

History of New York State Regents Exams

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Abstract

This paper is a brief history of the Regents subject-matter examinations and New York State's efforts to move towards educational equity. New York State was a leader in integrated curriculum and outcomes assessment in high schools for over a century. The first academic exit exam was administered in 1878 and it evolved into the controversial Regents subject matter exams, a cycle of curriculum building and assessment, run by the state bureaucracy, using the expertise of selected teachers. In the twentieth century, two separate tracks of academic achievement developed: students could earn a Regents Diploma or a Local Diploma. Late in the century, increased reporting revealed a gap in funding and achievement between rural/suburban and city schools. The state is presently attempting to address this problem to provide universal access to a high-quality academic education for all, but the results are unknown.

Introduction

The New York State Education Department (NYSED) is a pioneer in the assessment of educational effectiveness. Regents examinations are the oldest educational testing service in the United States, predating the College Board, the Educational Testing Service, and the American College Testing Program. The NYSED has been giving high school entrance exams since 1865 and exit exams since 1878. Initially, these exams were generalized essay questions to ensure that grade school students possessed the academic abilities to enter high school, and that high-school students were at an academic level sufficient to enter college.¹ In the early twentieth century,

high school exit exams began to focus on subject matter areas, confirming specific knowledge that students had acquired during their high school careers. These exams, termed the Regents exams, became the basis for the curricula as well, initiating a cycle of curriculum development and testing that was cohesively intertwined in a yearly process of teaching and assessment.

The Regents examinations are unusual in that they evolved as a collaborative effort between teachers, school superintendents and state employees. Their strength is that they are rooted in the existing curriculum and yet they can incorporate change. Due to yearly subject matter meetings and solicited feedback from the teachers, the Regents exams are continually revised and updated, which is important in a world where knowledge is in a continual state of expansion. The Regents exams are not a rigid monolith (as they are often perceived by students); they are a collaboration of many educators over time, a collaboration that reflects a baseline of knowledge on the subject.

Frequently, opponents of the Regents system view these exams as tools of the hegemony, rather than as the consensus of educators. However, that ongoing debate deflects attention from a more significant ongoing problem, which is that school funding is not been equitable, and the material covered by the Regents exams is not available to all students. Arguments over an authoritarian curriculum sideline the more fundamental (and difficult) issue of unequal funding. People living in wealthy communities, it might be observed, have a vested interest in maintaining a two-tiered system, since it helps guarantee their children's success; their children graduate with a Regents Diploma. Poorer school districts don't have the resources to teach the full array of academic subjects, especially science; those students graduate with a "Local Diploma." This inequity has led the NYSED to require Regents diplomas for all students, in an attempt to end the two-track system.

Although we view No Child Left Behind (NCLB) Act and the push toward accountability as a late twentieth century initiative, there has long been a trend towards this goal. In 1965, the NYSED Assistant Commissioner for Examinations observed, “There is pressure on all sides for evaluation and assessment of the status and progress of education, stimulated by the new national surge of interest in assuring quality education for all” and concluded that “Perhaps [the Regents examinations] should be extended to encompass a larger proportion of the high school population.”² The examinations were then, as now, a controversial undertaking, with passionate adherents and detractors. This paper focuses on the history of the Regents exams from their inception as a generalized high school exit examination through their development into specific subject matter tests, explains the administering of the tests and the structures that underlie their development, and describes the present push to make them required for all New York State students, regardless of district.

The instrumental value of this case is relevant since New York State, like many others, is divided in education as well as economy between rural/suburban and urban districts, and each district is funded differently. New York State is composed of two separate populations: New Yorkers (who view any area north of Westchester as “upstate”) and rural/suburban residents (many of whom do not visit the city). New York represents a good example of city/state disparity since the city has approximately 37 percent of the state’s population.³ High schools in the United States are locally funded so wealthier areas vote tax dollars to their schools and the poor cannot. The schools in New York City, like those in many other American urban areas, are chronically underfunded, understaffed and in disrepair, creating a wide disparity in the educational opportunities. The goal of achieving a high level of academic accountability for all students in secondary education is challenging. John Bishop has frequently written about the

desirability of having high-level academic standards universally taught and tested by exit exams so that the possibility of academic success is available to every child. NYSED is attempting to do that by making the Regents exams, which began as optional exams for college-bound students, universally required in both rural/suburban areas and urban districts. The effort is presently incomplete.

Foundations: 1877 to 1904

New York State has always evidenced a complex and active state bureaucracy underpinning many aspects of its cultural life. The official entity, “Regents of the University of the State of New York,” was created by the legislature in 1784 and it is America’s oldest continuous educational agency. The Board of Regents is a body of fifteen lay persons elected by the legislature; its members are in charge of public and private colleges, high schools, elementary schools, museums, libraries, and educational corporations throughout the state. The legislature “empowered the Regents to ‘visit and inspect all the colleges, academies, and schools’ in the state, award higher academic degrees, hold and distribute funds, and exercise other powers of a corporation.”⁴ The wide-ranging responsibilities of this agency have continued to today, with many changes over time. The cost of bureaucracy has always been high but well-run bureaucracies can also lead to transparency and accountability.

By 1865 elementary schools, kindergarten through grade eight, were publicly funded but the secondary schools, some of which were public and some private “academies,” were given money from a “literature fund” on a per pupil basis. Some academies exaggerated their enrollment or lowered their standards to admit more students and receive additional funding, a strategy leading to the development of the “Preliminary Regents,” an exit exam administered in the eighth grade, and required for entrance into high school. Eventually colleges wanted a

similar exit exam for high school students and, in response, the first high school Regents exams were administered in 1878. The first exam tested algebra, American history, elementary Latin, natural philosophy and physical geography. These topics reflected the common curriculum at the time – Latin continued to be studied and science was called “natural philosophy.”

It is well known in the testing community that the examination becomes the subject – that teachers teach to the test – and that is one goal of the Regents examinations, rather than an unwanted outcome. Beginning in 1880, syllabi and teacher’s guides were published to go with the exams; the tests and the curricula evolved hand-in-hand. Most of the tests were essay tests given by the teachers who taught the course. They were graded by the teachers as well. As early as 1891, the tests were accompanied by solicitations for feedback. They were shipped with “blanks for suggestions and criticisms ‘relative to the character and scope of the examinations’ [which were] tabulated and studied carefully.”⁵ In the mid through late-twentieth century, teachers who responded with comments and critiques were sometimes asked to become collaborators, working with the state officials to develop the tests.⁶ There was a continual feedback loop between teachers, subject matter experts and the testing office that enabled change to be incorporated and subjects to be added or dropped to reflect current knowledge.

After the success of the initial tests, the subject matter exams expanded: after 1879 test administrators began to offer such (now archaic) tests as Xenophon’s *Anabasis*, Sallust’s *Catiline*, and Cicero *pro Lege Manilia*. Practical subjects were also added such as bookkeeping, drawing, chemistry, political economy and geology. Forty-two different tests were offered three times a year. In part, this growth reflected the early expansion of the school system itself: in 1875, the number of high school students in New York State was approximately 12,000, but by 1905 it was 94,000.⁷

The growth in schools was financed mainly by local taxes. “Between 1870 and 1900 total state aid increased about 50 per cent, while local school taxes increased by 240 per cent.”⁸ The local funding of high schools tied the economic fate of the high school to the socio-economic condition of the area, a by-product of the evolution of secondary education in the United States. Predictably, a two or three-tier system emerged: “The well-organized high school has two or more ability levels or tracks . . . Students are placed in courses on the basis of a combination of criteria and judgments – IQ, previous achievement, interest, etc. In this framework of a differentiated curriculum for differential abilities, Regents examinations are intended for use in what are essentially first-track courses.”⁹ While this multiple-tier system allowed different levels of academic interest for students and flexibility for the school systems to set their own goals, it also enabled inconsistency in schools, since they could offer fewer subjects and set lower goals.

Diversification and Consolidation: 1904-1984

The methods for administering the Regents exams continued to evolve. The New York State Education Department was founded in 1904, and a State Examinations Board was established in 1906. Gradually more practical courses were added, such as Spanish, typewriting, vocational homemaking, music, applied chemistry, and mechanical design. This expansion continued throughout the first part of the twentieth century. At their high point, in 1925, Regents high school exams were offered in sixty eight different subjects.¹⁰ By then, the number of high school students enrolled in academic programs was approximately 335,000. By 1931, courses such as art, architecture, electricity, structural design, chemistry, and marketing were added. The content of the exams changed with the shifting post-depression student body and cultural expectations for applied education. Thus the Regents were able to evaluate and validate a wide

variety of academic programs, from college preparation to vocational. Ultimately, however, the number of tests, most given three times per year, became unwieldy. In 1970, administrators began to consolidate: only six foreign language exams were offered in addition to three in mathematics (ninth year, tenth year, and eleventh year), four in the sciences, six in business (discontinued in 1987) and two in social studies.¹¹

The Regents exams were part of a larger educational assessment system: NYSED also developed competency tests from grade through high school. New tests developed were “preliminary competency” tests, competency tests, the “Pupil Evaluation Program” (to test reading, writing, and math skills in grades three, six, and none), and the “Program Evaluation Program” (to assess standardized curricula within programs). As the number of Regents subject-matter tests declined, the number of standardized tests, given at various points during a student’s career, rose. An important addition was the institution of basic competency testing that was required for graduation with the Local Diploma. Required in 1981, this test mirrored the content of the Regents exams. A significant outcome of these competency tests was that the split in the educational system immediately became visible. This led to “an emphasis on early identification and remediation” of underperforming students and the recognition that some schools and students could not meet basic standards.¹² The basic competency tests in reading, writing, and math became the gatekeepers for the Local Diploma, just as the Regents tests were the gatekeepers for the Regents Diploma.

The first official step toward a universal academic curriculum for all students began in 1984 when an “Action Plan,” adopted under Commissioner Gordon Ambach, made universal competency in all academic subjects required, rather than optional. This Action Plan placed emphasis on proficiency in English, mathematics, science, global studies, and U.S. history and

government. It differed from past policy in that, if students failed, they were required to take remedial instruction.¹³ By demanding the same set of tests from all schools, administrators documented the gap between performance in the poorer New York City and upstate schools. The Action Plan was accompanied by a requirement for each school to publish a yearly Comprehensive Assessment Report (CAR) that listed information about each school building, data on enrollment, attendance, dropout rates, and student performance results on the basic comprehensive tests. This data was (and is) collected and published.¹⁴ Schools that did not meet the basic standards were placed under registration review and warned; most of such schools were in New York City. The rift in funding and performance was clearly visible, in writing, for the first time. Once these reports were public, it became clear that many city schools were in need of attention, funding and improvement.

Communal Test Development: 1960 to 1990

A common misconception about assessment in general, and the Regents in particular, is that it is merely a tool for administrators and politicians to demonstrate accountability and exert control. Assessment, at its best, is a grassroots effort in which many people are involved, not least the front-line educators, the teachers. Yet often in the press and society in general, there is a feeling that tests are related to punishment. In *(Re)Articulating Writing Assessment*, Brian Huot calls it the “notion of assessment as something done because of a deficit in student training or teacher responsibility.” Huot’s belief is that we, as educators, have the power to use assessment ourselves “as progressive social action.”¹⁵ Most theorists of college level assessment agree that testing should be developed with all stakeholders – students, teachers, local and remote administrations – participating. Rather than viewing testing as a form of quality control

with punishment attached, educators can, and should, participate fully in the process. Huot, working in the field of writing assessment, states:

We need to articulate a much more conscious, theoretical and practical link between the way we think about assessment and the way we think about the teaching, research and theorizing of writing, recognizing that assessment is a vital component in the act of writing, in the teaching of writing, and in the ways we define our students, courses and programs. Because assessment is a direct representation of what we value and how we assign that value, it says much about our identities as teachers, researchers and theorists.¹⁶

The same argument can be applied to all subjects: in creating an assessment, we define who we are, what we teach and its value.¹⁷ In so doing, we also identify the contemporary concerns of our society. In the process of teaching – formulating and passing on knowledge –the cycle is not complete without seeing whether our methods worked.¹⁸

Some teachers, parents, students and administrators react to assessment personally, as if it were aimed at them, as if it were an effort to discover their shortcomings. Assessment can be more than that: It can define and achieve programmatic educational goals and foster consensus within a community. The Regents exams have occupied both of these roles: They have been a frightening apparition of faceless authority, descending at the end of each year to judge student (and teacher) performance; and they have created common curricula, drawing from the knowledge of teachers and subject matter experts, resulting in a high level of consensus within the state's educational system. If we tolerate the former, we can benefit from the latter.

Viewed as a representation of values, the Regents examinations are an example of participatory assessment on a massive scale. During this time, teachers wrote and scored the test, and those who did not participate in the writing were encouraged to submit feedback. Until

1990, there were three divisions in the NYSED – the subject matter bureaus, the curriculum office, and the testing office. One function of the subject matter experts was to manage the committees of classroom teachers who traveled to Albany and provide training on writing test questions. The teachers then spent part of the summer writing these questions (for which they were paid). It was an honor for both the teacher and the school to be part of this process. In 1965, about 150 teachers participated, each of whom were on the front lines, “actively engaged in teaching the subject and who are therefore intimately acquainted with course objectives, pupil potentialities, and reasonable standards of performance.”¹⁹ Other teachers participated in the process by “testing the test”: They were asked to give randomly assigned pre-tests, prior to the Regents exams, as part of the process to judge the difficulty of the test items. Thus, “Each Regents examination [became] a cooperative test development project, the culmination of a long and painstaking development procedure.”²⁰

The subject matter bureaus consisted of four to five former teachers, experts in each subject area. In 1965 there were about thirty. They made trips to schools throughout the year to meet teachers, discuss curricula, and recruit teachers to write the tests. The subject matter bureaus also organized professional yearly conferences for teachers to share ideas; these conferences also helped in the teacher recruitment process. The policy of soliciting feedback from teachers on the quality of the test was another method of recruiting: if a teacher sent in observations and the remarks were good, they were contacted and asked to collaborate.²¹

The curriculum office wrote fully developed programs of study for the Regents courses which were then printed in small green booklets. Teachers collaborated on this effort, too, which helped institute a cyclical process that kept the curriculum up-to-date. When the curriculum changed, the test changed; when the test changed, the curriculum shifted. Here was a community

operationally defining value, just as Huot suggests. Because theoretical and practical links were augmented, the most recent developments in any given field, such as plate tectonics in geology and chaos theory in math, were included at an early date in the emerging assessment efforts. One especially well-documented example of this curricular currency is evident in the shift of foreign language teaching from written to oral pedagogy. As linguists in the scholarly community increasingly realized that foreign language was best taught verbally, oral teaching became part of the New York State curriculum, via the Regents exams:

For years our foreign language specialists went up and down the State beating the drums for curriculum reform in modern language teaching, for change in emphasis from formal grammar to conversation skills and reading skills. There was not a very great impact until we introduced, after notice and with numerous sample exercises, oral comprehension and reading comprehension into our Regents examinations. Promptly thereafter, most schools adopted the new curricular objectives.²²

These frequently updated curricula were probably one of the major sources of contention within the teaching community. Even though this process created quality standards, naturally, there was continual simmering anger about change. Change is seldom received with open arms. The capacity to incorporate change within an academic curriculum, however, is a benefit in a rapidly changing world, and this capaciousness became a hallmark of the system.

The division of testing worked with the subject matter bureaus and teachers from New York school districts in the creation and administration of the tests. After the teachers had written the questions, the division of testing created the examination using a general blueprint for every subject that reflected the curricula. If 40 percent of a course was on linear equations, for instance, 40 percent of the test would be on linear equations. Different subjects had different

types of questions. The more “objective” fields, such as science and math, had 100 percent multiple choice questions, and fields that incorporated language arts such as English and social studies, had 60 percent multiple choice and 40 percent essay questions. The tests were scored by the teachers as soon as they were completed by the students. During these years, a score of 65 percent earned a student a passing grade, but if a student scored 62-64, the teacher could circle the score, designated as a “circled 65” – a passing grade.²³ The testing office had to follow standards of the “Joint Committee of the National Council of Measurement” to ensure that the tests were fair and the scores statistically valid. Thus they also had the procedure of “testing the test” to gauge the difficulty of the test items.

Teachers played a major role in the creation of the Regents exams. The subject-matter experts recruited teachers to write questions for the exams; it was an honor for a teacher to be chosen to participate – only 5-6 percent did so – and was a distinction for the school as well. A committee was recruited for each subject, and it met in Albany during the summer months to write questions, review the tests and help update the curriculum. Administrators also recruited “classroom teachers who were not members of the committees to write objective questions for pretesting purposes.”²⁴ The teachers who participated were paid for their efforts. Teachers also participated, in their own schools, by pre-testing the exams (random schools were selected to judge the level of difficulty of the questions), by covering the material in the state syllabus (“teaching to the test”), by administering the exam and scoring it. Out of all the stakeholders, teachers had the greatest interaction with the process. The following is a typical scenario of the development of a biology exam from June of 1987:

70 classroom teachers wrote questions, five classroom teachers served on the committee that assembled the examination from the pool of pretested questions, and two classroom

teachers reviewed the assembled examinations. Each question was pretested on about 200 students in Regents biology classes, and the total number of students involved was about 18,400.²⁵

Students participated by learning the specific curricula each year and, if their school was randomly chosen for a pre-test, they took them as well. There were about fifteen different pre-tests per year with about 200 questions each.²⁶ The questions were then analyzed statistically to check their level of difficulty to ensure that the tests were equally fair; that they were neither too easy nor too hard. For students, the Regents exams were logical summaries of work they had done during the year – for many, they gave a sense of accomplishment. Moreover, the students benefited from the process because the curricular material was stable and predictable; there were sample tests available to practice before the final, and the grades were processed rapidly.

This testing process created a knowledge community that was set up to automatically incorporate change into the curricula during the regular discussions between teachers, curriculum bureaus and subject-matter experts. The tests were completely intertwined with the curriculum – they were an end-cap to a well-thought-out educational process. “Once the examination has been held, every teacher is encouraged to submit a frank criticism of the examination on a special evaluation form. These evaluations are analyzed and a summary is made available to question committees for their consideration in preparing new examinations.”²⁷ This cyclical, embedded process for discussing, updating and testing the curriculum resulted in a standardized experience for both students and teachers throughout the state.

Administering the Test

After the test questions were written and the templates used to assemble them completed, the tests were sent to the “question room,” a special area in the center of the columned State

Education Building in Albany, which was windowless, locked and off limits to most people. Demanding security measures, including the famous sealed envelopes and locked boxes were in place by 1890.²⁸ The question room housed the test editor's office and the test editing division. There was a private elevator in the question room that went directly to the basement printing plant. The test distribution unit shipped out huge inventories of tests in steel boxes with padlocks on them, first by railway express and later by private trucking firms. Schools were required to have fire and burglarproof safes in which to store the tests. If local administrators didn't have these facilities, they were required to use a local bank.²⁹ Each year, the testing department had to establish schedules for the tests to be given, three times per year, yet another continual area of contention, as schools were required to make time to administer the tests. During the weeks that the tests were given, some students attended school and some did not.

After scoring was completed by the teachers, some were chosen by random sampling and sent a "review notice" to submit all their Regents exams on a certain topic. These tests were checked by off-duty teachers during the summer. If there were discrepancies between the teacher's scoring and that of the off-duty teachers, the teacher was contacted and the discrepancy discussed. Discrepancies were rare. Over time, the number of samples that were collected and reviewed was reduced from 10 to 5 percent.

Conflicts could occur during many parts of this process. When subject matter experts, curriculum offices, teachers and the testing office disagreed on what should be taught or tested, the shareholders had to iron out the problem. For instance, one year the subject matter experts decided it would be worthwhile to test health habits of students as part of the required health course.³⁰ The testing office explained that any multiple choice exam given to a student about their health habits would not meet the criteria of validity. Conflict also occurred during the

scheduling and administering the multiple yearly exams. None of these conflicts, however, was as pervasive as the generalized conflict within the public about whether the exams should even be held. For instance, in 1974, the exams were stolen and an article in the *New York Times* repeated the common complaint that the Regents exams “are a straightjacket on what teachers and schools can teach.” A Regent emeritus quoted, “It would be far better to give local schools in an area as fuzzy as social studies an opportunity for a variety of experiments, which they can’t do if they are going to be held accountable.”³¹ The Director of Testing responded in an editorial that “it was only weak teachers who taught for the test, and if they did not have the tests as guidelines, who knew what they would teach?”

City/State Disparity

While a sense of community arose from the process of test development associated with the Regents examinations, this was mainly in the upstate and wealthier schools. The constraints on the city schools – lack of supplies, substandard buildings, overcrowding, underqualified teachers and high teacher turnover – rendered the requirements for the Regents exams an unmanageable burden. The infrastructure required to “teach to the test” was so great, in both facilities and personnel, that the Regents Diploma remained an option; even after the Action Plan of 1984 students could still get a Local Diploma granted by the high school itself.³²

New York City, like other major metropolitan areas in the United States, was largely made up of poorer school districts that lacked the resources to teach many of the basic academic courses, especially the sciences, which required specialized teachers and equipment. This city/state disparity is especially visible in New York State since New York City has 37 percent of the state’s population.³³ Upstate districts include the very wealthy, such as Westchester and Rockland Counties, but the majority of upstate New York State is moderate to poor. However,

even the poor districts in upstate New York fare better than city districts, largely because of smaller classes and teacher retention – time on task and years of teacher experience are two of the most significant aspects in receiving a good education.

Data from the annual statewide reading and mathematics tests showed consistently that the scores for wealthy districts were high and those in the poorer city districts low. In 1999, 84 percent of the “low-need” (wealthier) school students were reading at grade level but only 39 percent of “high-need” (poorer) students in cities were.³⁴ New York City schools have, “on average, bigger class sizes, fewer and older books and computers not capable of running new educational software. One in ten teachers is uncertified, many others lack training in the subjects they teach, and the majority are paid about 40 percent less than suburban teachers.”³⁵ In 1999, the median teacher salary in the New York City school districts was \$45,000 and the median teacher salary in the wealthier areas was \$64,200. New York City also had a hard time attracting qualified teachers; in 1999 the metropolitan area had nearly 10,000 uncertified educators (one out of eight) in comparison to 500 uncertified teachers throughout the rest of the state.³⁶ This huge gap in educational opportunity become evident after the yearly comprehensive assessment report (CAR) was required by the Action Plan of 1984.

Such was the condition observed by New York State Comptroller H. Carl McCall in 2000. The statistics above are a compilation of data gathered by the state comptroller’s office, a document written and published by the state. McCall’s thesis was that, as long as the inequitable funding persisted, it would not be possible to have equitable educational opportunities throughout the state. The article was written at the start of the first attempt to make the New York State Regents exams and diploma universally required. His purpose in writing the paper, an amicus brief for the state, was to begin to reform the school financial system. McCall realized

that the lack of funding is one aspect of the school system that is often overlooked in public debate and the media, largely due to underlying socioeconomic inequities, a topic which had previously been taboo. Both the Action Plan of 1984 and McCall's opinion paper began to make the overlooked topic of school funding part of the open record.

Reaching for Equality in Education: 1999-2009

The comprehensive tests that mirrored the Regents exams and were required for Local Diplomas, beginning in 1981, were a step toward greater equity in education and the Action Plan of 1984 led to the publication of the CAR reports and transparency. When Richard P. Mills became Commissioner of Education in 1995, he and the Board of Regents took a further step by making the Regents exams and the Regents Diploma required for all of New York State's students, which was to be phased in over several years beginning with the English and math tests in 1997. This decision was part of a long trend towards improvement and change. It was based on changes in education in general: 55 percent of all students graduated from high school in 1970, but 80 percent graduated in 1999.³⁷ Overall, the United States was shifting to an information economy in which education was required in order to have an income. The change was to be phased in gradually: students who entered ninth grade in the fall of 1999 would have to pass five Regents exams and students entering in 2001 must pass all seven. However, this mandate set off a chain of events that made the differences between the city and upstate schools even more apparent and touched off controversy on all sides. New York City schools could not reach the 65 percent passing grade. The state responded by lowering the passing grade to 55 percent. It quickly became clear that even this lowered passing grade was not achievable in the inner-city schools, especially in the sciences, which required lab equipment and trained teachers. The lowering of the standards angered upstate parents and educators who felt their system being

eroded and it infuriated educators and residents in New York City who were faced with a nearly insurmountable task. However, the cards were on the table.

In the United States, school budgets are determined by local vote and paid for largely by local resources. This is historically how the school systems evolved – in the nineteenth century, each town developed and funded its own school budget, with minimal oversight from any outside agency. The process of local funding is still in place. This means that “Quality differences [in the public schools] are so important that many people select their residences in terms of what local districts provide or fail to provide.”³⁸ Funding by locality, more than any other aspect of education, has preserved inequitable education. Wealthier towns vote to pay higher taxes for their schools. Cities, such as New York, fare poorly because mechanisms to collect and deliver money to education are ineffective. New York State, like many other states, has extended their state support to the poorer school districts but, according to the state comptroller, it “is apportioned through a jumble of formulas annually manipulated in secret, as part of a dysfunctional budget process, with politics rather than need determining funding.”³⁹ Consequently, the poorer city schools within the state did not receive the funding needed.

In 2001, the New York State Supreme Court made a landmark decision which “declared the New York State funding system unconstitutional and ordered the legislature to replace it with a new cost-based system that ensured that every school district has sufficient resources to provide the opportunity for a sound basic education for all students.”⁴⁰ Governor George Pataki appealed the decision; the Appellate Court reversed the appeal; the Court of Appeals overturned the Appellate Division; but still the state did not comply. In 2004, a group of academic researchers and management consultants produced a 700 page report that analyzed the costs of education and found the amount necessary for New York City schools to provide equal

educational opportunity: an additional \$6.21 to \$8.40 billion would be necessary to enable city schools to graduate students in accordance with the mandate to pass the Regents exams.⁴¹ In 2007 Governor Eliot Spitzer proposed additional aid and it was passed by the legislature. It is too early, at the present writing, to know the results.

Attendant Controversies

These changes made over the years by the New York State Department of Education unloosed floods of anger and polarized communities who, for different purposes, waged a war against the effort. Teachers' unions, especially those in cities, had always wanted more control over their teaching and, during one period, they received it. In 1991-92 Commissioner Thomas Sobol restructured the NYSED by closing the divisions and subject matter bureaus and creating "teams" for policy, central services, and regional services instead. The purpose for these closures was to allow more parental and community involvement in schools. The changes did not work well within the state bureaucracy. "Many employees believed that staff specialties were ignored and team responsibilities uncertain; schools found the new organization confusing."⁴² During this time, the statistical validity of the Regents exams eroded and, shortly thereafter, the state had to hire back the subject matter experts as consultants to write the test questions.⁴³ In this case, the simmering anger in the teachers' unions at having to "teach to the test" had worked to dismantle the Regents exam system. However, the changes did nothing to address the underlying inequity in the system, which was financial.

One of the most vocal opponents of the effort was a group of private academies and alternative schools called the Consortium that resisted any attempt at uniformity. Alternative schools had always existed in the New York State and although they were small in number, they were adept at gaining publicity.⁴⁴ Opponents of educational assessment are often characterized

as “hero combatants who wrestle away control from distant authorities.”⁴⁵ The vocal groups of alternative schools and private academies fought to avoid the mandated Regents subject matter tests. The Consortium repeatedly brought lawsuits against the state and they repeatedly lost, gaining only extensions for compliance. These lawsuits took time and money and moved the public focus away from the greater underlying problem of inequitable funding.

Charter schools had also sprung up in an attempt to provide better education but they also took resources away from the many to give to the few. In a report by the New York State School Boards Association, the authors concluded that charter schools were “not making the grade academically” and that they “have wreaked tremendous financial havoc on New York’s public school districts.”⁴⁶ The report concluded that, “at a time when traditional public schools, which educate the majority of children in New York, are struggling to cope with a fiscal crisis that threatens to derail their success, the investment in charter schools is not justified.”⁴⁷ The existing specialty schools in New York City, such as Stuyvesant High School (for science, technology and math), Fiorello H. LaGuardia High School of Music & Art, Bronx High School of Science, The Brooklyn Latin School, and many others, continue to serve a subset of students well, but those students are admitted by tests and interviews; their resources are not available to all.

The bureaucrats who have created, modified and maintained the Regents testing system have often been on the firing line in the media, the public and in the schools. An editorial in the *New York Post* expressed a common feeling: Mills’ effect on the Regents examinations was “to turn them into a dumbed-down national *joke*.”⁴⁸ An online response to this editorial, written by the Director of Standards and Assessments in the NYSED, read “State Education Commissioner Richard Mills has drawn national attention on assessment. Kati Haycock, president of the Education Trust, recently said: ‘If you judge this man by the improvement in achievement,

especially among minority and poor students, you would have to say that he helped bring about some of the biggest gains in the country’.”⁴⁹ Mills stepped down in 2009. Nevertheless, the gradual movement towards equitable education for students in rural/suburban areas and in the poorer cities, an effort by a state bureaucracy, has been moving slowly forward year by year. The original target date for all New York State students to graduate with a Regents Diploma was 1997; it was extended to 2009.⁵⁰ It is a slow and rocky process toward educational equity.

Conclusion

Bureaucracies can be labyrinthine – so complex and layered that they can make action impossible – but they can also cause action and change. Over their history, the trend for the Regents exams has been from a standardized academic curriculum for some schools towards a standardized academic curriculum for all schools, regardless of their economic status. There have been fits and starts, progress and backlash, but the project is still underway.

Recognition of the importance of sustained effort is critical in viewing the context of No Child Left Behind (NCLB) Act and the general national movement towards accountability at all levels of education. Many educational theorists have promoted having universal curricula based on subject matter exit exams, such as John Bishop, a labor and educational researcher at Cornell University, who advocates the broad use of the subject matter exit exam paradigm. As Bishop writes, he expects “high or medium stakes external assessment of student achievement to both raise achievement levels and to close gaps between advantaged and disadvantaged students.”⁵¹ Bishop has analyzed educational and labor data that relates education to expected financial earnings. His conclusion is that “Being required to take extra academic courses had a significantly more positive effect on wage rates than elective-course requirements.”⁵² Graduating with a standard core curriculum leads to more economic success than graduating

with elective courses chosen by the school or the student. Adhering to a standard curriculum can help break the cycle of poverty with education that leads to higher income jobs.

Another educational theorist, Paul Peterson, noted that “NCLB standards vary from one state to the next. In the absence of a common national metric, the word *standard* has lost its core meaning. The bewildering array of state standards has left teachers, administrators, the news media, and the public at large quite confused as to what proficiency means in practice.”⁵³ Both he and Bishop note that there has to be a clear, external standard that is required in order to combat peer pressure, which also contributes to students performing poorly. These statements resonate with the 1965 book *The Organization and Control of American Schools*, in which the authors note that “Most state legislatures are still dominated by rural legislators, and these people have difficulty comprehending the need of New York, Chicago, and other cities for a massive and expensive new program for pupils in deprived neighborhoods.”⁵⁴ It is a complex problem and it is difficult for the stakeholders, those upstate and those in the city, teachers, parents and students, to see each other’s point of view. The complexity is compounded by the time-consuming and attention grabbing activities of such organizations as the Consortium, which, in calling attention to itself, masks the more pervasive problem of underfunding. McCall’s solution is to “reform the current school finance system to support high standards by establishing a rational, understandable and permanent school aid formula that ensures all schools have the resources necessary for meeting the new standards.”⁵⁵ If New York State succeeds it will be a pioneer in school funding, as well as in assessment.

The dual exam systems and their separate degrees allowed there to be two separate educational tracks, one that would go on to gain further academic degrees which would lead to economic success, the other leading to jobs in the working class and below. The NYSED, for all

the controversy surrounding its efforts, is openly addressing the inequity in this system and documenting it fully along the way. The unceasing determination of the educational bureaucracy over many years may result in a closer approximation of educational equity. If they succeed, they can provide a model for other states to follow and authentically universal education could be within the reach of all students in the United States.

Endnotes

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² Ibid., 5, 15.

³ Chambers, Jay G., et.al. The New York Adequacy Study: Determining the Cost of Providing All Children in New York an Adequate Education. American Institutes For Research and Management Analysis and Planning, Inc., 2004, xiii.

⁴ Folts, James D. History of the University of the State of New York and the State Education Department 1784 – 1996. November, 1996. New York State Library Digital Collections. <http://www.nysl.nysed.gov/scandoclinks/ocm35175708.htm>, 1.

⁵ Ormiston, Ken. History of Regents Examinations, 1865 – 1987. Albany: The State Education Department, Bureau of Elementary and Secondary Testing Programs, 1987. <http://www.emsc.nysed.gov/osa/hsinfo/gen/hsinfo/genarch/rehistory.htm>. No page numbers designated.

⁶ Lott, Winsor and Byrne, Carolyn. Interview with Author. Albany: November, 2008. No page numbers designated.

⁷ Tinkelman, 8.

⁸ Folts, 10.

⁹ Tinkelman, 8.

¹⁰ Folts, 17.

¹¹ Ormiston; in 1987 a single social studies test was replaced by two: United States History and Global Studies.

¹² Lott, Winsor. Competency Testing in New York State. Paper presented at the Annual Meeting of the American Educational Research Association, Boston, 1980, 13.

¹³ Folts, 21.

¹⁴ These reports are available on line at: http://www.emsc.nysed.gov/irts/data_collection.html and at: <https://www.nystart.gov/publicweb/>. The amount of information contained in these reports and the ease of accessing them make comparing districts in New York State quite easy.

¹⁵ Huot, Brian. (Re) Articulating Writing Assessment. Logan: Utah State University Press, (2002), 1, 7.

¹⁶ Ibid., 11.

¹⁷ See also Broad, Bob. What We Really Value: Beyond Rubrics in Teaching and Assessing Writing. Logan: Utah State University Press, 2003.

¹⁸ For examples from the field of writing portfolio assessment, see Johnson, Carol Siri. Decade of Research: Assessing Change in the Technical Communication Classroom Using Online Portfolios. *Journal of Technical Writing and Communication*, 36:4, (2006), 413-31. Johnson, Carol Siri. The Analytic Assessment of Online Portfolios in Undergraduate Technical Communication: A Model. *Journal of Engineering Education*, 95:4, (2006), 279-87. Elliot, Norbert; Briller, Vladimir; Joshi, Kamal. Analytic Portfolio Assessment: A Program Development Model. *Journal of Writing Assessment*, 3.1 (2006), 5-30.

¹⁹ Tinkelman, 8.

²⁰ Ibid., 9.

²¹ Lott, Interview.

²² Tinkelman, 12.

²³ Lott, Interview.

²⁴ Ormiston.

²⁵ Ibid.

²⁶ Lott, Interview.

²⁷ Tinkelman, 9.

²⁸ Folts, 17.

²⁹ Lott, Interview.

³⁰ Ibid.

³¹ Dembart, Lee. Thefts Raise New Questions About Regents. New York Times, 1974.

³² There is no legal difference between a Regents Diploma and a Local Diploma; the distinction is only significant within the state.

³³ Chambers, xiii.

³⁴ McCall, Carl H. Higher Standards for All: New York State's Educational Performance Gap and Necessary Reforms. Albany: New York State Office of the Comptroller, (2004), 1.

³⁵ Ibid., 13.

³⁶ Ibid., 15.

³⁷ Ibid., 2.

³⁸ Campbell, Roald R.; Cunningham, Luvern L.; McPhee, Roderick F. The Organization and Control of American Schools. Columbus: Charles E. Merrill Books (1965), 104.

³⁹ McCall, Preface.

⁴⁰ Wolff, Jessica. Proven Practices: "More Time on Task" Benefits Students at Risk. Evidence: Policy Reports From the CFE Trial. New York: Campaign for Fiscal Equity, (2002), 1.

⁴¹ Chambers, ix.

⁴² Folts, 22.

⁴³ Lott, Interview.

⁴⁴ Knecht, Doug. The Consortium and the Commissioner: A Grass Roots Tale of Fighting High States Graduation Testing in New York. *The Urban Review*, v. 39, no. 1, (2007), 45-65.

⁴⁵ Huot, 36.

⁴⁶ Little, David, et.al. Charter Schools: Investment in Innovation or Funding Folly? Latham: New York State School Boards Association (2003), 1.

⁴⁷ *Ibid.*, 20.

⁴⁸ His Master's Voice. New York Post, January 8, 2009.

⁴⁹ Abrams, David. Mills' Milestone. New York Post, November 13, 2008.

⁵⁰ The requirements for a Regents Diploma are listed on the NYSED website:

<http://www.emsc.nysed.gov/ciai/gradreq/intro.html>.

⁵¹ Bishop, John H. and Mane, Ferran. Educational Reform and Disadvantaged Students: Are They Better Off or Worse Off? Center for Advanced Human Resource Studies, Working Paper Series, 04-13, (2004), 4.

⁵² _____ . Educational Reform and Disadvantaged Students in the United States. *Schools and the Equal Opportunity Problem*, ed. P.E.P. Ludger Woessman. Cambridge: MIT Press, 260.

⁵³ Peterson, Paul E. The Case for Curriculum-Based, External Examinations That Have Significant Consequences for Students. *Peabody Journal of Education*, v. 82, no. 4 (2007), 665.

⁵⁴ Campbell, 43.

⁵⁵ McCall, 4.