



August 17, 2018

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

Dear Commissioner Elia,

The NYS Congress of Parents and Teachers, Inc. (NYS PTA) is honored to represent nearly 300,000 parents, families, and educators as members and our 2.6 million school children across New York and their families. It is our mission to make every child's potential a reality and support every child with ONE voice.

The new federal Every Student Succeeds Act (ESSA) provides an opportunity to further support our children in both their learning process and well-being, and we appreciate this opportunity to comment on the latest draft regulations.

We must first acknowledge our continued support for waivers from certain test requirements for students with disabilities and ELL/ENL students. While we understand the state's previous waiver requests have been denied by USDE, and if we must assess, we look forward to testing flexibility that respects accommodations, and for certain students with disabilities, we must assess on developmental levels as opposed to chronological age levels.

However, we continue to be concerned about ESSA's reliance on test participation rates, understanding the mandate for test participation is in federal statute. The overwhelming majority of our school districts in 2016-17 SY and 2017-18 SY did not meet the mandated 95% test participation rate.

We are also concerned that the proposed regulations may allow for a preliminary registration review (SURR) for school districts with high test refusal rates. According to draft regulations, the Commissioner may place any school with "excessive percentages of students that fail to fully participate in the state assessment program" under SURR review. We strongly feel that refusal rates should not contribute, in ANY manner, to SURR determinations.

We are further concerned that the draft regulations seemingly prohibit a Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI) school from

exiting such interventions if they have high test refusal rates, even if other factors would support the removal of interventions.

We are also concerned that the draft regulations move away from previous agreement with respect to performance calculations. It was our understanding the higher performance calculation would be used for intervention determinations. The current regulations reflect that an averaging of the two performance calculations will be used for interventions. This change would allow refusal rates to impact school intervention measures.

Lastly, we do not support use or a diversion of Title 1 funds if a school does not meet test participation rates. Title 1 is a critical funding stream that should be used to support programs and services for students. Any diversion of Title 1 funds from this use would be inappropriate.

Therefore, we seek language that would expressly prohibit using test participation rates in SURR determinations, in decisions for CSI and TSI determinations, in school funding decisions, and in any other decision that would affect school, teacher, and/or student accountability.

NYS PTA strongly supports a parent's right to make informed educational decisions for their children and 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.

We do not believe in intervention mandates based on a parental right or decision.

Thank you for considering our requests, and we look forward to continuing our work to advance the love of learning for all children.

Sincerely,



Gracemarie Rozea, President



Kyle Belokopitsky, Esq., Executive Director