

MEMO TO: Commissioner King
Chancellor Tisch
Governor Cuomo
Local Members of the New York State Senate
Local Members of the New York State Assembly

FROM: Stand With Spencerport Teachers' Committee

DATE: May 21, 2014

On April 16, 2014, more than 60 Cosgrove Middle School teachers sent a letter and petition protesting the secrecy, quality and purpose of the NYS Grades 3-8 ELA and Math assessments to the above parties as well as to the media. In the last month, over 5,300 parents, grandparents, teachers, principals, students, concerned citizens and taxpayers across New York State have voiced their agreement with this message by signing the petition at standwithspencerport.wordpress.com. Our cause has become a movement.

Commissioner King did not respond to our petition directly, but instead responded through the media. His spokesman stated that these high-stakes exams "are the best way to determine how all of our students are performing, as compared with other students in their school, their district and across the state." He also stated that we should know the tests cannot be eliminated due to their mandate by federal law. Governor Cuomo did not reply at all, but through his policies, he has made it clear that public school students and the voices of public school teachers are not a priority.

These empty responses are what we have come to expect from Albany. However, until fair and transparent testing practices resume in New York State, we will not be silenced. Tests administered under a "gag-order" are not the best way to determine anything. For nearly ten years, New York State complied with federal law using exams that spanned two days, not three, and educators could access these exams in their entirety to inform classroom instruction and district curriculum. Shrouded in secrecy, the 2013 and 2014 State tests provide no useful information other than to serve as costly and flawed mechanisms to sort and compare students and schools.

Today, we are also reaching out to our elected lawmakers in hopes that our message will be heard and internalized. We request the following of our leaders in Albany:

- **Remove all "gag-orders" on the tests.** As educators, we know the purpose of meaningful assessment is to drive and improve classroom instruction. The current State exams do not serve these purposes. Teachers blindly administer the tests, are prohibited from scoring the tests of the students they teach, and cannot discuss the contents of the exams or the scoring processes. There is no rational or reasonable explanation to prohibit educators from discussing the content of the exams they administer. This "gag-order" is not only insulting, but more importantly, it contradicts everything educators know about the true purpose of assessment and indicates that Albany has something to hide about the quality of the exams and ulterior motives of the State Education Department.

- **Resume transparency.** We believe these top-secret exams were used to deceive the public into believing that in 2013, 69% of New York State’s 3rd through 8th grade students were not on path to be “college and career” ready. Any instrument that produces such extreme results must be reviewed by those stakeholders whom its measurements directly impact.
- **Provide districts with relevant and timely data.** Educators need students’ scores and access to the exams no later than June 15th of each school year. Without the tests themselves—each passage and each question—the information provided to districts and parents is useless, for an arbitrary number given in isolation serves no purpose. The information the State chooses to share with students, teachers and parents is as uninformative as a doctor who gives a patient a test result number, such as 262, but chooses not to divulge what medical test was taken, what the ailment is, and how to remedy the problem.
- **Reduce testing from six to four days.** Six days of testing are not needed to determine a student’s overall reading, writing and math capabilities. Even if the tests were of high quality, they are excessive and repetitive, making the administration and scoring processes a waste of precious instructional time and district resources.
- **Remove time limits on each session.** A student’s reading, writing and math capabilities are not accurately reflected in a test score if he or she did not have time to finish. Since the Common Core Standards are purportedly meant to teach deep, critical reading, writing and math skills, these assessments should not be timed. On the first day of the ELA exams, middle school students had to navigate seven complex, lengthy texts and answer 42 questions in a total of ninety minutes. The pace at which students were forced to read, comprehend and select a “best” answer is contradictory to the new standards that we have worked so hard to implement in our classrooms with fidelity.
- **Do not dismiss concerned educators and parents as “drama” and “noise.”¹**
Recognize that we speak with no motive other than to protect the children of New York State. In a document recently released on the EngageNY website², the State attempts to address the “gag-order” imposed on educators by citing similar security measures on AP exams, the LSAT and the MCAT. We find these comparisons to be invalid. AP exams are taken by juniors and seniors in high school enrolled in the most rigorous academic programs our public schools offer, and the LSAT and MCAT are taken by college graduates seeking admittance to schools of law and medicine. The young adults taking these exams are fully capable of crying foul if they come across inappropriate passages and ambiguous questions similar to what our children encountered this past April. Our children cannot cry foul; therefore, we have the moral responsibility to speak publicly on their behalf.

¹ Education Secretary Duncan praises Commissioner King’s “remarkable” leadership while dismissing opposition as “lots of drama” and “lots of noise.” <http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/04/18/arne-duncan-dismisses-critics-lots-of-drama-lots-of-noise/>

² This document is titled “3-8 Testing Program Questions and Answers” and can be accessed in its entirety at <http://usny.nysed.gov/docs/3-8-assessment-faq.pdf>.

- **Consider the evidence that standardized testing does not improve student learning.** Since high-stakes, standardized testing was enacted as part of No Child Left Behind more than ten years ago, taxpayers across the country have paid billions of dollars to testing companies. Of course, action must be taken by school and state leaders to help schools where students struggle, and anyone in the field of education should always be striving for continual growth and improvement. However, what positive changes can we identify to be a result of standardized testing? In what ways have excessive testing and an obsession with data helped our children and our schools?
- **Make thoughtful decisions when considering the future of testing.** In 2014-2015, New York State is slated to begin administering the PARCC assessments, which will also be made by the British testing giant Pearson, the same company that made this year's erroneous exams. The ultimate goal is for these tests to be administered online. Online testing has been disastrous in other states, with students delayed for hours due to software crashing. The millions of dollars our local, public schools will be forced to spend in building the infrastructure necessary to administer these exams will cripple budgets for years to come.

In addition to this letter, we are attaching a speech presented to our district's Board of Education during the Privilege of the Floor segment of the April 22, 2014 meeting. The information was shared by a veteran English teacher who is also a parent and grandparent in our district. Her message helps to bring additional perspective to our cause and further contradicts the State's reasons for keeping the exams secure and issuing a "gag-order" on educators. We have also attached fifty comments from the Stand With Spencerport website that reflect the sentiments of concerned citizens across New York who agree with our message.

In conclusion, we call on the State Education Department to release the 2014 Grades 3-8 ELA and Math exams in their entirety by June 15, 2014. All stakeholders deserve the opportunity to see these exams for themselves. We believe the State Education Department, our commissioner, and our governor are taking advantage of our most vulnerable citizens to fabricate a crisis in order to undermine community support of our local, public schools. We also call on the State to resume fair, transparent testing practices for the future: remove "gag-orders," release the exams, and provide districts with student-specific data and item analysis before the end of each school year. We call on lawmakers and taxpayers to join us in asking questions and seeking the truth about these concerns.

We eagerly await your responses.

Enc.

xc: NYS Board of Regents

Spencerport Central Schools Board of Education Meeting:

Privilege of the Floor

April 22, 2014

Claudia Montecalvo

Good evening.

I am here tonight to add more depth and perspective to the letter and petition released by Cosgrove Middle School teachers last week in response to the ELA exams we administered April 1st, 2nd, and 3rd. I hope the information I am about to share will inspire you to join us in taking a stand for the students of Spencerport and the state of New York.

More than ten years ago, when No Child Left Behind first began mandating math and ELA exams in grades 3 through 8, the state exams were released each year—along with answer keys—on State Ed's website. There was also a free database, called DataMentor, where schools could look up any question, compare it to its respective performance indicator in the state standards, and then use that information to guide district curriculum and classroom instruction.

Assessments like these made sense because the data and information gathered from them helped to *drive our classroom instruction*.

In 2009, 77% of students scored a Level 3 or Level 4 (passing) on the grades 3-8 ELA exams. In 2012, this number dropped to 55%. The 2012 drop to a 55% passing rate coincides with the year that “The Pineapple and the Hare” passage appeared on the test, garnering a lot of attention on social media and in the news. This passage and its questions were eventually released that same spring by State Ed because the passage had appeared on Pearson standardized tests in other states, so it was already “leaked.” NPR’s article on this controversy was titled “The Pineapple and the Hare: can you answer two bizarre state exam questions?” It is interesting to note, this was the year that the tests were no longer posted online, and DataMentor became obsolete.

In 2013, 31% of students passed the exams—top secret exams. The State would like the public to believe that this overall drop in state-wide passing rates—77% in 2009, down to 55% by 2012 and then down to 31% in 2013, is because the exams are now aligned to the more-rigorous Common Core Standards. We are here to disagree. We know the Common Core Standards. We teach them every day. These tests do not appear to be tied to any standards. They are poorly

written, developmentally inappropriate, purposefully confusing, and filled with multiple choice questions that appear to have more than one correct or acceptable answer.

This year, we have no idea how many students will pass the exam, and the State took unprecedented measures to keep the exams secure. Here are some of these measures.

- Teachers had to sign, date, and time-stamp confidentiality forms when they picked the exams up before the testing time, when they returned them, and during scoring.
- In the past, as a courtesy, an extra exam was included in each testing envelope. This year, the confidentiality rules dictated that if 24 students were testing in the room, then legally only 24 exams could be in the envelope. Needless to say, there was outrage in our school building on the morning of the first day of testing when ELA teachers asked, “May I have an extra copy of the exam to read?” and were told, “No; we’re sorry; you cannot.” When we vented our frustration, we were told we were preaching to the choir. Rules are rules, and the confidentiality forms threatened 3020-A action against anyone who violated test security.
- Another security measure involved scoring the exams. Since I teach 7th grade, I could only score 6th or 8th grade exams. However, I have no idea how my students did on the exam because I scored 8th grade. And technically—legally—I cannot discuss the test with the 6th grade teachers who scored the 7th grade exams. Nor can I discuss the 8th grade test I scored with my colleagues who teach 8th grade.

We believe that the tests are being kept confidential because they are really that bad. They are laughable if you did not instead want to cry over the havoc they are wreaking on kids' lives all across the state.

Furthermore, we cannot stress enough that after completing scoring, where the district spent thousands of dollars on materials and substitute teachers, and where students spent most of one week without their teachers in the classroom, we walked away with nothing of instructional value to improve our teaching and student learning.

We want to urge you to sign our petition and discuss and support an anti-testing resolution. These tests are hurting our students. They are frustrating them, damaging their academic self-concept and self-esteem, but most importantly, they serve no useful instructional purpose. If you have any questions, we are more than willing to meet with you, and we hope that you are as eager as we are to bring some sense, reason and accountability to this testing process which has become so misguided.

Thank you for your time and consideration.

Stand With Spencerport Website Petition Comments:

1. What is the secret? Share the tests and results. One more reason we opted out!!! They are our children not the State's...—Parent
2. How come King doesn't see over 30,000 refusals as an indicator of a problem with the tests?—Parent
3. It is unconscionable for NYS to farm out testing to profit-making corporations and to not let the public assess the testing materials for appropriateness and errors.—Concerned Taxpayer
4. These children are OUR community's future. They are the people that will take care of you and I [and] everyone else in our old age. For the sake of our communities do what is right.—Citizen
5. With more than thirty years of teaching experience, I can honestly say I have never seen tests that are as poorly written and ambiguous as the recent ELA seventh grade exam. The tests do not measure or predict anything because they are not aligned to an age appropriate curriculum.—Teacher
6. As a parent, I am appalled that I cannot know what assessments my children are being asked to complete by the State of New York. I am able to attend school board meetings to hear about curriculum, I have access to school administration, and teachers are available to discuss classroom instruction. But when my children are asked to complete a "high stakes test", I am left uninformed. You serve us. You serve us using our tax dollars. Do not ask our children to complete work and keep the parents unable to review the things you ask our children to do. I insist that you make these tests available for review after they are administered. This is not an educational matter based on totalitarian decisions. We represent communities who should be properly represented. Proper representation requires transparency.—Parent
7. We all agree that parents are their child 's first teacher. We depend on them to take their role seriously and to be actively involved in educating their child. They should see the NYS tests that their child is expected to be judged by- their voices should be heard about the ridiculous math programs that no engineer in their right mind would agree to as being viable in the world of work. The very fact that parents cannot see the tests is suspect. This is NOT the democratic method-- SED is out of touch.—Principal

8. A direct quote from Commissioner King: “the best way to determine how all of our students are performing, as compared with other students in their school, their district and across the state.” If Commissioner King truly believes his own words, then why aren't his own children taking these inappropriate, unnecessary and stressful NYS Exams?!—Parent & Teacher
9. The 'gag order' forced on teachers who are correcting the tests is completely at odds with the best practice of using data to inform instruction. And the test I proctored had multiple instances of ambiguity or insufficient information for students.—Teacher
10. Commissioner King told a senate committee hearing that these tests were used "to inform instruction." That is a direct quote from him. How is a test that you can't discuss with your colleagues, you can never look at, and you can't discuss with parents going to help inform instruction? What is the state hiding from? Angry parents. After seeing how the state scored this last round of ELA tests, I have decided to opt my own child out of testing next year. It is a racket. It is legalized corruption. Every parent should know.—Parent & Teacher
11. No one believes anything from NYSED anymore. You are lying, ruining lives of children, teachers, and setting up superintendents, principals and school boards to follow you and act AGAINST parents' & taxpayers' positions. We will NOT be silenced or threatened anymore.—Parent & Board of Education member
12. I could not agree more. Additionally, providing a scaled number from 1-4 to parents with no context, or break down is completely useless to us. We deserve better information about the results if you don't want us to all opt out.—Parent & Professor
13. I counted no less than 5 questions on ELA Book 1 this year that had two equally correct and supported answers. If the teachers cannot even find a single right answer, then the test questions are invalid and not appropriate for the students.—Teacher
14. This wasn't a test of ability. Don't tell us it's rigor when "absurd" is the only rational response.—Teacher
15. If all this reform is really about students and their learning then you will release the tests. But we all know it is not. It's about money and politics. Shame on you. But then again, your kids don't go to public schools so who really cares right?—Parent & Teacher
16. What are they hiding?—Parent & Teacher

17. If Commissioner King is so eager to prove teachers and parents wrong, he should release every passage and every question (including field test questions) to the public. But he won't, because he knows these new tests would not stand the light of day.—Teacher
18. Results and all questions must be released to the public.—Resident
19. In addition to the concerns listed, I believe that being asked to sign a confidentiality agreement when scoring clearly shows that there is something amiss...—Parent & Teacher
20. The sixth grade ELA exam was the most ridiculous thing I have ever seen.—Teacher
21. One essay and 20 multiple choice questions are sufficient enough to figure out whether or not a student's writing and reading skills are deficient. Three days of testing is a ridiculous waste of teaching time. In addition, the time teachers need to be out of the classroom for the regional scoring of state tests is also a waste.—Teacher
22. I trust the teachers on this. They're the ones breaking their backs trying to do the best for our kids.—Parent
23. How can a state hold others accountable when they will not allow the same accountability for themselves?—Parent & Teacher
24. High stakes testing must stop; collaboration, innovation and respect for teachers must begin.—Parent
25. Dr. King is not listening. He perhaps needs to take a child development course for starters.—Grandparent
26. Let's do what's best for the students, instead of what advances the interests of Andrew Cuomo.—Teacher
27. Time to be transparent SED. If you are going to demand this level of information on our children, you need to make it available to teachers in a timely manner...it is a waste of money otherwise. STOP WASTING MY MONEY!—Parent
28. These tests are abusive; they are too long and require students to rush and abandon the taught reading and writing strategies that make them successful readers and writers.—Teacher
29. Lack of transparency only means one thing- you are hiding something. Such action is totally unacceptable....period!—Teacher

30. The tests administered last year and this year by our state education department are the most ill-conceived tests I have seen in my 40 years in teaching.—Teacher
31. Let parents see the test! What are you afraid of?—Teacher
32. The third grade test had readings and questions so difficult test makers should be brought up on child abuse charges! There needs to be more transparency and accountability!—Parent & Teacher
33. Stop encouraging and protecting corporate profit at the expense of public school students and teachers. Stop degrading public school teachers. Stop YOUR "drama and noise" in the interests of corporate reformers.—Teacher
34. Stand by the tests, publish them, and see if they withstand public scrutiny. Or do what's right and eliminate them altogether and save yourselves and the State much unneeded embarrassment.—Teacher
35. I stand with Spencerport and their desire to have the testing information made available to the public. We have a right to know what you are subjecting our children to.—Parent
36. Be Transparent. Especially if you have nothing to fear.—Parent
37. A poorly written test does not measure the progress of children. If we test our children it should be with the finest tools available...this year's ELA and Math tests are obviously not a reflection of the state goals.—Retired Counselor
38. Refusals will continue to grow and the data and tests will be useless until NYSED changes their secretive testing process.—Parent & Teacher
39. How can we give an assessment when we don't have access to the questions, passages and answers? What is the purpose of assessment?—Teacher
40. The cover of shadows create fear and uncertainty. If there is nothing to hide, why not try transparency?—Teacher
41. History will stand on the side of those who saw the folly of these types of exams.—Retired teacher
42. Why does there need to be such secrecy about the tests? If commissioner King feels the test is "the best way to determine how all of our students are performing..." Then release them so the public will know why.—Parent & Teacher

43. This is an amazing and well phrased letter. It represents every sentiment that I have about these tests, except that it doesn't include the fact that as outrageous as these tests are for typical students, they are even more useless (and discouraging) for students with special needs. Thanks to Spencerport for standing up to the system and speaking out! There is so much fear driven attitude in education that we could easily become paralyzed. This is a wonderful example of exercising our democratic rights and keeping the best interest of students at the very front of what we do! Thank you.—Teacher
44. These teachers are so brave - all NYS teachers should be doing the same.—Parent
45. Bad: our students are subjected to these grueling tests. Worse: these tests are a terrible indicator of true intelligence which (any good teacher will tell you) is a beautiful and mysterious blend of critical thought, skill, and creativity. Collateral Damage: teachers who are judged by the results of these tests. Tragedy: the wrong choice for improving public education system. Behind the Scenes: big money for corporations.—Teacher
46. There is an urgency about this issue. Each year that goes by pursuit to current reform measures compromises public education and our children's learning. Please act now and make the changes that will ensure the best practices of 21st century learning can occur at all public schools.—Parent
47. Why is this even a debate? Let everyone see the assessments. The illogic of not releasing them is stunning.—Parent & Teacher
48. The only reason to mandate that these tests remain secret is if there is something to hide from parents & the public. What is being hidden?—Parent
49. Why are Cuomo, King, and the for profit test companies afraid of transparency? What are they hiding? Only a matter of time and change in leadership before the truth is revealed.—Parent & Teacher
50. How can the "data" generated by the Common Core tests be of any use if their connection to the CCSS is dubious at best? Additionally, education is based on the mantra that "assessment drives instruction." Giving tests to third through eighth grade students that do not provide any data to drive instruction is educational malpractice. Putting aside the question as to whether such tests are appropriate AT ALL, reforming them seems to be a needed first step.—Parent & Teacher