

May 2015

Dear Chancellor Tisch, NY State Board of Regents, and the NY State Education Department:

As a New York taxpayer, I am distressed by the New York State Education law that was passed on April 1, 2015, as part of the NYS Budget for fiscal year 2015-16. Why?

- I am aware that the use of value added measures has been discredited by the American Statistical Association, as well as the National Education Policy Center.
- I know that outside observations will depend, at least in part, on the use of expensive independent evaluators, or will force principals to observe teachers in other schools. There is no evidence to suggest that principals will be more reliable when observing teachers outside their school and in fact, any time spent off-site would clearly diminish their capability to effectively manage their own school.
- I don't support laws that prohibit proven measures of evaluation such as lesson plans, artifacts, and student portfolios.
- I am deeply concerned that vital, timely funding of our public education system is being tied to – and hence threatened by – the need to adhere to dubious policy deadlines. Creating a valid evaluation system, especially one that contains the power to fire public employees, is a serious endeavor that takes time, as all good systems do. It should not be done under the gun.
- I am deeply disturbed that New York State created educational policy (a new law threatening teacher discharge due to student test results: "high stakes" testing) that is so flawed that massive numbers of parents opted their children out of standardized tests this Spring across the state.

Given the highly problematic parameters set out by the law, and the very short time frame given to develop a teacher evaluation system, I urge the Board of Regents and State Education Department to inform the Governor and legislature that no legitimate, fair and reliable system can be created in the limited time frame currently authorized under the law; seek an extension of time; freeze the current system; and use the rest of 2015 to design a thoughtful evaluation system that is aligned to research and will yield reliable results. As a New York State resident, I will advocate with the Governor and legislature for these changes as well.

In redesigning the system, the State Education Department and the Board of Regents should do the following where possible or advocate with the legislature and Governor for changes to the law that will enable you to:

- Elicit feedback from a representative group of educators from across NY State before finalizing any teacher evaluation system;
- Maintain authority for teacher-observations with school-based administrators rather than outside evaluators;
- Expand the measures allowable in a teacher evaluation system, including student portfolios and performance-based assessments;
- **Decouple teacher evaluations from student test scores and end the use of value-added measures.**

Additionally, understanding that the following fall outside the parameters of the new law, but that the State Education Department and the Board of Regents are the educational authorities in this State and that certain contracts are up for renewal, I ask that you:

- Restore transparency by ensuring that any test development contract moving forward requires test developers to release *all* test questions and student responses for educators and parents to see;

- Establish a committee that includes a diverse group of educators (ELL, special education, high performing schools, low performing schools) to review new and existing exams to ensure they are developmentally appropriate;
- End the State's contract with Pearson and award future contracts for test-development to university and school-based educators who will create developmentally appropriate tests;
- Reduce testing time to one hour for ELA testing and one hour for math testing; and
- Shift to criteria-referenced rather than norm-referenced tests.

Finally, understanding that you may not be granted an extension of time to design the new evaluation system, I want to advocate for the following;

- **WEIGHTING OF TESTS:**
  - Because the American Statistical Association has stated that no more than 1-14% of a student's test results can be attributed to teacher input, ***no legitimate, valid system can contain greater than a 1-14% weight for test results;***
  - Any weighting and comparison of test results ***must take account of the number and/or percentage of ELLs, students living in poverty, special needs students and any other category that impacts test achievement in order for the system to be regarded as legitimate and valid.***
- **STUDENT GROWTH:** ***Growth should be measured from the beginning to the end of an academic year*** because students learn new skills and concepts each year and their performance in a prior year is not an apt basis upon which to determine growth -- or a teacher's impact upon it-- in the current year.
- **STUDENT LEARNING OBJECTIVE (SLO):**
  - ***Any valid, legitimate system must include factors other than tests for the second subcomponent, such as comparing reading levels at the beginning of the academic year to reading levels at the end of the academic year and comparing grades throughout the year.***
  - ***Non-test measures should be compulsory rather than optional.***
  - If testing is not decoupled from evaluations, I do not object to diagnostic tests being administered at the beginning of the school year that test students on the skills they need to master by the end of the year. This will provide an objective basis to determine their growth over the course of the year. Students can be assured that they are not expected to know the answers on these tests.
  - ***The "state-designed supplemental assessment" should allow for districts to have discretion in designing appropriate "supplemental measures."***
- **TEACHER OBSERVATIONS:**
  - ***Adequate additional funding must be provided to districts and individual schools to enable them to create and support any new system that is devised.***
  - **Minimum Number of Observations:** According to Dylan Wiliam, an internationally regarded expert in teacher assessment, studies have shown that ***"achieving a reliability of 0.9 in judging teacher quality, through lesson observation is likely to require observing a teacher teaching 6 different lessons, and for each lesson to be judged by 5 independent [N.B. this does not mean outside] observers."*** Two raters of 2 lessons achieve a reliability of only 0.5. [Wiliam in 2015 NESA keynote address, citing Hill, Charalambous and Kraft (2012)].

I appreciate all the work that you do and thank you for taking the time to read and consider my views.

Sincerely,

PRINT NAME:  
PRINT ADDRESS: