

4835

2015-2016 Regular Sessions

I N   S E N A T E

April 21, 2015

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Introduced by Sen. MARCELLINO -- 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 common core state  
testing

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                                     COMMON CORE STATE TESTING

5     SECTION 349-A. DEFINITIONS.

6             349-B. DISCLOSURE.

7             349-C. GRADE APPROPRIATE TESTS.

8             349-D. STUDENTS WITH DISABILITIES.

9             349-E. ENGLISH LANGUAGE LEARNERS.

10            349-F. RESULTS OF COMMON CORE CURRICULUM EXAMINATIONS.

11     S 349-A. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "TEST" OR "COMMON  
12     CORE STATE TEST" MEANS ANY STATE CREATED, DEVELOPED OR ADMINISTERED TEST  
13     GIVEN IN NEW YORK STATE TO STUDENTS IN ENGLISH LANGUAGE ARTS AND MATH-  
14     EMATICS THAT TESTS STUDENTS' KNOWLEDGE AND SKILLS RELATING TO COMMON  
15     CORE STANDARDS.

16     2. "COMMON CORE" MEANS THE NEW YORK STATE P-12 COMMON CORE LEARNING  
17     STANDARDS (CCLS) FOR ENGLISH LANGUAGE ARTS AND MATHEMATICS ON WHICH NEW  
18     YORK STATE COMMON CORE TESTS WILL BE BASED.

19     3. "TEST SUBJECT" MEANS ANY INDIVIDUAL TO WHOM A TEST IS ADMINISTERED.

20     4. "TEST AGENCY" MEANS ANY ORGANIZATION, ASSOCIATION, CORPORATION,  
21     PARTNERSHIP OR INDIVIDUAL THAT DEVELOPS, SPONSORS OR ADMINISTERS A TEST  
22     PROVIDED HOWEVER THAT THE DEPARTMENT SHALL NOT BE INCLUDED WITHIN THE  
23     DEFINITION OF A TEST AGENCY FOR PURPOSES OF THIS ARTICLE.

24     5. "CHILD WITH A DISABILITY" OR A "STUDENT WITH A DISABILITY" SHALL BE  
25     DEFINED IN SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER.

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

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1 6. "ENGLISH LANGUAGE LEARNER" MEANS A TEST SUBJECT WHOSE NATIVE  
2 LANGUAGE IS NOT ENGLISH.

3 7. "ANCHOR ITEMS" OR "LINKING ITEMS" MEANS ITEMS BASED ON THE SAME  
4 MATERIAL IN DIFFERENT FORMS ON A TEST OR MULTIPLE TESTS GIVEN IN THE  
5 SAME YEAR TO DIFFERENT GRADE LEVELS OR IN DIFFERENT YEARS TO THE SAME  
6 GRADE LEVEL THAT ARE SCALED IN SUCH A WAY TO ENSURE THAT A GIVEN SCORE  
7 REPRESENTS THE SAME LEVEL OF PERFORMANCE, REGARDLESS OF THE TEST FORM OR  
8 YEAR, THAT ARE USED TO LINK DIFFERENT FORMS OF A TEST AND EQUATE THEM;  
9 AND TO ENSURE THAT SUCH ITEMS REPRESENT A STABLE LEVEL OF DIFFICULTY  
10 OVER TIME.

11 8. "FIELD TEST ITEMS" MEANS UN-SCORED ITEMS THAT ARE USED TO GATHER  
12 DATA FOR USE ON FUTURE SCORED TESTS.

13 S 349-B. DISCLOSURE. 1. THIRTY DAYS AFTER THE ADMINISTRATION OF ANY  
14 COMMON CORE STATE TEST IN ENGLISH LANGUAGE ARTS AND MATHEMATICS GIVEN TO  
15 TEST SUBJECTS, FIFTY PERCENT OF THE TEST ITEMS, AFTER EXCLUDING ANCHOR  
16 ITEMS OR LINKING ITEMS, AND FIELD TEST ITEMS SHALL BE RELEASED TO THE  
17 PUBLIC.

18 2. AFTER THE SECOND YEAR OF ADMINISTRATION OF A COMMON CORE STATE  
19 TEST, FULL DISCLOSURE OF ALL TEST ITEMS THAT ARE THE BASIS FOR TEST  
20 SUBJECTS' SCORES, SHALL BE RELEASED TO THE PUBLIC. POSTING OF TEST ITEMS  
21 AND CORRECT ANSWERS ON THE DEPARTMENT'S WEBSITE SHALL CONSTITUTE FULL  
22 DISCLOSURE REQUIRED BY THIS SECTION.

23 S 349-C. GRADE APPROPRIATE TESTS. THE COMMISSIONER SHALL DEVELOP TEST-  
24 ING GUIDELINES TO ENSURE THAT STUDENTS ARE TESTED AT THEIR FUNCTIONAL  
25 GRADE LEVEL.

26 S 349-D. STUDENTS WITH DISABILITIES. STUDENTS WITH DISABILITIES SHALL  
27 BE PROVIDED WITH THE TESTING ACCOMMODATIONS SPECIFIED IN THEIR INDIVID-  
28 UAL EDUCATION PROGRAMS (IEPS) OR THEIR SECTION FIVE HUNDRED FOUR ACCOM-  
29 MODATION PLANS (504 PLANS).

30 S 349-E. ENGLISH LANGUAGE LEARNERS. THE COMMISSIONER SHALL DEVELOP  
31 TESTING ACCOMMODATION GUIDELINES FOR ENGLISH LANGUAGE LEARNERS THAT MAY  
32 INCLUDE TIME EXTENSIONS, SEPARATE TEST LOCATIONS, TRANSLATED EDITIONS,  
33 BILINGUAL DICTIONARIES AND GLOSSARIES, ORAL TRANSLATIONS FOR LOWER-INCI-  
34 DENT LANGUAGES AND WRITTEN RESPONSES IN NATIVE LANGUAGES.

35 S 349-F. RESULTS OF COMMON CORE CURRICULUM EXAMINATIONS. THE DEPART-  
36 MENT SHALL PROVIDE TO THE TEACHER, WHO HAS ADMINISTERED AN EXAMINATION  
37 ESTABLISHED BY THE DEPARTMENT TO ASSESS ACHIEVEMENT OF THE COMMON CORE  
38 CURRICULUM STANDARDS, A REPORT OF THE RESULTS OF SUCH EXAMINATION ADMIN-  
39 ISTERED TO THE PUPILS BASED UPON SUCH PUPILS' GRADE LEVEL, A COPY OF  
40 EACH GRADED EXAMINATION AND THE RESULTS ON SUCH EXAMINATION OF PUPILS  
41 STATEWIDE IN SUCH GRADE.

42 S 2. This act shall take effect immediately, provided that any rules  
43 or regulations necessary for the implementation of this act shall be  
44 promulgated and take effect 180 days after such date.