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I N   S E N A T E

January 21, 2016

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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 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.