

MEMORANDUM

DATE: June 16, 2008

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: S.B. 250 [DSTP Suspension]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 250 which would direct the DOE to petition the federal Department of Education to waive the testing/assessment requirements of the No Child Left Behind (“NCLB”) Act for FY 09. The rationale for the bill is reflected at lines 1-10 and includes the observation that Delaware could save \$10 million with a 1-year suspension, schools are struggling financially, students are performing well academically, and progress continues toward reduction of racial and socio-economic achievement gaps. SCPD is not taking a position on the proposed legislation since there are pros and cons to this initiative.

On the “plus” side, if successful, the State would save some money. Moreover, consistent with the attached articles, critics of the DSTP have stressed that the DSTP is weak in providing information on individual student instructional levels and discrete strengths and weaknesses. Finally, special education students have historically performed relatively poorly on the DSTP. SCPD recommends that there be resources dedicated to planning for a diagnostic assessment system. Diploma eligibility would not be affected since H.S. 1 for H.B. 18, signed April 5, 2007, deferred the requirement of DSTP proficiency as a condition of qualifying for a diploma until 2011. See Title 14 Del.C. §152.

On the “negative” side, once suspended, it will be difficult to resurrect the infrastructure for testing in FY 10. Moreover, there are districts subject to incentives to improve DSTP scores which would be “let off the hook”, undermining accountability. See Title 14 Del.C. §155. Districts would also ostensibly no longer develop individual education improvement plans and no longer require summer school for students with deficient DSTP performance, undermining prospects for individual student improvement. See Title 14 Del.C. §155.

If the legislation is passed, SCPD encourages the General Assembly to consider providing incentives to school districts to continue to offer summer programs to students who are performing poorly academically. In addition, SCPD believes that there should be some form of objective assessment and accountability within the public education system. Suspending the current system, without an alternative accountability system in place, may sacrifice the long-term integrity of the public

educational system in exchange for achieving some expedient, short-term objectives

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or comments on the proposed legislation.

cc: The Honorable Ruth Ann Minner
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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