

June 21, 2013

The Hon. Eva-Marie Mancuso, Chair
RI Board of Education
255 Westminster Street
Providence, RI 02903

Members of the Board of Education
RI Board of Education
255 Westminster Street
Providence, RI 02903

Dear Chair Mancuso and Members of the Board:

Pursuant to the Administrative Procedures Act, R.I.G.L. 42-35-6, and the Board of Education's Title A Regulations, A-1-23, we respectfully submit the enclosed petition proposing amendments to the Board's "Secondary School Regulations: K-12 Literacy, Restructuring of the Learning environment at the middle and high school levels, and proficiency based graduation requirements (PBGR) at High Schools."

The proposed amendment addresses the current controversy governing the imminent implementation of a high stakes testing graduation requirement that, at the moment, imperils the graduation of more than 4,000 students next June. Last month, many of our organizations sent you a letter (enclosed) urging the Board to rescind the regulations conditioning receipt of a high school diploma on passage of a high stakes test. This proposed petition is a formal follow-up to that request, to give the Board an opportunity to address this critical issue for the first time in an official and structured rule-making process.

The implementation of high stakes testing has been, as Board members know, a source of tremendous concern in the community. Assurances have been given by Department officials that, through retests, alternatives tests, and waivers, the large coterie of students at risk of not graduating need not fear this requirement. We are not so sanguine, especially for the significant cohort of ELL and special education students who, we submit, simply have not received the level and types of supports they need, nor received the instructional and assessment accommodations to which they allegedly have been entitled to under RIDE policy.

This is not just our view, however. We believe that RIDE's failure to meet 32 of 33 goals it set for itself in promoting its educational standards provides ample proof of the validity of our concerns. Our concern is further demonstrated by RIDE's support earlier this month, over the objections of many of our organizations, of legislation (which, as far as we know, had not been discussed by this Board) whose purported goal is to codify into law certain of the Board's own diploma regulations

because school districts have failed to conform to them in a regulatory context. Indeed, RIDE's support for the legislation, S-968, has only confirmed some of our worst fears about the tail-wags-dog impact of the high stakes testing mandate: the bill explicitly authorizes school districts to provide at-risk students "practice exams" as the sole form of remedial support, and to yank students out of core classroom activities to prep for the test, if such actions are deemed to be in the student's "best interest."

Although we know you are all generally aware of the issues surrounding the high stakes testing requirement, and have heard some impassioned testimony about it during public comment periods, the Board has never formally voted on this controversial requirement, which was enacted by your predecessor, the Board of Regents for Elementary and Secondary Education. In light of the high stakes that students soon face under this high stakes testing requirement, we believe it is incumbent upon this Board, *before* any student is denied a diploma under this regulation, to carefully consider the propriety of the requirement. We submit this petition as the mechanism for a timely, meaningful and structured consideration of this critical issue.

We wish to emphasize that, in asking you to initiate formal rule-making proceedings, we are not requesting Board members to take a definitive stand on the merits of the petition at this stage. Although we hope to ultimately convince you of the merits of this rule change, we trust you agree it is at least worthy of a full public examination, and of one sooner rather than later. We therefore urge you to accept this petition at your next Board meeting, in accordance with the APA, so that you can initiate a public rule-making process, where all members of the public can provide testimony, and where you can then consider in a timely but deliberate manner whether to accept, modify, or reject this proposal.

We express our appreciation in advance to you for your consideration of this petition. For ease of communication, any responses can be sent to Steven Brown at the ACLU of Rhode Island, and they will be shared with the rest of the signatories.

Sincerely,

Joanne Quinn
THE AUTISM PROJECT

Aimee Mitchell
CHILDREN'S POLICY COALITION

Simon Moore
COLLEGE VISIONS

Fred Ordoñez
DIRECT ACTION FOR RIGHTS AND EQUALITY

Julian Rodriguez-Drix
ENVIRONMENTAL JUSTICE LEAGUE OF RHODE ISLAND

Maggi Rogers
GEORGE WILEY CENTER

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NAACP, PROVIDENCE CHAPTER

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Nancy Cloud
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Kia Clarke
RHODE ISLAND YOUNG PROFESSIONALS

Brother Michael Reis
TIDES FAMILY SERVICES

Dennis B. Langley
URBAN LEAGUE OF RHODE ISLAND

Karen Feldman
YOUNG VOICES

Adeola Ordeola
YOUTH IN ACTION