

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

**NY State Standing Committee on Education  
Albany, October 22, 2003**

**Testimony submitted by Deborah S. Rapaport  
Parent of Scarsdale Public School Graduates  
Second Testimony**

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My name is Deborah Rapaport. I have a Masters degree and have completed a substantial portion of a doctoral program at Teachers College. I worked for the Board of Regents at Regents College where part of my function was test design and administration. I have four children, three who have graduated high school and one high school junior. I have sat through three days of hearings, Senate and Assembly, extremely disheartened.

At these hearings, I heard Commissioner Mills say that he “listens”, but he chose not to listen to any of the expert, professional or public testimony following his own at any hearing. And today he told one attendee, Melanie Spivak, that he couldn’t stay because he had to work, and that “he wasn’t interested”.

Two and a half years ago, a panel of Westchester superintendents, principals, parents, teachers and Boards of Education members told Commissioner Mills that there were *too many tests, they took too much time out of the teaching schedule and the tests should not have high stakes consequences*. In the meeting, the head of our teachers union said that she had sent specific details about weaknesses in content, the tests and the testing program to the SED. The SED staff member said not to expect answers. Subsequently, there was no response from the Commissioner on any of the issues raised.

I heard the Commissioner say last week that he has approved 31 different alternative assessments, but they are all just other standardized tests. All other proposed alternatives have been denied, even when recommended by his own blue ribbon panel.

I also heard him say that until there were state mandated Regents exams in 1997, no one was concerned about the achievement gap. I can assure him that in 1967 when I graduated from Mt. Vernon High School, there was plenty of attention being paid to the achievement gap. He said that before these tests you could not identify hi or low performing schools. That’s just absurd.

I heard the Commissioner tell Assemblyman Sanders that there was a substantial body of psychometric backup for assigning a passing score of 55. I urge you to demand to see the data and have it reviewed by a panel of independent psychometric experts. One might assume that 55 means 55% correct. However, on the biology test last year, a score of 55, a cut score, meant 37 correct out of 87 questions asked (or 42.5%). These scores are not percentages. Educational Analyst David Berliner has argued that wherever high stakes testing has been implemented, the

scores have always had to be adjusted so that they were politically acceptable. I urge you to ask what it means to rescore the Physics Regents that was given more than two years ago.

All exams have some statistical error and Assemblyman Sanders quite appropriately pointed out that the Commissioner must have extraordinary faith in the score of 55 as opposed to 54 or 56 to allow that number to determine a high school diploma. Standardized tests are not objective, despite the widespread assumption that they are. If you review the Regents Scoring Key and Rating guide for grading essays, it is clear that the standard of “good” can vary, despite 104 pages of instruction. In fact, a former 11<sup>th</sup> grade English teacher told me that when her northern Westchester school first administered the English Regents, the school was unhappy with the scores. So the teachers were told “don’t be so tough”, and there was improvement the following year. This teacher has left teaching because it was no longer about learning, reading or writing, it was all about the test. She’s now training to become an accountant.

I have heard the Commissioner say that education has improved. I challenge him to produce data to substantiate that claim. There have been a few instances of improved tests scores, but generally the test scores have had a short bounce and then remained flat. Moreover, test scores measure only test scores...not improved education confirmed by outside evaluation.

The Commissioner and the Regents claim that standardized tests that they design are **the only** way to determine whether a school is doing its job. But there are many ways to evaluate schools, and many recognized accrediting agencies such as Middle States Association and Tri-States Consortium which have rigorous standards and methods of evaluation could be used by the Regents if they chose.

For the last two decades, the impetus for the use of testing as a method of educational reform has been promoted by the Business Roundtable. In the eighties, US test scores were below those of Germany and Japan, causing great anxiety. But now, it turns out that while its students shine on standardized tests, Japan’s system produces consistently average graduates, with few examples of individual brilliance. “The Japanese realize their emphasis solely on testing is simply not working and are modifying their educational system, just as we are catapulting ourselves into the disastrous practices they are abandoning”. (Tina Cross, a member of the 1999 All USA Teacher First Team, USA Today, Dec 3, 2002). In Great Britain, a similar phenomenon was reported, “England’s schools are emerging from the wringer of accountability testing just as American schools are being fed into it”. (Mike Baker, Education Week, Oct. 31, 2001)

Why does business promote the use of testing and what are the implications of that for education? I believe that part of the answer is that it is a model that is easily understood. As with profits, test scores appear to provide a clear, identifiable bottom line, high is good, low is bad. The use of test scores as the critical factor in assessing education is based on a business model. But, we have all seen that the pursuit of the bottom line, to the exclusion of all else, has corrupted business and is corrupting education. When you use a bottom line of improving test scores you can be certain that the participants will have to make sure that test scores go up.

And worse, the **only** measure of improvement is more test scores. There are no independent measures of academic performance, no outside auditing, no other questions like “are students

doing better in college, are they performing better in the work place, are they planning to continue their education”?

Testing on this scale is promoting fraud and cheating on the statistical reporting such as the data reflecting drop out and push out rates. No system wants to admit that the result of high stakes testing is increase in the drop-out rate. Look at the number of recent news reports related to ‘cooking the books’, NY and Houston being the most glaring examples.

Educationally and psychologically, there is ample evidence that testing is actually antithetical to the goals of producing educated, self - motivated adults and it discourages independent thinking and creativity. According to Richard Reich, former US Labor Secretary, “our schools are morphing into test-taking factories. Standardized tests have nothing to do with preparing students for what they’ll do when they leave our schools. They do not measure, and, in fact, discourage creativity, out of the box thinking, originality, the ability to listen and to communicate.” (Education Week, June 20, 2001)

One major criticism of the excessive use of tests is that one size does not fit all. What does that really mean? Let’s assume you are a HS principal and you have hired a new math teacher who will teach one advanced, one grade level and one remedial class. It is clear that this teacher is able to identify the methods and resources needed for the 3 different groups. You ask, “how will you determine whether all of the students have learned the content?” “Oh, she replies, I’ll give a test.” “How will you design the tests?” you, as principal ask. “I won’t”, she replies, “I’ll buy one I’ve never seen and I’ll give the same one to all three groups.” Does that strike you as educationally sound? It is possible that this test will be the right level for some, but will certainly be the wrong level for most. Unless the Regents want to test at a minimum level of competency, which is a valid choice, but one which they consistently deny.

The objectives of the varied tests are unclear: are they intended to measure student achievement, individually or in groups, teacher and school performance? Last week one Assemblyman said that if a student fails a test, it’s the teacher who failed. There is no consistent educational evidence that teacher performance can be measured by student test scores or that students’ tests measure teacher quality. Another said that the system has failed the student. But it’s the student who is punished.

Test prep is a tried and true method of improving test scores, that’s why Kaplan gives a guarantee. And we will see more and more test prep to be sure that scores improve.

The cost of this testing program has been extremely high: the drop-out rate is rising, quality programs have had to scale back to fit the testing mold, creative teachers are leaving the profession because of the test prep culture, and hundreds of class hours are lost to training, administering and scoring tests. Even excellent tests have a certain amount of error, but children are being denied high school diplomas on the basis of a few points on one of five tests. It is possible (though not demonstrated) that the overwhelming number of state mandated and high stakes tests might have some beneficial effects for some schools or children, but there are so many negative effects that you should not base an educational system on it. A medication with so many negative side effects would never be approved. We all agree that our educational system is failing some of our children and that we want all students to achieve high standards before graduating high school. But is this the best we can do?

New York State's children, including all grades, are the most highly tested in the nation. We have put tremendous power in the hands of a Commissioner and Board of Regents who are not being held accountable for their actions.

I urge the Legislature to call a halt to this program of testing, return local control to qualified districts and initiate real education reform that will truly benefit New York State's children.

Additions:

I would like to add a word of warning. A single test in one area determines curriculum but I'm truly frightened by the idea of a statewide curriculum particularly when it is controlled by the same people who have given us censored English exams. What if they decide not to include Vietnam, the Holocaust or slavery because they violate sensitivity guidelines? Democracy is messy and we must admit that education can't be tidy.

You and I had the opportunity today to hear many speakers, some ordinary, many highly qualified, extremely knowledgeable and passionate. But Commissioner Mills won't hear them because he has a single focus and believes he knows best.

I worked for Commissioners Nyquist and Ambach and with Commissioner Sobol so I do not say this lightly. Commissioner Mills' complete unwillingness to hear and address the devastating issues being raised, and his insistence on using only that data that is favorable to his position are appalling. Refusal to explain, consider or even acknowledge other, less palatable data, is both unprofessional and dishonest. The truth is, in any work place with a system of accountability he would be fired. I want to know what the Legislature will do about this?