

**The rise of high-stakes standardized testing means that New York’s public schools now focus on the specific English and math skills that can be most easily measured and ignore other key aspects of learning—even to the point of breaking state law and proven educational guidelines.**

## **ARTS AND MUSIC**

New York State law requires that arts be taught in all grades, from pre-K to 12th. For grades 1 to 3, for example, students are supposed to receive 186 hours of dance, music, theater, and visual arts—that’s about an hour of arts every school day. Few schools now meet this requirement.

<https://centerforartsed.org/resources/new-york-state-arts-education-requirements>

## **PHYSICAL EDUCATION & RECESS**

New York State law requires students in grades K-3 to participate in a physical education program on a daily basis, with a minimum of 120 minutes each week. And the Wellness Policy developed by the NYC Office of School Health (OSH) recommends 20 minutes daily of outdoor recess *in addition to PE*, even in cold weather. Many schools still have recess but the vast majority of public schools fail to meet both requirements.

See NYS ED LAW: CR135.4 and

[http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/elementary\\_pe\\_resource.pdf](http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/elementary_pe_resource.pdf)

## **LIMITS ON TIME SPENT TESTING & PREPPING**

In 2014, responding to critics of testing, state legislators passed a law limiting the amount of time students spend on state- and district-level testing to no more than 1 percent of overall instructional time. Locally required tests are also limited to 1 percent, and the law further caps test prep to no more than 2 percent, or about three and a half days in a school year. In 2016, it appears that all public schools in New York broke this law; the switch to untimed testing resulted in testing times that well-exceeded the 1 percent limit.

<https://www.nytimes.com/2014/05/01/education/test-prep-endures-in-new-york-schools-despite-calls-to-ease-it.html> and

<https://www.politico.com/search?q=testing+caps+praised+by+federal+government+questioned+in+ny>

## **CLASS SIZE**

In 2007, city Education Department officials followed state law in setting average class size goals of 19.9 students for kindergarten through third grade, 22.9 students for fourth through eighth grade and 24.5 students for high school. But an Education Law Center report found that a whopping 800,000 kids — representing nearly 80% of city students — were enrolled in classes that exceeded those limits in the 2015-16 school year.

<https://www.nydailynews.com/new-york/education/nyc-public-school-overcrowding-increases-article-1.2701817>

## **SCHOOL LIBRARIES**

A 1974 state law requires middle and high schools to hire librarians in direct proportion to the size of their schools. (Elementary schools are excluded.) New York City would have to double the number of librarians—a potential cost of \$24 million to \$30 million—in order to comply.

<https://www.edweek.org/ew/articles/2015/03/18/number-of-libraries-dwindle-in-nyc-schools.html> and

<https://www.slj.com/?detailStory=state-orders-new-york-city-to-comply-with-mandate-for-secondary-school-librarians>

## **CITY COUNCIL BILL ON OPT OUT**

Most parents at high-poverty schools in NYC aren’t aware that they have the right to opt out of the state tests. To help address this imbalance, the City Council unanimously passed a resolution (2015) calling on the Department of Education to amend its Parent’s Bill of Rights and Responsibilities to include information about opting out of high-stakes testing and to distribute this document at the beginning of every school year, to every family. The DOE has refused to adhere to this resolution, which is not legally binding.

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2170518&GUID=84779EFF-5B75-4A6E-8835-D8877BB635B2>

