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THE IMPACT OF EDUCATION POLICY ON STUDENT TESTING

We are in a time of rapid transition regarding educational policy as it affects student testing and its relationship to teacher evaluation. The following is intended to clarify the ways in which existing educational policy at the federal and state levels impose testing mandates on local school districts.

At the federal level educational policy is primarily driven by two laws: the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act.

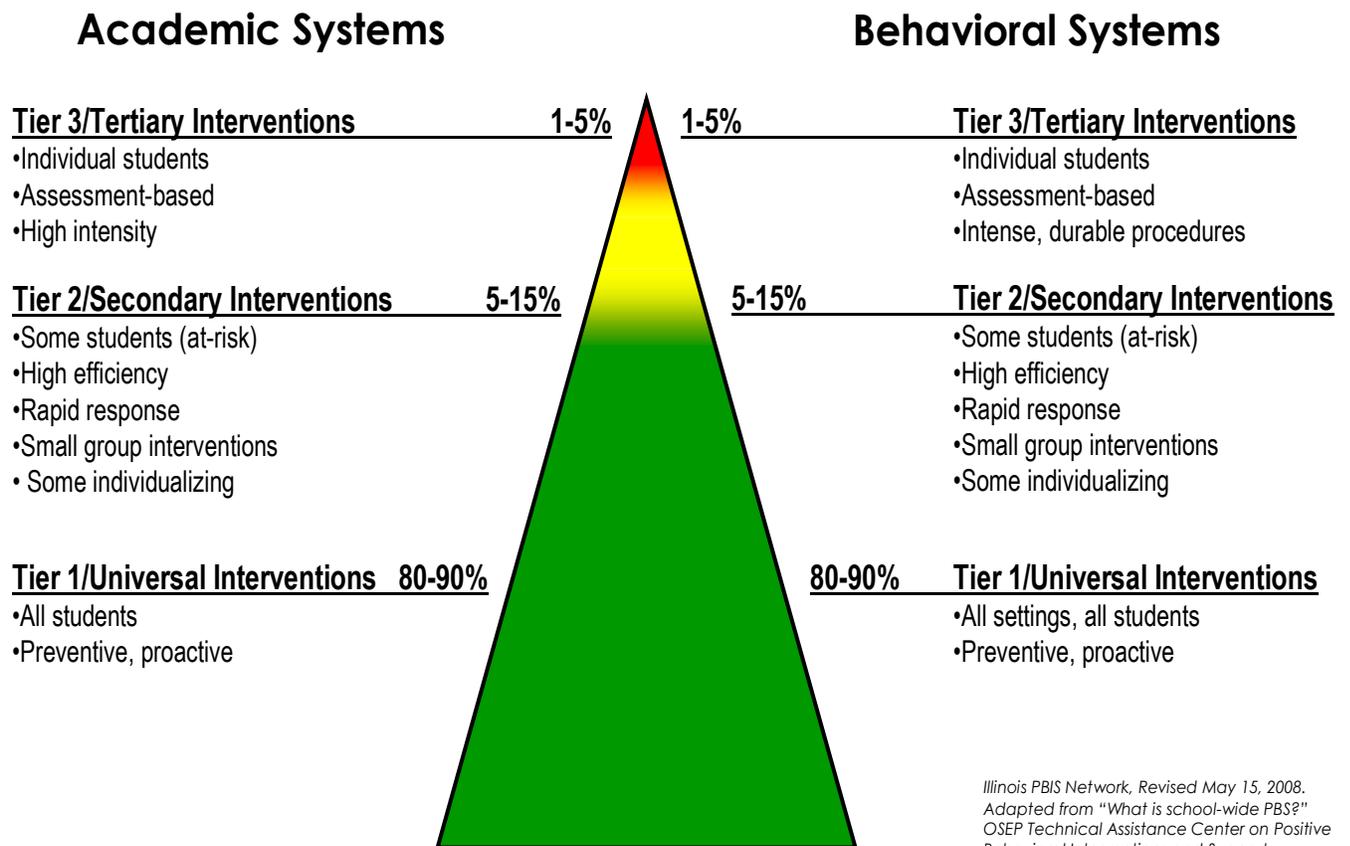
The Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) is federal legislation that provides funding and establishes regulations for Special Education. When IDEA was reauthorized in 2004, it established Response to Intervention (RTI) as the preferred method for identifying students with learning disabilities. There has been an over identification of students with learning disabilities nationwide, with a disproportionate classification of minority students. One reason for these problems has been a failure to distinguish learning deficits from learning disabilities, especially in reading. A student who is reading below grade level does not necessarily have a cognitive processing disorder.

The discrepancy model was the method used to identify students with learning disabilities in New York State. A wide discrepancy between aptitude and achievement would indicate evidence of a learning disability. The federal law requires the adoption of the Response to Intervention model beginning in 2012 for literacy in grades K-4. New York State regulations expand this requirement to include mathematics and social/emotional behavior. Response to Intervention requires universal screening three times a year. Students identified as a result are given research based interventions with frequent progress monitoring. Students who do not respond to these interventions may be referred to the CSE (Committee on Special Education) for classification. Because Nyack's elementary schools include grades K-5, we plan to give universal screening in ELA and mathematics to all elementary students.

Response to Intervention is a three-tiered model, which is depicted by the following pyramid.

School-Wide Systems for Student Success: A **Response to Intervention** (RTI) Model



Illinois PBIS Network, Revised May 15, 2008.
Adapted from "What is school-wide PBS?"
OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports.
Accessed at <http://pbis.org/schoolwide.htm>

- Tier I** – Core Instruction or primary intervention intended for all students in the general education classroom.
- Tier II** – Secondary intervention intended for 10-15% of students who are not making adequate progress with core instruction at Tier I.
- Tier III** – Tertiary intervention intended for about 1-5% of students who are not responding to instruction at Tiers 1 & 2.

The Elementary and Secondary Education Act (ESEA)

When the ***Elementary and Secondary Education Act (ESEA)*** was reauthorized in 2001, it was renamed *No Child Left Behind (NCLB)* by the Bush Administration. Although this law was supposed to be reauthorized in 2007, it has been mired in congressional politics. So the current law remains in effect. The system of accountability under NCLB at the elementary and middle school levels is based on testing results in English Language Arts (ELA) and math in grades 3 through 8 and science in grades 4 and 8. Accountability at the high school level is based on Regents results on Algebra I, the Comprehensive English Examination and graduation rate. Additional high school testing is defined by the [New York State Education Department's diploma requirements](#).

The goal of NCLB is for all subgroups to reach 100% proficiency by 2013-14. Disaggregating assessment results by ethnicity, program services (Students with Disabilities and English Language Learners) and by economically disadvantaged is a contribution NCLB has made that most agree is salutary, because it holds schools and districts accountable for providing all students with a high quality education. The primary objections to NCLB have been its unrealistic goals, and the punitive nature of the sanctions on schools and districts failing to make Adequate Yearly Progress for groups of children whose achievement is affected by many factors outside the school day. In addition, every state has different assessments and accountability systems, thus creating inconsistency in the law's implementation from state to state.

The Obama Administration's plan for the reauthorization of NCLB is in [The Blueprint for Reform](#). To move its education reform agenda forward without getting bogged down in congressional gridlock, the U.S. Department of Education has expressed a much greater willingness to consider state applications for a variance from the more punitive sanctions of NCLB. In return, states will need to agree to abide by the Obama administration's proposals for reauthorization of ESEA as outlined in *A Blueprint for Reform*. New York State has submitted an application for a variance from the more onerous sanctions of NCLB. Details of this application may be found on the following link:

New York State's Next Generation Accountability System - Approval of Recommended Revisions to the Elementary and Secondary Education Act (ESEA) Flexibility Request
<http://www.regents.nysed.gov/meetings/2012Meetings/February2012/212bra5.pdf>

Common Core State Standards

On June 2, 2010, the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO) released a set of state-led education standards, the [Common Core State Standards](#). The English-language arts and mathematics standards for grades K-12 were developed in collaboration with a variety of stakeholders including content experts, states, teachers, school administrators and parents. The standards were developed to establish clear and consistent goals for learning to prepare America's children for success in college and work. Forty-eight states participated in the development of the Common Core State Standards. (The two states that did not participate were Texas and Alaska.) States interested in Race to the Top money were advised that they would do well to adopt the Common Core State Standards to improve their chances of being awarded funding.

The Common Core State Standards were developed to address a recognition that United States schools need to raise standards to compete in the global economy. The forty-eight states participating in the Common Core State Standards were required to adopt 85% of the standards with 15% flexibility to meet individual state's needs. On January 10th, 2011, the New York State Board of Regents approved the recommended additions to the Common Core Learning Standards for English Language Arts & Literacy and Common Core Learning Standards for Mathematics, plus a new set of Prekindergarten Standards. A new generation of assessments is being developed in alignment with the Common Core State Standards.

Information about statewide implementation and the development of P-12 curriculum models are posted to the New York State Education Department website.

http://www.p12.nysed.gov/ciai/common_core_standards/

Race to the Top and Annual Professional Performance Review

Race to the Top and the Annual Professional Review Plan are not one in the same, but they have become intertwined in New York State.

Race to the Top was the second phase of The American Recovery and Reinvestment Act of 2009 (ARRA) funding, which was awarded to states by the federal government on a competitive basis. New York State was not selected for Race to the Top funding in the first round for two primary reasons. First, New York had a cap of 200 charter schools statewide, and second, there had been a New York State prohibition against basing teacher evaluation on student performance on standardized tests.

On May 28, 2010, the New York State legislature enacted new legislation that greatly improved New York State's chances for success in Round 2 of the federal Race to the Top competition.

- Chapter 101 (A.11310/S.7990): This statute raised the cap on the number of charter schools permitted to operate in New York.
- Chapter 103 (S.7991/A.11171): This statute implemented a statewide comprehensive evaluation system for school districts and BOCES. The evaluation system was designed to measure teacher and principal effectiveness based on performance, including measures of student achievement.

On August 24, 2010 the U.S. Department of Education announced that New York State had been awarded \$696,646,000 as a winner in the second round of the federal Race to the Top competition. <http://usny.nysed.gov/rttt/> The New York State United Teachers (NYSUT) had partnered with the New York State Education Department (NYSED) in supporting the legislation that helped New York win Race to the Top funding in May 2010. A year later, however, the teachers union had become so disillusioned with the State Education Department's roll out of Race to the Top, especially the requirements for districts to revise their Annual Professional Performance Review (APPR) plans, that on June 11, 2011, NYSUT filed a law suit against the Board of Regents, Merryl Tisch, Chancellor of the Board of Regents, and John B. King, Commissioner of the New York State Education Department. On August 24, 2011, the State Supreme Court in Albany ruled in favor of some aspects of the NYSUT complaint. An appeal was filed by the Board of Regents and the Commissioner of Education.

Guidance on New York State's Annual Professional Performance Review Plan can be found at <http://usny.nysed.gov/rttt/teachers-leaders/fieldguidance.pdf>.

This stalemate was broken after January 9, 2012, when Secretary of Education, Arne Duncan, announced that New York was on a “watch list.” Despite “significant progress,” New York had “hit a roadblock,” Secretary Duncan said, failing, among other things, to fulfill a promise to adopt a system to evaluate the work of teachers and principals. The implications of this statement, that New York State could be at risk for losing nearly seven hundred million dollars, were not lost on Governor Cuomo, who gave the teachers union and the department of education thirty days to settle their differences, or else he would impose his own plan through the budget process. On February 16, 2012, Governor Cuomo announced a settlement of the legal case brought by NYSUT against NYSED regarding APPR. This announcement came on the day the governor had promised to impose a solution if settlement was not reached. Local districts are currently in the process of negotiating with their teachers’ associations and their principals to come to agreement on aspects of this plan through collective bargaining. Governor Cuomo has linked eligibility for increased state aid to the implementation of the new evaluation system for teachers and principals.

There is understandable confusion between Race to the Top and APPR because they have been intertwined.

- Race to the Top is funding. In New York State this funding is to be used to support four goals: 1) Standards and Assessments, 2) Great Teachers and Leaders, 3) Data systems, 4) Turning Around Low Performing Schools.
- APPR is the plan by which teachers and principals are to be evaluated.
- Connecting teacher and principal evaluations to student achievement as measured by standardized tests is one of the goals of the Obama administration’s proposed reauthorization of the Elementary and Secondary Education Act and was therefore one of the criteria for states to receive Race to the Top funding, along with support for charter schools.
- To support New York’s application for Race to the Top funding, the legislature enacted statutes to increase the cap on charter schools and to implement an evaluation system to measure teacher and principal effectiveness based on student achievement.

While some districts have received public support for dropping out of Race to the Top, the only requirement we know for certain they are relieved of is the quarterly reporting of expenditures of Race to the Top funds. This relief, however, does not release the district from implementing the APPR, nor would it relieve students from having to take state tests. In addition, these districts risk eligibility for increased state aid.

What Are the Implications for Testing?

Since the Annual Professional Review Plan is law, which is supported by Commissioner’s regulations, and the Regents Reform Agenda, it has significant implications for student testing. The first twenty points of the teacher and principal evaluation system are based on a growth measure which will be calculated by the state. (This portion will be increased to 25 points when the growth measure is replaced by a value-added measure.)

- For the 2011-12 school year, teachers of ELA and Math in grades 4 through 8 and principals of their buildings will be affected. These growth measures will be based on the progress students in these grades and subjects make between last year and this year, as measured by state tests.
- Beginning with the 2012-13 school year, all teachers will be affected.
 - State tests will be used to measure growth for subjects that end in state exams, including science in grades 4 and 8, and all high school courses ending in a regents exam.
 - Teachers of subjects that do not end in a state exam, including social studies, science in all grades except 4 and 8, grades K-3, and all high school courses, including art, music and physical education will have to develop comparable growth measures as part of their Student Learning Objectives (SLO).
 - As of this writing (March 28, 2012), the State Education Department is making information on the SLOs available to districts, explaining “how New York State will assess the student learning growth of students in classrooms where there is no State assessment that can be used for a State-provided growth or value-added measure (sometimes called non-tested subjects).”

The *Student Learning Objective (SLO) Guidance Document* and the *Student Learning Objective (SLO) Road Map* may be found on <http://engageny.org/resource/student-learning-objectives/>

The second twenty points of the teacher and principal evaluation system are based on locally selected or developed assessments. (This portion will be decreased to 15 points when the growth measure is replaced by a value-added measure.) Assessments may be selected from an approved list. Sub-sections of state tests may be used for the local measure as an achievement score but not as a growth measure. (An achievement target could be set for Students with Disabilities or English Language Learners, for example, on the New York State ELA or Math assessments.) The assessments used for the second 20 points of the APPR must be agreed upon through collective bargaining.

At least 31 of the final 60 points of the teacher and principal evaluation model will be based on teacher and principal evaluation models that have been approved by the State Education Department. If fewer than 60 points are based on the teacher or principal evaluation model, the remaining points can be based on a menu of items approved by the state, including observations by trained evaluators not associated with the school, observations by trained in-school peer teachers, feedback from students and/or parents using state approved survey tools, structured review of lesson plans, student portfolios and/or other teacher artifacts. The model used, the point values, and where applicable the other approved measures of teacher effectiveness, must all be agreed upon through collective bargaining.

The Partnership for Assessment of Readiness for College and Careers (PARCC)

“The Partnership for Assessment of Readiness for College and Careers (PARCC) is a consortium of states working together to develop a set of K-12 assessments in English Language Arts and math anchored in what it means to be college and career ready.” New York State is a member of this consortium. The PARCC assessments are scheduled to be ready for administration during the 2014-15 school year. These assessments are to be taken on a computer and are designed to be given quarterly. Many of the assessment requirements in place between now and then will serve as a bridge between the assessments, which have been aligned with New York State’s 2005 standards, and the PARCC assessments, which will be aligned with the Common Core State Standards (CCSS).

Information on PARCC may be found on the following website:

<http://www.parcconline.org/about-parcc>

STAY TUNED...

Because of the political complications surrounding Race to the Top and Annual Professional Performance Review (APPR), new information is being made available as of this writing in March 2012. Districts are currently in the process of resolving questions that need to be agreed upon through collective bargaining. For example, until these negotiations are completed, we do not know what the local assessment portion of the APPR will be.

As of this writing, districts have just received from the New York State Education Department a seventeen page document providing “Updated Guidance on Reporting and Verifying Teacher-Student Data Linkages (TSDL) in the Student Information Repository System (SIRS).” This memo refers to many of the items listed above, including compliance with federal and state requirements, Education Law 3012-c, and New York State’s pending application for a variance from the Elementary and Secondary Education Act (ESEA). This story is still unfolding. Stay tuned...

With this important qualification in mind, the following tables summarize the information we have been provided regarding New York State’s testing requirements, and the status of Nyack’s plans for implementation.

2011-12

Subjects/APPR Measures	Tests	Dates
Grades 3 through 8 ELA & Math	ELA & Math State Tests	April & May 2012
Growth Measure	Provided by State Education Department	June 2012
Local Measure	To be determined through collective bargaining	By June 2012

Subject Tested not for APPR**Tests****Dates**

Grades 4 & 8 Science	Performance & Written	May/June 2012
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2012-13 & Beyond

Grades 3 through 8 ELA & Math (as above) plus...

APPR MEASURES**TESTS****DATES**

Growth Using Comparable Measures (when there is no state assessment with an approved growth/value added measure.)	For core subjects: Grades 6 through 8 Science and Social Studies, high school English Language Arts, Math, Science, and Social Studies Courses associated in 2010-11 with Regents exams, or, in the future, other State assessments.	June of 2013 & subsequent years
Selection of local measures and points assigned to teachers to be determined through collective bargaining, using regulatory standards and scoring bands.	For all other subjects: Student Learning Objectives (SLO), selecting assessments from a state approved list, or developing assessments approved by the Commissioner of Education based on comparability and rigor.	June of 2013 & subsequent years

Conclusion

Political and educational forces have converged to place a strong emphasis on student testing results as a measure of teacher and principal effectiveness. Consequently, students will be tested more in the coming years than they have been in the past. This overview of educational policy and its effect on student testing is meant to be informative. While many educators are in agreement with the goals of these policies -- to raise standards for all students and to keep the United States competitive in the global economy -- many are also convinced that this over emphasis on standardized assessments for the purpose of evaluating teachers and principals is, at best, misguided.