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# **SAANYS SUPPORTS**

## **A-8929, CATHERINE NOLAN**

### **REFORMS IN COMMON CORE**

**March 5, 2014**

Assembly Bill 8929 would amend five sections of education law.

Section 3012-c would be amended to prohibit, for the 2013-14 and 2014-15 school years, the consideration of annual professional performance review (APPR) subcomponent 1 and/or subcomponent 2 scores for teacher or principal evaluations, if such scores were based in whole or in part on State Education Department English language arts and/or math assessments aligned to common core learning standards. The composite score would be calculated based on the subcomponent score(s) not excluded. The commissioner would be required to reject any APPR plan that calls for the administration of standardized state assessments, or vendor or third party developed assessments to students in kindergarten through grade 2 that are not used for diagnostic purposes. Schools would be permitted to use school-wide measures using state assessments or department-approved assessments that are administered to students in higher grades. Only locally developed assessments or assessments used for diagnostic purposes would be permitted for students in kindergarten through grade 2. A school district or BOCES application for a material change of their APPR plan that would solely relate to the elimination of unnecessary student assessments would receive an expedited review restricted to the area(s) revised. Finally, the commissioner would be required to provide guidance and advice to school districts and BOCES to reduce and eliminate traditional standardized tests that are not necessary to comply with APPR requirements.

Section 305 would be amended with four new provisions. First, school districts would be prohibited from making promotion and placement decisions based solely or largely upon student performance on SED ELA and math assessments for grades 3 to 8; such decisions would be required to be based on multiple measures and districts would be required to annually notify parents of their promotion and placement policy. Second, school districts and BOCES would be barred from inserting into any student's permanent record or transcript, a score on a SED ELA or math test for grades 3 to 8, and such information could not be sent to any entity other than SED or to a person in parental relationship to the student. Third, the commissioner would be required to reduce field testing for the department's ELA and math tests for grades 3 to 8, and to make available significantly more sample test questions from such assessments.

Lastly, SED would be required to develop – for every mandatory subject and grade level -- common core professional development tools, resources and materials that districts, BOCES, teachers and principals may use.

Section 3602-e would be amended to prohibit the administration of state administered standardized tests, or vendor, or third party standardized assessments to students in prekindergarten programs.

Section 3606 would be amended to require that school districts and BOCES consider the adoption and implementation of a common core training program for teachers and principals that is developed in consultation with teachers, principals and the department.

A new Section 2-c would allow a student's parent or a student of at least 18 years of age to submit an SED-developed form barring the disclosure of personally identifiable information and biometric record to any third party. Moreover, as a condition to receive such information or records the third party must have a breach remediation plan, procedures for reporting all suspected breaches, and procedures for reporting actual breaches. Moreover, prior to July 1, 2015, SED would be prohibited from providing personally identifiable information or de-identifiable (altered for confidentiality) student information to any third party vendor.

The Assembly Bill would also require that the commissioner evaluate the effectiveness of the implementation of common core learning standards on students with disabilities, English language learners, and students with limited English proficiency; and whether school districts are providing test accommodations specified in students' individualized education programs and Section 504 Plans. The commissioner's report would be submitted to the governor and legislative leaders.

#### **SAANYS SUPPORTS THIS LEGISLATION FOR THE FOLLOWING REASONS:**

The provisions of this bill are consistent with and responsive to the concerns raised by parents and students, teachers, school administrators and interested members of the general public regarding the common core learning standards and the manner in which they have been rolled-out by the State Education Department. The common core standards – including common core curricula, instructional materials, instructional pedagogy, and common core-aligned state assessments -- have not been rolled-out effectively or evenly in school districts and BOCES across the state; and this will remain the case for at least the term of the 2013-14 and 2014-15 school years. A-8929 contains provisions to help ensure that students, teachers and principals are not adversely impacted by circumstances that are beyond their control, and to require appropriate corrective actions to improve the quality and uniformity of common core transition in the future.

Safeguards for Students, Teachers and Principals -- The proposed bill would continue the implementation of the APPR system, producing composite scores; by excluding invalid and unreliable subcomponent results that are based on student state tests for which many teachers and students did not have adequate preparation. Teachers and principals will be protected from deleterious, career altering evaluations. By the same token, students will also be safeguarded from adverse impacts accruing from the flawed roll-out of common core-aligned tests as school districts would be prohibited from making promotion and placement decisions

based largely upon their performance on such tests; and multiple measures would be required for such decisions with annual notification to parents of the district's promotion and placement policy. **Recommendation:** School districts should be permitted to meet the notification policy requirement by posting their promotion and placement policy on their website. Requiring hard copy notification would be costly and inefficient.

Students would be further protected from deleterious results of performance on grade 3 to 8 common core-aligned tests by the bill's provision to bar school districts and BOCES from inserting such data in students' permanent records and transcripts; such data could only be provided to SED and to the person in parental relationship to the student.

Inappropriate Testing of Young Students -- The bill is responsive to the widespread concerns expressed by parents and educators regarding the inappropriate testing of young students as school districts and BOCES established their APPR plans based on SED regulations and guidance. For APPR purposes, the bill would phase-out the administration of vendor and third party assessments, for other than diagnostic purposes, to students in kindergarten through grade 2. This would be accomplished in a manner that would neither abridge nor require immediate revision of APPR collective bargaining agreements. In lieu of such testing, in support of local control and educators' professional discretion, school districts and BOCES would be permitted to use school-wide measures on state assessments or department-approved assessments administered to students in higher grades, or to administer locally developed assessments. In fully addressing the inappropriate testing of young students, the proposed bill would prohibit the administration of standardized tests, or vendor, or third party standardized assessments to students enrolled in prekindergarten programs.

Over-Testing Students -- Testimony provided by parents and educators at legislative hearings and regional assemblies were replete with concerns of student over-testing – and the proposed bill is responsive. School districts and BOCES applying to revise their APPR plan solely to reduce unnecessary testing would receive an expedited review, restricted only to the area(s) revised. Current SED procedures require that any material change of an APPR plan will call for a review de' novo – a procedure that is burdensome and disruptive at the local level and has a chilling effect on the willingness of districts and BOCES to apply for any APPR revisions. In addition, the commissioner would be required to provide guidance and advice to districts and BOCES to reduce or eliminate traditional standardized tests that are not necessary to comply with APPR requirements. To further reduce the extent of student over-testing, the bill would require that SED reduce the field testing for the department's ELA and math tests for grades 3 to 8.

**Recommendation:** SED should also be directed to reduce field testing associated with the common core-aligned Regents examinations. For example, the department asserts that double-testing for grade 8 students taking Algebra 1 has been reduced by students no longer having to take the grade 8 test and the Regents Algebra 1 test. In fact, the amount of such testing has remained the same or increased. This year, in 2013-14, students will take the common core-aligned Algebra 1 Regents exam, many (most) such students will also take the 2005 NYS Standards Algebra 1 Regents exam; and under SED threat of losing state aid, students will also be administered a common core-aligned Algebra 1 field test – three tests.

Prospective Support for Common Core Phase-in -- Looking forward, the legislative bill includes provisions that are expected to support transition to common core standards. The commissioner would be required to make available significantly more sample test questions from administered tests. This will promote more comprehensive local analysis by teachers and by school-level and district-level administrators. SED would also be required to develop for every mandatory subject and grade level, common core professional development tools, resources, and materials that districts, BOCES, teachers and principals may use. In this vein, school districts and BOCES would be required to consider the adoption and implementation of a common core training program for teachers and principals, developed by teachers and principals in consultation with SED.

**Recommendation:** The mechanism through which teachers and principals would work with SED to develop a common core training program is unclear. However, recognizing that common core phase-in is largely an unfunded mandate for most school districts adequate funding for targeted common core professional development and to provide teachers with instructional tools and materials are imperative. The provision of such adequate funding by SED would be an important contribution.

Personally Identifiable Information – Assembly public hearings have been important vehicles to receive input across a spectrum of New York State residents and experts regarding the collection, transmission and application of personally identifiable information. The concerns of parents, educators, and members of the general public were many and loud and clear. The Assembly Bill is appropriately responsive to such concerns. Prior to July 1, 2015, SED would be prohibited from providing personally identifiable information or de-identifiable student information to any third party vendor. This provision will provide the time necessary for thoughtful consideration of this matter. In addition, parents and students who are 18 years or older would be authorized to submit a SED form barring the disclosure of personally identifiable information or biometric records to any third party. Moreover, to promote information security, as a condition to receive such information or records, the third party must have a breach remediation plan, and procedures for reporting suspected breaches and actual breaches.

Evaluating Common Core Implementation – Assembly Bill 8929 would require that the commissioner evaluate the effectiveness of common core implementation for students with disabilities, English language learners and students with limited English proficiency. Although such a study is appropriate, the scope of review is insufficient and the objectivity of findings and conclusions will be questionable.

**Recommendation:** SAANYS continues to support Assembly Bill 8356, *Truth in Testing for the Common Core*, which would establish two requirements.

First, the State Education Department would annually report to the governor and legislative leaders regarding common core-aligned state tests including: impact in improving student performance; the extent to which test items are appropriate and grade level; the correlation between test scores and grade point averages; analysis of student performance based on socioeconomic, gender, race and ethnicity, and regional factors; effectiveness of the

test agency as the test development vendor; and considerations for determining whether to continue with the current test agency or to shift to the partnership for assessment of readiness for college and careers (PARCC).

Second, by September 1, 2014 the commissioner would undertake a comprehensive independent audit by a qualified contractor to review and evaluate the state common core testing program. The scope of the audit would include: test preparation; whether tests are fair, unbiased, properly pre-tested and age-appropriate (including test items found to be above grade level); and whether the tests were properly administered and scored. The audit report would be provided to the governor and legislative leaders by December 15, 2014.

The annual reports by the State Education Department and the independent audit called for in this bill are appropriate – especially as we prepare to begin the administration of common core-aligned Regents examinations this school year. In fact, it is strongly recommended that the scope of the independent audit be expanded to address the appropriateness of using data accruing from the common core-aligned testing program for the APPR evaluations of teachers and principals. If the new tests are unfair, invalid and unreliable for students, the same would be true in using such data for evaluation purposes. They may indeed impact the educational performance and trajectory students; and the employment opportunities and career trajectories of teachers and principals.

The School Administrators Association of New York State is a professional association of more than 7,000 principals and other school administrators working in more than 400 New York State schools. As the largest professional school administrators association, SAANYS is affiliated with the National Associations for Elementary and Secondary School Principals (NAESP and NASSP), the New York State School Administrators Consortium (NYSSAC), and the Education Conference Board (ECB).

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