



January 14, 2019

Dear Honorable Board of Regents,

We are writing to ask for clarity on the impact of opt outs on a school's designation as a "Targeted Support and Improvement" (TSI) school and a "Comprehensive Support and Improvement" (CSI) school. Our inquiry is premised on reports of schools and districts being notified that they may be "TSI" or "CSI" based on their state test scores, even though only a small percentage of students took the tests, meaning of course that the results are not representative of the full district or school, and that in all likelihood, they are not a reliable measure.

We have combed NY's regulations and ESSA plan, and remain unclear as to how the Board of Regents will assess the performance of schools and districts that have a high number of opt outs. We understand that two scores/composites will be created (via a truly Byzantine weighting system). But we ask that you explain -- in simple terms -- the impact of the two scores/composites. We ask that you explain:

- whether a low-scoring school with a high percentage of opt outs will be labeled as "TSI" or "CSI," even though only a small percent of children take the tests,
- whether you will label a low-scoring school as such when the percentage is so small as to be statistically unreliable
- whether you will label a low-scoring school as such when the handful of test-taking students fall primarily into subgroups who may have historically performed lower than the school/district as a whole.

If the answers to any of the above is "yes", then we must object.

The decision to label a school as "TSI" or "CSI" means that the school/district must redirect its funding and energy to raising participation rates, instead of other, critically important tasks, like ensuring the physical safety and mental health of our students, or creating curriculum to support NY's new science and social studies standards, or helping provide services for special education in the face of insufficient federal funding of the IDEA. Instead, districts must expend funds to travel to Albany and stay (apparently the state does not fund even travel expenses for this), and divert staff and time towards trying to convince parents to have their kids take tests that aren't yet where they need to be. On top of this, such labels impact a school's reputation and can impact the value of homeowners' property.

Back in 2016, when Chancellor Tisch stepped down, we were heartened to hear new Chancellor Rosa explain that she wanted "to get to a place where we come to the table and examine the current test and move forward in a way that parents have a sense of full trust." (<https://www.politico.com/states/new-york/albany/story/2016/03/chancellor-elect-rosa-speaks-in-favor-of-test-opt-out-032591>). Chancellor Rosa recognized that the tests were problematic, and that opting out was a valid and legal option. In fact, she said that if she were a parent of a young child, she would opt her child out of state tests. (Id.)

Commissioner Elia confirmed that Chancellor Rosa's statements, that "parents have a right by law to opt their children out." (Id.) We held high hopes that testing would become something that was valid and meaningful, that didn't take days away from learning, and that didn't create a tension and stress so great that children literally get sick.

We recognize that changes have happened, but as we've been clear, they are not nearly enough. Concerns about length, about substance, and about validity, remain strong, as well as about alignment with NY's standards. In fact, our understanding is that the State shares these concerns about the tests by its recent decision to extend the moratorium on the tests' usage in teacher evaluations. This leads us to the natural question: if the tests are problematic enough to not use for teacher evaluation, why are they okay for school evaluation? Also, as both Chancellor Rosa and Commissioner Elia acknowledge the legal right to opt out, why would you then penalize a school population for exercising this right, in the case where only a small, statistically unreliable number of students provide test data?

Again, we ask that you explain the impact of opt outs. And we ask that you refrain from placing schools and districts with high opt outs on the "TSI" or "CSI" list. Social media is already abuzz about this, claiming you are nothing more than a political arm, and not a body concerned with learning and child safety. We ask that you prove them wrong, and show that we are all in this together, and that you are working to gain the public's trust, just as Chancellor Rosa stated in 2016 -- and that you will not mislabel a district as needing help, when in fact it may be doing beautifully.

Sincerely,

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