

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

**NY State Standing Committee on Education  
NYC, September 23, 2003**

**Testimony submitted by Vincent Brevetti  
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My name is Vincent Brevetti and I am the principal of Humanities Preparatory Academy, a small public high school here in Manhattan. I am also co-chairperson of the New York Performance Standards Consortium of which my school is a member organization.

As founding principal of Humanities Prep, I have striven to fulfill our mission to offer a meaningful and productive educational experience for those who have not succeeded in larger schools, for those at-risk of dropping out, and for those who have dropped out and seek to re-enter the school system.

Over the last several years, I have heard first-hand from students seeking to enroll in my school about how they have been discouraged from attending their schools, pressured to leave their schools, or who have been discharged outright. This happens all too often to students who have not passed or taken Regents exams. There are times when administrators or counselors have been explicit with students and their families that inadequate regents exam results have made them unwelcome. More often, they are euphemistically counseled to seek another setting where they might do better.

I am sure that to hear that this happens is not news to this committee. I trust that you have heard or will hear from others who have studied this issue in comprehensive ways, and that my narrow band of experience simply illustrates a system-wide problem. What is new, is that as the regents examination requirements have increased, and the dropout rate has increased, on June 26, 2003 the judicial system ruled in Campaign for Fiscal Equity v. The State of New York, that this should no longer be seen as only some unfortunate educational problem. Rather, a systematic increase in dropouts caused by State policies is now essentially viewed as a fundamental Constitutional violation.

As Chief Judge Kaye cited in the majority opinion, the Education Article of the New York State Constitution states, "The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated." Judge Kaye drove the point home with this statement: "We recognized that by mandating a school system 'wherein all the children of this state may be educated,' the State has obligated itself constitutionally to ensure the availability of a 'sound basic education' to all its children."

The fact that the term "all children" is used and not "all students" is far from inadvertent. Judge Kaye later writes in a footnote, "The State, indeed, suggested that some students may drop out despite having received a sound basic education. But there is no evidence in the record to support the State's suggestion." The Judge concludes, "A sound basic education, however, means a meaningful high school education. Under that standard, it may, as a practical matter, be presumed that a dropout has not received a sound basic education. In any event the evidence was unrebutted that dropouts typically are not prepared for productive citizenship."

The point is that if the Legislature receives valid evidence that the State is engaged in policies that have the deleterious effect of increasing the number of dropouts, the legislature is obligated by the CFE decision to seek "new legislation -- to consider corrective measures." As you are well aware, the entire CFE decision points to the need for increased spending in order to fund these corrective measures. Certainly, from my perspective as a New York City public school principal it is unassailable that the City's schools are under-funded. However, it would be foolhardy to overlook any opportunity to take corrective action that not only does not cost the State more money, but also would actually yield a net savings.

In closing, I would like to point out that it has been shown that a rigorous performance based assessment system aligned with the State Standards is far more effective than regents exams in stemming the dropout rate, particularly among those with low incomes and those who are second language learners. This was a key finding of a panel of psychometricians appointed by Commissioner Mills in a report issued in 2001 about the schools in the New York Performance Standards Consortium of which Humanities Prep is one.

I call upon you to consider strongly a moratorium on high-stakes testing, and to allow performance based assessment systems to be used to engage all of our children in meaningful high school work. This is what the research shows; this is what the courts ordered; and this is what common sense dictates. Thank you for this opportunity.