

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

**NY State Standing Committee on Education  
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I am currently a professor of education at Stanford University, but I am here to testify about the history of the testing reforms in New York State and the original plan for the overhaul of the Regents examinations, to which I contributed as chair of the New York State Council on Curriculum and Assessment in the early 1990s. At that time I was professor of education at Teachers College, Columbia University and a parent of three children who were enrolled in New York Public Schools. I will also talk about the policies adopted by other states which have adopted high school examinations and which have avoided the negative side-effects that have plagued New York's efforts in recent years.

History of New York State's Recent Reforms

In 1991, the New York Board of Regents approved A New Compact for Learning, which provided a rationale for sweeping educational reforms in the state of New York. It stated:

We need a New Compact for Learning -- one which focuses on results, which promotes local initiative, and which empowers people at all levels of the system..... to narrow the gap between the educational haves and have nots, and to raise the entire enterprise to a new plane of excellence.

Our educational system today is meeting neither our aspirations nor our needs. Too many are left without the skills and knowledge to function effectively in a sophisticated society. Even many of our best students do not measure up to their potential -- or to the academic achievements of the young people of competing nations.

The problem is simply stated: the legions of dedicated people who work in our schools are caught up in a system that is obsolete. Either we make fundamental changes in that system, or we begin the slide into a darker and less prosperous time. Yet the changes we need cannot be made by the school system alone. What is required is a common effort by all members of our society to change the way we raise and educate our children.

The goal of the New Compact was to set statewide goals for learning, promote local innovation, provide resources, and reward success while remedying failure. Although well-launched almost a decade ago, most of these ideas have been lost along the way and what remains now threatens to undo the public education system. While there are now statewide goals for learning, there is little or no promotion of local innovation, little progress on equalizing

school resources, and few rewards for schools that are succeeding in educating students well. In fact, the greatest reward in the system that has evolved is the lack of punishment.

### Recommendations of the New York Council for Curriculum and Assessment

A New York State Council for Curriculum and Assessment was appointed by the Regents to develop a plan for implementing the New Compact's promises. The Council, comprised of educators, business and community representatives, was charged with advising the Commissioner and the Regents concerning the design of learning standards, curriculum frameworks, and new forms of assessment.

As chair of that Council, I heard the many complaints about the Regents' examination system that led to a desire for change. We heard from many educators that the heavy emphasis on multiple-choice tests constrained the curriculum and discouraged them from assigning more ambitious projects, writing assignments, and research activities. We heard from business representatives that students were being inadequately prepared for the kinds of collaborative work, problem solving, and information management demanded in today's workplaces.

We heard from SUNY leaders that the Regents exams no longer provided useful information for admissions and that they encouraged a rote-oriented curriculum that did not prepare students adequately for the demands of college. A 1992 SUNY report urged the Regents to place a greater emphasis on portfolios and performance-based assessments including research projects, laboratory experiments, essays, and exhibitions, "rather than short-duration standardized paper-and-pencil tests." Their concerns were reflected this in the education of my own daughter who, having experienced a much more intellectually challenging curriculum when we lived in another state, never once conducted an independent science project, investigated a serious social science question, or wrote a paper of more than 3 pages during all of her Regents-dominated high school years. Even though she graduated with good grades and high scores on Regents exams, she was sorely under-prepared for entry into an elite university.

The Council on Curriculum and Assessment recommended an overhaul of the state's approach to curriculum and assessment. The Council recommended that the state's assessments become more performance-oriented, that they include both state-developed assessments that would provide greater evidence about higher order thinking and performance skills and local assessments, including district or school-level portfolios that would provide cumulative evidence of student performance throughout the grades. These would include student work samples, teacher observations of student learning, and performance tasks. School faculties would work collaboratively to develop the portfolio contents and to evaluate student work. The state would provide technical assistance and banks of performance tasks to support this work.

At the high school level, state assessments in reading, writing, and mathematics were to be supplemented by a Regent's Portfolio for graduation that would include projects, student work products, performance tests or tasks, observations and evaluations by teachers, oral and written examinations, and other records of performance that indicate the standards have been met. A student's level of proficiency would determine the level of distinction on the diploma (e.g. proficient, highly proficient, distinguished) in terms of both individual subject areas and overall accomplishment. These distinctions would differ from the old two-tier diploma system in that

they would be based on demonstrated performance on complex tasks rather than on courses taken within predetermined tracks, thus rewarding effort, allowing for acknowledgment of students' individual talents, and discouraging blanket tracking. Districts could provide options to components of the Regents exam (under a 35% option plan) that asked students to engage in more extensive work like research papers, science experiments, or exhibitions. A large number of districts developed such options and used them to encourage more ambitious work in their high school classrooms.

This plan closely resembled aspects of the assessment systems of states like Vermont, Kentucky, and Maryland and other countries like England, France, and Germany, Canada, and Australia that use essay and oral examinations and classroom-based work samples to measure higher order thinking and performance. A number of extraordinarily successful schools in New York City have developed assessment systems like this that support their ability to send virtually all of their students on to college, even when they serve predominantly low-income, minority, and recent immigrant populations.

Much of this work was begun in the early 1990s, with performance tasks that were developed by the state and scored with high levels of reliability, and with local portfolio and performance assessment projects that stimulated the development of portfolios in more than 60% of New York school districts.

The Regents endorsed this plan at the time, and when Commissioner Sobol stepped down, they selected Commissioner Mills, in part because of his track record in putting in place a system of portfolio assessments in the state of Vermont, which have proved highly successful in that state. The Council's recommendations were not intended to create the system of high-stakes graduation tests that has since evolved with a single cut score and frequently obscure content causing high fail rates.

New York's requirement that students pass 5 separate examinations is creating extraordinarily high rates of non-graduation from high school. New York's graduation rates are now among the lowest in the nation, with a cohort graduation rate of only 58%. New York ranks 45<sup>th</sup> on this measure, just above Georgia, Mississippi, and South Carolina. (New Jersey, by comparison, ranks 1<sup>st</sup> in the nation, with a graduation rate of 86%; and neighboring states of Connecticut and Pennsylvania have rates of graduation close to 75%). An accountability program must be evaluated not only by how students achieve but whether they complete school.

In a world in which high school graduation is the basis for almost any employment or for service in the military, there is a heavy burden on a state to ensure that any system it uses to deny diplomas is closely related to the skills actually needed for productive employment. In a world that requires increasing levels of education for most jobs, it is equally important that a state create a system of education and accountability that continues to encourage students to stay in school and gain the maximum education possible.

### Progress and Problems with the Current Reforms

To be sure, there have been important advances as part of New York's reform movement.

With broad participation of New York educators and the public, new standards and curriculum frameworks were developed in each of the major subject areas. These represent a significant advance over the hodge-podge of syllabi and curriculum outlines that previously existed. The new standards reflect a more coherent vision of learning throughout the grades – one that better reflects the demands for critical thinking, problem solving, and high level performance of a technological, knowledge-based economy. In addition, the Board of Regents has recently required that schools of education infuse these standards into their programs and that colleges meet professional accreditation standards if they are to continue to prepare teachers. This bold move is already making a positive difference in how teachers are prepared in many colleges and could dramatically increase teacher knowledge and skills over the coming years – at least for those teachers who are prepared.

However, the implementation of these new standards over the last few years has been deeply problematic, so much so, that in the course of seeking to improve schools, New York State may be making matters far worse for many of its students. There are three major problems with the Regents' reforms as they are now being pursued:

- First, the tests themselves are inadequate measures of high-quality learning and may, in many cases, actually undermine good work in classrooms.
- Second, the stakes applied to the tests are inappropriate and create incentives for pushing low-scoring students out of school entirely rather than improving the quality of their education.
- Finally, the improvements in the system that were to follow on the heels of the standards have not occurred: Across the state, many teachers have lacked information about what the examinations will cover, curriculum guidance and materials to allow them to teach to the exams, and professional development to ensure that they have the knowledge and skills to do so. School resources are so unequal that many students do not have access to the qualified teachers, texts, science labs, computers, and other materials that are necessary for them to meet the standards. The examination system feels to many like one big “gotcha” – a gambit that sets up failure for students and schools rather than enabling them to do their jobs well.

Inadequacies of the Tests. Although somewhat more open-ended than the tests that came before, the new Regents exams are mostly more of the same, except that they are being used to determine graduation for all of the state's students, rather than the 30% who graduated with Regents diplomas in the past. In an effort to overhaul the tests, however, new problems have been introduced. A technical advisory committee on which I served with other researchers and measurement experts found that there were questions about the appropriateness of content on some of the tests, the clarity of questions and basis for preferred responses, the link with existing high school curriculum, the availability of guidance to teachers, and the scoring of items. Since this committee has ended its work, other questions have arisen regarding the choice of selections on the English language arts examination, the kinds of items included on the mathematics exam, and the nature of the scoring process on science examinations, among others.

Unfortunately, the performance-based assessments were dropped from the new Regents system when Commissioner Sobol stepped down, despite successful pilots that received positive feedback from schools and were scored with high reliability. There are no portfolios or extended

tasks that challenge students to demonstrate their learning in the kinds of tasks they will face with in college and the work world. The most intellectually ambitious aspects of the standards – those that require students to investigate, experiment, plan long-range tasks, find and manage information, conduct research, write extensively, use critical feedback, and revise their work -- are absent from the tests entirely.

Prestigious private and suburban schools that had never before offered the Regents because they felt they could offer a higher-quality curriculum without the constraints of the tests have lobbied to be exempted from the new system, convinced that it will undermine rather than improving the quality of education they provide. Schools that have operated more intellectually ambitious assessment systems on waivers from the state or with Regents options have had these authorizations revoked. Since the assessments are at the heart of the curriculum in these schools, many feel they will become substantially less successful if they are required to cram for multiple-choice tests rather than teaching students to write, think critically, and problem solve. It would be a tragedy if an effort to improve public schools actually undermines some of the best that already exist.

Inappropriate Stakes. Even more potentially dangerous are the stakes attached to the new tests. In addition to graduation from high school – an enormous stake in a world where the odds of gaining employment are less than 40% for a nongraduate, the tests are used to rank schools for recognition and sanctions, and in many places to decide on student promotions from grade to grade. Many believe that such stakes are necessary to get schools and students to “pay attention” to accountability. Yet, the most successful education systems in the world and the highest-achieving states in the U.S. do not use tests to determine student graduation or promotion, and frequently forbid their use for such reasons. Why?

For one thing, on-demand paper-and-pencil tests are not sufficiently reliable and valid measures to be used for graduation and promotion decisions. In fact, the odds that they correctly predict student success in other situations is virtually always less than 50% -- less good than a coin toss. The professional organizations that set standards for test use state in the standards for psychological testing that no high-stakes decision should ever be made only on the basis of a test score, and that other indicators of performance such as class work and teacher observations should be factored in.

No other state in the nation and no other country in the world requires students to pass as many examinations as New York State’s plan does as a prerequisite for graduation, and none relies so heavily on examinations that are so far removed from the high school content most students encounter or the tasks they will need to perform in order to function in the world outside of school. In other countries that have high school examinations, about half of the examination score for each subject area is based on classroom work defined by course syllabi and evaluated by teachers, rather than on standardized, mass-administered, on-demand tests. Students often choose which exams to sit for across content areas, and their scores provide information for colleges and employers. However, these exams are not used to determine high school graduation.

In other states with high school exit examinations, generally only reading, writing, and mathematics are assessed; the content is much closer to the kind of material students would need to master for post-high school productive employment; and alternative assessments are available. Few states require the passage of a high-stakes test as the sole criterion for graduation. Appendix A describes the systems in New York's neighboring states of Connecticut, New Jersey, and Pennsylvania, all of which offer high school tests in fewer content areas and have alternative assessments in place as the basis for graduation decisions. All of these states have overall higher achievement than New York State and much higher graduation rates.

In New York, by contrast, students will have to pass each of 5 separate examinations in order to graduate, with coursework counted not at all in this decision. Current indicators suggest that, under current plans, it is likely that half or more of the state's students will fail one or more of these exams, and thus fail to graduate. In part because of the last round of testing reforms in the early 1980s, New York already has one of the lowest cohort graduation rates in the country, at just over 60 percent. The state's accountability strategy – holding schools accountable for students' average test scores (rather than measuring the cumulative gains of individual students) -- creates incentives that further exacerbate the problem. Studies show that this approach has led schools to hold low-scoring students back, assign them to special education, or push them out of school entirely. Getting rid of the lowest-scoring students makes average scores look better, even if the quality of education does not improve. Schools of choice also have no incentive to admit students who struggle to learn – those with special education needs, previously poor education, and English language learners.

The consequences of these policies are ultimately at odds with the intent. Holding students back so their scores will look better actually leads to lower achievement in the long run and boosts dropout rates significantly. Research shows that the odds of dropping out increase by 50% the first time a child is retained and by 90% if the child is retained a second time. Inviting students to leave high school in an economy in which dropouts can neither find jobs nor join the military tragically wastes their lives and taxes the society further through increased welfare and prison costs. The anxiety associated with these high-stakes is already sending some middle class families to private schools where they feel they can protect their children from the stress of the exams.

Poor and minority students bear the brunt of these policies. Disaggregating scores by race, as the Regents have proposed and the federal government now requires, will likely make matters worse. As some other states have already demonstrated, the easiest way to close the gap between minority and white students' test scores is to encourage the lowest-scoring minority students to leave school. What is to become of a state in which large shares of its population are undereducated in a society that demands high levels of knowledge and in which the productivity of every citizen counts?

Inadequate Resources. A final problem is that the school reform train that was supposed to be attached to the testing engine seems to have become disconnected. The notion was that setting standards and creating new assessments would be the beginning of a process of redesigning curriculum, reorganizing schools, and reallocating resources to assure that students receive an education that will allow them to meet the standards. Yet schools have too little

information about the upcoming tests to redesign their curricula, and students face life-deciding exams without having had the opportunity to study the material they will be tested on. There is little encouragement or help for schools to redesign their work so that students will be better supported in their learning. There is little support for teachers to learn how to teach in more effective ways so that their students can succeed. And funding continues to be more unequal in New York State than in most states in the country. More than half the high school students in New York City attend schools that lack the science labs, computers, and well-trained teachers that would allow them to learn what the standards describe.

School reform in New York is now a charade. We should not be surprised if the results of imposing narrow tests without broader classroom reforms and improvements in teaching are not positive. Experience shows that states like South Carolina that pursued similar test-based reforms in the 1980s showed no increase in student achievement on national measures during the 1990s, although their graduation rates declined. By contrast, states like Connecticut that invested heavily in teaching quality and developed low-stakes performance assessments to measure progress showed dramatic improvements on both achievement and graduation, even though their student body became more low-income and language diverse over those years. We need to realize that testing students is not the same as teaching them. If New Yorkers want a great education system once again, they will need to hold policy makers accountable for stitching together a wardrobe of efforts that honors serious learning, supports local innovation, develops teaching quality, and invests in student success in all schools across the state.

### Recommendations

1. Create a committee of curriculum and assessment experts to evaluate the current Regents examinations in terms of their content, scoring, and appropriateness. This committee should guide revisions in the examinations to ensure that they are suitable as measures of New York curriculum and that they provide useful evidence of actual performance abilities.
2. Reinstate performance assessment options and the possibilities of waivers for schools that have developed performance assessment systems mapped to the state standards. Create a performance assessment review panel to approve these options.
3. Use scores on the examinations as indicators for employers and colleges, not as the sole criterion for graduation. Ensure that other evidence of learning and performance is included in the graduation decision as is the case in other states. (See Appendix A.)
4. Evaluate school quality using multiple measures of practice and performance, including value-added assessments of student learning (rather than average scores that respond to changes in the population of students being tested), progress and graduation rates, and evidence about opportunities to learn.
5. Develop a plan for more adequate and equitable school resources to ensure that students in all parts of the state have the opportunity to master the state learning standards.