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ABSTRACT

New Jersey's legislature, as the result of a decision by the State Supreme Court in Robinson vs Cahill, is now under order to implement the century-old provision in the State's constitution for "a thorough and efficient system of free public schools." In an effort to contribute to the resolution of the problems arising from this order, a seminar was formed consisting of specialists in educational evaluation and research, and persons in key decisionmaking positions in the State's educational structure. The author provides an interpretive report of the seminar proceedings. The report concentrates on three primary issues: (1) how the constitutional responsibilities for action at the State level can be reconciled with local control and participation, (2) what criteria the State should use to distribute funds for the support of education, and (3) the procedures by which the effectiveness of local educational systems should be evaluated. (Author/JF)

TOWARD "A THOROUGH AND EFFICIENT" EDUCATION

An ETS Seminar

INTERIM REPORT

by
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Princeton, New Jersey
Center for Educational Assessment
Educational Testing Service
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Introduction

New Jersey's legislature, as the result of a decision by the State Supreme Court in Robinson v. Cahill, is now under order to implement the century-old provision in the state's constitution for "a thorough and efficient system of free public schools." In an effort to contribute to the resolution of the problems arising from this order, Educational Testing Service, with partial support from The Ford Foundation, has organized a seminar whose membership consists of specialists in educational evaluation and research and persons in key decision-making positions in the state's educational structure. The seminar has met three times, twice for one-day sessions and once for a two-day session.* Its members have prepared a number of brief papers and have engaged in lively discussions of the issues, and they will continue these activities for several more sessions in the future.

What follows is an interpretive report of the seminar proceedings to date. It is interpretive in the sense that its author, the chairman of the seminar, has reordered the ideas presented in the papers and discussions -- selecting among them in the process, though only to the minimum extent necessary -- and has woven them together, by the interpolation of implied premises and connections, into what he believes

*Alice Heinlein was of invaluable assistance in making the numerous arrangements required before, during, and after each of these sessions.

to be a useful form. His task has been simplified by the fact that the seminar participants eventually found themselves to be in broad agreement on most of the matters they dealt with; since the invitation to the seminar explicitly disclaimed any intention of seeking consensus for its own sake, and since divergent views were sometimes vigorously argued, this degree of agreement has some significance.

Nevertheless, it should not be assumed that every individual participant endorsed all of the ideas put forth in this report, much less the exact way in which they have been expressed; no attempt was made to ascertain that, and some participants did not attend some of the sessions. For the reader's information, a list of those who did attend at least one session is given at the end of the report. A separately bound appendix to the report contains a summary of each of the four sessions and copies of the papers submitted and may be obtained from the author on request.

The seminar did not -- and, in four days of meetings, could not -- touch on all of the issues involved in so complex a subject as the organization and operation of "a thorough and efficient" educational system. In retrospect, it seems to have concentrated on three questions:

1. How can the constitutional responsibilities for action at the state level be reconciled with local control and participation?
2. By what criteria ought the state distribute funds for the support of education to the local districts?
3. By what procedures should the effectiveness of local educational systems be evaluated?

The report will be organized around these three questions. It should be evident, however, that they are closely interrelated, and so some repetition will be necessary. Moreover, one topic, the proper role for measures of student performance, recurred in the course of discussing each of the three questions, and it will be referred to, when appropriate, under each of the headings.

The Responsibilities of the State

The New Jersey Supreme Court decision in Robinson v. Cahill emphasized that, under the provisions of the state constitution, it was the state itself, and specifically the legislature, which was charged with the responsibility for providing "a thorough and efficient" educational system. The court interpreted this responsibility to have at least five meanings: (1) There must be equal educational apportunities for children everywhere in the state, regardless of the school district in which they happened to live. (2) The opportunities must keep pace with the changing demands of the times. (3) Equality of opportunities must be expressed, at least in part, in equality of outcomes -- i.e., of measured student performances or capabilities. The only outcomes explicitly mentioned in the Supreme Court decision were those associated with "that educational opportunity which is needed in a contemporary setting to equip the child in his role as a citizen and as a competitor in the labor market." (4) Outcomes must be equal at a relatively high level, not one that is merely minimal or adequate, though not necessarily one that would result from the "best" kind of education that could be provided. (5) The state must establish a mechanism for determining whether the students in each district are reaching high levels of outcomes and for taking appropriate action in those cases where they are not.

In short, the state's obligation is to ensure that an education of high quality is equally available to all children in its jurisdiction. The court did say that "a thorough and efficient" education should be defined "in some discernible way," but any attempt to formulate an abstract definition of the concept seems sure to lead into an endless debate and a philosophical morass. If quality and equality were to be attained, the court would probably be satisfied. "Equality" of outcomes must be presumed to refer to groups of children -- speaking precisely, to equal means and variances among different socially significant groups -- since it would be patently impossible for all individual children to be on, or to be brought to, the same level of achievement on any important dimension. But what does "quality" involve? "Quality" of what content?

Preparation for competition in the labor market is one of the content areas spoken of by the court, but it would not be in the interests of the state's children to construe this too narrowly in terms of occupation, place, or time. First of all, it should not exclude preparation for postsecondary education, which of course is (among other things) an avenue into some of the most desirable occupations. It can reliably be expected that substantial proportions of children in some social groups and in some school districts will continue to be prepared for entrance into college, so the failure to make the same opportunity readily available to children in other groups and districts would simply perpetuate existing inequalities.

At the same time, however, it would be unfortunate if preparation for work and for postsecondary education were made to be or to seem mutually exclusive, if only because life after high school increasingly involves a simultaneous or alternating combination of both. Moreover, out of concern for broader social effects, the state should not be in the position of encouraging the drawing of a sharp line between programs for those children who will go to college and programs for those who will go to work.

It should also be recognized that many students, soon after leaving high school, will be living (or attending college) outside of New Jersey; and that, because of the rapidly changing nature of the occupational structure, all of them will sooner or later face a labor market that is quite different from the one that existed while they were in high school. Consequently, any vocational training they receive should not be limited to preparation for jobs available within the state during their years of secondary education.

The same sorts of things can be said about the other content area mentioned by the court: preparation for citizenship. It ought not mean knowing how to register to vote for some students and knowing how to utilize the levers of political power for others, and it should take into account the probabilities that some students will become citizens in other states (not to say other nations) and that all of them will be citizens in a political community that will inevitably be different in many respects from the one we now live in.

The upshot of these considerations is that students are best prepared for competition in the labor market and for political participation by equipping them with the skills and motivation for further learning -- indeed, for a lifetime of continuous learning. But the acquisition of such skills and attitudes is generally accepted as being one of the basic goals of all education, and is in fact among the goals adopted by the New Jersey State Board of Education as an outgrowth of the "Our Schools" project. In other words, preparation for work and for citizenship are not sharply distinguishable from other components of a quality education. They involve skills and attitudes that are applicable to a wide variety of statuses and activities -- to work and to citizenship and also to consumership, family life, health, relations with other persons, and all manner of cultural satisfactions.

The relevant skills can be identified more or less confidently. Reading comprehension must take first place among them, because it is so decisive in the learning of so much else. Other skills would include listening comprehension, communication by writing and by speaking, mathematical comprehension, computation, diagnosis and solution of problems (analytical skills), decision-making, visual and auditory perception, and recall. Among the important attitudes would be self-concept, a "sense of the history of one's culture" (as seminar participants phrased it in order to distinguish it from knowledge of the particular facts of history), and of course a desire to learn. Also, a student's health is a precondition for his learning, and the knowledge and attitudes necessary to the maintenance of health must therefore be a major educational concern.

It happens to be the case that performance in many of these areas is measurable in a reasonably objective fashion, but for present purposes this may be regarded as no more than a fortunate coincidence.

There should be no implication that these areas are given importance merely because performance in them is relatively amenable to measurement.

These are the areas, then, that are so fundamental to a high quality education that the state has an obligation to set statewide standards of performance and to take action if the average performance of students in a district falls below that standard or if there are significant disparities between the average performances of different groups of students within a district. (It is strongly urged that the terms in which the standards are expressed avoid the misleading inferences that are often caused by the use of grade-equivalent scores.) Districts that are deficient in either of these respects should be given a reasonable but limited period of time in which to bring their students up to the standards or to erase intergroup inequalities; they should be expected to make specific plans toward those ends, including indicators of progress; and they should be provided with planning funds and assistance where necessary. If and as the performance of students in the highest-scoring districts and groups rises, the standards should be revised upward, lest inequalities be recreated even if at higher average levels. Certainly there should be no assumption that any socioeconomic group is incapable of reaching the level of attainment of other groups.

Finally, it should be emphasized that the state's obligation to ensure a high-quality education on equal terms may entail action by the state in non-educational spheres as well -- e.g., housing and employment. Students can hardly be expected to have the motivation to prepare themselves for competition in the labor market, for example, if they believe that there will be few or uncertain opportunities for meaningful employment open to them.

Local Autonomy

High-level performance in the basic areas does not exhaust the meaning of a high-quality education. There are many other kinds of outcomes -- of knowledge, skills, and attitudes -- that should be treated as being very important. It would be well if the state lent its "symbolic majesty" to this principle. In effect, it has already done so through adoption by the State Board of Education of the eleven outcome goals, and perhaps this action should be more widely publicized so that it becomes an acknowledged part of "thorough and efficient."

However, any attempt to extend the list of critical areas beyond the basic ones named above rapidly becomes arbitrary, because there is no universally accepted way of categorizing them. Furthermore, uniform application of standards in any large number of other areas would require a massive apparatus for monitoring and enforcement, would be inefficient and stultifying, and would neglect the inevitable and desirable variations among children in aptitudes and interests.

Consequently, whatever else is to be taught, and whatever standards there are to be in these other areas of instruction, should be matters for decision by the local districts. All that the state should demand is that a district provide an educational program of diverse offerings, to meet the widest possible range of children's needs and interests. (Of course, this demand should not be allowed to become an excuse for providing a poor education in basic skills.) It is in its particular design of diversity that the community expresses its own educational philosophy and priorities--its value preferences are made operational in the form of its selection of programs and offerings and the relative emphases among them.

This division between what the state requires and what local districts can choose to do may not seem very methodical; it is, in a sense, a refusal to formulate a comprehensive definition of "thorough and efficient." Yet it is defensible on pragmatic grounds. For the state to set standards in all areas would be intolerable, for reasons already mentioned. For the state to set standards in no areas would be to shirk its consitutional obligation. The only alternative is for it to set standards in a limited number of areas and to leave the rest up to the local districts.

Admittedly, the principle of diversity will likely mean that some schools will slight some areas that some people, in or outside of the community, believe are important. It should be noted, though, that the same thing would be bound to happen -- and on a much larger scale -- if the state were to mandate a uniform curriculum for all schools, since unanimity on what is "important" cannot be expected. Where dissatisfaction over a missing component of education is intense or widespread among the residents of a community, the proper remedy is a further expansion of diversity.

Even though no statewide standards are set, districts should be encouraged to measure outcomes in the non-mandated areas wherever possible, particularly in areas of high local priority. Conceivably, the state might insist upon some measurement in these areas, because the information would be useful to the district itself in improving its educational program. To avoid consuming an inordinate amount of time in testing, measurement in the non-mandated areas might be done with samples of both students and content. (Not all measures need be "tests," however. Districts should also have information on rates of attendance, dropout, employment, vandalism, etc.) At the very least, the state should lend technical assistance to districts in their measurement activities, and it should foster the development and improvement of measures in those areas where current techniques are unsatisfactory. Among these areas, incidentally, is the measurement of diversity itself. For the time being, this will have to be a matter of judgment, though the state should offer guidelines -- for example, in the form of suggested varieties of programs and offerings.

If local autonomy is to be a valid expression of the community's values, it must be exercised by the greatest possible proportion of the citizenry. Consideration should be given to institutional changes that might stimulate interest and participation in local school affairs. One such change, for example, might be to hold school-board elections in November rather than earlier in the year, when no state or federal candidates are on the ballot. But the quality of local participation is as important as the quantity. Ways should be sought to improve the public's information about and understanding of educational issues at all levels.

Distribution of State Funds

The seminar was not designed to deal with the issue of how the state might raise revenue for the increased financial support of the public schools that the establishment of a "thorough" system evidently demands. Its members were chosen for their expertise in and concern with education, not taxation. It did devote a great deal of time, however, to the other side of the coin: the manner in which the state was to decide how the revenue was to be distributed among the local school districts.

For the most part, the discussion on this point tacitly assumed that the state would share the burden of financial support with the local districts, for that seemed to be the most practical assumption for the near future. However, it was urged that the possibility of full state assumption of the costs of public elementary and secondary education not be entirely dismissed. There are problems with it, but they are not insuperable, nor necessarily harder to cope with than the problems that arise in a cost-sharing arrangement. Hawaii has operated under full state assumption for some time (and it is not accurate to say that she has recently moved away from it), Maine has recently enacted it, and other states are going in that direction. New Jersey might do well to study their experience.

Meanwhile, it can be expected that this state will continue to pay only a part of the costs of education. It has, of course, long been doing so, but one consequence of the judicial insistence upon the creation of "a thorough and efficient" system will surely be that the state's share of the costs will increase. This fact, together with the challenge and opportunity presented by the "thorough and efficient" concept itself, promotes a fresh look at the procedures by which the state allocates funds in aid of education to local districts.

It seems obvious that the fundamental if not exclusive criterion of allocation should be the educational needs of students. A district -- or, better yet, a school -- ought to be assured of having whatever funds are required to enable it to afford an equal education of high quality to the number and kinds of students enrolled in it; and to the extent that it is unable to raise those funds out of its own resources, the state should make up the deficiency. Though this does seem obvious, it is worth stating, for there is sometimes a tendency to look upon funding as a way of "rewarding" a deserving district or, even more so, of "punishing" a derelict one. That tendency should be avoided. The ultimate object of funding is the student, not the district or the school.

Yet it must regretfully be admitted that there is as yet no rational basis for calculating precisely the necessary costs of a high-quality education. We cannot say that any given amount of money will produce any specific outcomes or improvement in outcomes for particular kinds of students. Indeed, it is probably not an amount of money *per se* which is crucial at all, but the way in which the money is spent -- the particular sorts of goods and services it is used to buy. The implication is that, for the time being, the total sum of money to be appropriated by the state for aid to local school systems will have to be determined primarily by economic and political considerations and in the light of the remedies for past injustices that may be in order.

Short of precise calculations, however, some informed judgments are possible. While no per-pupil expenditure is a sufficient condition for the provision of a high-quality education, some minimum expenditure is surely a necessary condition, and is in any event apparently required by the Supreme Court decision in Robinson v. Cahill. Expert advice should be sought in arriving at that minimum figure, and no district should then be permitted to fall below it. (In the absence of full state assumption, this would probably also require a minimum local tax rate for educational purposes.) Approximations can also be made of the relative costs of different programs, and in some cases of their relative effectiveness, and they should be used wherever possible. At the same time, studies should be initiated, as part of the operations of "a thorough and efficient" system, to improve the state of information so that some years hence educationally sounder knowledge about necessary costs will be available.

But decisions about state aid have to be made now, while the information is still less than what would be desirable. By what procedure is that to be done? The proposal was put forward that each school district should be visited once every three years by a team of laymen and educators, representing both low-income and high-income districts and working with local personnel. The team would review a specified and detailed body of data about each school in the district, make judgments of needs on the basis of those data, nd translate its judgments into the amount of state aid that each school in the district was to receive for the ensuing three years. The principal justifications offered for this procedure were that the representation of various kinds of districts would enhance public confidence in the results, and that the consideration of a wide range of data would compensate for the inadequacies of any single type of information.

The seminar explored this proposal, and concluded that while the justifications were sound, it was nevertheless unworkable. First, the organization and deployment of teams to make a detailed study of each of about 200 school districts each year -- one-third the number of districts in the state -- would be a formidable administrative task, carried out under great pressure, because large sums of money would be hanging in the balance. Second, there would be no way of assuring that the total of the amounts recommended by the teams would equal (or at least not exceed) the total of state aid appropriated in any given year; and if some process of reconciliation of the totals were to take place after the teams' recommendations were in, it would have to be rapid and therefore superficial, thus defeating the very purpose of conducting detailed studies. Third, there were questions about the feasibility of making recommendations for a three-year period -- and yet if the period were to be only one year, the annual administrative task would triple, becoming utterly unmanageable.

The seminar thus concluded, somewhat reluctantly, that the bulk of state aid would have to be allocated by means of an easily applied numerical formula. Its reluctance was due to the belief that the mechanical application of a formula would necessarily neglect special circumstances, such as the innovative efforts that a district or school might be making, and so would discourage experimentation and flexibility. To mitigate this unwanted result, the suggestion was made that some proportion of state aid be distributed outside any formula. It would go to those districts judged to have special needs and sound plans for meeting them, the allocations to be influenced by teams such as those described above (see also the next section, on "Evaluation"). With a well-constructed formula backed by generous appropriations, most of a district's needs would be covered by its formula aid, so that many or most districts would not apply for or receive this above-formula aid in any single year.

What should the variables in the formula be? By the criterion that was stated, the funding formula should be the most direct reflection possible of student needs, and that leads to the idea that allocations should be based on measures of student performance. It is an intuitively plausible proposition that the amount of help a student needs is most accurately indicated by the extent to which his performances are below designated standards. The idea is appealing on other grounds, too: It would presumably channel funds in relatively great amounts to the urban schools, where it is generally felt that the needs are indeed the greatest; the measures of performance are widely regarded as objective and so would enjoy public confidence; and they lend themselves, more readily than any other indicator, to the establishment of concrete standards and goals, and hence to a method of holding a school system's staff accountable for the results of their work.

But there are many serious reservations about this use of measures of student performances. It might well produce a disincentive effect, growing out of a staff's realization that the amount of state aid will be reduced if they succeed in increasing the amount of student learning. It would intensify the "pathologies of testing," such as the stigmatization of low scorers and temptations to cheat. (Note that spuriously low scores could be achieved by shaving a few minutes off the time allowed for taking a test.) The measures are available in only a limited number of the areas encompassed by a high quality-education, and attaching money only to performances in those areas might induce an imbalance in educational programs in favor of what "paid off." The objectivity of the measures is challenged by spokesmen for a number of groups, and it is indeed true that their objectivity is only a matter of degree; they are certainly not free of human judgment and choice. And it is not unambiguously clear that the needs of high-performing students are any less than -- though they may be different from -- the needs of low-performing students.

Some, but not all, of these objections might be met by basing the allocation formula on <u>changes</u> in the level of student performances between two points in time rather than on the level at one point in time. But that approach gives rise to problems of its own: how to handle chance increases and decreases in scores (the "regression" effect), what to do about students who enter or exit a school or district during the interval between the two times, and the great expense of longitudinal tracking of individuals. Perhaps most important, there is the dilemma of whether to give greater amounts of aid to districts where performance levels decline, which would seem to magnify the disincentive effect; or to give greater amounts to districts where performance levels rise, which would seem to violate the principle that funds should go where they are most needed.

On the whole, the seminar was more skeptical than enthusiastic about a funding formula based solely on measures of student performance. Such measures constitute important information about the effectiveness of an educational program, and so they are not be to disregarded. Attaching money to them in some automatic fashion, however, would probably do more harm than good.

There may be one partial exception to that generalization. A performance measure taken at a sufficiently early age would avoid some of the most undesirable consequences. It would not depend so much on the school's educational program, and so would be less likely to throw it into imbalance. In fact, it would be more nearly a measure of the child's "aptitude" than of his achievement, and so, it could be argued, is an even more direct measure of his educational needs. But the difference between aptitude and achievement has other, less attractive implications. The belief is unfortunately widespread that a person's aptitude is a fixed attribute, not amenable to change through educative experiences. Thus, early measurement might have an even greater stigmatizing effect and might also lead to a "self-fulfilling prophecy" on the part of teachers if they were inclined to give less attention to children whose capacity for learning they believed to be limited.

There are also technical questions about the reliability of performance measurements at early ages. Still, this is the approach recommended for New York by the Fleischmann Commission, and it should be investigated further for possible future application in New Jersey.

There are other, less direct indicators of student needs: the breadth and composition of programs in the school they attend, or the resources (such as buildings, equipment, and staff) already at its disposal; the "climate" or attitudinal environment in the school and community; or the quality of decision-making processes in the school, including especially the degree of participation by parents and students. In each of these cases, the magnitude of need could be measured by the gap between the cost of what already exists and the cost of either (a) some "ideal" set of conditions, or (b) a normatively defined set of conditions, such as those at the median or at some other percentile of the state's schools or communities. The funding formula should (as most formulas already do) take account of the incidence of physical, emotional, and social handicaps among the community's children, and of the degree of concentration of categories of the population, such as those with low income, for which schools have generally found it necessary to provide some form of compensatory education. The kind of educational program the community wants may also be interpreted, in a sense, as an indicator of its needs.

The most common, if least direct, kind of funding formula is one which is based on the amount of taxable property per pupil in the district, or more precisely, on the difference between the amount of taxable property per pupil and an amount which is regarded as desirable and within reach with the supplementation of state aid. This has the virtues of moving districts toward fiscal equity and thus of being seen as an elementary form of justice, and of being familiar and easy to calculate. For these reasons, it is likely to be part of any funding formula used in the near future. Consideration should be given, however, to adjusting the amount of taxable property by some measure of income, since a community's economic capabilities (and needs) are more a function of its income and less a function of its property ownership now than was the case at the time the property tax became the major source of local revenue.

All of these indicators are subject to both random and systematic error, though the magnitude and direction of error vary from one to another. Consequently, it would be best to use a funding formula which combines several of them, in the hope that their errors will balance each other out. The formula should take into account as wide a variety of information as possible -- that is, it should approach as nearly as possible the procedure for allocating above-formula aid -- in order to permit schools to be institutions that respond flexibly and creatively to the needs of their particular students.

Evaluation

As has already been mentioned, the Supreme Court decision in Robinson v. Cahill charged the state with the duty of ascertaining whether "a thorough and efficient" education suitable to the times was being provided in every school district and of establishing a mechanism for action when it is not being provided. The procedures for accomplishing these ends are generally embraced in the term "evaluation." Properly speaking, evaluation would be one step in a reiterated cycle: evaluation, or assessing conditions and comparing them to some desired state of affairs; diagnosis, or searching for the reasons for shortcomings; remedial actions, or initiating steps to reduce the shortcomings -- followed by evaluation to determine whether the new conditions have reduced the shortcomings, etc.

One principle that should govern the design of evaluation procedures is that they should be as independent of funding decisions as possible. This is necessary in order to assure the people in the local community that evaluation is a helping process rather than a threatening one. Otherwise they may be tempted to withhold or distort information and to act in other ways that would frustrate the evaluative function. Funding should be based primarily on needs, evaluation on the extent to which needs have been satisfied.

A second and related principle is that the procedures must enjoy the confidence of the people in the local community. The same can be said of the individuals who carry out the procedures: They must be, and they must be perceived as being, competent and objective, with the interests of students as their fundamental concern. The procedures and the individuals must have the trust of those outside the community as well, particularly those who will bear the cost of increased state aid.

Evaluation should begin with a local _self_-evaluation, conducted under the auspices of the school board and with broad participation by the professional staff and by parents and other citizens. This self-evaluation would involve the formulation of a set of local educational goals and the collection and interpretation of a wide range of information bearing upon those goals -- information on enrollments, facilities, staff, expenditures, programs, performance measures, health data, graduation and dropout rates, and postsecondary education, employment, and civic activities, not only for the current year but also for several preceding years, so that trends can be discerned. It would lead to the preparation of a report which would contain recommendations for future action, calling attention to those which would require above-formula aid.

To emphasize the importance of local self-evaluation, the state might require that each district devote a specified proportion of its annual operating budget to it -- say, one-half of one percent. However, it seems likely that the state, presumably through the Department of Education, would also have to render assistance to the districts, in the form of guidelines for the kinds of information to be gathered and for the methods of gathering and interpreting it, and in the form of technical advice. The state could also provide relevant data on performance measures in the mandated areas (as it has begun to do in the New Jersey Assessment Program). In view of the geographical mobility of students, it would also be more efficient for the state itself to collect and furnish to the districts the data on students' postsecondary activities. Another responsibility of the state should be to undertake or sponsor research aimed at improving the quality of information.

The evaluation should be done not merely for the district as a whole but for each school separately, since there are bound to be important differences among the schools in a district. Some seminar participants urged that, to facilitate analysis at the school-building level, it might be required that an evaluation council of parents, or parents and teachers, be established at each school, both to contribute information and to review the report. Questions were raised, however, about how and by whom the council members would be selected and about the resources to which they would have access, for these structural characteristics would greatly affect the councils' functioning. If the councils were fully independent of the school board and administration, they could play a valuable role as critics and watchdogs, helping ensure that "unfavorable" information was not omitted or glossed over in the evaluation -- but by the same token, they would also generate mutual suspicion and evasive behavior, and the very proposal to create them would probably encounter strong opposition from school-board members, administrators, teachers, and their organizations. If they were less independent, they might be dealt with in a more cooperative spirit -- but they might then become docile and useless bodies. These questions were not resolved by the seminar.

Every three years or so, more often in special cases (e.g., when above-formula aid was being sought), a district's self-evaluation reports would be reviewed by a panel made up chiefly of people from outside the district. This panel was a reincarnation of the funding team discussed and rejected earlier, but now largely separated from funding decisions, in accordance with the principle of evaluation stated above. One suggestion for its composition was that its members be drawn at random from a pool of people designated and paid for the purpose, on the model of jury selection. There might even be several such pools: professional educators and laymen from wealthy and poor districts, social scientists, representatives of business and labor organizations, and college and high school students, with each panel having one member from each pool. Though this might be too clumsy an arrangement, its aim is to inspire confidence in the work of the panels on the part of people outside the district.

The panels would operate under guidelines developed by the State Board, the Commissioner, and the Department of Education, and the Department would furnish a person to serve as secretary for each one. The panels would review the three most recent annual self-evaluation reports, spot-check the accuracy of the information in them, and question local residents and staff about the plans for remedial action, the steps taken to implement the plans, and the results. The district administration and staff should be held accountable for drawing up soundly based plans and for a good-faith effort to actually do what the plans call for, but it should be understood that they cannot reasonably be held accountable for achieving the results expected from any particular plan, for that would be unreasonable in the present state of knowledge about cause and effect in education.

The work of each panel would culminate in a report to the Commissioner of Education, which would highlight both the shortcomings and the successes in the district and comment on its plans for the future and on any requests being made for above-formula aid, though preferably without having the power to make final decisions on the requests. The Commissioner, in turn, would annually summarize the evaluation reports in a document which would receive wide dissemination, so that each district might benefit from the experiences of the others. It is especially important to stress that, while the Commissioner's summary might make enlightening comparisons among district plans and results, it should avoid any appearance of "ranking" the districts from "good" to "bad."

The constitutional provision, and the Court's interpretation of it, make it clear that the state must be prepared to take corrective action if the evaluation process reveals a district which has grossly or persistently failed to overcome deficiencies among its students. This is a troublesome issue, and the state should move cautiously. It would be well advised not to assume that it will always be able to do what the district has not done; again, the state of knowledge does not permit any such assumption. Above all, it must not act in a punitive manner. Its goal should be to ensure that reasonable good-faith efforts are being made to provide a high-quality education on equal terms, and its intervention should be limited to the pursuit of that goal.

Whatever agency is responsible for determining state action in cases of local failure should have at its disposal a wide variety of forms of intervention (it would be well not to call them "sanctions") from among which it could choose to fit the circumstances of each situation. It should be able, for example, to waive certain state requirements that are deemed to be obstacles to the educational progress of the students in question; to insist that the district develop a plan for dealing with a problem, or that it employ a technical advisor; to recommend or provide additional funds for particular purposes (hiring more teachers, renovating classrooms, purchasing audio-visual equipment); to recommend or require the installation of a specific program (free breakfasts or lunches, after-school study centers, tutorial assistance, parent education, black studies, bilingual instruction, etc.); or to demand that local performance standards in non-mandated areas be raised. The steps to be taken should always be decided upon in consultation with the local board and administration, and wherever possible with their agreement, but the state's agency might be given the power to seek a court order to enforce its demands where necessary.

In cases of clear recalcitrance -- and only in such cases -- the state's agency should be able to remove members of the professional staff, order that new school-board elections be held, or even appoint members to the board. It hardly needs to be said that the withholding of state aid is almost sure to be counter-productive from the point of view of the students' education; it is the very sort of punitiveness that is to be avoided.

Finally, there is a need to evaluate the evaluation procedures -- indeed, to evaluate the entire system that may come into being in the name of "thorough and efficient." Any system that is set up now is bound to be faulty in some respects, and it should therefore be the subject of continuous monitoring and of revision on the basis of experience and improvements in techniques and in the light of changing aspirations and accomplishments. This could be done in part by the state's operating agencies, but they would not be altogether disinterested parties. Thus, some group other than the operating agencies should perform this task as well. It might be a state commission created especially for the purpose, a committee of the legislature, or a private body, or some combination.

In any case, the evaluation of the system should raise such questions as: How are districts spending the increased funds they receive from the state? What changes are occurring in classrooms and in administrative offices? What are the effects on student performances? What remedial actions appear to be most successful? What interventions by the state work best? Where are the major problems in the system, and what can be done about them? As the answers to these questions are found, New Jersey's schools should be in a position to provide a steadily improving education for all the children in the state.

Toward "A Thorough and Efficient" Education

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