

TESTIMONY IN SUPPORT OF 12-S 2274, THE HIGH STAKES TESTING BAN BILL

The RI ACLU strongly supports this bill, which would bar the use of statewide written standardized test assessments to prevent students from graduating, and would require that appropriate support services be provided to students instead.

Others will testify with detailed statistical information that documents the devastating impact that implementation of high stakes testing, scheduled to take effect in 2014, would have on Rhode Island's youth. There are only a few additional points I would like to make:

- Under the Board of Regents' current policy, students who do not score sufficiently on the NECAP test will be unable to get a diploma, no matter how good their grades, required graduation portfolio or other achievements. Yet amazingly, the Department of Education's own web site acknowledges that "NECAP is only one indicator of student performance and **should not be used for** referring students to special education or for **making promotion and/or graduation decisions.**"

- The Commissioner talks about the need for a "meaningful diploma." What we really need to talk about is a "meaningful education." Determining the graduation fate of a student based on an arbitrary standardized written test that was never designed to be used in this fashion doesn't make a diploma "meaningful" in any meaningful sense of that word.

- In the same vein, although the Board of Regents apparently believes that obtaining a "proficient" NECAP score is essential to ensuring that a student deserves a diploma, that necessity disappears if the student attends a private school, where this testing does not take place.

- Only a year ago, the Department of Education presented information showing that a majority of school districts themselves remained "substantially below proficient" or only "partially proficient" in complying with the Department's graduation requirements. Specifically, of ten support criteria mandated by DOE regulations, there was not one category where all school districts were in full compliance. In three of the categories, 10 or fewer school districts were deemed to have fully implemented the support criteria.

- The Department of Education itself, though pushing high stakes testing on students, has *failed to meet any of its own objectives* for progress at the high school level, and met a total of only four out of 33 objectives among all grade levels.

- High stakes testing will affect every community in the state, not just urban areas. Even in Barrington, one of the state's wealthier communities and the town with the lowest percentage of students at risk of not getting a diploma, 13% of the students would still not qualify for a diploma based on their NECAP scores. In East Greenwich, 17% of the students would not gain a diploma.

- Even as the Department of Education demands that, in two years, every high school student pass a standardized written test to graduate, the agency has asked the federal government for *six years* to try to cut in half the lack of student proficiency on the state assessments.

- Commissioner Gist was recently quoted stating that: “Large numbers of students graduating from High Schools in Rhode Island are not ready for college. In fact we know that at the Community College of Rhode Island, as many as between 50 and 70%, depending how you look at the numbers, are in need of remediation when they get there.” That is troubling, but the answer isn’t to bar them from ever getting to college in the first place, which is precisely what the current policy would do.

There is something terribly wrong and terribly cruel in subjecting students to a clearly inappropriate graduation requirement. Rhode Island is on the verge of creating a huge and permanent underclass of teenagers based solely on the arbitrary scores of a standardized test that national studies show serves no meaningful purpose when used for high stakes purposes. We urge passage of this legislation to prevent such a travesty from happening.

SUPPLEMENTAL TESTIMONY IN SUPPORT OF 12-H 7413, THE HIGH STAKES TESTING BAN BILL

As a follow-up to yesterday's hearing on Rep. Naughton's bill to ban "high stakes testing," I wanted to provide the committee with some additional information, particularly as it relates to alternative testing and retesting of students.

First, in response to a question from Rep. Cimini, I stated that the Department of Education's regulations contained no specific information about what constituted "progress towards proficiency" for students who retake the NECAP test after "failing" the first time. I was apprised later that night that although the regulations are indeed silent in that regard, the Department of Education has prepared an "Initial Guidance" document on the regulations that does contain this information. Although this guidance was apparently prepared last spring, we had been told only a few months ago, in response to an open records request filed with the Department, that the agency had no documents relative to this issue. In any event, precisely because it is simply "guidance," it does not have the force of law or regulation and could be revised at any time and for any reason without any public notice or input.

I thought it important to clarify another issue relating to retesting. NECAP tests are offered only once a year. Thus, when Commissioner Gist stated that students would have two opportunities to retake the test if they "failed" the first time, this is true only if a student decides, and is allowed, to repeat his/her senior year. In addition, it seems very unlikely that students who are several years below grade level would register statistically significant "progress" on a retake even if they do make very significant progress. Of course, for students to improve at all, they must receive support and assistance, and as we testified yesterday, school districts are already not providing the resources they are supposed to be offering.

Finally, even if implemented, the "testing alternatives" described in the "initial guidance" are generally at least as demanding as the NECAPs (e.g., SAT, AP Testing) and will not offer any relief to the vast majority of students who score low on state assessments. By definition, the "waivers" offered through regulation and guidance "may be granted in *extremely rare* cases" and will therefore have little impact on the devastating graduation rate statistics that were discussed at the hearing. In addition, the separate alternative assessments offered to a tiny percentage of the most cognitively impaired students put those students on a different educational track where, by definition, they do not qualify for a diploma. In short, relying on retesting or alternative assessments to address the projected 45% of students who will not qualify for a diploma because of their NECAP scores is, we submit, largely illusory.

We again urge the committee to give favorable passage to this very important bill. Thank you for considering our views and those of the many individuals and organizations that testified in support of the legislation last night.

-- Steven Brown, Executive Director