



COMMUNITY EDUCATION COUNCIL DISTRICT 3

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District 3 Community Superintendent

June 17, 2017

Commissioner MaryEllen Elia
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner Elia:

District 3 in New York City is located on the West Side of Manhattan, from 59th Street to 122nd Street, Fifth Avenue to the Hudson River. We, the parent leaders who serve on Community Education Council (CEC3), welcome the replacement of the “No Child Left Behind” (NCLB) and “Race to the Top” federal educational laws with their emphasis on test and punishment in school accountability systems. The Every Student Succeeds Act (ESSA) represents an opportunity for states to govern their elementary and secondary educational systems. CEC3 offers the following comments regarding the NYSED roll out of its ESSA standards:

1. The proposed system also appears to keep NYSED’s unhealthy relationship with certain parent communities where it is right now – lousy. NYSED listed parent involvement through school choice, parent involvement in budget decisions, and parent surveys as top priorities. However, the school-parent relationship remains largely ignored other than references to the promotion of “state, district, and school-level strategies for effectively engaging parents and family members in their student’s education.” A strident and specific approach to the cultivation of strong parent engagement is still missing and we call on NYSED to incorporate specific parent engagement tactics into its final roll out of ESSA.
2. ESSA retains various pieces of the NCLB accountability architecture – such as the requirement to test all students in all subgroups at 95% or better and to use test data in accountability – the law also granted the state education authority much greater leeway to determine how to use that data and how to craft more comprehensive systems of assessment and support. There are genuine opportunities to craft systems based upon growth and support.
3. NYSED has largely taken it upon itself to blunt some of its harsher accountability tools by widening how it will look at school performance and by expanding timelines for improvement. However, this proposed system is still overly test reliant and asks far too few questions about what creates equitable opportunities for all students. The compliance levers in this proposal will result in a system where state accountability tests still drive too much of our system and where the incentives will still be heavily weighted towards rapid growth in test measured performance while ignoring the state’s responsibility to partner with local education authorities to grow academic and social programming that we know improves outcomes for our most vulnerable students.

4. NYSED's use Student Growth Percentiles (SGP) as an accountability measure for schools which is an improvement over the use of Value Added Measures (VAM) for teacher assessment that was deemed "arbitrary and capricious" in state court in 2016. While this is an improvement, it is still highly problematic. SGPs are more "reliable" than VAMs in that they produce more consistent ratings over time. However, there is still significant doubt about whether or not they are valid. There is substantial evidence that SGPs can be accurately mapped based upon the poverty characteristics of the district which means that we do not know if they are genuinely measuring valid growth among students or whether they are measuring demographic factors that are beyond the school's control. Dr. Bruce Baker of Rutgers University and Dr. Chris Tienken of Seton Hall University have both demonstrated this with New Jersey's use of SGPs. While the system proposed here does use "multiple measures" of school accountability, it is highly problematic to include a measure that is of dubious validity among those measures.

5. On page 34, discussing high school accountability measures, the document states: "All students in the accountability cohort who do not take a Regents exam, the New York State Alternate Assessment, or an approved alternative to the Regents are counted as Level 1." Other forms of calculation for student performance also appears to unnecessarily punish schools who do not meet the 95% testing target, using the absence of scores to tilt school performance downward. This is not required in ESSA which specifies which denominator to use in calculations but which does not state what to do with absent scores in the numerator. It is also contrary to the purpose of the 95% testing requirement originally set up in NCLB. That requirement was designed to prevent LEAs and schools from hiding low performing students from accountability measures on purpose. It did not envision punishing schools who test every available child but who face parental test refusal in significant numbers. By deliberately entering non-tested students at Level 1 or by not weighting the numerator of the Performance Index with an average score for untested students, NYSED is incentivizing principals and superintendents in districts with significant test refusal to remain in adversarial and possibly deceptive relationships with parents who object to the nature and purposes of the state standardized tests. This sets up those same administrators for failure in their relationships with parents which will undermine confidence and school performance.

6. We are encouraged that NYSED is considering other indicators as allowed under ESSA, but confused as to why you will only include "chronic absenteeism" as the measure of "school quality and student success." While it is true that research shows tight coupling between that and student success, like low test scores, these are most reliably tied to community indicators that are well beyond schools' controls. This will immediately disadvantage schools that serve our most vulnerable children whether or not they are being diligent guardians of their students' well-being and reward schools with affluent families regardless of the same. As a district in New York City with numerous schools that serve well over 70% students living in economically disadvantaged homes, we know full well that schools who do an excellent job with the resources at their disposal will be unfairly punished by this short-sighted focus.

7. New York State Allies for Public Education has repeatedly and justifiably called for NYSED to adopt an Opportunity to Learn (OTL) Index that examines researched-based factors such as pre-K and Kindergarten programming, average class sizes, arts and physical education opportunities, positive behavioral interventions, staffing and retention figures, parental involvement, etc. All of these factors and more are measurable and including them in an OTL in the accountability system would incentivize LEAs to create more robust learning environments, and it would require the NYSED to consider how to foster more equitable access to those opportunities across the state. NYSED currently proposes to track many of those factors but not to include them in the accountability system, which we believe is a mistake.

8. The proposed plan improves the situation for English Language Learners (ELLs) but does not go far enough. For no discernible reason, the documents sets the discussion of ELLs growth in English proficiency over a 5 year window. However, research into second language acquisition demonstrates that it can take 7 to 8 years for ELLs to gain full fluency in academic English. While such learners can make significant progress in obtaining conversational and colloquial English, the

skills needed to perform at the highest levels in academic work take much longer than the window envisioned here.

9. NYSED should be applauded for wanting to make certain that all students have equitable access to “effective” teachers, but the definition of effective teacher remains too closely coupled with “effectiveness” as measured by student test performance. The definition of “ineffective teacher” is “Teacher who receives an Ineffective rating on his/her overall composite rating.” The footnote assures us that this rating will be based upon “multiple measures” but it is also still under construction. Currently, growth measures based on the state exams are used for “advisory purposes only” but we do not yet know how much they will count in the future. We urge NYSED to minimize the use of these measures, especially in identifying the most “effective” teachers given the lack of reliability for Value Added Measures and the lack of validity for Student Growth Percentiles.

The goal of ESSA, signed into law by President Obama in December 2015, was to reauthorize the Elementary and Secondary Education Act, and to grant greater flexibility to states which govern public schools within their individual Education Departments. CEC3 believes that New York’s interpretation of ESSA represents initial steps in setting a new tone of student, teacher, and school growth and support, but the guidelines here fall far short of what is necessary. We call upon NYSED to show true leadership to develop a more comprehensive system to measure effectiveness and success that not only includes test scores, but also properly weighs other measures. Provide English Language Learners a broader horizon to gain full academic fluency. Repair relationships in communities that have high numbers of families refusing state testing. Consider or possibly incorporate aspects of the Opportunity to Learn Index as an effective measure and accept mutual responsibility with LEAs to broaden conditions that enable learning and collaboration. Your response to ESSA should be to fully and enthusiastically support our students, parents, teachers, administrators, and their school communities, and develop a model that supports students and their growth which should be the basis for any accountability model. We thank you for your leadership and look forward to your continued efforts.

Respectfully,

Community Education Council, District 3

cc: Regent Nan Mead
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Board of Regents, Room 110 EB
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