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 Jason Van Fossen, MAINE-ENDWELL CSD**
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 decisions[1].

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. 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 2 Course Name
K ELA
1 ELA
2 ELA
3 ELA
K Math
1 Math
2 Math
3 Math
6 SCI
7 SCI
8 SCI
6 SS
7 SS
8 SS
Global 1
Global 2
American History
Living Environment
Earth Science
Chemistry
Physics
Algebra 1
Geometry
Algebra 2
9 English
10 English
11 English
All other teachers not named above
General Music 6-7
Speech K-12
Spanish 8-12
School Librarians K-12
Physical Education K-12
Participation in Government 12
Orchestra 6-12
Business 9-12
Health 7-12

Art K-12
French 8-12
Family & Career Science 6-8
English 12
Economics 12
Technology 6-12
Chorus 6-12
Band 6-12
Music K-5

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 webinar (http://www.engageny.org/resource/slo-103-for-teachers)
- The Assessments in 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 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
K ELA	Regionally-Developed Grade K ELA Assessment	District-Developed Grade K ELA Assessment
1 ELA	Regionally-Developed Grade 1 ELA Assessment	District-Developed Grade 1 ELA Assessment
2 ELA	Regionally-Developed Grade 2 ELA Assessment	District-Developed Grade 2 ELA Assessment
K Math	Regionally-Developed Grade K ELA Assessment	District-Developed Grade K ELA Assessment
1 Math	Regionally-Developed Grade 1 ELA Assessment	District-Developed Grade 1 ELA Assessment
2 Math	Regionally-Developed Grade 2 ELA Assessment	District-Developed Grade 2 ELA Assessment
Physical Education K-2	Regionally-Developed Grade K-12 Physical Education Assessment	MAINE-ENDWELL CSD-Developed Grade K-2 ELA Assessment
Library K-2	Regionally-Developed Grade K-12 Librarian Assessment	MAINE-ENDWELL CSD-Developed Grade K-2 ELA Assessment
Art K-2	Regionally-Developed Grade K-12 Art Assessment	MAINE-ENDWELL CSD-Developed Grade K-2 ELA Assessment
Music K-2	Regionally-Developed Grade K-12 Music Assessment	MAINE-ENDWELL CSD-Developed Grade K-2 ELA Assessment
Speech K-12: K-2	Regionally-Developed Grade K-12 Speech Assessment	Locally-Developed Assessment

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
6 SCI	Regionally-Developed Grade 6 Science Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
7 SCI	Regionally-Developed Grade 7 Science Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
6 SS	Regionally-Developed Grade 6 Social Studies Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
7 SS	Regionally-Developed Grade 7 Social Studies Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
8 SS	Regionally-Developed Grade 8 Social Studies Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Global 1	MAINE-ENDWELL CSD-Developed Grade 9 Social Studies Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
9 English	MAINE-ENDWELL CSD-Developed Grade 9 ELA Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
10 English	MAINE-ENDWELL CSD-Developed Grade 10 ELA Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Physical Education 3	Regionally-Developed Grade K-12 Physical Education Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Physical Education 4-8	Regionally-Developed Grade K-12 Physical Education Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Physical Education 9-12	Regionally-Developed Grade K-12 Physical Education Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Library 3	Regionally-Developed Grade K-12 Librarian Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Library 4-8	Regionally-Developed Grade K-12 Librarian Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Library 9-12	Regionally-Developed Grade K-12 Librarian Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Art 3	Regionally-Developed Grade K-12 Art Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Art 4-8	Regionally-Developed Grade K-12 Art Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Art 9-12	Regionally-Developed Grade K-12 Art Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Music 3	Regionally-Developed Grade K-5 Music Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Music 4-8: 4-5	Regionally-Developed Grade K-5 Music Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
General Music 6-7	Regionally-Developed Grade 6-7 Music Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Music 4-8: 6-8 Orchestra	Regionally-Developed Grade 6-12 Orchestra Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Orchestra 6-12: 9-12	Regionally-Developed Grade 6-12 Orchestra Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)

Music 4-8: 6-8 Band	Regionally-Developed Grade 6-12 Band Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Band 6-12: 9-12	Regionally-Developed Grade 6-12 Band Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Music 4-8: 6-8 Chorus	Regionally-Developed Grade 6-12 Chorus Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Chorus 6-12: 9-12	Regionally-Developed Grade 6-12 Chorus Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Technology 6-8	Regionally-Developed Grade 6-12 Technology Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Technology 9-12	Regionally-Developed Grade 6-12 Technology Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Health 7-8	Regionally-Developed Grade 7-12 Health Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Health 9-12	Regionally-Developed Grade 7-12 Health Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Family and Career Science 6-8	Regionally-Developed Grade 6-8 Family and Career Science Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
LOTE 8: Spanish 8	Regionally-Developed Grade 8-12 Spanish Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
LOTE 9-12: Spanish	Regionally-Developed Grade 8-12 Spanish Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
LOTE 8: French	Regionally-Developed Grade 8-12 French Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
LOTE 9-12: French	Regionally-Developed Grade 8-12 French Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Speech 3	Regionally-Developed Grade K-12 Speech Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Speech 9-12	Regionally-Developed Grade K-12 Speech Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Business 9-12	Regionally-Developed Grade 9-12 Business Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Economics 12	Regionally-Developed Grade 12 Economics Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)
Participation in Government 12	Regionally-Developed Grade 12 Participation in Government Assessment	Currently using school- or BOCES-wide, group, or team measures with one or more State/Regents assessment(s)

For both Consideration Two and Three, please keep in mind these possible approaches to reducing assessments given within a district:

1. ***State Growth and Locally-selected subcomponent measures may use different measures based on the same assessment.*** Remove one of the assessments used for either Task 2 or Task 3 and use the same assessment in both subcomponents, but in different ways (e.g., growth versus achievement; student sub-groups, such as lowest or highest performing students).
2. ***State assessments may be used in both State Growth and Locally-selected subcomponent measures (requiring no additional testing).*** Remove the current use of locally-adopted assessments and replace with existing State assessments and/or use a school- or BOCES-wide, group, or team growth measure (e.g., in a K-8 school building, for the State Growth subcomponent in those grades/subjects that do not lead to a State or Regents assessment: school-wide measure based on 4th grade ELA and Math State assessments; for the Locally-selected subcomponent: State-provided school-wide growth score for all students taking 4-8 ELA State assessments).
3. ***School-wide growth or achievement results may be used based on one or more State assessment(s) or other approved assessment(s).*** Remove the current use of locally-adopted assessments in one subcomponent and replace with school- or BOCES-wide, group, or team measures based on State assessments (State Growth subcomponent) or with school-wide growth or achievement based on State or locally-adopted assessments (Locally-selected subcomponent).

Please also keep in mind the following:

- "Assessments" need not be standardized tests, but could instead be performance assessments (e.g., extended essay responses, science experiments, and/or another authentic application of skills). For students in kindergarten through second grade, traditional standardized third party assessments are prohibited[2].
- For non-core subject areas in the State Growth or Other Comparable Measures subcomponent, you can remove additional assessments in favor of using school-wide, group, or team measures based on State/Regents assessments already given in the building. The only grades/subjects that cannot use a school-wide, group or team measures for the State Growth subcomponent are those with a State/Regents assessment in that grade/subject. All other grades/subjects are considered "non-core" and may use a school-wide, group, or team measure (Section D21 of the APPR Guidance document: http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf).
- For principals, the same assessments that are used for the teachers' State Growth or Other Comparable Measures and/or Locally-selected Measures subcomponents can be used for principals in these subcomponents to avoid administering additional assessments to students.

The following resources may be particularly helpful:

- The School-wide SLOs webinar (http://www.engageny.org/resource/school-wide-slos)
- The Assessments in APPR webinar (http://www.engageny.org/resource/assessments-in-annual-professional-performance-review-appr)
- For K-2 assessments used for the purposes of APPR, please see:
  - The Removal of Traditional Standardized Third Party Assessments in K-2 FAQ that provides further information as to the removal of K-2 traditional standardized third party assessments from the State-approved list (https://www.engageny.org/file/96701/download/k-2_removal_of_traditional_standardized_third_party_assessments_guidance.pdf)
  - The K-2 APPR Assessment Guidance document that provides guidance to districts and BOCES on selecting third party assessments for use with students in kindergarten through grade two (K-2) for the purposes of teacher and principal APPRs. This document replaces the Request for Qualification (RFQ) process previously used to determine state-approved K-2 assessments for APPR purposes (https://www.engageny.org/file/96706/download/k-2-assessment-guidance.pdf)
  - The APPR Guidance Document, specifically F15
  - The K-2 Assessment Pathways document (http://www.engageny.org/resource/early-elementary-assessments)
- Task 2 of Task-by-Task Guidance (see: Sections 2D24-2D28) and Task 3 (Sections 3D25-3D29) (http://www.engageny.org/resource/task-by-task-guidance)
- APPR Training Modules for Task 2 (slides 36-38) and Task 3 (slides 16, 30-35) (http://www.engageny.org/resource/appr-training-modules)

---

[2] Please note: Effective March 2, 2014, the Department has removed all third party assessments for use in kindergarten through grade two **only** from its posted approved third-party assessment list. For further information about the regulatory amendments adopted at the February and March 2014 Regents' meetings, please see: http://www.engageny.org/resource/guidance-on-the-approved-regulatory-amendments-to-appr-to-help-reduce-local-testing, the K-2 Annual Professional Performance Review (APPR) Assessment Guidance Document, the Removal of Traditional Standardized Third Party Assessments in K-2 FAQ and F15 of the APPR Guidance Document. Please note that school districts or BOCES with an APPR plan that was approved or determined by the Commissioner prior to April 1, 2014 that provides for the use of an approved student assessment for students in grades K-2 remains in effect in accordance with Education Law §3012-c(2)(l) and the district or BOCES may continue to use such assessments until a material change is made to their APPR plan and approved by the Commissioner to eliminate such use.

In addition, please allow the following districts' approved APPR plans to serve as examples of districts that have made decisions to eliminate assessments used in their APPR plans:

- Parishville-Hopkinton Central School District (http://usny.nysed.gov/rttt/teachers-leaders/plans/docs/parishville-hopkinton-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)

Please note that the items listed in this memorandum are in no way an exhaustive list of ways in which your district could adjust your approved APPR plan and are intended solely for informational purposes. Districts, within the context of state regulations and frameworks, should locally determine the most appropriate assessments to use within the APPR system after first analyzing their unique priorities and needs. To the extent it would be helpful, the APPR Team can provide additional technical assistance or clarify existing guidance to ensure that your district receives the support necessary to successfully make a material change to your approved APPR plan.

In accordance with Section 1 of Subpart F of Chapter 56 of the laws of 2014, please also note that all school districts are required to:

- publicly post this memorandum on the school district's website (if one exists);
- supplement the information contained in this memorandum to include any standardized tests not specified by the Department; and
- ensure a public discussion of the contents of this memorandum in a manner to be determined by the district, including discussion on the extent to which the standardized tests not required by state or federal law are beneficial to the educational process or may be eliminated to reduce over testing.

The New York State Education Department and the Office of Teacher and Leader Effectiveness will work alongside you to continue to look for ways to reduce testing that is not needed without sacrificing the valuable information provided by assessments. The Department encourages districts to do the same. Together, our collective goal is to ensure that every school has world-class educators in the classroom, every teacher has a world-class principal to support his or her professional growth, and every student achieves college and career readiness.

Please feel free to reach out to the APPR team via educatoreval@mail.nysed.gov for more information and assistance.