

**BILL TEXT:**

**STATE OF NEW  
YORK**

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3138--A

2003-2004 Regular

Sessions

**IN SENATE**

March 18, 2003

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Introduced by Sen. SALAND -- read twice and  
ordered printed, and when  
printed to be committed to the Committee on  
Education -- recommitted  
to the Committee on Education in accordance  
with Senate Rule 6, sec. 8  
-- committee discharged, bill amended,  
ordered reprinted as amended  
and recommitted to said committee

AN ACT to amend the education law, in relation  
to directing the commis-  
sioner of education to develop  
alternative assessments for regents  
exams

The People of the State of New York,  
represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Legislative intent. The  
legislature hereby finds and  
2 declares that the use of rigorous alternative  
assessments for measuring  
3 knowledge, skills, performance and competency  
in the public schools has  
4 been an acceptable and indeed desirable  
alternative to the use of  
5 regents examinations as a means of gauging  
student achievement. Further-  
6 more, portfolio performance-based assessments  
have been approved in New  
7 York state by the state education department  
and the state board of  
8 regents during the past decade. Portfolio  
performance-based methods of  
9 testing are used in other states and many  
institutions of higher learn-  
10 ing and will allow high schools, which so  
choose, to have the flexibili-  
11 ty and innovative freedom necessary to educate  
and nurture the children  
12 of New York state within the framework of the  
state's high standards.

13 § 2. The education law is amended by adding a  
new section 319 to read

14 as follows:

15 § 319. Alternative assessments. 1.  
Notwithstanding any provision of  
16 law, rule or regulation to the contrary, all  
students enrolled in a high  
17 school which operated under a variance by the  
commissioner to use alter-  
18 native assessments during the two thousand--two  
thousand one school year  
19 shall only be required to achieve a passing  
grade on the regents exam-  
20 ination for English, in addition to any other  
local graduation require-  
21 ments, to meet graduation requirements  
established by the department.

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

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1       2. Any student who enrolls in a high school  
2       during the two thousand  
3       four--two thousand five through two thousand  
4       seven--two thousand eight  
5       school years which operated under a variance by  
6       the commissioner to use  
7       alternative assessments during the two  
8       thousand--two thousand one school  
9       year shall only be required to achieve a  
10       passing grade on the regents  
11       examinations for English, in addition to any  
12       other local graduation  
13       requirements, to meet graduation requirements  
14       established by the depart-  
15       ment. To meet federal "No Child Left  
16       Behind" requirements, a pass on  
17       the math performance-based assessment will  
18       equal a sixty-five or above.  
19       3. The commissioner shall develop a portfolio  
20       performance-based alter-  
21       native assessment which will measure an  
22       equivalent level of knowledge  
23       and skill and which may be substituted for  
24       certain assessments specified  
25       in regulations promulgated by the department.  
26       A portfolio performance-  
27       based alternative assessment for the regents  
28       examinations for mathemat-  
29       ics, global history and geography, United  
30       States history and government,  
31       and the sciences shall meet the following  
32       conditions and criteria:

17 (a) assessments shall measure the state  
18 learning standards for the  
19 respective content area;  
20 (b) alternative assessments shall be at  
21 least as rigorous as the  
22 corresponding required state assessment;  
23 (c) alternative assessments shall be  
24 consistent with technical crite-  
25 ria for validity, reliability, and freedom from  
26 bias;  
27 (d) alternative assessments shall be  
28 available for use by any school  
29 or school district in New York state; and  
30 (e) alternative assessment procedures shall  
31 be conducted under circum-  
32 stances approved by the commissioner.

33 § 3. This act shall take effect  
34 immediately, provided, however, that  
35 the commissioner of education is directed to  
36 promulgate rules and regu-  
37 lations necessary for the implementation of  
38 the provisions of subdivi-  
39 sion 3 of section 319 of the education law as  
40 added by section two of  
41 this act on or before July 1, 2008.