

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

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

**A Response to the NYS Testing Program
From the Lower Hudson Council Of School Superintendents**

The Lower Hudson Council of Superintendents represents 80 districts or 11% of districts in the state in four counties: Westchester, Putnam, Rockland and Dutchess. We welcome the opportunity to share our thoughts on changes that are necessary to New York State's current testing program. The achievement level of our students relative to those throughout New York State is testimony of our commitment to high standards. Many of the districts we represent have the least to fear from close examination of our scores; our students do well. Moreover, over several years, we have documented and shared with the Commissioner of Education, members of the Board of Regents, and legislators, our concerns over aspects of the implementation of the State Education Department's approach to and implementation of its testing program.

Our position comes out of thoughtful analysis and a commitment to high standards from a region that represents 252,000 students and is a microcosm of New York State in the demographic distribution of our population. Our recommendations speak to all students we serve: the most economically disadvantaged, second language learners who enter our systems at different ages and grades, special education students with widely varying needs, and the most able high achieving students in the state. The purpose of today's testimony is to highlight a few key points on which we hope you will focus your attention, and which apply to all of the subgroups of students.

The Problems:

1. There are simply *too many tests*.

New York is one of the most test driven states in the country, requiring five Regents exams for graduation, five tests for eighth graders, another three for fourth graders, one for fifth graders, and now the federal No Child Left Behind law is piling on requirements for two or three tests at every grade from three through eight. As recent news reports show, our State Education Department does not have the capacity to implement a meaningful and appropriate assessment system with the current expectations. The problem will only be exacerbated as it prepares to meet the NCLB requirements for testing at additional grades.

2. In addition to the number of tests, we have serious questions about the *quality of the tests*.

Let us cite a few examples:

There were headlines and editorials in all newspapers on the altered quotations in our English Regents. A panel of experts found that the essay questions on the Regents Exam

in Global Studies were “vapid,” and “hopelessly broad,” and noted the prevalent critique from teachers that the exam forces a curriculum “a mile wide and an inch deep.” The Math A exam of June, 2003, was simply a debacle. School based practitioners were the front line in exerting pressure on the Commissioner and his staff on behalf of seniors who deserved to graduate despite the flawed test. Only after a second round of pressure from the field did the State Education Department review the implications for lower classmen who had already taken the test. Math A is a fundamental graduation requirement, yet the test and scoring guidelines were seriously flawed.

At the other end of the spectrum, we look at physics. Even in schools where students continue to score well, the exam was designed so poorly and the results were such that several high achieving schools are abandoning the test. While chemistry did not make the headlines, seasoned chemistry teachers report that there are serious problems in the distribution of topics, the wording of open-ended questions, omission of content important to higher-level study in chemistry; it is another example of a test that encourages breadth over depth.

3. Perhaps most important is the fact that the amount of testing has a serious impact on *loss of instructional time*.
 - In June 2002, the Curriculum and Instruction Committee of the New York Council of School Superintendents, under the leadership of Walter Sullivan, published a paper, Assessing the Assessments. In that analysis, the committee set forth some of the instructional impact of so much testing on teaching and learning. For fourth grade teachers and students, the administration and scoring of the ELA and Math tests alone require close to 300 hours for a school. In the middle school, the number of hours per school rises to 509. One middle school calculated a range of 29-35 days devoted to review, testing, scoring, and make-up days.
 - For English as a Second Language (ESL) students, the State has now mandated two new tests. Although the tests themselves are improvements over prior exams, the administration time has a significant impact on instruction, particularly since aides are not permitted to administer any part of this test. Even with supervision, the speaking portion alone can take from 10-20 minutes per student.

These problems have impact on specific subgroups of students.

1. English Language Learners
 - The public reporting practices create a public perception that second language learners (especially those from economically disadvantaged populations) cannot succeed even when the scores reflect a natural rate of acquisition of a second language. In short, it disregards the research indicating the need for 5- 7 years to gain academic language.
 - The system also ignores the realities of students who enter at middle and high school with little or no English and little education in their native language. They are judged on a double set of standards: learning English for academic purposes as well as the content areas tested in eighth grade and on 5 Regents exams.

- Furthermore, for those students who enter our systems at an older age, the existence of assessments in their native language does not necessarily compensate for their prior education. A perfect example is the elementary Social Studies test, given in the fifth grade, but which is really a test of the 3rd and 4th grade curriculum. A student entering our system in 5th grade may not have any of that background knowledge regardless of the language of the test itself.
 - The subgroup reporting of Annual Progress is unfair to schools with small numbers of students in subgroups. In those cases, a small number becomes a large percentage, giving a skewed view of actual school achievement.
2. Special Education Students
- 4th and 8th grade state exams are redundant for special education students, since diagnostic testing is required for classification.
 - There is additional interruption of instructional time for special education students, which includes their being taken out of instructional periods for special test preparation classes (i.e., English Regents) and special education teachers being pulled from mandated services to administer tests with appropriate modifications and then score them.
 - The burden of passing five Regents exams is heightened for special education students.

Recommendations:

We believe that the State has a fundamental interest in insuring that students who graduate from our schools can read and write in English and have strong enough math skills to function as responsible citizens. **Therefore, we continue to assert that New York State should reduce the number of tests and increase the flexibility at the local level unless there is evidence of failure that would call that flexibility into question.**

- English Language Arts and Math should be the only two areas subject to required testing.
- There should be flexibility for schools to administer state developed exams or local assessments in other subject areas at their own discretion.
For high school exams in particular, we could achieve flexibility through:
 - Creating a Local Assessment Panel to vet locally developed assessments;
 - Allowing high school students to pass any 4 out of 5 Regents exams (should more than English and Math be required); or
 - Allowing students to achieve an aggregate score of 330 for graduation distributed across Regents exams.
- In any case, the State should continue the 55% passing option.
- For Special Education Students, the criterion for those eligible for Alternative Assessment should be raised to at least 2% so that students with significant cognitive disabilities are not deprived of the option.
- For students who have arrived in the United States within three years and who cannot pass the Regents exam in English, community college level scores on the

Test of English as a Foreign Language (TOEFL) should be acceptable for graduation.

Reporting practices must be revised:

- Tests must be returned and shared in a timely fashion. The State may not report the scores when the tests are returned and again when it publishes a report card: one time, on-time reporting.
- Schools will not be rated based on diagnostic tests. Although the 4th and 8th grade tests are designed to predict success on exiting exams at the high school level and are therefore technically “diagnostic,” they are used to rank schools.
- Special Education Students who qualify and then take the Alternative Assessment will not be listed as failures for district accountability despite their actual performance level.
- The State will no longer compare test results of different cohorts and will create a different process for reporting grade level groupings at the high school level where students of different grades sit for the same exam (i.e., 9th and 10th grade students take Math A at the same time depending on whether they have accelerated; how are those results reported?)

We are encouraged by this public hearing. Our concerns and recommendations are not new. On behalf of all our students, we hope this will be a time for change.

Submitted by,

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