SED to give districts 4 years to improve opt-out rates

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The State Education Department (SED) plans to create a four-stage system for working with schools and districts with high test refusal rates to improve participation, according to SED Associate Commissioner Ira Schwartz.

The first stage will require a self-assessment from schools to determine why refusal rates are high and what steps can be taken to improve. The second stage will bump the process up to the district level for assistance in year two. If the problem continues for a third year, the regional BOCES will get involved. If the refusal rates remain high through a fourth year, the district must create an improvement plan subject to SED approval, Schwartz told reporters in January.

"The idea here is that, hopefully, very few schools, if any, will end up with the state having to approve their plan because they will have corrected it before that," Schwartz said.

Meanwhile, SED has created a new accountability measure designed to help ensure that schools with high test refusal rates don't get unfairly labeled as struggling in the state's accountability system and earmarked in the federal system as needing improvement. Those designations can trigger enhanced state oversight and directives to put money into remediation.

The concern stems from a continuing federal requirement within the Every Student Succeeds Act (ESSA) for 95 percent participation in annual math and English language arts tests by students in grades 3-8. Failure to achieve that level of participation could result in a school being targeted for improvement, despite strong academic performance by the students who do take the test.

Close to 20 percent of New York students have "opted out" of state tests in recent years, and in some districts, fewer than half of eligible students have taken the tests. "I don't think there's a district on Long Island that makes the 95 percent. Not one," Regent Roger Tilles commented at the January meeting of the Board of Regents.

When passing rates are calculated as a percentage of all students in schools where few students actually took the tests, a distorted picture is likely to emerge, according to state officials. The statistic could make it appear that most students in the schools were not meeting academic benchmarks.

That type of calculation could put high opt-out schools on a list for mandatory improvement funding as part of the bottom-performing 5 percent of schools in the state, Education Commissioner MaryEllen Elia explained to the Regents at their January board meeting.

"But they may, in fact, be some of the higher-performing schools, and that would be a disservice to the schools that really need our support," Elia said.

So, New York has set up a two-tier system for evaluating the meaning and consequences of test results in its recently approved plan to comply with ESSA.

To comply with the federal law, one school academic accountability calculation still must be based on the percentage of all students who pass state tests. That calculation also could be based on the test performance of the 95 percent group or of all students who take the test, if that's more than 95 percent.

But New York's plan also creates a new "core subject performance index" that reflects the results only for the portion of students who actually take the state tests. If the result using the index calculation is better, that performance measure can be used to determine whether a school is targeted for additional funding and academic support.

"In essence, both of these measures are looked at," Schwartz told the Regents. "Both have value, and our modeling suggests, that if we have schools that have high achievement but also have high rates of non-participation, those schools will not likely end up on our list of those schools that need to be focused upon."

"The way we have formulated this, we can make sure that our most-need schools have access to the funding that will be there to support them," Elia said.

New York's system also should avoid identifying students who refuse to take the tests as falling within the lowest level of academic performance (Level 1) just because no score is recorded, Schwartz said. "An individual report for a student who does not participate does not go back to the parent showing the student listed as a Level 1," he said.