEST ITEMS FOUND TO BE ABOVE GRADE  
7 LEVEL;

8 3. THE CORRELATION BETWEEN TEST SCORES AND GRADE POINT AVERAGES OF  
9 TEST SUBJECTS TAKING COMMON CORE STATE TESTS;

10 4. A STATISTICAL ANALYSIS OF STUDENT PERFORMANCE BASED ON SOCIOECONOM-  
11 IC, GENDER, RACE AND ETHNICITY, AND REGIONAL FACTORS;

12 5. THE EFFECTIVENESS OF THE TEST AGENCY AS THE TEST DEVELOPMENT  
13 VENDOR; AND

14 6. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER TO CONTINUE WITH  
15 THE CURRENT TEST AGENCY, OR OTHER VENDOR AS A TEST AGENCY, OR WHETHER TO  
16 UTILIZE THE PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND  
17 CAREERS (PARCC).

18 S 349-C. INDEPENDENT AUDIT. NOT LATER THAN SEPTEMBER FIRST, TWO THOU-  
19 SAND FOURTEEN, THE COMMISSIONER SHALL UNDERTAKE A COMPREHENSIVE INDE-  
20 PENDENT AUDIT PERFORMED BY AN INDEPENDENT CONTRACTOR, NOT AFFILIATED  
21 WITH A TEST AGENCY. SUCH CONTRACTOR SHALL HAVE A BACKGROUND AND EXPER-  
22 TISE IN EDUCATIONAL TESTING. THE AUDIT SHALL REVIEW AND EVALUATE THE  
23 COMMON CORE TESTING PROGRAM IN THE STATE. THE SCOPE OF THE AUDIT SHALL  
24 INCLUDE BUT NOT BE LIMITED TO TEST PREPARATION; WHETHER TESTS WERE FAIR,  
25 UNBIASED, PROPERLY PRE-TESTED AND GRADE APPROPRIATE, INCLUDING THE  
26 PERCENTAGE OF TEST ITEMS FOUND TO BE ABOVE GRADE LEVEL; AND WHETHER THE  
27 TEST WERE PROPERLY ADMINISTERED AND SCORED. SUCH AUDIT SHALL BE  
28 COMPLETED BY DECEMBER FIFTEENTH, TWO THOUSAND FOURTEEN, AND A COPY SHALL  
29 BE TRANSMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,  
30 THE SPEAKER OF THE ASSEMBLY, AND THE CHAIRS OF THE SENATE AND ASSEMBLY  
31 EDUCATION COMMITTEES.

32 S 2. This act shall take effect immediately; provided, however, that  
33 effective immediately the addition, amendment and/or repeal of any rule  
34 or regulation necessary for the implementation of this act shall be made  
35 within 180 days of such effective date.