



Public Comment Analysis

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Chancellor

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Topic: Proposed Amendments to Chancellor's Regulation A-501

Date of Panel Vote: May 29, 2014

Summary of Proposed Amendments to Chancellor's Regulation A-501

Chancellor's Regulation A-501 sets forth system-wide, clearly defined standards for student promotion for each grade from grades K through 12.

The prior version of the regulation, dated July 18, 2012, is being amended in the following respects: (1) to align promotion standards with the Common Core Learning Standards in English Language Arts and Mathematics, and with promotion requirements in New York State law; (2) to change promotion standards for students in grades 3-8 to the integrated use of multiple measures, including a holistic assessment of student work and students' demonstration of sufficient progress toward attaining Common Core Learning Standards, and to provide that State test scores may not be the primary or major factor in promotion decisions; (3) to remove language providing that the principal may choose to retain a student in grades 3-7 whose promotion portfolio nonetheless demonstrates that she or he has met promotion standards; students who meet promotion standards through the June portfolio process shall be promoted; (4) to provide that, for students in grades K-2, including English language learners, promotion decisions will be made by the principal in consultation with the child's teacher and parent; (5) to provide that if a parent of a student in grades K-2 disagrees with the principal's promotion decision, the parent may submit a written appeal to the principal by the end of August, and the superintendent will make a final determination; (6) to provide that, for students in grades 3-8, June promotion portfolios will be evaluated based on the attainment of minimum promotion benchmarks as defined in DOE-issued guidance; (7) to provide that, for students in grades 3-8 who do not demonstrate sufficient progress toward attaining Common Core Learning Standards, the school shall compile a promotion portfolio, and if the principal determines that the student's promotion portfolio demonstrates that the student has attained minimum promotion benchmarks, the student shall be promoted in June and, conversely, if the promotion portfolio demonstrates that the student has not achieved minimum promotion benchmarks, the student shall not be promoted and shall be recommended for summer school, and the principal shall share this decision with the parents; (8) to provide that, for students in grades 3-8, students who have not been promoted in June shall be promoted in August upon a determination that they have achieved the minimum promotion benchmarks, as defined in DOE-issued guidance; (9) to

remove references to New York City assessments to reflect that a City-wide test will not be administered in August to students who were not promoted in June; (10) to clarify that the promotion criteria for English language learners (ELLs) in grades 3-8 are aligned to the Common Core Learning Standards, and to provide that ELLs in grades 3-8 may meet the English language aspect of promotion criteria by attaining sufficient progress in English as a Second Language (“ESL”) literacy development as evidenced by multiple measures, which may include student work, course grades, and DOE-issued ELL periodic assessments; (11) to define Students with Interrupted Formal Education (“SIFE”) as English language learners who come from a home in which a language other than English is spoken and: a) enter a United States school after the 2nd grade; b) have had at least two years less schooling than their peers; c) function at least two years below expected grade level in reading and mathematics; and 4) may be pre-literate in their home language; (12) to update language regarding the purpose and content of the District Comprehensive Education Plans (“DCEPs”); and (13) to update contact information for inquiries.

After the initial posting of the proposed amended regulation on April 9, 2014, the DOE proposed an additional revision to the regulation: The promotion policy for students in grades K-2, including English language learners, was revised to provide that promotion decisions for these students will be made by the principal in consultation with the child’s teacher and parent.

Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

The public comments received since the DOE posted the proposed amendments to the regulation are summarized as follows:

1. “Bravo! I completely agree with these changes regarding promotion. Thank you for implementing these changes. We’ve been waiting for years! Kudos!”
2. “By announcing that state test scores will no longer be the primary factor in promotion decisions, the NYC Department of Education has taken an important first step toward eliminating the educational harm caused by high-stakes testing...[we] applaud[] the DOE for making this long overdue change.”
3. State test scores should not be used at all in promotion decisions. These standardized assessments were never designed for this purpose.
4. To facilitate implementation of the new promotion policy, the DOE should communicate this important change directly to parents to ensure that they understand that the process will be substantially different this year; the DOE should designate a citywide office that parents can contact with any questions or concerns during the first year of implementation.
5. The DOE should clarify as soon as possible how the “promotion portfolio” will be developed and evaluated in a way that ensures fairness and equity across districts while offering individual schools some flexibility.

6. The DOE should identify funding and other resources to support more intensive, high-quality student support services for those identified as needing support throughout the year.
7. The proposed revision to Chancellor's Regulation A-501 contains no provision for removing from student official transcripts or permanent records the State test scores for 2013, and does not provide for exclusion of future State test scores from student official transcripts or permanent records.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposal

With respect to the first and second comments, the DOE acknowledges the support expressed in response to this policy change.

With respect to the third comment, the DOE believes that schools should have the option to consider State test scores as one of multiple pieces of evidence to assess student readiness for the next grade level, but not use them as the sole or primary factor in promotion decisions. The new promotion policy comports with State law and regulations providing that student performance on the State assessments for grades 3 through 8 may not be the sole or primary factor in promotion decisions, but may be considered in such decisions as one of multiple measures, provided that the assessments are not a major factor in such determinations.

With respect to the fourth comment, in addition to posting the new promotion policy on its website, the DOE has also posted on its website an overview of the new promotion process and answers to frequently asked questions for families. The DOE encourages families to talk to their child's teacher or principal, or their district's family advocate, regarding any questions or concerns about the promotion policy.

With respect to the fifth comment, the DOE provides school administrators with promotion portfolio manuals for grades 3 through 8 in English language arts and math. These manuals describe the student work schools should collect and provide guidance on evaluating whether this work demonstrates that students have met the benchmarks required for promotion to the next grade level.

With respect to the sixth comment, the DOE acknowledges the importance of high-quality student support and will seek to provide additional funds and resources for students in need of support.

The seventh comment is not relevant to the promotion regulation, as the policy described in the comment relates to data to be omitted from certain student records. This student records policy will be addressed in guidance, new procedures, and updates to the DOE's student data systems.

The revised regulation will be presented to the Panel for Education Policy on May 29, 2014.

A copy of the regulation can be obtained at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/May2014PEPRegulations>