

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

**NY State Standing Committee on Education
Albany, October 22, 2003**

**Testimony submitted by Melanie Spivak
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Hello, my name is Melanie Spivak. I am here representing the Scarsdale Parent Teacher Council and I am here as a mom, representing my children.

I have spent the past four years immersed in the testing issues. As a mother, past president of the Scarsdale Middle School PTA, and past vice-president of the PT Council, I have attended conferences, met with members of the Board of Regents and the New York State Education Department, read educational journals and kept up with the extensive media coverage of this issue. I believe that I have come to understand the deeper ramifications of these tests. Meetings with others in my community and interested parents across the State have allowed me to exchange views and to realize that many others share my ever-increasing concerns that this system does not work. I feel compelled to share with you the negative effects of this disastrous course of action on our children and their education.

This New York State testing mandate does not start with the Regents exams. I'm sure you're aware that the sheer number of tests given from fourth grade on is overwhelming, and will only get worse as a result of the federal No Child Left Behind legislation. The tests given in grades 4 through 8 are intended to identify children who are at risk of failing the Regents exams. We are caught in a testing catch 22: testing in order to predict performance on the next test is being substituted for real education.

No one would argue that high standards are the cornerstone of a quality education, and that our schools must provide this to all children. A State mandated testing policy however, does not and cannot accomplish this admirable goal.

Common sense tells us that time, energy and funding along with qualified teachers smaller class size and adequate teaching materials, are necessary to make sure that every child is given the best opportunity to learn. If all that time, energy and money is spent on testing and test preparation, there is little time left for quality teaching, and real learning is ultimately undermined.

Time is the one thing that is lost by everyone involved in this fiasco. In Scarsdale, it has been calculated that 123 classroom hours are devoted to the New York State 8th grade assessments. There have been multiple examples documenting the time spent for the New York State Assessments, including a paper written by the Curriculum and Instruction Committee of the

New York State Council of School Superintendents in June 2002. It calculated that the average size school in New York State spends 558.5 hours devoted to set-up, administration, learning to score and scoring the assessments each year. How can it be that these assessments far outweigh teaching time in the classroom? This is not productive to education, it is time wasted while precious classroom time is ignored and could otherwise be used to teach new material or allow students to study in more creative ways. Are you aware that last year the SED required our district to provide 7 English teachers to go to a central scoring center for 3 full days to score the ELA assessment? We don't have 7 eighth grade English teachers, so we had to take from the 7th and 6th grade to satisfy the requirement. Our high school uses every teacher from the English department to score the ELA Regents exam and cancels English classes in all grades to accomplish this. How does this inefficient system of assessments improve education when there is no time left to teach?

Experience has shown that the real-life consequences of these tests far outweigh any benefits. High school diplomas are no longer available to any student who fails even ONE of the five required Regents exams. These high stakes are causing ever-increasing dropout and push-out rates. I received a phone call that I will never forget from a mother in Brooklyn. Her daughter had failed the Biology Regents exam, despite having received passing grades throughout the year on many types of assessments including class work, homework, class participation, projects and quizzes. However, her daughter was a terrible test-taker. The bigger the test, the more her anxiety interfered with her performance. The consequences of not passing the Regents exam overwhelmed her and she failed. Six months later, she retook the exam, and failed again this time by two points, in other words only one question. Devastated, she couldn't think of a single reason not to drop out of high school. This is only one of many examples of how the high stakes attached to these tests cause children to fail.

I can't continue this discussion without mentioning what impact this mandate has had on the special education population. In fact, at a meeting I attended with Commissioner Mills in March of 2001, a Superintendent of a district in Westchester explained the unique difficulties special ed students have with regard to taking Regents exams. When this Superintendent asked the Commissioner to maintain the lower passing grade of 55 and not raise it to 65 with regard to the special needs of these students, the Commissioner refused and replied that the special education students ³would just have to try harder.² This is a shockingly misinformed statement revealing a fundamental lack of understanding about how children learn. These children are not unique in having differences, all children learn in their own individual ways. To presume that a single assessment can adequately reflect a child's learning is absurd. I know that the Commissioner and the Board of Regents are currently considering holding on to the 55 pass score for 2 more years, but that is still not enough.

Many parents and teachers have expressed to us their frustration that there is no longer time to really delve into subject matter. Flexibility and creativity have been replaced by test prep and regurgitation of facts. To be productive citizens in today's world, children must learn how to take information available to them and apply it using critical thinking and analytical skills. They must be taught how to ask questions, and find and use the information necessary to reach valid conclusions. In the world of standardized tests, thinking independently, creatively and outside of the box is penalized, rather than encouraged

Consider too, the effects of the ³lo-tech² tests Dr. Walter Haney previously referred to in his testimony on September 23rd. In our district, we are lucky enough to afford a piece of equipment that measures mass digitally and it is taught in the science classes in 7th grade. However, because all schools in the state must be tested on the same equipment and most of the schools in the state can only afford a triple beam balance, an antiquated piece of equipment, Scarsdale had to bring this equipment up from the basement. We spent money to refurbish them, and had to stop teaching the students about digital measurement so they may be familiar in using the triple beam balance just because it was on the eighth grade science assessment. What purpose is there to testing the use of outdated equipment when our students are already proficient in the use of up to date digital scales? Where is the sense in this?

At a very well attended parent meeting held in Scarsdale in the winter of 2001, we were told by a member of the State Education Department that the SED couldn't possibly assess students as well as Scarsdale does yet we must use the same tests so Scarsdale can be used as a measure of comparison for other districts. We were told that these assessments identified 10% of our student population as needing remediation, when in fact we had already identified 20% of our student population. We were told that the SED must use the same assessments to measure different districts in order to compare them yet we were told by a member of the Board of Regents that these tests were never meant for districts like Scarsdale. As a parent in this community I am outraged that time is being taken away from the classroom so that the students, my children, can be used for a comparison chart.

The validity of these tests must also be questioned. Given the way the test questions are secretly weighted, the sanitation of literary works on the ELA Regents, and the ambiguity of questions on the June 2003 Physics and math regents, these tests can't possibly result in a true assessment of what our children have learned. And we all know what happens when everyone answers a question correctly on the exam—it gets thrown out! The countless scoring errors that occur and needlessly prevent students from graduation are shameful and once again, our children are the ones who suffer. The Math A regents is a perfect example. This exam was created by professionals, reviewed and deemed to reflect the Math A curriculum. Yet, the errors in the exam were so profound that the results had to be thrown out. How curious—the SED decided to throw out the test results for juniors and seniors because that one test, prevented them from graduating. How is it that adults, professionals who are not new to this process, who do this for a living, can make such mistakes and the response is ³oops, we just won't count it.² Yet, when a student makes one mistake on one exam, ³oops² is replaced by ³failure to graduate.² This is not only unfair but unjust.

A word frequently used in discussions about education reform is ³accountability². And, even more often it's the teachers and schools that must be held accountable, making sure that each student receives a quality education. But why does accountability stop there? Our Board of Regents are a group of citizens appointed to their positions. I am told that our Commissioner of Education is accountable to them, yet I must ask, ³ who are the Board of Regents accountable to?² Our elected politicians should be accountable to the voters who put them in office, yet these un-funded, unrealistic mandates are handed down by their appointees and who is left holding the bag? Our children, they are the ones who suffer the consequences.

We believe that a good education starts with the basics: small class sizes, adequate classroom materials, qualified teachers, staff development, early intervention for at-risk students, parental involvement and attendance in class. These are the cornerstones of a quality education and also represent the underlying issues facing many schools that struggle to meet these goals. Further, children develop at vastly different rates and have different learning styles. They have differing strengths and weaknesses and must be able to demonstrate their knowledge in more than one way. Therefore, multiple types of assessments must be used to adequately determine what a child has learned and our State leadership must realize that ³one size does not fit all.²

Assessments must be diagnostic in nature so as to be most useful in providing information about an individual child to both the school and the parent. If remediation is required, it must be properly funded. A teacher's or a school's success, or failure, cannot and should not, be based upon one test score. Moreover, one test score should not determine whether or not a student receives a high school diploma.

I can only say that it's so sad that our children have only one opportunity to set the pattern for learning and if they become expert test takers, as our nation is hoping for, how will they ever learn to ask the questions?

Thank you for taking the time to hold these hearings. I appreciate that the Senate and the Assembly have made a tremendous effort to hear from the public regarding the issues pertaining to the new learning standards and regents exams. Commissioner Mills and every member of the board of regents should be here with you, and me and all of these other people who have grave concerns about the direction of education in New York State. Where are they all right now to hear what is really going on in the classrooms statewide?

I hope that at the end of the day you will all sit back and reflect upon your own education: your strengths, your weaknesses and your accomplishments. But for our children the definition of accomplishment is passing 5 regents exams. This is not enough and we are failing them by pretending that it is! Finally, we ask that you consider again what our responsibility is. Let us support children in ways that we know help children succeed in school and put an end to these high stakes tests that have become an educational travesty!

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