

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

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

**"Regents Learning Standards and High School Graduation Requirements"**

**Richard P. Mills  
President of The University of the State of New York  
and Commissioner of Education**

---

While these hearings were scheduled during controversy over the Regents Math A exam - and we will talk about that exam - let's look at the whole picture. The big picture is one of success: The children are learning more.

NAEP results show that New York 4th graders have improved dramatically in reading and writing. Our tests showed that, too. Remember how fewer than half met the standards in 1999? Today, 63 percent meet the standard. Minority students improved the most.

In 1996, fewer than 40 percent earned Regents diplomas. In 2002, the figure was 55 percent. (And that was 8 exams at 65 or better!)

Testing was a vital part of the strategy to make that happen. Other contributors were standards, report cards, teacher standards, more challenging curriculum, extra help for students who need it, tremendous effort from local educators, and increased state aid - thanks to you.

Standards combined with tests and supported by other resources drew attention to the gaps in achievement and led schools to change. The standards and tests provided the best argument ever to raise funding. They caused schools to stop giving a weak curriculum to many children.

With the tests, we have identified hundreds of rapidly improving schools - these schools become models for others. We learned what they did to get better results and we shared that information. It's NOT about teaching to the test. It IS about improving schools' focus on leadership, instruction, curriculum, extra help, and fundamentals of reading, mathematics, writing and the other strategies that parents expect for their children.

With the tests, we identified schools farthest from the standard and have compelled those schools to improve or close. As a result, more children attend schools that work.

Why did the Regents do this? The public demanded it. There was a public outcry in the 80's about high school graduates who lacked the skills for work, for citizenship. Regents enacted the standards and testing policy after long study and countless hours of discussion with educators and other citizens -parents, students, businesspeople, advocates. They phased in the standards and tests over nine years.

Why a public outcry? It was because students could graduate with an 8<sup>th</sup> grade education! That's what the old Regents Competency Tests measured. The Regents decided that 8th grade was not enough. In 1996 they began to phase in a Regents level of achievement. This summer, the Court of Appeals declared that an 8th grade education is not enough. The Court requires "a meaningful high school education" for all students. The Regents have been working toward that goal for many years, and the tests are part of the system to achieve it.

The Regents have been very flexible: 55 to pass; multiple tries - up to 10 attempts in four years of high school; alternatives for children with disabilities; opportunity to retake only the components where the student was not successful; 20 alternative exams already approved; translations of the exams into other languages; and adjustments to the testing schedules at the request of educators.

The exam system is open for all to inspect. New York is the only state to publish every question on every exam immediately after they are administered.

The exams are also subject to continuous expert review. A technical group of seven national testing experts advises us. We have published over 70 technical papers on the validity and reliability of the tests. Our annual technical conference is open to everyone.

The State Education Department produces 70 tests a year now, plus translations into multiple languages.

The NCLB exams created a new opportunity to check how students continue to grow throughout the elementary and middle grades. We formed a panel of educators and other citizens to design those new exams So that they would support student achievement while still meeting the accountability aims of the law.

With 70 exams in place, and an open system that allows everyone to see the exam questions and the results, controversy is inevitable. How did we respond?

When critics objected to English Regents that included edited passages, I stopped that practice within 24 hours. We then added extensive reviews to ensure that there was no such inappropriate editing.

When the 2002 Regents physics results - on a new exam - were lower than with the old exam, we studied this for months. We took the complaints very seriously.

Ultimately I determined that the results would stand, but students would be afforded an opportunity to take the exam again. It is a difficult exam, but a sound one. Now the Regents are reviewing their policy, to decide whether the exam should be at an advanced level as it is now, or accessible to more students. They will decide that soon.

Each of these situations was different. The use of edited literary works on the English Regents is unacceptable, should never have happened, and we stopped it immediately. The physics exam was different from previous physics exams by design. For example, the earlier practice of offering students a choice in the questions ended, the formulas that formerly had to be memorized were provided, and the focus turned to application of the concepts. These changes were talked about long before the exam. Why would people expect the results to be the same as on the old test? Mathematics is unlike either English or physics. Regents Math A has been given nine times. The results should have been comparable with prior administrations but they were not. That led me to conclude that the exam was not fair.

We acted quickly on the Regents Math A exam to allow districts to set the exam aside for juniors and seniors who did not pass, and then created an independent panel - headed by a well-known and respected superintendent and critic - to find out what happened. When the panel recommended changes to the scoring, I acted immediately, and the schools knew the results before school started this year. The final panel report will be published without modification, and the Regents will immediately consider their recommendations for action.

All complex systems require continuous improvement. We have examined the test design system to identify areas of risk. As a result, we have changed the process. For example, we transferred more technical people to the assessment program. We added outsiders to the review of completed questions, including nearly three dozen teachers. We will have immediate score validation after the next Math A exam is given. When we see the independent panel report, we will make more improvements.

Many people have opposed the Regents exam policy from the start. We have given careful attention to these opposing views. Many members of the Legislature know this because the Regents and I have talked with you many times in public meetings and in your offices.

There are many proposals to change the Regents policy and virtually all claim to meet high standards but most of them don't. They would take New York back to when there were low standards for so many children -and they would do that in spite of the Court of Appeals decision:

- We could, for example, simply approve any local assessment - and give everyone a diploma - but what would it mean? Would that mean that all students could read and write and do mathematics at a high school level? The answer is no. That's the system the public rejected, the system that gave many children, especially those in need, low standards and a poor quality education.

- We could, for example, allow schools to use portfolio assessments – folders of student work -instead of the tests. We allowed a group of schools to experiment with portfolios and provided an independent expert evaluation. The experts wrote that the portfolios failed to meet any of the criteria. For approving an alternative exam. The portfolios were subjective, and didn't measure the standards. Accordingly, I decided that they could not be used for graduation. When the schools sought to overturn that decision in the courts, three courts rejected their arguments.
- We could, for example allow students to graduate with only two exams or three. But the Court says that all must have a meaningful high school education. That can't mean that only math and English is enough. What about the rest of high school?
- We could for example, allow students to average passing scores on some exams with failing scores on others. Does that mean a judgment of "on average, educated?"
- Could we just go back to the way it used to be - when students passed the 8th grade level RCT, got local diplomas, and met different standards set in each school district? That would amount to a return to high standards for some children and very low for others. The Court finds that a student must receive a meaningful high school education. Without exams how would we know they had? Many students formerly graduated by passing the RCTs. Now the Court said the RCTs "measure a level of proficiency far below a sound basic education..." (p.30)

We need to turn our attention to the future, not the past. The future is about determining meeting the Court's mandate to determine how to provide a sound basic education by July 30, 2004.

Meanwhile I can show you solid evidence of improved student achievement.

- The vast majority pass the required Regents exams. Many of those who did not pass did not take the exams. Many of them are not yet seniors after four years - a chronic problem that predates the current Regents effort.
- Of the seniors who started 9th grade in 1998, 90 percent and more passed each of the required exams (four exams for that cohort) after four years.
- Elementary results are up dramatically, according to both state and NAEP data.
- Middle school results had been flat, but a year ago we saw a seven point increase in mathematics.

- The number of students graduating is stable, even with higher standards, and the number graduating in 2002 is a higher percentage of the total high school enrollment than in the previous year.
- Students with disabilities are not required to pass Regents exams – just take them. However, the number getting Regents diplomas and local diplomas has gone up.

We have a long way to go. But we have come a long way, too. And I say again, children in New York are learning more now than a decade ago. Testing is one part of the system that made that happen.