

Class Size Matters & NYSAPE talking points for ESSA public hearings

The NYS Education Department (NYSED) has proposed a new school accountability system under the new federal law known as ESSA (Every Student Succeeds Act).

The Regents have not yet accepted this proposal and are gathering further input through public hearings taking place throughout the state through Friday, June 16, 2017 as listed here: <http://www.p12.nysed.gov/accountability/ESSAPublicHearings051217forPosting.docx>

ESSA allows states more leeway to shape their accountability systems than did its predecessor No Child Left Behind. Yet so far in this proposal NYSED has squandered the opportunity to move sufficiently away from NCLB's damaging high-stakes testing regime and towards a new accountability system that is evidence-based and would incentivize schools to provide the sort of well-rounded education that parents want for their children.

It is important that parents and others attend and speak at these hearings, because the system NYSED has proposed is unfair, overly simplistic, and would likely further undermine children's opportunity for a quality education. Why?

1. The inaccurate way opt-out students will be counted in a school or district's accountability formula:

- The formula that NYSED has proposed to determine a school or district's accountability status will be largely based on school's state test scores, including student proficiency rates as well as "progress" and "growth scores," as determined by changes in student proficiency and scale scores over time.
- NYSED's formula appears to assign any student who opts out of the 3-8th grade tests a score of "1" on the 1-4 scale (with 1 as the lowest possible score). This is unnecessary, baseless, and arbitrary. *However, please note that the test score on an individual student's transcript would remain blank if that student refused the test; this formula is solely for determining the accountability of the school or district (not the student).*
- If the state insists on counting opt-out students as "1"s for the purpose of the school's accountability rating, otherwise high-achieving schools on Long Island and elsewhere that have large opt-rates will be **wrongly rated as failing** and in need of comprehensive support and more resources. New York state should not be punishing schools for a parent's decision to opt their children out of these exams, a right which ESSA explicitly accords parents.
- We believe that if opt-out students must be counted in the formula, their scores should instead be assumed as average for the tested students at the school in their subgroup. Calculated this way, the scores recorded for a subgroup or a school as a whole reflect the actual performance on the exams by students who actually took the exam.

For more on this critical issue of how opt-out students will be counted, see the NYSAPE/Class Size Matters memo to the Regents posted here:

<http://tinyurl.com/kogeux7>

2. Insufficient, inadequate and potentially harmful school quality indicators

NYSED has proposed that only a few other indicators be used in a school's accountability system other than state test scores. The federal law requires proficiency rates of English Language Learners and in high schools, graduation rates, be included but allows the states to adopt additional "school quality" indicators of their choice.

- When NYSED surveyed parents, teachers and other members of the public about what these additional indicators should be, **the most popular responses were factors related to students' opportunity to learn**, including a well-rounded holistic education with access to art, music, science, health, and physical education, as well as reasonably small class size, and more. *For more information, see the NYSAPE/CSM list of Evidence-based Opportunity to Learn factors that we have urged the state adopt: <http://tinyurl.com/OTLindex>*
- Instead NYSED has proposed that chronic absenteeism be the sole school quality indicator for elementary and middle schools, and indicators of "college, career, and civic readiness" as the additional school quality indicator in high schools, including access to advanced coursework.
- Including chronic absenteeism as the single school quality indicator would unfairly target elementary and middle schools with large populations of disadvantaged, homeless students and/or those from nearby countries like the Dominican Republic, where families return periodically for visits during the school year. Children in non-English speaking families frequently miss school to translate for their relatives.
- Moreover, giving such high-stakes to any single factor would not only unfairly penalize those schools, but could lead to unintended consequences, incentivizing schools to exclude or try to push out these students.
- Similarly, adopting an accountability factor for high schools such as access to advanced coursework would likely incentivize schools to offer more AP courses. This could push children who may not be interested in advanced coursework– and lead schools to further reduce access to art, music, physical education, health etc. – narrowing the curriculum even more to tested subjects.
- NYSED's failure to include more holistic indicators in the system ignores that there are state mandates for minimum coursework in art, music and physical education and health, which many schools in NYC and elsewhere already are failing to provide.
- Indeed, omitting from the new accountability system any factor related to a well-rounded education sends the unfortunate message that the State Education Department and the Regents do not really care if schools comply with the state mandates about providing a well-rounded education. It also shows that NYSED is continuing to turn a deaf ear to the hundreds of thousands of parents who opt out to protest a system that is centered around testing and not the child.
- Including a robust Opportunity to Learn (OTL) index in the accountability system with several different evidence-based Opportunity to Learn factors is preferable – because while the state would encourage schools to pay attention to these factors, not any one of

them would be excessively high stakes.

- This would tend to minimize the risk of further narrowing the curriculum, causing other negative impacts, and/or gaming the results through the well-known mechanism of Campbell's Law.

The public can also email comments through Friday, June 16, 2017 to ESSAcomments@nysed.gov

See also:

NYSED's summary of their proposed ESSA plan:

<http://www.p12.nysed.gov/accountability/essa.html>

Their complete draft plan: www.p12.nysed.gov/accountability/documents/draft-ny-essa-plan-summary-may-2017.pdf

Power point here: <https://www.regents.nysed.gov/common/regents/files/FB%20Monday%20-%20ESSA%20.pdf>

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