

2602--B

2015-2016 Regular Sessions

I N   S E N A T E

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Introduced by Sens. LATIMER, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring a study and report on the total cost of developing all student assessments and to establish a content review committee to review standardized test items and passages; and making an appropriation therefor

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

1     Section 1. Section 305 of the education law is amended by adding a new  
2     subdivision 53 to read as follows:

3     53. A. THE COMMISSIONER SHALL UNDERTAKE A STUDY TO DETERMINE THE TOTAL  
4     COST OF DEVELOPING ALL STUDENT ASSESSMENTS, INCLUDING THE TOTAL COST OF  
5     PREPARING STUDENTS FOR ALL ASSESSMENTS, THE TOTAL COST OF ADMINISTERING  
6     ALL ASSESSMENTS, AND THE TOTAL COST OF GRADING AND REVIEWING ALL ASSESS-  
7     MENTS IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR.

8     B. THIS STUDY REQUIRED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION  
9     SHALL RESULT IN A REPORT, WHICH DETAILS ALL SAID COSTS AND SHALL BE  
10    FILED WITH THE GOVERNOR, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE  
11    SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE  
12    CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE  
13    FINANCE COMMITTEE AND THE CHAIRS OF THE ASSEMBLY AND SENATE EDUCATION  
14    COMMITTEES. SUCH REPORT SHALL ALSO BE POSTED ON THE WEBSITE OF THE  
15    DEPARTMENT BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND SHALL BE  
16    DEEMED A PUBLIC DOCUMENT.

17    C. THE COMMISSIONER'S STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
18    FOLLOWING INFORMATION:

19    (1) THE TOTAL NUMBER OF STUDENT ASSESSMENTS ADMINISTERED IN EACH  
20    SCHOOL DISTRICT IN THE STATE. THIS SHALL INCLUDE A COUNT OF STATE

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

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1 REQUIRED ASSESSMENTS AND ASSESSMENTS WHICH ARE LOCALLY OR COMMERCIALY  
2 DEVELOPED ASSESSMENTS WHICH ARE ADMINISTERED BY PUBLIC SCHOOL DISTRICTS  
3 AND THE TOTAL NUMBER OF ASSESSMENTS EACH STUDENT COHORT WAS ADMINISTERED  
4 ON AVERAGE FROM KINDERGARTEN THROUGH GRADE TWELVE DURING THE TWO THOU-  
5 SAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR;

6 (2) THE TOTAL COST OF STUDENT ASSESSMENTS ADMINISTERED IN EACH SCHOOL  
7 DISTRICT IN THE STATE. THE TOTAL COST SHALL BE DISAGGREGATED TO DETER-  
8 MINE THE AMOUNT OF PUBLIC FUNDS WHICH WERE EXPENDED ON NON-SCHOOL  
9 DISTRICT EMPLOYEES, VENDORS, AND OTHER ENTITIES WITH WHICH THE STATE AND  
10 SCHOOL DISTRICTS CONTRACT FOR STUDENT ASSESSMENT PURPOSES INCLUDING  
11 PURCHASE AND LICENSING COSTS, TEST DEVELOPMENT, TEST BOOKLETS, SCORING  
12 SHEETS AND SCORING COSTS;

13 (3) LOGISTICAL, PREPARATION AND ADMINISTRATION COSTS INCLUDING, BUT  
14 NOT LIMITED TO, DISTRIBUTING AND COLLECTING ASSESSMENT MATERIALS,  
15 ASSESSMENT DIRECTIONS, AND STORING MATERIALS;

16 (4) COST OF TEST PREPARATION MATERIALS;

17 (5) COST OF DATA COACHES;

18 (6) COST OF DATA ANALYSIS OR DASHBOARD SYSTEMS, INFORMATION TECHNOLOGY  
19 MAINTENANCE, PURCHASE, OR UPGRADE;

20 (7) COST OF PROFESSIONAL DEVELOPMENT FOCUSED PRIMARILY ON STUDENT  
21 ASSESSMENT DATA;

22 (8) COST OF TRAINING FOR TEST ADMINISTRATORS AND PROCTORS;

23 (9) PER-PUPIL COSTS OF ANY ADDITIONAL ASSESSMENTS ADMINISTERED TO  
24 STUDENT SUBGROUPS INCLUDING ENGLISH LANGUAGE LEARNERS, STUDENTS RECEIV-  
25 ING INTERVENTION OR REMEDIATION SERVICES, STUDENTS WITH DISABILITIES,  
26 AND ECONOMICALLY DISADVANTAGED STUDENTS; AND

27 (10) ANY OTHER COSTS RELATED TO STUDENT ASSESSMENTS.

28 D. IN ADDITION, THE STUDY SHALL DETERMINE THE TOTAL AMOUNT OF TIME  
29 SPENT BY SCHOOL ADMINISTRATORS, TEACHERS, AND STUDENTS ON STUDENT  
30 ASSESSMENTS AND ASSOCIATED ACTIVITIES DURING THE TWO THOUSAND FOURTEEN-  
31 -TWO THOUSAND FIFTEEN SCHOOL YEAR. THIS SHALL INCLUDE TIME SPENT BY  
32 STUDENTS TAKING ALL STATE AND DISTRICT ASSESSMENTS; TIME SPENT BY SCHOOL  
33 ADMINISTRATORS AND TEACHERS FOR ADMINISTRATIVE TASKS SUCH AS DISTRIBUT-  
34 ING AND COLLECTING ANSWERING SHEETS AND GIVING DIRECTIONS, AND THE TOTAL  
35 AMOUNT OF TIME SPENT PREPARING STUDENTS TO TAKE THE ASSESSMENTS. TIME  
36 RELATED DATA COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE DISAGGREGATED  
37 BY THE FOLLOWING STUDENT GROUPS: ENGLISH LANGUAGE LEARNERS, STUDENTS  
38 RECEIVING INTERVENTION OR REMEDIATION SERVICES, STUDENTS WITH DISABILI-  
39 TIES, GENERAL EDUCATION STUDENTS, AND ECONOMICALLY DISADVANTAGED  
40 STUDENTS.

41 E. THE COMMISSIONER SHALL SUBMIT THE METHODOLOGY USED TO CALCULATE THE  
42 COSTS ASSOCIATED WITH STUDENT ASSESSMENTS TO THE COMPTROLLER BEFORE THE  
43 COMMISSIONER CONDUCTS THE STUDY PURSUANT TO THIS SUBDIVISION. THE COMP-  
44 TROLLER SHALL MAKE A WRITTEN ANALYSIS OF THE METHODOLOGY USED BY THE  
45 COMMISSIONER TO DETERMINE THE COSTS ASSOCIATED WITH STUDENT ASSESSMENTS.  
46 THE COMPTROLLER'S ANALYSIS SHALL INCLUDE A DETERMINATION ABOUT THE QUAL-  
47 ITY OF THE METHODOLOGY USED BY THE COMMISSIONER AND THE EXTENT TO WHICH  
48 THE METHODOLOGY WILL RESULT IN AN ANALYSIS THAT PROPERLY ACCOUNTS FOR  
49 THE ACTUAL COSTS INCURRED BY SCHOOL DISTRICTS ON STUDENT ASSESSMENTS AND  
50 RELATED ACTIVITIES.

51 S 2. Section 305 of the education law is amended by adding a new  
52 subdivision 54 to read as follows:

53 54. A. THE COMMISSIONER SHALL UNDERTAKE A STATE-WIDE SURVEY OF SCHOOL  
54 ADMINISTRATORS AND TEACHERS ABOUT THE TIME THEY SPEND ON TEST PREPARA-  
55 TION FOR EACH STUDENT ASSESSMENT AND THE IMPACT OF TEST PREPARATION ON  
56 THE QUALITY OF INSTRUCTION. THE SURVEY SHALL PROVIDE SCHOOL ADMINISTRA-

1 TORS AND TEACHER RESPONDENTS ANONYMITY. THE SURVEY SHALL INCLUDE: THE  
2 IMPACT THAT STUDENT ASSESSMENTS HAVE ON CURRICULUM; THE AMOUNT OF TIME A  
3 TEACHER SPENDS ON TEST-TAKING STRATEGIES, SIMULATING THE TESTING ENVI-  
4 RONMENT, AND ALIGNING CURRICULUM CONTENT TO ASSESSMENTS; THE EXTENT TO  
5 WHICH ASSESSMENTS AFFECT INSTRUCTION TIME FOR DIFFERENT STUDENT  
6 SUBGROUPS; AND ANY OTHER RELEVANT QUESTIONS ABOUT THE IMPACT OF STUDENT  
7 ASSESSMENTS ON THE SCHOOL LEARNING ENVIRONMENT. IN ADDITION THE SURVEY  
8 SHALL SOLICIT RECOMMENDATIONS FROM SCHOOL ADMINISTRATORS AND TEACHERS  
9 REGARDING MAKING STUDENT ASSESSMENTS COST EFFECTIVE, TIME EFFICIENT,  
10 SUPPORTIVE OF TEACHING AND LEARNING, ALIGNED WITH THE CURRICULUM AND  
11 FOCUSED ON STUDENT AND TEACHER GROWTH.

12 B. THIS SURVEY SHALL RESULT IN A REPORT WHICH DETAILS THE RESULTS AND  
13 CONCLUSIONS FROM THE SURVEY AND SHALL BE FILED WITH THE GOVERNOR, THE  
14 DIRECTOR OF THE DIVISION OF THE BUDGET, THE SPEAKER OF THE ASSEMBLY, THE  
15 TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND  
16 MEANS COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE  
17 CHAIRS OF THE ASSEMBLY AND SENATE EDUCATION COMMITTEES BY DECEMBER THIR-  
18 TY-FIRST, TWO THOUSAND FIFTEEN. SUCH REPORT SHALL ALSO BE POSTED ON THE  
19 WEBSITE OF THE DEPARTMENT AND SHALL BE DEEMED A PUBLIC DOCUMENT. THE  
20 REPORT SHALL NOT INCLUDE ANY INFORMATION WHICH SPECIFICALLY IDENTIFIES  
21 ANY INDIVIDUAL SCHOOL ADMINISTRATOR, TEACHER OR PUPIL.

22 S 3. Section 305 of the education law is amended by adding a new  
23 subdivision 51-a to read as follows:

24 51-A. ON OR BEFORE JUNE FIRST, TWO THOUSAND FIFTEEN, AND EACH YEAR  
25 THEREAFTER, THE COMMISSIONER SHALL RELEASE A SIGNIFICANT AMOUNT OF TEST  
26 QUESTIONS AND CORRESPONDING CORRECT ANSWERS FROM EACH OF THE MOST  
27 RECENTLY ADMINISTERED ENGLISH LANGUAGE ARTS AND MATHEMATICS EXAMINATIONS  
28 IN GRADES THREE THROUGH EIGHT OF THAT YEAR. THE NUMBER OF QUESTIONS AND  
29 ANSWERS RELEASED SHALL NOT BE SO SIGNIFICANT AS TO HINDER OR IMPAIR THE  
30 VALIDITY AND/OR RELIABILITY OF FUTURE EXAMINATIONS BUT SHALL PROVIDE  
31 ENOUGH OF AN OVERVIEW OF EACH EXAMINATION SO THAT TEACHERS, ADMINISTRA-  
32 TORS, PRINCIPALS, PARENTS AND STUDENTS CAN BE PROVIDED WITH SUFFICIENT  
33 FEEDBACK ON THE TYPES OF QUESTIONS ADMINISTERED AND, BY JULY FIRST, TWO  
34 THOUSAND FIFTEEN, AND EACH YEAR THEREAFTER, THE COMMISSIONER SHALL  
35 RELEASE THE GENERAL STUDENT SUCCESS RATE IN ANSWERING SUCH QUESTIONS  
36 CORRECTLY.

37 S 4. The sum of eight million four hundred thousand dollars  
38 (\$8,400,000), or so much thereof as may be necessary, is hereby appro-  
39 priated to the department of education out of any moneys in the state  
40 treasury in the general fund to the credit of the state purposes  
41 account, not otherwise appropriated, and made immediately available, for  
42 the purpose of carrying out the provisions of subdivision 51-a of  
43 section 305 of the education law, as added by section three of this act  
44 and for creating and printing more forms of state standardized assess-  
45 ments in order to eliminate stand-alone multiple choice field tests and  
46 release a significant amount of test questions. Such moneys shall be  
47 payable on the audit and warrant of the comptroller on vouchers certi-  
48 fied or approved by the commissioner of education in the manner  
49 prescribed by law.

50 S 5. Section 305 of the education law is amended by adding a new  
51 subdivision 55 to read as follows:

52 55. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO ESTABLISH A CONTENT  
53 REVIEW COMMITTEE FOR THE PURPOSE OF REVIEWING ANY STANDARDIZED TEST  
54 ITEMS AND/OR SELECTED PASSAGES FOR USE ON STATE ASSESSMENTS IN GRADES  
55 THREE THROUGH EIGHT TO ENSURE THAT THEY ARE GRADE APPROPRIATE AND THAT  
56 THE COMPLEXITY OF THE ITEMS AND PASSAGES ARE WITHIN GRADE-LEVEL EXPECTA-

1 TIONS. SUCH COMMITTEE SHALL ALSO ENSURE THAT ANY TEST ITEMS AND/OR  
2 SELECTED PASSAGES ARE FAIR AND APPROPRIATELY MEASURE THE LEARNING STAND-  
3 ARDS APPROVED BY THE BOARD OF REGENTS APPLICABLE TO SUCH SUBJECT AND/OR  
4 GRADE LEVEL. SUCH COMMITTEE SHALL ALSO ENSURE THAT ADEQUATE AND APPRO-  
5 PRIATE TIME IS GIVEN TO STUDENTS FOR THE ADMINISTRATION OF SUCH ASSESS-  
6 MENTS, PROVIDED HOWEVER THAT SUBDIVISION FORTY-NINE OF THIS SECTION MUST  
7 BE COMPLIED WITH. THE CONTENT REVIEW COMMITTEE SHALL INCLUDE CLASSROOM  
8 TEACHERS AND EXPERIENCED EDUCATORS IN THE CONTENT AREA AND/OR GRADE  
9 LEVEL OF THE ITEMS/PASSAGES BEING REVIEWED, INCLUDING TEACHERS OF  
10 STUDENTS WITH DISABILITIES AND ENGLISH LANGUAGE LEARNERS.  
11 S 6. This act shall take effect immediately.