

5252--A

2013-2014 Regular Sessions

I N S E N A T E

May 15, 2013

Introduced by Sens. FLANAGAN, BOYLE, CARLUCCI, FELDER, GRISANTI, LANZA, LARKIN, MARCELLINO, MARTINS, RANZENHOFER, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- 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:

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

LBD10685-05-4

1 S 755. COMPUTER-BASED ASSESSMENT TECHNOLOGY APPORTIONMENT. 1. IN ADDI-  
2 TION TO ANY OTHER APPORTIONMENTS UNDER THIS CHAPTER, FOR AID PAYABLE  
3 BEGINNING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR,  
4 A SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE  
5 ELIGIBLE FOR AN APPORTIONMENT UNDER THE PROVISIONS OF THIS SECTION FOR  
6 ALL TECHNOLOGY PURCHASES NECESSARY TO ADMINISTER COMPUTER-BASED STATE  
7 ASSESSMENTS.

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

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

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

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

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

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

30 S 3. The commissioner of education shall develop a plan to minimize  
31 overall taxpayer investment in the development of, and administration  
32 of, high-quality computer-based state assessments. Such plan shall iden-  
33 tify the costs of implementing computer-based assessments and shall  
34 focus on ways to leverage state resources in assessment development and  
35 administration to minimize the impact on local school districts and  
36 taxpayers. Such plan shall be presented to the governor, the temporary  
37 president of the senate, the speaker of the assembly, and the chairs of  
38 the senate and assembly education committees prior to making any commit-  
39 ment to implementing computer-based testing, but not later than December  
40 1, 2014.

41 S 4. This act shall take effect immediately.