

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

8074--A

2013-2014 Regular Sessions

I N A S S E M B L Y

June 18, 2013

Introduced by M. of A. NOLAN, MORELLE, BUCHWALD -- 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 computer-based assessment technology apportionment

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

1 Section 1. Legislative intent. The legislature hereby finds it an
2 essential goal to ensure that all New York students receive a high-quality
3 education. The legislature supports the goals of the board of
4 regents in developing a rich educational system that provides multiple
5 pathways to graduation, so that all students are college and career
6 ready. The legislature also recognizes that ensuring our students are
7 fully prepared to compete in the global marketplace requires a significant
8 investment of time and resources. As such, it is vitally important
9 to invest wisely in the development and administration of high-quality
10 assessments that not only measure the progress of students attaining
11 such standards, but also enhance the overall goal of student learning.
12 However, the financial investments associated with the development and
13 administration of high-quality assessments are not yet fully measured,
14 and have the potential to be significant. Therefore, the legislature
15 determines that the costs associated with the development, implementation,
16 and administration of high-quality assessments shall not be borne
17 by local taxpayers, and shall instead be fully funded with financial
18 support from the state.

19 S 2. The education law is amended by adding a new section 755 to read
20 as follows:

21 S 755. COMPUTER-BASED ASSESSMENT TECHNOLOGY APPORTIONMENT. 1. IN ADDITION
22 TO ANY OTHER APPORTIONMENTS UNDER THIS CHAPTER, FOR AID PAYABLE

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

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1 BEGINNING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR,
2 A SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE
3 ELIGIBLE FOR AN APPORTIONMENT UNDER THE PROVISIONS OF THIS SECTION FOR
4 ALL TECHNOLOGY PURCHASES NECESSARY TO ADMINISTER COMPUTER-BASED STATE
5 ASSESSMENTS.

6 2. FOR PURPOSES OF THIS SUBDIVISION, "TECHNOLOGY PURCHASES" SHALL MEAN
7 NEW PURCHASES OF, AND/OR UPGRADES OF EXISTING, COMPUTERS AND ANY COMPU-
8 TER-RELATED EQUIPMENT, INCLUDING HARDWARE AND ANY NECESSARY SOFTWARE,
9 NEEDED TO ADEQUATELY ADMINISTER REQUIRED COMPUTER-BASED STATE ASSESS-
10 MENTS.

11 3. THE TECHNOLOGY PURCHASES SHALL BE OF A SUFFICIENT QUALITY TO:

12 A. PROPERLY AND SECURELY ADMINISTER EACH REQUIRED COMPUTER-BASED
13 ASSESSMENT PRESCRIBED BY THE DEPARTMENT; AND

14 B. PROPERLY HANDLE THE NUMBER OF STUDENTS IN A PARTICULAR SCHOOL
15 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TAKING A COMPU-
16 TER-BASED STATE ASSESSMENT AT A GIVEN TIME, IN THE TIME ALLOTTED BY THE
17 DEPARTMENT.

18 4. NO SCHOOL DISTRICT SHALL BE REQUIRED TO PURCHASE OR OTHERWISE
19 ACQUIRE INSTRUCTIONAL COMPUTER HARDWARE OR TECHNOLOGY EQUIPMENT, THE
20 COST OF WHICH EXCEEDS THE AMOUNT OF STATE AID PROVIDED PURSUANT TO THIS
21 SECTION.

22 5. THE APPORTIONMENT PROVIDED FOR IN THIS SECTION SHALL BE PAID AT
23 SUCH TIMES AS MAY BE DETERMINED BY THE COMMISSIONER AND APPROVED BY THE
24 DIRECTOR OF THE BUDGET, DURING THE SCHOOL YEAR IN WHICH THE EXPENDITURES
25 ARE REPORTED TO THE DEPARTMENT PRIOR TO SUCH APPORTIONMENT, BUT NOT
26 EARLIER THAN THE SCHOOL YEAR AFTER THE SCHOOL YEAR IN WHICH EXPENSES ARE
27 INCURRED.

28 S 3. The commissioner of education shall develop a plan to minimize
29 overall taxpayer investment in the development of, and administration
30 of, high-quality computer-based state assessments. Such plan shall iden-
31 tify the costs of implementing computer-based assessments and shall
32 focus on ways to leverage state resources in assessment development and
33 administration to minimize the impact on local school districts and
34 taxpayers. Such plan shall be presented to the governor, the temporary
35 president of the senate, the speaker of the assembly, and the chairs of
36 the senate and assembly education committees prior to making any commit-
37 ment to implementing computer-based testing, but not later than December
38 1, 2014.

39 S 4. This act shall take effect immediately.