

# STATE OF NEW YORK

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1691

2017-2018 Regular Sessions

## IN SENATE

January 10, 2017

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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 § 2. The education law is amended by adding a new section 756 to read  
20 as follows:

21 § 756. Computer-based assessment technology apportionment. 1. In addition to any other apportionments under this chapter, for aid payable  
22 beginning in the two thousand eighteen--two thousand nineteen school  
23 year, a school district and board of cooperative educational services  
24 shall be eligible for an apportionment under the provisions of this  
25

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

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1 section for all technology purchases necessary to administer computer-  
2 based state assessments.

3 2. For purposes of this subdivision, "technology purchases" shall mean  
4 new purchases of, and/or upgrades of existing, computers and any compu-  
5 ter-related equipment, including hardware and any necessary software,  
6 needed to adequately administer required computer-based state assess-  
7 ments.

8 3. The technology purchases shall be of a sufficient quality to:

9 a. properly and securely administer each required computer-based  
10 assessment prescribed by the department; and

11 b. properly handle the number of students in a particular school  
12 district or board of cooperative educational services taking a compu-  
13 ter-based state assessment at a given time, in the time allotted by the  
14 department.

15 4. No school district shall be required to purchase or otherwise  
16 acquire instructional computer hardware or technology equipment, the  
17 cost of which exceeds the amount of state aid provided pursuant to this  
18 section.

19 5. The apportionment provided for in this section shall be paid at  
20 such times as may be determined by the commissioner and approved by the  
21 director of the budget, during the school year in which the expenditures  
22 are reported to the department prior to such apportionment, but not  
23 earlier than the school year after the school year in which expenses are  
24 incurred.

25 § 3. The commissioner of education shall develop a plan to minimize  
26 overall taxpayer investment in the development of, and administration  
27 of, high-quality computer-based state assessments. Such plan shall iden-  
28 tify the costs of implementing computer-based assessments and shall  
29 focus on ways to leverage state resources in assessment development and  
30 administration to minimize the impact on local school districts and  
31 taxpayers. Such plan shall be presented to the governor, the temporary  
32 president of the senate, the speaker of the assembly, and the chairs of  
33 the senate and assembly education committees prior to making any commit-  
34 ment to implementing computer-based testing, but not later than December  
35 1, 2016.

36 § 4. This act shall take effect immediately.