NASHUA RESOLUTION ON COMMON CORE 2013.10.14 (DRAFT AS INTRODUCED)

Prime Sponsor: David Murotake

Co-sponsors:

BOARD OF EDUCATION. Requests New Hampshire Board of Education and Department of Education to delay mandatory implementation of Smarter Balanced Assessments (SBA) and other Common Core State Standards (CCSS) alignments required in the CCSS Implementation Framework for a period of two years, and forbid use of assessments and tests requiring mandatory submission of privacy information without opt-out provisions, or otherwise violate the strict provisions of New Hampshire and Federal student and family privacy laws.

A RESOLUTION: To urge and request the New Hampshire Board of Education and Department of Education to delay mandatory implementation of Smarter Balanced Assessments (SBA) and other Common Core State Standards alignments required in the CCSS Implementation Framework for a period of two years, and forbid use of assessments and tests requiring mandatory submission of privacy information without opt-out provisions, or otherwise violate the strict provisions of New Hampshire and Federal student and family privacy laws.

WHEREAS, the Common Core State Standards Initiative, also known as "Common Core", was initially undertaken by a voluntary group of states, at the behest of the National Governor's Association and the Council of Chief State School Officers; and
WHEREAS, the New Hampshire State Board of Education adopted the New Hampshire Common Core State Standards (NH CCSS) on July 8th, 2010, along with a NH CCSS Implementation Framework; and

WHEREAS, the New Hampshire State Board of Education most recently adopted a revised NH CCSS Implementation Framework on July 23, 2012; and

WHEREAS, the Implementation Framework requires Districts to measure, by the 2014-2015 school year, “the effectiveness of CCSS, align district/school data systems to support CCSS analysis, align staff evaluations with CCSS curriculum, instruction, and assessment requirements, align SINI/DINI/restructuring plans with CCSS implementation, align District Master Professional Development plan to support professional learning of CCSS outcomes and expectation”; and

WHEREAS, the Implementation Framework further requires Districts to administer the State Summative Assessments in Spring 2015, including the SMARTER Balanced CCSS Assessment (Grades 3-8, 11), Competency Assessments/Student Learning Outcomes (SLO) (Grades 9-12) and the National Assessment of Education Progress (NAEP); and

WHEREAS, the State of New Hampshire is not a "home rule" state, and by RSA 186:5 the State Board of Education "shall have the same powers of management, supervision, and direction over all public schools in this state as the directors of a business corporation have
over its business, except as otherwise limited by law", and further that "It shall be the duty of school boards and employees of school districts to comply with the rules and regulations of the State Board", thereby requiring all New Hampshire Districts to comply with deployment of the CCSS, its assessments and testing; and

WHEREAS, a variety of studies cited by the National Conference of State Legislators (NCSL), including the Stanford University Center for Opportunity Policy in Education, the Pioneer Institute, and the Fordham Institute estimate costs of $289 per student "over and above business as usual" on average, and higher in Districts like Nashua that begin CCSS transition and alignment with outmoded or sparse technology; and

WHEREAS, the Nashua School District was last evaluated as a "low Step 1" in recent years on a four-step technology readiness assessment by the New Hampshire Department of Education;

WHEREAS, after two years of substantial budget increases in technology investments, over 50% of District computers are still more than 8 years old, with more investment needed; and

WHEREAS, the District must still purchase a substantial amount of instructional materials, including "catching up" on textbook purchases deferred to allow acquisition and integration of instructional technology while awaiting publication of appropriate Core aligned textbooks; and

and
WHEREAS, Hart Research Associates conducted a survey of 800 teachers in March 2013, finding over 74% concerned that the assessments will begin before students and teachers are ready to be tested, that a majority believe their Districts have not done enough in terms of professional development to learn both content and pedagogy, develop model lesson plans for curriculum, and obtain the technology needed to run the computerized assessments; and

WHEREAS, on April 30, 2013, US Secretary of Education Arne Duncan admitted to flaws in Common Core assessments and consequences, to the annual meeting of the American Educational Research Association, calling for “Assessment 2.0” – a “re-think” on Common Core assessments and consequences; and

WHEREAS, on April 30, 2013, both AFT President Lisa Weingarten and NEA President Dennis van Roekel called for a 2-year moratorium on Common Core assessments and consequences, citing the lack of readiness of the Standards, the School Districts, the students, and the teachers in preparation for assessments; and

WHEREAS, Nashua teachers have expressed agreement with the national AFT call for a 2-year moratorium;

WHEREAS, the National School Board Association, American Association of School Superintendents, National Association of Elementary School Principals, and National Association of Secondary School Principals issued a joint memorandum, noting states and districts face “very real obstacles” to align their curricula with the new standards and
administer the required tests, and that "Getting this transition right can mean the difference between getting and keeping public and educator support for the Common Core or a loss in confidence in the standards and even the public schools, especially if as expected the first-year scores will disappoint’’; and

WHEREAS, the New Hampshire School Board Association, in its September 13 letter to the State Board of Education, expressed "continuing concerns over the erosion of local school board/district governance by both the State and US Departments of Education’, that "these required policy-related changes will come at the very time when school boards continue to grapple with yet to be defined changes apparently required by the ESEA waiver; the implementation of the Common Core State Standards; and, a transition to the Smarter Balance assessment tools, to name but several prominent and new state and/or federal mandates”, and "On behalf of its members, has posed various questions to Department officials concerning these new initiatives, seeking clarity as to impact on local school districts, with the hope that answers would enable understanding and support for the initiatives.” but concluding, "Those questions have largely been unanswered, to date”; and

WHEREAS, it may be difficult for the District to provide the needed teacher and administrator professional development, technology acquisition, technology integration, and Core aligned deferred textbook purchases within District budget constraints in the one fiscal year remaining before the CCSS summative assessments are held in the 2014-2015 school year, without additional funding such as a Race to the Top (RTTT) grant award; and
WHEREAS, student behavior indicators including testing for mental health, social and cultural habits (including religious practices), and family status which may be used for CCSS tests and assignments are forbidden by New Hampshire legislation and regulations; and

WHEREAS, Nashua parents, constituents and elected officials have expressed concern that CCSS assessments and tests may violate New Hampshire and federal privacy laws by requiring the storage and sharing of private student and family data, without consent, using preschool through post-graduate tracking systems and a federally-funded State Longitudinal Databases; and

WHEREAS, the ability to guarantee student and family privacy, prevention of online entry of student privacy data and enforcement of "opt out" is beyond the ability of the District to guarantee, being the responsibility of the State Board of Education and the State Department of Education; and

WHEREAS, five states rejected the Common Core from the start, and increasing concern over Common Core issues has resulted in other States either withdrawing from Common Core, or considering prohibition of continued Common Core implementation.

THEREFORE, BE IT RESOLVED that the Nashua Board of Education hereby urge and request the State Board of Education and the Department of Education to delay mandatory implementation of Smarter Balanced Assessments and other Common Core State Standards alignments required in the CCSS Implementation Framework for a period of two years.
BE IT FURTHER RESOLVED that the District shall not administer any assessment or test, where the privacy of student data cannot be guaranteed, preserving student and parental opt-out rights to the full extent of the Family Education Rights and Privacy Act (FERPA) or Nashua District Policy, whichever is stricter; and request the State Board of Education and the Department of Education to forbid use of assessments and tests requiring mandatory submission of privacy information without opt-out provisions, or otherwise violate the strict provisions of NH student and family privacy protection legislation.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Superintendent of the Nashua School District, the Mayor and Board of Aldermen of the City of Nashua and the State Commissioner of Education.

Prime Sponsor: ____________________________ October 14, 2013