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**TESTIMONY IN SUPPORT OF S-2059, S-2135 and S-2185,  
LEGISLATION TO BAN OR DELAY HIGH STAKES TESTING  
March 26, 2014**

As we have the past two years, the ACLU of RI wishes to express its strong support for legislation to bar the use of statewide written standardized test assessments as a condition of qualifying for a high school diploma. This requirement only serves to arbitrarily prevent students from graduating high school, diverts scarce school resources to a focus on test preparation, and has a significant adverse impact on vulnerable student populations.

Our testimony consists of three documents, attached for the committee's consideration:

\* The first is a letter we sent to state education officials last month, documenting the extremely capricious process by which "waivers" and other alternatives to "passing" the NECAP are being implemented. As we said in that letter, the process is, in many instances, "a completely arbitrary hodgepodge of inconsistent, incomplete, and poorly advertised policies that can only leave students and parents understandably anxious and perplexed."

\* The second document is a news release issued this month by the New York State Education Department, which takes a refreshingly different path after recognizing a significant gap between its goals and actual student achievement. Unlike RIDE's refusal to appreciate its, and school districts', responsibility for the situation faced by many students, New York reassessed what it was doing. After recognizing that schools and students simply were not prepared for the use of Common Core-related student assessments in a determinative manner, and to "ensure that students are not unfairly penalized by the transition to higher standards," the state postponed implementation of higher graduation exam requirements until the class of 2022. There is a lot to learn from New York's mature response to circumstances that seem very similar to what Rhode Island is facing.

\* The final document, and perhaps the most telling of all, is a chart prepared by RIDE itself. Even as the Department continues to demand passage of a high stakes test by students, *it has met only one of thirty-three goals* it set for itself in terms of annual performance measures. This should be the epitome of what is "substantially below proficient," yet it is the students, not RIDE, being forced to pay the penalty for these results.

We are 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 legislation this year to prevent such a travesty from happening.