

Governor Markell Statement to House of Representatives Vetoing House Bill 50:

July 16, 2015

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES
OF THE 148TH GENERAL ASSEMBLY,

Pursuant to Article III, Section 18 of the Delaware Constitution, I am vetoing House Bill 50 by returning it with my objections to the House of Representatives without my signature.

We have no higher priority as a state than providing all of our children with a world-class education, and ensuring that they are prepared to compete in the increasingly global economy. Every child, no matter his or her family situation or income or background, deserves the chance to reach his or her potential. Their future, and the future of our state, depends on a quality education.

House Bill 50 would not help prepare our children, or our state, for success in the economy of tomorrow. To the contrary, HB 50 would undermine the only objective tool we have to understand whether our children are learning and our schools are improving. It has the potential to marginalize our highest need students, threaten tens of millions of dollars of federal funding, and undermine our state's economic competitiveness – all without adequately addressing the issues that motivated many to support the legislation. That is why educators and school leaders have joined the civil rights community and business leaders in opposing the legislation, and why I am returning the bill unsigned.

Universal statewide assessments provide our teachers, parents, and education officials with objective information about how children are doing – not just in their classrooms, or in their schools, but relative to their peers across the state and the country. These test results are the clearest way we can evaluate whether our efforts to improve Delaware schools are working. The state spends more than one billion dollars on education every year, and we all deserve to know whether those resources are spent well and whether our students are making progress.

If the test results don't paint an accurate picture, particularly if struggling students are disproportionately encouraged to opt out as has happened elsewhere, we may not be able to identify the children who need intervention to be successful. That is why civil rights groups in Delaware and across the country – including the NAACP, the National

Urban League, the United Negro College Fund, the National Council of La Raza, and the Disability Rights Education and Defense Fund – strongly support universal testing requirements and oppose “opt-out” legislation. Low-income students, students with disabilities, and students of color have benefitted the most from the adoption of statewide testing requirements. Those tests help us identify individual and groups of students who need more support, effectively focus additional resources on preparing our young people to reach their potential, and hold schools and districts accountable for ensuring that all of our students are learning. That is also why federal law requires us to assess at least 95 percent of our students to receive millions of dollars in federal funding – it’s that important. The loss of those federal funds, which disproportionately support low-income and high-needs students, is a risk I am unwilling to take.

I have heard the concerns of some parents and teachers that our students are experiencing too much testing. I agree. While I believe strongly in the value of a universal statewide assessment to tell us whether our students are making progress, the first priority of our schools must be to ensure that our students have the time they need to learn. But to address that concern, we should not be encouraging certain students to opt out of a test that provides valuable information – we should eliminate entire tests for all of our children and put that time to work in the classroom.

That is why the Department of Education is conducting an inventory of all required state assessments, and providing districts with financial and technical support to do the same at the local level. And that is why I have signed Senate Joint Resolution 2, which will bring together teachers, parents, civil rights leaders, and legislators to help us review our required assessments and eliminate those that are unnecessary, ineffective, or redundant.

I also understand, and have taken action to address, other frustrations that have led some parents and teachers to support HB 50, including concerns about the design of the Smarter Balanced statewide assessments and the use of student data for teacher evaluations and school accountability. We asked for, and received, permission from the U.S. Department of Education to delay using Smarter Balanced results in teacher evaluation for two full years, while we all adjust to the new test. We use many other measures to evaluate the progress of our students, and the effectiveness of our teachers, because we understand assessments are only one snapshot of our students’ success. We have approved a process to allow schools and districts to pilot new educator evaluation systems. We are continuing to provide feedback on Smarter Balanced to help make it better. And we don’t require our students to take or pass the Smarter Balanced assessments for advancement or graduation.

I am committed to working with our entire education community to continue to address those concerns, but HB 50 is not part of the solution. This bill does not reduce testing and does not say anything about how the state uses test results. The only effect of HB 50 would be to establish a process for individual parents to prevent their individual students from participating in the Smarter Balanced English and math tests and any district assessment, which doesn't solve the problems that our parents and teachers have named. However, it can undermine our ability to identify students who need help and to measure our schools' improvements.

In today's economy, opportunity is increasingly tied to the quality of one's education and our schools are the key to giving all of our children – especially those from struggling neighborhoods – the best chance to realize their potential. But we can't make that possible if we find out too late that students have fallen behind. If House Bill 50 becomes law, we will not know if many of our students really are on track to graduate ready for college or the workplace.

I cannot support a bill that runs counter to our efforts to ensure an objective, consistent, and reliable measure of all of our students' progress. Without it, many students would be too easily forgotten.

Sincerely,

Jack A. Markell

Governor