

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

**New York Senate Standing Committee on Education
NYC, September 23, 2003**

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Introduction

Senator Saland: Thank you for the opportunity to testify before your committee.

I speak here today as the co-chair of the New York Performance Standards Consortium, a group of 28 public secondary schools across New York State, which are distinguished by their high quality and their use of performance assessment as a system of accountability. I am the author of 3 series of books for young children, *City Life*, an urban anthology, and numerous book, magazine and newspaper articles on educational reform, assessment and testing. I am also the co-director of the Urban Academy High School - a 19 year old New York City public school designated by the US Department of Education as a Blue Ribbon School of Excellence and a National Show Case site.

I draw your attention to four concerns that I believe require the legislature's immediate attention:

- **High stakes tests represent bad public policy**
- **High stakes Regents exams do not meet standards of reliability and validity.**
- **The SED's one-size-fits-all high stakes Regents exams undermines good practice**
- **Viable alternatives to high stakes tests exist and require support**

Bad public policy

In subjecting our children to a high stakes - one score tells all - policy, New York State is out of step with the stated position of just about every educational organization in the country. Who says **NO** to high stakes tests?

Here's a just a few of the national organizations that do:

US Department of Education
National Academy of Science
American Education Research Association

American Psychological Association
National Council on Measurement in Education and the
National Council of Teachers of English

And here's what just a few of them have to say...

"Decisions that affect individual students' life chances or educational opportunities should not be made on the basis of test scores alone.

AERA 2000

It is improper - and potentially illegal - to use a test score as a single factor to determine retention, graduation or college admission."

US Dept of Education Office for Civil Rights 1999

Dr. Robert Linn, Consultant to NY State's Education Department and chair of its committee on the Regents "the...unintended negative effects of high stakes accountability uses often outweigh the intended positive effects." *Educational Researcher*, March 2000

Even Commissioner Mills, when he was Commissioner in Vermont, saw the dangers of standardized testing...arguing that: "This is not a golf game...we can't reduce performance to a single numerical score."

Richard C. Mills, Vermont Education Commissioner, 1989,

Since it seems that most everyone agrees that using single instruments to determine critical life decisions is bad policy the Legislature needs to ask *why New York State continues to do it?*

And how well has it worked? The truth is that it has failed.

Regents exams are unreliable and invalid.

What a record of incompetence the SED has compiled since high stakes testing was introduced in 1998.

Consider just a brief accounting from the public record during the past few years:

- Jan 2000: English Language Regents test contains arcane reading by 16th writer - one of only 4 questions on test; no explanation for selection
- Oct, 2001: scaling on the ELA and Global and Geography regarded as flawed
- March 2002: Amidst criticism, component retesting introduced to counter rising failure rates
- June 2002: Scoring on biology regents questioned
- June 2002: ELA cited as harmful to ELL learners
- June 2002: Pattern of censorship on the ELA established: SED ordered to end use of censored passages and disband sensitivity committee
- June 2002: State Education Finance Research Consortium blames Regents for increasing GED and dropout rates

- June 2002: Physics Regents scoring causes firestorm: Commissioner forced to allow students to retake test
- August 2002: Chemistry Regents' scoring questioned
- August 2002: Censored passages appear on August ELA Regents
- Oct 2002: Charges of manipulation of test scores on 4th and 8th grade test
- Nov. 2002: NYC Public Advocate Report establishes pattern of pushouts resulting from use of high stakes Regents exams
- Jan 2003: Censored passages appear on ELA
- March 2003: Report on Physics exam scoring shows that SED ignored recommendations from expert panel in setting cut scores
- June 2003: Commissioner forced to pull Math Regents results due to faulty test construction and scaling procedures
- June 2003: Physics Regents exam results questioned
- June 2003: SED appointed panel report on Math A Regents raises questions about test alignment with standards, level of difficulty, construction and scaling.
- August 2003: SED launches investigation of physics exam
- September 2003: Continued use of sensitivity guidelines panel established through examination of SED documents

Maybe this sorry record explains why New York State's National Association of Independent Schools -- an association which includes some of the States highest performing schools -- Dalton, Riverdale, Brearley to mention a few, have flatly rejected the use of the new Regents tests saying they would negatively impact on the development of rigorous curricula and would lower standards. (NYTimes, Nov 24, 1999)

Who is minding the SED? Where is the oversight to prevent further abuses? To whom is the State Education Department accountable? Where are the Regents? Sadly, there are no answers to these questions. The record of abuses and devastating consequences for children continues. It is time for the State Legislature to act. We need a TIMEOUT from Testing.

The SED's one-size-fits-all high stakes Regents exams undermines good practice

Because the stakes are so high, Regents tests force teachers to focus far too much attention on test preparation - a focus which results in dull, repetitive, coverage-oriented teaching, instead of teaching which emphasizes topics in depth and helps students develop and improve analytic and revision skills over time.

Some of those who have testified here have emphasized the devastating effect high stakes testing is having on the teaching profession and on our ability to retain the best and the brightest in public education.

I suggest that the situation will only get worse. And it will do so as students and teachers

become aware of the flawed test construction and no-win quality of the tests themselves. Here, I want to underscore the point made by Dr. Walter Haney. Dr. Haney described the "new" Regents tests as 'norm-referenced' instruments. It is hard to overemphasize the importance of this point. Norm-referenced tests are constructed so that, by design, questions have been included that large numbers of students are not expected to be able to answer. Put simply, the tests on which students depend for graduation are constructed so that large numbers will fail. Dr. Haney suggests looking at the Panel Report on the Math A test appointed by Commissioner Mills for evidence to support this analysis.

Norm-referenced tests are antithetical to good teaching and they will account for an increasing number of students leaving school before even taking the tests.

Here it should be noted that SED claims of increasing numbers of students passing Regents exams reflects only data relating to students *who have stayed in school long enough to take the exams*. Since students leaving before October 1 of their junior year are not factored into the data, the SED's claims are misleading.

There are successful alternatives to high stakes tests:

The independent schools in New York State use valid and reliable alternatives to high stakes testing. So does the New York Performance Standards Consortium.

Since 1995 when Consortium schools were designated as a group of exemplary schools and granted a waiver by the previous State Commissioner Tom Sobol. Believing that *since learning is complex, assessment should be too*, this group of public schools has pioneered the use of performance assessment.

This rigorous system of assessment links together high standards, continuous assessment, curriculum and instruction, and student work over time. It incorporates external assessment, undertaken by a body of educators who regularly visit Consortium schools, consider student work, sit in on student presentations and question students about their learning. This system of assessment incorporates multiple indicators. Besides, attendance, course grades, test scores, and civic participation, the system of performance assessment requires students to demonstrate that they can:

- think like historians
- solve problems like mathematicians
- conduct experiences the way scientists do
- critically interpret works of literature
- speak and write clear and expressively.

This system requires students to demonstrate proficiency in literary analysis, social studies research skills, mathematical proficiency and the application of the scientific method. Students are also required to demonstrate proficiency in second language skills, creative arts, art criticisms and community service and to orally present and defend

completed work to external assessors.

Does it work? Are students successful? We believe the data speaks for itself:

With a more challenged population (see chart) than the city as a whole, Consortium schools have far lower drop out rates than do the city schools, and they send far more students on to college. (See chart)

And, unlike schools, which rely on Regents exams, schools for which we any data regarding post-high school results, Consortium schools are being studied to determine how well students have done after high school. While data are still being gathered, preliminary reports indicate that our students not only get into college, but stay there and do not require remediation.

Tragically, because of the State Education Department's one-size-fits-all approach to assessment and its rejection of an 'if-it's-not-broken, don't-fit-it approach, Consortium schools are currently being forced to abandon their work. Disregarding the recommendation of his own Blue Ribbon Panel of testing experts that argued that Consortium schools be given three more years to administer the performance-based assessment system while a study was conducted on validity and reliability, Commissioner Mills has forced Consortium schools to replace performance assessment with high stakes Regents exams.

The results are devastating. As schools are being forced to abandon innovative and rigorous curriculum outstanding teachers are calling it quits.

We need a TimeOut from high stakes testing and we call upon the Legislature to hold the State Education Department accountable for the lowering of standards and an increase in the number of young people who are being denied a quality education.

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