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

8387

2015-2016 Regular Sessions

I N A S S E M B L Y

September 11, 2015

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

AN ACT to amend the education law, in relation to the release of standardized test questions and answers, teacher evaluations and establishing a content review committee for grades three through twelve; and to amend chapter 20 of the laws of 2015, amending the education law relating to the release of standardized test questions and answers, teacher evaluations and establishing a content review committee

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

Section 1. Subdivision 51-a of section 305 of the education law, as added by section 1 of subpart C of part B of chapter 20 of the laws of 2015, is amended to read as follows:

51-a. On or before June first, two thousand fifteen, and each year thereafter, the commissioner shall release the test questions, test answers, and corresponding correct answers from each of the most recently administered English language arts and mathematics examinations in grades three through [eight] TWELVE of that year. The commissioner may limit the number of questions and answers released only to the extent necessary to avoid hindering or impairing the validity and/or reliability of future examinations and must provide enough of an overview of each examination so that teachers, administrators, principals, parents and students can be provided with sufficient feedback on the types of questions administered and, by July first, two thousand fifteen, and each year thereafter, the commissioner shall release the general student success rate in answering such questions correctly.

S 2. Subdivision 53 of section 305 of the education law, as added by section 4 of subpart C of part B of chapter 20 of the laws of 2015, is amended to read as follows:

53. The commissioner is authorized and directed to establish a content review committee for the purposes of reviewing all standardized test

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

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items and/or selected passages used on English language arts and mathematics state assessments for grades three through [eight] TWELVE to ensure: (a) they are grade level appropriate, in general; (b) they are presented at a readability level that is grade-level appropriate; (c) they are within grade-level expectations; and (d) they appropriately measure the learning standards approved by the board of regents applicable to such subject and/or grade level. The review of such items and passages shall be conducted prior to their use in such assessments provided however, for the two thousand fifteen--two thousand sixteen school year only, if such requirement would prevent the ability of such assessments to be administered, then items or passages that have not been reviewed may be used. Provided further, the content review committee shall review any new standardized test items and/or selected passages prior to their use in such assessments. Such committee shall also ensure that any new test items and/or selected passages are fair and appropriately measure the learning standards approved by the board of regents applicable to such subject and/or grade level. Such committee shall also ensure that adequate and appropriate time is given to students for the administration of such assessments, provided however that subdivision forty-nine of this section must be complied with. The content review committee shall include classroom teachers and experienced educators in the content area and/or grade level of the items/passages being reviewed, including teachers of students with disabilities and English language learners.

S 3. Subdivision 54 of section 305 of the education law, as added by section 4 of subpart C of part B of chapter 20 of the laws of 2015, is amended to read as follows:

54. Notwithstanding any law, rule or regulation to the contrary, no teacher, principal, or superintendent shall be required to sign a confidentiality agreement with their respective school district, board of cooperative educational services, or the department that prevents such teacher, principal, or superintendent from discussing the contents of any items on the English language arts and mathematics assessments in grades three through [eight] TWELVE after such items have been released by the department pursuant to subdivision fifty-one-a of this section or after such items have been publicly disclosed by the department or other appropriate entity. The commissioner shall amend and/or modify any current confidentiality agreement inconsistent with this subdivision and shall promulgate regulations consistent with this subdivision.

S 4. Section 5 of subpart C of part B of chapter 20 of the laws of 2015, amending the education law relating to the release of standardized test questions and answers, teacher evaluations and establishing a content review committee, is amended to read as follows:

S 5. Notwithstanding any other provision of law, rule or regulation to the contrary, any previously entered into contract by the education department related to standardized test items and/or passages for use on state assessments in grades three through [eight] TWELVE shall be amended to incorporate the provisions of section four of this act and any required approval of such contract amendments by a state agency shall be expedited to ensure compliance with section four of this act.

S 5. This act shall take effect immediately; provided, however, that the commissioner of education shall have until June 1, 2016 to comply with the amendments made in sections one and two of this act; provided, further, that sections two and three of this act shall take effect on the same date as section 4 of subpart C of part B of chapter 20 of the laws of 2015, as amended, takes effect.