

**Public Hearing
Regents Learning Standards
and High School Graduation Requirements**

**NY State Standing Committee on Education
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Paul Houston, executive director of the American Association of School Administrators recently published a story that aptly befits the model of reform that New York has unfortunately adopted. "Greek mythology contains a story about an innkeeper named Procrustes, who took in travelers. He had one problem: His inn had only one bed. When a traveler came to the inn, Procrustes measured him. If he was too long for the bed, Procrustes chopped off his legs to the right length. If he was too short, Procrustes tied the traveler to a rack and stretched him to the right length. You didn't want to spend the night at Procrustes' place."

The one-size-fits-all approach of our character in myth is clearly evidenced in New York's testing reform as we know it today. We are educating our children in a rigid "standard" manner that, if they don't fit are made to suffer the dire "Procrustean" consequences.

I speak to you today to review those dire consequences already experienced by our children as a result of a system blind to the needs of individuals and structured around the self-preservation of those who have promoted this deadly high-stakes testing reform.

In a study by Monk, Sipple and Killen, a study commissioned by the Board of Regents, it has been determined that:

- There has been a decline in passing rates of the new Regents exams
- The performance gap between large urban centers and other public schools has widened. In the City of Rochester, between 1996 and 2001 Regents diploma rate went from 20% to 21% and the number of students earning local diplomas remained at 72% (Is this closing the gap as claimed by our Commissioner?)
- 4th and 8th grade teachers are either fleeing the profession or requesting grade-level transfers
- IEP diplomas, (which are no diplomas at all) increased by 21.6%
- Students have been moved into GED programs to hide the dropout rate

From New York State's own Regents Report Card data:

- Since 1995 the rate of students leaving high school for GED programs increased by 30%

- From 1998 to 2000 the number of students dropping out increased by 17%
- Since 1995, 1,440,000 students REPEATED ninth grade in NY State (all research on retention clearly demonstrates that grade retention in the 9th grade and beyond yields a nearly 100% dropout rate). Furthermore, research over the entire past century shows that retention in the early grades does NOT produce long-lasting gains and in fact increases the likelihood of becoming a school dropout.
- English Language Learner dropouts have become the latest disenfranchised minority population. They have gone from the minority group with the highest diploma earning rate to the lowest!

In a well-publicized study in the New York Times and New York Post, by Advocates for Children, it was uncovered that 160,000 students in NYC alone were pushed out of high schools to hide the dropout rate between 1998 and 2001. Approximately 100,000 additional pushouts have occurred since 2001. That's over ¼ million students gone and unaccounted for and not messing up anyone's pretty dropout statistics.

As a legislative body representing the whole of our society, the issue of students being pushed out of school, dropping out and disappearing should be of enormous concern. Here is what is happening to these forgotten individuals:

In a recent study by the Harvard Civil Rights Institute it was demonstrated that High-Stakes Tests and Zero-Tolerance policies have dramatically contributed to sending young men of color to prison at an alarmingly higher rate than whites. This study among others gave rise to the three-part series, School to Prison Pipeline, Do Not Pass....Go Directly to Jail by Bobby Iafolla. For example, for every one African-American entering college, three entered jail or prison. In fact, if an African-American male drops out of school, 52% will go to jail. In my city of Rochester, last year there were 41 homicides. All 41 homicides were committed by high school dropouts. Most were of color.

Commissioner Mills, Chancellor Bennett and the entire Board of Regents should take heed to a just-released study by Greene and Winters of the Manhattan Institute entitled Public School Graduation Rates in the United States, the following are some stunning New York State statistics:

Only 46% of African-Americans graduate from NY State High Schools, placing NY 27th out of the 31 states with statistics.

Only 40% of Hispanics graduate from NY State Schools, placing New York second last in the country.

The graduation rate for whites in NY is 78% or 14th out of 37 states

New York State's TOTAL graduation rate of all races is 64% or 39 out of 50

Raising Standards? Bridging the gap? Hardly

Negative statistics have dramatically increased for Students With Disabilities (SWD) as well:

- From 1998 to 2001 SWD dropouts increased from 7600 to 9600 (26.3% increase) Nationally, the dropout rate among SWDs DECREASED by 5.6%
- While SED has reported a drop of one tenth of one percent in the classification rates of SWD at 11.7%, New York's classification rate is listed as as 14.8% by the Office of Special Education Programs
- And as previously mentioned, IEP diplomas have increased by nearly 22%

In addition to the damage caused to children, it is imperative today that we investigate the honesty and integrity of the State Department of Education as it relates to this collateral damage.

I will focus on only a couple exemplars of the deceit and game-playing that has taken place at the expense of our kids.

In his September 23rd testimony, Commissioner Mills stated that the Board of Regents will have to deal with the issue of Physics being an advanced course versus a regular high school course as a policy issue. This is not true. I have taught and worked in New York State schools for 35 years. Regents Physics has never been a college course or an advanced course as portrayed by the Commissioner. In fact, there are no Regents exams of this category and there never have been. The facts are that the Commissioner needs to explain away the “**three times as many failures**” on the Regents Physics test of June 2002 and an even greater failure rate in June 1003.

Commissioner Mills often speaks of the Regents tests being created by teachers. Not true. In fact, teachers do write questions for Regents exams. Unfortunately, the questions chosen and the scaled-scoring process are not done by teachers. The State Education Department nullified the cut score set at 31 for the 2002 Physics Regents which was set by a group of 28 teachers selected for this process. State Education Department officials changed the cut score to 58, effectively representing an 87% increase in the number of correct answers needed to pass the exam. This untoward process was uncovered in a New York Times story by Michael Winerip on March 12, 2003 called “When a Passing Grade Defies the Laws of Physics.”

The Commissioner also states how he stopped the sanitizing of literature passages within 24 hours. Not close to the truth. Now he SAID he would stop within 24 hours, but the facts are that it happened two more times since the initial whistle was blown by Jeanne Heifitz in New York. This fact was reported in the NY Times in the January 30, 2003 edition.

On April 29, 2003 the State Education Department put out ubiquitous press releases to send the message of how well students with disabilities were doing under this testing regime. The ‘cherry-picking’ of information for this press release is an outrage. I have already shared with you the dismal SWD statistics. They cannot be refuted. I include with my testimony, an analysis of the SWD data in response to their press release. You can come to only one conclusion. Statistics are being hidden or manipulated to hide a train wreck.

In the Commissioner's recent September 23rd testimony in NYC, he stated that NY is the only state to publish every question of every exam immediately after it is administered. NY also publishes the scoring process for each of the Regents exams. That is, if they feel they have nothing to hide. Isn't it odd that for June 2002 all of the scaling processes were posted on the web except Physics?

The Commissioner testified that they have published over 70 technical papers on the validity and reliability of the exams. There are virtually **NO** validity reports on these exams. There are plenty of reliability reports. A bad exam taken under similar conditions will certainly be a bad exam whether taken on Monday or whether taken on Friday. These exams have proven to be reliable... reliably bad. Validity studies **DO** exist, however, from national scholars, such as Walter Haney and Robert Hauser. These studies clearly demonstrate that the New York Regents exams **ARE NOT** valid. The Rockefeller Institute in NYC has also written a series of reports demonstrating that indeed, the core Regents exams do not pass the validity test. Wouldn't we all like to see the validity reports for Regents Physics and Math A? And where are the validity reports for the new competency tests in the English Language for English Language Learners. How can an astonishing number of English Language Learners successfully pass their 11th grade Regents English exam and **FAIL** a test that was supposed to determine whether or not they can read, write and speak English. I wish I were making this up. I'm not. It was reported last month in the NY Times and it happened in my own district.

Valid exams? I don't think so.

The Commissioner speaks of his and the Board of Regents flexibility in offering 20 alternative assessments. Do you know what those alternative assessments are? They are Advanced Placement and International Baccalaureate exams. All college-level tests. How is it that a college level test is an alternative for a high-school English exam? These are tests that kids must pass to get out of high school. This is high school, not college.

The Commissioner testified that we are "narrowing the performance gap" between kids of color and white Americans. In fact he brought Kati Haycock from the Educational Trust to provide testimony to support that position. However, she offered no facts, and she can't. I should remind you that Katie Haycock represents an organization that put out a report on High Flying Schools. That is, schools of poverty and color that have narrowed the gap. The report turned out to be wishful thinking and manipulation of statistics. The High Flying Schools myth was completely debunked by Stephen Krashen from the University of Southern California and a host of other nationally recognized researchers.

And finally, the Commissioner testified that "There are many proposals to change the Regents policy and virtually all claim to meet high standards but most of them don't." Let's assume that this statement is true, although it is not. Why are we then not considering the few plans that **DO** measure high standards? Why not look at the plan designed by Ron Wolk that does not dismiss standardized tests but rather finds an

appropriate place and value for them? I am attaching to my testimony a published article I wrote on achieving high standards without throwing out the tests. I believe it merits serious consideration if we really want to keep kids in school instead of throwing them out as is happening now.

I would like to end with a story by businessman Jamie Robert Volmer.

Volmer represented a group of business people dedicated to improving public schools and was an executive at an ice cream company that became famous in the middle 1980s when *People Magazine* chose their blueberry as the "Best Ice Cream in America."

Volmer was the guest lecturer providing in-service to a large group of teachers.

At one point, he eloquently proclaimed, "If I ran my business the way you people operate your schools, I wouldn't be in business very long!"

He was convinced of two things. First, public schools needed to change; they were archaic selecting and sorting mechanisms designed for the industrial age and out of step with the needs of our emerging "knowledge society". Second, educators were a major part of the problem: they resisted change, hunkered down in their feathered nests, protected by tenure and shielded by a bureaucratic monopoly. They needed to look to business. He knew how to produce quality. Zero defects! TQM! Continuous improvement!

In retrospect, he said, his speech was perfectly balanced - equal parts ignorance and arrogance. As soon as he finished, a woman's hand shot up. She appeared polite, pleasant -- she was, in fact, a razor-edged, veteran, high school English teacher who had been waiting to unload.

She began quietly, "We are told, sir, that you manage a company that makes good ice cream."

He smugly replied, "Best ice cream in America, Ma'am."

"How nice," she said. "Is it rich and smooth?"

"Sixteen percent butterfat," he crowed.

"Premium ingredients?" she inquired.

"Super-premium! Nothing but triple A." He was on a roll and never saw the next line coming.

"Mr. Vollmer," she said, "when you are standing on your receiving dock and you see an inferior shipment of blueberries arrive, what do you do?"

In the silence of that room, he could hear the trap snap...he was cooked, but he wasn't going to lie.

"I send them back, he said.

"That's right!" she barked, "and we can never send back our blueberries. We take them big, small, rich, poor, gifted, exceptional, abused, frightened, confident, homeless, rude, and brilliant. We take them with ADHD, junior rheumatoid arthritis, and English as their second language. We take them all! Every one! And that, Mr. Vollmer, is why it's not a business. It's school!"

In an explosion, all 290 teachers, principals, bus drivers, aides, custodians and secretaries jumped to their feet and yelled, "Yeah! Blueberries! Blueberries!"

And so began his long transformation.

Since then he has visited hundreds of schools and has learned that a school is not a business. Schools are unable to control the quality of their raw material, they are dependent upon the vagaries of politics for a reliable revenue stream, and they are constantly mauled by a howling horde of disparate, competing customer groups that would send the best CEO screaming into the night.

Volmer says that the most important thing he has learned is that schools reflect the attitudes, beliefs and health of the communities they serve, and therefore, to improve public education means more than changing our schools, it means changing America.

Let's not continue with the business of building more businesses or more importantly, schools, like the Inn of Procrustes; Inns where we butcher our children by narrow thinking and a one-size mentality. Let's tailor our schools to the needs of our kids and our local communities. Let's do everything we can to keep kids in school and whole. As Paul Houston so poignantly stated,

"We need more tailors and fewer butchers."