



July 28, 2016

Dr. John B. King, Jr.
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Regarding Docket ID: ED-2016-0ESE-0032

Dear Secretary King,

On behalf of the nearly 300,000 members of the New York State Congress of Parents and Teachers, Inc. and the millions of parents and school children in New York, we appreciate the opportunity to comment, and share concerns regarding certain proposed federal regulations related to implementation of the new Every Student Succeeds Act (ESSA).

NYS PTA appreciates the intent of the new law; to enable more state and local input and control of our education system, which includes standards, assessments and accountability measures. In addition, we fully support increased family engagement provisions and needed funding to build state outreach to parents and families to improve student outcomes. Family engagement improvements are critical to support student learning, and we encourage increased outreach to families including reasonable notification to ensure transparency and accessibility for all families.

However, we are concerned that proposed regulation language abrogates local and state control and decision making - a cornerstone of ESSA.

Use of 2016-17 Data and Results for Accountability System Decisions

We are concerned over the possible requirement that 2016-17 school year results and data may be used to identify the first group of targeted improvement schools.

Appropriate time for development and implementation of a new accountability system is necessary to ensure collaboration between state education officials and stakeholders in order to develop a thoughtful accountability system that serves all children and schools.

Using 2016-17 school year results to identify the first group of targeted improvement schools under the new accountability system is premature and does not allow for collaboration on the different measures and indicators available under ESSA.

Thus, we recommend amending Section 200.19 to allow states appropriate and adequate time to develop and implement their new accountability system as required by 2017-18 school year and delay school identification for determinations until that time.

Four-Year Graduation Rate

We are concerned about the possible requirement that only the four-year graduation rate be used to determine graduation rates for accountability.

ESSA allows for graduation rates to include more than only a four-year cohort for determining which high schools must be identified for interventions if the rate falls below 67 percent.

This regulation seems to directly conflict with ESSA language, as New York and many other states report graduation rates from five and six year graduation rate calculations. State and local control is critical to ensure states, with a goal of college and career readiness, have the ability to accommodate extended learning timelines for especially at risk students, students with disabilities and English language learners.

Thus, we recommend amending Section 200.13 to allow states discretion and authority to determine and use a graduation rate longer than four years for measuring which schools fall below the 67 percent graduation rate level.

Ninety-Five Percent Participation Rate and Negative Actions

We are concerned with the requirement that states must take action by placing schools in the lowest accountability category and target for intervention if the school fails to meet the 95 percent participation rate requirement.

We are also concerned with the requirement that if more than five percent of an accountability group on an accountability measure does not participate in state assessments, these students would be considered as non-proficient for reporting purposes.

NYS PTA strongly supports a parent's right to make informed educational decisions for their children and support the right of every parent to decide what is best for their child, which includes decisions around their child's participation in state assessments.

We believe that schools must establish a balanced use of assessments to inform instruction without over testing or emphasizing test performance. We do not support the use of a single test

or assessment for placement, promotion, retention decisions or other high-stakes decisions affecting students. Over-emphasis on high-stakes testing, especially tests that can be linked to both educator and school accountability, is detrimental to students and the education process. Further, NYS PTA has called for the suspension of linking results on standardized assessments with teacher/principal accountability and district accountability decisions.

We do not believe that there should be mandates for intervention based on a parental right or decision.

Thus, we recommend deleting or modifying Section 200.15 which mandates accountability determinations and interventions to be taken against a school building or district that fails to meet the 95 percent participation rate for standardized testing.

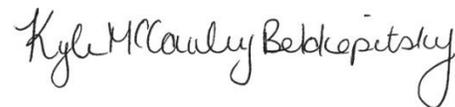
We also recommend deleting or modifying sections which mandate if more than five percent of an accountability group on an accountability measure does not participate in state assessments, these individual students would be considered as non-proficient for reporting purposes.

For the aforementioned reasons, we ask you to reconsider these sections of regulation, and can be reached for any questions at 518-452-8808 or president@nyspta.org and execdirector@nyspta.org.

Sincerely,



Bonnie M. Russell
President



Kyle McCauley Belokopitsky, Esq.
Executive Director