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**COMMENTS ON PROPOSED AMENDMENTS TO  
COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION  
REGULATIONS GOVERNING HIGH STAKES TESTING**

November 18, 2014

These proposed regulations respond to the General Assembly's passage of legislation barring use of graduation high stakes testing until 2017 by including a moratorium on such testing until 2020.

However, as we have expressed in testimony on many occasions at the General Assembly, before RIDE, and before this Council in its previous manifestations, the ACLU of Rhode Island believes the use of high stakes testing as a graduation requirement is flawed at its core. While NECAP may be a thing of the past, the use of future tests in a high stakes capacity – whether it is PARCC or a successor – will be just as flawed and inappropriate. They will divert faculty from actually teaching their students as opposed to teaching to the test; are likely to continue to have a discriminatory impact on students who are poor, English Language Learners or racial minorities; and will remain an arbitrary standard for determining who should and should not graduate.

While a 2020 return date for high stakes testing is far enough away to mute most criticism of this requirement for the time being, these regulations only delay what will be an inevitable repeat of the divisive dispute that occurred over NECAP. From Arne Duncan on down, there is a growing groundswell of recognition against the prominence of standardized testing in education.

Instead of remaining fixated on high stakes testing, we urge the Council to refocus its attention to using testing for its original purposes – to provide information that can better help schools examine where its performance can be improved, and to assist in providing individualized support to students to improve their proficiency in academic skills.

For too long, RIDE has focused on holding students accountable while ignoring its own accountability. Although the current regulations are filled with obligations on districts to provide personalized supports to students beginning in middle school, we know that for years those obligations have been honored in the breach. At a number of hearings at which I testified, I have pulled out a chart prepared by RIDE, and which I have attached to my testimony. It shows just how poorly RIDE has been meeting its own performance standards under the regulations. That chart shows that only one out of 33 performance measures designated by RIDE was met in 2013.

It is time for this Council to reassess the agency's priorities, or else very little will change. These regulations should eliminate high stakes testing altogether, and instead tighten up the responsibilities of school districts to "ensure that all of its secondary students are proficient in literacy and numeracy." The regulations should strengthen RIDE's obligation to ensure those responsibilities are met by LEAs, and there should also be stronger mechanisms for parents to challenge a school district's failure to meet them. These would be much more productive than a continued focus on high stakes testing.

Thank you for the opportunity to testify on this proposal.

--Steven Brown, Executive Director

**Table 15. Statewide Progress toward Attainment of RIDE Performance Measures and Goals.**

<b>RHODE ISLAND'S ANNUAL PERFORMANCE MEASURES</b>	<b>2012 Goal</b>	<b>2012 Actual</b>	<b>2013 Goal</b>	<b>2013 Actual</b>
Students entering the 4 <sup>th</sup> grade will be proficient in <i>reading</i> on NECAP	81%	69.2	86	70.8
<i>The gap between white and black students will be cut in half</i>	20	25.7	16	22.8
<i>The gap between white and Hispanic students will be cut in half</i>	19	29.3	16	24.0
<i>The gap between non-economically disadvantaged students and economically disadvantaged students will be cut in half</i>	20	28.5	17	24.8
<i>The gap between students without IEPs and those with IEPs will be cut in half</i>	35	50.5	29	56.8
Students entering the 4 <sup>th</sup> grade will be proficient in <i>mathematics</i> on NECAP	77%	64.5	84	62.5
<i>The gap between white and black students will be cut in half</i>	23	31.0	19	31.1
<i>The gap between white and Hispanic students will be cut in half</i>	23	30.2	19	29.7
<i>The gap between non-economically disadvantaged students and economically disadvantaged students will be cut in half</i>	21	29.6	18	29.6
<i>The gap between students without IEPs and those with IEPs will be cut in half</i>	30	48.4	25	47.9
Students entering the 8 <sup>th</sup> grade will be proficient in <i>reading</i> on NECAP	82%	77.2	87	74.2
<i>The gap between white and black students will be cut in half</i>	19	20.7	16	23.5
<i>The gap between white and Hispanic students will be cut in half</i>	22	26.2	18	28.0
<i>The gap between non-economically disadvantaged students and economically disadvantaged students will be cut in half</i>	20	23.5	17	24.9
<i>The gap between students without IEPs and those with IEPs will be cut in half</i>	35	49.4	29	49.7
Students entering the 8 <sup>th</sup> grade will be proficient in <i>mathematics</i> on NECAP	66%	58.1	71	57.3
<i>The gap between white and black students will be cut in half</i>	24	30.6	20	32.1
<i>The gap between white and Hispanic students will be cut in half</i>	23	33.0	19	31.2
<i>The gap between non-economically disadvantaged students and economically disadvantaged students will be cut in half</i>	23	32.7	19	31.8
<i>The gap between students without IEPs and those with IEPs will be cut in half</i>	33	51.0	28	50.9
Students entering the 11 <sup>th</sup> grade will be proficient in <i>reading</i> on NECAP	83%	78.6	86	81.5
<i>The gap between white and black students will be cut in half</i>	14	26.9	12	24.0
<i>The gap between white and Hispanic students will be cut in half</i>	13	27.1	11	22.7
<i>The gap between non-economically disadvantaged students and economically disadvantaged students will be cut in half</i>	14	21.3	12	16.1
<i>The gap between students without IEPs and those with IEPs will be cut in half</i>	35	47.1	30	42.4
Students entering the 11 <sup>th</sup> grade will be proficient in <i>mathematics</i> on NECAP	50%	34.0	60	35.7
<i>The gap between white and black students will be cut in half</i>	20	28.3	16	32.0
<i>The gap between white and Hispanic students will be cut in half</i>	18	29.2	15	28.7
<i>The gap between non-economically disadvantaged students and economically disadvantaged students will be cut in half</i>	17	26.6	14	26.9
<i>The gap between students without IEPs and those with IEPs will be cut in half</i>	19	34.0	16	35.1
85% of students who first entered 9th grade 4 years prior will graduate from HS	80%	77.1	83	79.7
77% of students who graduate from high school will enroll in an institution of higher education (IHE) within 16 months of receiving a diploma	75%	62.8	76	66.6
70% of high school students who enroll in an institution of higher education (IHE) within 16 months of graduation will complete at least 1 year's worth of credit within 2 years of enrollment in the IHE	65%	75.7	68	82.3

**Key**

- = Performance Measure/Goal was not met.
- = Performance Measure/Goal was not met but improvement shown compared to previous year.
- = Performance Measure/Goal was nearly met (within ±2 percentage points).
- = Performance Measure/Goal was met and/or exceeded.