

Testimony for the New York State *Senate Standing Committee on Education*  
Chair: Senator John L. Flanagan

Public *Hearing*: The Regents Reform Agenda: “Assessing” Our Progress  
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David Hursh, Ph. D., Professor, Warner Graduate School of Education and Human  
Development, University of Rochester, Rochester, New York.  
[dhursh@warner.rochester.edu](mailto:dhursh@warner.rochester.edu)

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My message today is simple: You should not believe any test scores reported by the New York State Education Department. You should neither be dismayed when you learn that test scores have declined; nor should you celebrate when they improve.

Almost all of the educational statistics NYSED reports are misleading or erroneous. Therefore, you should question almost all their test results. I wish I could encourage you to ignore anything that comes out of Albany, but because test scores have real consequences, I can't. Low-test scores are often used to argue that we need more control over teachers and students, more tests, and a narrower curriculum. High-test scores are used as confirmation that these same reforms are working. Either way, the test scores have disastrous consequences for teachers, students, public schools, and our communities.

Exhibit 1. New York schools recently implemented the Common Core State Standards (CCSS) and students were tested on the standards last spring. The results were made public over the summer, and we were told that only 31% of the New York State students passed the tests, including only 5% of the students in the Rochester schools. Many people are dismayed by this result. Others, like Commissioner King, described the results as a “good thing,” because it provides us with a “baseline.”<sup>1</sup>

Likewise, in New York City, where Mayor Bloomberg appoints the school board and controls the schools, he has, during each of his re-election campaigns, taken credit for test score increases. However, New York City students, like the rest of the state, performed poorly on the recent CCSS tests with only 26% passing the new state reading tests, and only 30% passing in math. Only 15% of black students and 19% of Hispanic students passed the math exam. Bloomberg, demonstrating that he can

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<sup>1</sup> News and Notes from Commissioner King (2013, August 19). NYSED website. <http://myemail.constantcontact.com/News-and-Notes-from-Commissioner-King.html?soid=1110847617454&aid=2jRkW5otDjg>

positively spin test scores whether they rise or fall, called the test results “very good news.”<sup>2</sup>

What is going on here? Are 69% of New York’s students failures? Do test scores really tell us anything? Or is something else happening? I suggest the scores are manipulated so that education commissioners and others promoting standardized testing appear to achieve the results they desire.

Exhibit 2: Over the last two decades students’ scores on tests have been manipulated by the Commissioners to make it look like the Commissioners’ rigorous standards are improving education. For example, beginning in the last 1990s, students are required to pass five standardized exams to graduate from high school, including one science course, typically “living environments.” However, while the Regents and then Commissioner Mills wanted to look tough, they didn’t want to increase the dropout rate, so the cut score, the percentage of points you needed to pass, was set low at 39%, yielding a high passing rate.

But, the Commissioner was criticized for making it easy to pass the living environments test. Subsequently, when it came time to set the cut score for the physics exam, knowing that students would have already taken and passed the living environments exam and therefore did not need to pass the physics exam to graduate, the Commissioner set the cut score high so as to yield a low passing rate. Here’s how he did it: He first commanded the committee of eight people responsible for setting the cut score to set it high. When they didn’t set it high enough to yield a sufficiently low passing rate, he dismissed them and brought in four people and commanded them to set it higher. When they refused, he dismissed them and brought in one person and told them where to set the cut score.<sup>3</sup>

As a result, only 39% of the students who took the physics exams passed, a lower percentage than the passing rate for the Advanced Placement physics exam that same year. However, the Commissioner seemed to have forgotten that the students who took physics were likely to apply for university, and while failing the exam would not keep them from graduating, a low score did not look good on their university applications. The students and parents protested and their pressure forced the Commissioner to change the cut score. Students’ tests were rescored and their results improved significantly.

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<sup>2</sup> Hernández, J. C. & Gebeloff, R. (2013, August 8). Test Scores Sink as New York Adopts Tougher Benchmarks. *New York Times*, A. 1.

<sup>3</sup> Winerip, M. (2003, March 12). Passing grade defies laws of physics, *The New York Times*: A22 & B7. Retrieved from <http://www.nytimes.com/2003/03/12/nyregion/on-education-when-a-passing-grade-defies-laws-of-physics.html?src=pm>

Exhibit 3: Tests at the elementary level are similarly manipulated. In New York, the test scores for grades three through eight have continually improved, with Commissioners, Mayor Bloomberg, and some administrators taking credit for it. However, much of the improvement results from changing the cut score. Diane Ravitch, in her book, *The Death and Life of the Great American School System: How Testing and Choice are Undermining Education* (2010), points out how much easier it is for elementary students to score in the top three of four levels on the standardized tests. She notes:

...on the sixth-grade reading test in 2006, students needed to earn 36.2% of the points to attain level 2; by 2009, students in that grade need only 17.9%. In seventh grade math, students needed to earn 36.2% of the points on the test to advance to level 2 in 2006, but by 2009, they needed to earn only 22%. The standards to advance from level 1 to level 2 dropped so low that many students could get enough correct answers to pass to level 2 by randomly guessing. (p. 79)

Exhibit 4: While the results on New York states tests are manipulated and misleading, there is one test that provides a valid indication of how students are doing: the National Assessment for Educational Progress (NAEP), a national exam in which representative samples of students are tested every two years in math and literacy. NAEP tests are constructed so that test scores can be reliably compared from year to year. Unfortunately, for New York, while the scores on the state exams have improved from year to year, the NAEP scores have held steady or declined. In 2003, 22% of New York City students were proficient on the eighth-grade reading test, which declined to 19% in 2005, and by 2009 the test results were the lowest in a decade. Statewide, by 2011, “New York was one of two states in the nation to post statistically significant declines on the National Assessment tests”<sup>4</sup>

In response to the ongoing clamor over test score inflation, Merryl Tisch, the current chancellor of the Board of Regents, finally admitted that the state test scores were “ridiculously inflated,” and “should not be believed,” and test scores were rescaled so that, for example, the 68.8 percent English proficiency rates was immediately rescaled to 42.4 percent.<sup>5</sup>

However, even though the chancellor realizes the test scores should not be believed, state officials continue to do so. The test scores play a central role in determining whether teachers are found to be “effective” or “developing” or “ineffective” as part of teachers’ Annual Professional Performance Review. Because test scores are closely related to family income, approximately 37% (of 2500) teachers in the Rochester City School Districts were rated as developing or ineffective while the ten

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<sup>4</sup> Winerip. M. 2011, December 19. 10 years of assessing students with scientific exactitude. *The New York Times*: A-24.

<sup>5</sup> Ibid.

surrounding suburban districts had NO teachers rated as developing or ineffective, and the most any one district has is eleven.<sup>6</sup>

New York's Governor Cuomo over reacted to the Common Core test results by proclaiming that low scoring districts might suffer the "death penalty,"<sup>7</sup> where NYSED would take over the district.

So how should we respond? Before the push for standardized tests, the NAEP scores were increasing and the achievement gap between white students and students of color was decreasing. Now, after two decades of high-stakes standardized testing, NAEP increases have leveled off and the achievement gap is widening.<sup>8</sup> Unfortunately, teachers rather than an out-of-control testing regime continue to be blamed for our current state of education.

Setting policy based on the test results endangers teachers, students, and our public schools. Instead, we need to develop schools where teachers, parents, and students work together to develop curriculum and assessments that promote critical, in depth, interdisciplinary learning. Fortunately, examples exist in the United States and other countries of schools where teaching and learning flourishes. In New York, students at the Performance Consortium Schools demonstrate their proficiency in various subjects through projects that are presented to groups of teachers, community members, and students. In Finland, where the only standardized tests are similar to our NAEP and the SAT, teachers collaboratively develop curriculum based on the country's curriculum standards. My recent teaching has been in schools in New York and in sub-Saharan Africa where I have taught students about local history or environmental health risks, such as air and water pollution--- a major cause of disease and death in developing countries. Rather than endless test prep, schools can be places in which students and teachers engage in the joy of learning and contribute to the welfare of their families and communities.

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<sup>6</sup> Personal communication with the Rochester Teachers Association.

<sup>7</sup> Prohaska, T. (2013, August 29). Cuomo sees 'death penalty' to deal with failing schools The Buffalo News, <http://www.buffalonews.com/city-region/buffalo-public-schools/cuomo-urges-death-penalty-for-failing-schools-20130829>

<sup>8</sup> Ravitch, D. (2013, September 3). Common core tests in NY widen achievement gap. *National Education Policy Center*. <http://nepc.colorado.edu/blog/common-core-tests-ny-widen-achievement-gaps>