

2013 TIMELINE OF HIGH STAKES TESTING CONTROVERSY

February 26, 2013. Community groups and affected parents hold a news conference to call attention to the dangerously low NECAP scores released by the Rhode Island Department of Education earlier in the month. The scores show that 4,200, or two in five, Rhode Island 11th graders are in jeopardy of not graduating from high school next year because of their test results.

March 11, 2013. Before the newly established Board of Education's first meeting on March 12, R.I. Board of Education Chair Eva-Marie Mancuso, in an interview with the *Providence Journal*, lists high stakes testing as one of the major issues that the Board will be facing.

March 11, 2013. The Providence School Board sends a letter to Chair Mancuso urging the Board of Education to reconsider tying high school graduation to the use of a high stakes test.

May 20, 2013. More than two dozen organizations send a letter to the Board of Education, asking for repeal of the Board regulations establishing the high stakes testing requirement. The groups receive no response.

June 24, 2013. Following up on the unanswered May 20th letter, seventeen organizations representing youth, parents, the disability community, civil rights activists, college access organizations and other constituencies file a formal petition with the state Board of Education, under the Administrative Procedures Act (APA), seeking repeal of the high-stakes testing graduation requirement. Under the APA, the Board has 30 days to either reject the petition or initiate rule-making proceedings.

July 3, 2013. The General Assembly approves a joint resolution calling on the Board of Education to reconsider the use of high stakes testing.

July 12, 2013. Even though the Board of Education is meeting on July 15th, Board Chair Mancuso responds to the June 24 petition by saying that the Board will not be taking action on it within the 30 day timeframe. Instead, she states that the Board plans to receive an "in-depth informational briefing" on the issue at an annual Board retreat scheduled for late August.

July 24, 2013. The ACLU sues the Board of Education for failing to consider the APA petition in a timely manner.

July 25, 2013. The ACLU learns that the Board of Education's planned annual retreat referenced in the Board Chair's July 12th letter – including the "in-depth informational briefing" on high stakes testing – will be held in private, closed to the public and the media.

August 2, 2013. The ACLU files an open meetings lawsuit against the Board of Education over its scheduled private retreat to hear from invited “experts” on the “high stakes testing” issue. The ACLU suit argues that allowing such a private meeting violates the state’s open meetings law.

August 6, 2013. In court papers responding to the ACLU open meetings lawsuit, the Board of Education’s attorneys label the ACLU lawsuit “frivolous.”

August 6, 2013. Finding that there would be “substantial and irreparable harm” if members of the public were prohibited from attending, R.I. Superior Court Judge Daniel Procaccini issues an order barring the Board of Education from holding the high stakes testing briefing at the retreat in private.

August 14, 2013. At a Board of Education meeting, Chair Mancuso announces that the June 24th APA petition will be addressed at the Board’s September 9, 2013 meeting – more than 45 days after the APA’s 30-day deadline.

September 6, 2013. In a letter to Governor Chafee, more than a dozen organizations call on him to speak with members of the Board of Education prior to the September 9th Board meeting to urge that they support the proposed rule-making petition. The groups receive no response.

September 9, 2013. At its scheduled meeting, the Board of Education goes into executive session to discuss the APA lawsuit. Although the agenda also has an action item for the Board’s determination of the petition, the Board engages in no public discussion of the petition. Instead, immediately following the executive session, Chair Mancuso announces that the Board, by a vote of 6-5, has voted to deny the petition.

September 16, 2013. The ACLU amends its original APA lawsuit, adding a new claim that the Board’s discussion and vote on the APA petition in executive session at its September 9th meeting violated the open meetings law. The suit seeks various forms of relief, including imposition of a \$5,000 fine.

September 16, 2013. After seven formal meetings as a new Board, the Board of Education has still not had one public discussion and debate among the members about the high stakes testing requirement.