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Testimony of

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Before the Education Committee

SB 175 AAC Recommendations of the Department of Education.

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Good afternoon Senator Slossberg, Representative Fleischmann, and members of the Education Committee. My name is Mark Waxenberg, Executive Director of the Connecticut Education Association. CEA represents 43,000 active and retired teachers across the state.

I am testifying today on **SB 175 AAC Recommendations of the Department of Education.**

SB175 includes numerous provisions that CEA supports including the creation of a Biliteracy Diploma (Secs. 1-2), addressing bilingual instructor certification standards (Sec. 6), permitting carry-forward of alliance funds (Sec. 7), and requiring CREC special transportation funding audits (Sec. 12). CEA also supports Section 10 regarding Priority School Districts, provided such changes do not foreclose on grant increases in the future.

There are numerous sections of SB175 that raise concerns for CEA and its members:

Section 3 – Parental Opt-Out Rights
CEA is strongly against Section 3, which penalizes parental opt-out testing choices.

Section 3 of SB175 includes, among other provisions, language proposed by SDE intended to punish schools in districts where parents have chosen to opt their children out of the statewide SBAC mastery exam.

Regarding the department's stated intentions, this language "ensures that districts that may be high performers but have achievement or graduation gaps or low participation in state assessments will not be eligible for MBR relief." (See SDE Agency Proposals 1/6/16 http://www.sde.ct.gov/sde/lib/sde/pdf/board/boardmaterials010616/legislative_proposals.pdf).

This provision is one among a number of parental opt-out penalties that are being implemented by SDE without there having been any legislative consideration. The provisions are targeted at districts with higher rates of parents opting their children out of statewide mastery (e.g. SBAC) testing. They include:

- Penalizing schools and districts by dropping their school performance indicator by one level (SDE 8/16/15 Federal Waiver submission);
- Prohibiting districts from receiving relief under the state's Minimum Budget Requirement or MBR (SB175);
- Withholding Title 1 funding for CT's neediest students. (SDE Letter to US DoE 12/4/15);
- Imposing an unfunded mandate for districts to develop and submit plans to decrease the number of parents who choose to opt their child out of statewide testing (SDE Letter to US DoE 12/4/15);
- Requiring district representatives to attend a statewide meeting with SDE regarding opt-outs (SDE Letter to US DoE 12/4/15).

These punitive measures run the risk of diminishing student services, particularly among low-income children. They may cause cuts and reallocation in other school programs, or result in increased local property tax burdens as districts try to fill the gaps. And thy can negatively impact property values which, as we know, are linked to perceptions of the quality of local schools.

Those who wish to take away parents' rights to opt their child out of testing may blame the US DoE policy. However, it should be noted that such draconian policies have not been forced upon or adopted by NY State, despite it having a significantly higher statewide opt-out rate in excess of 20% of all students.

It is also important to note that the new federal law, the Every Student Succeeds Act of 2015 (ESSA), defers parental opt-out policies to the states. ESSA recognizes the parental opt-out rights established in states' laws and permits states to define participation rates in a way that avoids penalizing districts for the choices of parents to exclude their children from statewide (e.g. SBAC) testing.

ESSA also requires school districts to honestly inform parents of their opt-rights, whatever such rights may be by law. ESSA requires that a school district

> "shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding

> any State or local educational agency policy regarding student participation in any assessments mandated by section 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable." (P. 145)

Because of this, it is incumbent on the legislature to decide if there is an affirmative parental right to opt the child out of the statewide assessment.

Taken together, the actions of the State Department of Education represent an overreach of agency authority and a usurpation of decisions about parental rights that should be debated by this committee and the general assembly as a whole.

Section 4 – School Accountability Measures
CEA is strongly against Section 4 of SB175, which includes a 1-5 school rating system.

Section 4 implements a school accountability system that classifies schools in an oversimplified and misleading way. It does this by boiling down a small handful of factors like test scores and attendance rates into a single 1-5 number that is akin to grading schools from A-F. The idea of a 1-5 or A-F rating may help customers understand how well a restaurant follows the health code. But such oversimplified ratings do not inform the public about how well schools meet the complex needs of students, families, and communities. In fact, such oversimplification of school quality – which will likely paint many successful schools as failures – can undermine the state's constitutional obligation to provide substantially equal educational opportunity.

It is also important to note that the 1-5 rating system that was included in Section 4 has already been inserted into the state's federal ESEA/NCLB waiver application, which was submitted on August 3, 2015. There was no public comment period on this provision and legislative oversight required under Sec. 300 of PA 15-5 (JSS) was circumvented. Although the waiver was submitted to the US Department of Education on August 3, 2015 and approved 3 days later, the waiver itself may be void as it was submitted in violation of state law.

Connecticut needs a school accountability system that can really measure the complex and constitutional mission of our schools. To date, we do not have one. The SDE has been working to expand the relevant factors included in our school accountability system and CEA supports this ongoing work. But there is still much work to be done and an opportunity to do so.

The recent passage of ESSA provides increased flexibility to states to incorporate more relevant factors, such as school climate and resource availability. Connecticut has an opportunity to be innovative and improve upon the school accountability provisions. The legislature, together with educators, parents, community leaders, and experts, has an opportunity to weigh-in through the democratic process.

Section 4 short-circuits this opportunity and hastily imposes an inadequate and counter-productive system. CEA knows that together we can do better and urges committee members to take a leading role, and to incorporate a more collaborative and inclusive process.

Section 5 – Teacher Certification Reciprocity
CEA has reservations regarding Section 5. While it is important to recruit a high-quality, diverse, and committed teacher workforce, Connecticut must not weaken certification standards to do so. Certification must be conditioned on successful completion of teacher preparation programs that have been approved by the state and accredited by recognized regional agencies.

Section 5 includes a provision that appears to permit the Commissioner of Education to circumvent such assurances. CEA cannot support this potential diminution of certification standards.

Section 5 also appears to permit teachers from out of state who seek Connecticut certification to leap over the Initial Educator Certificate. We believe that this would not be a wise option. The initial certificate requires teachers to participate in Connecticut's Teacher Education And Mentoring (TEAM) program. TEAM is a vital part of teacher induction that helps increase retention while improving the many components of teaching that make for an effective teacher. The Initial Educator Certificate also ensures that teachers, whether new or new to Connecticut, advance through the certification levels on equal footing.

CEA asks that section 5 be clarified to prevent incoming out-of-state teachers from avoiding TEAM and from automatically being granted a professional level certificate without meeting corresponding requirements for the initial, provisional, and professional level certificates.

Section 8 – Parent University
CEA reserves judgement on Section 8, which permits SDE to fund a "Parent University" using private donations and permits such donations to expand the scope of the program's work.

CEA suggests that this section be clarified to include more clearly defined uses of the funds and the inclusion of programmatic outcomes. CEA believes that programs designed to promote parental participation and collaboration in a child's education should also promote student success through greater community engagement, for example through strategies consistent with a community schooling model. We urge that SDE's Parent University program incorporate these ideals by statute.

Thank you.