

1 BEFORE THE NEW YORK STATE SENATE  
2 STANDING COMMITTEE ON EDUCATION  
-----

3 PUBLIC HEARING

4 THE REGENTS REFORM AGENDA: "ASSESSING" OUR PROGRESS  
5 -----

6  
7 Suffolk County Community College  
8 Grant Campus  
9 1001 Crooked Hill Road  
10 Brentwood, New York 11717

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12  
13 September 17, 2013  
14 10:00 a.m. to 2:00 p.m.

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PRESIDING:

Senator John J. Flanagan  
Chair

SENATE MEMBERS PRESENT:

Senator Philip M. Boyle

Senator Kemp Hannon

Senator Kenneth P. LaValle

Senator Carl L. Marcellino

Senator Jack M. Martins

Senator Lee M. Zeldin

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2	Ken Wagner	10	20
3	Associate Commissioner - Curriculum,		
4	Assessment, and		
5	Education Technology		
6	Nicholas Storelli-Castro		
7	Director of Governmental Affairs &		
8	Special Projects		
9	Dennis Tompkins		
10	Chief of External Affairs		
11	New York State Education Department		
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35	Superintendent		
36	Commack Union Free School District		

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John Hogan  
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Representative  
Council of Administrators & Supervisors

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Arnold Dodge  
Professor, CW Post, LIU  
Chairperson of the Dept. of Educational  
Leadership and Administration

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Lisa Rudley  
Representative of  
Autism Action Network

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1           SENATOR FLANAGAN: All right, thank you very  
2 much.

3           Now, I'm hoping that everyone can hear well  
4 enough. I'm told that the microphones are hot and  
5 sensitive, so...

6           Good morning, Senator Boyle.

7           SENATOR MARCELLINO: Don't encourage him.

8           SENATOR FLANAGAN: Anyway, welcome to  
9 Suffolk Community College.

10          And let me start by saying thank you to the  
11 college for their hospitality and their  
12 professionalism and all the courtesies they've  
13 extended to us.

14          I just want to take 30 seconds and tell you,  
15 if you don't know, what a great institution this is.

16          It is a three-campus community college, the  
17 only one of its kind in the state of New York, and  
18 it is remarkably successful.

19          It is a gateway, it is a great opportunity  
20 for so many young men and women. And, a lot of  
21 students who graduate here on to four-year schools.

22          And we should all be justifiably proud of the  
23 quality of higher education right here in  
24 Suffolk County, and in the state of New York.

25          And I don't see one in the room, but I'm just

1 going to ask everyone if you would kindly stand.

2 I'm going to ask my colleague Senator Zeldin  
3 to lead us in the Pledge of Allegiance.

4 (All present stand, and say:

5 "I pledge allegiance to the flag of the  
6 United States of America and to the Republic for  
7 which it stands, one nation under God, indivisible,  
8 with liberty and justice for all."

9 SENATOR FLANAGAN: Thank you.

10 I welcome everyone again.

11 I would like to introduce my colleagues, in  
12 no particular order.

13 I'm just going to start, he just obviously  
14 just helped us out, Senator Lee Zeldin,  
15 Senator Jack Martins, Senator Marcellino.

16 You know what?

17 Senator Zeldin chairs the Consumer Protection  
18 Committee;

19 Senator Martins chairs the Local Governments  
20 committee;

21 Senator Marcellino chairs Investigations and  
22 Operations;

23 Senator Hannon chairs the Health Committee;

24 And Senator Boyle chairs the  
25 Ethics Committee, and, Alcoholism and Drug Abuse.

1           So, you have a good cross-section.

2           And I believe Senator LaValle will be joining  
3 us, and I'm sure most of you know that he chairs the  
4 Higher Ed Committee.

5           So, let me make some very brief comments.

6           There have been a lot of comments and  
7 thoughts and questions relative to these hearings.

8           This is the first of four hearings.

9           Obviously, the first one is on Long Island,  
10 today being September 17th.

11           We have hearings scheduled in Syracuse on  
12 October 1st; Buffalo, October 16th; and  
13 New York City on October 29th.

14           We have had many people call us, looking to  
15 testify, to add comments; certainly have offered a  
16 number of suggestions, not only on the format of the  
17 hearings, but as to what the content should be.

18           I want to be clear with everyone, very clear,  
19 that the thrust of what we're trying to do here is  
20 listen to people who are actually out in the field.

21           We certainly have our own opinions as  
22 individual legislators, but, part of our job, as you  
23 well know, is to listen to the public and the  
24 constituencies that we represent.

25           So, everyone should be comforted by the fact

1       there are no preconceived notions here.

2               We've tried to get a good cross-section,  
3 I think we have, frankly, of people to testify.

4               But I also want to make it extremely clear,  
5 for anyone who wants to submit written testimony,  
6 all of it will be made part of the public record.

7               To the best of our ability, all the comments  
8 that have been submitted so far are already online.

9               All the testimony from the people who will be  
10 testifying today was put up last night.

11              So, anyone who wants to look certainly has  
12 the opportunity to do so.

13              Anyone who wants to submit testimony can do  
14 that, and, again, we are going to make it part of  
15 the record.

16              Of course, the only distinction I would add  
17 is, please be clear, please be fair, please be  
18 professional, and please be respectful of other  
19 people's opinions.

20              Not only in terms of written submission, but  
21 we have a lot of people who will be testifying  
22 today.

23              I'm sure there will be a good colloquy with  
24 my colleagues and some of our panel members.

25              So I would tell you, which I think all of you

1 know, we should all act as adults, we should all act  
2 as professionals, and recognize, that while there  
3 may be differing opinions, that we have a  
4 fundamental obligation to respect what each other  
5 has to say, and that includes listening to the folks  
6 who are on the panel.

7           Essentially, the format is, we are going to  
8 call people up. I think most of you have a copy of  
9 the witness list.

10           We're trying to adhere to a time schedule.

11           We've already broken that, and I accept the  
12 responsibility for that in terms of starting late,  
13 but we do have a number of people who will be  
14 testifying.

15           And the -- I think the ultimate goal here, is  
16 to put together a wealth of information from people  
17 who have strong opinions, share it with SED, share  
18 it with the Regents, share it with the Governor,  
19 and, certainly, share it with our colleagues across  
20 the state.

21           I'm gratified by the attendance of my  
22 colleagues here today.

23           And I will quickly add, that I believe this  
24 is the first real public opportunity for people to  
25 express their opinions on some of these matters,

1 Common Core testing privacy.

2 There have been other forums, but the  
3 Assembly hasn't done anything, SED hasn't done  
4 anything, the Regents haven't done anything, the  
5 Governor's Office hasn't done anything.

6 So, we're trying to fulfill our  
7 responsibilities, by allowing people to share their  
8 input in a way that everyone can see, and,  
9 hopefully, everyone can understand.

10 Having said that, I'll just open it up  
11 quickly, if my colleagues want to say anything.

12 SENATOR MARCELLINO: Just briefly.

13 Many of you may know, I taught school for  
14 20 years in the city of New York.

15 And, I look around this room, and I see  
16 everybody jammed to the back.

17 There's empty seats in the front, and there's  
18 people standing.

19 So, you know, we could --

20 (Unintelligible comments made by many  
21 audience members.)

22 SENATOR MARCELLINO: We can unreserve them.

23 So, if you want to come down and sit,  
24 I suggest you do.

25 Makes me nervous when I see people near the

1 back door.

2 And those standing, as Regent Tiller just  
3 said, will be tested on whether they heard the  
4 questions or not.

5 [Laughter.]

6 SENATOR FLANAGAN: All right.

7 Our first group for today is the  
8 New York State Education Department; Ken Wagner,  
9 Nicholas Storelli-Castro, and Dennis Tompkins.

10 We have allotted more time for the  
11 State Education Department, because we have an  
12 expectation that they will be asked to respond to a  
13 number of questions from my colleagues.

14 Dennis does external affairs for the  
15 department;

16 Nicholas does legislative relations, working  
17 with the Assembly and the Senate;

18 And Ken is responsible for curriculum  
19 assessment and education technology.

20 He won't tell you this, but I'll you:

21 He is a Long Islander by birth, by rearing,  
22 by education, by professionalism. He is a school  
23 psychologist.

24 He has a wealth of experience in a variety of  
25 different capacities. Having come from Long Island,

1 served as a principal in Nassau, Suffolk, county;  
2 Shoreham Wading Rivers.

3 So, he is a Long Islander.

4 And, gentlemen, thank you very much.

5 And, Ken, we talked about this, your ability  
6 to be succinct and on point will allow us to have a  
7 more free-wheeling dialogue.

8 So, thank you again.

9 KEN WAGNER: Thank you, Chairman Flanagan,  
10 and members of the Senate.

11 My name is Ken Wagner, and I'm  
12 deputy commissioner for curriculum assessment and  
13 educational technology at the New York State  
14 Education Department.

15 I'm here to testify on behalf of  
16 Commissioner King who's not able to be with us  
17 today, because of the Board of Regents are meeting  
18 in Albany.

19 I'm joined by colleagues Dennis Tompkins and  
20 Nicholas Storelli-Castro.

21 As you mentioned, it's good to be back on  
22 Long Island.

23 As some of you know, I grew up in Seaford,  
24 and began my career in education as a board of  
25 education trustee in the Seaford School District.

1           Before moving to Albany and joining the  
2           Education Department, I worked as a school  
3           psychologist in Freeport, an assistant principal in  
4           Herricks, a principal in Shoreham Wading River, and  
5           a program administrator at Eastern Suffolk BOCES.

6           As you've heard in the past from  
7           Commissioner King, New York State is engaged in an  
8           important effort to ensure that all students  
9           graduate ready for college and their careers.

10          Of course, college- and career-readiness is  
11          more than just test scores, but test results contain  
12          important information that cannot be ignored.

13          There is converging information on both  
14          New York and national measures, including the  
15          National Assessment of Educational Progress, or, the  
16          "NAEP," and the SAT, that indicate only about  
17          35 percent of our students are on track for college  
18          and their careers.

19          Each year, about 140,000 students statewide  
20          exit their fourth year of high school not ready for  
21          college and their careers.

22          Each year, about 19,000 students on  
23          Long Island, or about 50 percent of the Long Island  
24          cohort, exit their fourth year of high school not  
25          ready for college in their careers.

1           That is unacceptable, and it means that our  
2 students pay for remediation in college that they  
3 should have received for free in high school.

4           That means that our state and our nation are  
5 less competitive economically.

6           The Common Core are the first set of learning  
7 standards that are based on research, and are  
8 back-mapped from what our students need to know and  
9 be able to do in college and their careers.

10          The Common Core focuses on things that the  
11 college professors and employers have said are  
12 important.

13          The Common Core was state-developed and  
14 state-adopted by 45 states and the District of  
15 Columbia, but a recent AP survey indicated that  
16 52 percent of parents nationwide have never heard of  
17 the Common Core.

18          There is clearly more work to be done.

19          There is a difference between standards and  
20 the curriculum used to teach those standards.

21          Adopting and implementing curriculum is, and  
22 has always been, a local responsibility; however,  
23 with Race To The Top funds, New York has taken the  
24 unprecedented step to help supplement these local  
25 efforts.

1           On our website, EngageNY.org, educators will  
2           find English and math curriculum modules, test  
3           guides and sample test questions, videos of  
4           professional practice, and Common Core planning and  
5           selection rubrics.

6           Parents and families will find information  
7           about the Common Core, and tools and tips to help  
8           their children.

9           Since 2011, EngageNY has over 26 million page  
10          views from 2.4 million unique visitors.

11          Our statewide professional-development  
12          initiative is called the "Network Teams Institute,"  
13          or, "NTI."

14          Since 2011, NTI has provided Common Core  
15          turnkey professional-development training to over  
16          10,000 attendees from across the state.

17          Despite the urgency, there is a 7-year  
18          Common Core phase-in.

19          The standards were adopted by the Board of  
20          Regents in 2010, three years ago.

21          The EngageNY website and the NTI trainings  
22          were launched in 2011.

23          The first Common Core tests in grades 3  
24          through 8 were administered in 2013, and the first  
25          Common Core Regents exams will be administered in

1 2014.

2           These Regents exams will be phased in by  
3 cohort, and the first year of the phase -- and  
4 during the first year of the phase-in, districts may  
5 allow students to take the old test in addition to  
6 the new test, and have the higher score count.

7           The first students required to take a  
8 Common Core Regents exam for graduation purposes are  
9 not expected to graduate until June 2017.

10           There are two key questions during this  
11 phase-in:

12           How do we know that students are making  
13 progress?

14           And, how do we measure progress early so help  
15 can be provided to students who are not on track?

16           Of course, student progress consists of much  
17 more than test scores, but test results contain  
18 important information that cannot be ignored.

19           Without these assessment results, teachers,  
20 students, families, and the public have no other  
21 statewide progress measure.

22           It is important to note that educators were  
23 involved in all stages of Common Core test design,  
24 and educators reviewed each and every Common Core  
25 test question in advance of test administration.

1 Educators recommended the Common Core  
2 proficiency cut scores to the Commissioner, which  
3 the commissioners accepted as is, with the approval  
4 of the Board of Regents.

5 When we released the test scores, we made it  
6 clear that this was a new baseline relative to the  
7 Common Core.

8 We made it clear that this new proficiency  
9 baseline would not negatively affect school or  
10 district accountability, would not negatively affect  
11 teacher or principal evaluation, and would not  
12 negatively affect student remediation services.

13 This was about improving instruction.

14 So when we released the scores, we also  
15 released 25 percent of the test questions, with  
16 annotations of what the right answers were, what the  
17 wrong answers were, and why.

18 We released detailed descriptions of what  
19 students should know and be able to do at each  
20 performance level, and in each grade.

21 We released access to the test-score data and  
22 reports, including access to individual item  
23 analyses.

24 We released guidance on how to interpret the  
25 test scores, and we released parent reports.

1           It is important to keep in mind that there  
2 was no increase in the number of required state  
3 tests in 2013 when compared to 2012.

4           In fact, in the younger grades, and based on  
5 field feedback, testing times decreased in 2013.

6           Of course, in some cases, additional tests  
7 were adopted at the local level, as determined by  
8 collective bargaining, in order to implement teacher  
9 and principal evaluation.

10           As part of Race To The Top, in order to  
11 provide further support for this work, we will soon  
12 release the EngageNY portal.

13           The EngageNY portal will allow educators,  
14 students, and families to log in to EngageNY and  
15 access secure educational technology tools.

16           School districts in New York and across the  
17 country have routinely provided confidential student  
18 data to for-profit vendors in order to meet core  
19 district needs.

20           This includes providing data to vendors for  
21 scheduling, report cards, and transcript purposes;

22           This includes school districts providing data  
23 to vendors for special-education service monitoring;

24           This includes school districts providing data  
25 to vendors for lunch and transportation services;

1           And this includes school districts providing  
2 data to vendors for online service -- online  
3 learning systems.

4           The Family Education Rights and Privacy Act,  
5 or, "FERPA," does not require parental consent for  
6 these core district activities, such as providing  
7 data to a vendor when building a high school  
8 schedule so you can open school.

9           FERPA does require school districts to have  
10 policies around parental consent for non-core  
11 activities, such as providing data to vendors for  
12 yearbooks or class rings.

13           InBloom is a service provider on the EngageNY  
14 portal project.

15           Like any service provider, inBloom could be  
16 replaced with another party that can meet the same  
17 requirements.

18           InBloom did not create the sharing of data  
19 with vendors. That has been happening in New York,  
20 and across the country, for many, many years.

21           InBloom provides non-proprietary data  
22 services to help make it more secure and more  
23 effective for school districts to continue to do  
24 what they are already doing.

25           There are important facts about the EngageNY

1 portal and inBloom.

2 Student data are never sold;

3 Data are accessible to vendors only when  
4 authorized by a local or state contract, and only  
5 for that contract's purpose;

6 Data must be destroyed when the contract  
7 terminates;

8 The State does not and will not collect  
9 social security numbers;

10 And data stored through inBloom are  
11 encrypted, which means that the data would be  
12 unusable because they are encrypted, even in the  
13 unlikely event that the firewalls had been breached.

14 I don't know of any New York school district  
15 that offers this level of protection.

16 In closing, as we travel around the state, we  
17 are continually inspired by the work of our  
18 teachers, our school and district leaders, and our  
19 students.

20 As we pursue this goal to help all students  
21 graduate ready for college and their careers, we are  
22 reminded that there is much work to be done, but  
23 there is just as much reason for confidence and  
24 excitement that this goal can and will be achieved.

25 Thank you again for the opportunity to

1 testify, and I'm happy to take your questions.

2 SENATOR FLANAGAN: Ken, thank you.

3 I'm just going to follow up on what  
4 Senator Marcellino said.

5 We're doing our best to provide seating.

6 There are probably 8 to 10 seats up here, if  
7 people want to. Don't be shy, you can walk up.  
8 It's all right.

9 Ken, thank you for the testimony.

10 There's also a very lengthy PowerPoint  
11 presentation, which we did not have presented, but  
12 it is certainly online for everyone's review.

13 And, I am going to start by -- I'll pass my  
14 own opportunity to ask questions at the moment, but,  
15 I'm going to start with Senator Hannon, and then go  
16 to Senator Marcellino.

17 SENATOR HANNON: Thank you very much.

18 You touched upon three different topics in a  
19 very quick fashion, and I think that each one of  
20 them is worthy of almost a separate hearing.

21 The question of the curriculum, now called  
22 "Common Core"; the question of how that curriculum  
23 is implemented, and how the testing itself is done;  
24 and then, third, questions of privacy, vendor,  
25 vendor selection, and all of that.

1 I just think that there's a major lesson,  
2 however, for the Regents to be learned in this  
3 state, because all three of those vast policy  
4 decisions that have been rolled out in this state in  
5 a very quick fashion.

6 And I think it's somewhat a little  
7 disingenuous for you to say the testing in 2013 was  
8 not more than it had been, because somewhere --

9 [Applause.]

10 SENATOR HANNON: I'm sorry. That's not an  
11 applause line, for me.

12 -- it's, just, that there has not been the  
13 engagement with the public, with the Legislature,  
14 that one ought to when you're doing major policy  
15 rollout.

16 Now, I'm just going to leave it at that.

17 But I find that, if you think this is working  
18 successfully, that's mistaken.

19 [Applause.]

20 SENATOR MARCELLINO: We're not here for that.

21 Believe me, I'm a politician, and  
22 I appreciate the applause, but this is such a  
23 serious thing that we're engaged in, that -- and  
24 it's the first hearing.

25 Senator Flanagan, congratulations for having

1 the first hearing, because we haven't had that  
2 before.

3 And it's amazing to me that, here's -- the  
4 last comment I'm making:

5 I get criticism on the Common Core curriculum  
6 by people who probably don't understand it, but are  
7 either on the left in terms of politics or on the  
8 right in terms of politics, and it's very unique  
9 that you could have united that group.

10 [Laughter.]

11 SENATOR FLANAGAN: Thank you, Senator Hannon.

12 I would, diplomatically, and respectfully,  
13 ask this:

14 If there are periodic interruptions, we might  
15 all be having dinner together, and Suffolk Community  
16 College will make sure that we don't have that  
17 opportunity.

18 So, I'm going to move to Senator Marcellino  
19 who I know is very humorous and concise and succinct  
20 in his own right.

21 Senator Marcellino.

22 SENATOR MARCELLINO: I'll try to be succinct.

23 Again, John, thank you for having the  
24 hearings. This is very important. The topic is  
25 extremely important.

1 I'm just piling on a little bit with what  
2 Senator Hannon just said.

3 My constituents do not think the way  
4 Common Core has been implemented has been done well.

5 It hasn't been done well, in my mind.

6 They're confused. They don't know what  
7 you're trying to do, and what they're getting is a  
8 series of tests.

9 Now, we've asked this question before,  
10 and I think Senator Flanagan asked it at a  
11 previous meeting that we had: How many tests are  
12 currently mandated?

13 Third grade, eighth grade; or, fourth grade,  
14 eighth grade; or whatever it is, how many tests are  
15 mandated for Common Core?

16 KEN WAGNER: So the mandate is not part of  
17 Common Core; rather, the mandate is part of the  
18 U.S. Education Department's requirements around  
19 Education Secondary and Elementary Act [sic], or,  
20 "No Child Left Behind."

21 Those requirements include annual tests in  
22 grades 3 through 8 --

23 SENATOR MARCELLINO: How many?

24 KEN WAGNER: Sorry?

25 SENATOR MARCELLINO: How many?

1           KEN WAGNER: There's one test per year in  
2 each grade, grades 3 through 8, in both English and  
3 math, as well as one test per year in grades 4 and 8  
4 for science.

5           And then there is a requirement for a test in  
6 English in the high school years and a test in math  
7 in the high school years.

8           Those are the federal requirements.

9           We also have a requirement, a federal  
10 requirement, to assess the needs of students who are  
11 English-language learners. That test is called the  
12 "New York State English as a Second Language  
13 Achievement Test";

14           And we have a requirement to test the needs  
15 of students who have the most severe educational  
16 disabilities. That test is called the  
17 "New York State Alternate Assessment."

18           Finally, not required by the federal  
19 government, we have Regents exams which we have  
20 historically offered.

21           SENATOR MARCELLINO: So the way I count, you  
22 have a test in each of the years, 3 through 8, one  
23 test --

24           KEN WAGNER: Correct.

25           SENATOR MARCELLINO: -- in English and math?

1 KEN WAGNER: English, math.

2 And then in grades -- so, two tests, one in  
3 English and one in math.

4 SENATOR MARCELLINO: That's two.

5 KEN WAGNER: And then, in grades 4 and 8,  
6 there's a science test.

7 SENATOR MARCELLINO: So, plus the two tests,  
8 you said, in English and math in high school?

9 KEN WAGNER: Required by the federal  
10 government, a test in English and math in  
11 high school.

12 SENATOR MARCELLINO: How much time are these  
13 tests taking in the elementary grades?

14 KEN WAGNER: So, roughly -- and in the  
15 slides, we have the exact times, but, roughly,  
16 it's -- on Slides 34 and 35.

17 But you have three sessions, because there's  
18 three days of testing. And, roughly, 45 minutes to  
19 70 minutes per day, for about 270 minutes of testing  
20 for each of those ELA and math assessments.

21 SENATOR MARCELLINO: All right, I missed  
22 that, and I'm not being facetious.

23 KEN WAGNER: No, no.

24 So let me just pull up the slide, and I'll be  
25 precise with you.

1           So in grades 3 through 5, ELA, there are --  
2 there's a difference between the amount of time that  
3 we estimate it will take students and the amount of  
4 time that's scheduled.

5           We schedule for 90 minutes, for 3 days, in  
6 grades 3 through 5, ELA;

7           And we schedule for 90 minutes, for 3 days,  
8 in grades 6 through 8, ELA.

9           The amount of time that's estimated for  
10 students to actually take is slightly lower than the  
11 time that we schedule, and that depends on the test.

12          For math, we -- in 2013, we scheduled, in  
13 grades 3, 70 minutes, for 3 days;

14          In grades 4, 70 minutes, 70 minutes, and  
15 90 minutes;

16          And in grades 5 through 8, 90 minutes,  
17 90 minutes, and 90 minutes.

18          SENATOR MARCELLINO: Is anything going on  
19 other than those tests on those days?

20          KEN WAGNER: So we encourage, and what school  
21 districts typically do, is they use the morning time  
22 to administer the assessments, and that's typically  
23 the activity for the morning.

24          Students -- some students have extended time  
25 based on accommodations that they're provided,

1       either "English as a Second Language" extended  
2       times, or "Students With Disabilities" extended  
3       times.

4               And then typically what happens, is schools  
5       move about the rest of their activities for the  
6       remainder of the day.

7               SENATOR MARCELLINO: Now, is there any  
8       flexibility within the districts, administering  
9       these tests?

10              KEN WAGNER: So, there are specific days that  
11       are assigned for the testing windows, and then  
12       there's days that are open for makeups and scoring  
13       of the tests.

14              SENATOR MARCELLINO: Who scores the tests?

15              KEN WAGNER: That depends on the districts.  
16       There's different models that are allowable.

17              School districts may score the tests within  
18       the district, with the provision that teachers may  
19       not score their own tests.

20              School districts may collaborate with other  
21       districts to score their tests regionally, or, they  
22       may contract, for example, with a BOCES to do  
23       scoring at the BOCES level.

24              SENATOR MARCELLINO: Now, when you bring  
25       in -- you said these are federally mandated,

1 "No Child Left Behind," tests that are required  
2 here.

3 When you bring in Common Core, when the  
4 districts implement the Common Core standards, how  
5 does that impact the testing?

6 KEN WAGNER: So for the Common Core  
7 implementation, what we did is, we modified, we  
8 changed the tests; we rebuilt the tests from  
9 scratch, with -- as I mentioned, with educator  
10 involvement, to have the Common Core tests measure  
11 student progress on the Common Core standards, which  
12 is different from the prior tests which measured  
13 student progress on the prior set of standards that  
14 were adopted in 2005.

15 SENATOR MARCELLINO: All right, so the test  
16 that came out this year, which showed significant  
17 drops in success over the prior year's tests, were  
18 totally different than the prior year's exams?

19 KEN WAGNER: They measured a different --  
20 they measured students' progress on a different set  
21 of standards.

22 SENATOR MARCELLINO: And should not be  
23 compared to one another?

24 KEN WAGNER: When we released the scores, we  
25 explained to the public, and to the media, that this

1 is a new baseline that is not directly comparable to  
2 prior-year assessment-score results.

3 SENATOR MARCELLINO: I would suggest that  
4 that explanation was not done well, because there is  
5 great confusion out there as to whether or not  
6 schools are succeeding or not.

7 I liken it to the example, and I will end  
8 with this, John -- I liken it to the example of  
9 playing baseball.

10 I'm a 300 hitter, on current standards.

11 Major League Baseball decides to move  
12 first base back 5 feet, I'm no longer a 300 hitter.

13 I'm the same person with the same skills, but  
14 now we have a different set of rules.

15 So we change the rules, and we haven't  
16 thoroughly explained it, and we haven't given time  
17 for the people who have to implement the new rules  
18 and the new standards a chance to test drive the  
19 system.

20 I think the problem is, you needed time, and  
21 you didn't give them the time.

22 I understand when they brought them in --

23 [Applause.]

24 SENATOR MARCELLINO: I'm not looking for  
25 that. Please.

1 I understand, when you brought them in, in  
2 2010, and all the other stuff that went down with  
3 it, but, when the teachers have to come in, and as a  
4 former teacher myself, I needed time to get used to  
5 the new standards, I needed time to figure out how  
6 the kids in my classes learned. They learn  
7 differently, as you well know. Not all kids learn  
8 the same way.

9 So you have to adapt your curriculum to the  
10 way your kids in the classroom learn.

11 That takes time to test it out, to work it  
12 out, and to do it.

13 This was not allowed.

14 And I think, when Commissioner King's  
15 statement, after a while, that it wasn't going to  
16 be -- that this wasn't going to be an evaluative  
17 tool on the teachers, and it wasn't going to be an  
18 evaluative tool for the kids, I think that got lost,  
19 because it came out late.

20 I mean, that should have come out very first  
21 thing going.

22 If you were going to use the new standards,  
23 they needed time to get used to them, and to prepare  
24 the kids for them, and actually do the job that  
25 you're asking them to do.

1           So this is -- as Kemp said, this has been  
2 handled poorly. It's been handled very poorly.

3           And some cases, I lay it on the school  
4 districts, because I don't think all of them  
5 actually did the right thing with it.

6           But in some cases, most cases, in my mind,  
7 State Ed didn't help.

8           And I think you have to go back and you got  
9 to relook and rethink what you're doing, because if  
10 you think this is being done successfully, you're  
11 wrong.

12           And I would suggest, although I do not  
13 support, you're going to see a bigger pushback from  
14 the community. And I think you're going to need  
15 that.

16                           [Applause.]

17           SENATOR MARCELLINO: And I want to make it  
18 clear, I'm not encouraging that.

19           SENATOR FLANAGAN: I'm just still adjusting  
20 to the picture of Senator Marcellino playing  
21 baseball, but that's just me.

22           Senator Martins.

23           SENATOR MARTINS: Thank you.

24           Good morning.

25           KEN WAGNER: Good morning.

1           SENATOR MARTINS: You know, I'm still having  
2 a hard time understanding a basic premise that comes  
3 up from time to time, and that's that our  
4 high school students are not college-ready.

5           And, so, can you describe for me how you or  
6 how the State Education Department arrived at that  
7 figure?

8           I know that there's a statewide statistic,  
9 and then there's a Long Island statistic.

10          I'm specifically concerned regarding that  
11 Long Island statistic, and how it was arrived at.

12          What's your background for that?

13          KEN WAGNER: Sure.

14          So what we see is that, whether the measures  
15 are national or New York, there's consistent  
16 information.

17          So one of the measures that was a New York  
18 measure, at the secondary level, was back in  
19 2010-2011.

20          The Board of Regents, in working with  
21 information from colleges, for example, SUNY and  
22 CUNY, started to ask some questions about, What are  
23 some of the qualifications that college-admissions  
24 directors look for when students are, not only  
25 accepted into college, but, if students are going to

1 be successful, in terms of enrolling in  
2 credit-bearing courses and being successful in those  
3 courses?

4 So one of the pieces of information that we  
5 got, is that it was not sufficient to just be  
6 graduated with a New York State Regents diploma, but  
7 the scores on the Regents exams made a difference.

8 So, the passing score is 65, but what  
9 college-admissions directors told us, is a 65 was  
10 not good enough; but, rather, if a student scored,  
11 for example, a score of 75 in math or a score of  
12 80 in English, that that was a more appropriate  
13 predictor of whether or not a student was going to  
14 be able to be enrolled in a credit-bearing course  
15 and be successful in that course.

16 When we looked at our cohort data, not just  
17 based on the percentage of students in the cohort  
18 that were graduating, but, rather, based on the  
19 percentage of students in the cohort who achieved at  
20 that higher level of cut score, that's when we found  
21 that, although our statewide graduation rate was,  
22 roughly, 74 percent, our cohort graduation rate,  
23 with those higher cut scores, was, roughly, half;  
24 about 35 percent.

25 On Long Island, those statistics are, I think

1 it's 86 percent overall graduation rate, but about a  
2 50 percent cohort statistic if you factor in those  
3 higher assessment scores.

4 But that is by no means the only measure, and  
5 I want to be very clear about that.

6 But if we look at another measure, the  
7 percentage of the cohort that graduates with  
8 advanced-course experiences, we have a credential  
9 called the "Regents Diploma With Advanced  
10 Designation," and that's a very rigorous diploma  
11 that's not based on test scores; but, rather, is  
12 based on taking advanced coursework.

13 And if you look at the percent of the cohorts  
14 statewide that graduates with that  
15 "Advanced Designation" credential, you will find a  
16 similar number; that it's, roughly, 35 percent of  
17 the cohort.

18 Whether you use the regular diploma with  
19 higher cut scores on Regents exam, or you use the  
20 "Advanced Designation" diploma, and they're not the  
21 same group of kids, the percentages are roughly the  
22 same.

23 But it doesn't just stop there.

24 If you look at databased on the College Board  
25 tests, things like SAT and PSAT, again, you get a

1 percentage that ranges from the mid 30s to the low  
2 40s.

3 If you look at the federal assessment, the  
4 National Assessment of Education Progress, you get  
5 similar results.

6 SENATOR MARTINS: But that depends on where  
7 the State Education Department decides to place that  
8 cut score.

9 Wherever you decide to put that mark will  
10 determine that 30 percent or 50 percent mark that  
11 you talk about.

12 And, frankly, I just -- you know,  
13 representing the districts that I do, and being  
14 involved, and not just the lighthouse districts that  
15 we have in parts of my Senate District, but some of  
16 the middle-of-the-road districts, some of the more  
17 challenged districts, some of the districts that  
18 represent areas that are socioeconomically  
19 challenged, those kids are performing well.

20 They're graduating, they're going on to  
21 4-year schools. They're successful in college, and  
22 they're graduating, and they lead successful lives.

23 So when we talk about 50 percent of --

24 [Applause.]

25 SENATOR MARTINS: When we talk about

1 50 percent of kids not being college-ready, that's a  
2 very disturbing statistic, because it forces us then  
3 to question the rubric that you're using, and the  
4 State Education Department is using, for coming up  
5 with that statistic.

6 [Applause.]

7 SENATOR MARTINS: I can tell you that I've  
8 got districts that graduate 97, 98, 99 percent of  
9 their kids. They're going on to 4-year schools.  
10 They're achieving extraordinary well.

11 And across the board; not just the high  
12 achievers in the school, but the school has a  
13 phenomenal record of bringing all of those students  
14 and elevating education.

15 So, numbers like 50 percent of students not  
16 being college-ready here on Long Island is a  
17 concern.

18 And perhaps we need to look at those numbers,  
19 look at the methodology, because it -- it raises  
20 questions in parents.

21 I've got four daughters.

22 And, so, when I think about my kids in  
23 college, or, in high school now, going on to  
24 college, I question statistics that say that  
25 50 percent of our kids aren't college-ready.

1           And if we know what that number is, and we  
2           can trust that number, we can work together towards  
3           addressing that need without necessarily pulling  
4           everyone else down.

5           I appreciate your testimony today.

6           Thank you.

7           [Applause.]

8           SENATOR FLANAGAN: Senator Martins, thank  
9           you.

10          Senator Zeldin, and then he'll be followed by  
11          Senator Boyle.

12          SENATOR ZELDIN: Good morning.

13          I wanted to get back to the questions and  
14          dialogue with regards to the amount of tests taking  
15          place in the schools.

16          The answer to the question was, essentially,  
17          two tests in each grade.

18          And, I just want to kind of go a little  
19          further, and I don't know if there's some type of  
20          miscommunication.

21          My understanding -- or, my own experience  
22          with their daughters and their schools, my  
23          discussions with my constituents, but my  
24          understanding is, that there are more than two tests  
25          taking place in schools per year.

1           So I hope -- and maybe we can just discuss  
2           that for a minute, and try to figure out what's  
3           right and what is wrong.

4           KEN WAGNER:    Sure.

5           SENATOR ZELDIN:  Because my understanding is,  
6           that there are more than two tests per year.

7           KEN WAGNER:  Yeah, so unless I misunderstood  
8           the question, I thought it was, What is required?

9           And that is the test that we outlined before.

10          Of course, there is an additional challenge,  
11          which is the implementation of the Teacher and  
12          Principal Evaluation statute.

13          And what that has done, is that requires  
14          different components of teacher and principal  
15          evaluation.

16          There's the "20 percent" component that's  
17          based on state growth;

18          There's the "20 percent" component that's  
19          based on local achievement scores;

20          And then there's the "60 percent" component  
21          that's based on other measures of professional  
22          practice.

23          And, we all had a challenge.

24          Every single school district in this state,  
25          and every single school district on Long Island, had

1 a challenge on how to interpret and implement each  
2 of those components under a tight time frame, as  
3 required by the statute.

4 And in that implementation, although there  
5 were options on how to implement the state portion  
6 for teachers who do not teach a test that has a  
7 state-required test, roughly, 80 percent of our  
8 teachers -- only about 18 percent of our teachers  
9 are actually covered by a state-provided test.

10 So, how to implement the state portion for  
11 those other teachers, and then how to implement the  
12 local-achievement portion.

13 There were other options; for example, the  
14 using of existing state measures for other purposes,  
15 as well as the implementation of different types of  
16 assessments that are regionally developed, or  
17 different assessments that, perhaps, were  
18 developed by the BOCES, and so on.

19 But in the press to implement on schedule,  
20 what lots of districts did, is they elected to  
21 administrator additional tests. And, typically,  
22 those tests, as required by growth, have a "pretest"  
23 component and "post-test" component.

24 That, for some districts, was not a new  
25 experience. Some districts have elected, even prior

1 to APPR, to implement pre and post tests, because  
2 they just found them instructionally relevant.

3 But for a large number of districts, that was  
4 a new experience, and it caused lots and lots of  
5 questions in communities across the state, and, of  
6 course, on Long Island.

7 SENATOR ZELDIN: So, I mean, I could  
8 potentially end up opening up a hornets nest right  
9 now, if we were to dig deeper.

10 So the question -- the question that was  
11 asked with regards to "What was required?" and there  
12 was, essentially, two per grade, if we dug deeper  
13 into teacher evaluations and other tests, we would  
14 actually find out that, all year long, from the  
15 beginning of the school year to the end of the year,  
16 and you can include diagnostic tests, field tests,  
17 in addition to the two that are required, find out  
18 that there are actually a lot of tests and  
19 assessments taking place all year?

20 KEN WAGNER: If local school districts  
21 elected to adopt that -- that -- those tests, then,  
22 yes.

23 SENATOR ZELDIN: Right.

24 So --

25 (Unintelligible comments from many

1 audience members.)

2 SENATOR FLANAGAN: Excuse me.

3 We're going to be here for quite a while.

4 Decorum is really important.

5 Please hold your comments, out of respect to  
6 everyone in the audience and to the people who are  
7 testifying.

8 Ken, go ahead.

9 SENATOR ZELDIN: So the follow-up question  
10 is: With regards to the implementation, at the  
11 local level, of the standards, they -- if a school  
12 district did not collectively bargain standards that  
13 were approved at the state level, then they would  
14 lose out on State Education funding; is that  
15 correct?

16 KEN WAGNER: When you say "standards," do you  
17 mean an approvable APPR plan?

18 SENATOR ZELDIN: Right.

19 KEN WAGNER: Yeah.

20 Yeah, so there are other requirements to  
21 submit on a timeline, as for -- for submitting an  
22 APPR plan that's approved.

23 SENATOR ZELDIN: So if a school district did  
24 not -- so you're talking about, at the local level,  
25 collectively bargaining for evaluations, if the

1 local level, they did not successfully collectively  
2 bargain, then they would lose out on, say, education  
3 funding -- the growth in State-aid funding?

4 That's my understanding.

5 KEN WAGNER: Yes.

6 So there was a State-aide contingency on  
7 submitting an APPR plan. That was part of the  
8 budgeting process.

9 SENATOR ZELDIN: Okay.

10 The one other question that I wanted to ask,  
11 with regards to -- the beginning of your testimony,  
12 you were talking about how this was, you know,  
13 state-developed and state-implemented.

14 And, you know, my understanding -- and, just,  
15 please correct me if I'm wrong -- my understanding  
16 is that, you know, this was really initiated by, you  
17 know, private interests associated with  
18 Washington, D.C. That there were a couple of  
19 organizations, one being the National Governors  
20 Association.

21 And there was a -- what was the name of  
22 the --

23 KEN WAGNER: CCSSO.

24 SENATOR ZELDIN: -- Achieve Incorporated, you  
25 know, a DC-based non-for profit, that was,

1 essentially, working hard on implementing these  
2 national standards.

3 My understanding is, that there was a -- that  
4 there was a role that D.C. played -- I just want to  
5 understand what the facts are.

6 KEN WAGNER: Sure, sure.

7 SENATOR ZELDIN: So that -- you know, some  
8 people are claiming what you said are myths;

9 Some people are claiming what you said are  
10 fact;

11 And, then, people who are saying that this  
12 was actually initiated with D.C., and that you  
13 enlisted these two state-based organizations to --  
14 you know, to, essentially, take on this effort.

15 And then it was a DC-based non-for profit  
16 that worked on implementing it with private funding,  
17 and then it was supplemented with hundreds of  
18 millions of dollars of, you know, federal aid to --  
19 you know, to the consortiums.

20 So, I just want to understand what's fact and  
21 what's myth, because that's important to me.

22 KEN WAGNER: So the challenge around rigorous  
23 standards, you know, goes back, of course, a very  
24 long time, including into the '80s, where people  
25 were worrying very much about whether or not our

1 students were being taught to rigorous standards,  
2 and the impact of that on economic competitiveness,  
3 international competitiveness, and, really, just  
4 what's morally right for students.

5 That's been a challenge that has been  
6 grappled with by both political parties at the  
7 national level, but also at the state level.

8 The organizations that were most directly  
9 involved in the development of the Common Core  
10 standards are the National Governors Association and  
11 the Council of Chief State School Officers.

12 But, NGA and CCSSO are exactly what I said;  
13 they're a representative group of the governors from  
14 each of our states, and they're a representative  
15 group of each of the chief state school officers or  
16 the state superintendents from each of our states.

17 Yes, their central offices are located in  
18 Albany, but they represent the entire country.

19 And that work has been going on for quite,  
20 quite some time, in terms of writing the standards.

21 The standards were written on behalf of those  
22 two organizations, with the involvement of  
23 educators, for a long period of time, with lots of  
24 research.

25 The research in the standards is in one of

1 the appendices of the standards, and then it was up  
2 to individual states whether or not to adopt those  
3 standards.

4 You're absolutely right to point out that the  
5 federal government did provide some incentives for  
6 states to adopt the standards.

7 But, if you look closely, and, again, I take  
8 the statement about being disingenuous seriously,  
9 and I never intend to be disingenuous.

10 But, the feds required college-ready  
11 standards. That's what the technical federal  
12 requirement was.

13 States had to, for example in Race To The  
14 Top, adopt college-ready standards.

15 When states grappled with how to adopt  
16 college-ready standards, they had a choice:

17 They could go and write them again,  
18 themselves, on their own;

19 Or, they could look to the National Governors  
20 Association and the Council of Chief State School  
21 Officers that have been doing this work for a  
22 decade, and consider those standards.

23 So, yes, 45 states and the District of  
24 Columbia elected, in their own individual decisions,  
25 to adopt the work that was done collectively.

1           SENATOR ZELDIN: Just a few, just very brief,  
2 points that I just wanted to -- I just wanted to  
3 make.

4           My own observations -- this is a rare  
5 opportunity that I get a chance to -- this is the  
6 second time now that we've had an opportunity to  
7 discuss this important issue.

8           And, last time that we got together, we were  
9 discussing -- I guess, if you were to break this  
10 entire process down to three components, you have  
11 the standards, the curriculum, and the tests.

12           And there are -- there's been an SED role in  
13 part of those three areas.

14           There's a role at the -- from local, you  
15 know, school boards, with teachers; with companies  
16 like, you know, Pearson.

17           These -- there are a lot of different  
18 components going into the curriculum, standards, and  
19 testing.

20           It's my observation that that isn't  
21 calibrated yet.

22           That the curriculum to prepare our students  
23 for the tests, based on the standards, are leading  
24 to a situation where -- let's just go back to the  
25 two tests that are required per year.

1           That you're ending up in a situation where  
2           you have, let's say, a good third-grader, an  
3           intelligent third-grader, that -- you know, who pays  
4           attention in school, takes good notes, does their  
5           homework; is going to be a superstar in life.

6           And that third-grader is being taught to what  
7           that teacher believes is the best attempt at a  
8           curriculum to prepare that student for the test.

9           Obviously, the teacher wants to get that kid  
10          to do well on the test, because, you know, it's high  
11          stakes for them now.

12          And that intelligent third-grader is, not  
13          only failing the test and being told that they're  
14          not proficient, but they're -- I mean, they're --  
15          they're having a -- you know, just a miserable  
16          experience of -- you know, of failing that test from  
17          day one.

18          And then, you know, there's several days.

19          So, like, last year, April 16th to  
20          April 18th, and April 24th to April 26th,  
21          essentially, six days, you know, out of eight, there  
22          were -- well, over the course of two weeks, I should  
23          say, there were a lot of tests going on.

24          And I just -- I think that you need to  
25          calibrate a lot better for this to have any chance

1 of working.

2 And as I said previously, you know, if --  
3 I really do believe that if you lean too forward in  
4 life, you know, you could end up falling on your  
5 face.

6 And, unfortunately, you know, our kids have a  
7 lot to lose.

8 So I just -- I think that you really -- we  
9 need to look at how the curriculum is being set to  
10 the standards, and the tests to teach on the  
11 curriculum, or this has zero percent chance of  
12 working.

13 That's just -- and two other minor points:

14 With regards to the data, I believe that --  
15 personally, I believe in the fundamental right of a  
16 parent to control the upbringing of their child.

17 That, a lot of this data is getting shared.

18 And I think it's very important that the  
19 policies, going forward, takes into stronger  
20 accounts the rights of the parent to control how  
21 to -- how to decide what data is shared, and what's  
22 not to be shared.

23 And I think that they need to -- parents need  
24 to be more involved than they are right now with  
25 those decisions.

1           And, thirdly, I just want to say, you know,  
2           in your opening, you were talking about  
3           supplementing the local efforts. That this is  
4           supplementing the local efforts.

5           And, you know, I get more of the feeling  
6           that, you know, like, the local efforts may be  
7           supplementing, you know, the state and federal  
8           efforts, but, you know, I think a more accurate word  
9           might be "supplant" the local efforts.

10          I just -- it's important to  
11          perceptualize [sic] for parents and educators and  
12          communities throughout the state to believe that our  
13          state and federal government gets it.

14          And, you know, I just think that some of what  
15          has been put out is giving the perception in the  
16          public that the state and federal government doesn't  
17          get it on this particular issue.

18          And you may not -- the State Education  
19          Department in New York State may not hold a school  
20          district accountable.

21          It's maybe saying that we don't want to hold  
22          a school district accountable for the first round of  
23          test results, but then Governor Cuomo is, you know,  
24          saying in public, that a school district faces the  
25          "death penalty" for not performing up to standards.

1           And, you know, he is -- you know, he has a  
2 much bigger soapbox than I do, than you do, than any  
3 of us do here in this room.

4           And it's very important, that if that's the  
5 message, that -- you know, that your message --  
6 about not holding school districts accountable for  
7 the tests coming out of the gate, if that's your  
8 message, then it's very important that the Governor  
9 isn't stepping on your message by saying that he  
10 wants to have a "death penalty" for school districts  
11 for not performing to a certain standard.

12           SENATOR FLANAGAN: Thank you, Senator Zeldin.

13                           [Applause.]

14           SENATOR FLANAGAN: Senator Boyle.

15           SENATOR BOYLE: Thank you, Mr. Chairman.

16           SENATOR FLANAGAN: Excuse me, let me just  
17 interrupt.

18           We have been joined by Senator LaValle.

19           Senator Boyle, and then Senator LaValle.

20           SENATOR BOYLE: Thank you, Chairman, and  
21 thank you for holding these important hearings.

22           Ken, I will be brief.

23           I just want to ask, I associate myself with  
24 some of the remarks and concerns of my colleagues on  
25 the Common Core curriculum.

1 I hear on a weekly, and maybe daily, basis in  
2 my office, from parents, teachers, administrators,  
3 and some students, about the stress regarding these  
4 tests.

5 I mean, it's really unbelievable to me.

6 I know that a former congressman out here,  
7 Tom Downey [ph.], used to joke during the debate on  
8 prayer in school, that, as long as there are tests,  
9 there was gonna be prayer in school.

10 However, it's a difference when I see third-,  
11 fourth-graders experiencing such stress.

12 And I think it really is because of the  
13 timing of this.

14 New York to trying to take a lead on this,  
15 and I see some of the other states, including  
16 Michigan, Indiana, and I understand, most recently,  
17 California, are trying to say, "Whoa, slow down  
18 here."

19 I would like to see New York join that club.

20 We need to slow down on the implementation of  
21 this, and I would like to get your opinion on that.

22 [Applause.]

23 KEN WAGNER: Yep, yep.

24 So, three things:

25 The first is, that we need to think very

1       carefully about what's causing the stress, and who  
2       is stressed --

3                       [Laughter.]

4               KEN WAGNER:  -- and who's also communicating  
5       the stress.

6               There's a lot of change going on right now,  
7       obviously.

8               These hearings are being called to help us  
9       all better understand the changes are that are going  
10      on right now.

11              But we do need to make a very clear  
12      distinction between the stress that we as adults  
13      experience as we collectively go through these  
14      transitions, versus, the stress that students  
15      experience, and then, most importantly, the stress  
16      that we communicate between adults and students.

17              You know, I started my career as a school  
18      psychologist.  I've worked with children all my  
19      life, and it hurts me, ever, to see a student who is  
20      stressed.

21              But my wife is also a psychologist, and she  
22      had an opportunity, where she was sitting in her --  
23      going out to her waiting room, and there was an  
24      adult in the room and there was a child in the room.

25              And the adults in the waiting room -- the

1 adults in the waiting room went over to the child  
2 and said, You've got the tests coming up; right?  
3 Are you nervous about them?

4 And they didn't know each other. Those two  
5 people did not know each other.

6 Now, some children, we have to also  
7 understand that we cannot prejudge what children are  
8 capable of.

9 We cannot prejudge the level of rigor to  
10 which our students can rise.

11 And we have to ask ourself the question: If  
12 rigorous learning is inherently stressful, not in a  
13 bad way, but in a good way, and a challenging way,  
14 then is it better for our students to experience  
15 stress when they're in school, surrounded by  
16 competent and caring adults, their teachers?

17 Or, is it better for our students to  
18 experience the stress when they're done with school,  
19 and they can't get into the college that they want  
20 to get into, or, they get into the college that they  
21 want to get into and they have to pay thousands of  
22 dollars for remediation, or, they can't get the job  
23 that they want to get, or, they can't find the job  
24 with a livable wage?

25 So there's a collective approach to stress:

1           The messages -- the stress that the adults  
2           are experiencing and the message we send to  
3           children;

4           The very appropriate stressors that occur as  
5           students engage with rigorous instruction;

6           And then, finally, where is that stress best  
7           experienced?

8           SENATOR BOYLE: Just, Ken, the point being,  
9           that you're testing kids now, basically, on things  
10          they haven't been taught over the course of years.

11          If we had slowed it down and they were being  
12          taught -- and I understand there's going to be some  
13          stress involved with testing, but something you've  
14          actually been taught, and standards that you've been  
15          taught too.

16          It's this timing of this I think is the major  
17          problem, and I certainly hope that you and the  
18          Commissioner and the Governor will take that into  
19          account.

20          SENATOR FLANAGAN: Senator LaValle.

21          SENATOR LAVALLE: Senator Flanagan, thank you  
22          for holding this hearing, and other hearings  
23          throughout the state.

24          Ken, we as legislators are an extension of  
25          people who we represent. And if we're doing our

1 job, we are connected and we listen to people.

2 And people are telling us something: parents,  
3 educators, board members, across the board.

4 A couple of things, that -- and Senator Boyle  
5 talked about it, we kind of put the cart before the  
6 horse here.

7 But what I'd like to know, so, I'm closing my  
8 eyes, and I'm trying to visualize  
9 State Education Department, and what goes on.

10 So --

11 [Laughter.]

12 SENATOR LAVALLE: -- do I see "bureaucrats"?

13 Do I see people that are bureaucrats, but  
14 say, Gee, we're hearing something. Legislators are  
15 telling us, we hear out in the field, something.

16 And my question is: Have you heard that?

17 And, is the department willing to change in  
18 accordance with the input that they're hearing from  
19 legislators, and, people in the field; teachers,  
20 principals, superintendents, board members?

21 KEN WAGNER: So -- so, thank you.

22 SENATOR LAVALLE: Parents.

23 And parents.

24 KEN WAGNER: Our Commissioner is in schools  
25 multiple times every single week. He's spent lots

1 of times on Long Island, and so on.

2 And every single time our Commissioner is in  
3 a school, he, of course, gets lots and lots of  
4 feedback from people about what's going well and  
5 what's not going well.

6 Members of our Commissioner's staff,  
7 including myself, routinely do our very best to get  
8 feedback from folks that are in the field.

9 I have a call every single week on Thursdays  
10 at 9:00 a.m. Talking to people throughout the state  
11 every single week on Thursdays at 10:00 a.m.

12 And I'm just one of the Commissioner's  
13 cabinet that tries to engage with the field.

14 When we get feedback, for example, that we've  
15 not done as good enough job as we need to do about  
16 engaging with teachers, we know that. That we've  
17 not done as good enough job as we need to do about  
18 engaging with parents, we know that.

19 That we need to foster the types of the  
20 communications.

21 Who do parents listen to? They listen to the  
22 most trusted members of their educational network,  
23 which is their child's teachers.

24 So we need to do a better job to get more  
25 information to teachers, so teachers can work with

1 parents about how to make this process better.

2 So we get that.

3 In last year's assessments, we heard that the  
4 testing times for the younger grades were too long.

5 So in 2013, we cut back the testing time.

6 In this year's assessments, we heard loud and  
7 clear, that students in grades -- on day two of ELA  
8 were running out of time when they were completing  
9 their constructive-response items.

10 We took that feedback loud and clear, and  
11 we're making design changes for this coming year's  
12 tests.

13 Are we perfect about this? Absolutely not.

14 Are we sometimes not -- oftentimes not as  
15 connected to the people that you talk to as we  
16 should be? Absolutely.

17 Do we struggle with that daily, because we  
18 believe that more brains are better, and teachers  
19 and parents and students will help all of us do a  
20 better job? Absolutely.

21 SENATOR LAVALLE: You know, sometimes I think  
22 the department needs to say, We hear you, and we  
23 don't need a hearing aid.

24 Lastly, as you know, and we've talked, we  
25 talked over an hour in my office, about the

1 legislation I put in, dealing with the test.

2 And I would certainly -- I certainly intend  
3 to pursue that again this session -- next session.

4 And, I would like your professional input as  
5 to what is good, and what may not work, what would  
6 work.

7 Thank you.

8 SENATOR FLANAGAN: Ken, I just have a couple  
9 of quick things, and we're trying to keep as tightly  
10 as we can to the schedule.

11 I appreciate my colleagues' comments and  
12 thoughts.

13 I want to focus on two primary questions, and  
14 then I have an assignment.

15 You touched on this, but, I think, when you  
16 talk about, you don't want to adversely affect  
17 districts or individual schools or teachers, and  
18 most importantly, you don't want to adversely affect  
19 students, I would like to hear your comments, in  
20 particular, as it relates to AIS, and in this  
21 capacity:

22 Parents who now see their children getting a  
23 "1" or "2," who heretofore have gotten a "3" or "4,"  
24 whether it's a baseline, or whether it's adapted to  
25 what the realities of the test are, you're going to

1 have situations where parents are going to come in  
2 and say, I don't care what State Ed says, I don't  
3 care what anyone else says. My kid is going to get  
4 these services.

5 How is the department dealing with that?

6 And what is the message on that, in  
7 particular, that you're trying to send to the  
8 public?

9 KEN WAGNER: So the board took action  
10 yesterday, at its meeting yesterday, around AIS, so  
11 let me provide some information.

12 The first is, that the most effective support  
13 for all of our students, whether or not it's a  
14 student who performed at a Level 1, 2, 3, or 4, is a  
15 great teacher in front of a classroom with the  
16 proper supports.

17 And Common Core instruction is different.  
18 It's not just the learning standards that are  
19 different, but it also opens the door for different  
20 instructional practices.

21 For example, in English-language arts, the  
22 focus on close reading of text, and the focus on  
23 students becoming active readers to gather evidence,  
24 and to respond to questions with that evidence;

25 Or, in math, the focus on fewer standards and

1 more detail, and the blending of fluency of math  
2 knowledge with deep application of math concepts.

3 Those are not just standards, but those are  
4 changes in instructional practice.

5 But, incidentally, those are things that  
6 great teachers have been doing forever, so we cannot  
7 pretend that we've suddenly invented great teaching  
8 with the Common Core.

9 Great teachers have been doing this work for  
10 a very --

11 SENATOR FLANAGAN: Ken, let me interrupt,  
12 please.

13 I have profound respect for your knowledge.  
14 I really, genuinely, do.

15 I want you to focus on what I'm specifically  
16 talking about, as it relates: What message are we  
17 as legislators supposed to send, either with the  
18 department, or with the Regents, or with others, as  
19 to how do you address that parent?

20 Because part of what the Commissioner has  
21 said, is that children not learning any less or  
22 necessarily learning any differently, we have a new  
23 baseline.

24 But how do you -- what's the message that  
25 we're supposed to send?

1           And, you know, in my opinion, it has nothing  
2 to do with Common Core.

3           I'm talking about AIS, and what does it mean  
4 to a parent who's looking to get remedial  
5 instruction for their child?

6           KEN WAGNER: Yeah, so AIS is required for  
7 students who score below proficiency.

8           The definition of AIS has some flexibility,  
9 and it's tailored to student needs.

10          So, AIS can range from monitoring an educator  
11 who's assigned to monitor student progress, as the  
12 least-intensive intervention, all the way to  
13 one-on-one tutorial support.

14          So that's the AIS regulation.

15          What the board acted on last -- yesterday,  
16 similar to what it acted on in 2010, was it provided  
17 a one-year transition for what the cut score is for  
18 AIS services.

19          So on the 2013 test results, it's not that  
20 every student who scored below proficiency on the  
21 2013 tests is required to receive AIS; but, rather,  
22 we provided information about what is the cut score  
23 on the 2013 test that is comparable to the cut score  
24 on last year's 2012 test.

25          So, basically, AIS, for this coming school

1 year, will only be required for students who fall  
2 below the cut score that's comparable to last year's  
3 proficiency cut score.

4 It's a one-year transition.

5 If a -- that's what's required.

6 If a parent wants their child to receive AIS,  
7 but they're not required under this provision that  
8 the board just acted upon, that would be something  
9 that --

10 SENATOR FLANAGAN: Well, so let me follow up  
11 with a comment and a question, and to, in essence,  
12 complement some of what my colleagues have said.

13 This is where I think the disconnect occurs,  
14 and it's a challenge for us to go back and speak  
15 plain English to the people that we represent. And  
16 parents desperately care about their children no  
17 matter what community they live in.

18 So, let me give you a perspective example,  
19 where maybe the term "freak out" might be  
20 appropriate, and that relates to the Regents in  
21 particular.

22 Having seen what happened with the test this  
23 year --

24 And I understand some of those ramifications.

25 -- I'm very concerned, and I am by no means

1 alone in this regard, about Common Core as it  
2 relates to Regents for next year.

3 And there's -- I'm not disputing ELA  
4 3 through 8, but now you're talking about college,  
5 now you're talking about graduation.

6 How do we mollify, or how do we address,  
7 parents who are saying, and my colleagues, Why can't  
8 we wait?

9 NYSUT has testimony that's coming up today  
10 that says there should be a three-year moratorium,  
11 probably debatable.

12 But, what's wrong with waiting a year?

13 KEN WAGNER: Yep, on Regents exams, so, if  
14 you wait on the testing, you would have to wait on  
15 the instruction, because as lots of people have  
16 pointed out, you need your assessments to align to  
17 the standards.

18 So if you offer the old Regents exams which  
19 are based on the 2005 standards, then in fairness to  
20 students and fairness to teachers, we would need  
21 those teachers to continue to teach the  
22 2005 standards.

23 There always needs to be a year one; and that  
24 year one, where you jump both your standards and  
25 your assessment has to occur. You cannot do the

1 assessments later and have the standards be  
2 different than your assessments.

3 We have a group of students who just came out  
4 of eighth grade who are moving into ninth grade, and  
5 they are aligned on that Common Core assessment  
6 continuum.

7 Another approach to the Regents-exam  
8 transition is two things:

9 One is, when we release the scores, we can  
10 also release a percentile result, which, even though  
11 the scores will be different because of the  
12 proficiency rates being different on Common Core  
13 versus the prior standards, the percentile results  
14 can show the students, that regardless of your  
15 performance level, you are at the 80th percentile,  
16 or the 95th percentile.

17 "Percentile" is, basically, the percentage of  
18 the students that you scored at or above.

19 So we can help to communicate what the scores  
20 mean by coupling the scores with the percentile.

21 The second thing we can do is have different  
22 cut scores for the different performance levels.

23 For example, the Level 3 could be what's  
24 required for college- and career-readiness,  
25 comparable to the 75 and 80 that we have used for

1 the graduation-rate metrics.

2 But Level 2, for example, could be comparable  
3 to passing, for graduation purposes, comparable to  
4 the 65 that we use right now for graduation  
5 purposes, which we know is not the right score for  
6 college-readiness purposes.

7 So we can have different cut scores.

8 Educators are part of that cut-score  
9 determination.

10 They were part of cut-score determination for  
11 grades 3 through 8, and educators from across the  
12 state will be part of the cut-score determinations  
13 for Regents exams as well.

14 SENATOR FLANAGAN: The problem is,  
15 I understand everything that you just said. It's  
16 just going to be very difficult to translate that  
17 out to parents and constituents.

18 And I will close on this:

19 We're trying to, again, move along.

20 I'm going to ask everyone who testifies here,  
21 I'm going to give everyone the same assignment:

22 We have a hearing coming up on October 1st.

23 By September 30th, everyone who has  
24 testified, I would like your opinion --

25 And I will take a snapshot in time: K through

1 12, nothing changes, it's static. A kid goes into  
2 kindergarten, the rubric, and, everything's, going  
3 to be the same for the next 12 years.

4 -- I would like everyone to provide to our  
5 Committee what you believe are all the tests that  
6 children have to take.

7 'Cause, to me, this is like the ultimate game  
8 of telephone.

9 We start out on one end. By the time you get  
10 to the other end, the story is night and day from  
11 where it started.

12 So, it will be fascinating for us, and,  
13 hopefully, educational for everyone, to be able to  
14 look and compare, and see how you define, you know,  
15 beauty being in the eyes of the beholder.

16 So, Ken, Nicholas, and Dennis, thank you very  
17 much.

18 Regent Tilles.

19 [Inaudible] your patience.

20 Regent Tilles, if you don't know him, is  
21 certainly a champion of education on Long Island,  
22 well known by all of us in the Legislature, and a  
23 passionate and ardent advocate for children.

24 And with that introduction, Roger, no  
25 pressure whatsoever.

1           REGENT ROGER TILLES: Thank you, Senator, and  
2 thank you for having this hearing.

3           I have been concerned that there is a  
4 tremendous amount of misinformation floating around.

5           I have been -- it's been a pleasure for me to  
6 represent Long Island, and very frustrating as well,  
7 because I'm not always in sync with the rest of my  
8 fellow Regents.

9           I -- in 8 1/2 years, we have 125 school  
10 districts on Long Island, I've been to over 70 of  
11 them and have had conversations with people --  
12 teachers, parents, kids, administrators -- in all  
13 those districts. And the input that I get has been  
14 very, very helpful to me.

15           I'm only one of two full-time -- basically,  
16 full-time Regents; and, so, I carry with me to  
17 Albany a little more information, perhaps, than most  
18 of the other Regents, who are all good people.

19           I'm also one of -- well, for seven years,  
20 I was the only Regent that had kids in the public  
21 schools, and that has helped me a tremendous amount  
22 as well in determining policy.

23           I'm also one that -- I'm the only person,  
24 I think, nationally, that has ever been elected to  
25 two different state boards of education: Michigan

1 and New York.

2 And, I'm on the National Board For  
3 Professional Teaching Practices.

4 Many of you know me as a business person,  
5 but, really, my life has been much more devoted to  
6 education policy than it has been to business.

7 I support most of the Regents reform agenda.  
8 I think that most of it is on target.

9 Public schools provide the common bond for  
10 our citizens, and I'm worried about the use of some  
11 of the programs, No Child Left Behind, for instance,  
12 to break those bonds.

13 And that's why I think our agenda can  
14 actually be a very positive statement.

15 And I'm not going to talk about it too much,  
16 but, the improving, the recruiting, professional  
17 development, retaining, rewarding, teachers, and  
18 making the principals and the education profession  
19 as a valued one in our society, is absolutely  
20 essential. And we don't do that.

21 [Applause.]

22 REGENT ROGER TILLES: And I'm not elected by  
23 the public so you don't have to applaud for me.

24 Applaud for them.

25 [Laughter.]

1           REGENT ROGER TILLES:  These guys elect me.

2           So, I think that's really important.

3           And if you look at the countries that are  
4           doing really well, they treat their teachers and  
5           administrators as the professionals; as real, like,  
6           doctors and psychologists.

7           The -- so that -- I really think that's one  
8           of the first steps, and I think the Regents are  
9           moving in that direction, by raising the standards  
10          for those that get certification to be teachers, and  
11          for the professional development of teachers.

12          Building the diagnostic assessments -- that  
13          we just talked about with Ken Wagner, who really is  
14          an expert on this stuff -- and which inform teachers  
15          in schools how they can improve their practices and  
16          differentiate student instruction, I think that's  
17          really important, as long as the privacy of the  
18          information is safeguarded.

19          Which, I'm afraid right now, under the  
20          existing policies that school districts have with  
21          sharing information with third parties, is not  
22          protected.

23          I think, in essence, our state data system  
24          might be a much better protection.

25          I have to go by the experts on that.  I'm not

1 an expert on it.

2 Focusing on best practices to improve  
3 low-performing schools is one that I'm particularly  
4 interested in.

5 In an environment of poverty, you need to  
6 have much more than the school to be effective.

7 And I think -- let me give you -- well, I'll  
8 come back to that.

9 Lastly, the development of the Common Core  
10 standards, which the left and the right both have  
11 suggested are un-American, I believe is one of the  
12 best reforms that we have made.

13 It is not the Common Core standards,  
14 developing curriculum, and assessments to measure  
15 those standards. That's not a goal that has yet  
16 been implemented or attained.

17 But, I sat for several years on the Regents  
18 task force, develop English-language-arts standards.

19 The company we hired to help us with that was  
20 Achieve.

21 When Race To The Top came out, we were just  
22 about to publish our standards, which were very high  
23 standards.

24 Achieve became the company on the national  
25 level, and, indeed, took virtually all of the

1 standards that New York had come up with and put  
2 that into a national standard.

3 Every state is allowed to tweak a little bit,  
4 too.

5 And we tweaked those national standards, but  
6 I think the standards are very good.

7 In-depth learning, conceptual thinking, is  
8 really important, and not rote learning.

9 And that's why I think the Common Core is  
10 good.

11 Following the adoption of the Common Core by  
12 the Regents, New York took a very innovative step,  
13 which, I don't know of any other state that has done  
14 it, to develop curricular materials to assist the  
15 implementation of those standards.

16 Now, that's a good thing and a bad thing.

17 Because, it's a good thing, because, for the  
18 most part, I've heard very positive comments about  
19 the parts of the curriculum that we have come out  
20 with, that are online; however, we're not done with  
21 that curriculum yet.

22 Not all of the curriculum is done; and, yet,  
23 the State announced years ago, that students would  
24 be tested last spring on the Common Core, even  
25 though the state curriculum had not been done.

1           The State's attitude is, that school  
2 districts had some years to develop their own  
3 curriculum.

4           But, we were developing our own. And I think  
5 many, many districts relied upon that, and teachers  
6 relied upon that.

7           And when they weren't finished, felt that we  
8 weren't -- they weren't ready, really, to have  
9 assessments on them.

10          That was why, I think, the assessments were  
11 anticipated to drop precipitously, as they did.

12          The Commissioner said, "The tests should be  
13 taken with a grain of salt."

14          These results were determined by the  
15 state department creating cut scores, ostensibly,  
16 to match the NAEP, the national results, which,  
17 allegedly, determine college- and career-readiness.

18          I represent Long Island, all of Nassau and  
19 Suffolk county.

20          Most Long Island students, and some others  
21 around the state, received the 30 percent cut in  
22 scores, moving from about 90 percent passage to  
23 about 60 percent.

24          I think that that's a real disconnect.

25          And I don't understand, because our students,

1 generally speaking, go on to colleges and do well in  
2 colleges, and finish in four years, as opposed to  
3 many others.

4 I have a feeling, and I have said this from  
5 the beginning, that the development of college- and  
6 career-ready standards that we use for these tests  
7 were done in geographic areas that were not  
8 necessarily Long Island.

9 I think we need to look at how those  
10 standards were developed, because there clearly is a  
11 disconnect when it comes to our Long Island  
12 districts and the preparation of their students.

13 I don't like the fact that parents are  
14 saying: Gee, only 60 percent of our students are  
15 prepared to go to college. And, what happened?  
16 Because we've had 90 percent of our students  
17 prepared and do very well in college.

18 I said, Nothing happened.

19 Nothing.

20 And I think that's a very bad signal, not  
21 just for parents, but for taxpayers who are in those  
22 districts, because they want to be in areas that  
23 have good schools. And when they see only  
24 60 percent of their kids going on, it's a very  
25 dangerous item when it comes to a school budget

1       passing.

2               I have opposed the use of standardized test  
3 scores to evaluate teachers or principals.

4               I'm one of the few.

5                       [Applause.]

6               REGENT ROGER TILLES: Even though the  
7 Governor's law requires that the Regents come up  
8 with that plan, and, indeed, the federal government  
9 has offered incentive dollars to come up with such a  
10 plan that evaluates teachers based on student test  
11 scores, as a member of the National Board For  
12 Professional Teaching Standards, the highest and  
13 most rigorous evaluation of teachers that there is  
14 in this country, we support the use of measures of  
15 student growth in all evaluations, but not on a  
16 state assessment that needs mathematical algorithms  
17 to attempt to recreate a growth measure.

18               And that's has been my argument with my  
19 fellow Regents, and it will continue to be.

20               I -- the loss of morale of the teaching  
21 community, and the great reduction of applicants to  
22 our education schools here on Long Island, and  
23 elsewhere, are strong evidence of the unwise use of  
24 this unreliable measure.

25               While it may be that teacher evaluation

1 results, which include these scores, would be  
2 relative, and, therefore, not out of line with what  
3 the other scores would have brought for evaluation  
4 purposes, I worry, as the "News Day" op-ed piece  
5 mentioned, that the gap between high-performing and  
6 low-performing districts is only going to increase,  
7 based on upon these tests.

8 Because, when kids come in with lower scores  
9 in high-performing districts, they're going to go  
10 out and get the help, and, they're going to buy it,  
11 or the school's gonna put extra help in, and  
12 whatever else.

13 Districts that don't have that capability are  
14 not going to have that, and I can see the gap  
15 increasing instead of decreasing.

16 I think that Long Island schools have had  
17 great advantages because our population has  
18 overwhelmingly supported our schools, offering  
19 rigorous courses with strong creativity enriched by  
20 art, music, and enrichment.

21 And that's true, really, for most of our  
22 school districts.

23 One of the inevitable byproducts of the  
24 emphasis on high-stakes testing of core subjects has  
25 been the narrowing of the curriculum, cutting out

1 music and art and extracurricular activities,  
2 thinking that this has had little or no detrimental  
3 effects on students.

4 We all know better.

5 The arts not only allow students to use their  
6 minds to create, but also to learn the literacies  
7 that allow for greater citizenship.

8 In addition, the arts actually caused  
9 students to do -- perform better on the very tests  
10 that are effectively eliminating them from the  
11 curriculum.

12 I just want to relate one anecdote to you.

13 I -- when I go to a school district, my  
14 normal day is to go and read poems to fourth- and  
15 fifth-graders, because I like to do that, and that's  
16 my perk. It's the only perk as a non-paid Regent.  
17 And I have a lot of fun doing that.

18 And I asked these kids -- no matter what  
19 district it is, it could be the highest- or the  
20 lowest-performing districts -- I asked those kids --  
21 and they get it; they get these poems.

22 They understand them, they memorize them,  
23 they interact with them, and they're enthusiastic  
24 about them.

25 And I asked them, How many of you want to go

1 on to college?

2 And every hand goes up.

3 When I go to a ninth grade in some of the  
4 low-performing districts, I go into a class. I have  
5 to assume the superintendent is sending me to the  
6 best teacher that he can find.

7 And I sit there, as do all the kids in the  
8 class, basically, totally bored. No interactivity.

9 And at the end of that, I asked these kids,  
10 How many of you want to go on to college?

11 And if you get one or two hands in the room,  
12 that's a lot.

13 And I say, Why?

14 You know, I ask -- then I go to talk to,  
15 usually, a group of high school kids. They're  
16 better-achieving kids.

17 I say, What happened between fourth grade and  
18 ninth grade with this district, which is a  
19 low-performing district, where only half the kids  
20 graduate?

21 And they said, Well, we don't have a lot of  
22 mentors. We don't have a lot of role models. We  
23 have peer-pressure gangs, in many cases. And,  
24 generally speaking, it's not a very healthy  
25 environment for us.

1           Well, I'm walking out of one of these  
2 districts right here in Suffolk County, not far from  
3 here, a couple of years ago, and I'm feeling very  
4 depressed about that conversation, and that day that  
5 I've just had.

6           And I hear a choir singing in the choir room,  
7 and I say, Wow, they --

8           I happen to be a big fan of choral music.

9           And I stick my head in, and it was a bunch of  
10 seniors from that high school.

11          I thought it was a college choir at least,  
12 coming in. They were fabulous.

13          Fabulous.

14          And I sat and listened to them.

15          And I found out that they were training to go  
16 to Salzburg, Austria, to sing in the  
17 Mozart Bicentennial.

18          Now, this is a district that graduates  
19 50 percent of their kids.

20          I asked them, I said, Why you, and not your  
21 peers? How many of you will graduate from  
22 high school?

23          Every hand went up.

24          Every hand up.

25          And when I said, "How many of you are going

1 on to college?" about half the hands went up, in a  
2 district that really doesn't produce college -- and  
3 I said, Why you, and not your peers?

4 And they said, We love music, we love the  
5 arts, we love our chorus, and that's what brings us  
6 to school. And, our teacher doesn't let us stay in  
7 chorus unless we do our work. And he calls us every  
8 week to make sure we're doing our work.

9 This is not rocket science.

10 This is what I believe is needed in schools,  
11 not necessarily all of the assessments and all of  
12 the programs.

13 [Applause.]

14 REGENT ROGER TILLES: I just think reforms,  
15 and having been on the Michigan board over 30 years  
16 ago, we're dealing with the same issues, and, pretty  
17 much, in the same way. "Measurement by objectives,"  
18 is what it was called then.

19 And now we're talking about Race To The Top.

20 I'll finish by saying, as one who's  
21 involved -- who has been involved with real-estate  
22 development on Long Island, I had the opportunity to  
23 have many entrance and exist exams of business  
24 leaders on Long Island.

25 Obviously, I think you will agree, it is not

1 the low energy costs, low taxes, or easy  
2 transportation that causes business to come here on  
3 Long Island.

4 It is the quality of life that brings them  
5 here and keeps them here, with the number one factor  
6 being our schools.

7 I wonder if we will be able to keep this  
8 advantage if the tax caps and increasing pressure to  
9 narrow the curriculum continue to erode what are  
10 fabulous schools.

11 I certainly hope we can turn this around, and  
12 I commend you for having this hearing, hopefully, to  
13 begin that process.

14 Thank you.

15 [Applause.]

16 SENATOR FLANAGAN: Regent Tilles, thank you.

17 I'm gonna -- my colleagues are gonna have to  
18 be as brief as possible, since we're on a -- we have  
19 a lot of people still to come before us.

20 Senator Marcellino, and then Senator Martins.

21 SENATOR MARCELLINO: Thanks, Roger. Thank  
22 you for coming.

23 And I do appreciate your efforts and your  
24 work. And I know you care, because we've known each  
25 other for many years. You really do care as to

1       what's going on, and I think that's refreshing.

2               Just a question.

3               We know that the Governor made a statement  
4       about the "death penalty" for schools. I thought --  
5       and I've said that that was an inartful way of  
6       talking. I don't think it was appropriate.

7               And, you know, he's kind of back-pedaled a  
8       little bit from that, but then, you know, he's not  
9       going to go away with that issue.

10              If there are schools that are not functioning  
11       well -- and there are, we all know that -- if there  
12       are districts that are not functioning well within  
13       our Island, what are we doing for them?

14              What are we doing for them?

15              I mean, are we using the tests as the  
16       indicator?

17              Or, are we taking districts who are doing  
18       well by standards that we all accept, and using them  
19       as models for these other districts?

20              Are we sending them in; are we making them  
21       collaborate with one another?

22              I mean, this, I would think, is a Board of  
23       Regents' function.

24              Are we doing that?

25              REGENT ROGER TILLES: In terms of the

1 lowest-performing districts --

2 And we have a few on Long Island that are in  
3 pockets in the midst of very good school districts.  
4 We have a few because of economic reasons mostly,  
5 that are totally, just totally, dysfunctional.

6 -- and I've said this before, I think a good  
7 part of that is management, is the election of  
8 officials that don't necessarily look at kids as the  
9 first priority.

10 And, therefore, when you have a very  
11 low-performing district, and, on top of that, a  
12 dysfunctional school board, and there are ways of  
13 determining that, through audits, and whatever else,  
14 as a couple of our school boards are being audited  
15 right now, somebody -- and I would not recommend  
16 that the State Education Department come in and run  
17 that school district.

18 [Laughter.]

19 SENATOR MARCELLINO: I'm shocked to hear  
20 that.

21 [Laughter.]

22 REGENT ROGER TILLES: Yeah.

23 I came in four or five years into the  
24 Roosevelt takeover, and was appalled by the fact  
25 that our -- (a) it's not the State Department's

1 fault. They had no capacity to run the school  
2 district.

3 There was nobody -- there's nobody in Albany  
4 that does that. And we have some former  
5 superintendents who I think, probably, would be  
6 pretty good, but that's not what we're looking for.

7 We have recommended to the Legislature, a  
8 bill that would be able to identify those very few  
9 districts that are dysfunctional, and allow the  
10 Commissioner, the Regents, to appoint either BOCES,  
11 a master educator, a university...somebody with  
12 educational experience, to come in and run that  
13 district, whether the board is there or not, but to  
14 run that district.

15 That's one avenue that really has to be --  
16 has to be implemented. And I know it's not popular  
17 with school boards, but, you know, we're talking  
18 about less than 1 percent of the school boards,  
19 maybe .5 percent of the school boards, that need  
20 that.

21 And it's not just a couple of them on  
22 Long Island.

23 The Buffalo School District is another one,  
24 where we have taken action, because -- in doing  
25 that, we have appointed BOCES to come in and run

1 some of those schools, we have -- brought in  
2 Johns Hopkins University to run some of those  
3 schools, because we had the leverage of the  
4 SIG funds; the state improvement funds.

5 We don't have that with all the districts on  
6 Long Island.

7 That's one way to do it.

8 The second way, is to create, as you have  
9 done, or, in your district, there are now two  
10 STEM Magnet schools.

11 I believe regionalization of magnet schools  
12 will be, ultimately, very helpful in allowing kids  
13 who are in those dysfunctional districts to get an  
14 education that they deserve.

15 And if you don't do one or the other, the  
16 kids have no chance.

17 Really, no chance, especially since they're  
18 cutting out the few things that make kids want to  
19 come to school.

20 SENATOR LAVALLE: Thanks, Roger.

21 SENATOR FLANAGAN: Senator Martins.

22 SENATOR MARTINS: Thank you.

23 Roger, it's great to see you.

24 I just want to take the opportunity,  
25 Mr. Chairman, to recognize Regent Tilles as just a

1       tremendous advocate for education and our children  
2       here on Long Island.

3               And I wanted to thank you for your efforts on  
4       behalf of our schools.

5               I believe that there's a disconnect, or a  
6       credibility gap, with the State Education  
7       Department.

8               When we talk about 50 percent of Long Island  
9       graduating seniors not being college-ready;

10              When we talk about setting a cut score for  
11       these exams, that result in many of our children  
12       receiving "2's," when they have, historically, been  
13       better than that, and demonstrated higher  
14       achievement than that;

15              And then you have, by the way, telling them  
16       that their school districts do not have to provide  
17       them with remedial services;

18              Tells us that there is a gap there.

19              That, there is a disconnect, and a  
20       credibility gap, which I think is critically  
21       important at a time when credibility in implementing  
22       new policies is very important.

23              And, not necessarily singling you out,  
24       because I do know where you stand on these issues,  
25       and how you have fought on the right side of these

1 issues, but I think there's a problem for us as  
2 legislators, when we do come back to the district  
3 and we have these discussions with our parents, with  
4 our administrators, with our boards, because, those  
5 numbers, those statistics, and those actions fly in  
6 the face of what I believe to be the caveat, which  
7 is, How does it improve the educational experience  
8 of a child?

9 And I can't reconcile those two.

10 REGENT ROGER TILLES: Right.

11 I would -- yesterday -- in fact, I came down  
12 in the middle of our meeting, to come talk to you  
13 today.

14 We had a meeting with Commissioner King last  
15 night.

16 And, basically, I'm not surprised that he  
17 hadn't really grasped some of the depth of feeling  
18 that I've seen on Long Island.

19 But we basically told him, he had to spend  
20 the next year, being out there, every day, and  
21 explaining what it is that we're trying to do.

22 So much of what we do is misinformation.

23 Some of it is misimplementation, but, frankly  
24 most of it is misinformation.

25 And I think that that really needs to be

1 done.

2 And, it's hard for me as a Regent. I'll talk  
3 to a PTA here, or whatever there.

4 But, the Commissioner has a bully pulpit, and  
5 really needs to do that.

6 I also think it's important, and I'll use a  
7 little critical -- I probably should end with you  
8 now -- but, part of what we did, in having to  
9 implement the evaluation system now, which I think  
10 is really at the heart of what the problem is,  
11 because without -- without the teacher evaluation  
12 being part of a high-stakes nature of the tests, the  
13 tests would not be as -- they could be used  
14 diagnostically, and, we wouldn't have the emphasis  
15 on teaching to those tests. We would have a test to  
16 measure how students are doing.

17 The use of the scores on teacher evaluation  
18 is really, I think, been very damaging, and is at  
19 the heart of what the implementation problem is.

20 The speed of the test is another one of --  
21 when we don't have the curriculum all out there, as  
22 I've mentioned.

23 But, some of those things, you know, the  
24 tests and the evaluation score with the -- this test  
25 score with the evaluation are things that are

1       prescribed, not by the Regents, but by state law and  
2       by the federal government.

3               And, you know, as much as I can oppose them,  
4       and I voted against them, even though it was flying  
5       in the face of state law, I just -- I just think  
6       that they're very dangerous.

7               Let me give you one quick example, and I know  
8       you want to run.

9               I have a daughter that's learning-disabled,  
10       and from the third grade, on, was taking IEP -- you  
11       know, IEP courses.

12              And, because the federal government came in  
13       and said, when I -- my second year as a Regent,  
14       I think, that all kids with learn -- with --  
15       special-ed kids should be tested on these  
16       3 through 8 tests at their age level, and not at the  
17       grade level that they're learning at.

18              Well, my daughter's learning at second grade,  
19       and she's in the fourth-grade level; and, yet, we  
20       made her take that test. We made her, knowing that  
21       she'd failed that test.

22              The same thing with English-language learners  
23       who have only been here one year and one day, we  
24       make them take the test.

25              Why?

1 Not because the Regents want to do it.

2 Because this is federal law.

3 And we would lose the \$700 million that the  
4 feds are giving us, or the special-ed money.

5 And that's one of the real problems.

6 SENATOR MARTINS: You know, just as a quick  
7 follow-up, and I'll share an anecdote with you:

8 I have one of my high-achieving school  
9 districts that is also socioeconomically challenged.

10 You visited there recently.

11 It's right on the Queens border, and, a large  
12 Caribbean population, immigrant population.

13 Child, fourth-grader, took an exam this year  
14 and got a "2."

15 "A" student. Wants to go to college. Knows  
16 how important these grades are, at that age as a  
17 10-year-old.

18 And, came home and did something very  
19 destructive to herself, as a result of not doing  
20 well enough on this exam, because, it affected our  
21 children.

22 And I don't think we take into consideration  
23 the impact that a score has on the self-esteem of  
24 our children when we put these things out there.

25 [Applause.]

1           SENATOR MARTINS: And, you know, looking at  
2 it, theoretically, the difference between a "3" and  
3 a "2", when you're talking about a fourth-grader,  
4 makes a difference.

5           It does make a difference.

6           And, we need to reevaluate where we are in  
7 that spectrum, because we've sort of lost sight of  
8 the forest for the trees.

9           And I do appreciate your efforts.

10          SENATOR FLANAGAN: Self-esteem is not to be  
11 underestimated.

12          REGENT ROGER TILLES: I agree.

13          Thank you.

14          SENATOR FLANAGAN: Thank you,  
15 Senator Martins.

16          Regent Tilles, thank you for your attendance,  
17 and for your work.

18          And now we have Marianne Adrian, and,  
19 Jeanette, and I better say it right, Deutermann.

20          [Applause.]

21          SENATOR FLANAGAN: Now, without an ounce of  
22 disrespect to our prior speakers, we're bringing in  
23 heavy artillery.

24          We have mothers and parents who are before us  
25 now.

1           JEANETTE DEUTERMANN: That's right, watch  
2 out.

3           SENATOR FLANAGAN: And, we certainly have  
4 everyone's written testimony.

5           I'm going to say this to everybody, so it's  
6 by no means singling you out.

7           We just -- if you could speak just from the  
8 heart, just summarize what you have to say, that  
9 would be helpful.

10          And, Marianne, since I spoke with you first,  
11 and I appreciate the opportunity having to had --  
12 speak with both of you, I would ask you to start,  
13 please.

14          MARIANNE ADRIAN: Thank you.

15          And thank you very much for the invitation.  
16 It's very much appreciated.

17          I'm honored to be here, and speak on behalf  
18 of my children.

19          My name is Marianne Adrian, and I have three  
20 children: a seventh-grader, a fourth-grader, and one  
21 that just started preschool.

22          You know, what I'm not here to tell today is  
23 that the new curriculum is bad or wrong. I'm not  
24 here to tell you that teachers should not be  
25 evaluated. And, I'm not here to tell you that

1 students should not be tested.

2 These are all things that need to happen.

3 But, I would like to share you with my  
4 children's experiences.

5 Prior to last year, they have had great  
6 experiences in the public school system.

7 They've had teachers that have helped them to  
8 learn and grow.

9 They loved learning, they love to read.

10 They do their work, they have fun.

11 Last year, this all changed, particularly  
12 with my then-third-grader.

13 He had a two-week stretch, where he did not  
14 want to go to school.

15 The first couple of times, he told me in the  
16 mornings he didn't want to go.

17 I figured he was just being an 8-year-old,  
18 but, it lasted for two whole weeks. And, I started  
19 asking questions to figure out what was going on.

20 And what I found out was, that there were so  
21 many assessments already going on in school, the  
22 local assessments, the pre-assessments, and, it just  
23 threw him -- threw him off.

24 I then started looking into it a little bit  
25 more.

1           And what I found was, that there's the new  
2 curriculum in place, which is fine, but I started  
3 realizing that their school day was encompassing  
4 test prep for the math and the ELA tests.

5           And, he was also getting two to three hours  
6 of homework every night, which, for a third-grader  
7 was a little bit excessive.

8           So, fast-forwarding to the state-test time,  
9 he took the first two days of the ELA, and he came  
10 home and said to me, Mommy, do not make me go back  
11 for that the third day. I can't do it.

12           And I understand why.

13           He was asked to sit there for three days in a  
14 row, 90 minutes per day, for the ELA, and then had  
15 to do it all again the following week for the math  
16 test.

17           He actually then begged me not to make him  
18 take the math test, which he did, but, he wasn't  
19 happy, he was in tears.

20           And, as a parent, to see that happen, it's  
21 really disheartening.

22           After the test, he became a different child.

23           He became the happy child. Some of the  
24 behavioral issues that occurred during the school  
25 year went away.

1           So, my 7th grader, my then-sixth-grader, he  
2 experienced some of the same things.

3           The excessive homework; the -- he did not  
4 want to keep doing the homework. He said he does so  
5 much reading for the English-language arts.

6           And I started noticing a focus was being  
7 taken off of some of the other subject areas, such  
8 as science or social studies.

9           And I feel it was to make up for the teaching  
10 to the test. Uhm, prepping, for these students to  
11 take the state test.

12           Uhm, his experience with the state test was  
13 that he witnessed friends getting sick -- physically  
14 getting sick; walking out of the room crying.

15           One of his friends who's a straight-A honor  
16 student got sick, but was more scared to leave the  
17 room and go to the nurse, for fear of failing this  
18 test.

19           So, this brings me to the conclusion that the  
20 effectiveness of these lengthy tests should take  
21 into consideration the emotional and physical stress  
22 as well.

23           And that's something that test data cannot  
24 tell you.

25           I understand the need to look at numbers, to

1 assess where the children are, but, these are young  
2 kids.

3 They're three -- third grade. They're not  
4 really thinking about the college- and  
5 career-readiness.

6 They're thinking about getting through the  
7 school year, and trying to learn what their teachers  
8 are trying to teach them.

9 They're thinking about going to recess and  
10 going to gym, and being with their friends and  
11 socializing.

12 All of these things are also such an  
13 important part of a child's education.

14 So I feel that the way the implementation of  
15 the Common Core curriculum and standards was  
16 something that was done very quickly.

17 Tying the tests to teacher evaluations is  
18 something that I feel has fostered this environment  
19 of teaching to the test, making it a  
20 one-size-fits-all, as opposed to teaching to each  
21 individual child at their needs.

22 I'd also -- would like to talk about the  
23 data.

24 Sorry.

25 I would like to talk about data, and the

1 privacy of that data.

2 Okay, so, the "FERPA," or, the  
3 Family Educational Rights and Privacy Act, that was  
4 created in 1974, was supposed to protect student  
5 privacy.

6 With the new verbiage that's in there,  
7 allowing the State to share our children's data, my  
8 children's data, with third-party vendors, I find  
9 that concerning, to say the least.

10 I understand that there are security in --  
11 there's security in place.

12 And, that I'm sure the State does take into  
13 consideration the privacy of this data and the  
14 sensitivity of it.

15 However, as we are in the digital age that we  
16 are in now, I also feel that there are hackers out  
17 there that can break through those firewalls and can  
18 get through the encryption and access this important  
19 private data.

20 It's stored on a cloud system, which is  
21 really the most concerning part to me, because I do  
22 not feel like that has the security that it needs to  
23 house my children's data.

24 I do know that there is a bill out there,  
25 Bill S5355, that encompasses K-through-12 student

1 privacy data, and prohibits the use of systems like  
2 cloud.

3 And I think it's a great start to help  
4 protecting my children's data, and other parents'  
5 children's data.

6 Ultimately, I would like to see an option for  
7 parents to be able to decline having our children's  
8 information shared with third-party vendors.

9 Uhm, and I think that's it.

10 I think I would just like to end with this --  
11 Possibly?

12 Maybe?

13 -- okay, so here's my thought:

14 Once you take away the love of learning from  
15 a child, it is very difficult to get it back.

16 And once you break their confidence, it's  
17 very hard to build it up.

18 And that is the bottom line of what  
19 I experienced this past year with my own children.

20 Thank you.

21 [Applause.]

22 JEANETTE DEUTERMANN: Do you want to ask  
23 questions?

24 SENATOR FLANAGAN: No, we'll -- Jeanette,  
25 we'll go wright to you.

1           Marianne, nicely done.

2           Jeanette, no pressure now that she's had that  
3 stellar performance.

4           JEANETTE DEUTERMANN: Okay, my name is  
5 Jeanette Deutermann. I am also a parent; a parent  
6 of a 10-year-old, and a 7-year-old.

7           My journey into this whole movement started  
8 very innocently last year.

9           I noticed significant differences with my  
10 10-year-old, and how he felt about school.

11          Like Marianne, I experienced the same things.

12          My son was, all of a sudden, begging not to  
13 go to school. And this was a child who never gave  
14 me a hard time about going to school, seemed  
15 perfectly content and happy.

16          He started experiencing stomach aches. It  
17 was a couple of months before his third-grade tests,  
18 and, to the point where I took him to a doctor to  
19 find out if he had stomach issues. And the doctor  
20 suggested that this was stress-related.

21          And I said, "Stress? You know, he's eight,  
22 how could he have stress?"

23          But, again, I -- you know, being a new parent  
24 in the elementary district, you don't realize that  
25 this -- these tests, what they are, the fact that

1 they're new, the fact that this wasn't just the way  
2 things are done normally.

3 There's a lot of times that I've been hearing  
4 how, Oh, us parents are just being manipulated by  
5 educators, and we're just being their pawns, and  
6 we're being --

7 And I take such insult to that, because,  
8 really, this was something that I had to discover  
9 for myself.

10 And I was, frankly, really angry that  
11 I wasn't told by educators what was happening.

12 And I know a lot of educators are very upset  
13 and angry, and this is their careers, and this is  
14 destroying the career they love.

15 And a lot of them have said to me, Oh, you  
16 know, thank God you parents have figured this out.

17 But I kind of felt, like, why didn't somebody  
18 tell me?

19 You know?

20 And, so, to say that we are just being, sort  
21 of, coerced by educators is completely, completely  
22 unbased, and that is not the case.

23 So, with my son experiencing all these  
24 things, the fourth-grade year got even worse.

25 I started noticing the differences with test

1 prepping.

2 And, in November, they started coming home  
3 with test-prepping materials. Every single homework  
4 was math or ELA, nothing else.

5 They probably had two social-studies tests  
6 for the year, a small very handful of science tests.

7 These things were just not being done,  
8 because they didn't have time.

9 When asking -- I started asking educators  
10 that I knew outside of my district, because I knew  
11 the ones in my districts weren't allowed to actually  
12 tell me what was happening.

13 When I started asking them, What is --  
14 What are the tests? And why do I feel like my child  
15 is taking test after test after test? What is this?

16 And it was, Yep, well, this is just -- this  
17 is the way we have to do this. This is not -- we  
18 don't have a choice.

19 And teachers seemed so dejected and upset,  
20 and sad, really.

21 As I researched more and more, and started  
22 realizing that I did not want my child to go through  
23 the same stress leading up to the tests last year,  
24 I stumbled on a Facebook group that talked about  
25 opting out of the state tests.

1 I researched it extensively myself, read as  
2 many articles as I could possibly find about what  
3 was happening, and why, in our education system.

4 And I created the "Long Island Opt Out" Group  
5 on Facebook.

6 [Applause.]

7 JEANETTE DEUTERMANN: And we are now close to  
8 10,000 families across Long Island that are part of  
9 this group.

10 You know, and people always say to me,  
11 That's -- you know, It's awesome, that's amazing.  
12 How did you get so many members so fast?

13 And, really, I don't sell anything. I don't  
14 try to push anybody to do anything.

15 I'm just offering the information about  
16 what's actually happening.

17 And what parents are discovering, is that  
18 they're finding a reason for why they're seeing such  
19 dramatic changes in their children.

20 There's so many parents out there that have  
21 said to me, Oh, my God, I thought there was  
22 something wrong with my kid. I didn't understand  
23 why, suddenly, they don't want to go to school, why  
24 they hate it; why they are crying at night, crying  
25 in the morning.

1           And all I've done is pointed out a reason for  
2 "why," and told them to get more information.

3           I keep telling them.

4           People say, Well, what should I do?

5           Here's the information. You need to start  
6 reading, you need to start getting educated on  
7 what's actually happening out there.

8           As I was listening to the State Education  
9 Department speaking, I sort of wanted to throw my  
10 entire speech out, and just address everything that  
11 they were talking about.

12          So, I just want to pinpoint a couple things.

13          They were asked what kinds of tests the kids  
14 are actually taking.

15          I'm just going to give you a quick example of  
16 what a third-grader might take in a school.

17          When they talked about the local assessments,  
18 and they said, Oh, well, that's a district -- that's  
19 up to the district, and they can decide if they want  
20 to do that"; when you say, "it's up to the  
21 districts," it really isn't.

22          They have to adhere to the APPR guidelines.

23          And this is, that 20 percent that they get  
24 for local assessments, actually helps the district,  
25 in a sense, because it's almost a guaranteed amount

1 of points that they can get, because that's the one  
2 controllable thing within those 40 percent, that --  
3 those 40 points, for APPR.

4 Local assessments, you have -- you can have a  
5 gym SLO, which is a gym test; most of the time,  
6 multiple choice. Art. Music.

7 Again, these are all put into multiple-choice  
8 tests for these children.

9 In the middle-school grades, you can have  
10 your language tests, any of the special subjects.

11 You also then have the local assessments,  
12 like the MAP, STAR, or AIMSweb. Those are all  
13 computerized programs. They get harder as the  
14 children answer the questions correctly; get easier  
15 as they answer them incorrectly.

16 Kids have figured out that if they answer  
17 them wrong, the test ends earlier.

18 [Laughter.]

19 JEANETTE DEUTERMANN: Just an example of how  
20 ludicrous this whole system is, these -- they can  
21 take up to, we figured it out, about nine local  
22 exams the first week or two, some schools give it  
23 the first day, that these kids sit and take test  
24 after test after test.

25 And, because they have to count for the APPR

1 score, these often are made -- designed to be  
2 extremely difficult for the fall exams, so that the  
3 ones -- they have to show growth, that the children  
4 improve.

5 They can't take a chance that kids are gonna  
6 do better in the spring, so they purposely have to  
7 make them difficult.

8 And I don't blame the teachers for that,  
9 because I don't want to lose my good teachers.  
10 I want them to do everything they can to preserve  
11 their careers and their jobs. And if they have to  
12 manipulate the system, then they have to do that.

13 But now you have kids sitting, the first few  
14 weeks of schools, failing.

15 And don't say that -- you know, I've heard  
16 people say, Well, we tell them that it's not  
17 important. Don't worry about it if you don't do  
18 well.

19 You're talking about kids who are taking a  
20 test. They feel it when they can't answer the  
21 question. They know they did not do well.

22 They stress out. They get upset.

23 For language SLOs, the benchmarks, they give  
24 them in the language.

25 So, kids that have never taken Spanish before

1 will sit down the first day of seventh grade and  
2 take a test in Spanish.

3 UNKNOWN FEMALE SPEAKER: That's right.

4 JEANETTE DEUTERMANN: You know, so when it's  
5 only two exams, it's not true.

6 They take, it's one after another after  
7 another.

8 Then those same the locals, they give them  
9 again in the midyear; so -- and during the winter,  
10 they take them again. During the spring, they take  
11 them again.

12 Then you have field tests; field tests, where  
13 the State Education Department has -- we've seen the  
14 doc -- the memos sent to schools, saying, Don't tell  
15 parents that they're anything to do with Common Core  
16 or the testing, or anything. Just give it to them.  
17 Don't notify anybody.

18 Well, now we know about them, so now we're  
19 not taking those either.

20 [Applause.]

21 JEANETTE DEUTERMANN: You know, again, they  
22 say, Well, they're important so we can design the  
23 future tests.

24 Well, guess what?

25 I don't want my child sitting for a test

1 I can't explain to him, and make an 8-year-old  
2 understand, It's okay if you don't know any of the  
3 questions on a test.

4 They -- it just -- anybody who says that  
5 they'll take that and be okay with it, you know,  
6 getting 1's and 2's this year on those assessments,  
7 okay, the State Education Department can say to the  
8 schools, say to parents, we're not going to use them  
9 as, you know, the way we did before.

10 That doesn't -- we're talking about these  
11 kids. We're talking about little ones, that, they  
12 change how they feel.

13 When a kid starts feeling bad about  
14 themselves, like she said, it's very, very hard to  
15 get that back.

16 Sorry.

17 And being in the position I am with my  
18 Facebook page, I get messages from thousands and  
19 thousands of parents and teachers.

20 I'm talking, this has become a full-time job;  
21 and I have to answer them all, and I have to respond  
22 to all of them, because the stories are horrific.

23 You know, it's a little bit of a burden, but  
24 at the same time, I accept the fact that I have to  
25 be -- that I have to be there to try to fix this for

1       them.

2               Because if you heard the stories that I have  
3 to hear daily, you would not sleep.

4               During testing time, we had -- I had heard  
5 stories of principals who had to get on the loud  
6 speaker and try to calm the whole school down,  
7 because classroom after classroom were breaking  
8 down.

9               Kids were crying.

10              Kids were going into the bathroom and then  
11 locking themselves in.

12              This is not something -- you can continually  
13 say, there's statistics, and there's data, and we  
14 have to make them -- 50 percent of the kids.

15              I don't care about the data.

16              I don't care about statistics.

17              What I care about is the fact that I want my  
18 son to like to learn.

19              And he doesn't.

20              I apologize.

21              I have to get that back for him.

22              And my little one, who's coming up now in the  
23 grades, my district did something that one of only  
24 two districts on Long Island did: they eliminated  
25 all their local assessments.

1 [Applause.]

2 JEANETTE DEUTERMANN: Here's the crazy part.

3 Those teachers are now going to, pretty much,  
4 be penalized, because, now, all of their 40 percent  
5 is based on those state test scores, which we know  
6 is not good for teachers.

7 They have chosen to do this, they agreed to  
8 it.

9 They said, You know what? Lesser of two  
10 evils. At least it helps the kids.

11 And that's what we've done.

12 So now my kids will not have to suffer  
13 through the entire fall session, except for the  
14 field tests, which they're not going to take anyway.

15 [Laughter.]

16 JEANETTE DEUTERMANN: But just so you are all  
17 aware of the idea that this -- this movement to end  
18 this.

19 You know, we had -- the State Education  
20 Department does not want to release the information  
21 on how many kids actually opted out last year.

22 Just Long Island alone, I only had  
23 confirmation of 12 schools -- school districts, out  
24 of 120. Just those 12, the numbers were over 1,000.

25 [Applause.]

1           JEANETTE DEUTERMANN: And already this year,  
2 I have kindergarten parents sending in refuse --  
3 sending in opt-out letters and refusal letters for  
4 the third-grade tests.

5           And, you know, I've told them, You can wait a  
6 few years. You don't have to do it yet.

7           [Laughter.]

8           JEANETTE DEUTERMANN: This is growing.

9           It's -- every day, I've had a thousand new  
10 people sign on in the last few weeks.

11          Scores are getting released this week. I'll  
12 have another few thousand within the next few weeks.

13          We are not going to allow our children to  
14 take part in this.

15          They are now opting out of all the local  
16 assessments, because we just feel that it's not fair  
17 to evaluate teachers on test scores.

18          It changes the entire structure of the  
19 classroom. The entire classroom becomes focused on  
20 the test.

21          And it has to stop.

22          And I know there's money tied in, and it's  
23 politics, and there's a lot of things that have to  
24 happen.

25          But, we're asking you guys to start.

1           Whatever has to happen, and however it has to  
2 happen, we need help.

3           And that's what we're asking from you.

4           SENATOR FLANAGAN: Jeanette, thank you very  
5 much.

6                       [Applause.]

7           JEANETTE DEUTERMANN: One last thing.

8           I have a petition to end high-stakes testing  
9 and data mining, and, it has about 14,000 signatures  
10 on it.

11           So, I'd like to give that to you.

12           But before I do, is there any -- did you want  
13 to ask us anything?

14           SENATOR FLANAGAN: I think Senator Hannon  
15 wanted to make a brief comment.

16           SENATOR HANNON: No, I just -- I know that we  
17 talked, the first time, I had never met you before,  
18 and I guess it was late July or early August.

19           And I just appreciate your continuing  
20 forward, and presenting to my fellow senators what  
21 you had told me then, because I think it's a very  
22 powerful message.

23           And for somebody who hasn't testified before,  
24 you've done a great job.

25                       [Applause.]

1           JEANETTE DEUTERMANN: Yeah, except for all  
2 the crying.

3                   [Applause.]

4           SENATOR FLANAGAN: Senator Marcellino.

5           SENATOR MARCELLINO: Yes.

6           And, again, thank you for your input, and  
7 thank you for your caring.

8           And thank you for being willing to stand up  
9 and protect your children.

10           I do appreciate that, because that's --  
11 that's a parent's job, and that can be ceded to no  
12 one else.

13           The message that you've given, hopefully,  
14 will be passed on to State Ed and Commissioner King.

15           I intend to send him another letter.

16           I've sent him a few letters. Doesn't always  
17 respond. It takes a while.

18           I have to get Roger involved, and I have to  
19 get John involved, to get an answer, because he  
20 doesn't always respond.

21           And I think that's a problem that has to be  
22 addressed, in the bluntest of terms.

23           I can handle yes, I can handle no.

24           I will not be ignored.

25           These people will not be ignored.

1 [Applause.]

2 SENATOR MARCELLINO: This program, if we're  
3 going to improve standards --

4 And I don't think anybody in this room  
5 doesn't want to improve educational standards. We  
6 all want good teaching, we all want good education  
7 for our kids.

8 -- but if this is not going to be destroyed,  
9 because of the way it's being implemented by  
10 State Ed in a very, very heavy-handed way, they got  
11 to turn around.

12 I have senior superintendents who have come  
13 to me and said, We are thinking, we are rethinking,  
14 our position on opting out.

15 That's dangerous.

16 That is --

17 [Applause.]

18 SENATOR MARCELLINO: That's a message that  
19 has to get back to the Regent.

20 I'm glad you've told the Regent to -- that  
21 Commissioner King to go out and listen to the  
22 people. But he's got to hear.

23 He's got to hear them.

24 Not just go out there; he's got to listen,  
25 and hear them, and changes in the way this plan and

1 the way this program is being implemented has to  
2 happen.

3 And I think that's the key element here.

4 And I think that's going to be the crux of  
5 the letters I'm going to send.

6 I'll give you a copy, Roger, so you'll see  
7 it. And John will get a copy as well.

8 But this is something I think has to happen.

9 Ladies, thank you very much.

10 SENATOR FLANAGAN: Thank you very much.

11 [Applause.]

12 SENATOR FLANAGAN: As we try moving along,  
13 next is NYSUT, with Stephen Allinger, and,  
14 Nadia Resnikoff from Middle Country.

15 NADIA RESNIKOFF: My name is Nadia Resnikoff.  
16 I'm a sixth-grade teacher; president of the  
17 Middle County Teacher's Association; and a member of  
18 NYSUT's board of directors.

19 I'd like to thank Senator Flanagan and the  
20 Senate Standing Committee on Education for the  
21 opportunity to address you today regarding the  
22 "Regent's Reform Agenda: 'Assessing' Our Progress."

23 I'm testifying on behalf of our members on  
24 Long Island and across New York State.

25 We are here today to testify that we stand

1 shoulder to shoulder with parents in our shared  
2 belief that neither students nor their teachers  
3 should suffer the consequences of the State's  
4 obsession with high-stakes testing.

5 The concerns we raised in testimony to your  
6 Committee in June 2012 have only intensified in the  
7 wake of SED's rushed and rocky implementation of new  
8 learning standards and tests.

9 It's time for New York State to make urgent  
10 changes. For the sake of our students, we need to  
11 get it right.

12 Parents across New York State will soon  
13 receive their children's individual scores on the  
14 new, significantly more rigorous state tests  
15 administered last spring.

16 Student scores have dropped dramatically,  
17 exactly as the State Education Department predicted,  
18 with two-thirds failing to achieve a proficient  
19 score.

20 In some schools with the highest number of  
21 children living in poverty, virtually every child is  
22 deemed to be failing.

23 Parents are understandably shocked and  
24 outraged to hear their that children's scores  
25 plunged, and they are justifiably anxious about

1 broad-brushed statements that their children are not  
2 college- and career-ready.

3 SENATOR FLANAGAN: Nadia, I'm sorry.

4 I told everyone I was going to do this.

5 We have your written testimony.

6 Can you please just summarize it?

7 I've known you a long time. You are  
8 extremely competent in speaking.

9 Just in the interest of time, everyone can  
10 read this, but if you would be good enough to  
11 summarize, it would be a huge help.

12 NADIA RESNIKOFF: Okay.

13 Basically, what I'd like to say is that, the  
14 data that we received is meaningless for students,  
15 it's meaningless for teachers.

16 The State Education Department very -- knew  
17 that scores were going to be what they were; and  
18 yet, still, had students sit through rigorous tests,  
19 knowing that they weren't going to succeed.

20 We moved way too fast in the implementation  
21 of the Common Core standards.

22 There is no reason why we couldn't phase in  
23 the Common Core standards, either grade by grade, or  
24 unit by unit. That is the appropriate way to do it,  
25 so children would be successful.

1 I would also say to you that we need to  
2 reconsider what we're doing this year, in terms of  
3 the Regents for high school students, because if we  
4 have the same effect with the elementary and  
5 middle-school students, we're going to have  
6 one-third of our students, potentially, not  
7 graduate.

8 So, that's real high stakes, and we need to  
9 make sure that that does not happen.

10 Uhm, I think it's criminal, as parents had  
11 stated, that we have students that are being taught  
12 on material that they have not learned.

13 And I will give you an example just in my own  
14 classroom.

15 I'm a math teacher, I teach sixth grade.

16 The amount -- when we talk about having to be  
17 able to more deeply instruct students, it was the  
18 total opposite of that.

19 Because I had fifth-grade students that  
20 didn't have the Common Core, so I had to teach  
21 everything that they didn't know from fifth grade,  
22 in addition to all of the Common Core for  
23 sixth grade, and the students were overwhelmed.

24 I spent three periods a day; I spent their  
25 math period, their study-hall period, and their

1 lunch period, instructing these students on the  
2 Common Core standards, and, still, many of them were  
3 not successful.

4 And I don't think it's fair to have kids feel  
5 unsuccessful with the amount of work that they did.

6 I think that the way in which we're  
7 implementing them, definitely, is something that  
8 needs to be looked at.

9 Resources, very essential.

10 We have a tax cap.

11 We have less funding from the State than many  
12 districts had five years ago.

13 And, we need to make sure we have the  
14 appropriate resources, not only monetarily, but we  
15 need AIS services, we need textbooks that are  
16 aligned with the Common Core standards, we need  
17 professional development that's aligned with the  
18 Common Core standards.

19 So, we can't be expected to do it with less.  
20 It's impossible.

21 Resources are essential for schools and  
22 students to succeed.

23 Uhm, another concern is computers.

24 It's been stated that our tests are going to  
25 be computer-based, 2015. Starting 2015.

1 I can tell you, I have kindergarten students,  
2 under APPR, who are using a computer-based program,  
3 NWEA's.

4 They don't even know how to use a computer;  
5 and, meanwhile, we're having them sit there, taking  
6 a test with a computer.

7 Students are being -- teachers are being  
8 assessed based upon those scores of those students.

9 There should be no reason why a  
10 kindergartener is taking any sort of test that is  
11 computer-based.

12 [Applause.]

13 NADIA RESNIKOFF: It's criminal.

14 The other thing that I would state to you  
15 about the computers, is we're going to have to get  
16 computers into every school district, and that's a  
17 huge amount of funding.

18 You have schools that have one computer in a  
19 classroom. That's where it ends.

20 So, if we're going to look at that, then you  
21 need to make sure that students (a) have the ability  
22 to use the computer, and (b) that you have the  
23 computers in classrooms.

24 Something that needs to be considered.

25 Uhm, trying to do this as quickly as I can.

1           SENATOR FLANAGAN: You're doing great.

2           I appreciate it.

3           NADIA RESNIKOFF: Thank you.

4           UNKNOWN FEMALE SPEAKER: Keep going, Nadia.

5           You're doing fine.

6                         [Laughter.]

7           NADIA RESNIKOFF: The other part is, we feel  
8           that parents and teachers have been left out of the  
9           process in terms of the Common Core standards:  
10          Developing the Common Core standards, creating the  
11          curriculum that's aligned with it, as was stated.

12          Some of us got curriculum at the end of last  
13          year that kids were going to be tested on.

14          And some of us still have not received  
15          curriculum that aligns with the standards.

16          So it's, kind of, each person is individually  
17          trying to figure out what they need to do.

18          But, we think it's really important that  
19          parents and teachers be part of the process; that  
20          our voices be heard.

21          And that, when we continue this, that that be  
22          considered.

23          Something that's huge, if you are going to  
24          give tests to students, have it mean something.

25          So, there needs to be transparency.

1           We are not able to look at the tests after  
2 they were given.

3           Some of us never even gave it, so I couldn't  
4 see it.

5           I didn't proctor my tests, so I did not see  
6 the sixth-grade math test.

7           So, I have no idea what the questions are,  
8 what they deemed to be the correct answers, so that  
9 I can improve my instruction based upon that, to see  
10 where my students didn't make it.

11                   [Applause.]

12           NADIA RESNIKOFF: I remember a comment that  
13 was made, that, we were going to burn the tests,  
14 because we didn't want us to have access, or to have  
15 the ability to look at that.

16           How can we give a test, spend the amount of  
17 money that we spend, put kids through this, to  
18 create a baseline, and then say to those same  
19 people, You can't learn from this?

20           The whole point should be, we should be  
21 learning from this.

22           The tests themselves, in many instances, are  
23 developmentally-inappropriate, especially for  
24 K-through-2 students. They should not be given  
25 tests that are pen-and-paper tests.

1           It's horrendous for them.

2           That's not how they learn; that's not how we  
3 should expect to test them.

4           Assessing students and evaluating teachers  
5 should not be punitive or a game of "I gotcha."

6           So, now, the Commissioner can say that the  
7 scores don't matter.

8           But, they do matter.

9           They matter in terms of a teacher's score  
10 that determines whether they're highly effective or  
11 effective.

12           And I can tell you, just as a student has  
13 self-esteem, so does the teacher.

14           You can say that that score doesn't matter;  
15 they take it to heart.

16           And when they had no control over what was  
17 going to be on that test, when they weren't given  
18 the appropriate time to teach those students, and  
19 then to say, You're a 10 out of 20, or, you're a  
20 4 out of 20, or, you're a 1 out 20? It matters to  
21 them.

22           They question their ability.

23           They're not able to do what's right for kids  
24 every day in a classroom.

25           We should not be put in that position.

1           So to sum it up, I am going to tell you the  
2 things that we are requesting from you.

3           We're asking you to get it right.

4           We ask you to provide, in full, the resources  
5 districts need to ensure all students have an equal  
6 opportunity to master the new Common Core learning  
7 standards.

8           We ask you for sufficient time to gradually  
9 implement the Common Core learning standards.

10          We ask you to gradually phase in the  
11 Common Core learning standards.

12          We ask you for a 3-year moratorium on  
13 high-stakes consequences for students and teachers.

14          We ask you to postpone the implementation of  
15 the Common Core Regents exams as a graduation  
16 requirement.

17          We ask you to support teachers and parents in  
18 our call for best practices in measuring student  
19 achievement, and for the necessary transparency in  
20 the State's use of standardized tests.

21          And, finally, we ask you to respect and  
22 listen to the voices of educators and parents.

23          Thank you.

24                   [Applause.]

25

1 SENATOR FLANAGAN: Thank you.

2 And I'm just going to exercise a little  
3 prerogative.

4 I appreciate you coming.

5 And I just -- these are real questions to,  
6 hopefully, make a point.

7 You are a classroom teacher?

8 NADIA RESNIKOFF: Yes.

9 SENATOR FLANAGAN: Okay. And I've heard this  
10 phrase now, probably a thousand times in the last  
11 couple of weeks: Do you consider yourself a real  
12 educator?

13 NADIA RESNIKOFF: Yes.

14 SENATOR FLANAGAN: Okay, good.

15 So, I completely agree with you.

16 And I recognize that you had an inability to  
17 be here when we first started, because I believe you  
18 were teaching prior to coming here?

19 NADIA RESNIKOFF: That's correct.

20 SENATOR FLANAGAN: Okay.

21 We are trying to get a good cross-section of  
22 people who represent education at every level, and  
23 that includes having classroom teachers who will be  
24 testifying before our Committee around the state.

25 So, I appreciate your patience and your time

1 and your diligence.

2 And I have a particular question for you.

3 You talk about, don't have any punitive  
4 consequences for three years.

5 Because I know this is going to get talked  
6 about, I want to make sure I'm understanding exactly  
7 what you're driving at.

8 If, "if," there is some smoother  
9 implementation of Common Core, are you opposed to  
10 the Regents adopting Common Core at any point in the  
11 next three years?

12 Because you're talking about punitive  
13 consequences, and people are going to be asking us,  
14 What "does that mean?"

15 Does it just relate to the coming Regents  
16 this year? Is it the year thereafter?

17 How do you -- can you drill down a little bit  
18 on the "three years"?

19 NADIA RESNIKOFF: We're not -- I'm not, and  
20 I don't think NYSUT is, opposed to Common Core if  
21 it's done in the right way and in the right amount  
22 of time.

23 So -- and I think how we assess students  
24 really is something that we have to think about as  
25 well.

1           You know, how do we know that they know  
2 something, or don't know something?

3           And it's more than a test that's going to  
4 determine that, obviously.

5           But, Common Core, I think, if we're able to  
6 get into the depth of what we're saying we want to  
7 do, is not a bad thing.

8           But you can't just say, "Do it this year,"  
9 and assume that everything else was in place prior  
10 to that.

11           Because what we're doing is, we're actually  
12 doing the opposite. We're doing much more than what  
13 we did in previous years, in terms of the curriculum  
14 that needs to be taught.

15           SENATOR FLANAGAN: Okay.

16           Prior to your arrival, and I hope I'm getting  
17 it correctly, Ken Wagner had, basically, made a  
18 representation, that I know it was frustrating  
19 Senator Marcellino, that, if you have some  
20 modification or slowdown, if you do not properly  
21 align instruction with the assessments; meaning,  
22 that they get done, essentially, at the same time,  
23 that's problematic.

24           I think Senator Marcellino feels, and I would  
25 tend to agree, that just because you're introducing

1 the new curriculum doesn't mean that the assessment  
2 has to follow simultaneously.

3 NADIA RESNIKOFF: I would agree.

4 I think what can happen, is that you can't  
5 have the assessment there without the curriculum,  
6 which is what exists now.

7 SENATOR FLANAGAN: Okay.

8 Senator Boyle.

9 SENATOR BOYLE: If I could just ask one quick  
10 question.

11 You touched on the costs of the  
12 computer-based testing, which is a grave concern of  
13 mine.

14 I visited with superintendents in the  
15 district. Some of them are talking about  
16 hundreds of thousands of dollars for computers, for  
17 software.

18 And I completely agree, that if Albany's  
19 going to require this, they're gonna have to give  
20 the money.

21 Have you gotten any -- NYSUT gotten any  
22 numbers, or general numbers, about the overall  
23 costs?

24 'Cause I can't even imagine how much it is  
25 statewide.

1           STEPHEN ALLINGER: We're working with all the  
2 other stakeholders, the Education Conference Board,  
3 to put together order of magnitude to properly fund  
4 and provide foundational resources to implement the  
5 Common Core.

6           As Nadia said, we have been supportive of  
7 deeper, richer learning, but we believe the cart was  
8 put before the horse.

9           And we've had districts having to cut  
10 professional development, for lack of money, cut  
11 curriculum resources, cut investment in computers,  
12 while the demand skyrocketed for this  
13 transformation.

14           So, we will be working with school boards,  
15 Superintendents Association, Chief School finance  
16 officers, PTA, in time for these hearings, to put  
17 forth our asks about, What does it take to properly  
18 support and finance the transformation to a  
19 Common Core curriculum?

20           But we know it's substantially more.

21           And it's also just turning around the  
22 disinvestment that we've seen. Particularly in the  
23 non-ELA math subjects, we're seeing a fall-off in  
24 foreign languages, science, music, art.

25           SENATOR FLANAGAN: Senator LaValle.

1           SENATOR LAVALLE: Yeah, just an observation,  
2 Mr. Chairman.

3           I think for, you know, the audience here,  
4 that we're beginning to see why we hold a hearing,  
5 as legislators, because we're beginning to drill  
6 down, and we're beginning to see, in a very refined  
7 way, the input of different stakeholders.

8           And, we begin a communication that begins to  
9 narrow the funnel, and, so, that we're talking to  
10 one another, and not having misinformation and  
11 miscommunication.

12           So as I'm sitting here, listening to people,  
13 I think -- I'm saying to myself, you know,  
14 This hearing is really good, because people are  
15 communicating very specifically.

16           And you did a great job, when you went  
17 one, two, three, four, because you pointed out what  
18 you were trying to say, your point of view.

19           And because you did it in a sticcato fashion,  
20 that communication was great. Know exactly where  
21 you stand.

22           Not that I didn't before we got to the  
23 hearing, but...

24           And just, lastly, you'd be pleased to know  
25 that, if you look at my legislation, as the sponsor

1 of the Truth and Testing Law, for post-secondary  
2 students, what we're trying to do, is to make the  
3 test educational, so that the students and teachers  
4 know what the students answered, what the correct  
5 answer was, and we come away with, Well, here's a  
6 deficiency --

7 NADIA RESNIKOFF: Right.

8 SENATOR LAVALLE: -- because my whole class  
9 missed that one question, so, clearly, there was  
10 something wrong.

11 NADIA RESNIKOFF: Right.

12 SENATOR LAVALLE: So we are -- I think we are  
13 moving in the right direction: the parents,  
14 communication.

15 The only thing that we all have to do, I'm  
16 going to put a cup at the end, so we can buy the  
17 State Education Department a hearing aid.

18 [Laughter.]

19 SENATOR LAVALLE: And we will jointly  
20 contribute.

21 Thank you.

22 [Applause.]

23 NADIA RESNIKOFF: Senator Flanagan, the  
24 only -- the one thing that I didn't speak about, in  
25 terms of resources, because we spoke about specific,

1 you know, monies, and textbooks, and professional  
2 development, and things like that, I think what  
3 becomes very important for students is, when we  
4 spoke about that emotional piece, there are children  
5 that, obviously, you know, are very nervous about  
6 taking the tests, they're physically ill.

7 But in addition to that, I would say that we  
8 have lots of students that aren't successful in  
9 school because of social issues; because of, you  
10 know, a parent that maybe just passed away, or, you  
11 know, things that are happening in their home life.

12 And I think that we need to help the schools,  
13 in terms of resources, to help those kids to feel  
14 safe in school, and to give them the resources that  
15 they need, you know, in that social area as well.

16 So, I just wanted to make sure that I  
17 mentioned that.

18 SENATOR FLANAGAN: I appreciate that.

19 And, Senator Hannon.

20 SENATOR HANNON: I just wanted to put on the  
21 record, Mr. Chairman, that -- something that's  
22 obvious, probably, to people here, but maybe not on  
23 the outside:

24 That what we're talking about is curriculum  
25 development, we're talking about testing, we're

1 talking about privacy, these are not concerns, and  
2 they haven't been concerns for a  
3 couple hundred years in New York State to the  
4 Legislature.

5 These are the things that are regulated by  
6 the State Board of Regents.

7 We have tremendous fights about education  
8 when it revolves around the budget.

9 Who's going to get how much?

10 How much total will be given?

11 Where it should be distributed?

12 How quickly?

13 Even the state, the cap on expenditures.

14 But, we have not done curriculum.

15 And what we're seeing today is evolving, is  
16 something that -- moving into the legislative arena.

17 And maybe it will happen.

18 Last Friday, in the "Wall Street Journal," is  
19 an elaborate story about what's happening in  
20 California.

21 They have not abandoned the core curriculum,  
22 but they have taken the agenda of time that their  
23 education department has set, and moved it back.  
24 Taken away some type of assessment tests.

25 And, I'm afraid that this is what's going to

1       happen, because that hearing aid that  
2       Senator LaValle wants to give to the State Education  
3       Department isn't there.

4               So, I just think it should be on the record  
5       that we're just moving into this, because this is  
6       un- -- new territory for us.

7               STEPHEN ALLINGER:  If I could address that  
8       point?

9               No Child Left Behind, obviously, ushered in  
10       an unprecedented amount of federal preemption; and,  
11       consequently, State involvement, including formal  
12       state, you know, statutory involvement around  
13       standards.

14               So I think there is room.

15               And I respect the province of the Regents, in  
16       terms of curriculum development, but there -- we  
17       believe there needs to be an adjustment, in terms of  
18       the consequences, and policy to stop abusive  
19       testing.

20               For instance:

21               In K through 2, where it's just bad practice  
22       to do high-stakes group-administered standardized  
23       tests;

24               As well as, protection of privacy rights,  
25       that I know is embodied in Senator Grisanti's

1 legislation.

2 So we ask that there's a careful role.

3 And we are asking that you consider, where  
4 appropriate, statutes to help adjust this.

5 SENATOR FLANAGAN: Thank you, Nadia.

6 Thank you, Steve.

7 [Applause.]

8 Next we have the New York State School  
9 Boards: Bob Vecchio from William Floyd, and,  
10 Jim Gounaris, who is from Herricks.

11 Gentlemen, same admonition: please summarize.  
12 We have your testimony already online, and copies  
13 available for everybody.

14 ROBERT VECCHIO: Thank you, Senator.

15 And thank you to the Panel for this hearing  
16 today.

17 Again, my name is Bob Vecchio. I'm from  
18 William Floyd School District. I'm president of  
19 that school board.

20 We have over 9300 students.

21 We're a high-needs, low-property-wealth  
22 school district, with almost 60 percent of our kids  
23 on free and reduced lunch. Combined wealth ratio,  
24 .57, one of the lowest on Long Island.

25 I'll let go a lot of what's already been said

1 here today.

2 You know, Common Core was implemented way too  
3 fast. The State was more interested in doing it  
4 first than doing it right.

5 I suggest that we need to take a step back,  
6 take a breath, and do it the right way the first  
7 time, as opposed to what we've done here in  
8 New York State, just trying to be first.

9 [Applause.]

10 ROBERT VECCHIO: As a school-board member,  
11 when I was listening to SED, it was amazing how much  
12 local control they say that we have.

13 [Laughter.]

14 ROBERT VECCHIO: And I'm here to tell you, as  
15 a school-board member for the past 10 years, the  
16 erosion of local control and governance of our  
17 schools, whether it be the federal government  
18 telling us what to put on the meals in the  
19 cafeterias, or, Race To The Top, Common Core, APPR,  
20 the tests, the mandates, we don't have local  
21 control; but, yet, we're held accountable locally.

22 [Applause.]

23 ROBERT VECCHIO: And when I mean,  
24 "held accountably [sic] locally," school-board  
25 members go to the supermarket and they don't get out

1 of the frozen-food aisle, because we're talking  
2 about tests and test scores and test anxiety.

3 It's a little disconcerting when you get  
4 confronted outside of mass, and you're called  
5 certain names because of the different tests.

6 But it really hurts when you go to family  
7 functions and your siblings are yelling at you too,  
8 and they don't even go to your district.

9 [Laughter.]

10 ROBERT VECCHIO: Here's the issue:

11 Common Core; the goals and the concepts of  
12 Common Core are a good thing.

13 The implementation has been absolutely  
14 horrible.

15 I was at a meeting with the Commissioner of  
16 Education on Friday; a roundtable with school-board  
17 members from around the state.

18 All that was supposed to be on the agenda was  
19 State aid and regionalization.

20 Well, I think that lasted about five minutes  
21 before we got into Common Core.

22 It's concerning for me that  
23 Commissioner King, as of Friday, believes this is a  
24 7-year phase-in. And in his own words, he's  
25 concerned that "this is not being implemented fast

1       enough."

2               That's a quote.

3               He also believes, and I'm quoting here,  
4 because I wrote it down, "We have done more than any  
5 other state to support Common Core, and, we have  
6 supported this education initiative more than any  
7 other initiative in the state of New York."

8               I don't know what that means, and that may be  
9 true, but either all the people are wrong, or  
10 there's a huge disconnect between Albany and those  
11 of us at the district level.

12               And I would submit the latter: it's a huge  
13 disconnect.

14                       [Applause.]

15               ROBERT VECCHIO: I want to highlight an  
16 example of local control in governance when it  
17 really works, and it ties in directly with  
18 Common Core, because this is a real issue for my  
19 district in particular.

20               William Floyd had to increase our graduation  
21 rates, we knew that. We weren't satisfied with  
22 that.

23               In 2006, we pushed down math and science  
24 Regents to the eighth grade.

25               Okay?

1           We had a lot of pushback from a lot of  
2 parents who didn't think we'd be successful.

3           This was a local decision, this was a local  
4 policy that we implemented, together with our  
5 district administration.

6           It's been wildly successful, because I now  
7 have eighth-graders going into high school with  
8 two Regents credits under their belt, two high  
9 school credits already earned, before they even step  
10 through the doors as freshmen.

11           This past year, 80 percent of our students  
12 that sat for the exam passed these exams.

13           60 percent of over all of our students are  
14 going into high school with two high school credits  
15 and two Regents credits already in the bank.

16           If I'm a current ninth-grade parent who is  
17 ecstatic in June that my kids passed  
18 high school-level courses in math and science, I'm  
19 going to be utterly confused in a couple of weeks  
20 when I get the report that says they're not  
21 proficient in eighth-grade math.

22           That's been the problem: they put the  
23 assessment before the curriculum.

24           We can debate about the phase-in, whether  
25 there's a moratorium, and the Commissioner believes

1 it's not going fast enough, but one point that  
2 I don't think has been touched on, this was  
3 implemented during a historic time where districts  
4 were reeling from State-aid cuts due to an  
5 unprecedented recession.

6 William Floyd, in particular, lost  
7 \$20 million in State aid. We cut over  
8 240 positions: assistant principals, administrative  
9 staff, teachers, professional-development funds,  
10 AP courses.

11 We lost a lot of valuable programs, that when  
12 Common Core was first being rolled out, we were  
13 still just trying to tread water.

14 And there are a lot of districts that are in  
15 financial trouble, that can't even tackle the issues  
16 to properly implement Common Core.

17 And I don't think that was taken into  
18 consideration by SED when they implemented this.

19 [Applause.]

20 ROBERT VECCHIO: I've heard a lot this  
21 morning from SED about collaboration between  
22 educators.

23 I'll tell you what, I am grateful and honored  
24 to be here to testify today, but there was not a  
25 voice from the State School Boards Association at

1 the table during planning, and prior to  
2 implementation of Common Core. And that was a huge  
3 mistake.

4 You need to work together in a collaborative  
5 manner.

6 And I would strongly urge that anything done,  
7 going forward, we have a voice at the table.

8 Because you know what?

9 We're held accountable for your policies;

10 We're held accountable for your standards;

11 And, we're often scapegoated for their  
12 failures.

13 Okay?

14 So, while we need to be honest with ourselves  
15 as board members, that we do need to do a better  
16 job, and we're in lockstep that college- and  
17 career-ready is what we all aspire to;

18 And, William Floyd increased their graduation  
19 rate by 16 percent through smart policy, local  
20 governance control, by implementing math and science  
21 Regents in the eighth grade. We've seen a  
22 16 percent growth in our graduation rate. And,  
23 we're not done, and we're not satisfied;

24 I would submit to you, we need a voice at the  
25 table, because we know what needs to be done.

1           Just as the two parents who testified  
2 earlier, I'm a parent of a high school senior, but  
3 I'm, also, consider myself a parent of 9300 kids.  
4 And my job and my goal is to get them across the  
5 stage at the end of their career, K through 12,  
6 ready, and on time.

7           When we talk about Regents changes in the  
8 Class of 2017, what's keeping me up at night since  
9 Friday, is fifth- and sixth-year seniors, because,  
10 how many of those kids are not going to meet the  
11 Common Core Regents, and, not graduate;

12           And, how much is that going to cost my local  
13 taxpayers?

14           Okay?

15           Finally, and those of you who know me know  
16 I can't miss an opportunity to say this, and I'm  
17 going to read, just for a second, to make sure I hit  
18 all the points:

19           We need significant, meaningful, substantial  
20 mandate relief.

21           We have seen the implementation of the  
22 tax cap, Common Core, APPR, yet no meaningful relief  
23 for the districts.

24           It's also finally time to overhaul the  
25 State-funding formulas to properly, equitably

1 distribute the funding necessary to carry out all  
2 these initiatives discussed here today, and the  
3 initiatives we haven't thought about tomorrow,  
4 because every child, regardless of ZIP code, needs,  
5 and deserves, a chance to succeed, and we are  
6 setting them up on a path of failure at present.

7 I would also say, and, Senator Flanagan,  
8 I thank you for your attempt with regards to  
9 PARCC assessments and computerized testing.

10 You know, if you think it's a great idea to  
11 have us all test on computers, and you want to pass  
12 that mandate, then you got to pay for it, because  
13 I don't have that ability at William Floyd to have a  
14 computer for every kid to take the test at the same  
15 time. And I don't know where that fund is coming  
16 from.

17 So, in addition to the Class of 2017,  
18 PARCC assessments scare the heck out of me.

19 And the Commissioner of Education said on  
20 Friday with regards to that point in particular,  
21 he'll recommend a change, that certain school  
22 districts can do it on pen and paper for a couple  
23 years, but, that's kicking the can down the road.

24 What do I do a couple years later?

25 So, I thank you for the opportunity to

1 testify.

2 [Applause.]

3 SENATOR FLANAGAN: Bob, thanks a lot.

4 JIM GOUNARIS: Good morning, Senators.

5 This is my first time, and, I've sat here and  
6 listened.

7 And after the first presentation, I am going  
8 to stick to what I have to say, because after what  
9 I heard from the State, it was a little  
10 mind-boggling to hear some of the responses, or lack  
11 thereof.

12 So, good morning, and thank you.

13 My name is Jim Gounaris. I'm president of  
14 the Herricks School District School Board.

15 And I come to you today, not to complain  
16 about issues I probably and should have come to  
17 complain about, but I'm here to talk about what we  
18 can and should be doing.

19 The data on the most effective schools in the  
20 world is clearly and unequivocally, and in our mind,  
21 extraordinarily convincing.

22 Many of the preconceived notions about what  
23 makes effective schools is just that: preconceived  
24 notions without the data to support them.

25 And to have you understand that, I would like

1 to take you back 200 years.

2 Herricks is celebrating its bicentennial.

3 And, by the way, any proclamations you wish  
4 to issue, we're more than willing to accept.

5 [Laughter.]

6 JIM GOUNARIS: In 1962, residents of our  
7 district took -- went to the Supreme Court to fight  
8 SED, for school prayer, and written by them, and the  
9 whole bit.

10 So, we had an issue -- we've had an issue  
11 with them for, I would say, 50-plus years now.

12 But, I would like to tell you a couple things  
13 about Herricks, first.

14 We -- five-decades strong, we're proud to  
15 tell you that we have a 99.8 percent graduation  
16 rate. Almost all of our graduates move on to higher  
17 education, many to some of the most prestigious  
18 colleges and programs in the state, country, and in  
19 the world.

20 Most of our special-education students are  
21 receiving Regents and Advanced Regents diplomas.

22 Almost 80 percent of this year's graduates  
23 took at least one AP course in the high school, and  
24 75 percent of them got "3s" or higher.

25 Herricks ranked in the top 3 to 4 percent on

1 the state's Common Core, grades 3 to 8, assessments;

2 And two-thirds of our students scored  
3 a "3" or "4" on the Common Core ELA and math tests;

4 And 95 percent of Herricks grade 11 students  
5 were deemed college-ready or better, based on this  
6 year's English Regents.

7 But these successes are testimony to the  
8 amazing jobs all the levels of our Herricks  
9 education system provide.

10 Our elementary schools provide a strong  
11 foundation for our students;

12 Our newly-transformed middle school, where  
13 we've gone through a whole renaissance on  
14 programming and curriculum;

15 And then in the high school, where they  
16 are -- the expansion of their mental capacity, and  
17 the way the courses are taught, and the variety of  
18 course offerings, allow them to do so.

19 These numbers I mentioned speak for  
20 themselves.

21 SENATOR FLANAGAN: Jim, I'm sorry, I got to  
22 do it. I have the same standard for everyone.

23 Please, just --

24 JIM GOUNARIS: I am.

25 SENATOR FLANAGAN: -- summarize your

1 testimony.

2 JIM GOUNARIS: I'm going to go right through  
3 it right now.

4 So --

5 UNKNOWN MALE SPEAKER: [Inaudible.]

6 UNKNOWN FEMALE SPEAKER: That's right.

7 JIM GOUNARIS: I'm going to try and go as  
8 best as I can.

9 SENATOR FLANAGAN: Thank you.

10 JIM GOUNARIS: I'm a little nervous, so it  
11 was easier for me to stay with what I said.

12 So, these successes aren't achieved  
13 overnight, and they're not by some sort of miracle,  
14 based on the State Education and their reforms, and  
15 issued by them.

16 Their successes belong to the community and  
17 the people based in the community who voted for a  
18 school board, and put the right teachers and  
19 administrators in place, to make sure that these  
20 successes were constantly guaranteed by the  
21 residents who lived in our school district.

22 The new state mandates, while I believe are  
23 understandably there for certain areas, and let's  
24 just say, New York City and continually  
25 lower-achieving school districts, like Hempstead and

1 Roosevelt, we have to question what they're there  
2 for to -- to do for people like us, school districts  
3 like us.

4 School districts, like Herricks, and others,  
5 like Great Neck, Roslyn, and Manhasset, Garden City,  
6 East Williston, and Rockville Center, have worked  
7 tirelessly to be at the top of the education  
8 reports.

9 And by excluding us, and districts like us,  
10 SED could then focus their efforts on the school  
11 districts that actually need the extra support and  
12 the extra guidance.

13 [Applause.]

14 JIM GOUNARIS: The state's reforms actually  
15 made it harder for us to do what we're successful at  
16 doing the best at Herricks.

17 And let me just take you back, just a little  
18 bit: recently, the 2 percent tax cap.

19 While I personally believe the tax cap itself  
20 was necessary because of the runaway school taxes,  
21 as I explained to Senator Martins, the issue we had  
22 was with its immediate and catastrophic  
23 implementation.

24 The State was complicit in the runaway school  
25 taxes, and in the end, did nothing on their side of

1 the equation to also feel the pain of the cap's  
2 implementation.

3 UNKNOWN FEMALE SPEAKER: That's right.

4 ROBERT VECCHIO: A staggered implementation  
5 of 4 percent, 3 percent, and 2 percent over  
6 three years would have greatly given us the  
7 flexibility to be able to adjust to some of these  
8 things.

9 The State could have shown true backbone, and  
10 deemed it educate -- deemed an education fiscal  
11 emergency, and voided all existing labor contracts  
12 and put them all up for negotiation, but my personal  
13 belief, is no one had the intestinal or electoral  
14 fortitude to battle organized labor.

15 In addition, that intestinal fortitude was  
16 absent when it comes out -- when it comes to the  
17 out-of-control retirement system and health-care  
18 payments that we're making.

19 A school district's biggest expense and its  
20 biggest resources are its staff.

21 And our \$100 million budget, 85 percent of it  
22 is for labor and benefits, leaving us 15 percent for  
23 the students and textbooks and extra programs, and  
24 training, and everything else that goes along with  
25 it.

1           We've lost over 100 people in the  
2           Herricks School District.

3           We've had a rise -- a tremendous rise in  
4           class sizes, deep cuts in athletics, and devastating  
5           dramatic changes in certain services and  
6           extracurricular activities.

7           And my question to all of you is: Was the  
8           2 percent tax cap, was it the State's goal to make  
9           Herricks look like New York City, or New York City  
10          look like Herricks?

11          Either way, we have not gotten what we truly  
12          deserve.

13                           [Applause.]

14          JIM GOUNARIS: The cost of APP -- and may  
15          I add, that 2 percent tax cap that you've just put  
16          in place? We're down to 1.66 for this upcoming  
17          year, which is another travesty.

18          The cost of APPR almost cost -- cost Herricks  
19          \$300,000.

20          And in the State's infinite wisdom, they  
21          passed one state standard for all the students, but  
22          allowed 700 school districts to come up with  
23          700 different APPR plans for evaluations, contrived  
24          by the school districts and the teachers unions in  
25          those districts.

1           Where was the true standard for everybody to  
2 follow if we were going to do this?

3                         [Applause.]

4           JIM GOUNARIS:  Herricks did not need an APPR  
5 plan to tell us what teachers were effective or not.

6           The numbers I gave you before speak volumes  
7 of how effective our teachers and how effective our  
8 administrators are.

9           The assessments for the Common Core, I'm  
10 putting emphasis on a different way of learning for  
11 the students.  Made perfect sense for us, because  
12 we've been doing it for years, and our scores  
13 matched up pretty well.

14           So, a good teaching method and a great school  
15 district is a model to follow.

16           Why they had to do all this sort of stuff,  
17 when we already had it in place, and to come up with  
18 it, they could have come and spoke to us ourselves.

19                         [Laughter.]

20           JIM GOUNARIS:  Similarly, the implementation  
21 of the new more-demanding college-readiness  
22 standards for high school students also makes a  
23 great deal of sense to us.

24           The likelihood is, that the exams, though,  
25 will -- that go with them are not perfect, and they

1 will need to be refined, but they're steps in the  
2 right direction.

3 And let me just tell you, briefly, about my  
4 son who's a ninth-grader, who struggles a little bit  
5 in school.

6 And I have four children: one in college,  
7 eleventh-grader, ninth-grader, and a fourth-grader.

8 He is now going to take the English Regents  
9 in eleventh grade, but it won't be the  
10 English Regents he's been taught for all these  
11 years.

12 He's gonna be taught, he's going to be taking  
13 Regents tests that's gonna model an AP exam.

14 So, now, nine years of his eight years of his  
15 existence in the Herrick School District has to be  
16 changed and modified for him to be able to take that  
17 test and be successful by Herricks' standards on  
18 that test.

19 We've taught him on a slope, like this.

20 Now the State says, This is not good enough.  
21 We want him, here.

22 So in three short years, we have to bring  
23 them up in a dramatic fashion, at an angle that is  
24 really going to be intensive for him to do.

25 And that's for every ninth-grader in the

1 state.

2 I can understand why they want to get where  
3 they want to get to, but I have to -- again, have an  
4 issue with the implementation of the standards.

5 So, as I leave you, I want to just tell you a  
6 couple things about what Herricks is doing for the  
7 betterment of our school district.

8 Moving forward, the challenge for Herricks  
9 is, how do we move our education program forward?

10 And we're using things from the "OECD," the  
11 economic -- Organization for Economic Cooperation  
12 Development group, PISA testing for kids; and the  
13 information from Andreas Schleicher on the most  
14 effective schools in the world.

15 These tests are worldwide accepted standards  
16 on educational practices. They make a lot of sense  
17 to us and our community.

18 Why nobody in Albany seems to pay much  
19 attention to them is anyone's guess.

20 But to the best of our ability, we will make  
21 that research the foundation of our district, as we  
22 move forward, because the data on those tests  
23 clearly show that effective schools are not  
24 effective because of culture, history, national  
25 norms, or even levels of spending.

1           The most effective schools share four things  
2           in common:

3           Hiring top educators from top colleges, like  
4           Herricks does;

5           Setting high standards for all students, like  
6           Herricks does;

7           Massive amounts of targeted professional  
8           development, like Herricks tries to do continually  
9           every year;

10          And intervening early and forcefully in  
11          dysfunctional situations, like Herricks does, not  
12          just using the state minimums to do so.

13          Many countries have followed.

14          Canada has done so, and they are now in the  
15          top 10.

16          We're excited at Herricks to participate in  
17          this program.

18          We're willing to put the Herricks students  
19          and our staff up against the best in the world,  
20          because that's the only way we're going to see how  
21          we compare to them; what they're doing good, what  
22          we're doing well, and how we can make our education  
23          system better for our kids.

24          Our community demands it, nobody from Albany,  
25          but our people who the school-board members

1 represent, who answer to, with melting ice cream in  
2 the freezer section on their carts every day.

3 So my plea to you is fourfold:

4 Part of me wants to say, Can you just get  
5 them to get off our backs and give us a chance to  
6 breathe?

7 But that's not gonna happen, and -- although  
8 it should.

9 Herricks, and other districts like us, don't  
10 need to be under the oppressive hand of the State.

11 We are successful by our own right, and not  
12 by any commandment from SED or its commissioners  
13 past and present.

14 But this is an election year, and it's on the  
15 horizon, and there's too much campaign money in play  
16 right now, and there's the need for soundbites.

17 And we all know how important that's going to  
18 be.

19 But we need to focus on the areas in the  
20 state that need help.

21 The 50 years have gone by, and the students  
22 in communities, like Hempstead and Roosevelt and  
23 New York City, need help.

24 While attending that same meeting in Albany  
25 last year, that this gentleman spoke of, we spoke

1 about reform initiatives getting underway, and the  
2 detrimental effects of the cap.

3 Herricks would have gladly given up its  
4 \$300,000 cost to APPR to give that money to a  
5 district like Hempstead or Roosevelt to help them  
6 better their education system for the kids there.

7 [Applause.]

8 JIM GOUNARIS: The State allows this  
9 never-ending cycle of inferior education, urban  
10 devastation, and socioeconomic, financial, and moral  
11 degradation to continue, and why?

12 The children going into Hempstead and  
13 Roosevelt, going into kindergarten and first grade,  
14 can't even be graduated -- can't even be guaranteed  
15 that they're going to graduate from high school, let  
16 alone go on to college.

17 And, in fact, the odds are better that  
18 they'll drop out.

19 So, if you want to do something interesting,  
20 take the PISA testing and put it for every kid,  
21 every 15-year-old, in New York State, and really  
22 measure New York State up against everybody in the  
23 world. And you'll really see where the state's  
24 Department of Education, where we've done, where we  
25 need help, what we need to do.

1 I would ask you, that, the APPR reforms that  
2 you -- that discussed earlier, have been a little  
3 detrimental to us.

4 We put in a place -- we put in a system, and  
5 it's accountable to nobody.

6 SED is accountable to nobody.

7 They sit, and they'll do what they do;  
8 they'll make all these things, and at the end, I'm  
9 not sure where they come to.

10 Many of us sincerely doubt the advocacy of  
11 many aspects of New York's reforms, and believe that  
12 they will only produce a wide variety of consultants  
13 and private companies selling products and services  
14 in the name of reform.

15 [Applause.]

16 JIM GOUNARIS: I leave you with the  
17 following:

18 After all the Race To The Top money vanishes,  
19 and after all the political soundbites have been  
20 captured and recorded, and most of those who have  
21 made those statements have vanished or moved on to  
22 higher and higher offices, who will be left?

23 People like me, and my four kids, and my  
24 community.

25 We'll still be here fighting every day for a

1       quality education for all the kids in  
2       New York State.

3               So now I leave it up to you.

4               If you really want to know the true worth of  
5       New York State, I encourage you to do the PISA  
6       testing for every 15-year-old in the state, if you  
7       want to know the truth.

8               But I'm not sure if people in the political  
9       annals of New York State really want to know the  
10      answer to that question.

11              And one last suggestion: Why don't you get  
12      the best and brightest superintendents together, let  
13      them run the State Education Department.

14                      [Applause.]

15              JIM GOUNARIS: I'm sure for them it would be  
16      a labor of love.

17              They have the knowledge and the real-life  
18      experience to launch the New York State education  
19      system to the moon, and beyond, because they have  
20      the most at risk: their integrity and reputation as  
21      true educators.

22              All of New York State's children deserve  
23      that.

24              And I thank you.

25                      [Applause.]

1           SENATOR FLANAGAN: Thank you, gentlemen.

2           Senator Zeldin.

3           SENATOR ZELDIN: To the last speaker, just to  
4 clarify, so I understand: Do you support  
5 Common Core or do you not support Common Core?

6           JIM GOUNARIS: We've done things to that  
7 nature, all the way through.

8           We support the Common Core implementation.

9           But, for us, we've been doing it, in essence,  
10 for a couple of years.

11          So, for us, it wasn't like a big guillotine  
12 coming down to chop off our neck.

13          We adjusted our programs, going forward, and  
14 we continue to adjust it annually, to make sure that  
15 we're able to implement it.

16          But, we had the ability to be able to do  
17 that.

18          We're a smaller district. You know, we're  
19 much smaller than William Floyd. And, we had  
20 practices in place that already implemented some of  
21 those programs.

22          SENATOR ZELDIN: Do you have any concerns,  
23 specifically, with the way that Common Core has been  
24 implemented?

25          JIM GOUNARIS: The amount of pressure it's

1 put on staff, teachers, students, families, to make  
2 sure that everyone is up to speed has been nothing  
3 but a disaster.

4 It's been a PR disaster from the State.

5 And it's not held -- it's not -- and here's  
6 the thing: They put it in place, and now we're  
7 getting the Governor saying one thing, the  
8 Commissioner's saying something else, the gentleman  
9 here saying something else.

10 We can't get a consistent answer from  
11 anybody.

12 If I understood what he said about, you can't  
13 have the test without the curriculum, and you can't  
14 have the curriculum without the test, it's like the  
15 "chicken and the egg" thing, which came first?

16 We got that.

17 But at some point, we need a way -- somebody  
18 to improvise -- to implement a plan to put it into  
19 place, and put it into place for everybody equally.

20 It's not fair.

21 SENATOR ZELDIN: So if there were just a  
22 specific idea or two to improve the implementation,  
23 what would your ideas be?

24 JIM GOUNARIS: I would say that they should  
25 have put it in at a graduated level.

1           To tell everybody, like my ninth-grader,  
2           that -- for that example, that he's got to take a  
3           new test in three years, and now he hasn't been  
4           taught for that test. And in three years' time,  
5           he's got to learn all this new type of stuff, that's  
6           not fair.

7           If your goal is to set a twelfth-grade  
8           college-readiness level, you have the way to go  
9           backwards, grade by grade, and assess where they  
10          will be -- where they should be at each level.

11          So, the plan should have been: We need them  
12          to be here.

13          Where are they now?

14          And how do we get them to go forward?

15          And how do we get them to go down?

16          If you're a first-grader, you're not going to  
17          have a problem, because you have 11 years to go.

18          If you're a tenth-grader, you're in trouble.

19          And, if you're in a school district that  
20          wasn't able to do it, you're in a lot of trouble.

21          We don't -- there was no funding available to  
22          do this. There was no extra resources provided for  
23          anybody.

24          So, you know, we always, at Herricks, try and  
25          take ourselves a little bit out of the norm, because

1 we always try to be forward-thinking, but we're  
2 nimble enough to be able to try and do that with  
3 certain aspects. Certain aspects we can't.

4 And it's been like a sledgehammer for us,  
5 too, on certain things.

6 But that would be the proper way to do it.

7 And the best way to have done that, is to get  
8 the super- -- maybe regionalize it by area and get  
9 those superintendents, and say, This is what we  
10 need. How are we -- help us to help you get there.

11 What do you -- and have them come up with a  
12 plan.

13 They're the ones on the front lines every day  
14 with the teachers.

15 Not me. I'm a civilian.

16 SENATOR ZELDIN: I would just close, just  
17 with one comment.

18 You know, there are 213 legislators in  
19 New York State, the Governor. You know, we're not  
20 all -- you know, we're not all created equally.

21 We have diverse backgrounds, representing  
22 different parts of the state.

23 I haven't met you before.

24 You represent -- you're in a school district  
25 represented by one of the other senators.

1           And I would just offer, in your testimony,  
2           that, you know, there were some things in there  
3           that, you know, for me personally -- let me back up  
4           a second.

5           On the issue, uhm, I'm -- I'm -- I would  
6           consider myself one of the most -- I hope, maybe one  
7           of the most receptive legislators --

8           Maybe we all would want to vie for that  
9           title.

10          -- one of the most receptive legislators on  
11          this particular issue.

12          I have had a lot of meetings, a lot of  
13          conversations, with a lot of people, and my only  
14          interest is getting this right.

15          I actually have -- I graduated from  
16          William Floyd. I have two daughters in the second  
17          grade there.

18          And just, with all due respect, there were  
19          some things in here that I took a little bit  
20          exception for, because you're kind of putting --  
21          you're just making an assumption based on, say, one  
22          individual legislator, or others.

23          And there are a lot of natural allies in this  
24          process right now in the Legislature.

25          I think you heard it earlier in some of the

1 testimony from some of our colleagues who are here,  
2 and some who have left, but, you know, there's just  
3 some things in here that I would take very strong  
4 exception to.

5 Just -- I just -- I read it. Just, it  
6 doesn't -- I know it doesn't apply to me, and it  
7 doesn't apply to a lot of people who I need to rely  
8 on as allies, to be able to fight for formula  
9 reforms, or to -- you know, fight for, maybe, you  
10 know, testing to be implemented as appropriately as  
11 possible.

12 So, I would just encourage you to -- you  
13 know, some -- some of -- there was some extra  
14 verbiage in your words that really weren't  
15 applicable to me.

16 JIM GOUNARIS: So, Senator, honestly,  
17 I appreciate your comments.

18 But, if I'm a parent of a student in one of  
19 those other school districts, or New York City, like  
20 where I used to live, which I'm [unintelligible],  
21 you know what? The verbiage has to end. The thing  
22 has to stop.

23 The truth needs to be said in a way so that  
24 everybody understands it, and that we have a common  
25 goal of saying, Okay, this really needs to stop.

1           50 years, or 40 years, or 20 years, of  
2 students in school districts not performing, like  
3 the Hempstead and Roosevelt school districts, and  
4 the plans that have been put in place, have not  
5 changed the results for those kids going there.

6           And those kids and those families deserve the  
7 same education that the Herricks kids get, and that  
8 some of the other top-performing school districts  
9 get.

10          And I appreciate that.

11          At the same time, I can't have someone say,  
12 Well, you guys are doing so good, so you can afford  
13 to do this in a kind of a Robin Hood kind of thing,  
14 "take from the rich and give to the poor" thing.

15          Because that's is not the answer either.

16          It's, collectively, we have to come together  
17 and face the devil that we all see, and face the  
18 evils that we see, together.

19          And it's us helping them; everybody helping  
20 each other.

21          And that can't come from just people like the  
22 school-board presidents.

23          That really comes from the presidents of the  
24 teachers' unions and the school-board  
25 administration -- and the school administrations,

1 and the superintendents, to come together to do  
2 that, because they know what works, and they know  
3 what can help all their students.

4 SENATOR ZELDIN: But you also -- and you're  
5 asking us to invalidate every labor agreement in the  
6 state of New York.

7 So, from --

8 JIM GOUNARIS: [Unintelligible] --

9 SENATOR ZELDIN: I'm sorry.

10 From one standpoint, you're saying that we  
11 need to work together. And the other one, the labor  
12 agreements negotiated at a school-board level --

13 JIM GOUNARIS: Right.

14 SENATOR ZELDIN: -- you want the  
15 New York State Legislature to come in and invalidate  
16 all labor agreements.

17 Now, listen, it's just one particular point.

18 It was filled up with many points.

19 JIM GOUNARIS: Right.

20 SENATOR ZELDIN: I don't want to rehash every  
21 single thing that you said in here.

22 I'm just suggesting, I want to be able to  
23 work with you, and maybe there were some extra  
24 soundbites in there.

25 JIM GOUNARIS: So understand this: When they

1 passed the 2 percent cap, that was great, I was  
2 supportive of that.

3 But the problem was, that we had labor  
4 agreements in place that far exceeded that 2 percent  
5 cap.

6 So if you had given all the school districts  
7 the ability to either go back and renegotiate them,  
8 or, to go back and take that 2 percent cap and  
9 implement it in a more friendly way, so that way,  
10 the negotiated contracts, who, really, nobody wanted  
11 to void out, but they were 3.5 percent a year,  
12 whatever, 5 percent a year, whatever they were, were  
13 already in place before you cut us off.

14 So you cut us off at our knees, and we  
15 weren't able to now find the balance without cutting  
16 all those teachers that we couldn't do, and raise  
17 our class sizes, and eliminate athletics programs  
18 and music programs and foreign-language programs and  
19 extracurricular activities.

20 SENATOR ZELDIN: Out of respect for, just,  
21 the Chair, and the hearing, I have a feeling that if  
22 you and I, we could continue to go back and forth --

23 JIM GOUNARIS: Yes, that's it.

24 SENATOR ZELDIN: -- and we will continue to  
25 get further away from the subject of, you know,

1 testing and privacy, and -- and all valid points.

2 Don't get me wrong, but...

3 I apologize to the Chair.

4 We, uhm -- I'll accept responsibility for  
5 both of us --

6 JIM GOUNARIS: Thank you.

7 SENATOR ZELDIN: -- back and forth, a little  
8 bit off topic.

9 SENATOR FLANAGAN: This is why we call it  
10 "democracy."

11 Or part of the reason.

12 Gentlemen, thank you very much.

13 JIM GOUNARIS: Thank you.

14 ROBERT VECCHIO: Thank you.

15 [Applause.]

16 SENATOR FLANAGAN: Next we have our  
17 superintendents: Dr. Donald James from Commack,  
18 and Dr. Thomas Rogers, Nassau BOCES  
19 Superintendent.

20 Okay, I had mentioned your names. I'm going  
21 to mention them again: Dr. Donald James from  
22 Commack, and Tom Rogers, Nassau Superintendent of  
23 BOCES.

24 Gentlemen, and you know the drill.

25 Please be succinct. Your testimony is very

1 helpful and very detailed.

2 DR. DONALD JAMES: Thank you.

3 I only have about 20 pages to read from.

4 [Laughter.]

5 DR. DONALD JAMES: Let me start by saying a  
6 couple of things, not the least of which is, I agree  
7 with a great deal of what was said here today.

8 I think the idea that we are playing from  
9 behind, both as educators and parents, have put us  
10 in a position that we're really trying to make some  
11 very difficult choices about what we should do,  
12 knowing what we think is right for children, and,  
13 simultaneously, trying to meet the demands put  
14 before us by the State Education Department.

15 And I was just telling Mr. Rogers here --  
16 Dr. Rogers, that, I think I'm going to weave in a  
17 story, as a parent.

18 And I have four children, the youngest of  
19 which is four. She goes to pre-K this year, for the  
20 first time. She went to preschool last year.

21 And, as you might imagine, I didn't put her  
22 in the pre-K in the district where I work, because  
23 it's a lottery, and I didn't want there to be any  
24 confusion about that.

25 [Laughter.]

1 DR. DONALD JAMES: So I put her in a pre-K  
2 associated with another school. And this is a kid  
3 who is relatively new to the country, loves life,  
4 loves learning; just loves everything that she does.

5 Loved going to preschool last year.

6 And, we put her into this program. Lovely  
7 school, lovely place. Teachers, very nice.

8 She starts coming home the first week, and  
9 says, "I don't want to go back."

10 And this is very concerning to my wife, and  
11 she says, "Why don't you want to go back?"

12 "Well, they just make us sit and do this work  
13 all day long."

14 Now, she's four.

15 So I said, "Well, you need to go talk to the  
16 teacher and see what's happening."

17 The teachers says, Well, the school is  
18 concerned that, you know, the Common Core is here,  
19 and the Common Core assessments, and we're really  
20 worried about that, so we're actually moving some of  
21 the work into pre-K.

22 So here she is, "four."

23 Suffice it to say, she doesn't go to school  
24 there anymore.

25 [Laughter.]

1 DR. DONALD JAMES: So, I tell you that story  
2 because, part of it is, what's happening to our  
3 children; and part of it is, what's happening to our  
4 teachers.

5 Because, there's a lot of conversation about  
6 reform efforts in public education, and in  
7 particular, they focus on teachers.

8 Only, a lot of what teachers do, and what  
9 they control, is now out of their hands.

10 It has literally been removed.

11 I'm not here to blame anybody.

12 I'm here to disagree.

13 And I think the idea that we are left in a  
14 position where, we are in the field, saying, we  
15 disagree with things. And people saying, Well,  
16 that's fine, but we're going to move forward at any  
17 rate.

18 Now, I spent my entire professional career in  
19 public education.

20 I've worked in inner-city Philadelphia;

21 I've worked in inner-city New York;

22 I've been a superintendent -- a community  
23 superintendent of Staten Island schools;

24 I've been upstate in a rural district;

25 And I've been here on Long Island, I've spent

1 the last three years, in moderate-wealth,  
2 high-performing school districts.

3 And I can say that the real work at hand  
4 really is about, What do we want students to know,  
5 be able to do, and truly understand?

6 And how do we know that?

7 What do we do with that information?

8 And how do we make sure that we're providing  
9 the best education possible for our children?

10 So in my current district, literally, every  
11 child graduates, whether they have an IEP or not.  
12 And, almost every single child goes to college.

13 And, yet, now we are subjected to an  
14 assessment that says between 40 and 60 percent of  
15 your elementary children aren't going to be prepared  
16 to go to college.

17 I'm going to tell you, I don't believe it.

18 I don't believe it for a second.

19 And I do think that the changes are  
20 well-intentioned, but they're ill-conceived.

21 I think that's where we really run into  
22 problems, and I'm going to list out just  
23 four primary concerns that I have.

24 One is "loss of local control." That was  
25 talked about prior.

1           And by that, what I mean, it's not just what  
2 school boards, superintendents, and administrators  
3 can do, but where do our teachers and parents fit  
4 into this conversation?

5           Where are the voices of those that are  
6 working with these children on a daily basis?

7           And I hear people say, Well, we've included  
8 educators.

9           Well, then, it needs to be a broader voice.

10          From my perspective, there needs to be a  
11 broader voice.

12          Superimposing changes on schools that  
13 ostensibly don't need change. Schools that aren't  
14 struggling is ill-conceived. There is no purpose in  
15 that.

16          So, we lost local control.

17          "And the overemphasis on high-stakes  
18 standardized testing."

19          Not opposed to the Common Core.

20          There are parts of the Common Core that are  
21 strong, they're solid. They've just recently been  
22 released. I mean, just recently.

23          So -- and we've already tested kids on those  
24 concepts.

25          So, that's very difficult for us.

1 "The manner these tests were administered."

2 I'm not going to rehash everything that  
3 you've heard about how they were administered:

4 The fact that they were administered before,  
5 you know, the Common Core was completely released;

6 The fact that they were ill-timed;

7 The fact that they were just -- there are  
8 dozens of assessments.

9 When you get the list from us that shows you  
10 how many assessments are associated with the  
11 Common Core, as well as APPR, it will go on and on  
12 and on.

13 So, the manner in which they were  
14 administered is also called into question.

15 Again, it's in my testimony. I don't need to  
16 rehash for you everything that -- and the way it was  
17 handled.

18 And, the potential for future changes  
19 associated with Regents exams is a significant  
20 concern for us.

21 You heard people talk about it here today,  
22 and it does affect children.

23 There is no way around that.

24 As an educator, and a parent, my primary  
25 concern is, doing the best that we can for these

1 kids, day in and day out.

2 How do we prepare them for what they want to  
3 do when they leave us?

4 Do they want to go to college? Then how do  
5 we prepare them to do that.

6 So, I think that managing that really becomes  
7 our primary concern.

8 So, as we think about what we've done, moving  
9 forward from when the Common Core, and the  
10 legislation associated with that, and whether it was  
11 because someone submitted a grant to the federal  
12 government and now we're bound to that, we put  
13 ourselves in a position where we're doing things  
14 that are very, very detrimental to students.

15 And I don't say that lightly.

16 And, in fact, I know in my testimony, I point  
17 to a lot of research, talks about, how we should be  
18 engaging teachers in this conversation, how we  
19 should be engaging parents in the conversation, and  
20 how we should not be superimposing change on schools  
21 that are successful.

22 And even schools that are successful, we  
23 should not be superimposing change. We should be  
24 engaging them in conversations about what they can  
25 do to better prepare students for what they want to

1 do when they leave us.

2 We can talk about the finances, and there is  
3 a significant component associated with the  
4 finances.

5 I am not naive about that.

6 I understand the economic state of the  
7 country, and the state, and certainly our  
8 communities. That does make it difficult.

9 However, how do we manage this, moving  
10 forward, and what do we do with that?

11 So, as we think about our work, and some of  
12 the data that's pointed to, regarding the number of  
13 students who are not successful when they get to  
14 college, and/or need remediation, it's my  
15 understanding that the majority of that data is  
16 taken from the SUNY system and many districts.

17 Only about 30 to 40 percent of the students  
18 actually attend SUNY schools.

19 So we have another 60 or 70 percent of  
20 students who are attending private schools, and that  
21 data would be a different data set.

22 [Laughter.]

23 DR. DONALD JAMES: So, looking at that, we  
24 have to think about that in particular.

25 So -- and I'm going to really try to sum this

1 up. I know -- I know that you've got other things  
2 to do.

3 If we can demonstrate real data that our  
4 students are actually performing at a high level,  
5 and the level that they need, to the best of their  
6 ability, to do what they want to do when they're  
7 finished, superimposing additional assessments is  
8 not necessary.

9 The work is simply not necessary.

10 I would certainly take -- I'll take this  
11 opportunity to say, I don't think you have to  
12 implement an assessment because you put in place a  
13 new curriculum.

14 You can put in place a new curriculum,  
15 utilize that curriculum over time, and then assess  
16 at a later date.

17 You can assess formatively; meaning, as the  
18 curriculum is being implemented, day in and day out.

19 And teachers are assessing all the time.

20 They're assessing both informally and  
21 formally in their classrooms.

22 And we do that at district levels.

23 We do do some of that assessment at district  
24 levels.

25 So how do we use that data to drive

1 instruction?

2 That's important to us.

3 So this audit of our performance, which I --  
4 is what I consider state assessments, is not  
5 necessary every single year.

6 And it absolutely, in my professional  
7 opinion, demonstrates a lack of understanding of the  
8 developmental abilities of children --

9 [Applause.]

10 DR. DONALD JAMES: -- [unintelligible].

11 I'm going to try to close this up, because  
12 I could go on.

13 Senator, I've spoken to you any number of  
14 times about this, Senator Marcellino.

15 I will tell you, that, there is a very rich  
16 voice among the superintendents. We've been engaged  
17 in conversations, in fact, as recently as yesterday,  
18 about how we will attempt to insert our voice at a  
19 higher level.

20 That doesn't mean that we all agree all the  
21 time. It's okay, in my opinion, to disagree.

22 But how do we come up with the things that we  
23 can all settle on so that we're doing the best thing  
24 that we can for children.

25 We need to be very careful -- let me rephrase

1 that.

2 Those that are making the decisions about  
3 additional changes to these assessments and these  
4 assessment protocols need to be very careful about  
5 what they do, because it will affect children, there  
6 is no doubt.

7 And it could affect their future; meaning, if  
8 they fail Regents exams, either they have to repeat  
9 the course, or fail to graduate.

10 Now, they may have gotten a 1600 on an SAT,  
11 but fail a Regents exam.

12 So, I really think that that's something that  
13 needs to be considered.

14 So when I say "slow down," my real sentiment  
15 around slowing down is, just saying it's okay to  
16 push the pause button right now, and say to  
17 ourselves, Okay, we can implement the curriculum.  
18 We can manage the -- no one's saying that we don't  
19 want standards, higher standards.

20 My community will be the first one to tell  
21 you, We're okay with higher standards for students,  
22 okay with higher standards for teachers, okay with  
23 higher standards administrators.

24 We're okay with that. We're okay with being  
25 accountable.

1           However, doing it in this fashion is just not  
2 appropriate, and it's ill-conceived.

3           And it demonstrates, in my opinion, I'm sorry  
4 I'm not going to be popular with some of the  
5 decision-makers, it's ill-conceived, and it's not  
6 going to work.

7           So we -- that is also a big part of our  
8 concern.

9           We know, the research supports, that giving  
10 teachers continuous feedback about the work that  
11 they do on a daily basis, and measuring student  
12 growth locally over time, and helping them meet  
13 their needs, is the way to do this work.

14           And that's rooted in the research.

15           We certainly stand, I think, at the precipice  
16 of doing significant damage; damage to other content  
17 areas -- damage to the arts; damage to content  
18 areas, whether it's social studies and history;  
19 damage to physical-fitness programs; damage to  
20 socially-emotional programs -- because there's a  
21 rush to get higher test scores.

22           And there's a rush to get higher test scores  
23 because people are held to a high-stakes level of  
24 accountability.

25           And whether they count or not, they are going

1 to be published, and a parent's going to call and  
2 say, What's my teachers' APPR score?

3 They're going to call. We've set up the  
4 protocols.

5 And whether we say to them, "But, oh, this  
6 test didn't count," that's not going to stop them  
7 from saying, I wonder if that's a good teacher,  
8 because the kids didn't do well on the state tests.

9 So from my perspective, looking at providing  
10 a sound, well-rounded educational program for our  
11 children is our work.

12 We can do that at the local level.

13 I'm going to be perfectly frank: We don't  
14 need state tests to tell us whether we're doing a  
15 good job or not.

16 I thank you for your time.

17 [Applause.]

18 SENATOR FLANAGAN: Don, thank you very much.  
19 Tom.

20 DR. TOM ROGERS: Thank you for the  
21 opportunity to testify.

22 As you know, I'm Tom Rogers. I'm the  
23 district superintendent of Nassau BOCES. That's  
24 actually a dual role, and you're all familiar with  
25 this.

1           I work both for the Board of Education of  
2 Nassau BOCES, but I also work for the State  
3 Education Department.

4           It puts me in a delicate position.

5           [Laughter.]

6           DR. TOM ROGERS: And, so, in order to  
7 reconcile those two things, I will tell you that the  
8 opinions I'm going to give you are not necessarily  
9 representative of either of those bodies. They are  
10 my own.

11           And they come formed from a career that's now  
12 23 years of education policy work, first in the  
13 Senate, as you know, working with Senator LaValle;  
14 and, subsequently, I represented the superintendents  
15 of the state, as the executive director of the  
16 State Superintendents Association.

17           And, I'm coming up on my fourth anniversary  
18 here at Nassau BOCES.

19           So, I will say that we all have one problem  
20 to solve that is bigger than all of us, and it is  
21 the conversation that we're having.

22           And the problem that we're trying to solve,  
23 is making sure that our kids are ready for the world  
24 in which they are going inhabit.

25           And, the data about that world is frightening

1 from the perspective of the expectation of level of  
2 skill that students will have to have in order to be  
3 successful.

4 So, the Center for Workforce and the Economy  
5 at Georgetown says that, by the year 2020,  
6 90 percent of students will have to have some form  
7 of college education in order to be able to enter  
8 the workforce.

9 We have a 74 percent graduation rate.

10 If we can't get to 90, and not by lowering  
11 standards, we have to get to 90, we're going to have  
12 lots kids that, if they don't graduate high school,  
13 they're not ready for college.

14 If they're don't have college, there won't be  
15 a job for them.

16 And if they don't -- if there isn't a job for  
17 them, they'll be unemployed.

18 And if we don't believe this statistic from  
19 the year 2020, the statistic for this last year is,  
20 that, for high school -- recently graduated  
21 high school students with a high school diploma, a  
22 24 percent unemployment rate.

23 So what we know is, that the high school  
24 diploma is no longer good enough, and a  
25 barely-passing high school diploma is little better

1 than none at all.

2 The challenge then is, how do you move this  
3 huge diverse system?

4 With the rural Adirondacks, the densely urban  
5 New York City, a suburban Long Island, how do you  
6 move this entire system in a positive direction so  
7 all children have access to the kinds of programs  
8 that will allow them to go on to higher education,  
9 and then succeed in college, and then in life and in  
10 work?

11 That's the challenge that we face.

12 And the series of reforms that have been  
13 taken are intended to address that challenge.

14 And the hearing today is to ask the question,  
15 whether they have succeeded or not.

16 Regent Tilles said that the Common Core is  
17 probably the finest part of the Regents agenda.

18 And I find myself agreeing, but the  
19 Common Core is more than just what the curriculum  
20 itself is; it is also a question of how it is  
21 implemented in the state.

22 And I think there have been real challenges.

23 But on the Common Core, one of the things  
24 that it has done is, it has focused and narrowed the  
25 curriculum.

1           We had a curriculum that was a mile wide and  
2           an inch deep, and we've gone much deeper with  
3           concepts.

4           We're asking students to use problem-solving  
5           skills, higher-order thinking skills.

6           This is a very different level of  
7           expectation, and a very different level of  
8           preparation.

9           And we should not be startled that it is a  
10          multiyear process of getting teachers and building  
11          leaders, to understand this different curriculum,  
12          and the different expectations of it, and an ongoing  
13          and recurring -- recurrent professional development  
14          so that we become better at implementing it.

15          As Don said -- you asked me to address  
16          four things, the Common Core being the first.

17          And, what do we think about this 30 percent  
18          drop in proficiency rates?

19          I talked to a superintendent of a very  
20          high-performing district who said, We had the most  
21          college admissions to competitive colleges ever  
22          before; and, yet, our college-readiness went down  
23          30 percent. So, who should my parents believe:  
24          Harvard or Albany?

25                           [Laughter.]

1 DR. TOM ROGERS: And that was one point of  
2 view.

3 And the other point of view is, are these  
4 kids on track to graduate, and are they going to be  
5 ready for the expectations that are there?

6 And we have a 74 percent graduation rate with  
7 an admittedly lower standard than the Common Core.

8 What are we going to do as that standard goes  
9 up?

10 I think we also have a problem with mismatch.

11 A lot of districts on Long Island accelerate  
12 kids from the ninth-grade math curriculum, and they  
13 take it in the eighth grade.

14 It's Algebra 1 Regents, but they take it in  
15 eighth grade in order to free up more time in  
16 high school.

17 So, it gives us a nice group to compare:  
18 eighth-graders who took both the 3 through 8  
19 Common Core math assessments, "Math 8," and, this  
20 Regents-level ninth-grade Algebra 1.

21 So they're taking ninth-grade harder  
22 Algebra 1 in eighth grade, and their proficiency  
23 rates are higher on the harder test than they are on  
24 the eighth-grade test, which is supposedly easier.

25 And I gave you the statistics here.

1           So, I gave you an example of a single  
2           district, and then we ran the numbers for  
3           Nassau County-wide.

4           I think both of those tests, and the cut  
5           marks that were used, are used as definitions of  
6           "college-ready."

7           But those two definitions, both by the  
8           State Education Department, of "college-ready" don't  
9           even agree with one another, and they think there's,  
10          certainly, an alignment issue in terms of the  
11          curriculum being taught.

12          But there is also, I think, implicit in that  
13          data, an understanding that these data are  
14          imperfect, and that we should react to them  
15          accordingly.

16          I think another challenge with the  
17          implementation of the Common Core has been the  
18          rapidity with which materials were made available.

19          So, as Ken Wagner said early on, the State  
20          has gone to extraordinary lengths to support the  
21          implementation of Common Core.

22          Unfortunately, the time frame in which  
23          they've been able to deliver on those extraordinary  
24          lengths has not matched up with the expectations.

25          So we started the year that would be assessed

1 with Common Core, in 2012-13, for tests that would  
2 given in the spring of '13.

3 At the beginning of the year, there were none  
4 of the Common Core curriculum modules available.

5 Throughout the course of that fall, a number  
6 of were added to EngageNY.

7 But even by the middle of that year, only  
8 about 24 out of what will eventually be 250 modules  
9 had been uploaded.

10 So, at this point, there are still 61 "ELA,"  
11 English-language arts, modules to come, and another  
12 57 modules, or partial modules, and, we're already  
13 beginning the second year of implementation.

14 I don't use these statistics to lay blame at  
15 the feet of the State Education Department.

16 I actually think it is a stunning -- it was  
17 an incredibly ambitious thing to take on. And it's  
18 stunning that they've delivered so much content, and  
19 that the content is of such high quality.

20 There are some problems with it.

21 In order to make the content free, they had  
22 to use open-source texts, so that means that some of  
23 the text material is out of date or out of print,  
24 and, therefore, hard to access.

25 But, the curriculum is of high quality.

1           And I think the Commissioner appropriately  
2 cautioned people in their use of the testing data,  
3 knowing that most of this curriculum was not  
4 developed in time.

5           Now, Mr. Wagner also said that curriculum  
6 development is a local responsibility, and that's  
7 absolutely true.

8           But this is a very different kind of  
9 curriculum, as I mentioned, and the State already  
10 signaled that they were going to prepare a  
11 curriculum.

12           So districts dealing with the tax cap,  
13 understandably, had to make a resource choice. And  
14 rather than develop their own curriculum, knowing  
15 that the State was going to develop a high-quality  
16 curriculum, chose to wait for the State to deliver.

17           And I think that mismatch of timing is at  
18 least a partial explanation for what has happened  
19 with our test scores.

20           You asked me to address, also, remediation,  
21 and, academic intervention services (AIS).

22           As was mentioned earlier, the new test scores  
23 are intended to be a new baseline, and the  
24 department released what are called  
25 "comparable rigor charts." And Mr. Wagner referred

1 to those.

2 They're supposed to equate the old test to  
3 the new test, and provide AIS services at, roughly,  
4 the same point.

5 We saw something that was done by Erie 1  
6 BOCES, and we replicated it for Nassau, and had very  
7 similar results.

8 Even though the baselines are supposed to be  
9 comparable, the new cut scores would result in about  
10 2 1/2 percent more kids going into AIS this year  
11 than did last year.

12 And that translates into a little more than  
13 2,000 kids for ELA, and a little more than  
14 2,000 kids for math.

15 So those are new sections of AIS that are  
16 gonna have to be developed.

17 And there's a lot of question marks  
18 surrounding the AIS model: how effective it is for  
19 how costly it is.

20 And, again, in an era of resource  
21 constraints, I think there's a balance to be struck  
22 between pushing more kids into a model that has some  
23 question marks associated with it.

24 And we probably should have done some  
25 thinking about AIS in parallel with this move that

1 ends up asking us to do more remediation services  
2 for kids.

3 The third thing you asked me to address was,  
4 the implementation of the Regents exams.

5 And I share the concern of the board  
6 president from William Floyd, about what happens  
7 with an eleventh-grade English-language-arts test if  
8 there is a large drop in passing rate.

9 So, whatever the impact on students, a  
10 disappointing performance on a 3 through 8 test  
11 still has lots of years of instruction to go before  
12 graduation looms.

13 And even for the math test, it would be  
14 typically given in ninth grade, and so there would  
15 be other opportunities to retake that test.

16 But in eleventh grade, there will really be  
17 very few opportunities to reteach, and then to  
18 retake that test, and it could result in students  
19 being held back from graduation.

20 Now, it's a higher standard that we want them  
21 to aspire to, but there will be a cost associated  
22 with getting them to that standard in such a short  
23 period of time.

24 And I'm not sure that we've really are taken  
25 account of that cost.

1 I think another thing that will happen, at  
2 least in the short term, is the unfortunate result  
3 of having more testing at the eighth-grade level in  
4 math.

5 The reason being, for all of these districts  
6 that accelerate and ask our kids to do more in  
7 eighth grade, which I believe is the right thing to  
8 do, those students will still have to take the  
9 Math 8 exam, part of the 3 through 8 Common Core  
10 exams;

11 They will take Algebra 1;

12 And then they will also -- and that Algebra 1  
13 will be Common Core-aligned.

14 And then they'll have a safety-net exam,  
15 which is the old Algebra 1 exam.

16 So we may see students in eighth grade taking  
17 as many as three math exams in one year during this  
18 transition period.

19 Lastly, you've asked me to address student  
20 data and privacy.

21 And I have to confess, this is the area  
22 I gave the most thought to, because I think it has  
23 the broadest implications.

24 First of all, we do use lots and lots of  
25 student data in ways that I think are very helpful

1 to improving the education that we give students,  
2 and I think there are lost of places where we work  
3 with third-party providers to do work for the  
4 district.

5 So, student-management software systems,  
6 scheduling software systems, bus-routing systems,  
7 I could go on and on, these -- we don't write  
8 software. We're educators.

9 We buy the software, and the services are run  
10 by these private providers.

11 I think the difference between how data is  
12 managed now, and how our relationships with  
13 third-party providers is managed now, and how it  
14 will differ in the future that is envisioned by the  
15 use of inBloom, is, essentially, around governance,  
16 and the governance change is this:

17 First of all, the amount of data that is  
18 collected will be much more extensive than it ever  
19 was before. And, it will not just be data for  
20 individuals from just one state, but it will be from  
21 multiple states.

22 It will -- there will be data about students  
23 that could be very sensitive, in terms of students'  
24 preparation, or, their disability status, or, their  
25 attendance status in schools.

1           And there will be data associated with those  
2 students about their teachers as well, because, in  
3 order to understand some of the student-achievement  
4 data, you have to associate them with the class that  
5 they were in.

6           Having all of that data in one place,  
7 I think, raises the stakes for the data, and it  
8 should raise the governance bar for that data.

9           Instead, right now, the governance bar is,  
10 individual boards of education can pick and choose  
11 between competing contractors for their  
12 student-management system, for their bus-routing  
13 system. They can choose the one that they think is  
14 most secure. And, they control the data through  
15 their individual contract relationship with that  
16 provider.

17           In the future that is envisioned, all of that  
18 data will be sent out of state, and the contract  
19 will be managed by the State, with the national  
20 organization. And the national organization is not  
21 governed by an elected body. It is a not-for-profit  
22 that's governed by a not-for-profit board.

23           The not-for-profit board, it's a list of  
24 luminaries. They're a Who's Who of data, but  
25 they're not accountable to elected officials.

1           Now, I chafe sometimes at the challenges of  
2 running an incredibly regulated organization, and  
3 I wish for more flexibility.

4           So, it is surprising to hear myself saying  
5 that I think there needs to be more elected  
6 oversight; and, yet, I think in this case, it does,  
7 because here's what happens:

8           What changes, from a governance perspective,  
9 is that the contract is now controlled by the State,  
10 not by the district.

11           What changes from a district perspective --  
12 I'm sorry, from a data perspective, is that the data  
13 is now available to all vendors, and not just the  
14 ones contracted by the district.

15           So, it isn't just one our student-management  
16 system or bus-routing software. They all have  
17 access to it, and they could all, presume, to tell  
18 me that they could do bus-routing cheaper, but they  
19 all have access to that data.

20           And that, I think, is the piece that makes me  
21 the most nervous.

22           So, in conclusion, I would just say that,  
23 because of this challenge that we have, of where our  
24 students have to get, because of how the world  
25 around us is changing, the pace is being dictated

1 externally.

2 So, we want to try and find a pace that is  
3 optimal for our implementation, and there are some  
4 logistical limitations that just cannot be overcome,  
5 but I would caution that we can't pretend that this  
6 external environment isn't there as well.

7 And you have the difficult and unenviable  
8 task of having to balance those two things, to make  
9 sure that our students have a future to join, and to  
10 make sure that we don't implement things so quickly  
11 that we break the system in the process.

12 And I wish you all the best of luck in that.

13 [Laughter.]

14 SENATOR FLANAGAN: All righty.

15 [Laughter.]

16 SENATOR FLANAGAN: So, Tom, I just want to  
17 double-check, those opinions were your own? You're  
18 not --

19 DR. TOM ROGERS: Those are my own.

20 SENATOR FLANAGAN: Okay.

21 I have one simple question.

22 Going back, I think, listening to the  
23 comments, Senator LaValle, and many of my  
24 colleagues, talked about a disconnect, and, you  
25 know, whether a hearing aid is necessary, and things

1 of that nature.

2 Just, I would appreciate if you would comment  
3 on one particular aspect, and I could have easily  
4 asked the same question of NYSUT:

5 When the cut scores were being developed for  
6 the data that was released in the summer, and now  
7 with the individual scores coming out, it seems to  
8 me that there are occasions when SED is not getting  
9 any acknowledgment or credit for trying to bring  
10 people in from the field.

11 Now, I consider you, Tom in particular, to be  
12 a policy wonk.

13 Don, having seen 87 footnotes in your  
14 testimony, I now recognize that you wear the same  
15 shoes.

16 They talked about having 95 educators as part  
17 of a group, to figure out how to do that right.

18 Do you -- did they get any props for that,  
19 or, is that just -- is that pyrrhic?

20 Does it matter?

21 Or...?

22 DR. TOM ROGERS: Where testing has evolved is  
23 something called "item-response theory."

24 So, the way item-response theory works, and  
25 this is also a little bit of an explanation of

1 field-testing, you have a number of questions on an  
2 exam. We call them "items."

3 And those items are -- some are more  
4 difficult than others.

5 How do you know?

6 Well, you could guess, but what you do is,  
7 you field-test the items.

8 So, if this is an item that 90 percent of  
9 kids get right, we assume it's easy.

10 If it's an item that only 10 percent of  
11 students get right, we assume it's hard.

12 So after that field-testing is done and we  
13 have these percentages of correct answers for each  
14 of the items on the field test, what happens is,  
15 those items are ranked from hardest to easiest.

16 And then a group of educators, 95 in this  
17 case, are in a room, and they have to agree where  
18 the cut point is between below basic and basic, 1 to  
19 2; between basic to proficient, 2 to 3; and where  
20 the cut score between proficient and mastery,  
21 3 to 4, should exist.

22 And, so, looking at all these questions,  
23 seeing what the content is of the questions and the  
24 difficulty level, they use their judgment as  
25 educators to say, This is really where the break

1 point is.

2 Then they statistically go back and map that  
3 onto the tests based on those items.

4 If there is no field-testing, there can be no  
5 ranking.

6 If there is no ranking, there can be no  
7 educators in a room doing item-response theory on  
8 trying to figure out where the cut points belong.

9 But, they are using the state-of-the-art  
10 model for how large-scale testing is done.

11 This is -- it's very common in the  
12 literature, and this is what most states do.

13 SENATOR FLANAGAN: But do you think they're  
14 using the right people?

15 And I understand -- I believe I understand  
16 the model. I'm just -- and I'm not trying to play a  
17 game. I'm just trying to grapple with things that  
18 I hear.

19 And when I hear that there's 95 educators,  
20 many of them classroom teachers, who are involved in  
21 this, I would think that should be a good thing.

22 But I don't know how, if it's accurate, or --

23 DR. TOM ROGERS: Yeah, Don wants to jump in.

24 DR. DONALD JAMES: I think -- I am not going  
25 to draw a conclusion about the individuals that were

1 in that room.

2 I think the -- the -- an issue at hand  
3 perhaps is, is not just where the cut score was  
4 drawn, but the fact that the -- what was required  
5 for proficiency, not passing, but proficiency, the  
6 types of information that were required on the  
7 assessments was rolled out prior to the  
8 implementation of the curriculum and the standards,  
9 so, the staff and the students didn't really know  
10 what they were going to be tested on.

11 So then they administered these tests, and  
12 put in place a cut score. And that cut score was  
13 based on what they did with field testing.

14 Some field-testing was done in the actual  
15 assessments. And that's a different conversation.

16 But managing that, moving forward, and those  
17 95 individuals, I don't want to draw any conclusions  
18 about them.

19 I can only imagine that they were  
20 well-educated, well-intentioned, and thoughtful  
21 about what they did.

22 I think the disconnect may be -- not as much  
23 around the cut score itself, but what was being  
24 measured, and the fact that things hadn't been  
25 rolled out.

1           That's my position.

2           SENATOR FLANAGAN: Senator Zeldin.

3           SENATOR ZELDIN: Two quick things.

4           First, with regards to the piece about  
5           privacy and the data.

6           I personally, I see -- I agree that there's a  
7           lot of value in data these days: knowing an  
8           individual's e-mail, knowing an individual's cell  
9           phone, knowing their personal interests.

10           It's just a new day and age, where, you know,  
11           we have social media.

12           I'd like to welcome our Chairman to Facebook  
13           as of a few days ago.

14                           [Laughter.]

15           SENATOR ZELDIN: There's a -- I understand  
16           the value to data.

17           The -- I think it really -- the government,  
18           people in government, who -- who are trying to take  
19           advantage of the value of data need to place more of  
20           an emphasis on the rights of the individual, to not  
21           share that data.

22           And I think, with regards to the Common Core  
23           and the sharing of data, that we have parents who  
24           don't want to share their child's data.

25           And I think that, going forward, that has to

1 be taken into consideration a little bit more than  
2 it is.

3 But, I wanted to ask this question, and, I'm  
4 gonna -- I want to explain my question after I ask  
5 it, but -- gives you some time to think about your  
6 answer, and I would be interested in your opinions.

7 And my question is about Mesopotamia.

8 [Laughter.]

9 [Applause.]

10 SENATOR ZELDIN: The -- and, you know, we  
11 were discussing, like, you know, the standards, and  
12 whether or not they're age-appropriate.

13 And -- so I have -- so my two daughters, as  
14 I mentioned a little while ago, they just started  
15 second grade. They just finished first grade a few  
16 months back.

17 And, you know, they've -- they've learned --  
18 they learned a lot in kindergarten, they learned a  
19 lot in first grade, and they're doing great.

20 And the ELA standards, I'm just going to read  
21 a few of them.

22 These are for first grade; first-graders.

23 "Explain the importance of the Tigris and  
24 Euphrates rivers, and the use of canals, to support  
25 farming and the development of the city of Babylon."

1           "Describe the city of Babylon and the  
2 Hanging Gardens."

3           "Explain the significance of the Code of  
4 Hammurabi."

5           "Explain the significance of gods, goddesses,  
6 ziggurats, temples, and priests in Mesopotamia."

7           I could go on.

8           There's a lot of standards here for ELA.

9           These are for first-graders.

10          And my daughters who just finished first  
11 grade, you know, it's important for -- it's  
12 important for me as a parent to see them learn  
13 about, you know, the United States, our democracy,  
14 our Founding Fathers, our Constitution.

15                           [Applause.]

16          SENATOR ZELDIN: And, it's also important  
17 that we challenge our students.

18          And the goals -- I understand that the goals  
19 of setting these standards are, is that you're, you  
20 know, developing critical thinking. You're making  
21 them think very deep, and you're looking into  
22 ancient civilizations. And that's all important.

23          I want to know more, and I -- just, I can  
24 tell from when you guys were both speaking, that  
25 you're, you know, the perfect people with some great

1 insight, as to whether or not the standards are  
2 currently age-appropriate?

3 And if, going forward, we should be making  
4 any changes?

5 Because in my opinion, it's not; it's not  
6 age-appropriate.

7 We shouldn't be asking our kids some of this  
8 stuff.

9 [Applause.]

10 DR. DONALD JAMES: We just looked at each  
11 other and said, "Who will go first?"

12 I think that -- that at the root of what we  
13 want to do in schools, is we want to know what we  
14 want students to know, be able to do  
15 [unintelligible] really understand.

16 And a lot of that, and this is my humble  
17 opinion, has to be determined at the local level.

18 And how we are preparing our students for  
19 success as they move through our program, and then  
20 whatever it is that they want to do when they  
21 graduate from high school.

22 So, if we want students to develop a certain  
23 skill set that has to do with critical thinking, and  
24 some of the work that I think they were trying to  
25 get at by using those examples, we need the

1 authority to use other types of examples so that it  
2 meets the needs of our children.

3 So do I think that they pushed it too hard?  
4 In some places, absolutely. There is no doubt in my  
5 mind.

6 We just talked about my pre-K child who --  
7 she came home and said, "What is this?"

8 So -- so, if she's intuitive enough to say  
9 this is not appropriate, it appears all too obvious  
10 for us.

11 And I'm not pandering, I honestly am not.

12 I really do pride myself in listening to  
13 students, listening to teachers, parents, and those  
14 that are have deal with the greater policy issues  
15 associated with, as Tom said, moving this entire  
16 system, so -- and grappling with the issues  
17 associated, not just with, you know, districts that  
18 don't have -- or aren't struggling, but with  
19 districts that are struggling.

20 But how they're doing that is really what I'm  
21 calling into question.

22 So putting in place standards that are higher  
23 and harder, and so on and so forth, without allowing  
24 opportunities for staff to work with those  
25 standards, and then determine what they're going to

1 utilize at the local level to implement that, and  
2 bring children to a place where it's appropriate,  
3 that's really where the struggle is.

4 We're saying -- or, we're being told,  
5 Everybody do this, everybody take this test, and  
6 you'll all get to the same place at the same time.

7 It doesn't work that way.

8 [Applause.]

9 DR. DONALD JAMES: And it absolutely is  
10 developmentally-inappropriate.

11 I will tell you, it is  
12 developmentally-inappropriate. It is -- that's not  
13 right.

14 [Applause.]

15 DR. TOM ROGERS: As you might have guessed,  
16 I'll offer a more nuanced view.

17 [Laughter.]

18 DR. TOM ROGERS: I would say, just  
19 reflecting, that the concept of grade levels is this  
20 sort of archaic Prussian concept that was calcified  
21 by No Child Left Behind.

22 So Regent Tilles talked about the experience  
23 of his daughter taking grade-level tests at a --  
24 when they weren't cognitively-appropriate. And that  
25 is because of No Child Left Behind calcifying that,

1 based on an age, and not on a developmental level.

2 So are there some first-graders who are ready  
3 for ancient civilizations, Hanging Gardens, and the  
4 Code of Hammurabi? There are.

5 Are all of them ready for that? No.

6 So the question is not, should kids be or not  
7 be exposed to ancient civilizations?

8 The question is: When are they ready for it?

9 And can we give them -- can we not have low  
10 expectations for them, so we do push and challenge  
11 them, but do we not overestimate their abilities?

12 So I'd offer you in, grade 3, the  
13 English-language-arts curriculum references passages  
14 by Leo Tolstoy.

15 So, you know, from my own sense, Tolstoy in  
16 third grade seems a little bracing, to me.

17 But, again, should students, at some point,  
18 be ready to challenge Tolstoy? Absolutely.

19 Ultimately, what we need to do is, get to a  
20 place where we're better able to personalize the  
21 instruction of students. And that will mean,  
22 starting to think more about when it's  
23 developmentally-appropriate, not as though every  
24 child develops at the same pace, but, rather, when  
25 it's developmentally-appropriate for each child,

1 keeping the challenge on for them to be able to  
2 stretch their minds.

3 SENATOR ZELDIN: And just a little bit  
4 earlier, you were asking about whether or not to  
5 believe Harvard or Albany.

6 And as I mentioned to Senator Flanagan,  
7 I graduated from the State University of New York,  
8 which we called "Harvard on the Hudson."

9 [Laughter.]

10 SENATOR ZELDIN: The -- I've seen the show,  
11 "Are You Smarter Than A Fifth-Grader."

12 And when I read through some of these  
13 questions, I just wonder how many people in this  
14 audience, with all due respect to everyone who's  
15 here, how many people are smarter than a  
16 first-grader when you read some of this.

17 Because, I mean, I would need a refresher  
18 course on the first grade if this was the standard  
19 to pass.

20 SENATOR FLANAGAN: Thank you very much,  
21 gentlemen.

22 Appreciate it.

23 [Applause.]

24 SENATOR FLANAGAN: Wait. I'm sorry!

25 Senator --

1           SENATOR LAVALLE: No, no. That's fine.

2           SENATOR FLANAGAN: Okay.

3           All right, next we have the superintendent of  
4 West Hempstead, who has been patiently waiting with  
5 everyone else, John Hogan.

6           JOHN HOGAN: I guess I'm curious as to why  
7 Tom and Don get to sit together, and I sit by  
8 myself.

9                           [Laughter.]

10          SENATOR FLANAGAN: They said they were  
11 nervous. They're not really used to doing this.

12          JOHN HOGAN: Yeah, they're "nervous."

13          Senator Flanagan, Senators, thank you for  
14 giving me the opportunity to represent  
15 West Hempstead today.

16                 It is truly an honor for me to do that.

17                 In terms of my background, I am presently the  
18 superintendent of schools, as you mentioned, in the  
19 West Hempstead School District. I'm in my  
20 seventh year in that position.

21                 Prior to being superintendent in  
22 West Hempstead, I spent 11 years in the  
23 Elwood School District as a building administrator,  
24 and then assistant superintendent.

25                 I am somewhat unique, I think, from many of

1 my superintendent colleagues, in that, before being  
2 in public education, I spent 18 years in education  
3 in the Diocese of Brooklyn, which may be why I was  
4 sitting there trying to do your homework assignment.

5 So I was sitting there, thinking, and I'm  
6 saying to myself, Okay, in kindergarten, you get  
7 some SLOs, and you get ELA SLOs, and you get student  
8 learning objectives, and you get math student  
9 learning objectives. And then -- well, wait a  
10 minute, if we do social studies, there are probably  
11 student learning objectives for that.

12 So I'm doing that, and I'm thinking, so, the  
13 kindergarten is, without me thinking too hard about  
14 it, already, probably up to six or eight exams, some  
15 at the beginning of the year, and some at the end,  
16 not to mention everything that happens in between.

17 And I'm not at all sure that I'm right, to be  
18 honest with you, because the way in which SLOs work  
19 are somewhat -- is somewhat obtuse to me.

20 And then I say, Well, let me think about the  
21 high school a little.

22 And I stopped thinking about it very quickly  
23 when I realized that, you know, you have six or  
24 seven courses, and there are state exams, and  
25 everything else.

1           So, without going too far, I have to figure  
2           that, between kindergarten and twelfth-grade  
3           students, are somewhere between 50 and 100 exams.

4           And that's not counting, in my view, the  
5           normal exams, quizzes, that teachers are giving on  
6           any given day or any given week.

7           And I'm thinking maybe my testimony could end  
8           there.

9           I am not a policy wonk by any stretch of the  
10          imagination, nor am I a data guy.

11          And I think you probably saw that in my  
12          written testimony.

13          I am a former -- not a former. I'm still a  
14          social-studies teacher.

15          I believe in narrative.

16          And what I'm going to try to do is, is not  
17          replicate what I wrote for you, but just really try  
18          to speak from the heart, in terms of a number of  
19          things that I've heard this morning, and then  
20          reflect the West Hempstead community, as well as  
21          what I think after being in education since 1976.

22          I have great fear that we're losing the joy  
23          of learning, and that we're losing the joy of  
24          teaching, in our schools.

25          I have a daughter who just graduated college,

1 and sent out somewhere in the area, I'm going to  
2 say, 150 résumés. And she was fortunate enough to  
3 find a job in a local Catholic school.

4 And I will tell you, I was actually relieved,  
5 as her father, that she was not going to be teaching  
6 in the public schools.

7 Because, I was very concerned that if she  
8 did, she wouldn't have fun as a teacher, and she  
9 wouldn't be able to connect with the kids in front  
10 of her, and she would be so consumed by APPR and  
11 evaluations, and so consumed by getting her children  
12 ready for exams that were going to happen in April,  
13 that, again, she would lose the joy of teaching and  
14 they would lose the joy of learning.

15 And when we start to lose the joy of teaching  
16 and learning, and I think that we have, then we  
17 really have to step back and take a look at what  
18 we're doing, as a state, and as a state education  
19 department, and as educators.

20 You know, West Hempstead, like other  
21 districts, has not had it easy over the course of  
22 the last few years.

23 Our average budget increase has been about  
24 1.15 percent.

25 We've had a contract freeze.

1           We've lost 108 positions in a school district  
2 that serves about 2100 boys and girls.

3           We are unique, in that we transport about  
4 1500 boys and boys and girls each day to other  
5 locations.

6           We have a district that's diverse, very  
7 religious, and they send their children either to  
8 yeshivas or they send them to the local Catholic  
9 schools.

10          So we are transporting a hundred different --  
11 again, a hundred locations each day, which  
12 represents about 10 percent of our operating budget  
13 each year.

14          When you talk about a district like ours that  
15 has lost 108 positions across the board, that is  
16 bound to have an effect on what you can do, and the  
17 product that you can deliver to the boys and girls  
18 in your care.

19          We've lost teachers, we've lost clerical  
20 staff, we've lost custodians, we've lost directors.

21          We've cut clubs, we've cut sports.

22          We've lost, for example, seventh-grade  
23 volleyball and basketball for the boys and girls.  
24 We cut the wrestling program.

25          We sit there year after year after year, and

1 we say, What's left? How do we maintain a  
2 comprehensive school system?

3 And we think we've actually done a pretty  
4 good job doing that, but then we turn around and  
5 something else is coming our way.

6 The amount of data that is collected by the  
7 State Education Department on a daily basis has  
8 become insurmountable.

9 And, on any given day, I will have an  
10 assistant superintendent, my director of technology,  
11 and a clerical person working all day long. And,  
12 then, being [unintelligible] connected with the  
13 buildings, to make sure that we're either uploading  
14 or downloading or "side-loading," or whatever it is  
15 they're doing.

16 [Laughter.]

17 JOHN HOGAN: And in the meantime, they're not  
18 doing what I need them to do for the kids that we  
19 service.

20 And that's very problematic to me.

21 And when you get to the beginning of the  
22 school year, and this was mentioned earlier, we're  
23 already giving exams in the first or the second week  
24 of school.

25 Teachers are already focused on, you know,

1       how are they going to maintain their effectiveness?

2               And as a result of that, sometimes they're  
3       distracted. And they don't want to be distracted  
4       from their primary purpose, which, of course, is to  
5       teach the boys and girls.

6               APPR, for all intents and purposes, is, in my  
7       view, very onerous, and doesn't make much sense.

8               It took us 18 months to put an APPR plan  
9       together that we thought would work for the school  
10      district. And we're a small school district.

11              We lost 180, "180," administrative days to  
12      training.

13              I have 18 administrators, including myself,  
14      and we all had to do 10 sessions of training out of  
15      the school district. And that doesn't count for,  
16      you know, the teachers that we sent out, or when we  
17      pulled teachers out of class for training.

18              "180 days" may strike a bell with you.

19              It's the -- you know, it's the school year.

20              We lost a year of administrative time to  
21      training.

22              Something's wrong.

23              How do you run a school district when your  
24      principals aren't in their buildings?

25              And how do you support new curriculum when

1 your principals aren't in the building?

2 How do you support new curriculum when  
3 teachers are being taken out, so that they can learn  
4 the Common Core, which they absolutely want to do?

5 How do you remain, quote/unquote,  
6 "effective"?

7 How do you run a school district when you're  
8 giving exams that last three days for ELA, three  
9 days for mathematics, and you have to bring in subs,  
10 perhaps, because you now have to grade those exams  
11 afterwards?

12 How many of the 180 days, "180 school days,"  
13 do you have left after all of that has been taken  
14 care of?

15 You've heard it before today, I know you  
16 have, you know, the Common Core assessments were  
17 given too soon.

18 I mentioned in my written testimony, being in  
19 a test-and-measurements course back in 1974.

20 And Professor Healey [ph.], it was actually  
21 Brother Healey, was standing there, and he said to  
22 us -- and I'll never forget it -- he said:

23 "If you give a test and more than 50 percent  
24 of your kids fail that test, then you did something  
25 wrong. You either didn't teach it well, or the test

1 was poorly constructed. And you have the obligation  
2 to go back and fix it, either by reteaching it,  
3 figuring out what you did wrong and reteaching it;  
4 or, by reconstructing that exam."

5 I would submit to you that, in his wildest  
6 dreams, he never expected any of us in that room to  
7 give an exam to our kids knowing beforehand that  
8 they were going to fail it.

9 It never would have crossed his mind.

10 He would have expected that we would have  
11 prepared them.

12 And another thing I mentioned in my written  
13 testimony, it's like saying, I'm going to teach my  
14 child how to swim, so I'm going to throw them in  
15 20 feet of water and see if they swim.

16 Well, what if they drown first?

17 Many of our kids drowned last year, and now  
18 we're dealing with the aftermath of that, and trying  
19 to explain it to our teachers, to the boards of  
20 education, and, to the parents, most importantly;  
21 parents that are generally supportive. In fact,  
22 very supportive of what we do.

23 We have parents in West Hempstead who are so  
24 supportive, but even now, they're saying, Maybe we  
25 should join this opt-out movement.

1 I respectfully --

2 [Applause.]

3 JOHN HOGAN: I respectfully submit to you  
4 that I think State Ed has a tiger by the tail, and  
5 they don't know it.

6 I sat in my office a few years ago, and  
7 parents were saying, you know, We're concerned about  
8 this.

9 And I said, Well, you need to make your  
10 voices heard.

11 And at that point, you know, they really  
12 didn't do that.

13 Another piece of this that I don't get,  
14 frankly, is, and it was mentioned earlier, I think,  
15 by the teacher who was here, one of the other things  
16 we were taught was: When you give an exam and you  
17 get it back, and you grade it, you utilize that exam  
18 for teaching purposes.

19 We can't do that with Common Core standards.

20 25 percent of the questions have now been put  
21 out there for us to look at and analyze.

22 Well, if we're going to look at data, how do  
23 you do a proper analysis if you don't have the data  
24 in front of you?

25 How do I know that the 25 percent of the

1 questions they put out there were questions that, in  
2 some ways, my kids did well on, or perhaps my kids  
3 didn't do well on?

4 And what about the district next door? Maybe  
5 those 25 questions represent well for them, but not  
6 for me.

7 There are just a number of things that aren't  
8 making sense to us.

9 Whether or not it reflects college-readiness,  
10 again, it's been addressed.

11 Depending upon which expert you read, they'll  
12 say, Yes, it does. Or somebody will say, you know,  
13 No, it doesn't.

14 All I know, as I look at this, and I look at  
15 the data, is that, in my view, kids are being hurt.

16 And, I've been at this a long time, and the  
17 last thing you ever want to do is walk away from  
18 your classroom or from your school, and say, You  
19 know, somehow we did harm this year. We hurt kids.

20 I don't know how you explain to a kid who's  
21 always been considered proficient, or beyond  
22 proficient, that, all of a sudden, they need AIS  
23 services.

24 I don't know how you do that.

25 So, we sit there and we write letters.

1           Tonight I have a board meeting.

2           That should be entertaining.

3                     [Laughter.]

4           JOHN HOGAN: In fact, maybe I'll just stay  
5 here and keep talking here.

6                     [Laughter.]

7           JOHN HOGAN: But, so far, it's been okay.

8           Those of you -- well, you're all politicians,  
9 so you know Dwight Eisenhower, and you know that  
10 when he left office, he said, "Be very careful of  
11 the military industrial complex."

12           One of the things I've said in public at my  
13 board meetings is, "Be very careful of the  
14 educational industrial complex."

15           I wonder how much of -- I'm worried about the  
16 connections we now have between our State Education  
17 Department and large testing companies who are  
18 creating the exams, creating the textbooks, creating  
19 the online resources.

20           I'm just concerned about it.

21           And I think that, you know, the State Senate  
22 needs to be concerned about that as well.

23           One of the things I was asked to address was  
24 special education.

25           I'm not a special educator.

1 I, obviously, know something about it.

2 I would not pretend to sit before you this  
3 afternoon and tell you that I know everything there  
4 is to know about it.

5 What I do know about it is, putting kids in  
6 the room and telling them to take an exam that in no  
7 way, shape, or form they could possibly pass, is  
8 cruel.

9 There's no other word to describe it.

10 It's just cruel.

11 A few years ago, I watched a young lady take  
12 a math Regents, and watched her break down into  
13 tears; knowing that we all knew it, knowing that she  
14 couldn't pass it, but also knowing the only way she  
15 could get to the RCT would be to take this exam.

16 So she got less than 20 percent on that, and  
17 then she took the RCT and was able to pass the RCT.

18 And instead of getting an IEP diploma, was  
19 able to get a local diploma, which, for all intents  
20 and purposes, we don't offer any longer.

21 And I have to question, why do we keep doing  
22 that; why do we keep putting kids in positions where  
23 we know they can't succeed?

24 Again, I submit the only word I can come up  
25 with is "cruel." There's a cruelty to it.

1 I watched as my special-education boys and  
2 girls this year, who normally do better, I watched  
3 just three-quarters of them scored at Level 1, on  
4 the average. And in some cases, 85 percent of them  
5 scored at Level 1.

6 None, "none," at Level 4.

7 I echo what's been said earlier.

8 My board sent a letter to a number of  
9 legislators about many of the things I'm mentioning  
10 here: about the loss of local control, about the  
11 micromanagement from Washington.

12 I understand enough about politics, that, you  
13 know, I understand a lot of things get tied to  
14 money.

15 I understand that.

16 But I really wonder how much authority our  
17 local school boards have retained over the course of  
18 the past few years.

19 A few years ago -- some of you may have known  
20 him, some in the audience may have known him --

21 I was at superintendents conference in the fall, and  
22 Dr. Santo Barbarino, who tragically passed away last  
23 year, stood up to address the Commissioner, and  
24 basically said:

25 What's the hurry?

1           Can't we pilot this?

2           Can't we take a look at how this is best  
3 going to work?

4           The answer, you know, politely, was "no."

5           So here we sit today, and I have to question,  
6 you know, is this where we want to be?

7           You know, is this the end we wanted to get  
8 to?

9           You know, do the means justify the end, and  
10 is the end really what's best for the boys and girls  
11 in our care?

12          All I can do is ask you to consider my words,  
13 and the words of those that have been here.

14          I don't think any educator will ever tell you  
15 that assessments should not be given.

16          Of course, they should be given. We have to  
17 know where our boys and girls are. We have to know  
18 how they're progressing.

19          But, I would again just submit to you, that  
20 I think we could have done this in a better way,  
21 with perhaps a little bit more thought.

22          I worry when kids are constantly a number,  
23 because kids aren't a number.

24          You know, there's more to life than data.

25          Life is very complex, and there are an awful

1 lot of culture aspects that get involved.

2 A lot happens in a classroom that's not  
3 measurable, but, I've observed enough teaches and  
4 I've seen enough principals to know when they're  
5 connecting with kids, and when they're interested in  
6 kids.

7 And I have to tell you, I don't think it  
8 matters what school district in the state you go to,  
9 you're going to find those people, because they're  
10 educators, and that's what they want to do.

11 But I think, sadly, in many ways, we've put  
12 assessments and data ahead of the best interests of  
13 the boys and girls, again, who are in our care.

14 So, I thank you for this opportunity.

15 [Applause.]

16 SENATOR FLANAGAN: John, I appreciate your  
17 sincerity.

18 I just wanted to throw out one thing in  
19 particular.

20 Working with my colleagues, and on a couple  
21 of the points that you raised, we have actually,  
22 genuinely, really tried.

23 For example, I, as representative of our  
24 conference, have been very outspoken about the  
25 transition of APPR. We fought like the dickens, but

1 to no avail, frankly, with the Executive, in  
2 particular, about a smoother and more timely  
3 implementation. Something like a pilot program, or  
4 a scrimmage, or a spring training; however you want  
5 to analogize it. And, we didn't have partners.

6 We fought like heck to get money in the  
7 budget to pay for the proper implementation of APPR.

8 And, while I have great respect for SED, they  
9 didn't like it, the Executive didn't like it, and,  
10 Jack Martins, in particular, was quite vociferous on  
11 an issue like that.

12 And the problem was, we didn't have partners.

13 As it relates to computerization and  
14 PARCC testing, and what's coming, we have actually  
15 passed a bill in the Senate -- this is gonna be a  
16 big shock to some of the people in the room -- we  
17 passed a bill in the Senate. It said, if the State  
18 is going to mandate this, we have to pay for it.

19 And, to me, that's -- while it's separate, to  
20 some extent, we're at a fundamental crossroads in  
21 terms of the financing of education and some of the  
22 educational mandates.

23 And in our area, we certainly have our  
24 complications.

25 But in the rural parts of the state, as you

1 well know from your colleagues, they don't even have  
2 the bandwidth.

3 JOHN HOGAN: Correct.

4 SENATOR FLANAGAN: So, to force them to do  
5 something that they can't even do if they had the  
6 money is somewhat patently absurd.

7 But those are just a few quick comments.

8 I appreciate you being here.

9 And, if you want to stay and -- you know, we  
10 can give you a note for the board meeting.

11 JOHN HOGAN: No, I will just add, in terms of  
12 the computerized testing, how about the student --  
13 one student takes it on a screen this big, another  
14 student takes it on a screen this big, another  
15 student [gestures with hands].

16 And then the district's going to be facing a  
17 phone call from a parent who's going to say, My  
18 child took it on an iPad. They really should have  
19 taken it on, you know, a 19-inch screen like the kid  
20 in the next classroom did.

21 So, there's -- there are all sorts of things.

22 It reminds me, when all of this started,  
23 of -- I was principal at the time at  
24 John Glenn High School, and my assistant principal  
25 came in and he said, you know -- and you've all

1 heard this analogy before -- "You know that light at  
2 the end of the tunnel?"

3 And this is, 2001, 2002, he said, "That's not  
4 a light. That is a locomotive that is coming at us,  
5 and it's just going to overwhelm us."

6 And he was right.

7 And now the question is, you know, How do you  
8 get that locomotive to slow down?

9 I -- you know, I hope you're successful.

10 SENATOR FLANAGAN: We are trying.

11 Thank you very much. We appreciate your time  
12 again.

13 JOHN HOGAN: Thank you.

14 [Applause.]

15 SENATOR FLANAGAN: All right,  
16 Claudine DiMuzio, from the Pines Elementary School  
17 in the Hauppauge School District, who is a  
18 principal, who is a parent, and who is a facilitator  
19 for the Hauppauge Parent Advocacy, Group, or  
20 Council, I'm not sure of the title.

21 But, the principal was extraordinarily  
22 gracious.

23 Commissioner King had been out to Hauppauge  
24 last week, and had a chance to see her school in  
25 full-blown operation.

1           I guess it was -- it really was the first day  
2 of school?

3           CLAUDINE DIMUZIO: Yes.

4           SENATOR FLANAGAN: So they treated all of us  
5 very well.

6           So, Claudine, thank you.

7           CLAUDINE DIMUZIO: You're welcome.

8           And thank you for attending our school.

9           It was a pleasure to have you, and to have  
10 the Commissioner there as well.

11           We were very proud to showcase our students  
12 and our programs.

13           And, we really were so grateful to receive so  
14 many compliments, that we were off to a great start  
15 right from the get-go.

16           I wanted to introduce myself as the principal  
17 of Pines Elementary School, and also a facilitator  
18 of the Hauppauge Parent Advocacy Group.

19           I am very fortunate to have many parents in  
20 my building who are concerned about the direction  
21 that State Education has taken their education  
22 reforms.

23           And I was very fortunate that they involved  
24 me in their very early discussions about how we  
25 could advocate for our students, because they have

1 very deep concerns.

2 So, we were able to organize as a district.

3 And we have also been reaching out to other  
4 districts, to start letter-writing campaigns, and to  
5 make more parents aware of what is going on in our  
6 schools, so that parents can advocate appropriately  
7 for their students and our children.

8 So I am here today to speak on their behalf  
9 as well.

10 And, also, as you said, I am also a parent of  
11 four children, all who will be involved in state  
12 testing, either now or in the future.

13 Our concerns are really, as you know,  
14 multifaceted.

15 We really have five points that we outline in  
16 our letters.

17 And, today, I won't read for you, word for  
18 word, but I will try to summarize where we are  
19 coming from, collectively, and not repeat too much  
20 of what has been said already.

21 I wanted to talk a little bit about the time  
22 spent on testing in schools.

23 I know that some people here today talked  
24 about the time on testing, and, we didn't hear as  
25 many specifics.

1           We did come up with some specifics to  
2   Hauppauge, in our attempt to make our SLOs  
3   meaningful for teachers, so that they could receive  
4   some data that was also accurate about children,  
5   but, realizing that we were doing this because we  
6   had to fall under our APPR requirements.

7           We now give our students many, many tests.

8           And when we looked at a fifth-grade student  
9   throughout the year, we are now giving an additional  
10   19 separate state and local APR tests.

11          And when we totaled the time, it was about  
12   930 minutes of testing a year that we would not be  
13   giving our students unless we were trying to reach  
14   those APPR and state mandates.

15          If you think about how long the students sit  
16   for these tests --

17          I know that the gentleman from the State  
18   said, Oh, 90 minutes, and 90 minutes.

19          -- but I don't know if people realize that  
20   the length of the state tests that our third-graders  
21   start taking, up to our fifth-graders, and then up  
22   to eighth grade, are longer than the AP exams, the  
23   SAT exams, the ACT exams, the GRE exams, the LSAT  
24   exams, and the MCAT exams.

25          Only the test that accountants take, which

1 maybe is why my husband never became a CPA, and he's  
2 only a public accountant -- a private account, is  
3 longer than what our students sit for this year.

4 And, we also prepare in tests -- for tests  
5 during the school year.

6 As you can imagine, teachers feel a lot of  
7 pressure to prepare students for tests, and that's  
8 twofold:

9 We want to prepare students so that they're  
10 successful, we have an obligation;

11 And we also want our teachers to be  
12 successful, because they also have an obligation to  
13 their profession.

14 And, I know the parents that are here today,  
15 they have been so wonderful in public to speak about  
16 how our teachers are not pressuring students, or  
17 putting students in a position to feel badly about  
18 taking these tests, or to put them in situations  
19 where they feel any more stress than they need to.

20 But, let's face it, we're taking a lot of  
21 meaningful time away from the schoolday throughout  
22 the year to prepare for these tests.

23 And when the State talks about  
24 implementation, last year, it was very difficult to  
25 even find materials, forget curriculum, to prepare

1 students for state tests.

2 We were asking colleagues all over the  
3 Island, you know, What are you using? What are you  
4 using?

5 There weren't a lot of good resources to even  
6 prepare students for the tests.

7 So, people were really grappling with a lot  
8 of issues, to prepare students for the test.

9 But, you talk about being able to help  
10 students who are struggling, or to help enrich  
11 students, as we've always tried to do in the past,  
12 more of our time was spent preparing for tests than  
13 ever before, for those reasons.

14 When you think about the State's goal of  
15 twenty-first-century skills, I know that many  
16 people, such as Tony Wagner, Thomas Friedman, they  
17 talk about what students need to know in the future,  
18 and they disagree with where the State is going in  
19 having our approach be so test-driven.

20 The way the that tests are created, these are  
21 not the best assessments to assess what students  
22 know.

23 They are not the type of skills that are  
24 necessarily the skills that students will need.

25 So there really are great concerns from

1 people in academia about where we are headed with  
2 these tests.

3 So, that is a very -- you know, a very big  
4 problem.

5 Then, also, the reliability of these tests.

6 When you look at teachers' scores, you look  
7 at principals' scores, you have experts in the field  
8 that have been warning for years about the  
9 reliability and the validity of these assessments.

10 And, that, is not to be taken lightly.

11 You talk about a teacher who is a 1 out of a  
12 20, or an 8 out of a 20, and people aren't supposed  
13 to feel that.

14 Well, think about students who are receiving  
15 those scores too, and how many experts in the field  
16 are saying these tests are not reliable and accurate  
17 from year to year?

18 Is the State going to guarantee that these  
19 tests are true measures year after year of  
20 performance?

21 In the past, they always said that they  
22 weren't.

23 The third-grade test wasn't -- the  
24 fourth-grade test wasn't created to be a true  
25 measure of what the students then learned in between

1 third grade.

2 Now are they?

3 I mean, that's a very big problem.

4 I did submit with my testimony, some research  
5 about that, which it was created by many people in  
6 the field.

7 And just looking at two examples that are  
8 recent:

9 If you look at Florida, they've been using  
10 grades for schools for over a decade.

11 And they are saying that schools, where  
12 students are served with high minority or high  
13 poverty rates, those schools tend to get D's and F's  
14 in their scoring systems.

15 And schools where there are students who are  
16 served by higher affluent populations, those schools  
17 rarely -- schools never receive those scores.

18 So is it fair to rate teachers and principals  
19 for students in those communities?

20 And then you have D.C. Councilman Brown  
21 talking here, trying to get teachers to come to  
22 Washington, and waiving evaluation systems tied to  
23 scores.

24 So how can we tell teachers and principals  
25 and students in New York State that these scores are

1 fair, when so many other systems have seen the  
2 results of them and they're backing away from them  
3 now?

4 Also, when you talk about the arts, there  
5 hasn't really been a system where school districts  
6 are -- are -- have the same measures in place for  
7 music and art, so, they're grappling with those  
8 assessments.

9 And in many times, believe it or not, you can  
10 have a physical-education teacher being assessed on  
11 the ELA scores.

12 They don't teach ELA, but they had to pick  
13 something.

14 Or, they could be assessed on students that  
15 they don't even teach in gym, because they chose  
16 fourth-grade math scores, but they don't teach  
17 fourth-grade students.

18 Is that really a fair and accurate measure  
19 for teachers and students?

20 We're also very concerned about student  
21 privacy.

22 And something that people haven't spoken  
23 about here yet, is, you think about identity theft.

24 Will parents have to pay to protect their  
25 children's data one day?

1 Will grade theft become the new identity  
2 theft?

3 People are very concerned about other people  
4 having that information about their child.

5 We talked about having information about  
6 special education or family situations.

7 Is a child supposed to live with this data  
8 out there and have, who knows who, having access to  
9 this data over years?

10 It would seem to me, as a parent, very scary  
11 that this data will not be, as I did not know,  
12 controlled by someone who is elected.

13 I think that there are all sorts of scenarios  
14 that we can imagine that are disastrous for  
15 children.

16 Also thinking about the costs associated with  
17 the APPR, I believe Hauppauge is receiving a little  
18 bit less than \$20,000 for RTT money.

19 And, we've spent a lot of money on buying  
20 materials to prepare students, scoring students,  
21 testing students, getting locals in place...all of  
22 these things at a time when, as you know, we also  
23 are facing the tax cap.

24 And I believe that, Hauppauge, we've done a  
25 great job trying to keep those costs under control.

1 Our units have all accepted deals, and have done  
2 what they've needed to do, but, you know, let's face  
3 it, we had to spend a lot of money on APPR.

4 And our taxpayers, many of them, don't feel  
5 that was a good way to spend their money.

6 That could have went directly to children and  
7 instruction.

8 And, then, Common Core implementation.

9 Again the State talked about the insufficient  
10 materials, the curriculum that wasn't there.

11 It's -- I mean, it was very hard for  
12 teachers, last year, this year.

13 You talk about the math modules? Things are  
14 slowly coming out.

15 And when you tell people teachers have to  
16 teach to a test, when there really isn't a  
17 curriculum, or, you're getting the curriculum a week  
18 before you can do that module, that's not fair to  
19 teachers, it's not fair to students.

20 Last year, we thought about fifth-grade  
21 students.

22 Fifth-grade teachers had to go back and teach  
23 children fourth-grade math, third grade math, in,  
24 pretty much, the same amount time we had during the  
25 schoolday in previous years.

1           And our fifth-grade scores, when they came  
2 out, they were not good.

3           And teachers felt horrible that they had done  
4 a disservice to children because they just couldn't  
5 catch them up.

6           They couldn't catch them up.

7           And to see children struggling like that, it  
8 breaks your heart when you're at the building level.

9           To see teachers struggling like that, it's  
10 just demoralizing. And it just, like, it makes you  
11 wonder.

12           That gentleman said he's glad that his child  
13 isn't teaching in a public school.

14           I would probably never advocate for any of my  
15 four children to go into public education right now,  
16 because I feel that this direction is just not good  
17 for the long term.

18           Talk about research labs, people haven't  
19 talked about these things.

20           You know, Massachusetts, Finland, Ontario,  
21 they've all implemented reform models that didn't  
22 include this test-driven, heavy-handed punitive  
23 system.

24           Massachusetts?

25           New York is sitting here and saying, Oh we're

1 the first state to offer curriculum to go with those  
2 standards.

3 Massachusetts did that a long time ago, and  
4 they did it with good results, and they put money  
5 into the schools that needed it, and they also gave  
6 teachers the support that they needed.

7 So, it didn't have to be that way.

8 And, then, when you also talking about these  
9 test scores, and how important these scores are, if  
10 you read Paul Tough's research, he has spent a lot  
11 of time in Harlem, with Geoffrey Canada. He's  
12 really been in a lot of areas where people are  
13 really struggling to find ideas that are new and  
14 fresh.

15 And he interviews the gentleman in charge of  
16 the KIPP charter schools, and they were so proud  
17 that they were graduating students with very high  
18 standardized test scores.

19 And then they were finding out that they were  
20 barely graduating college. They were having very  
21 few children graduate college.

22 If you go to page 52 in this book, it  
23 outlines how KIPP, even after those very high  
24 standardized test scores, we did a lot of what they  
25 do to include social-emotional learning, character

1 education; teaching children the other facets of  
2 life, because, just thinking about math and reading  
3 and test scores was not producing the citizen that  
4 they thought that they were producing in the  
5 long term.

6 So, today, you know, I put my questions for  
7 you to think about in my testimony.

8 And I think that -- you know, I know that you  
9 come to our school. I think that you think that we  
10 have a great school.

11 I know we have a great school.

12 And, I think that the State Education  
13 Department needs to include educators in the  
14 conversation, because these pieces are really  
15 important, and it's affecting children right now.

16 "Right now."

17 [Applause.]

18 SENATOR FLANAGAN: Claudine, thanks a lot.

19 And I'll just tell you, quickly, as a living  
20 example of the quality of education, I've been over  
21 there in the last couple of years. They have  
22 student-government elections, and it's great,  
23 because they have -- for the different grades, and  
24 all of the kids get up, and they have to give a  
25 speech.

1           Some of it's hysterical. You know, some of  
2 the kids get upset.

3           But, it's -- it really is a lot of fun to  
4 watch. And that's educational in its own right.

5           But thank you again, and appreciate your  
6 patience, and being here and waiting.

7           And, we're good, so you're free --

8           CLAUDINE DIMUZIO: Thank you.

9           SENATOR FLANAGAN: -- for now.

10          And, now we have -- she was here first, and  
11 she has been extraordinarily patient,  
12 Michelle Marino, who is the principal in  
13 Southdown Primary in the Huntington School District;

14          And, John Nocero, who has -- and he's been  
15 around a long time, a story career in the local  
16 area, with the Council of Administrators &  
17 Supervisors.

18          And we appreciate both of you being here.

19          And, in deference to the lady, ladies first.

20          Michelle.

21          MICHELLE MARINO: Thank you.

22          It was an honor to have been asked to be  
23 here, and I do appreciate being asked, and I'm  
24 looking forward to giving you my impressions of how  
25 it went last year, my concerns, and maybe some

1 advice as well.

2 I've been in education for over 30 years, and  
3 I've seen many, many changes.

4 And I would like to ask you to perform some  
5 mental imagery with me right now, if you wouldn't  
6 mind.

7 So, pretend that you are flying a plane and  
8 you're in midair, but, the engineer is still  
9 creating the plans, and the mechanics are still  
10 tweaking the engine, and you're still learning the  
11 dashboard and how to land this plane; but, yet, you  
12 have, 30, or 400, students behind you.

13 That's pretty much what happened this year  
14 with our rush to the Common Core and the state  
15 assessments: we were building the plane as we were  
16 flying it.

17 Rushed implementation: I don't understand why  
18 we were the only state that decided to implement the  
19 assessments the very same year that we implemented  
20 the Common Core curriculum.

21 It was unfair to teachers, and it was unfair  
22 to students.

23 To place a test in front of students whom  
24 have not been comprehensively taught these skills  
25 that they'll be tested, was a tragedy.

1           And our test results showed that as well.

2           As a district, we spent a tremendous amount  
3 of time and energy, and, to help our teachers to  
4 embrace the Common Core standards and the modulars,  
5 with professional developments, with learning  
6 opportunities for them.

7           We have an amazing website, and our  
8 superintendent of schools and board of education  
9 have done a magnificent job of informing parents of  
10 the Common Core, and what the standards are, with  
11 many, many presentations.

12           But the reality is, that there was no time.

13           Teachers were not allowed the time to learn  
14 the curriculum, to embrace it, and then to figure  
15 out a way to help their students become engaged in  
16 that curriculum in a meaningful way.

17           It was not just a matter of opening your  
18 textbooks, "Let's learn it, let's do it."

19           You know that the single most variable in  
20 student success is that connection that a student  
21 has with their teacher and the learning.

22           And that was something that I really think  
23 was pushed to the side in this implementation.

24           Okay, I'm just going to rush -- go through my  
25 points. I don't want to regurgitate a lot of things

1 that have already been said.

2 There is a danger in relying on testing as a  
3 single indicator of student success and teacher  
4 effectiveness.

5 There is a tremendous amount of research that  
6 cites multiple measures as being a better indicator.

7 Our board of education, this last summer,  
8 passed a resolution, calling upon the federal  
9 government to reduce testing mandates, and support  
10 the role of focus on multiple measures on student  
11 learning and student quality of accountability  
12 systems.

13 When you're spending the kind of testing that  
14 we are doing with our children, we are eroding the  
15 educational system.

16 I overheard one of our teachers say that she  
17 felt as though New York State has hijacked teaching  
18 and education.

19 And that really is a common thought among the  
20 teachers; that, they are not given the time to  
21 develop the curriculum to help their students learn.

22 We are now in a very difficult place, in  
23 that, our -- well, our APPR scores have already come  
24 out, and my teachers already know where they scored  
25 last year.

1           And, of course, a lot of that was the  
2           20 percent and 20 percent, which was a very  
3           difficult pill to swallow.

4           And now the parents are going to be in the  
5           same place very soon.

6           This is going to be difficult for them to  
7           understand, that this was truly not a student  
8           problem. This was not that students learn less and  
9           teachers taught less.

10          This was a test problem.

11          This was a calculated effort to move the bar,  
12          and we knew in advance that our students were going  
13          to drop.

14          And although our parents -- many of my  
15          parents were prepared, because I spoke of this many,  
16          many times.

17          And our teachers were prepared. They also  
18          knew the reality of, when that score came out and  
19          they saw the scores of their students.

20          It was heartbreaking.

21          "It was heartbreaking."

22          We spend a lot of time with our students,  
23          trying to help them develop a positive-growth  
24          mindset.

25          I'm not sure if you know the work of

1 Dr. Carol Dweck, but it's very powerful.

2 Basically, what it is, is that some students,  
3 and many adults, think of themselves as being  
4 art-smarts, or, I'm not good at math.

5 That's called a "fixed mindset."

6 That's, "No matter how hard I work, or no  
7 matter what I do, I'm just not good at it, and I'm  
8 not going to get any better at it."

9 That's a "fixed mindset."

10 And it's very dangerous for children, and  
11 it's dangerous for adults.

12 We spend a lot of times with our students,  
13 trying to help them to realize that it's a positive  
14 mind growth. It's something that you can change.  
15 If you're not doing something well, we have to try  
16 to figure out what it is that you need to work a  
17 little harder on, and that we'll continue to move  
18 forward.

19 So our students were very involved in the  
20 assessments; the ongoing multiple assessments that  
21 we use throughout the year; for example, the math  
22 sprints.

23 Math sprints are trying to help our students  
24 develop fluency, which is one of the shifts for  
25 mathematics.

1           We wanted our students to learn those math  
2 facts quicker and quicker, so that when they were  
3 presented with a math problem that involved a lot  
4 more than just calculation. They had to figure out  
5 what did they know about this problem, to be able to  
6 move forward with an unknown.

7           They tracked those math sprints.

8           And students looked at those scores, with the  
9 teachers, and said, You know, you did really well  
10 here. Look at your score this week compared to last  
11 week. Or, today versus yesterday.

12          So students were invested in making those  
13 strides forward.

14          They are now going to get this, kind of,  
15 badge of failure.

16          And it's going to be very difficult, on my  
17 end, to try to help them to promote that positive  
18 growth. To let them know that this was not about,  
19 what do they know?

20          This is truly about setting the bar --  
21 resetting the bar, and we're going to move forward.  
22 It's going to be a very, very hard task ahead.

23          Lastly, I am very afraid that the assessments  
24 are going to widen the gap for the English-language  
25 learners and the students with disabilities.

1           Again, it's the multiple measures that are  
2 going to count there, because, if we look strictly  
3 at the absolute performance, those students are  
4 going to be in danger. And that's what my fear is.

5           So, it was a very interesting year.

6           I look forward to having more modulars to  
7 work with my students and my teachers.

8           Again, they were not there for us.

9           Last year, we started in September with not  
10 one math modular to even look at, and they trickled  
11 out through the year.

12           That is a very uncomfortable place for me,  
13 and for my teachers, when they have to turnkey that  
14 learning into meaningful and engaging teaching.

15           So, I appreciate being here.

16           Thank you.

17           SENATOR FLANAGAN: Michelle, I appreciate  
18 that.

19                           [Applause.]

20           SENATOR FLANAGAN: And we'll have John, but  
21 I just wanted to add, I think, one of the unique  
22 aspects of Huntington School District, which I knew  
23 when I represented it, was the diversity of the  
24 population.

25           You have some of the wealthiest people in the

1 country, and some of the poorest people in the  
2 country as well.

3 CLAUDINE DIMUZIO: And some of the greatest  
4 children in the country.

5 Just to say.

6 [Applause.]

7 SENATOR FLANAGAN: That's true.

8 That is true.

9 But just the diversity of languages, it  
10 was --

11 CLAUDINE DIMUZIO: Yes, yes.

12 SENATOR FLANAGAN: -- I always found to be  
13 quite illustrative of diversity.

14 So, John.

15 And it's 37 years; right?

16 JOHN NOCERO: Yes, it is.

17 SENATOR FLANAGAN: Okay.

18 JOHN NOCERO: Good afternoon.

19 My name is John Nocero. I'm representing  
20 today the Council of Administrators & Supervisors of  
21 Nassau and Suffolk county.

22 We represent over 1300 school administrators  
23 in Nassau and Suffolk county.

24 My own personal experience: I was a teacher  
25 and school administrator in the Smithtown Central

1 School District for 37 years.

2 And I had the pleasure of retiring this  
3 summer.

4 With that pleasure goes the responsibility to  
5 share my experiences, and what I have seen change  
6 over those many years as an administrator.

7 And I would like to share with you today a  
8 lot of the comments, concerns, that we have heard  
9 from our council members.

10 My joy as the school principal, was arriving  
11 to school early each day, seeing the students come  
12 off the buses, see them go to their classes, smiles  
13 on their face, greet them in the hallways; walk into  
14 classes, see exceptional teaching taking place; meet  
15 the students in the cafeteria; stay after school and  
16 see a sports program, a concert, a drama production.

17 Well, that is changing, and changing quickly.

18 As the reasons we've heard today, and the  
19 many reasons that have been cited, there's no more  
20 joy in our schools.

21 I'm sad that I'm not a principal anymore  
22 because I would enjoy facing that challenge, but,  
23 our current administrators are facing tremendous  
24 challenges with the students.

25 We do not disagree with the fact that we need

1 higher learning standards, we need to better prepare  
2 our students, that we need to implement  
3 twenty-first-century learning skills to prepare our  
4 students.

5 We don't agree with the need for testing or  
6 assessment.

7 We do disagree with the way this has been  
8 implemented, and we've heard this over and over  
9 today.

10 We've heard the statement that we're flying  
11 the plane --

12 You stole my line.

13 That's the joy of going last in a program.

14 -- before it's been assembled.

15 And I think, you know, we certainly have  
16 heard that and seen that today.

17 Dr. King had stated that, you know, we must  
18 act now, and we must implement this testing now, for  
19 the benefit of our students.

20 And I will disagree, on behalf of our members  
21 today, saying that the way we're implementing it is  
22 incorrect, inappropriate, and, in fact, it will hurt  
23 our children in the long run.

24 We're forgetting one fact here, ladies and  
25 gentlemen, today, that we're in this business for

1 children; for what's best for children.

2 And I don't think there would be one  
3 administrator in our council that would disagree  
4 with the fact that we need to make some changes, but  
5 as I said, it's the way we're doing it.

6 So I will quickly summarize my testimony,  
7 which you have in front of you.

8 Most of this we have heard today. This is  
9 the joy of going last on a program.

10 We are concerned, number one, with the  
11 implementation of the new standards, and the way  
12 that it's been rushed and pushed ahead without  
13 teacher preparation.

14 We've heard today the fact that eighth-grade  
15 students are taking an assessment that they have not  
16 been prepared for in alignment with Common Core.

17 Wouldn't it make more sense to phase this in  
18 in a more rational, prepared way so we don't hurt  
19 our students and put them in undue stress?

20 We need a bottom-to-top overhaul, but it's  
21 the way we're doing it that's an issue.

22 The questions on the assessments are often  
23 ambiguous. They were designed for students to fail.

24 We were told that before the students even  
25 took the assessment.

1 I don't understand what kind of good  
2 educational practice that is, when we tell students  
3 "you're going to fail" before they take the test.

4 We have neglected, and we've heard this also  
5 today, the developmental stages of children.

6 Their brains at a young age, as you quoted,  
7 "Mesopotamia," are a very concrete way of thinking.

8 And as children develop, and if we understand  
9 child development, we know that their thinking  
10 becomes more abstract as they get to middle school,  
11 and go to high school.

12 This has been neglected with the test  
13 questions.

14 We're concerned about the time allocated for  
15 the testing.

16 We've heard over and over, the amount of  
17 time, the number of tests that students are taking.

18 And here's one other fact that wasn't brought  
19 up today:

20 Many of our special-needs students have IEP's  
21 that allow them extended time.

22 So when we're saying 90 minutes of testing a  
23 day, some of those students will get  
24 time-and-a-half.

25 That is excessive for any student.

1           And when you look at children as young as  
2           8 or 9 years old, that is indeed cruel to do to  
3           them.

4           One of the concerns I had last year was,  
5           I believe it was the seventh- and eighth-grade ELA  
6           assessment, there was of the same question on each  
7           assessment. And we were told that one of those  
8           questions was a field-test embedded question.

9           Well, what about the student who cannot  
10          answer that question, their self-esteem, their  
11          confidence in continuing on that assessment?

12          And then, my school, Accomsett Middle School  
13          in Smithtown, was required to administer, in any  
14          case, a field test, in addition to the field-test  
15          embedded questions.

16          We're concerned about, what are we going to  
17          do with the remediation in an era of 2 percent tax  
18          cap?

19          You know, and it seems to me that it's a  
20          contradiction, and a disservice to our students, for  
21          us to say: 70 percent of you need remediation; yet,  
22          what we're going to do is, we're going to give you a  
23          waiver this year. You really don't need it. We're  
24          going to take a look at that comparable rigor chart,  
25          and we're going to say, You don't need it this year.

1           Isn't that talking out of two sides of our  
2           mouth?

3           If we're saying these students need the help,  
4           then let's give them the help, and give us the  
5           resources to help them.

6           The 2 percent tax cap, we've heard many  
7           districts, the challenge with that, and how they're  
8           addressing it, and we're all abiding by that. But,  
9           with these additional staffing needs for  
10          remediation, I don't know how we get around that.

11          We're concerned about the lack of  
12          availability of the previous tests, and how our  
13          teachers, students, parents, administrators, can  
14          learn from that.

15          We're concerned about teaching to the test,  
16          as we have heard.

17          I have to say, I was a music teacher in the  
18          Smithtown School District for over 20 years before  
19          I became a school administrator.

20          I saw the joy students had from performing  
21          music.

22          I saw the connection we can make with  
23          students when we give them an opportunity to excel  
24          at something that love, and want to come to school,  
25          as Regent Tilles had indicated earlier.

1 I saw that firsthand.

2 And I saw many students who would not have  
3 been successful in school, become successful,  
4 because the opportunities we provided them through  
5 the arts, through the humanities, that, today, we  
6 are reducing, because we say: You have to go to AIS  
7 for remediation. We don't have the money for a  
8 music program. We're discouraging creativity.

9 The high-poverty districts, low-income  
10 districts, we've spoken about.

11 What about the student that comes to school  
12 hungry, that comes from substandard housing, who  
13 have a family that is not intact and not a nuclear  
14 family; what are we doing as a society to help those  
15 students?

16 The testing results used to score:

17 I have to say, I was fortunate to be the  
18 principal of Accomsett Middle School from 2004  
19 until my retirement.

20 Senator Flanagan, you helped us open the  
21 school back in 2004, and it was a day of excitement.

22 Our teaching staff has come together in a  
23 very unique way, and they have become so  
24 child-oriented, child-centered, and caring about  
25 what's best for kids, delivering, not only academic

1 programs, but social-emotional programs.

2 This new system is throwing that into chaos.

3 Our teachers have become demoralized.

4 From what I understand, the start of the  
5 school year is presenting many new challenges.

6 And it really is unfortunate for those that  
7 put their love and heart on the line to help  
8 children, that, now, scores are being used to deem  
9 them ineffective.

10 What about the measurements of the qualities  
11 teachers bring to a classroom: teaching character  
12 development, teaching how to be good citizens in  
13 this country of ours?

14 Where does that come into play?

15 Or, is the score merely what we're going to  
16 account?

17 And, of course, you know, we've spoken about  
18 the over-testing today.

19 And my perspective on that is, yes, it's  
20 taken an emotional toll on the students. It's put  
21 unwanted stress and anxiety, as we have heard.

22 Our teachers are becoming demoralized.

23 And, I'm sure there are many people  
24 questioning why they should go into such a field.

25 Our parents, as we have heard, and I've seen

1 this and heard this from my own PTA organization,  
2 are very concerned, and are beginning to opt out.

3 Our school administrators, who I represent  
4 today, have become frustrated.

5 We have spent excessive amount of times in  
6 training for the APPR, for the different character  
7 programs that we need to put into our schools.

8 The days of testing, where we're pulled out  
9 of the building, last year, I believe, I had,  
10 probably, about 10 training sessions, out of the  
11 building, during the schoolday.

12 And in addition to that now, we as school  
13 principals have the additional responsibility to  
14 evaluate each and every teacher, in depth.

15 And that is not just so simple, ladies and  
16 gentlemen, as to walk into a classroom and to  
17 observe the teacher, and score something;

18 It takes a pre-conference meeting with the  
19 teacher;

20 It takes the observation itself;

21 It takes reflection on my part and the  
22 teacher's part;

23 A-post conference meeting;

24 And then a follow-up observation.

25 When you have a high school of 150 students,

1 or, a middle school like mine, with teachers -- with  
2 approximately 80 teachers, how do you do that  
3 several times during the school year; yet, be  
4 hands-on with your parents, your teachers be an  
5 instructional leader that you need to be?

6 So I'll sum up my comments, and you can read  
7 the rest of my testimony then.

8 We do have a wonderful opportunity to  
9 implement higher standards if it's done in the right  
10 way.

11 I hope that the State Education Department is  
12 listening to us today; listening to the testimony we  
13 have heard through these many hours that we have sat  
14 here, and I do hope that they consider making some  
15 changes.

16 We're not looking to eliminate the rigor and  
17 the higher standards, but it's how we're going about  
18 this process that we need to take a close look at,  
19 the best impact, the students of New York State.

20 I thank you today, Senators, for the time,  
21 and the opportunity to speak.

22 [Applause.]  
23  
24  
25

1           SENATOR FLANAGAN: Michelle and John, thank  
2 you again for your patience, and for all the work  
3 that you do.

4           And, that word "retiree," people like you  
5 don't retire, John.

6           JOHN NOCERO: I can sit here all day. I have  
7 nowhere to go.

8           [Laughter.]

9           SENATOR FLANAGAN: John Hogan may need help  
10 at his board meeting tonight, so...

11           All right, we have two more, and I appreciate  
12 everyone's courtesies.

13           We have Professor Arnold Dodge, who is the  
14 chairperson of the Department of Educational  
15 Leadership and Administration at CW Post, LIU.

16           Professor Dodge, I know you are keenly aware,  
17 and I see that you have some very interesting  
18 testimony here, and your ability to summarize that  
19 will be greatly appreciated.

20           PROFESSOR ARNOLD DODGE: Absolutely.

21           Well, I have actually switched my notes  
22 six times, because everything's already been said,  
23 so, I'm going to be saying, hopefully -- hopefully,  
24 I will not repeat what's already been said.

25           First of all, I am of the ivory-tower crowd

1 for about six or seven years, but before that, I was  
2 a teacher and a principal and a superintendent of  
3 schools for 38 years, so, I come with a great deal  
4 of observation of the public schools in New York.

5 And the last six or seven years, I've had the  
6 opportunity to travel around the world, and see  
7 schools around the world, and around the country.

8 And, as bad as things that you've heard today  
9 are, from the witnesses' standpoint, they're worse  
10 than that in New York State.

11 It is my contention that New York State is  
12 maybe doing the worse job of all of the venues that  
13 I've seen around the world.

14 [Applause.]

15 PROFESSOR ARNOLD DODGE: And this very  
16 painful.

17 I went to school in New York, not only public  
18 school, but I went to college in New York. I'm a  
19 graduate of my current university.

20 And, I take this very seriously.

21 And I, quite frankly, think what's going on  
22 in New York is shameful.

23 I have never seen a group of policymakers so  
24 out of touch with the reality of what children's  
25 needs are, and I know this has been said in so many

1 ways today.

2 So, I took it upon myself with, actually, a  
3 delegation of other colleagues, to travel around to  
4 different parts of the world.

5 And I actually have a project going on  
6 regularly in South Africa, where we deal with issues  
7 of poverty and schools. And we have a very  
8 interesting relationship with schools in New York  
9 and schools in South Africa.

10 But, I want to focus on the two other places  
11 that I've been recently, and one of them was China.

12 And we visited ministers in China, and we  
13 visited, everybody, from students to teachers; we  
14 were rural communities, we were in Shanghai, we were  
15 in Beijing; because I wanted to know, What's the  
16 deal here?

17 How competitive are these Chinese people  
18 going to be in terms of their education?

19 And let me tell you something, almost to a  
20 person, and I'm talking about, from the ministers,  
21 down to the children, they said: You know what our  
22 problem is? We're too competitive. We've got to  
23 have kids ease up. We got to get kids to say, You  
24 know what? Enough already, with all these tests.

25 They take this major test that is the

1 be-all-and-end-all of whether they're going to get  
2 into a university, and everything else is put aside  
3 while they're taking this test.

4 And the kids go crazy.

5 Literally, some of them go crazy.

6 And the parents in the largest country in the  
7 world have said, Enough already.

8 And the ministers have said, Enough already.

9 And what is so ironic, is that New York State  
10 says, No, we're going to double-down and make it  
11 even more difficult, more pressure.

12 And I've heard Bill Gates in person, say,  
13 I've been to Shanghai, and it troubles me that we  
14 don't do as well as Shanghai.

15 Well, I've been to Shanghai, and Shanghai is  
16 like Beverly Hills on the water.

17 So, you can't compare the very rich portions  
18 of some countries to a 300-million  
19 heterogeneously-populated United States.

20 So there's all kinds of mythologies about  
21 this issue.

22 And in my testimony that I gave you, there's  
23 a wonderful article from last week's "Times," in  
24 which they talk about the fact that the Chinese kids  
25 are now saying, All we do is memorize. And we

1 understand, in America, they actually have science  
2 equipment. We like that.

3 So instead of us doubling-down on our science  
4 equipment and STEM, we say, No, we need more tests  
5 with bubble sheets.

6 The stupidity of it, we are awash in  
7 stupidity.

8 And it is so galling to me, as someone who  
9 cares so much about, and my colleagues as well, to  
10 hear this kind of stuff going on;

11 And to have our chancellors say, We should be  
12 in the deep end, and have, you know, the image of  
13 kids flopping around.

14 And someone mentioned earlier, and they drown  
15 in the deep end.

16 Well, you know, if there has to be  
17 casualties, there has to be casualties.

18 And then you got a governor who says, You  
19 know, for failing schools, we might need the death  
20 penalty.

21 It's this kind rhetoric and this kind of  
22 imagery that is the opposite of everything I signed  
23 up for when I got into this profession, which was  
24 the nurturance and the developmental needs of  
25 children.

1           And they are all being ignored, to the -- and  
2 we can't even tell how bad this is yet.

3           Because I think, as some people have said  
4 today: You're only 8 years old, once. You've only  
5 got an 8-year-old psyche, once.

6           If you damage that psyche, I don't know if  
7 you ever repair it, because you are so vulnerable  
8 and fragile.

9           We are damaging these kids' self-esteem right  
10 now with this program.

11           Even Daniel Koretz, who was a supporter, and  
12 consultant from the State Education Department, just  
13 recently in an interview said, I don't know what  
14 New York State's doing.

15           I'm paraphrasing.

16           He said, Because we don't even know what  
17 college- and career-ready even means.

18           I was -- had the opportunity three months ago  
19 to be in California, where Secretary Duncan was  
20 speaking.

21           And he laid out a speech to education  
22 researchers about how, Enough already with the  
23 pressures. We have too many multiple-choice tests.  
24 I hate to hear to hear kids say their numbers.

25           Well, they made a mistake, and they gave me

1 the microphone.

2 [Laughter.]

3 PROFESSOR ARNOLD DODGE: And I asked him if  
4 he had even read his own law.

5 I said:

6 Do you understand, you can't talk out of both  
7 sides of your mouth and not think smart people are  
8 going to not get it?

9 Okay?

10 Because, you are screwing us up. You're  
11 suffocating the kids with this.

12 And if you don't stop, we're gonna have no  
13 innovation, no imagination, no creativity, and your  
14 idea that we're going to be more competitive in the  
15 world is gonna be a laughing stock of the rest of  
16 the world.

17 So I ask you, Mr. Secretary will you call a  
18 moratorium?

19 He said, "I'll get back to you."

20 So I'm still waiting.

21 But I think speaking truth to power now, and  
22 I've said this for the last number of years, we as  
23 educators have to do that.

24 That's why I was so delighted that you  
25 invited me to speak today.

1           And I've seen you at meetings before, and  
2           you're an excellent listener.

3           For five hours, you've been listening  
4           attentively. And I knew -- and this gentleman as  
5           well.

6           And I knew, even if I were one of the last  
7           ones, you'd still pay some attention.

8           So, I appreciate this.

9           I'm going to tell you, this is an emergency.

10          We can't wait any longer.

11          We can't have this debate.

12          I said in 2001, when I saw NCLB, I was at a  
13          big meeting, I said, "This thing is not going to  
14          work."

15          And somebody said, "Oh, sit down. You know  
16          how these things come and go."

17          Well, you know what? Ten years later,  
18          Race To The Top is NCLB on steroids.

19          And what is the next version going to be?

20          What is the next President going to come in  
21          with, or the next Secretary of Education, and say:  
22          We're going to do it. You know what? There's a  
23          little too much oxygen in the room for other things.  
24          Let's completely take all the oxygen out of the room  
25          and make it only about tests.

1           We are losing our kids.

2           We are losing our kids to this debacle.

3           And somebody, responsible adults, like  
4 yourselves, have to step up and say "No."

5                   [Applause.]

6           PROFESSOR ARNOLD DODGE: Politics aside,  
7 individual interests aside, we must say no to this,  
8 because it is damaging our children.

9           Thank you.

10                   [Applause.]

11           SENATOR FLANAGAN: Professor, I have one  
12 question based on what you said.

13                   How do you define "college- and  
14 career-ready"?

15                   You're in college now.

16           PROFESSOR ARNOLD DODGE: Daniel Koretz  
17 actually started -- starts the conversation, which  
18 we should be having, which is, for some kids, it  
19 means a certain kind of college. For other kids, it  
20 means a certain kind of career.

21                   Do you know, in Finland, 45 percent of the  
22 kids in tenth grade go to vocational school. Almost  
23 half the population.

24                   They say, We're gonna start thinking about  
25 careers now.

1 I think we've got the whole thing backwards.  
2 We like these slogans, but do we really even  
3 know what we mean when we say "college- and  
4 career-ready"?

5 I defy anybody to take a 7- or 8-year-old and  
6 tell me what 10 and 15 years from now, a "college-  
7 and career-readiness" would even mean, given the  
8 technology we have, given the changes that we have.

9 [Applause.]

10 PROFESSOR ARNOLD DODGE: We are fooling  
11 ourselves if we think we can do that with a 7- and  
12 8-year-old.

13 SENATOR FLANAGAN: Okay.

14 Thank you very much.

15 [Applause.]

16 PROFESSOR ARNOLD DODGE: Thank you.

17 SENATOR FLANAGAN: Okay, so, Professor Dodge  
18 certainly doesn't lack for passion, which is good.

19 UNKNOWN FEMALE SPEAKER: [Inaudible.]

20 [Laughter.]

21 SENATOR FLANAGAN: And last, but certainly by  
22 no means least, I have had a couple of nice  
23 conversations with Lisa Rudley, who is from the  
24 Autism Action Network.

25 She's actually -- well, she's like a lot of

1 people here. She's involved in about 89 different  
2 things, but, she is kind enough to come down today,  
3 and will be focusing her comments on privacy.

4 But, Lisa, thank you for your patience.

5 LISA RUDLEY: Thank you so much.

6 And it's an honor to be here, and I'm very  
7 appreciative that you asked me to speak.

8 Yes, I'm involved in many different  
9 organizations.

10 I'm here representing Autism Action Network.

11 We all know that there is about  
12 1 in 50 children now diagnosed with autism.

13 It's an epidemic.

14 We've been working a lot in the state to  
15 protect the rights of people with autism.

16 I also am here representing the newly formed  
17 New York State Allies for Public Education  
18 Organization, where my wonderful friend and  
19 colleague Jeanette is part of.

20 It's a centralized group that represents over  
21 40 allies across the state, and growing.

22 We -- the last count we had was about  
23 60,000 hits to our Facebook.

24 And that's a number -- that's a force to be  
25 reckoned with.

1           And, I think, about 59,000 come from  
2 Long Island, but, uhm...

3                         [Laughter.]

4           LISA RUDLEY: You know, I woke up today, and  
5 I went and got the -- our local newspaper, the  
6 "Journal News," and it says, "We must not become a  
7 'collect it all' society."

8           And today happens to be Constitution Day.

9           In 1787, our framers signed the Constitution.

10          And, I'll read one excerpt.

11          "The Constitution, the Fourth Amendment,  
12 protects the right of the people to be secure in  
13 their persons, houses, papers, and effects, except  
14 when the government obtains a warrant based on a  
15 probable cause."

16          Today I'm here to speak about privacy of our  
17 children's personally identifiable data.

18          And I think we touched on that a lot towards  
19 the end of this hearing.

20          And, everybody's asking the question, Why did  
21 we rush the Common Core?

22          And why do we rush the assessments for the  
23 Common Core?

24          It took me about five hours, and I wasn't  
25 quite -- you know, I was thinking, Well, should

1 I mention this?

2 And it became very clear, we rushed this,  
3 because it's a data point.

4 It's a data point that they want collected in  
5 this huge database cloud that is hosted by  
6 Amazon.com. And the name of the database is called  
7 "inBloom."

8 And I think it's really important that people  
9 understand that, "FERPA," the Family Education  
10 Rights and Protection Act, was expanded unilaterally  
11 by our Secretary -- our United States Secretary  
12 Arnie Duncan, unilaterally, without Congressional  
13 approval, to expand, to allow, third-party vendors  
14 to be authorized representatives.

15 And what that did is, that opened the door to  
16 these contracts throughout the country, eight of  
17 which have -- essentially, eight states,  
18 essentially, have pulled out of the inBloom  
19 contract.

20 Two of those states are on the -- one of  
21 those states are on the fence. That's  
22 Massachusetts;

23 And the other two have -- one district or  
24 two districts are straggling.

25 New York State is the only state that is

1 still standing alone in giving our personally  
2 identifiable data, New York State, to this inBloom  
3 database.

4 So you have to ask yourselves, well, of  
5 course they rushed those assessments. I mean, they  
6 need a data point.

7 And, you know, quite frankly, I wrote the  
8 State -- I wrote New York -- EngageNY Help Desk,  
9 because I said, "How do I opt out my children from  
10 their personally identifiable data being shared?"

11 And they said to me -- well, the  
12 Problem Request was, "Ms. Rudley would like to know  
13 how to opt out uploading of her three children's  
14 information to inBloom, and if all schools are  
15 required to use inBloom?"

16 It's funny, I was on the phone with State Ed,  
17 and I said, you know, "How do I opt out my  
18 children?"

19 And they said, "You have to e-mail EngageNY."

20 The answer I got back is, "Yes, every school  
21 is required to upload student data into inBloom.

22 "You should contact your" -- I'll paraphrase.

23 You should your child's school district to  
24 inquire about their policies.

25 Well, gentlemen, Dr. Rogers just said that

1 the data is controlled by the State, not by the  
2 districts.

3 The ambiguity around who is responsible for  
4 our student data is really concerning.

5 And I think it's important to note, some of  
6 the items, the attributes, that were created.

7 And before I do that, there's a great comment  
8 from this commentary in our "Journal News."

9 It says, "Just because we've built the  
10 technology doesn't mean we have to populate it."

11 Some of the attributes makes my hair curl,  
12 but, I -- curl even more.

13 "Discipline Information," it's a category.

14 The data that would be uploaded:

15 Student Violation: Victim. Witness. If  
16 you're a reporter.

17 The Academic and Disability information:  
18 Learning-disability type. Class-tracking grouping.  
19 Career-path type.

20 Which, FERPA has said is unconstitutional,  
21 and it is not legal to upload this information.

22 And even more disturbing, even the  
23 long-outdated and stigmatizing references to  
24 "mental retardation."

25 That is an attribute in the database.

1           Parental Home Information: If there's a  
2 single parent at home. A military parent.  
3 A pregnant teen mother. A displaced homemaker.  
4 Parent and personal work e-mails.

5           Why do we even need to collect this data?

6           You can talk about encryption, security; you  
7 can talk about all of that, but it's a civil-rights  
8 violation.

9           It's the -- without parental consent, to have  
10 this data uploaded, and this issue hasn't been  
11 talked about very -- hasn't been talked about, until  
12 recently, because we didn't know what was happening.

13           So, Race To The Top funds were attributed,  
14 and states were told that if they take the Race To  
15 The Top funds, they also had to be mandated to  
16 create this database.

17           Why is New York standing alone?

18           So, it's been a long day for everybody.

19           And as -- under my name, the topic was  
20 "Special Education."

21           And Regent Tilles spoke about his daughter,  
22 and it being developmentally-inappropriate.

23           And there are many, many children who have  
24 special needs, and are classified for special  
25 education, who are sitting for these excessive

1 tests.

2 And no amount of extra modifications is going  
3 to make these tests any more appropriate,  
4 developmentally, in any which way or form.

5 And I conclude with this:

6 Last spring, the Assembly passed two bills  
7 unanimously, bipartisan support, to protect  
8 students' data.

9 One of the bills is to allow you to opt out,  
10 and the other one is for parental consent.

11 And just recently, as of Friday, I found out  
12 that the Senate, two people on the  
13 Education Committee, Senator Jack Martins and  
14 Senator Joseph Robach, have also introduced same-as  
15 bills.

16 So what I come here today, is to ask the  
17 Senate to, of course, please move that forward,  
18 those two bills in the Senate, and see to it that  
19 it's passed through the Legislature, and, hopefully,  
20 signed into law.

21 But the real -- the real ask here is, we  
22 should be removing and pulling out of this contract.

23 It's not necessary to have this data.

24 The outcomes -- for students to have better  
25 outcomes with the data is not connected to

1 personally identifiable data.

2 And I ask you, the Senate, to carry this  
3 forward, Senators from the Education Committee.

4 And, I really appreciate being here today.

5 And, thank you.

6 [Applause.]

7 SENATOR FLANAGAN: Lisa, I know the hour is  
8 late, and I try very hard not to speak for my  
9 colleagues. I have enough challenge doing it for  
10 myself.

11 But, Senator Zeldin chairs the  
12 Consumer Protection Committee, and, identify theft,  
13 and issues in that area of the law, he takes very  
14 seriously.

15 I must say, following up on some of the  
16 things that Tom Rogers said, this one, to me, is  
17 a -- it's simple in a way, but it's vexing and  
18 frustrating at the same time, because there are a  
19 lot of moving parts.

20 And I recognize the basic need for  
21 appropriate data that ties into things that enables  
22 you to get State aid, that enables you to get  
23 federal aid.

24 And I want to ask you a couple of quick  
25 things.

1 I'm leaving aside perspective right now, but,  
2 FERPA, as many of the things we talked about today,  
3 NCLB, all that kind of stuff, emanates from the  
4 federal government.

5 I haven't seen this, so I'm asking you in  
6 earnest, are you aware of any pattern of violations  
7 that exist right now?

8 Because, when I do think about it, and  
9 Dr. Rogers talked about this, you know, if you  
10 have one central repository, that's perilous, and,  
11 it may be efficient as well.

12 Because, I look and think, there are real --  
13 no real safeguards or protocols for the school  
14 districts who now may be trying to do the right  
15 thing, but may not, by default, if nothing else.

16 Are you aware of any egregious violations  
17 that we should be aware of?

18 Because I haven't seen anything like that.

19 LISA RUDLEY: Well, this database doesn't  
20 exist with this personally identifiable data.

21 So, in terms of talking about student data  
22 today that's personally -- again, personally  
23 identifiable and sensitive data, it does not exist  
24 today.

25 However, there have been breaches.

1           If you just Google "security breaches and  
2           student data," you'll find that there are breaches  
3           in many different facets in higher education,  
4           mainly.

5           So the issue is -- for me, is, one, why are  
6           we even collecting this sensitive data?

7           Two is, absolutely, there's been breaches in  
8           security. I mean, it's been publicly documented.

9           Living Social, a discount company, there's an  
10          Amazon -- the Amazon cloud that it exists on, was  
11          breached, and all these consumers' information was  
12          available to the public.

13          I think, in Virginia, there was a mistake in  
14          the database, and all the mailing labels had the  
15          students' social security numbers on it.

16          It's about the sensitive data.

17          I understand, and I appreciate, that we need  
18          to share the data with the busing companies.

19          I understand we need to share the data for  
20          scheduling.

21          But why does someone need to know if -- what  
22          someone's career path is when they're in third grade  
23          or fourth grade or fifth grade?

24          Why do they need to know if my child is  
25          diagnosed with autism? Or has mental retardation?

1           Here's a great example, or, you know,  
2 something we can play out.

3           My son is very close to being declassified  
4 right now.

5           And, what if, down the road, this  
6 identifiable data, he goes for an opportunity and  
7 they say, Well, you know, Max you had autism, you  
8 know, you were classified for autism, so, you know,  
9 we don't think you can get the job.

10          And if everything else is in place, because  
11 that piece of data, that he -- he can choose to tell  
12 that company he had autism, or has autism, but it's  
13 his choice.

14          And it's my choice as a parent to protect my  
15 children's data.

16          And without my consent, this data should not  
17 be shared, this sensitive data.

18          SENATOR FLANAGAN: Okay, let me -- I just  
19 want to refocus for a second.

20          Since you have a burning interest in this  
21 area, that's one of the main reasons I'm asking.

22          Now, you talked about Amazon.com.

23          I'm focusing with a laser-like attention on  
24 schools.

25          And if you have it, please share it with us.

1           Can you share with us any data that  
2 demonstrates there have been problems with the  
3 inappropriate release of data involving schools and  
4 students?

5           And I'm going to throw in one fact, the fact  
6 as I know it.

7           State Education Department represents,  
8 frankly, in adamant capacity, that they do not  
9 collect social security numbers of students.

10          So, in one respect, I have to take that at  
11 face value.

12          But if you have anecdotal evidence, or you  
13 have statistics, it would be useful for us to know  
14 that.

15          Because, again, I recognize the need for some  
16 of this, but like many other things in life, it's a  
17 balance.

18          I have three kids, they're a little older.  
19 You know, I don't want their data shared.

20          And I don't -- frankly, I don't want my own  
21 data shared.

22          So, your assistance in that regard would be  
23 very helpful.

24          And I do appreciate you traveling down, and  
25 I'm sure we will talk again.

1 LISA RUDLEY: Great.

2 SENATOR FLANAGAN: Thank you very much.

3 LISA RUDLEY: Thank you.

4 SENATOR FLANAGAN: Okay, quick recap:

5 You're like the strong and the faithful here.

6 It's -- we started at twenty after ten. We  
7 had it scheduled for four hours. We ran over for  
8 one hour.

9 I appreciate everybody listening,  
10 I appreciate everyone's attention.

11 I'll reiterate that, all the testimony was  
12 put online last night.

13 All the written e-mails that we had received,  
14 and will receive, we will put up for people's  
15 edification.

16 We made it clear to anyone who submitted,  
17 that they have to have an expectation that we would  
18 put it out there.

19 We don't have --

20 Lisa, you'll be happy to know about this.

21 It's only a name.

22 So if it's "John Flanagan," all it says is,  
23 "John F."

24 There's no e-mails, no phone numbers, or  
25 anything like that.

1           We will have three more hearings.

2           And, we are having people asking us to do at  
3           least one more.

4           So, the timing, again, they're every other  
5           week. That gives everyone a little breathing room.

6           And, the goal here, is to provide  
7           information -- to seek input, to get that input, and  
8           to provide information to the Governor's Office, to  
9           the State Education Department, to the Regents, and  
10          certainly to my colleagues.

11          And, I would be remiss if I didn't -- well,  
12          since you served, I may be taking a liberty here --  
13          I want to thank my wingman for staying with us all  
14          day.

15                           [Applause.]

16          SENATOR FLANAGAN: Thank God he's got those  
17          two school-aged daughters. That's how we kept him  
18          here for five hours.

19                           [Laughter.]

20          SENATOR FLANAGAN: So, ladies and gentlemen,  
21          thank you again.

22                           (Whereupon, at approximately 3:13 p.m.,  
23          the public hearing held before the New York State  
24          Senate Standing Committee on Education concluded,  
25          and adjourned.)