



NEW YORK STATE SENATOR

Phil Boyle

Facts on Common Core Implementation Reform Act

PHIL BOYLE July 28, 2014

| ISSUE: **CONSTITUENTS CORNER**

Standardized Testing in Pre-K- Grade 2

Prohibits administering standardized tests to students in Pre-kindergarten through grade two.

Student's Permanent Record

State assessment scores for grades three through eight may not be recorded on a student's permanent record or official transcript and notices sent to parents providing test scores shall include a statement that the scores are for diagnostic purposes.

Grade Promotion

No school district can make any student promotion or placement decisions solely on the state-administered assessment tests for grades three through eight.

Test requirements for English language learners and students with disabilities

Requires the Commissioner of Education to establish regulations and apply for a federal waiver to allow students with disabilities and English Language Learners who have been enrolled for less than two years to be assessed with alternate assessments.

Limits on test and test prep times

Limits the amount of time to one percent (1%) of required annual instructional hours that can be spent on both state assessment tests and locally developed standardized testing.

Limits the time spent on test preparation under standardized testing conditions to two percent (2%) of required annual instructional hours.

Testing Transparency

Creates a Testing Transparency Report to list all standardized assessments administered in a school district and indicates which tests are federal, state or locally required.

Reducing testing

Requires the Commissioner of Education to expedite the review of APPR plans which eliminate local assessments, if no other material changes were made to the plan.

Requires the Commissioner to take action to reduce time spent on field tests in grades three through eight.

Release of more test questions

Requires the Commissioner to release more sample test questions from the previous year's state standardized English Language Arts and Math assessments for grades three through eight to the parents, the public, teachers and school districts.

Parent outreach and assistance

Requires the Commissioner to provide instructional tools and outreach materials for parents and families to assist in understanding the changes relating to the implementation of the common core learning standards.

Professional Development

Requires the Commissioner to develop common core training programs for teachers and principals and to provide support for the purpose of providing professional development.

STUDENT DATA PRIVACY

Allows school districts to opt-out of providing personally identifiable information to any entity that collects, stores, organizes, or aggregates student information and contracts with the State Education Department for purposes of providing student information to a data dashboard;

Establishes a chief privacy officer within the State Education Department who will oversee matters affecting privacy and the security of student, teacher, and principal data, including handling complaints of possible security breaches;

Creates a parents bill of rights for data privacy and security;

Requires the State Education Department to promote the least intrusive data collection policies;

Authorizes the Department that they may only require districts to submit personally identifiable information, where such release is required by federal or state law;

Prohibits personally identifiable information maintained by an educational agencies, including data provided to third party contractors, from being sold or used for marketing purposes;

Provides that parents have a right to inspect and review their child's educational record;

Requires third party vendors to have a breach remediation plan and to expeditiously notify schools or the Department of suspected or actual data security breaches.

Provides civil penalties up to the greater of \$5000 or \$10 per instance for a security breach or failed notification, provided the latter amount does not exceed \$150,000 for third party contractors; and provides that if a third party contractor knowingly or recklessly allowed for the release of student, teacher or principal data, they may be precluded from accessing data for a period of up to five years and/or shall not be deemed a responsible bidder.

If the unauthorized data was released and was inadvertent and done without intent, knowledge, recklessness or gross negligence, the Commissioner may determine that no penalty be issued upon the third party contractor.