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

4835

2015-2016 Regular Sessions

I N S E N A T E

April 21, 2015

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 7-B to read as follows:

ARTICLE 7-B

COMMON CORE STATE TESTING

SECTION 349-A. DEFINITIONS.
349-B. DISCLOSURE.
349-C. GRADE APPROPRIATE TESTS.
349-D. STUDENTS WITH DISABILITIES.
349-E. ENGLISH LANGUAGE LEARNERS.
349-F. RESULTS OF COMMON CORE CURRICULUM EXAMINATIONS.

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

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

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

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

5. "CHILD WITH A DISABILITY" OR A "STUDENT WITH A DISABILITY" SHALL BE 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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6. "ENGLISH LANGUAGE LEARNER" MEANS A TEST SUBJECT WHOSE NATIVE LANGUAGE IS NOT ENGLISH.

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

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

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

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

S 349-C. GRADE APPROPRIATE TESTS. THE COMMISSIONER SHALL DEVELOP TESTING GUIDELINES TO ENSURE THAT STUDENTS ARE TESTED AT THEIR FUNCTIONAL GRADE LEVEL.

S 349-D. STUDENTS WITH DISABILITIES. STUDENTS WITH DISABILITIES SHALL BE PROVIDED WITH THE TESTING ACCOMMODATIONS SPECIFIED IN THEIR INDIVIDUAL EDUCATION PROGRAMS (IEPS) OR THEIR SECTION FIVE HUNDRED FOUR ACCOMMODATION PLANS (504 PLANS).

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

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

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