

6604

I N S E N A T E

February 12, 2014

Introduced by Sens. ZELDIN, BALL -- read twice and ordered printed, and
when printed to be committed to the Committee on Education

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 ASSEM-
BLY, 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
21 STUDENTS IN GRADES PRE-KINDERGARTEN THROUGH TWELVE THAT TESTS A
22 STUDENT'S KNOWLEDGE AND SKILLS RELATING TO THE COMMON CORE CURRICULUM.

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

27 S 349-B. BLUE RIBBON COMMISSION ON 21ST CENTURY TESTING AND CURRIC-
28 ULUM. 1. THERE IS HEREBY CREATED THE BLUE RIBBON COMMISSION ON 21ST

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

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1 CENTURY TESTING AND CURRICULUM, WHICH SHALL CONSIST OF THE FOLLOWING
2 TWENTY-THREE MEMBERS WHO SHALL BE APPOINTED NO LESS THAN THIRTY DAYS
3 AFTER THE EFFECTIVE DATE OF THIS SECTION:

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

6 B. TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
7 SENATE;

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

9 D. TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
10 SENATE;

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

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

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

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

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

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

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

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

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

40 3. POWERS AND DUTIES OF THE COMMISSION.

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

43 I. LONG ISLAND;

44 II. NEW YORK CITY;

45 III. HUDSON VALLEY;

46 IV. CAPITAL DISTRICT;

47 V. NORTH COUNTRY;

48 VI. CENTRAL NEW YORK;

49 VII. FINGER LAKES;

50 VIII. WESTERN NEW YORK;

51 IX. SOUTHERN TIER.

52 B. DURING THE PUBLIC HEARINGS, THE COMMISSION SHALL HEAR THE TESTIMONY
53 OF VOLUNTARY WITNESSES, MAY COMPEL THE TESTIMONY OF WITNESSES AND MAY
54 REQUIRE THE PRODUCTION OF ANY DOCUMENTS THE COMMISSION DEEMS REASONABLY
55 NECESSARY TO CARRY OUT ITS RESPONSIBILITIES.

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

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

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

12 III. AN ANALYSIS OF BEST PRACTICES, IN LIGHT OF THE STUDY AND REVIEW
13 OF PRIOR STATE STANDARDS AND THOSE PUT FORTH BY THE NATIONAL GOVERNORS
14 ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL OF CHIEF STATE
15 SCHOOL OFFICERS, RELATED TO EDUCATIONAL STANDARDS AND PROMOTING COLLEGE
16 AND CAREER READINESS FOR PRE-KINDERGARTEN THROUGH TWELFTH GRADE STUDENTS
17 IN NEW YORK STATE;

18 IV. AN ANALYSIS OF AGE APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE
19 MEANS OF IMPLEMENTING AND TRANSITIONING TO NEW EDUCATIONAL STANDARDS AND
20 CURRICULUMS WITHIN THE STATE;

21 V. AN ANALYSIS OF THE TIME AND RESOURCES SPENT PREPARING FOR AND
22 ADMINISTERING STATE-WIDE TESTS WITHIN THE STATE, FOR EACH GRADE, IN THE
23 SCHOOL YEARS TWO THOUSAND NINE--TWO THOUSAND TEN, TWO THOUSAND TEN--TWO
24 THOUSAND ELEVEN, TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, TWO THOUSAND
25 TWELVE--TWO THOUSAND THIRTEEN, TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
26 TEEN;

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

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

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

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

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

44 XI. A REVIEW OF THE PERCENTAGE OF SCHOOLS THAT HAD FULLY IMPLEMENTED
45 THE COMMON CORE CURRICULUM, THOSE THAT HAD PARTIALLY IMPLEMENTED THE
46 COMMON CORE CURRICULUM, AND THOSE THAT HAD NOT IMPLEMENTED ANY PART OF
47 THE COMMON CORE CURRICULUM DURING THE TWO THOUSAND THIRTEEN--TWO THOU-
48 SAND FOURTEEN SCHOOL YEAR;

49 XII. AN ANALYSIS OF WHETHER OR NOT INSTRUCTION AND TESTING ON THE
50 COMMON CORE CURRICULUM IS DEVELOPMENTALLY APPROPRIATE FOR CHILDREN WITH
51 INDIVIDUALIZED EDUCATION PLANS AND CHILDREN WITH OTHER LEARNING DISABIL-
52 ITIES.

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

56 E. THE COMMISSION SHALL HAVE THE POWER TO:

I. APPOINT A CHAIRPERSON BY A MAJORITY VOTE;

II. CALL UPON ANY AGENCY, DEPARTMENT, OFFICE, DIVISION OR PUBLIC AUTHORITY, OR SCHOOL DISTRICT OF THIS STATE TO SUPPLY IT WITH SUCH INFORMATION AND ASSISTANCE AS THE COMMISSION DEEMS NECESSARY TO DISCHARGE ITS RESPONSIBILITIES. EACH AGENCY, DEPARTMENT, OFFICE, DIVISION OR SCHOOL DISTRICT OF THIS STATE SHALL COOPERATE WITH THE COMMISSION AND FURNISH SUCH INFORMATION AND ASSISTANCE AS IT REQUESTS TO ACCOMPLISH ITS PURPOSES;

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

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

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

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

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

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

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

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