

**Public Hearing
Regents Learning Standards
and High School Graduation Requirements**

**NY State Standing Committee on Education
NYC, October 15, 2003**

**Testimony submitted by Donald J. Freeman
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Dear Members of the Assembly Education Committee:

Thank you for giving me the opportunity to speak today and thank you for holding these incredibly important hearings. I spent thirty-one years with the New York City Board of Education and retired as the Principal of Fannie Lou Hamer Freedom High School in the South Bronx. I'm sure all of you are familiar with the terrible reputation of the schools in that area. However, my school is different. We are a performance based assessment school and a member of the New York Performance Standards Consortium. While I was principal I fought against giving the Regents exams and the current principal, Nancy Mann, feels the same away. When we admitted our new ninth graders each year from our feeder schools, their skills were incredibly poor. A number of our feeder schools were SURR (Schools Under Registration Review by New York State). The interesting thing about this is that all our feeder schools spent a great deal of time prepping these youngsters for standardized, high stakes exams, and despite all this prep, the kids were still way below where they should have been functioning based on the state's own measurements. Despite, or more likely, because of all this testing, many of the kids admitted to Fannie Lou had never read a book. This was verified by our in-house diagnostic assessment that indicated they had not yet developed the basic skills.

Admitting students with such low skill levels presents a daunting task to a school. However, a lot of what we did was just plain common sense. If you want a young person to learn to read, you create situations where she reads, reads and reads some more. The same is true for writing. Contrary to the wisdom of the state, their exams, and the test prep they engender, do absolutely nothing to get kids excited about reading and writing or help them develop the competence they need to read and write substantial texts, or for that matter to think about significant topics.

Assembly Member Diaz talked earlier today about our Bronx River curriculum where students do water testing and make determinations about pollution levels in the South Bronx.

Despite our location in what is considered a high poverty area with low functioning schools, our daily attendance averages about 85% and 75% -80% of our young people go onto college. Our record of accomplishment has led to our candidacy this year to become a Coalition of Essential Schools Model School where we would help start new small

schools, and a Stanford University study school where people would come from around the country to learn about successful teaching in a small school in a poor urban environment.

I come before you today because Commissioner Mills' high stakes exams are threatening the highly effective pedagogy at my small school. His message is that we must adhere to the same high stakes Regents' practices as our less successful neighbors. His predecessor, Dr. Sobol, granted Fannie Lou and a group of about 28 schools a waiver from standardized exams so that the state could have a look at different methodologies for effectively educating young people. The schools involved in the experiment have been successful, so Mills and his "testacrats" decided to condemn us to the same restrictions that have played a major role in damaging education in this state. Bob Stake spoke about this in his testimony.

What do I mean by this?

The June 2003 Math A Exam was so badly constructed that only about 1/3 of those who took it passed. If this exam was truly standardized, as Mills has claimed, this simply could not have occurred. In his September 23 testimony to the Senate Education Committee, Commissioner Mills stated that his goal was to "Do No Harm". This simply does not square with what happened with the Math A Exam. The test was given on June 17th. Students scheduled to graduate were told that they would not; families received phone calls from the principal's office informing them that their child would not graduate, and parents called relatives from around the country telling them that there would be no graduation. The Commissioner did not actually void the exam until June 24th, leaving these families hanging for a full week filled with anger, anxiety and confusion. The students did not fail the Math A. It was Commissioner Mills who failed the young people of this state. And this is only one in a long line of failures.

By now you are aware of the major problems with the Physics Regents. Mills testified on October 23 that the SED must decide whom this exam is for, students taking entry level or advanced physics. This exam has been given, I believe, four times. In a true standardized testing environment you decide on the population to be tested – advanced or entry level - and then you design the test. It is ludicrous to give the test and then decide who should take it. Yet this is exactly what the SED did. The State Council of Superintendents wrote a letter to college admissions officers asking them to disregard the results of the physics Regents. A number of NYS districts are in the process of designing their own instrument to measure learning in physics because they simply cannot trust the SED to get it right.

The SED has been involved in editing and censoring the literature that it has placed on the English Language Arts Regents. They have done this without permission from the authors whose work they have used. At my small school in the South Bronx, students knew that they did not have the right to in any way change an author's work. How does

it look to them when they read in the newspaper that the SED is doing exactly what we taught them was wrong and immoral?

Mills is now planning to lower the passing grade for these high stakes tests from 65 to 55. With a norm reference exam, the process is to develop a scale and calculate where to place the cut score to decide where the division occurs between passing and failing. If experts decide that a student needs forty-seven points to pass, it does not matter whether you call this a 55% or a 65%. In fact, to get a 55% on the recalculated Math A Exam, I believe you need thirty points out of 85. As both a principal and a parent, I find it outrageous that the Commissioner talks standards when passing requires a paltry 30 out of 85 Points on this exam! All Mills' statements that he is lowering the passing grade from 65 to 55 once again demonstrates that State Ed is involved in a smoke and mirrors campaign to cover its own tracks. It just plain makes no sense.

What would happen if any one of these grievous situations occurred with the College Board? I am willing to bet that if any of these "errors in judgment or expertise had occurred under Gasper Caperton, the President of the College Board, that Mr. Caperton would either be removed or forced to resign.

These Regents Exams are high stakes for our young people. Every time the SED, under Mills' leadership, makes one of its many mistakes, students and their families are hurt, or at the very least, confused. Let's tell it like it is. Mills' high stakes system has failed and it is time to consider what needs to be done about him.

According to Dr. Walter Haney at Boston College, New York now ranks number 45 in this country in the percentage of students who enter high school and eventually go on to get a high school diploma. Unbelievably, the only states below New York in hemorrhaging high school students before graduation are Florida, Georgia, Mississippi, Tennessee and South Carolina. If you want support for Dr. Haney's numbers, Jay P. Greene at the Manhattan Institute is saying pretty much the same thing.

If the 45 ranking in graduation rates nationally isn't bad enough, the dropout rate among African American and Latino students is far worse. According to Haney's work, the combined dropout rate for these subgroups including African Americans and Latinos is well over 50%. This number is unconscionable, yet the Commissioner continues to refuse to discuss the effects that his exams are having on the young people of our state. In a New York Times article written by Karen Arenson on July 7th on Richard Mills, the headline read, "State Education Commissioner Keeps Smiling Through the Outcry". I would suggest that the next Commissioner be someone who loses sleep at night when young people drop out of school largely because of his "out of touch" policies.

Contrary to Mills claims, under his stewardship as State Education Commissioner with his high stakes tests, the dropout rate has risen dramatically, and disproportionately for African American and Hispanic youngsters. The State Education Department is amuck in disarray and scandal. Your committee has a tremendous responsibility to the young people of this state, as do the Regents. The exams are a mess. We must have a time out

from these high stakes tests while true experts develop a new methodology of assessment that will move all youngsters forward. And one more thing. Richard Mills must to be replaced by a Commissioner who believes in standards and truly understands the processes for moving all students to achieve them.