

10480

I N A S S E M B L Y

May 31, 2016

Introduced by M. of A. NOLAN -- read once and referred to the Committee
on Education

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 756 to read
20 as follows:

21 S 756. COMPUTER-BASED ASSESSMENT TECHNOLOGY APPORTIONMENT. 1. IN ADDITION
22 TO ANY OTHER APPORTIONMENTS UNDER THIS CHAPTER, FOR AID PAYABLE
23 BEGINNING IN THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL
24 YEAR, A SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES
25 SHALL BE ELIGIBLE FOR AN APPORTIONMENT UNDER THE PROVISIONS OF THIS
26 SECTION FOR ALL TECHNOLOGY PURCHASES NECESSARY TO ADMINISTER
27 COMPUTER-BASED STATE ASSESSMENTS.

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

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

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

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

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

13 4. NO SCHOOL DISTRICT SHALL BE REQUIRED TO PURCHASE OR OTHERWISE
14 ACQUIRE INSTRUCTIONAL COMPUTER HARDWARE OR TECHNOLOGY EQUIPMENT, THE
15 COST OF WHICH EXCEEDS THE AMOUNT OF STATE AID PROVIDED PURSUANT TO THIS
16 SECTION.

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

23 S 3. The commissioner of education shall develop a plan to minimize
24 overall taxpayer investment in the development of, and administration
25 of, high-quality computer-based state assessments. Such plan shall iden-
26 tify the costs of implementing computer-based assessments and shall
27 focus on ways to leverage state resources in assessment development and
28 administration to minimize the impact on local school districts and
29 taxpayers. Such plan shall be presented to the governor, the temporary
30 president of the senate, the speaker of the assembly, and the chairs of
31 the senate and assembly education committees prior to making any commit-
32 ment to implementing computer-based testing, but not later than December
33 1, 2016.

34 S 4. This act shall take effect immediately.