



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
New York State Education Department
Office of Teacher and Leader Effectiveness
89 Washington Avenue, 1071 EBA
Albany, NY 12234
Office: (518) 486-2573
Fax: (518) 474-4130

MEMORANDUM

To: Superintendent John Bierwirth, HERRICKS UFSD
From: Dr. Julia Rafal-Baer, Assistant Commissioner
Date: 06/15/2014
Re: Assessment Administration in Conjunction with Annual Professional Performance Reviews (APPRs)

The Department recognizes that during the first year of full implementation of Annual Professional Performance Reviews (APPR), a variety of pressures at the state and local level may have resulted in students in some districts and BOCES being tested more than needed or in rote standardized test preparation that crowds out quality instruction. Numerous stakeholders, including – and most importantly – families and students, have raised concerns as a result of these local decisions.

The State has not created any additional tests as part of the implementation of the Common Core. All required state tests other than two high school social studies Regents exams – including all grades 3-8 assessments and high school exams in English, math, and science – are required by federal law. On February 11, 2014, the Board of Regents adopted emergency regulations to address the concerns raised by stakeholders and to adjust and improve the implementation of the Common Core standards and teacher/principal evaluation. The approved regulatory amendments to the APPR system are intended to help districts and BOCES reduce local testing and ensure that the amount of testing is the minimum necessary to inform effective decision-making. At its March 2014 meeting, the Board of Regents made a series of technical amendments to the regulations to clarify the requirements for districts and BOCES that opt to use an assessment that is not a traditional standardized assessment for grades K-2 for APPR purposes. The Department has developed a webpage with multiple resources in order to help districts and BOCES successfully navigate the regulatory amendments and efficiently access relevant material: <http://www.engageny.org/resource/guidance-on-the-approved-regulatory-amendments-to-appr-to-help-reduce-local-testing>.

Based on the concerns conveyed to the Commissioner surrounding the use of assessments, and in accordance with Section 1 of Subpart F of Chapter 56 of the laws of 2014, the Commissioner has directed the Office of Teacher and Leader Effectiveness to review your APPR plan to identify opportunities for you to act locally to ensure that your district is using the minimum assessments necessary to inform effective decision making, consistent with your instructional vision. As you are now in the second full year of APPR implementation, the Department encourages you to use this letter to help review your currently approved APPR plan to identify modifications that would be approvable by the Department and result in less testing for your students. As you know, the Department has consistently communicated that **the amount of testing should be the minimum necessary** to inform effective decision-making at the classroom, school, and district/BOCES level.

The Department has developed guidance and technical support materials regarding the role of assessments within the APPR system. These materials include methods to eliminate, where consistent with the district's or BOCES' instructional vision, the use of pre-tests and other locally-adopted standardized tests. In lieu of pre-tests, districts and BOCES can use past performance trends, historical data and/or prior-year test results to establish targets for determining student learning growth. Additionally, locally-adopted standardized tests can be replaced with state assessments, school-wide growth measures, or performance-based assessments. Education Law §3012-c provides you with design flexibility. The Department encourages you and your local bargaining units to use the available resources to ensure that thoughtful conversation occurs, and strategic decisions are made, regarding the use of student assessments. *Teaching, not testing, is the core of our work.* There are an assortment of ways in which a district or BOCES can design a meaningful and authentic assessment program that provides information to drive instructional decisions, ultimately leading to an increase in students' knowledge and skills. By taking the time to re-review your local assessment practices, you can engage in collaborative conversations with your local stakeholders about ways in which you might choose to use data and/or evidence more effectively and efficiently to ensure that all local tests help inform instruction and improve student learning, rather than needlessly add to the number of assessments administered within your district.

To help further facilitate these conversations on the local level, the Office of Teacher and Leader Effectiveness has reviewed your APPR plan and determined that there are a number of ways in which, through a material change request, you could make thoughtful adjustments consistent with your district's instructional vision to your currently approved APPR plan to reduce and/or refine assessments used, subject to collective bargaining decisions¹.

Teaching, not testing, is the core of the Regents Reform Agenda.

¹ Please note: material changes for the 2014-15 school year must be submitted by March 1, 2015 (see: [APPR Guidance: C8](http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf) <http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>). For districts or BOCES that want to make a material change to their APPR plan solely to eliminate unnecessary student assessments, the Department provides an expedited review process using the Expedited Material Change Form (<https://www.engageny.org/file/96856/download/expedited-mc-fill-in-form-distribute.pdf>). Please also see: <https://www.engageny.org/file/96851/download/expedited-mc-cover-letter-2-24-14.pdf> for further information).

Consideration 1: Use of Pre-Assessments

The use of pre-assessments in a grade or subject is a local decision to be made consistent with your district’s instructional vision.

The APPR team has found the following examples of where your district has collectively bargained the use of a pre-assessment as a baseline measurement in Task 2, the State Growth or Other Comparable Measures subcomponent and/or in Task 3, the Locally-selected Measures subcomponent (please note that the information below reflects information taken directly from your district’s currently approved APPR plan):

Task 3 Course Name
4 ELA
5 ELA
6 ELA
7 ELA
8 ELA
4 Math
5 Math
6 Math
7 Math
8 Math
K ELA
1 ELA
2 ELA
3 ELA
K Math
1 Math
2 Math
3 Math

Since pre-assessments are not a Department requirement with student learning objectives (SLOs), one possible approach through which your district could reduce the number of assessments given is by using past performance trends, historical data, and/or prior-year assessment results to inform the baseline used to set targets within SLOs, rather than requiring teachers to give a pre-assessment to students at the beginning of the interval of instruction (year, semester, quarter, etc.).

The following resources may be particularly helpful:

- The [SLO 103 for Teachers](http://www.engageny.org/resource/slo-103-for-teachers) webinar
(<http://www.engageny.org/resource/slo-103-for-teachers>)
- The [Assessments in APPR](http://www.engageny.org/resource/assessments-in-annual-professional-performance-review-appr) webinar
(<http://www.engageny.org/resource/assessments-in-annual-professional-performance-review-appr>)
- Sections D28, D29, D37, D47, and D69 of the [APPR Guidance](http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf) document
(<http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>)

In addition, please allow the following districts’ approved APPR plans to serve as examples of districts that have made decisions to eliminate pre-assessment use in their APPR plans:

- Tuckahoe Union Free School District
(<http://usny.nysed.gov/rttt/teachers-leaders/plans/docs/tuckahoe-ufsd-appr-plan.pdf>)
- Rochester City School District
(<http://usny.nysed.gov/rttt/teachers-leaders/plans/docs/rochester-appr-plan.pdf>)
- Webster Central School District
(<http://usny.nysed.gov/rttt/teachers-leaders/plans/docs/webster-appr-plan.pdf>)

Consideration 2: Use of Multiple Assessments in Task 2 and Task 3

The use of different assessments for the Locally-selected Measures subcomponent from those used for the State Growth or Other Comparable Measures subcomponent is a local decision made through collective bargaining.

The APPR team has found examples of where your district has collectively bargained the use of different assessments in Task 3, the Locally-selected Measures subcomponent, than the district selected in Task 2, the State Growth or Other Comparable Measures subcomponent, to assess the same students within the same grade and subject.

There are a number of possible approaches through which your district can, subject to collective bargaining decisions, reduce the number of assessments in these subcomponents. Please see the chart below:

Course	Task 2 Assessment Name	Task 3 Assessment Name
4 ELA	NYS Grade 4 ELA Assessment	Measures of Academic Progress (ELA)
5 ELA	NYS Grade 5 ELA Assessment	Measures of Academic Progress (ELA)
6 ELA	NYS Grade 6 ELA Assessment	Measures of Academic Progress (ELA)
7 ELA	NYS Grade 7 ELA Assessment	Measures of Academic Progress (ELA)
8 ELA	NYS Grade 8 ELA Assessment	Measures of Academic Progress (ELA)
4 Math	NYS Grade 4 Math Assessment	Measures of Academic Progress (Math)
5 Math	NYS Grade 5 Math Assessment	Measures of Academic Progress (Math)
6 Math	NYS Grade 6 Math Assessment	Measures of Academic Progress (Math)
7 Math	NYS Grade 7 Math Assessment	Measures of Academic Progress (Math)
8 Math	NYS Grade 8 Math Assessment	Measures of Academic Progress (Math)
3 ELA	NYS Grade 3 ELA Assessment	Measures of Academic Progress (ELA)
3 Math	NYS Grade 3 Math Assessment	Measures of Academic Progress (Math)

Consideration 3: Use of School- or BOCES-wide, Group, or Team Measures

The use of school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s) is a local decision made through collective bargaining.

The APPR team has found examples of where your district can, subject to collective bargaining decisions, further reduce the number of assessments used in Task 2, the State Growth or Other Comparable Measures subcomponent, and/or in Task 3, the Locally-selected Measures subcomponent, through the use of a school- or BOCES-wide, group, or team measure based on one or more State/Regents assessment(s).

Please see the chart below:

Course	Task 2 Assessment Name	Task 3 Assessment Name
K ELA	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	AIMSWEB
1 ELA	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	AIMSWEB
2 ELA	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	AIMSWEB
K Math	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (Math)
1 Math	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (Math)
2 Math	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (Math)
6 SCI	HERRICKS UFSD-Developed Grade 6 Science Assessment	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
7 SCI	HERRICKS UFSD-Developed Grade 7 Science Assessment	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
8 SCI	NYS Grade 8 Science Assessment	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
6 SS	HERRICKS UFSD-Developed Grade 6 Social Studies Assessment	Measures of Academic Progress (ELA)
7 SS	HERRICKS UFSD-Developed Grade 7 Social Studies Assessment	Measures of Academic Progress (ELA)
8 SS	HERRICKS UFSD-Developed Grade 8 Social Studies Assessment	Measures of Academic Progress (ELA)
Art K-5	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
Music K-5	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
Reading K-5 and all other K-5 not named above	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
Special Education Teachers in Grades K-5 not Teaching Self-contained Special Education Classes	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
Special Education Teachers K-5 Teaching Self-contained Special Education Classes	NYS Grade 3-5 ELA/Math, NYSAA Assessment	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)
ELL K-5	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)	Measures of Academic Progress (ELA), Measures of Academic Progress (Math)

