

2697

2015-2016 Regular Sessions

I N S E N A T E

January 28, 2015

Introduced by Sen. FLANAGAN -- 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 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 SIXTEEN 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.

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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 SIXTEEN, THE COMMISSIONER SHALL UNDERTAKE A COMPREHENSIVE INDEPEND-
20 ENT AUDIT PERFORMED BY AN INDEPENDENT CONTRACTOR, NOT AFFILIATED WITH A
21 TEST AGENCY. SUCH CONTRACTOR SHALL HAVE A BACKGROUND AND EXPERTISE IN
22 EDUCATIONAL TESTING. THE AUDIT SHALL REVIEW AND EVALUATE THE COMMON CORE
23 TESTING PROGRAM IN THE STATE. THE SCOPE OF THE AUDIT SHALL INCLUDE BUT
24 NOT BE LIMITED TO TEST PREPARATION; WHETHER TESTS WERE FAIR, UNBIASED,
25 PROPERLY PRE-TESTED AND GRADE APPROPRIATE, INCLUDING THE PERCENTAGE OF
26 TEST ITEMS FOUND TO BE ABOVE GRADE LEVEL; AND WHETHER THE TEST WERE
27 PROPERLY ADMINISTERED AND SCORED. SUCH AUDIT SHALL BE COMPLETED BY
28 DECEMBER FIFTEENTH, TWO THOUSAND SIXTEEN, AND A COPY SHALL BE TRANSMIT-
29 TED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER
30 OF THE ASSEMBLY, AND THE CHAIRS OF THE SENATE AND ASSEMBLY EDUCATION
31 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.