

Certifying Instruction Time

Effective May 10, 2014, any Annual Professional Performance Review (APPR) plan submitted to the Commissioner for approval for use in the 2014-15 school year and thereafter must include a certification by the superintendent of schools, district superintendent of a BOCES, or chancellor of the New York City Department of Education attesting to the following:

- 1) That the amount of time devoted to traditional standardized assessments not specifically required by state or federal law for each classroom or program within a grade level of the district or BOCES does not exceed, in the aggregate, one percent of the minimum in required annual instructional hours for such grade.
- 2) That the amount of time devoted to test preparation using traditional standardized assessments under traditional standardized testing conditions for each classroom or program within a grade level of the district or BOCES does not exceed, in the aggregate, two percent of the minimum required annual instructional hours for such grade.

In making these determinations, please note that districts/BOCES are not required to include time devoted to teacher administered classroom quizzes or exams, portfolio reviews, performance assessments, formative assessments, or diagnostic assessments. Additionally, these calculations do not supersede the requirements of a section of the 504 plan of a qualified student with a disability or federal law relating to English language learners or the individualized education program (IEP) of a student with a disability.

Q1. How does the Department define traditional standardized assessments?

A. Traditional standardized assessments are defined in section 30-2.2(v) of the Rules of the Board of Regents as a systematic method of gathering information from objectively scored items that allow the test taker to select one or more of the given options or choices as their response. Examples include multiple-choice, true-false, and matching items. Traditional standardized assessments are those that require the student (and not the examiner/assessor) to directly use a "bubble" answer sheet. Traditional standardized assessments do not include performance assessments or assessments in which students perform real-world tasks that demonstrate application of knowledge and skills; assessments that are otherwise required to be administered by federal law; and/or assessments used for diagnostic or formative purposes, including but not limited to assessments used for diagnostic screening required by Education Law §3208(5).

Please see [K-2 APPR Assessment Guidance](#) for information on how to evaluate and identify existing third-party assessments that may be used to assess students in grades K-2 and [Removal of Traditional Standardized Third Party Assessments in K-2](#) for information on the removal of K-2 traditional standardized third-party assessments from the State-approved list.

Q2. My district/BOCES does not use any traditional standardized assessments in our APPR plan. Do we need to calculate total instruction time for each grade level in order to complete this certification? Do we still need to complete the certifications in our APPR plan?

A. Districts/BOCES who are **not** using any **traditional standardized assessments** in their APPR plans do not need to calculate the minimum required annual instruction time for each grade for purposes of this certification. The superintendent, district superintendent, or chancellor must still complete this certification.

Additionally, the superintendent, district superintendent, or chancellor must still certify that no more than two percent of total instruction time in each grade level of the district/BOCES is spent on test preparation using traditional standardized assessments under standardized testing conditions within each classroom or program of such grade level.

Q3. What is considered time devoted to traditional standardized assessments that are not specifically required by state or federal law for each classroom or program within a grade level of the district or BOCES?

A. For purposes of this certification, the New York State Education Department (NYSED) calculates assessment time as the estimated time on task scheduled by the district/BOCES for students to complete any traditional standardized assessments for APPR purposes. Districts/BOCES should use the estimated time on task allowed for completion of the assessment for those students without mandated time extension accommodations¹ as the indicator of “time devoted to traditional standardized assessments that are not required by state or federal law².”

Please note, the regulation **does not** apply to assessments used for formative or diagnostic purposes (as defined below).

Q4. What is considered “time devoted to test preparation under standardized testing conditions for each grade”?

A. For the purposes of this certification, NYSED defines “test preparation under standardized testing conditions” as referring solely to any traditional standardized assessment or historical version of a State or Regents assessment that students are required to take for the purposes of preparing for end of the course assessments, and are administered under the same or similar standardized testing conditions required when taking a State or Regents examination.

¹ For the purposes of calculating time spent taking traditional standardized assessments that are not specifically required by state or federal law, districts/BOCES with students who require testing accommodations that allow for extended test time should calculate the estimated time on task that would be allowed for students without any mandated time extension accommodations on the end of course traditional standardized assessment and use this for calculation purposes. Where applicable, students should still receive the mandated time extensions as appropriate; however, these time accommodations should not be used for determining the calculation of the one percent of instruction time for purposes of this certification.

² Please see <http://www.regents.nysed.gov/meetings/2013Meetings/October2013/AssessmentUpdate.pdf> for additional information concerning state and federal testing requirements, particularly slide 5 which outlines the testing required under state and federal law.

Q5. What is considered “one percent of the minimum required annual instructional hours for such grade”? How should districts/BOCES calculate the time spent on traditional standardized assessments for the purposes of this certification?

A. To determine “one percent of the minimum in required annual instructional hours for such grade”, the district/BOCES should first calculate the minimum amount of annual instructional time by multiplying the number of school days by the minimum number of hours per day as required under § 175.5 of the Commissioner’s Regulations, i.e., 5 hours per day for students in grades K-6 and 5.5 hours per day for students in grades 7-12.

For example, students in District A’s grades K-6 school building attend school for 5 hours a day, equating to 300 instructional minutes daily. Annually, these students attend school for 180 days multiplied by the 300 instructional minutes each day which translates to 54,000 minutes of minimum annual instructional time. If a single classroom or program within a grade relies on a traditional standardized assessment, the superintendent must certify that no more than 540 minutes (or 9 hours) of the time in such classroom or program in a grade are spent annually taking traditional standardized assessments for APPR purposes. Please again note, this **does not** apply to assessments used for formative or diagnostic purposes and this only applies to traditional standardized assessments used for APPR purposes.

As another example, District A’s APPR plan includes district-developed traditional standardized ELA assessments that will be utilized for students in grade two (common branch) classrooms in both the State Growth or Other Comparable Measures subcomponent as well as the Locally-Selected Measures subcomponent. The district is not using any pre-tests and is instead relying on historical academic data when educators set targets. District A estimates it will take grade two students 50 minutes to complete the ELA test. To calculate the percent of the minimum annual instructional time this represents, divide the 50 minutes of estimated time on task by the minimum annual instructional time, in this instance 54,000 minutes. For District A, 0.09% of instructional time for students in grade 2 will be spent on traditional standardized assessments for APPR purposes (see table below).

District A: District-Developed Traditional Standardized ELA and Math Assessments in Grade 2	Estimated Times
Estimated Time on Task for Assessment Completion	50 minutes for ELA
Annual Instructional Time	54,000 minutes (minimum)
% of Annual Instructional Time Spent on Traditional Standardized Assessments for APPR Purposes	50 minutes /54,000 minutes= 0.09%

Q6. What is considered “two percent of the minimum in required annual instructional hours for such grade”? How should districts/BOCES calculate the “time devoted to test preparation under standardized testing conditions”?

A. To determine “two percent of the minimum in required annual instructional hours for such classroom or program within a grade,” the district/BOCES should first calculate the minimum amount of annual instructional time by multiplying the number of school days by the minimum

number of hours per day as required under § 175.5 of the Commissioner’s Regulations, i.e., 5 hours per day for students in grades K-6 and 5.5 hours per day for students in grades 7-12.

For example, students in District A’s grades 7-12 school building attend school for 5.5 hours a day, equating to 330 instructional minutes daily. Annually, these students attend school for 180 days multiplied by the 330 instructional minutes each day which translates to 59,400 minutes of minimum annual instructional time. Therefore, the superintendent must certify that no more than 1,188 minutes (19.8 hours) of time in a classroom or program in a grade are spent annually on test preparation under standardized testing conditions. Please again note, this only applies to test preparation under standardized testing conditions, which means traditional standardized assessments or historical versions of a State or Regents assessment that students are required to take for the purposes of preparing for end of the course assessments, and are administered under the same or similar standardized testing conditions required when taking a State or Regents assessment.

As another example, in preparation for the NYS Living Environment Regents assessment, District A requires all living environment students to take a prior year’s version of the assessment under similar testing conditions to those of the actual Regents. District A estimates that it will take students three hours to complete the assessment; therefore, students in a living environment class will annually spend 180 minutes on test preparation under standardized testing conditions. To calculate the percent of annual instructional time this represents, divide the 180 minutes of estimated time on task by the minimum annual instructional time, in this instance 59,400 minutes. For District A, 0.30% of annual instructional time for living environment students will be spent on test preparation under standardized testing conditions (see table below), which is acceptable under the regulations because it is less than 2 percent of the minimum in required annual instructional hours for the grade.

District A: Living Environment Test Preparation Under Standardized Testing Conditions	Estimated Times
Estimated Time on Task for Assessment Completion	180 minutes
Annual Instructional Time	59,400 minutes (minimum)
% of Annual Instructional Time Spent on Test Preparation Under Standardized Testing Conditions	180 minutes /59,400 minutes= 0.30%

Q7. Must the district limit all assessments district-wide to below the 1 percent of annual minimum required instructional time?

A. No. The 1 percent rule only applies to traditional standardized assessments not specifically required by state or federal law. In addition, assessments such as classroom quizzes or exams, portfolio reviews, performance-based assessments, formative assessments, and assessments used for diagnostic purposes are not subject to the limits set forth in the regulation. Additionally, these calculations do not supersede the requirements of a section of the 504 plan of a qualified student with a disability or federal law relating to English language learners or the individualized education program (IEP) of a student with a disability.

For the purposes of this regulation the following definitions are applied.

Formative assessment is a process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes.³

Diagnostic assessments are evidence-gathering procedures that provide a sufficiently clear indication regarding which targeted subskills or bodies of enabling knowledge a student possesses or does not possess — thereby supplying the information needed by teachers when they decide how to most appropriately design or modify instructional activities.⁴ Diagnostic assessments include also include assessments used for diagnostic screening required by Education Law §3208(5).

Traditional standardized assessments are defined by NYSED in section 30-2.2(v) of the Rules of the Board of Regents as a systematic method of gathering information from objectively scored items that allow the test taker to select one or more of the given options or choices as their response. Examples include multiple-choice, true-false, and matching items. NYSED defines this term to focus specifically on those assessments that require the student (and not the examiner/assessor) to directly use a "bubble" answer sheet.

Q8. Are districts/BOCES required to make these certifications regarding caps on instructional time for testing and test preparation for the 2013-14 school year?

A. No. Effective May 10, 2014, any APPR plan submitted to the Commissioner for approval for use in the 2014-15 school year and thereafter must include the signed certification by the superintendent, district superintendent, or chancellor attesting that the amount of time devoted to traditional standardized assessments that are not specifically required by state or federal law for each classroom or program within a grade level does not exceed, in the aggregate, one percent of the minimum in required annual instructional hours for such grade; and that the amount of time devoted to test preparation under traditional standardized testing conditions for each classroom or program within a grade does not exceed, in the aggregate, two percent of the minimum required annual instructional hours for such grade.

³ Definition adopted by the CCSSO Formative Assessment for Students and Teachers State Collaborative on Assessment and Student Standards (FAST SCASS), October 2006.

⁴ Distinguishing Formative Assessment From Other Educational Assessment Labels. The Council of Chief State School Officers, May 2012.