

November 6, 2015

Commissioner Kenneth Wagner
Rhode Island Department of Education
255 Westminister Street
Providence, RI 02903

Dear Commissioner Wagner:

As organizations that have long opposed the use of high stakes testing in our public schools, we have been heartened by comments you have made about the need to avoid an overemphasis on testing and to carefully examine implementation of the PARCC test, the first results of which will be released this month. It is for this reason that we write with some urgency to ask you to halt the premature use of PARCC test results to penalize students in grading and graduation decisions. It is possible you are not aware that school districts may be poised to punitively use PARCC test results not in 2020, but as early as this school year unless you take action.

We assume you are at least partly cognizant of the high stakes testing controversy that took place here in recent years. To briefly recap: In response to the imminent use of NECAP test results to bar some students from graduating, last year the Rhode Island legislature enacted a law prohibiting the use of any standardized test as a graduation requirement until 2017. Subsequently, the Council on Elementary and Secondary Education (CESE) voted to recommend delaying high-stake usage of any test (in this case, the PARCC) until 2020.

After that vote, however, some LEAs requested permission to use the test as a graduation requirement earlier than 2020. The CESE revised its policy to permit this to occur, at a district's discretion, as early as 2017. As troubling as this was to us, a field memo from then-Commissioner Gist went even further and advised school districts that they could use PARCC scores as grade components in *this school year*. We do not know how many school districts plan to take advantage of that offer, but we urge you to reverse this authorization. We also ask that you request the CESE to restore a uniform 2020 date for use of the PARCC test for graduation decisions, so that there is sufficient time to examine whether it is appropriate to use the test in that manner at all.

I. USE OF PARCC RESULTS FOR GRADING DECISIONS IN 2016

As was true with the NECAP, we understood that the PARCC would be used for a variety of purposes: to help provide better decision-making about student placement and services and supports, to promote school accountability and assist teachers and administrators in pinpointing possible areas of weakness in instruction that the school could focus on, to help the state in providing instructional guidance, to inform parents about student progress, and ultimately (and over our objections) as a graduation prerequisite.

However, during the many years of controversy over the plans to use NECAP as a graduation requirement, we had never heard anybody suggest that schools could also use NECAP scores to *determine a student's grades*. Yet, a January 23, 2015 field memo issued by former Commissioner Gist advised superintendents that schools and school districts would have the discretion “to use PARCC results as a component in determining students’ grades” and to place them on student transcripts beginning this school year.

This situation creates a scenario where the results on a statewide test – and one that has been touted as promoting uniformity – will have vastly different consequences depending on what school district a student attends. Schools could assign different PARCC cut-off scores as passing grades, or give differing weight to the PARCC scores in determining a student’s grade in a tested subject, essentially dictating the meaning of a student’s score on the PARCC on their own terms rather than in a consistent statewide manner.

We would expect that before allowing PARCC to be used for such consequential and punitive purposes, RIDE would be spending the coming five years monitoring the test’s implementation to ensure there was adequate teacher preparation and curriculum development, equitable computer training and access for all, and fair implementation for English Language Learners and students with disabilities. Instead, the January memo encourages school districts – many of whom, by RIDE’s own standards, failed to meet basic accountability standards with the NECAP – to be demanding accountability from *the students* (not themselves) on this new test in a manner that can only be described as exceedingly premature. In light of the encouraging conversation you have opened with the CESE regarding broadening the graduation requirements for the class of 2020, it makes very little sense to allow school districts to use PARCC for grade purposes in the interim.

II. ALLOWING SCHOOL DISTRICTS TO USE PARCC AS A GRADUATION REQUIREMENT AS EARLY AS 2017

Like the use of PARCC scores to affect grades, allowing some school districts to begin using the test for high stakes graduation purposes in 2017, while others wait until 2020, can only promote a two-tiered system where students’ zip codes determine whether their results on a state test prevent them from graduating.

In addition, a 2020 timeline is essential to allow RIDE and the LEAs adequate time to put the instructional and other supports in place to give every student a fair chance to pass the PARCC. These opportunities include multiple years of experience taking the new tests, prior warning to families of students who are struggling with achieving adequate scores and, most importantly, adequate time to implement supports and services for those students, none of which can be adequately accomplished with an expedited timeframe.

It is difficult to see how all of this could happen prior to 2020, particularly since the state’s proficiency based graduation requirements specify the following student support systems that must be fully in place:

- All LEAs must use the RIDE early warning system to identify students at-risk for academic failure and dropout no later than the sixth grade year. Critically, families of all students must be notified by sixth grade of local graduation requirements. Obviously the class of 2017 could not have been so notified as the PARCC was not even in use at the time. More importantly, the class of 2017 could not have been notified at entry into 9th grade about minimum achievement required on these tests (as required by the regulations) since cut scores have yet to be publicly established.

- All students must have an individual learning plan (ILP) beginning no later than the sixth grade (see the regulations for complete guidance on the nature of an ILP).

- All LEAs must provide additional academic and instructional support and research-based interventions for all students not on track to meet the graduation requirements. (See the regulations for complete information about the progress plan each of these students must have and how they relate to the student's ILP).

- While students with disabilities are expected to present evidence of successful completion of the graduation requirements, under federal law they have the right to remain in school until the age of 21.

- While students identified as English language learners (ELLs) are expected to present evidence of successful completion of the graduation requirements, some of these students will qualify to use an alternative assessment(s), which the Commissioner is required to identify, in order to determine their academic proficiency, and may continue working toward successful completion of Rhode Island graduation requirements beyond the equivalent of the 12th grade year.

- Any student not receiving appropriately individualized supports in accordance with this guidance has the right to appeal.

While our fundamental stance that the PARCC should not be used as a graduation or grading requirement remains steadfast, we want to support LEA efforts to carefully put in place the kinds of educational and support processes that give all students, and especially vulnerable students, the best possible chance to meet any standard set for graduation. Implementing the PARCC as a graduation requirement at an earlier rather than later date jeopardizes that possibility and raises a multitude of legal compliance issues.

We therefore respectfully urge you to (1) advise school districts that they cannot use PARCC results as a factor in student grades or place those scores on student transcripts, and (2) ask the CESE to review its decision giving school districts discretion to use the PARCC as a high stakes test beginning in 2017, rather than 2020.

At the same time, and looking at the long term, we also hope you will carefully examine the appropriateness of using the PARCC as a high stakes test at all, rather than as a tool of support and accountability. Regardless of one's views on the appropriateness of

using state assessments for purposes of graduation requirements, the issue has been so divisive that it has consumed an inordinate amount of RIDE's and the public's attention and resources to the detriment of moving forward with real and research-proven educational reforms. For this reason, if for no other, we ask you to consider putting aside once and for all this high stakes use of state assessments so that all participants in the educational process can focus instead on closing the opportunity gaps that ultimately result in student achievement gaps.

We would appreciate being apprised of any decisions you make on these issues. In the meantime, members of our organizations would be happy to sit and meet with you in person to discuss these issues in more depth. If you would be interested in that, or if you have any questions about this letter, please feel free to contact Rick Richards, who is serving as the point of contact, at <rickrichards@gmail.com>. You can also share a written response by mail by sending it to Steven Brown at the ACLU of Rhode Island at the mailing address below, and he will circulate it to all the signatories.

Thank you in advance for reviewing these concerns. We look forward to hearing back from you, and to a constructive dialogue on these critical matters in the months ahead.

Sincerely,

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rickrichards@gmail.com

Steven Brown - American Civil Liberties Union of Rhode Island
128 Dorrance Street, Suite 220 – Providence, RI 02903

Joanne Quinn – The Autism Project

Fred Ordoñez – Direct Action for Rights and Equality

Rick Harris – RI Chapter, National Association of Social Workers, RI Chapter

Lisa Conlan – Parent Support Network of Rhode Island

Tracy Ramos – Parents Across Rhode Island

Zack Mezera – Providence Student Union

Sarath Suong – Providence Youth Student Movement

Anne Mulready – Rhode Island Disability Law Center

Nancy Cloud - Rhode Island Teachers of English Language Learners

Brother Michael Reis – Tides Family Services

Karen Feldman - Young Voices

Kerri Kanelos – Youth Pride Inc.