

## Removal of Traditional Standardized Third Party Assessments in K-2

Effective March 2, 2014, no APPR plan shall be approved by the Commissioner for use in the 2014-15 school year or thereafter that provides for the administration of traditional standardized third party or vendor assessments to students in kindergarten through grade two. However, any district or BOCES with an APPR plan that has been approved by the Commissioner for use in the 2013-14 school year that provides for the use of a traditional standardized third party assessment from the list of approved assessments for students in kindergarten through grade two shall remain in effect in accordance with Education Law §3012-c(2)(1) and the district or BOCES may continue to use such assessments until a material change is made and approved by the Commissioner to eliminate such use.

Related, effective March 2, 2014, the Department implemented the Regents action to eliminate traditional standardized assessments for use in kindergarten through grade two from the list of state-approved assessments for use in APPR plans for the 2014-15 school year and thereafter. The superintendent, district superintendent, or chancellor will certify in their APPR plan that any third party assessment being used for APPR purposes for these students is consistent with the State's APPR Assessment Guidance (see <https://www.engageny.org/resource/guidance-on-the-approved-regulatory-amendments-to-appr-to-help-reduce-local-testing>) and is not a traditional standardized assessment as defined by the Department (see Q1).

### **Q1. What is NYSED's definition of "traditional standardized assessment" for the purposes of determining whether a third party assessment is a "traditional standardized assessment"? Are performance-based assessments or game-like computer based assessments included in the definition of traditional standardized assessments?**

A. Assessments such as performance-based assessments, State assessments<sup>1</sup>, formative assessments, and assessments used for diagnostic purposes are not subject to the limits set forth in the regulation.

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.<sup>2</sup>

---

<sup>1</sup>There are no K-2 standardized tests administered or required by the state. Federal law mandates that the English proficiency of all English language learners enrolled in Grades K-12 be assessed annually. The New York State English as a Second Language Achievement Test (NYSESLAT) is the annual assessment that NYS administers to comply with federal law. The NYSESLAT gives the State and schools important information regarding English language development of English language learners. In the listening, reading, and writing subtests, students in grades K-2 mark their answers in their test booklets by circling or otherwise marking the answer or picture. There is no bubble sheet for these students to use. A teacher or aide must transcribe the student's responses to the answer sheet exactly as the student recorded it in the test booklet. The speaking portion of the NYSESLAT is administered to a student one-on-one. For a parent's guide, please see: [NYSESLAT](#).

<sup>2</sup> Definition adopted by the CCSSO Formative Assessment for Students and Teachers State Collaborative on Assessment and Student Standards (FAST SCASS), October 2006.

**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.<sup>3</sup>

**Traditional standardized assessments** are defined by NYSED for the purposes of this regulation 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.

**Q2. My district is already using a locally determined traditional standardized third party assessment for APPR purposes for the 2013-14 school year for students in kindergarten through grade two. Are we required to submit a material change to our APPR plan just to remove these assessments from use?**

A. No. Districts or BOCES with an approved APPR plan for the 2013-14 school year that are using a traditional standardized third party assessment for students in kindergarten, grade one, and/or grade two are not required to submit a material change to their APPR plan just to remove these assessments from use. The currently approved APPR plan shall remain in effect in the 2014-15 school year or thereafter in accordance with Education Law §3012-c(2)(1) and districts or BOCES may continue to use such assessments until a material change is made to any portion of the APPR plan and approved by the Commissioner. At the time of the material change submission, districts and BOCES must remove the use of the traditional standardized third party assessment(s) for students in kindergarten, grade one, and/or grade two from their APPR plan

**Q3. If my district/BOCES wants to make a material change to our APPR plan solely to eliminate the use of a traditional standardized third party assessment being used for APPR purposes for students in kindergarten through grade two, is there a way to expedite the review of our APPR plan?**

A. Yes. Districts/BOCES that wish to submit a material change to their approved APPR plan that solely relate to the elimination of unnecessary assessments that are used with students for APPR purposes (for any grades/subjects) may request an expedited review of the material change using the [Expedited Material Change Form](#). The Department will only review those sections of the plan that relate to the eliminated assessments to ensure compliance with Education Law §3012-c and Subpart 30-2. For more information, see: <https://www.engageny.org/resource/guidance-on-the-approved-regulatory-amendments-to-appr-to-help-reduce-local-testing>. This form must be completed and submitted to EducatorEval ([educatoreval@mail.nysed.gov](mailto:educatoreval@mail.nysed.gov)) **no later than March 1, 2015**. Please note that the Department will not accept late submissions of this form. **Please type “Expedited**

---

<sup>3</sup> Distinguishing Formative Assessment From Other Educational Assessment Labels. The Council of Chief State School Officers, May 2012.

**Assessment Material Change” in the subject line of your email to ensure an expedited review of your material change request.**

The Department recommends that school districts and BOCES consult with their local counsel before submitting this certification form and any changes to their currently approved plan in the APPR portal.

**Q4. Will traditional standardized assessments for use in kindergarten through grade two remain on the list of state-approved assessments for use in APPR? How will we know whether the third party assessment we are using is allowable?**

- A. No. Effective March 2, 2014, the Department implemented the Regents action to eliminate traditional standardized assessments for use in kindergarten through grade two from the list of state-approved assessments for use in APPR plans for the 2014-15 school year and thereafter. The state-approved list no longer includes any third party assessments for use in kindergarten through grade two (see: <http://usny.nysed.gov/rttt/teachers-leaders/assessments/approved-list.html> for the updated list).

For those districts or BOCES who determine that for APPR purposes they will use a third party or vendor developed assessment for students in kindergarten, first, or second grade, the Department has issued an APPR Assessment Guidance Document consistent with 30-2.8 for use with these grades (see: <https://www.engageny.org/resource/guidance-on-the-approved-regulatory-amendments-to-appr-to-help-reduce-local-testing>).

Additionally, for APPR plans submitted to the Commissioner for approval for use in the 2014-15 school year and thereafter, the superintendent, district superintendent, or chancellor must now certify in their APPR plan that any third party assessment being used for APPR purposes for these students is consistent with the State’s APPR Assessment Guidance document at <https://www.engageny.org/resource/guidance-on-the-approved-regulatory-amendments-to-appr-to-help-reduce-local-testing>, and is not a traditional standardized assessment, as defined in Q1.

Effective March 2, 2014, the APPR portal has been updated to remove the dropdown, “3<sup>rd</sup> party assessment” from kindergarten through grade two. The dropdown has been replaced with “3<sup>rd</sup> party non-“traditional standardized” assessment that meets NYSED guidance requirements.” Districts and BOCES are also no longer required to list the specific name of the third party assessment they are using in the APPR portal.