



September 9, 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-OESE-0053 and ED-2016-OESE-0047

Dear Secretary King,

On behalf of the nearly 300,000 members of the New York State Congress of Parents and Teachers, Inc. and the parents of nearly 4 million New York school children, we appreciate the opportunity to continue to comment on proposed federal regulations related to assessments, parental information, and specialized student populations within the new Every Student Succeeds Act (ESSA).

NYS PTA agrees with the intent of the new law: to empower states to provide greater local input and local control within our education system, which includes standards, assessments and accountability measures with updated and understandable information provided to and with parents as partners.

In addition, we fully support increased family engagement provisions and needed funding for parental outreach and understanding. 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. We strongly believe that to be effective, parent and family engagement provisions of the law need to be supported by funding.

Thus, we continue to advocate for funding for Statewide Family Engagement Centers (SFECs) in Fiscal Year 2017 and hope you will join parents, families and educators from across the county in this advocacy.

We offer these comments on the use of assessments, and look forward to working together to support all students and families.

However, we again raise our prior comments and concerns relating to: (1) 2016-17 use of data and results, (2) use of four year graduation rates, and (3) negative consequences for failing to meet ninety-five percent participation rates for standardized testing, in addition to the following:

High Quality Appropriate Assessments

Assessments can be an essential aspect of the learning process, as they provide feedback to educators intended to show the level at which instruction should begin, the effectiveness of ongoing learning strategies, and the level of proficiency attained as a result of the instructional process.

However, assessments should benefit the student, inform teachers on instructional opportunities and to assist parents in understanding how to support their child's learning.

We continue to support expansion and validation of high quality, reliable, bias free, locally developed and educator informed assessments, including performance-based assessments and portfolio and teacher-based assessments designed with educator and parent input. States must be empowered and funded to develop expanded assessment formats and allotted the time and resources to validate these alternatives to single standardized instrument measures.

Parental Input into Assessments

Parental input when developing assessments and improved parental understanding of the use of assessment data and reporting is critical.

Thus, we support the intent of requirements under §200.2 (e) and §200.8 to provide parents and families with information on assessments in a uniform and easy to understand format. Meaningful parental engagement requires information to be presented in easy to understand way for English speakers and translated for non-English speakers to the best of our ability.

We note that language translation for those whose native language is not English is a huge challenge to overcome in our state and look forward to national support in doing this work. The commitment to keep parents informed in their native or easy to understand language communicates their equal partnership in the educational process and system.

We believe parents must be part of the design of state assessments and must be provided with an annual review of all the elements of assessment composition and potential data access and use.

Assessment results must be presented to parents (and students where appropriate) in a timely, and easy to understand manner that shares the student's strengths and areas for improvement, that can be used as a diagnostic tool for parents to work with their student's teachers to help their child improve, and the reason the assessment was necessary for the child's educational process must be explained.

We also support the requirement for parental and stakeholder input in §200.77 related to innovative assessment systems. Parental input into actual assessment development and parental understanding of assessment data is critical, and conversations must include how assessment data is linked diagnostically to a child's needs and to any interventions that may be necessary.

While we understand that valid, well-constructed and developmentally appropriate assessments may be used to inform instruction, as we have previously indicated 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; this includes decisions around their child's participation in state assessments. We do not believe that there should be negative consequences

for educators or school leaders, or mandates for intervention to schools based on a parental right or decision.

Support for ELL students and students with disabilities

We must better support our students with disabilities and English Language Learners, their parents and families.

Thus, we support intent of the requirements under §200.2 (e) to provide information on assessments in an easy to understand format to parents of students with disabilities, and to parents of children who are English Language Learners (ELL) or who may have limited English proficiency themselves.

We urge support and funding in Fiscal Year 17 budget for translation services at both the state and district level, and support the intent of §200.6 that require states provide assessments in native languages, other than English, for certain student populations.

Further, NYS PTA continues to be concerned about appropriate testing of our students with disabilities, while balancing the need for diagnostic information to inform teachers and instruction. New York had previously applied for, and was denied, a waiver which would have allowed certain students with disabilities to be tested at their instructional level rather than their grade level.

While we understand the desire to include all students by age/grade level in accountability groups for state administered assessments, we have serious concerns where assessments are provided to students well beyond their academic level or where English is a very new language.

Greater access to native language for newly entered students (ENL less than three years) and greater flexibility in accommodations for students with disabilities, beyond the 1% exemption, must be considered.

While not a part of this submission, we call your attention to our previous concern with the requirement that only the four-year graduation rate be used to determine graduation rates for accountability.

New York and many other states report graduation rates from five and six year graduation rate calculations which 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 re-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.

Assessment Positions

It is our belief that there must be a balance in the use of assessments to inform instruction without over testing or overemphasizing test performance. 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.

Assessments and testing should be diagnostic in nature, developmentally appropriate and as short as possible to provide educators information to allow for appropriate intervention when needed. We strongly support the increased use of teacher and educator developed assessments generated at the local levels. New York State PTA supports legislation and policy decisions that enable state and local officials to design a comprehensive and effective multi-pronged approach to meaningful pupil assessment and supports innovation in assessments that may look and work different from the typical test.

NYS PTA supports maintaining a positive environment for students during assessment administration, and supports minimizing the use of testing and test preparation so to maximize the learning environment and support whole child learning.

We strongly oppose the use of a single test or single assessment measure for the placement, promotion or retention of a student or within high stakes decisions affecting students. We support the establishment of developmentally appropriate seat time when assessing students.

NYS PTA also urges the use of assessment as part of a holistic improvement of learning and strategic planning for the individual student, groups of students and school systems - rather than using assessment results for punitive or competitive reasons.

We strongly oppose the use of standardized multiple-choice tests and school readiness tests with pre-school and early elementary children for any purpose.

For the aforementioned reasons, we ask you to consider our comments on the use of assessments, 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

Previously submitted concerns with draft ESSA regulations (submitted July 28, 2016):

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.