

March 1, 2011

To the Honorable Board of Regents for Elementary and Secondary Education:

We the undersigned organizations have been observing the Board of Regents' meetings since the close of the January public hearings regarding regulations governing high school graduation requirements. We have been reviewing the multiple versions of revisions to the proposed regulations. Based on this review, it has become apparent that the revised proposal includes very significant changes from the proposal presented for public comment in January, that it raises more questions than it answers, and that it creates new and additional concerns.

Given the significance of these changes and their potential impact on the most vulnerable youth of Rhode Island, it is critical that the public have further opportunity to comment on the new proposal through public hearings so that the intended and unintended consequences of these regulations are fully understood and addressed. It is worth noting that changes have been made to the regulations three times since the public hearings were concluded, and that the most recent changes were presented for the first time to the Board and the public yesterday, only three days before this week's meeting where the regulations are scheduled to be formally adopted.

Initially, we wish to emphasize that the concerns we raise in this letter focus on the proposed changes to the regulations since the public hearings were held. Our organizations continue to have strong objections to the use of high stakes testing as a graduation requirement in light of its impact on at-risk student populations.¹ Even though these regulations seek merely to briefly postpone, not eliminate, that requirement, and thus remain of great concern to us, we will not repeat here the arguments that we and so many others have made in opposition to that mandate.

In addition to this general concern about the process and timing of the Board in revising the regulations, we wish to raise several examples of issues within the proposed revisions that are either confusing or concerning:

- **The proposed revisions have been described to the public as an abandonment of the universally decried three-tier diploma system. However, the public is largely unaware that they propose to substitute a two-tier system through a Regent's endorsement which would, for all intents and purposes, yet again effectively label as "not proficient" those students with unendorsed diplomas based on their standardized testing**

¹ Indeed, the gap on math scores between at-risk and not-at-risk 11th graders actually *widened* between the 2009 and 2010 NECAP assessments. Unless the full impact of these regulations on the most vulnerable students in Rhode Island is revisited and fully examined now, the Board will be forced to once again revisit them in 2014.

score. According to 2010 NECAP scores, this group would once again include the overwhelming majority of students who are non-white, poor, have disabilities or are English language learners.²

Few members of the public would object to recognition for some group of truly “honors” students. Yet the overwhelming public response was opposition to tiers that package almost all at-risk students within a stigmatized bottom level, as this revised proposal would apparently continue to do. While the revised regulations do not spell out the criteria for BOR diploma endorsement (which in itself is of concern to us), Motion 3, included with the proposed revisions and reflecting the Board’s workshop discussions, provides for Regent’s endorsement for students scoring “proficient” and above on state assessments, thus separating students into two groups, those deemed proficient and those labeled as falling short. This is a reintroduction of tiers under the name of “endorsement,” the very approach universally decried at public hearings and officially abandoned in favor of one diploma system. It illustrates both the need to include specific criteria within the regulations themselves and the right of the public to be fully apprised of, and to comment on, what is being proposed.

- **The proposed revisions do not address the transition from use of the NECAP to use of the PARCC exams.**

Although there has been little public discussion of this fact, the Board is aware that the NECAP test is going to be phased out within a few years and replaced with another test known as PARCC. As envisioned, the PARCC exam would become available in either 2014 or 2015, just when the high stakes testing envisioned in this proposal would take effect. The proposed revisions do not take this major transition into account at all and do not address the advisability of initiating the use of high stakes testing either on the eve of or immediately after this major transition.

- **The proposed revisions are silent or unclear about the graduation requirements in the interim period until 2014.**

A number of BOR workgroup members voiced confusion on this issue, yet the regulations remain unclear. One of the purported reasons for adopting revised regulations was to address ambiguities in the 2008 regulations regarding the graduation requirements to be imposed for the first time for the Class of 2012. The proposed revisions do nothing to clear up that ambiguity.

- **The proposed revisions would remove rather than strengthen much of the systemic accountability for student progress that existed in earlier versions, making it less likely that system reform and adequate student support would be provided.**

The initial purpose of statewide assessment was to hold systems accountable for both systemic change and the provision of individual student supports to promote high achievement. However, the most recent changes in the proposed

² Again, the unendorsed group would include approximately 87% of Black, 87% of Hispanic, 63% of poor, 94% of special education and 98% of current ELL students.

regulations specify that district failure to provide required notice of graduation requirements to students or, indeed, even to provide the required support services, will not result in any presumption of granting a diploma to the student. Thus, intended student safeguards are rendered meaningless even as systemic consequences are diluted, imposing virtually the entire onus of an inadequate education system upon students who have already been shortchanged by it.

- **The proposed revisions do not adequately address the timing and logistical difficulties of re-test opportunities for 11th graders who are substantially below proficient.**

The proposed revised regulations purport to offer alternative means for students who do not test well on the NECAP test to get a diploma. However, those alternatives may prove to be illusory. Under recent revisions, students would be required to take the NECAP in 12th grade, be offered an alternative assessment test if they still scored below proficient, and then, if still unsuccessful, have a limited means to seek a “waiver.” However, by the time NECAP scores are available in February in 11th grade, little time for implementation of supports and progress plans is available prior to October re-testing. Subsequent to re-test, students would have to wait until February of senior year to know their re-test scores, to qualify for alternative testing, and then to petition for waiver opportunities. The timeline has not been adequately thought through, rendering the re-test and waiver process unrealistic and unlikely to be of significant use to most students. The transition to PARCC testing and its differing re-test opportunities and timelines add further complications that are not addressed by the revised regulations.

The above is just a sampling of significant changes, unanswered questions and confusing language within the proposed revisions to the proposed regulations.

While these recent changes to the regulations may have been *prompted* by concerns raised at the public hearing, we fundamentally disagree that they actually *address or resolve* those concerns. On the contrary, if anything, the above examples illustrate that some of the proposed revisions would actually exacerbate public concern in some areas, while potentially misleading the public to believe that its concerns have been addressed in others. Because of the very significant potential impact of these regulations, it is critical that they be thoroughly examined, and that the input of those most directly affected by them be sought and fully considered.

For all of these reasons, we request that the Board of Regents:

1. Provide an opportunity for public comment on any revised regulations before their final adoption, as they include serious and material changes, some of which run directly contrary to previous public comment, and many of which remain confusing and require further elaboration.
2. Clarify that existing 2011 graduation requirements will be maintained in the interim, until final reform decisions are made.

We thank you in advance for your consideration of our concerns.

Sincerely,

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