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ABSTRACT

Barbara Jordan served as the hearing officer for three-day adversary evaluation hearings about the pros and cons of minimum competency testing (MCT). This report is the complete transcript of the first day of proceedings. James Popham and George Madaus presented the opening arguments for the pro team and con team, respectively. Michael Scriven, testifying for the pro team, asserted that MCT constitutes "the last hope of education." The pro team also presented testimony from witnesses from two states in which there are decent MCT programs: South Carolina and Virginia. Testifying for the con team, Ralph Nader argued that MCT is not a consumer protection device. Arthur Wise testified that MCT is politically motivated, but not educationally sound. Ralph Tyler described MCT as the public's response to their perceived difficulties. Gilbert Austin made the point that minimum competency tests are not the determining factor in an effective school. The remaining con testimony consisted of arguments from local or state school personnel that MCT does not improve school effectiveness, and the expression of concern about possible test bias from Ms. Taracido of the Puerto Rican Legal Defense and Education Fund. (BW)

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MINIMUM COMPETENCY TESTING
CLARIFICATION HEARING

JULY 8TH, 1981

SPONSORED BY

THE NATIONAL INSTITUTE OF EDUCATION
U.S. DEPARTMENT OF EDUCATION
T.H. BELL, SECRETARY

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P R O C E E D I N G S

9:30 a.m.

MR. SCHILLER: Good morning. I'd like to welcome you to what I hope will be an interesting, thrilling experience for you, for the next three days. We are talking about an issue that has relevance to all of your work and experiences, I'm sure.

To start the proceedings formally, I would like to introduce the Under Secretary of Education, William Clohan.

INTRODUCTORY REMARKS OF

WILLIAM C. CLOHAN, Jr.

UNDER SECRETARY, U.S. DEPARTMENT OF EDUCATION

Thank you. Good morning, also. I would like to, on behalf of the Department of Education and Secretary Bell, also welcome you to this auditorium and to this session.

As you know, this is sponsored by the National Institute of Education. The Institute, over the past almost decade now, has served as a forum for discussing issues and providing information for policy makers throughout the country, and I'm sure the discussion in the next three days will help deal with an issue that is both controversial and very important.

What occurs here today may lead to some activity at the state and local level. It may lead to some activity at the federal level, and this public forum hopefully will

1 clarify some of the issues.

2 Today, we are very honored to have as the Hearing
3 Officer and the Moderator of this hearing, Ms. Barbara
4 Jordan. As you know, Ms. Jordan came into national
5 prominence in her role as a Congresswoman from Houston,
6 Texas, and she served on the Judiciary Committee where she
7 became known as a very strong spokesperson, and is certainly
8 a very effective orator. I am very pleased that she came
9 with us today.

10 During the last few years, she has been the Lyndon
11 Baines Johnson Public Service Professor at the L.B.J. School
12 of Public Affairs at the University of Texas in Austin.
13 During the last ten months, she's been associated with this
14 project and has very closely monitored what is going on in
15 the minimum competency area.

16 She has primary responsibility for assuring some
17 amount of consensus on the rules and the procedure and also,
18 the rules of evidence which have guided this project.

19 Her role during the hearing this morning and for
20 the next few days will be to assure an efficient and
21 productive debate and one that will stay closely to the
22 rules of evidence and procedure that have already been
23 agreed, and hopefully, will keep the testimony as relevant
24 as possible. It is quite easy to stray sometimes.

25 I can think of no better person to chair the

1 hearing. I think she is ideally suited to it. Fair-minded,
2 very firm, certainly will keep things running on time, and
3 in a straightforward fashion.

4 Now, to start the proceedings without much further
5 ado, I would like to introduce Ms. Barbara Jordan.

6 OPENING REMARKS BY
7 BARBARA JORDAN
8 HEARING OFFICER

9 Thank you. The purpose of this hearing is to
10 clarify some of the most important policy issues concerning
11 minimum competency testing programs which have proliferated
12 during recent years.

13 As used in this hearing, minimum competency
14 testing refers to state or locally-mandated programs which
15 have the following characteristics. Almost all students at
16 designated grades are required to take paper and pencil
17 tests designed to measure basic academic skills, life or
18 survival skills, or functional literacy. A passing score or
19 standard for acceptable levels of student performance has
20 been established, and test results may be used to certify
21 students for grade promotion, graduation or diploma award;
22 classify students for or place students in remedial or other
23 special services; allocate compensatory funds to school
24 districts; evaluate or certify schools or school districts,
25 or evaluate teachers.



1 One of my responsibilities as hearing officer is
2 to set the stage for this clarification hearing by
3 describing the process of this ambitious project, the
4 purpose and procedures of the hearing and the subsequent
5 dissemination of what transpires during these three days. I
6 intend to discharge this responsibility as crisply as
7 possible.

8 This three-day hearing is the culmination of a
9 process in which those who appear before you have been
10 involved for approximately ten months. Prior to the
11 selection last summer of the team leaders and the hearing
12 officer, NIE convened representatives of various agencies
13 and various audiences, which included amongst others
14 teachers, school principals, parents, school board members
15 and state legislators.

16 One role of the advisory group was to review and
17 modify the plans for clarifying minimum competency testing
18 issues. Another was to submit nominations for the team
19 leaders and the hearing officer to the NIE. NIE then
20 selected the team leaders and the hearing officer, and the
21 team leaders selected the team members.

22 The Minimum Competency Project is designed to
23 provide quality information to state and local decision-
24 makers that will assist them in making informed choices
25 about policies and programs, to promote a greater public

1 understanding of the dynamics of MTC programs, and to
2 provide a vehicle for informed public participation in the
3 policy process.

4 The purpose of this hearing, simply put, is to
5 provide a public forum for clarifying some of the most
6 salient issues concerning minimum competency testing. Both
7 teams have agreed that there are certain functions which MCT
8 programs should not serve. Both teams are emphatic in their
9 repudiation at elementary and secondary levels of the use of
10 MCT for three purposes.

11 One, teacher evaluation; two, allocation of
12 educational and other resources; and third, retention of
13 non-passing students at all grade levels. I will summarize
14 why both teams, based on their efficient experience, believe
15 that these three functions are inappropriately served by MCT.

16 Teacher Evaluation. Although judging teachers on
17 the basis of student achievement is deceptively attractive,
18 currently research, and testing technology precludes the use
19 of minimum competency tests for this purpose. To use
20 students' scores on a minimum competency test to evaluate
21 teachers can punish teachers for circumstances over which
22 they have no control.

23 For example, test scores cannot distinguish
24 between students who have not learned because of lack of
25 motivation or learning disabilities and those who have not

1 learned because of ineffective teaching.

2 Similarly, schools differ one from the other with
3 regard to the amount of available resources, rates of
4 vandalism, drug and disruptive problems and a host of other
5 factors. The teams believe that the use of MCT scores to
6 evaluate teachers is unjust.

7 Resource Allocation. The teams believe it is
8 equally unwise to use the results of MCT programs to
9 allocate financial and other resources to different schools
10 or school districts. One practice is to award the most
11 dollars to the local educational agency with the lowest test
12 scores on the assumption that more money is needed for
13 compensatory education. As a consequence, this practice
14 rewards failure, not success because it is in the local
15 educational agency's financial interest not to succeed.

16 An allocation of any type of resources, financial,
17 instructional or other, aligned to a minimum competency
18 testing program may have other negative impacts. If, for
19 example, MCT is used to make critical decisions but is
20 implemented only at certain grade levels, then resources may
21 tend to be focused only at those levels to the exclusion of
22 others.

23 Grade by Grade Retention. It might be argued that
24 students who are given multiple opportunities to pass a
25 minimum competency test can, in time, pass in spite of the

1 imposition of testing technology. If minimum competency
2 tests are used each year at every grade level, too much
3 weight is given to a student's performance on a single
4 examination.

5 As a result, it is nearly impossible to provide
6 for the multiple testing opportunities that could, for
7 example, be offered when passing the test is used only as a
8 graduation requirement.

9 These three functions will not receive direct
10 attention during this hearing. Though important issues,
11 both teams emphatically reject the use of MTC programs for
12 these three purposes. The two teams do not agree, however,
13 with regard to other functions of minimum competency testing
14 programs, other functions which might be served by these
15 programs.

16 In this hearing, the teams will focus on MCT
17 programs that use test results to certify or classify
18 students. By certify, it is meant that test results are
19 used to decide whether a student has successfully completed
20 a given level of education. That is, the test results are
21 an essential component in determining promotion, graduation
22 or type of diploma to be awarded.

23 By "classify," it is meant that test results are
24 used to group or place students, or to select students for
25 admission to auxiliary education programs or services.

1 The three major issues that this hearing will seek
2 to clarify are whether such MCT programs will have
3 beneficial or harmful effects on students, on curriculum and
4 teaching, and on public perceptions of educational quality.
5 While the framework of the hearing borrows extensively from
6 judicial procedures, it is not intended to result in a
7 victory for one side or the other.

8 Rather, the clarification hearing is designed to
9 serve an educational function by providing a public forum
10 for discussion of a controversial topic from different and
11 often competing perspectives. The clarification of issues
12 and points of concern is the desired outcome. The judicial
13 process merely provides the framework and systematic
14 procedures for discussing those issues and for public
15 involvement in the process.

16 There will be no jury to deliberate or render
17 formal judgment as to the success, failure or overall
18 quality of MCT programs. All decisions or judgments
19 concerning the information presented will be left to the
20 viewing public.

21 The target audience for this project includes
22 legislators, state and local policymakers and administra-
23 tors, special interest groups, parents, teachers, students
24 and the general public.

25 One important part of the process has been the

1 sharing of information between the teams. Each has conveyed
2 to the other the identity of witnesses as well as the lines
3 of questioning which will be follows. Specific rules of
4 procedure have been agreed upon by both teams.

5 On each day, the designated case presenter for
6 each team will make an opening statement outlining the case
7 to be presented in support of that team's position. On each
8 day, the pro team will present its case first. Each team
9 will rely heavily on the testimony of witnesses rather than
10 on detailed presentation of data. Although some witnesses
11 will be interpreting documentary evidence that will be
12 entered into the record of the hearing, other witnesses will
13 be stating their own observations or opinions.

14 Direct, Cross, Redirect and Recross examination of
15 witnesses will be permitted. The schedule agreed upon by
16 both teams will adhere to precise timing, each team, having
17 an average of 170 minutes each, 170 minutes each day, to
18 present and examine witnesses. By mutual agreement, the two
19 teams will differ in how they use their blocks of time. One
20 team has chosen to use less time for direct examination and
21 more time for cross examination than the other.

22 Finally, it has, I'm sure, not escaped your
23 attention that these proceedings are being videotaped. By
24 this fall, gavel-to-gavel videotapes and written transcripts
25 will be available to professional and constituent

1 organizations for use in workshops, seminars and public
2 forums.

3 In addition, PBS will air, in early fall, a four-
4 part television series. The first part will be a
5 documentary and the other three parts will be edited
6 versions of each day of the hearing. Each team will
7 participate in the tape editing.

8 We are now ready to begin this hearing by intro-
9 ducing those before you on the platform. But before I do
10 that, I would like to introduce a Texas colleague who has
11 been more than a capable and competent assistant to me as I
12 have prepared for this hearing. Dr. H. Paul Kelly, Director
13 of the Measurement Evaluation Center at the University of
14 Texas, and Professor of Educational Psychology. That is
15 Austin, Texas.

16 All right, now I will introduce the teams. Leader
17 of the pro team, W. James Popham. He is a professor,
18 Graduate School of Education, University of California at
19 Los Angeles. Reginald Alyeene, Professor of Law, Univeristy
20 of California at Los Angeles. Carol Bloomquist, doctoral
21 candidate, Research and Evaluation Program, University of
22 California at Los Angeles. Celia Rodriguez, Research
23 Assistant, Instructional Objectives Fxchange, Los Angeles.
24 Anthony Trujillo, Superintendent, Mt. Tamalpias Union High
25 School District, Larkspur, California.

1 The con team. The leader is George Madaus,
2 Director, Center for the Study of Testing, Evaluation and
3 Educational Policy, Boston College. James Freedon, Senior
4 Manager, Office of Planning and Policy, Boston Public
5 Schools. Norman Goldman, Director of Instruction, New
6 Jersey Education Association. Walter Haney, National
7 Consortium on Testing, Huron Institute, Cambridge,
8 Massachusetts. Wade Henderson, Executive Director, American
9 Bar Association, Fund for Public Education, Counsel on Legal
10 Education Opportunities, Washington, D.C. Robert Linn,
11 Chairman, Department of Educational Psychology, University
12 of Illinois. Dianna Pullin, Staff Attorney, Civil Rights
13 Attorney, Washington, D.C.

14 You have now met the members with one exception.
15 Rene Marie Montoya, Chicano Education Project, Denver,
16 Colorado on the con team.

17 We will now hear the opening argument of the pro
18 team. Dr. Popham.

19 OPENING ARGUMENT BY

20 DR. JAMES POPHAM

21 PRO TEAM LEADER

22 DR. POPHAM: Thank you, Professor Jordan. Why are
23 we here today discussing minimum competency testing? It is
24 because minimum competency testing constitutes a ground-
25 swell educational movement of enormous potential

17

1 significance.

2 In the past several years, almost 40 states have
3 enacted programs which call for youngsters to pass minimum
4 competency tests in basic skills of reading, writing and
5 mathematics. Students who do not do well on these tests are
6 given additional instruction, or in some cases are denied
7 diplomas.

8 Almost without exception, these programs have been
9 mandated not by educators but by the public. Why? The
10 answer is all too clear. The American public believes that
11 a high school diploma ought to mean something, and they
12 don't believe it means very much anymore. The American
13 public believes that too many students are being given
14 social promotions from grade to grade, moved ahead, chiefly
15 on the basis of seat time rather than what they have
16 actually learned.

17 This was not always the case in America. There
18 was a time most of you can recall when a high school diploma
19 did mean something. I can remember my own graduation years
20 ago in Portland, Oregon from high school, as my classmates
21 and I tramped across the stage to receive our diploma and a
22 handshake from the principal. In the background, the
23 Washington High School band was softly playing refrains of
24 "Onward Christian Soldiers" and "Pomp and Circumstance." At
25 the time, those were new tunes.

1 That night, people in the audience had no doubt
2 about the significance of the occasion. In that era, when
3 high school students received a high school diploma, they
4 had earned it. And today's American citizens are demanding
5 a restoration of honesty in public school promotion
6 practices.

7 Our team, the pro team, contends that minimum
8 competency testing programs of high quality will have a
9 decisively positive effect on students, on their curriculum
10 and teaching, and perhaps most importantly, on public percep-
11 tions of schooling.

12 Note the emphasis on programs of high quality. We
13 are not defending any and all kinds of minimum competency
14 testing programs. This is early in the evolution in the
15 minimum competency testing and many of those programs need
16 substantial improvements. The earliest airplanes didn't fly
17 all that well but we kept on refining them until they worked.

18 Even now, we can find high quality minimum
19 competency testing programs in the United States, and we
20 have assembled an array of witnesses who will describe those
21 programs and their effects.

22 The nature of this adversarial hearing calls for
23 our colleagues, our opponents, the con team, to criticize
24 minimum competency testing. We have surveyed their
25 criticisms of minimum competency testing and find that they

1 are longer on sound than on substance. We would like to
2 preview these fine-sounding but fundamentally flawed
3 criticisms.

4 Our opponents will claim that in recent years,
5 student test scores in the basic skills have not declined,
6 and as a consequence, the minimum competency testing
7 programs are not necessary.

8 We respond that even if it is so that in recent
9 years minimum scores in basic skills have not declined,
10 basic skills in the three R's have already sunk far too
11 low. If you are baking a cake and it falls, thereafter you
12 don't take much satisfaction because it is not falling any
13 further.

14 Our opponents will claim that the burden of
15 responsibility will be shifted in the minimum competency
16 testing from educators to students, and therefore, students
17 will be unfairly penalized. Well, if anything, minimum
18 competency testing has heightened educational
19 responsibility, not lessened it. And when it comes to
20 penalties, we think the most unfair penalties of all would
21 be to award counterfeit diplomas to students, diplomas which
22 in fact deceive students into thinking that they possess
23 basic skills which, in reality, they do not.

24 Our opponents will claim that minority students
25 will be particularly harmed by minimum competency testing

1 programs because early returns suggest that a substantial
2 number of those youngsters are, in fact, not performing well
3 on the tests. Our team believes, however, that in many
4 settings in America, minority youngsters are receiving an
5 inadequate education, and through the use of minimum
6 competency tests, these inequities can be revealed so that
7 they can be rectified.

8 A doctor who tells a patient with a serious
9 illness that all is well does that patient no favor.

10 Our opponents will claim that a single test should
11 not be used to make important decisions. Well, in the first
12 place, minimum competency testing programs
13 characteristically give the student many chances, not a
14 single chance, to pass the test. But there are instances in
15 which a single test should be used to make important
16 decisions.

17 When I drive the Los Angeles freeways, I find some
18 happiness in knowing that all those other drivers have
19 passed the state administrative driving test. When one
20 drives the Los Angeles freeways, one must find happiness in
21 small things.

22 Our opponents will claim that in minimum
23 competency testing programs, teachers will teach to the
24 test. Well, we are certainly opposed to coaching students
25 to pass a particular set of test items, the actual items on

1 the test. But it is by no means reprehensible to teach
2 toward a skill, to give the students plenty of practice in
3 the skill implied by what the test is measuring. We believe
4 this is what can and should happen in a minimum competency
5 testing program.

6 Research evidence demonstrates conclusively that
7 this kind of direct instruction is the most effective way
8 that teachers can help youngsters master any kind of
9 intellectual competency.

10 Finally, our opponents will claim that there will
11 be so much emphasis on the skills in the minimum competency
12 tests that other important aspects of the curriculum will be
13 crowded out. This certainly may happen. It is by no means
14 necessary with openness and honesty and the monitoring of
15 student progress. We believe that the public, more than the
16 educational community, will allow our schools to pursue only
17 basic skills.

18 To reiterate, we believe that the bulk of the
19 criticisms to be offered by the con team are essentially
20 without merit. We want you to study them carefully, not are
21 they superficially sound, but their substance. We believe
22 that you will find them wanting.

23 Our team believes that minimum competency testing
24 can restore meaning to the high school diploma and honesty
25 to the appraisal of student progress. Moreover, we believe

1 that by systematically isolating student deficits in funda-
2 mental skills and then remedying those deficits, the overall
3 caliber of public schooling in this country can be markedly
4 improved. This is the essence of our case.

5 Now, it may help you to learn a bit about how we
6 put that case together. Our team spent a good deal of time
7 reading at the outset, consulting individuals who had a
8 special concern about public schooling, and then we went out
9 in the field to see what minimum competency testing was
10 actually like in America.

11 Members of our team went to ten states and inter-
12 viewed over 325 individuals face to face. Students,
13 parents, teachers, administrators, citizens, to find out
14 what they were doing with respect minimum competency testing
15 and what they thought about it. We found a full range of
16 minimum competency testing programs. States in which a
17 single test issues to grant a high school diploma. States
18 in which there is a statewide test, but students who fail
19 the test merely receive additional instruction. States in
20 which there is a state law requiring local districts to
21 establish minimum competency testing programs, but whether
22 or not they have a high school diploma linked to that test
23 is up to the local districts.

24 We saw the full array; states in which there was
25 no law but states in which districts had voluntarily

1 selected to create minimum competency testing programs.

2 We will have witnesses representing all of these
3 variants of minimum competency testing programs.

4 I am most happy to report that by and large the
5 response we encountered from educators was not resistant,
6 but highly positive. One might think that since these
7 programs had been mandated by the public and not by the
8 educational community itself, that educators, teachers and
9 administrators would have been resistant, would have been
10 paranoid. Not so. Most of the teachers with whom we
11 interacted saw this as a clear opportunity to improve the
12 quality of their instructional program, and they are doing
13 so.

14 I don't want to delude you into thinking that all
15 of the programs in America, minimum competency testing
16 programs, are in fact fine. They are not. Many of them
17 need a good deal of improvement.

18 How can one tell what the features of a minimum
19 competency testing program really ought to be if it is going
20 to be successful? We have seven features that we would like
21 to suggest are in fact the crucial features in a minimum
22 competency testing program:

23 First, conscientious competency selection. We
24 believe that if the competencies which form the hub of the
25 program are selected openly, systematically, with the

1 involvement of all concerned constituencies, that those
2 competencies will in fact be the defensible ones. We
3 believe that appropriate competency tests must be used. We
4 are not talking about traditional norm-referenced tests in
5 which a student is compared to some kind of normal
6 distribution with other students.

7 Rather, we are talking about modern
8 criterion-referenced tests, in which it is possible to
9 discern whether or not a student has mastered a well-defined
10 competency. Adequate care must be taken in these tests for
11 the elimination of bias. These tests must satisfy technical
12 measurement standards. But with good tests, a good program
13 can ensue.

14 There is teaching-testing congruence. The
15 students receive ample time to get ready to pass the test.
16 There are multiple testing opportunities. Students are
17 given not one, but several, four or five opportunities to
18 pass-the test, and students who do not do well on early
19 versions of that test receive on-target assistance to get
20 them ready to pass the test later on.

21 There is adequate phase-in time. We don't want
22 late in the game a visiting of requirements on students at
23 the end of a 12-year program of public schooling. Several
24 years must be allowed at least to get students ready to
25 perform well in the requirements of minimum competency

1 Programs.

2 There is sensible standard-setting. The cut
3 score, the passing score for who passes a test and who
4 doesn't pass a test must be set judgmentally. All passing
5 standards must be set judgmentally. But if that standard is
6 set openly, with the involvement of all groups who are
7 concerned, we believe that it will in fact be defensible.

8 Finally, there is coordinated staff development.
9 We are laying new requirements on public school teachers,
10 public school administrators, that is getting the students
11 up to mastery on clearly-stated competencies. They need
12 assistance in readying themselves to perform that important
13 task.

14 Well, if you have all those qualities, would you
15 then have a high quality minimum competency testing
16 program? It is possible to conceive of a range of quality
17 with respect to minimum competency testing programs. Over
18 at the low side you have essentially no or few positive
19 features of the seven we have just described. At the high
20 end you find high quality minimum competency testing
21 programs because they possess all or many of these
22 features.

23 Is it certain that a program at that end of the
24 continuum, a high quality program, will yield positive
25 results? No, of course not, because even a high quality

1 program can be rendered rotten by a collection of klutzy
2 teachers, and this can in fact happen.

3 Can we be sure that all low quality programs do
4 not work? No, even low quality programs can be salvaged by
5 teachers who possess the skill of Socrates, Mr. Chips, and
6 Our Miss Brooks.

7 But probabilistically, programs at the high
8 quality end will in fact more likely yield fine results.
9 What are those results? We believe that there will be three
10 principal positive effects of minimum competency testing
11 programs:

12 First, there will be positive effects on
13 students. More students will master basic skills, and
14 because they master basic skills they will have positive
15 attitudes toward themselves and school. In addition to
16 that, they will master skills other than the basics, because
17 those very basic skills are steppingstones to higher order
18 skills. So we think that decisively positive effects on
19 students will ensue.

20 In addition, there will be positive effects on the
21 curriculum and teaching. There will be worthwhile
22 curricular emphases because these emphases, that is the
23 competencies, will be selected rationally instead of
24 inherited unthinkingly by educators. There will be
25 increased teacher effectiveness because teachers who

1 understand clearly what the nature of those competencies are
2 can more effectively teach toward them.

3 Finally, there will be broadened curriculum
4 coverage, not reduced curriculum coverage, because indeed,
5 with more effective teaching of steppingstone skills the
6 youngsters can in effect and fact accomplish more.

7 Finally, there will be positive effects on the
8 society. The society will recognize clearly that there has
9 been an abandonment of seat time promotions. Kids are not
10 going to be moved ahead just because they have been in
11 school for a while.

12 There will be a demystification of the school's
13 curriculum emphases. Citizens, parents will understand at
14 least a set of the major competencies that the schools are
15 pursuing. And because of this, most importantly, there will
16 be evidence of student improvement in the three R's. There
17 will be test results which show our kids can master
18 fundamental skills in reading and writing and mathematics.

19 Is it certain that every student who passes a
20 minimum competency test will in fact become a successful
21 adult? In point of fact, we can't be certain of this. One
22 must play, again, probability games.

23 Take a look at the students who pass basic skills
24 tests. Will more of them go on to be successful in later
25 life than those who don't pass the tests? We believe that

1 is clearly the case. A youngster who can't read, write and
2 compete at a rudimentary level of excellence has a very
3 difficult time competing in school or in life.

4 Can some people who don't pass those tests succeed
5 in later life? Of course. They can become highly effective
6 adults. Probabilistically, though, more students who fail
7 those tests are destined to have a tough time after school.

8 And this is our contention. *On probabilities
9 alone, if we can create a minimum competency testing program
10 which incorporates excellent features, then they will more
11 likely produce students who can pass those tests. And
12 students who can pass those tests will more likely end up
13 being successful adults. This is a major contention and we
14 very definitely want you to realize that we are talking in
15 probabilistic terms and that is all.

16 Now, you are going to hear our colleagues
17 criticize at some length the imprecision of testing, the
18 imprecision of educational tests. They have a right to do
19 that. You must recognize, of course, as we do, that tests
20 are not perfect. They are flawed. They are less than
21 perfect.

22 But we ask you, what is the alternative to using
23 evidence, albeit less than perfect, in reaching decisions
24 about youngsters? We found that teacher's intuition is not
25 a satisfactory substitute. We want evidence. The American

1 public wants evidence. So when you find fault with those
2 tests, think about the alternatives and we believe you will
3 conclude, as we have, that those tests are certainly better
4 than the alternative.

5 You will hear our opponents argue at some length
6 about many deficiencies in minimum competency testing
7 programs. Note as you hear those arguments how frequently
8 they are focusing on poor minimum competency testing
9 programs. To prove their case conclusively, our colleagues
10 must demonstrate that even minimum competency testing
11 programs of high quality will have more deficits than
12 dividends. We simply don't think they can do that.

13 We are going to hear arguments about local and
14 state and federal control of education. This is not a
15 hearing to focus on local and state and federal control of
16 education. We will describe minimum competency testing
17 programs in which the control is totally local. We will
18 describe minimum competency testing programs in which the
19 control is at the state level.

20 No one is arguing for federal minimum competency
21 testing. So this is simply not an issue.

22 When I was asked to participate in this hearing, I
23 studied that request for some time before agreeing. I
24 agreed chiefly because I wanted to learn more about this
25 adversarial process. About six years ago I participated in

1 a similar adversarial hearing and have found myself, as a
2 consequence of a coin-flip, ending up defending a side with
3 which I did not agree philosophically, and frankly a side
4 that was awfully, awfully weak.

5 With respect to the current proposition, I found
6 that when I was asked to join the pro team I was positively
7 inclined toward that position and I did not think it would
8 be weak. I was positively inclined toward it because in
9 minimum competency testing to me I see reflected a rational
10 approach to educational decisionmaking which I find
11 praiseworthy. Teachers become clearer about what they are
12 attempting to accomplish. They gather evidence as to
13 whether those clarified intentions have been achieved. It
14 seems to me this is a rational and defensible approach.

15 As we have learned more and more about minimum
16 competency testing across the country, I also found myself
17 more than a little satisfied with the strength of our case.
18 I truly believe that minimum competency testing programs can
19 be well defended, and you will see witnesses in the next few
20 days who will in fact defend them well.

21 Our team, myself, we cannot be certain that
22 minimum competency testing will have a salutary effect on
23 education in this country. If we could wait ten years and
24 look back and say, then fine. But we can't wait. Decisions
25 must be made today. Decisions must be made now whether to

1 jettison a program, whether to install a program, whether to
2 modify a program.

3 There are risks associated with minimum competency
4 testing. But these risks we believe are modest indeed when
5 compared with the enormous potential of minimum competency
6 testing.

7 HEARING OFFICER JORDAN: Thank you, Dr. Popham.

8 The opening argument for the con team, George
9 Madaus. Dr. Madaus.

10 OPENING ARGUMENT
11 BY DR. GEORGE MADAUS,
12 CON TEAM LEADER

13 DR. MADAUS: Ms. Jordan, ladies and gentlemen:

14 It is very significant that these hearings are
15 being held in Washington at a time when important questions
16 are being raised about a wide range of policy issues in
17 American life. Regardless of how you feel about these
18 issues, I think we all agree that a critical perspective on
19 social programs is important.

20 In this spirit, our team welcomes this
21 clarification hearing, and the National Institute of
22 Education is to be applauded for sponsoring this dialogue at
23 a relatively early stage in the evolution of minimum
24 competency testing. The value of this hearing is in
25 exploring the unexamined assumptions on which minimum

1 competency testing policy is based and focusing on the
2 outcomes of the policy as they affect students, teachers,
3 and American education in general.

4 At this point it is worth taking a moment to focus
5 on our understanding of the task at hand. Minimum
6 competency testing is a generic term that covers a multitude
7 of quite different educational programs and practices. Some
8 of these programs we feel are quite legitimate. Others both
9 sides have agreed should not exist at all, and Professor
10 Popham has described those unacceptable uses of minimum
11 competency testing for you.

12 This clarification hearing, then, is not about the
13 complete range of minimum competency testing. Our attention
14 is limited to those program which actually use the test
15 scores as the sole or primary determinant of a pupil's
16 classification, promotion or graduation from high school. It
17 is important during the hearings to keep this focus in
18 mind.

19 Our team regrets this singular reliance on tests
20 for such important decisions. Our opponents would like you
21 to believe that all would be well if the seven conditions
22 are met. Don't be misled by what might be. Listen and see
23 during these hearings the reality of what is actually
24 happening.

25 I remind Professor Popham that we didn't use early

1 airplanes for mass transportation. We will show you that
2 the present state of the testing technology, even in the
3 best of all possible worlds, is not sophisticated enough to
4 allow us to use test scores by themselves for these
5 important decisions. Furthermore, we shall show you that
6 when test scores are used to make important decisions about
7 individuals they actually distort and corrupt the
8 educational process that they were supposed to improve.

9 As you have heard, the three issues to be
10 addressed in this hearing deal with the effects of minimum
11 competency testing on students, on teachers and the
12 curriculum, and on the public's perception of educational
13 quality. Underlining our team's positions on these issues
14 are five important contentions which are important to an
15 understanding of the case you are going to hear over the
16 next three days.

17 First, there is a misperception about basics.

18 Second, minimum competency tests are a political
19 response to an educational problem.

20 Third, minimum competency tests are redundant.

21 Fourth, there are viable alternatives to minimum
22 competency testing.

23 And fifth, minimum competency tests are not
24 adequate enough technically to be used alone to make
25 important decisions about individuals.

1 I will briefly take up each contention to prepare
2 you for the testimony of our witnesses.

3 The minimum competency movement has swept across
4 the country based on the unquestioned perception that basic
5 skills have declined. The truth is this unquestioned
6 perception is actually a misperception. Our first
7 contention is that basic skills are improving and were
8 improving prior to the introduction of minimum competency
9 testing.

10 We shall offer evidence that publicized declines
11 in scholastic aptitude test scores, which are used for
12 college admissions, reflect deficits in more complex, higher
13 order skills rather than a deterioration in basic skills.
14 Unfortunately, many people do not realize that the SAT's do
15 not in any way measure basic skills. Nonetheless, they
16 mistakenly use the SAT score decline as an argument in
17 support of minimum competency testing.

18 While we deplore this decline in the higher order
19 skills measured by the SAT, minimum competency testing is
20 actually the wrong answer to that particular problem.
21 Concentration on minimum competency testing will only
22 increase the decay in these higher order skills.

23 Our second contention is that minimum competency
24 testing is a political rather than an educational response
25 to the misperception that basic skills are declining.

1 Lacking a proven instructional technology, the minimum
2 competency test has become a quick, cheap and conspicuous
3 fix. This gives us real cause for concern for the future
4 interests of children and education.

5 Minimum competency tests in many states are used
6 as an administrative device in the struggle for political
7 power and control over education. The state, through the
8 introduction of an external test, with serious consequences,
9 and by bureaucratic red tape and regulations seeks to usurp
10 local control from local school districts over what is
11 taught, how it's taught, what is learned, and how it's
12 learned.

13 Local control of the curriculum, which has been a
14 hallmark of American education, is being eaten away by the
15 gypsy moth of minimum competency testing. Minimum
16 competency testing leads to a de facto state curriculum, and
17 this is an important structural change in American
18 education. Is it a structural change we really want or one
19 that we really need?

20 Another claim for a minimum competency test is
21 that it identifies those students most in need of help. Our
22 third contention is that the type of minimum competency
23 tests under debate gives at best redundant information about
24 pupils' abilities. The classroom teachers already know
25 which pupils already need help in basic skills.

1 What teachers really need are tests that are both
2 diagnostic and prescriptive. Present minimum competency
3 tests have neither feature. They do not tell a teacher why
4 pupils fail certain kinds of items, nor how best to plan
5 their instructions. Our team is in favor of types of tests
6 that do both.

7 It is one thing to criticize efforts to use
8 minimum competency tests to improve learning. Are there
9 alternatives for policymakers? Our fourth contention is
10 that there are viable alternatives. Some of our witnesses
11 shall describe the characteristics of successful schools for
12 you. You will see that these schools, while they do use
13 tests, do not rely for their success on the carrot and stick
14 approach of minimum competency testing.

15 A great deal of testimony over the next three days
16 will deal with our fifth contention. That is, the
17 technology underlying minimum competency testing is not
18 adequate to permit the use of test scores by themselves for
19 such important decisions. While acknowledging the valuable
20 role testing can play in education -- and our team feels
21 very strongly that testing has a very important role to play
22 in education -- we would highlight the limitations inherent
23 in the technology and the consequences of those
24 limitations.

25 In our view this aspect of the hearing is vital.

1 The testing profession for over 70 years has repeatedly
2 warned those who would use them that tests are not
3 infallible. Unfortunately, too many policymakers have
4 ignored these warnings and used tests as though they were
5 infallible.

6 In fact, the more one knows about technical
7 aspects of testing the more one realizes the potential for
8 harm in when a test score is used as the sole or primary
9 factor in important decisions affecting an individual's
10 future. Minimum competency policy in many states represents
11 just such a situation. Boys and girls who fail these
12 minimum competency tests are labeled incompetents,
13 functionally illiterate, unable to survive in society,
14 incompetent adults. Some are not promoted. Others receive
15 a certificate of attendance rather than a diploma.

16 Now, we are not arguing that everyone should
17 automatically be promoted or receive a diploma. That is a
18 practice that is well behind us. We are not for counterfeit
19 diplomas. But we are against counterfeit accountability,
20 which is what the other team will be describing for you.

21 Students need to meet the standards, and you will
22 hear our witnesses reiterate this through the three days.
23 What we are questioning is whether tests merit the trust
24 implicit in using them as a sole or primary standard in such
25 important decisions. Doesn't it make more sense to entrust

1 such important decisions to teachers, parents and
2 administrators, who work with people day in and day out?
3 These people can use multiple indicators, including test
4 results, to evaluate the pupils and make these important
5 decisions.

6 One of our witnesses will testify that pupils who
7 pass the minimum competency test in one state were
8 nonetheless retained and denied a diploma by their teachers
9 on the basis of richer and more varied indicators.

10 The testimony of expert witnesses on technical
11 limitations of testing is crucial to the debate. It is
12 difficult to present technical arguments in this particular
13 forum. But we must, for their importance cannot be ignored
14 or overemphasized.

15 Our team will present witnesses who address the
16 following technical matters: Can paper and pencil multiple
17 choice test scores really tell us who will become a
18 competent adult? What is a competent adult, anyway? Can
19 minimum competency scores tell us who will be able to
20 survive in society? What does it mean to be able to survive
21 in society, anyway?

22 Can a state-level test measure fairly what is
23 taught to all pupils in all curriculum tracks in all high
24 schools? Can a student who passes a test not have the
25 skills the test purports to measure, and can a student who

1 fails the test really have the skills? How many questions
2 must a student answer in order to pass a minimum competency
3 test?

4 You will hear evidence that different ways of
5 setting the pass score results in different pass scores. Is
6 this difference critical for many students? Measurement
7 error is a natural part of every test. We will show you the
8 critical difference this error can make to some students in
9 a minimum competency test.

10 We shall show you that questions on minimum
11 competency tests translated from English to another language
12 are not really equivalent. We will show you that questions
13 which appear to be simple for most students are quite
14 difficult for the learning disabled. And lastly, we will
15 show you that culturally biased items creep into minimum
16 competency tests and that such items do have an adverse
17 impact on many students.

18 Look. You have all taken tests. Some are good at
19 it and some aren't. You know how easy it is to lose
20 concentration, become nervous, have other things on your
21 mind, make silly blunders that cost you a few points.

22 In a minimum competency test, because of
23 arbitrarily set pass scores, loss of a few points can be
24 particularly harmful and costly. Yet you are publicly
25 labeled an incompetent, a functional illiterate. Your peers

1 know you have failed. You are pulled out of your regular
2 classes. You may be denied a diploma or you may be kept
3 back to repeat a grade.

4 It is with these five contentions in mind that our
5 team approaches the three focal issues of the hearing. The
6 first issue addressed by both sides asks the question: Will
7 minimum competency testing programs that use test results
8 for student certification or classification have beneficial
9 or harmful effects on students?

10 Our witnesses will show that minimum competency
11 tests have more harm associated for individuals than help.
12 We shall offer evidence that those most adversely affected
13 by minimum competency tests tend to be students already
14 experiencing academic problems, poor white and minority
15 children, bilingual students, special education students and
16 students in vocational education.

17 This adverse impact is the result of prior
18 discrimination, tracking, poor education, and other social
19 and economic factors over which neither the school nor
20 pupils have control. Minimum competency testing alone
21 cannot undo this harm, apart from providing a redundant
22 confirmation of academic problems. Minimum competency
23 testing only serves to compound the injury to these
24 students.

25 One of the greatest strides in American education

1 over the past half century has been the recognition of
2 individual differences without denying individual worth.
3 Minimum competency testing would hold all students to a
4 single standard. We shall offer evidence from educators and
5 testimony from parents that this policy is insensitive to
6 the person and undermines efforts to develop individual
7 educational plans for handicapped and learning disabled
8 students.

9 How do we account for the testimony you will hear
10 that many learning disabled students who fail minimum
11 competency tests are nevertheless, often with great courage,
12 quite competently meeting the demands of daily living?
13 Another aspect of this issue is that people who fail the
14 minimum competency tests and are denied a diploma are often
15 cut off from further educational and vocational
16 opportunities. We will show you that these are
17 opportunities that otherwise would have been open to these
18 students and which in all likelihood they would have pursued
19 successfully. You will hear testimony that minimum
20 competency testing can increase dropout rates in high
21 school.

22 Perhaps the most important aspect of the first
23 issue of the effects on individual students is revealed in
24 evidence from parents, teachers, administrators and
25 researchers that there are serious negative effects on pupil

1 self-concepts. There is no escaping the fact that the most
2 damaging feature of a competency test is that those who
3 failed are labeled incompetent. It is the pupil who is
4 graded, not his or her performance.

5 These tests are used to credential or certify
6 incompetents, to confer on many the social stigma of a
7 technological scarlet letter, and it is not an "A". We
8 believe that the evidence on this issue is very important.

9 The second issue asked the question: Will minimum
10 competency testing programs that use the test scores for
11 student certification and/or classification have beneficial
12 or harmful influences on the curriculum and teaching?

13 Our answer is that minimum competency programs
14 have a negative effect on teaching and on the curriculum.
15 You will hear a lot of evidence that inordinate amounts of
16 time are devoted to teaching for the test. Students often
17 become bored with the repetition and dullness of this
18 drill. Raising and inflating test scores and not the
19 improvement of competency becomes the objective of the
20 exercise.

21 We admit that test scores go up. The question is
22 whether the skills actually improve or whether scores just
23 rise. This force-feeding in preparation for a test is amply
24 referred to in the British Isles as the gorge and vomit
25 system of education.

1 You will also hear evidence of reduced investment
2 of time, personnel and money in academic areas, as well as
3 other elective areas such as music, art, physical education
4 and vocational education, which are not covered on minimum
5 competency tests. Simply put -- and there is a load of
6 historical evidence on this -- subjects not tested are
7 simply seen as less important.

8 We shall offer testimony that minimum competency
9 tests can result in resegregating previously desegregated
10 schools and seriously undermine the strides we made in
11 trying to mainstream handicapped and learning disabled
12 students.

13 We need to question seriously the threat minimum
14 competency testing poses to the educational process as a
15 whole. What kind of educational philosophy fosters the
16 minimum competency testing movement? What kinds of schools
17 do we want? What kinds of teachers do we want? These are
18 the real questions underlying the second issue.

19 The third and final issue is: Will minimum
20 competency testing programs that use test results for pupil
21 certification and/or classification have positive or
22 negative effects on the public's perception of educational
23 quality?

24 Our first contention, you recall, is that the
25 perception that basic skills are declining is in fact a

1 misperception. A serious examination of the evidence
2 reveals that the higher level abilities to analyze data and
3 analyze complex problems should be our primary concern.

4 By addressing only minimum skills rather than the
5 more difficult higher order skills, minimum competency
6 testing creates an illusion about education. The illusion
7 is that educational quality is synonymous with performance
8 on a minimum competency test. People are told that more and
9 more pupils are competent to face the demands of our
10 society, that once again the high school diploma has
11 meaning, that at last we have truth in labeling in
12 education. This is all an illusion.

13 The philosophy underlying this illusion is
14 utilitarian. Overconcern with social efficiency at the
15 expense of the wifer and deeper aspects of education. The
16 school becomes the competency factory, the teachers the
17 workers, the students the product, the public and
18 prospective employers, the consumers. Passing a minimum
19 competency test becomes a stamp of approval, a guarantee
20 against faulty goods.

21 But schools simply are not factories. Schools are
22 not places where things are mass produced. Teachers are not
23 assembly line workers or robots. Educated persons are not
24 stamped out or assembled, nor do they come with warranties.

25 Finally, passing a minimum competency test is no

1 guarantes of anything, let alone of real life success. The
2 illusion works because the public is mislead by the sleight
3 of hand of placing the adjective "competency" in front of
4 the noun "test." How can anyone be against competency?

5 If we remove the mirrors, we find that the tests
6 are at best a very limited range of proxy measures which
7 bear little relationship to the whole range of adult
8 competencies that you all exercise in your daily life.
9 Minimum competency testing is merely a symbolic gesture by
10 policymakers to underwrite public confidence in the
11 schools.

12 When the public realizes that minimum competency
13 testing is more symbol than substance, its confidence in the
14 schools and in testing will be further eroded. The last
15 state of the schools will be worse than the first.

16 Those are the three issues and that's the outline
17 of our case.

18 There is a term in current use in medicine,
19 "iatrogenic," doctor-induced illness. It's a term which
20 describes the negative unanticipated effect on a patient of
21 a well-intended treatment by a physician.

22 In closing, I would like to leave you with a newly
23 coined word appropriate to education, "peirogenic,"
24 test-induced illness. There are serious unintended negative
25 consequences associated with the well-intentioned use of

1 minimum competency testing. It's the responsibility of our
2 team and our witnesses over the next three days to
3 illuminate these negative features of minimum competency
4 testing for you.

5 Thank you.

6 HEARING OFFICER JORDAN: Thank you, George
7 Madaus.

8 By agreement, the pro team presents its case
9 first. Dr. Popham, are you ready to call your first
10 witness?

11 DR. POPHAM: Yes.

12 HEARING OFFICER JORDAN: The first witness, Dr.
13 Michael Scriven.

14 THE PRO TEAM PRESENTS ITS CASE
15 TESTIMONY OF DR. MICHAEL SCRIVEN
16 DIRECTOR OF THE EVALUATION INSTITUTE
17 UNIVERSITY OF SAN FRANCISCO
18 DIRECT EXAMINATION

19 BY DR. POPHAM:

20 Q Professor Scriven, what is your current position?

21 A Director of the Evaluation Institute and
22 university professor at the University of San Francisco.

23 Q Is it true that you were the first president of
24 the Evaluation Network, a former president of the American
25 Educational Research Association, the first editor of

1 "Evaluation News" and the current editor of "Evaluation
2 Notes"?

3 A Yes, it is.

4 Q How many published articles and books have you
5 written in the field of educational evaluation?

6 A 50 or so.

7 Q Drawing on your expertise with respect to the
8 impact of educational programs such as minimum competency
9 testing, what is your considered opinion regarding the
10 overall impact of minimum competency testing?

11 A Well, the last hope for credibility in education.

12 Q What do you mean by "the last hope for
13 credibility"?

14 A That if we're not prepared to get to the point of
15 submitting to external examination in the basic skills and
16 if it continues to be the case that people are graduated who
17 lack these basic skills, it is unlikely the public will
18 continue to support the enterprise.

19 Q So you view the minimum competency testing
20 movement as a significant effort to restore public faith?

21 A Right.

22 Q What do you think the likely effects of minimum
23 competency testing programs will be on student skills,
24 Professor Scriven?

25 A It depends entirely on how they are instituted.

1 There is no automatic consequence.

2 Q Do you think that it is possible that a high
3 quality program will have positive effects?

4 A Of course.

5 Q What do you think the likely effects of minimum
6 competency testing programs might be on students'
7 self-concepts, their attitudes and so on?

8 A Whatever effects are associated with being honest
9 about your own competencies. Sometimes that is unpleasant.
10 Sometimes it is the beginning of a new start. Sometimes it
11 is very pleasant, because you discover that you are able to
12 do these things in fact.

13 Q You seem to think that honesty is a fairly
14 critical ingredient in these kinds of programs.

15 A Right, the key ingredient, I think.

16 Q Could you elaborate a little bit on the notion of
17 honesty with respect to minimum competency testing
18 programs?

19 A Well, I think that the problem that we face is one
20 of the consequences of the attractions of local control of
21 schools. If you have local control many good things can be
22 done. But one of the results is that parental pressure on
23 the teacher, on the principal, for social promotion becomes
24 enormous.

25 Teachers are really not in a position to take on

1 the power figures of the community and tell them that their
2 kids can't be moved up because they are overall judged to be
3 not able to handle the next academic level. Over the years
4 that has just meant continued erosion. It is something we
5 have brought on ourselves. It is not a sign of incompetent
6 teachers. It is one of the natural consequences of
7 increased anxiety by parents and increased pressure by
8 them.

9 What MCT programs offer is some independence for
10 the testing system, some objectivity and professionalism
11 about developing it, which enables people to say: The tests
12 show that your child is not yet ready for promotion or
13 graduation. That's a very strong and useful weapon in the
14 armament of the school in endeavoring to get students into
15 the right position to provide the appropriate educational
16 services to them.

17 I think we are due to provide that support system
18 for the school despite the fact that on a single run of the
19 test you will sometimes misclassify. Of course you have to
20 arrange for multiple tries at the test.

21 Q If I understand you, you are suggesting that the
22 possibility of using these tests would strengthen the
23 teacher's hand in coming up with honest decisions about
24 which students should be advanced?

25 A Exactly.

1 Q If there were evidence to suggest that student
2 mastery of basic skills in the three R's is not declining,
3 would you be reassured by such reports?

4 A I am not interested in whether the average is
5 declining, and that's what those figures show. The question
6 is where is the flaw, who are you promoting as if they were
7 competent when in fact they are below a reasonably
8 acceptable level of competency. The crucial question is not
9 whether the average is moving up or down slightly. The
10 crucial question is what the system does in the way of
11 graduating people who lack the basic skills.

12 Q Do you think the criticism that minimum competency
13 testing programs place the burden of responsibility on
14 students rather than educators is a valid criticism?

15 A I can't imagine one should think that the people
16 that did the teaching are not responsible for the outcomes.

17 Q So you think that the teachers will still remain
18 responsible?

19 A Of course.

20 Q What about the contention that a student is
21 unfairly penalized because of ineffectual efforts on the
22 part of teachers?

23 A Well, you have to be clear about what you think
24 the testing program is going to do. It is not awarding
25 goodies in a lottery. Of course using the same stopwatch in

1 track and field tests for black and white races is going to
2 lead to the discovery that whites are pretty incompetent in
3 footraces. I don't know whether it follows from that that
4 you should say that they are being penalized. The truth is
5 being told. It turns out that whites are not very competent
6 at this. I don't know whether we should suppose that that
7 means we should change stopwatches so that there is a white
8 stopwatch and a black stopwatch.

9 Q So when I go into a barbershop, you do not think
10 that I am being penalized?

11 (Laughter.)

12 A Only the barber is being penalized.

13 Q He certainly does not get a laudable tip.

14 Tell me, since minimum competency testing
15 constitutes a relatively recent strategy in the U.S. to
16 improve the honesty associated with education, there are
17 surely now some less than adequate instances of minimum
18 competency testing programs. Does that trouble you?

19 A No. I don't expect a new technology applied on
20 this scale, with all the social context that comes with it,
21 to be fail-proof. That would not be reasonable to expect.
22 It is simply the beginning.

23 When "Consumer Reports" began it made lots of
24 mistakes in testing goods, and even though students are not
25 goods they are similar in one respect: They are expected to

1 be able to perform certain minimum standards when someone
2 hires them or puts them into a college where they're going
3 to be taught at a higher level, and so on.

4 So the idea of minimum standards is something you
5 have to have around and work at. You just have to get
6 started with it, or else you are running too late in the
7 race with the kids. They finish up being socially promoted
8 and in fact being lied to and eventually it turns out too
9 late they are not competent at the point when they really
10 need the competency.

11 Q Well, critics sometimes argue that with the
12 installation of minimum competency testing programs in their
13 current, but less than perfect state, there will be too many
14 youngsters who will be harmed during this evolution period.
15 How do you respond to that?

16 A It is worse now. There are too many youngsters
17 now that are being harmed by being promoted. It is a
18 terrible harm. We are also slowing up people who can move
19 faster, not providing appropriate services to the people
20 that need it.

21 The present system is very harmful. You are
22 misleading employers. You are misleading parents. You are
23 putting people into a position where they need five years of
24 education that they didn't get and it's too late to get it.
25 This is harmful now. We have to move to something better

1 than that.

2 The whole concept of MCT is just one case of
3 external examination. We have plenty of experience with
4 external paper and pencil examinations in other countries at
5 all levels of education and in this country at higher levels
6 of education with the SAT. It's not something that we can't
7 expect to get reasonable results from, given a little time
8 to work out the details.

9 Q You have during your career been a champion of
10 minority and women's rights. I am particularly interested
11 in your estimate of the extent to which minority students
12 will be disproportionately harmed, if that is the case, by
13 minimum competency testing.

14 A Well, the question is simply whether you do better
15 by lying. If generations of discrimination have indeed
16 produced the expectable results in lack of home support and
17 academic support for minorities and women in certain areas,
18 then you must expect it to show up in competency testing.
19 If you decide to disguise the results you will not be able
20 to mobilize social support for remedying those decades of
21 prejudice.

22 The MCT approach is simply the instrument that
23 reveals the way the situation is. It will of course reveal
24 that there has been some discrimination going on. We should
25 not be surprised by that. That is not a sign that you are

1 penalizing someone. That is a sign that you are revealing
2 that you have penalized somebody. You are being honest
3 about the penalties.

4 Q And it is difficult to ameliorate those
5 deficiencies unless you isolate them?

6 A It is impossible.

7 Q Let's turn to the curriculum of the public schools
8 for a moment. Do you believe that the curriculum of the
9 schools will necessarily be watered down by the introduction
10 of minimum competency testing?

11 A No. I think that whatever happens in the very
12 short run in a school district or state that is unfamiliar
13 with this will quickly be offset by the simple realization
14 that an extension of the testing program will provide
15 pressures on the curriculum to make the same efforts across
16 the whole curriculum.

17 Q Let's turn to tests for a moment. It has been
18 argued that tests are essentially, of the minimum competency
19 type, are redundant; that teachers already know who is
20 failing; that minimum competency tests just add a
21 superfluous estimate of student performance. How do you
22 respond to that?

23 A They may know, but not be able to do anything
24 about it. That's the point I was talking about earlier.
25 They may feel that they can't undertake the campaign of

1 defense against attack that is involved in refusing to
2 promote a student to another class or to graduate a
3 student.

4 So the fact that they know it is not enough. It
5 has to be that they take the appropriate educational remedy
6 steps, and they are not always able to do that.

7 The second aspect of this is that it is not
8 certain that they all know it. It is not clear whether they
9 know it. Now, parents have a right to know it. The
10 citizen-taxpayer who is not a parent has a right to know
11 it. The employer has a right to know it. MCT is a way of
12 determining that that right is met.

13 Q What about the criticism that tests are currently
14 less than perfectly accurate and therefore mistakes will be
15 made? How do you respond to that concern?

16 A It is perfectly true, of course they are less than
17 perfectly accurate. Driving tests are less than perfectly
18 accurate. They are just better than what comes second.

19 Q A great deal of attention has been given to the
20 passing standard question associated with minimum competency
21 testing because I suspect that we have not looked as
22 seriously at that issue as we have in recent years. Is it
23 true that passing standards for competency tests must be set
24 capriciously and arbitrarily?

25 A That's like the question of whether you have to

1 set the standard that distinguishes a bald man from a man
2 with a full head of hair capriciously, arbitrarily. If you
3 have to define it to the last hair, then it would be
4 capricious to that extent. But if you have to make a
5 distinction between you and me, it is not that capricious.

6 (Laughter.)

7 A That was an unrehearsed answer.

8 Q And it will not go in the tape.

9 (Laughter.)

10 Q It has been argued that minimum competency testing,
11 is a simplistic solution to a complex educational problem.
12 Do you think it is?

13 A It is not a solution. It is the beginning of a
14 solution. It is one step towards a solution. You don't
15 suddenly achieve great teaching by introducing MCT. What
16 you introduce is a little light, and in the light of that
17 light maybe you can see what you need to do with your
18 resources.

19 Q In summary, then, as one of the world's foremost
20 educational evaluators, what is your estimate of the merits
21 of minimum competency testing, its likely future?

22 A The last hope of education.

23 DR. POPHAM: Professor Jordan, we plan to recall
24 Professor Scriven later on, but at this juncture we are
25 through with his initial testimony.

1 HEARING OFFICER JORDAN: Thank you.

2 Dr. Madaus, cross-examination?

3 CROSS-EXAMINATION

4 BY DR. MADAUS:

5 Q Professor Scriven, you have written extensively in
6 the field of evaluation and I have tried to keep up with
7 your output. In most of what you have written, you are very
8 strong in indicating that we need multiple imperfect
9 measures to evaluate programs, An evaluator should go in,
10 get as many measures as possible on the program, use all of
11 these measures in a decisionmaking framework to come to some
12 decision about the value or the worth of an educational
13 program.

14 Why doesn't the same line of reasoning work for
15 individuals? Why don't we use multiple indicators to make
16 decisions about promotion or graduation?

17 A We do.

18 Q We do? Well, how do you explain the fact that all
19 other indicators can be ignored if the student doesn't get a
20 certain cut score?

21 A Because the way that we're doing it at the moment
22 it doesn't work real well.

23 Q It doesn't work well?

24 A So you have to fall back on the simplistic
25 approach.

1 Q And in the meantime, are you not upset that the
2 simplistic approach may be hurting students, particularly
3 students around the cut score?

4 A I'm always upset when a simplistic approach has to
5 be adopted. It won't be as good as the ideal solution.
6 It's just that sometimes it's better than any alternative.

7 The distinction between the multiple independent
8 indicators thing that I normally talk about and this case is
9 that, in this case, the promotion of the child or the
10 graduation, it's simply a case where the multiple
11 independent indicators are picked up by multiple,
12 independent people using multiple, independent standards,
13 and you don't know what they are.

14 Q But couldn't we arrive at a program where multiple
15 independent indicators are used to make decisions?

16 A Sure. Have a state or district or external system
17 of evaluation which uses them.

18 Q Professor Scriven, I would like to read something
19 to you. This from the proceedings of the Second National
20 Conference on Testing, at which I think you were a reactor.
21 This is on page 138:

22 "Some security problems have emerged and were
23 commented on, especially on minimum competency tests. My
24 grapevine information from Florida suggests that enormous
25 improvements in success rates when those who failed the

1 first time retook the test were due to ingenuity rather than
2 increased competence."

3 A Is your grapevine still accurate on that?

4 A Absolutely.

5 Q So the test scores are going up without
6 necessarily an improvement in skills?

7 A In some places where it's not properly
8 administered.

9 Q And Florida would be one of those places?

10 A It would.

11 DR. MADAUS: Thank you very much. We reserve the
12 rest of our time until Professor Scriven comes back.

13 HEARING OFFICER JORDAN: Thank you very much,
14 Professor Scriven.

15 Mr. Joseph Murray.

16 DR. POPHAM: While Mr. Murray is being wired, I
17 will point out that our next several witnesses will describe
18 the minimum competency testing in the State of South
19 Carolina.

20 TESTIMONY OF JOSEPH MURRAY,

21 FORMER REPRESENTATIVE,

22 SOUTH CAROLINA LEGISLATURE

23 CHARLESTON, SOUTH CAROLINA

24 DIRECT EXAMINATION

25 BY DR. POPHAM:

1 Q Mr. Murray, what is the nature of your association
2 with the South Carolina minimum competency testing program?

3 A I was in the General Assembly in South Carolina
4 and I, along with a close friend of mine, Hudson Barksdale
5 out of Spartanburg, South Carolina, co-authored the original
6 legislation.

7 Q And that was roughly when?

8 A 1977.

9 Q You are very frequently referred to as the chief
10 architect or certainly one of the chief architects of that
11 particular program, which has received a fair amount of
12 national attention in recent years. What was it that
13 induced you to become active in support of that
14 legislation?

15 A In 1974 when we were campaigning around the county
16 to get elected, which was my first time out, education was
17 the number one issue at that particular time. But to my
18 dismay, after everyone got elected and they got in Columbia,
19 they forgot about the issues.

20 Q Did that only happen in Columbia?

21 A Well, I assume it happens quite a bit in
22 politics.

23 And I had a different sort of commitment to
24 myself, and when I tried to get support to try to look into
25 this problem of education, I was politely told that we've

1 got another couple of years and they will come back and tell
2 us that's a problem two years from now, and we will promise
3 to solve that problem and then get elected again, and we
4 will just keep the merry-go-round going.

5 But I didn't have that kind of commitment to
6 myself that I made to the people. So Hudson Barksdale and I
7 in 1975, we got to work on trying to find out what this real
8 problem was, and we searched and looked around for two
9 years. Really. And we finally came together with a
10 startling piece of legislation, the original legislation in
11 1977 that sort of shook the state up completely and got
12 everyone thinking about education.

13 Q Do I surmise that you actually went out to the
14 schools in South Carolina and found out what was going on
15 there?

16 A In and out of South Carolina. We talked to -- he
17 took the upper part of the state and I took the lower part
18 of the state, to administrators, teachers. You know,
19 everyone knew what the problem was, but for some reason no
20 one wanted to aggressively attack the problem. And that's
21 when I was originally amazed by all of this.

22 Everybody knew that we were pulling out kids that
23 couldn't deal with the basics, you know, couldn't read,
24 couldn't do basic operations in math. Everybody knew that a
25 lot of kids were being socially promoted. Everybody knew

1 that when these kids went to seek employment, this old
2 saying that you hear quite a bit that they couldn't fill out
3 the application, everybody knew that was true.

4 But nobody was doing anything about the problem.
5 And in the meantime, we had a number of kids coming out of
6 the system that were suffering, I mean just being penalized
7 for the rest of their lives. And I just felt that we had to
8 be a much better state than that, that we could do a better
9 job than that.

10 And so we proceeded. I had a colleague that
11 believed in attacking problems. I like to attack problems.
12 I don't like to find a reason why this problem should be
13 moved on in hopes that it will go away. I like to attack a
14 problem and try to find a solution to it.

15 And fortunately, I just happened to be in a state
16 that had a lot of people that also like to attack.

17 Q So at the time you and your colleague surveyed the
18 state to discover what the quality of schooling was with
19 respect to basic skills in South Carolina, you came away
20 with the conclusion that some effort was required to improve
21 the quality of schooling?

22 A I think that -- you see, the first thing I noticed
23 out there was that whether it was true or not, that the
24 people, you know, were losing confidence in the system.
25 Whether the school system was doing the job or not, you had

1 to turn that around.

2 We also knew that these things that I mentioned
3 previously were taking place in South Carolina, and from
4 what I found out later on it was taking place, you know,
5 almost across the country.

6 Q Later on other witnesses will describe in detail
7 the nature of the South Carolina minimum competency testing
8 program. But in essence, it features a system of tests
9 given at several grade levels, with students and parents of
10 those students being informed --

11 MS. PULLIN: I would like to object. He is
12 leading the witness and testifying himself, rather than
13 allowing the witness to testify for us.

14 HEARING OFFICER JORDAN: Confine yourself to
15 direct questions.

16 BY DR. POPHAM: (Resuming)

17 Q In the South Carolina basic skills assessment
18 program which you authored what is the nature of the testing
19 and what happens to students who don't do well on the test?

20 A Okay. The guts of our program is, unlike a lot of
21 other States, was not to penalize anybody. The guts of our
22 program was to start at the bottom instead of at the top.
23 Our program actually starts with that first entry into the
24 first grade, which is our readiness exam, which has nothing
25 to do with whether the kid will or will not go into the

1 first grade. It is simply designed to find out where the
2 kid is at that point, so that that first grade teacher can
3 get a head start on getting assistance right there in that
4 first week or so.

5 Then we have another test at first, second, third,
6 fifth, sixth and eighth grades, which is criterion
7 referenced. And that we'll hopefully -- with the help of a
8 few of my friends, I hope, to some day in the future plug
9 into fourth, fifth, seventh grades, so that we will have a
10 system where you will have first through eight grade
11 criterion referenced every year.

12 Q So why is it you felt this kind of testing program
13 would help youngsters in South Carolina acquire basic skills?

14 A Because you need to start as soon as possible. I
15 like to say that if I have a light tooth ache, I don't want
16 to wait around until it becomes abcessed, you know, and I
17 have to have it taken out. As soon as I find from
18 indication that there is a defect in that tooth, I want to
19 get to the dentist as quickly as possible in the hopes that
20 I can save the tooth. I don't want to have it taken out.

21 Q Do you see the South Carolina Basic Skills
22 Assessment Program as helping or harming minority students?

23 A I have had that question posed to me a number of
24 times by blacks in South Carolina, and the first thing I
25 normally say to myself is why would I want to do anything to

1 harm blacks? I mean, that is really out to lunch.

2 But to be very honest with you, when I first
3 started, the main focus of what we were trying to do, Hudson
4 Barksdale and myself, was to solve the problems of black
5 students, you see, but when we got out there we found out
6 that it was a problem of kids, period, within the system.
7 But now I think the gentleman before me stated it probably
8 as best as it can be stated, what more can you do to kids
9 than what is happening to some of the kids now that are
10 getting out of the system?

11 And I don't want to take up a lot of time, but I
12 should tell you about an experience that I had. I had a
13 close friend of mine that was an attorney, and we used to
14 play chess a lot, and often we had to go to county jail, and
15 I was amazed at some of these young kids --

16 Q Because of the chess you had to go to the county
17 jail?

18 A No, because he was an attorney.

19 Q Oh, you played some pretty big stakes games.

20 A I'm sorry. Sometimes I get excited and skip over
21 words. Often he was called to the county jail by someone to
22 get this kid out of jail. I was amazed at the 12 and 13
23 year old kids, and finally, whether it was legal or not, I
24 eventually, after a period of two months, got the names of
25 about ten kids, and I actually traced each one of those kids

1 back, all the way back from the time when they first came
2 into the system, and believe it or not, their background
3 from the time they entered into the first grade was very
4 similar in that they kept falling further and further
5 behind, and it got to the point where they did these
6 disruptive things to take away from their deficiencies.

7 So they eventually dropped out into the street
8 where they became good students.

9 Q Well, then, the claim that minority students in
10 South Carolina might fail more frequently than majority
11 students doesn't concern you at the outset?

12 A As far as basic skills?

13 Q That's right.

14 A Oh, no.

15 Q Because you think that the effect of those tests
16 will be --

17 A It's that any deficiency that they have will be
18 identified as soon as possible, you see. In the system we
19 have, I think it tests about the same way.

20 After the third grade, I would say that is almost
21 too late. It took three years of deficiencies, but here we
22 are talking about that first week or so in the first grade
23 that you will look at that kid and find out where he is at
24 that point. So I just don't see it. We looked at that very
25 closely because a lot of other states had a lot of problems

1 in the black community with the basic skills, and we were
2 very sensitive, Barksdale and I were very sensitive to that,
3 and we really addressed that problem. And we haven't had
4 any complaints in South Carolina from the black community.

5 Q Looking back on a mission that you personally
6 undertook in the mid-'70s, what is your overall estimate of
7 the South Carolina minimum competency testing program
8 currently?

9 A Probably as excited as you can possibly be about
10 the overall program. We have made some gains the first
11 year. I expect those gains to improve in the second year,
12 and I expect that it will continue until hopefully over a
13 period of years in South Carolina we will probably have the
14 best educational system in the country.

15 DR. POPHAM: Thank you.

16 HEARING OFFICER JORDAN: Go ahead.

17 CROSS EXAMINATION

18 BY MR. HANEY:

19 Q Mr. Murray, I would like to ask you a few
20 questions about your testimony simply to clarify the nature
21 of the South Carolina program.

22 First, I was wondering whether you could tell us
23 what the title of this legislation was that you introduced
24 in 1977 regarding statewide testing in South Carolina?

25 A We have in our legislature title by numbers. We

1 don't give it names like they do up in Washington, like the
2 Basic Skills Act and so forth.

3 Q Well, could you tell me then what the current
4 title of the program in South Carolina that you have been
5 describing actually is now?

6 A Basic Skills Assessment Program.

7 Q Basic Skills Assessment Program. It is not known
8 in the state as the Minimum Competency Testing Program?

9 A Not at this point. Originally it was.

10 Q Can you tell me also, does the Basic Skills
11 Assessment Program in South Carolina as presently
12 implemented require a provision that students must pass a
13 statewide basic skills test in order to receive a high
14 school diploma?

15 A Let me say something about the legislation that is
16 currently in place. I will have to say something about the
17 amendments currently in the process of being passed.

18 Q Right. Well, I hope we can establish a few basic
19 facts about what the program is now in practice, and as you
20 have mentioned, we can get into more detail on the future of
21 the program with other witnesses.

22 But as currently implemented, is there any high
23 school diploma sanction implemented as part of the program?

24 A Right

25 Q There is?

1 A Yes.

2 Now, you see, it is very unclear, and that's why I
3 wanted to clarify it for you because, you know, you can have
4 some misconceptions here about that particular program.
5 That legislation passed the very last day of the session. It
6 would have died if it didn't. In order to do that, we had
7 to table every amendment that came up, and when the
8 legislation actually passed and was signed by the governor,
9 it had a number of defects in it.

10 But currently -- and that's why I want to clarify
11 this -- currently there are some amendments that have
12 already passed the House and Senate, I think -- and Dr.
13 Sanford will know more about this than I do -- that will
14 clarify the whole piece of legislation.

15 Q What I would like to clarify, though, is not what
16 the legislation of the future is. What is the program now?

17 Earlier you testified that the program has been
18 implemented.

19 A As far as the high school diploma is concerned,
20 there is a conflict.

21 Q The program as now implemented, does it contain a
22 high school diploma sanction or not?

23 A Yes, it does.

24 Q The program as implemented? If students do not
25 pass the statewide test?

1 A There is a reference at that particular point.
2 But here again, in another section you will find a conflict
3 with that particular reference.

4 Q I'm sorry, I am referring to practice, not program.
5 Let me return to something you have said earlier.

6 You said that one of the main features of the
7 South Carolina program was that it starts early rather than
8 late.

9 Would you say that a program that began with the
10 12th grade and worked downwards is as good as your program
11 which began at the first grade level and works upwards
12 gradually over time?

13 A I think -- and this is my personal opinion -- any
14 program, and I don't care what state it is, that starts with
15 a test in the eleventh grade with no other preparations
16 beforehand is harmful to a sizeable number of students. I
17 don't care whether you are talking about minorities or any
18 other category.

19 MR. HANEY: Thank you very much.

20 HEARING OFFICER JORDAN: Thank you very much.

21 Dr. Paul Sandifer.

22 TESTIMONY OF PAUL SANDIFER,
23 DIRECTOR OF THE OFFICE OF RESEARCH
24 SOUTH CAROLINA DEPARTMENT OF EDUCATION
25 COLUMBIA, SOUTH CAROLINA

1 DIRECT EXAMINATION

2 BY DR. POPHAM:

3 Q Dr. Sandifer, what is your current position, and
4 how long have you held that position?

5 A I am Director of the Office of Research, South
6 Carolina Department of Education. I have been there
7 approximately six and one half years.

8 Q Prior to your six and one half years in South
9 Carolina, did you have any other experience in education?

10 A A number of years, about eight, as a classroom
11 teacher, seven with the Wyoming Department of Education.

12 Q We have heard in previous testimony allusions to
13 the South Carolina Basic Skills Assessment Program.

14 Could you please describe the main elements of the
15 Basic Skills Assessment Program?

16 A The main elements in the legislation enacted in
17 '78 that Representative Murray referred to, the first one is
18 the proviso for the identification of educational objectives
19 in the basic skill areas of reading, writing, and
20 mathematics for grades K through 12, the setting of minimum
21 standards of performance relative to those objectives for the
22 grades in which we test, the administration of a readiness
23 test at the beginning of first grade students, and testing
24 at the end of grades 1, 2, and 3 in the areas of reading and
25 mathematics, at the end of 6, 8, and 11 in reading,

1 mathematics and writing.

2 The program or the legislation has a specific
3 implementation schedule that phases in various aspects of
4 the program over a period of several years.

5 Q What is the nature of a high school diploma
6 sanction in the South Carolina Basic Skills Assessment
7 Program? If a student doesn't pass the 11th grade test at
8 this moment, is a diploma denied?

9 A Not at this moment. The 11th grade test would be
10 administered for the first time in the spring of 1982. The
11 legislation, as Mr. Murray pointed out, is somewhat
12 ambiguous in that regard. There is a statement that says
13 that the state board will use the results obtained through
14 the period '82 through '89 to determine the type of
15 credential to be awarded the students who do not meet the
16 minimum standards. It is not clear really what that means.
17 So some interpret it as meaning that the state board may
18 indeed decide to go ahead and award the regular high school
19 diploma. At any rate, under the current law, the earliest
20 senior class that would be affected by it would be 1991.

21 So given the ambiguity in the current law, that
22 might be clarified prior to that time?

23 A That's very likely.

24 Q What are the major objectives, that is, the major
25 skills that are assessed in the South Carolina minimum

1 competency program and how were they chosen?

2 A The major objectives, as indicated, are in the
3 areas of reading, writing and mathematics. There are six in
4 reading, five in math and five in writing that are constant
5 for all twelve grades. The level of the subskills, or
6 skills and subskills, the difficulty of them varies by
7 grade. The level at which they are assessed would obviously
8 increase in difficulty as a function of moving through the
9 grades.

10 The process of identification, we began with
11 material or objectives that have already been identified in
12 local school districts by requesting districts to submit to
13 us, that is, to the Department of Education, any objectives
14 which they had already identified. We took those
15 objectives, objectives from other places, other states,
16 reviewed them, compiled the initial listing of objectives
17 which we then reviewed with committees of South Carolina
18 educators, one in each of the areas under discussion.

19 After some review and revision by committees of
20 educators, the objectives were then distributed to every
21 school in the state of South Carolina for review by
22 teachers, administrators at the school level. Simultaneous
23 with that, we conducted some regional public meetings in the
24 evenings and advertised those through the various meetings,
25 inviting the public to participate in a review and

1 discussion of the objective setting.

2 The objectives subsequently went to the Basic
3 Skills Advisory Commission which was created by the
4 legislation, and then from the Advisory Commission to the
5 State Board of Education, and under an Administrative
6 Procedures Act in South Carolina, through a legislative
7 process for approval by the legislature.

8 Q Would you think that this process constitutes what
9 might be referred to as conscientious competency selection?

10 A I would say so.

11 Q Is the South Carolina Basic Skills Assessment
12 Program a minimum competency testing program?

13 A Well, in the generic sense it certainly is, and
14 under the definition that has been given here, although the
15 title of the legislation does not include minimum
16 competency, the definition being used, it would certainly
17 come under it.

18 Q Could we stop just a moment? The definition being
19 used is that students can be denied diplomas or grade
20 promotion, but also students are classified.

21 Is that your understanding?

22 A Right. And we aren't talking about grade
23 promotion or denial of diploma at this point but certainly
24 are identified for the purpose of receiving special
25 instruction or appropriate instruction depending upon what

1 their needs are. There are standards set at each grade.

2 Q Right.

3 Well, therefore in this sense it is conceivable
4 that the South Carolina Basic Skills Assessment Program
5 constitutes one variant of the minimum competency testing
6 program, is that your understanding?

7 A I think so, very definitely.

8 Q What is the main thrust of the Basic Skills
9 Assessment Program in South Carolina? What is it really
10 trying to do in addition to promoting the 16 basic
11 objectives?

12 A I think there are two main thrusts. One is
13 instructional improvement that is embodied in the
14 identification of the objectives to begin with, and the fact
15 that classroom teachers now have in hand something that a
16 lot of them have never had before, that is, a clearly
17 defined set of skills and objectives in various areas. Some
18 of them have had them because some districts were
19 conscientious about doing that. Others have not. So
20 instructional improvement is the first focus.

21 The other main thing I think is providing
22 appropriate instruction to help students overcome
23 deficiencies early on so that those things are not
24 aggravated or multiplied as they move through the system.

25 Q So clarity of instructional intent is one thrust

1 of the program?

2 A Certainly.

3 Q And a second is providing adequate resources for
4 students who don't do well to do well, is that correct?

5 A The law is very specific in that regard, that the
6 readiness test, for example, is to be used for providing
7 appropriate developmental activities for students who are,
8 not "ready" for the normal first grade curriculum.

9 The other tests are to be used as an aid in
10 diagnosing the deficiencies and as a basis for providing
11 appropriate basic instruction to help students overcome
12 deficiencies as exhibited by the tests.

13 Q Isn't the South Carolina program somewhat
14 distinctive in that it starts 12 years in advance in a
15 sense, and has the program going all the way through?

16 A, It is as far as I know. We begin -- I guess there
17 is not much way to begin any earlier unless we start with
18 kindergarten.

19 Q What are the early indications, if any -- and I
20 know, it is early in the program -- of the Basic Skills
21 Assessment Program's impact on students?

22 A So far the only data that we have for looking at
23 over more than one year comes from the readiness
24 instrument. There was an increase in the percentage of
25 students identified as "ready" between the first year of

1 administration and the second year. That went up by I
2 believe something like 3 percent on a statewide basis, a
3 shift from 60 percent one year to 63 something the second.

4 The largest shift, the biggest increase was in the
5 minority subgroups. For black students the shift was
6 approximately a 5 percent increase between the first and
7 second years. I don't know whether that is real or not.

8 Q So this is with respect to the readiness test, the
9 very first test that is given, and the other tests have just
10 been administered, and therefore we don't have any real
11 evidence as to how the program is impacting on students yet?

12 A Right. The tests into grades 1, 2, 3, 6 and 8
13 were administered in May of this year, and we won't have the
14 results until probably mid-August.

15 Q We will hear from other witnesses later regarding
16 their estimates of whether the Basic Skills Assessment
17 Program will affect students beneficially.

18 Do you have any hunches as to how that might turn
19 out?

20 A My hunches are that it will affect students
21 beneficially. I mentioned a minute ago the statewide
22 results in terms of the shift in the percentage of students
23 ready. We looked at the data by district as well and noted
24 a number of districts, 19 to be more precise, in which the
25 increase or decrease in percentage of students ready was in

1 excess of 10 percent between the years. There was one
2 district in which, there was a decrease, 18 in which there
3 was an increase. We have no basis for really knowing what
4 was causing that. We contacted the superintendents of those
5 districts and asked them to share with us their
6 perceptions. What we got back was quite varied. There was
7 one common thread through it, and that was an increase in
8 the emphasis on the state-identified objectives for the
9 kindergarten area, but coupled with the responses, or woven
10 throughout them are things that dealt with new programs,
11 parent involvement, the Puzzle of Parenting program which
12 the Department of Education sponsors through local
13 districts, summer programs involving students who had been
14 in extended day kindergarten, and who had already been
15 identified as most likely to have difficulties in first
16 grade.

17 I see nothing at this point that has been
18 detrimental to students. I would think it has a lot of
19 potential for some positive effects.

20 Q Thank you.

21 Do you think the program is having any influence
22 teaching or the curriculum in South Carolina?

23 A I think it is. As I indicated, some of the
24 material that came back in our inquiry to the district
25 superintendents, where they had an increased emphasis on the

1 kindergarten objectives -- and this was prior to the testing
2 that we did in May of this year, there have been requests
3 for workshops for curriculum revision and coordination from
4 districts throughout the state, and we see considerable
5 evidence, at least no figures but considerable evidence to
6 support the notion that there is quite a bit of change
7 taking place in curriculum and instruction.

8 Q If I understood your earlier response, you
9 indicated that this kind of curricular clarification was
10 fairly new in South Carolina at the state level.

11 Do you have some reason to think that the state's
12 teachers are resisting the imposition of the state level
13 clarity?

14 A Well, I would be less than honest if I said that
15 they were totally unanimous and embraced it wholeheartedly.

16 Q I would not want you to be less than honest.

17 A Well, I would not attempt to.

18 Q Maybe just a little less than honest.

19 (General laughter.)

20 A There has been no organized resistance to the
21 program.

22 (General laughter.)

23 Q That's a little too honest.

24 A There is sporadic resistance, not to the program
25 but to some of the administrative things, primarily related

1 to the administration of the readiness instrument. The
2 readiness test is an individually administered test. It
3 requires 15 to 30 minutes per child. We forsake
4 administrative convenience in the interest of doing the best
5 job we could with assessment. There has been some objection
6 from the elementary principals as a group to the
7 administration of an individual test, not to the testing
8 itself nor the purpose of the program, but just to the
9 logistical considerations.

10 Q I gather that that is not exclusively a paper and
11 pencil test but involves some other things, as well?

12 A There are only two items on the entire test that
13 are paper and pencil. It is mostly a performance test,
14 verbal responses, pointing, physical activities.

15 Q And how old are the youngsters who take this test?

16 A They are beginning first graders, approximately
17 six.

18 Q So after teachers individually administer tests
19 for approximately 30 minutes to 25 or so beginning first
20 graders, they are not all that happy? Would you be?

21 A The teachers, there is no opposition that we have
22 noted from the teachers. The teachers like it. The
23 principals don't like the administrative inconvenience
24 because the tests are administered by the teacher, and it
25 requires the use of staggered attendance or supervision of

1 students who are not being tested, and it is something of a
2 problem in that regard.

3 Q How do you think the public is responding to South
4 Carolina's minimum competency testing program?

5 A From my standpoint, that can best be gauged by the
6 Basic Skills Advisory Commission and through reactions in
7 the media. The Basic Skills Advisory Commission was
8 established by the legislation for the purpose of advising
9 the State Board of Education, the Governor and the General
10 Assembly on the implementation of the law. The Commission
11 is composed of educators, lay public, some representation
12 from the General Assembly, and the reaction of that group,
13 which is a 25-member commission, has been very positive.
14 They have been very supportive. They have been very
15 effective in working with the legislature, in increasing the
16 funding for the program.

17 The press at this point has been very supportive
18 of the total program.

19 Q In sum, Dr. Sandifer, what is your overall
20 appraisal of the South Carolina minimum competency testing
21 program?

22 A My overall appraisal, although it may not reflect
23 a great deal of modesty on my part to say so, since I have
24 been involved in the implementation of it, is that it is one
25 of the best ones going. We think a great deal of its

1 potent... -- and we think it has a lot of potential for some
2 very positive effects on the lives of the children of South
3 Carolina:

4 DR. POPHAM: Thank you very much.

5 HEARING OFFICER JORDAN: Cross examination?

6 CROSS EXAMINATION

7 BY MR. HANEY:

8 Q Thank you.

9 Dr. Sandifer, I would simply like to ask you a few
10 questions to clarify the nature of the program in South
11 Carolina in general, and second, to clarify the nature of
12 the readiness assessment which was the topic of much of your
13 testimony; and third, to ask some questions about the nature
14 of changes that may have taken place in South Carolina as a
15 result of the program.

16 On the first point, I would like to point out your
17 words. You said -- and I believe this is your exact
18 sentiment -- "we are not talking now about grade promotion
19 or diploma denial."

20 Is that accurate?

21 A If that's what I said, that's accurate. We are
22 not talking about -- there is no provision in our
23 legislation for promotion or retention of students as a
24 function of the testing.

25 Q Fine. Thank you.

1 May I ask you then, is the Basic Skills Assessment
2 Program intended to be used as a sole means of identifying
3 children to receive special remedial instruction?

4 A I don't know that I can answer that. There is
5 nothing in the law that says that it is the only basis for
6 identifying students who need special remedial instruction.
7 It does say that students who do not meet whatever the
8 standards are that are set will receive remedial instruction
9 or basic instruction. I think that is the term used in the
10 law.

11 Q Thank you.

12 Would you say that there is any specific decision
13 that flows from children receiving a specific score on any
14 of your basic skills tests?

15 A A specific decision?

16 Q That flows automatically from a child receiving a
17 particular score on any of your basic skills tests?

18 A Yes, there is a specific decision. If it is below
19 whatever the standard is, then by law, the districts must
20 provide appropriate instruction -- appropriate being
21 determined by what the particular child's needs are.

22 Q Fine.

23 Now I would like to move from the program in
24 general to the readiness assessment which you described at
25 some length.

1 First of all, when the readiness assessment was
2 first implemented in 1979, did you not prepare special
3 guidelines for teachers on the use of the test results?

4 A Yes.

5 Q Was the title of the guidelines you did prepare
6 not "General Statements of the Use of This Readiness
7 Instrument for Instructional Purposes?"

8 A I am not sure what the precise title was. We
9 prepared a number of documents since 1978.

10 Q Well, would it be accurate to say that your
11 guidelines took the form of a list of don'ts and do's?

12 A That I can recall, some do's and don'ts on the use
13 of the results.

14 Q The don'ts came before the do's, interestingly
15 enough, and if I may read from this document, your first
16 don't was, and I quote, "Don't rely on this one instrument
17 as the sole indicator for readiness."

18 Is that accurate?

19 A That's right.

20 Q Fine.

21 Next I would simply like to ask a couple of
22 questions about the results that you described previously.
23 I believe that much of your testimony was based on a
24 document that you entered into the record of the hearing
25 titled "Cognitive Skills Assessment Battery Follow-up on

1 1980 Results."

2 A Yes.

3 Q Concerning the evidence in the document, I believe
4 you testified that the gains on the readiness results from
5 1979 to 1980, the cause of those gains was unclear. I
6 believe your specific words were I don't know whether the
7 gains were real or not.

8 Is that accurate?

9 A That's accurate.

10 Q The document you submitted contains the
11 perceptions of 18 school superintendents whose children's
12 scores increased by 10 percentage points from 1979 to 1980.
13 Reading those perceptions, I noted that there was only one
14 reply which cited any objective evidence in the form of
15 standardized test scores other than your own readiness test
16 results.

17 Were you aware of that fact?

18 A Yes. I believe we asked them for perceptions, not
19 necessarily data.

20 Q Right. I realize that is what you asked, but only
21 one provided objective evidence.

22 Might I note that the director of testing in the
23 one district which provided direct evidence said, and I
24 quote, "thinks the improvement in readiness may not have
25 been real."

1 Second, this is the director of testing, suggested
2 that scores may have been changed because of the way
3 teachers scored ambiguous answers.

4 Is that correct?

5 A That is, as I recall, that was one response, right.

6 Q Third, in citing independent test data, this
7 director of testing said our district means on the
8 standardized test given less than two months after your
9 readiness test "were almost exactly the same this year as
10 last year."

11 Is that accurate as you recall it?

12 A As I recall it.

13 Q In other words, in your own view, you do not know
14 whether the gains on the readiness assessment were real or
15 not, correct? Your own personal view stated previously is
16 that you do not know whether the gains on the readiness
17 assessment were real or not?

18 A Yes, that is accurate.

19 Q But the only district which has provided
20 independent, objective evidence concerning the gains from
21 1979 to 1980 suggests that the gains on your readiness
22 assessment are not paralleled by gains on an independent
23 standardized test, a nationally normed standardized test.

24 A That was in one district, yes.

25 Q Yet the only district that provided such objective

1 evidence.

2 Thank you very much.

3 HEARING OFFICER JORDAN: Thank you.

4 We will now recess the hearing for a 15 minute
5 break, and we will reconvene at approximately 1:15.

6 (A brief recess was taken.)

7 HEARING OFFICER JORDAN: The hearing will
8 reconvene, and we will hear from the next witness for the
9 Pro Team, and that is Gary Leonard.

10 Now, you want a brief redirect?

11 DR. POPHAM: Yes, of Dr. Sandifer.

12 HEARING OFFICER JORDAN: Dr. Sandifer, please come
13 back.

14 Dr. Paul Sandifer for a brief redirect.

15 REDIRECT EXAMINATION

16 BY DR. POPHAM:

17 Q Dr. Sandifer, you received a fair number of
18 questions about a report from a test coordinator which was,
19 if I recall correctly your testimony, one of 17 reports that
20 you received.

21 Could you clarify whether this was a preference
22 voiced by many or only this one out of the 17?

23 A That was only one of the 17 that I recall that had
24 questions about whether the gains were real in their
25 district.

1 Q And the rest of the test coordinators were
2 somewhat positive?

3 A Right.

4 DR. POPHAM: Thank you.

5 HEARING OFFICER JORDAN: Is there any recross?

6 RECROSS EXAMINATION

7 BY MR. HANEY:

8 Q My only question concerns the conclusion from one
9 district in South Carolina. Is it nevertheless not true
10 that this was the only instance where a response to your
11 question about what had caused changes in test performance
12 included any independent, objective data from a nationally
13 normed test?

14 A That, as I recall, is the only district that used
15 normed data.

16 MR. HANEY: Thank you.

17 HEARING OFFICER JORDAN: Thank you.

18 Thank you, Dr. Sandifer, one more time.

19 You are excused.

20 The next witness, Gary Leonard, principal of the
21 Mt. Pleasant Academy Elementary School at Charleston, South
22 Carolina.

23 TESTIMONY OF GARY LEONARD

24 PRINCIPAL, MT. PLEASANT ACADEMY ELEMENTARY SCHOOL

25 CHARLESTON, SOUTH CAROLINA

1 DIRECT EXAMINATION

2 BY DR. POPHAM:

3 Q Mr. Leonard, what is your current position and how
4 long have you held it?5 A I am principal of Mt. Pleasant Academy Elementary
6 School, a part of the Charleston County School District. We
7 are a public school, not a private school. I have been
8 principal there for three years.9 Q Could you describe the Mt. Pleasant Academy
10 Elementary School and the community in which it is found?11 A We are a kindergarten through fifth grade school
12 which is the norm in Charleston County. That is the
13 elementary school sequence. We have less than 300
14 students. Our racial make-up is 70 percent/30 percent,
15 which is pretty well our attendance zone make-up. We are
16 what you might call a neighborhood school, but I have 15
17 students that are bussed from outside a mile and a half to
18 my school. We are pretty much self-contained.19 The socio-economic area goes from public assisted
20 housing to that of \$200,000 in some homes. So we have a
21 wide range of students and parents.22 Q Maybe I missed the part about the racial make-up,
23 but I heard it was 70 percent/30 percent.

24 A 70 percent white and 30 percent black.

25 Q Very good.

1 What has been the general impact of the South
2 Carolina Basic Skills Assessment Program on Mt. Pleasant
3 Academy Elementary School?

4 A We feel it has been very positive because we have
5 looked at testing as a positive approach to education. We
6 use tests to help us in our instruction and our curriculum.
7 So faculty, students and parents, we have tried to make a
8 very positive situation, a very nonthreatening environment.

9 Q How is the Basic Skills Assessment Program
10 implemented in your school?

11 A Of course, we receive a great deal of guidelines
12 from the State Department of Education which Dr. Sandifer
13 has mentioned. Our county curriculum staff also gave
14 in-services, which also the state did, gave us written
15 guidelines and in-service was explained to me and also some
16 of our staff. In turn, we would filter this on down to the
17 appropriate personnel.

18 How it was implemented was a combination of all
19 three things, namely, person to person instruction.

20 Q So you have the state or the county, and then your
21 own staff?

22 A Yes.

23 Q In the implementation of that program, did you
24 find your co-workers very positive, very negative? How did
25 they respond to that?

0
1 A I think any person, when you have a tremendous
2 change in a system, whether it be education or anything
3 else, I think there are always apprehensions. Initially
4 there were apprehensions on our staff. As Dr. Sandifer
5 mentioned, there was no organized disruption of the system.
6 Once they saw what the purpose of the program was and how it
7 was being implemented, they thought it was very fair and
8 very in line. It was not an accountability system, which
9 you mentioned in your prior opening statement.

10 So we don't feel that it is an accountability of
11 teacher performance. We are looking at deficiencies and
12 strengths of students.

13 Q What do you think has been the effect of the Basic
14 Skills Assessment Program on teachers in your school? How
15 have they responded to it personally?

16 A Like I said, initially they were somewhat
17 apprehensive, but as far as helping them as a teacher, they
18 were very positive because they d zero in on certain
19 things that your peers, state department level people and
20 the community feel is important in education. So this
21 helped them a great deal. Before, our instruction was based
22 on state guidelines or defined minimum program, or county
23 directives, and textbooks, plus what the teacher feels is
24 important. So this gives us more of a stronger thread to
25 our curriculum.

1 Q This clarification of intended outcomes that the
2 state supplied as a consequence of the minimum competency
3 testing program, this the teachers viewed as a positive
4 force?

5 A Right. If you are referring to the remediation of
6 deficiencies, it helps the teacher. We test the child at
7 the end of the spring so the next teacher will know where
8 deficiencies are and will start working with them as
9 individuals and as groups.

10 Q Do you think the teachers are beginning to feel
11 that they are perhaps more efficient at their activities?

12 A Most definitely, sir, because time on task is very
13 important, engaged time in learning is very important.

14 Q Could you explain to our viewing what time on task
15 is?

16 A If we give a particular task in learning, we can
17 keep this emphasis on that particular item or skill or
18 objective so it is very concentrated.

19 Q It is frequently alleged that teachers will be
20 teaching to the test.

21 Are you talking about teaching to the test?

22 A No, sir. I think if you teach the test you end up
23 with a poor curriculum because all you are doing is teaching
24 the test. And I think that teachers teach to life, and that
25 is the total school curriculum. So it would be very

1 negative, productively if we just taught to the test.

2 Q So if I understand you, the teachers instruct
3 directly toward the skill, or in the case of South Carolina,
4 the 16 basic skills, but do not teach toward particular test
5 items?

6 A That's correct.

7 Q Is the curriculum content being reduced in the
8 school at Mt. Pleasant Academy?

9 A On the contrary, we, my total faculty, because
10 they are involved in the process of the testing, we did a
11 lot of individual searching and also group searching about
12 what our curriculum was doing for children, and they found
13 out that our kids have the basic skills. And so once we
14 knew that we could expand it to much higher areas of
15 learning, more problem solving, higher comprehension. We
16 are making sure the child has the basis to be able to
17 expand in more mind-broadening types of curriculum.

18 Q So the criticism that minimum competency testing
19 programs will necessarily reduce curriculum content is, in
20 your situation, not warranted?

21 A Correct.

22 Q What has been the impact on parents and citizens
23 of the Basic Skills Assessment Program in your community, or
24 perhaps more particularly, with respect to parents in your
25 school?

1 A I think it was mentioned earlier by some people --
2 and I don't remember which side, the Pro or Con Team -- that
3 you need to inform the public of what the test is doing. We
4 made a very nonthreatening situation to our parents. We
5 took time to explain it to them through directives from me,
6 and open houses and teachers lots of times explained it to
7 the parents. So it was very positive.

8 We also involve our parents in the aspects of the
9 testing, not actually administering the test, but as far as
10 helping us to review some data objectives that might be
11 needed on the test.

12 The South Carolina word list -- I don't know if
13 you are familiar with that or not -- I know you are, but
14 maybe the Con Team is not -- the South Carolina word list is
15 a grade by grade vocabulary which might be used in testing.
16 All the basals that are used in South Carolina have to have
17 these words in it plus 50 percent of the words have to be
18 identifiable by the student in South Carolina. So we made
19 sure our students were aware of these words that might be
20 introduced on the test, and we used parents as tutors. And
21 also to give this information to them to make sure the child
22 is prepared.

23 Q So you had essentially a vocabulary list, grade by
24 grade, and parents are informed of the nature of that
25 vocabulary list for their youngsters, and they actually help

1 the students?

2 A Yes, sir, they do.

3 Q This kind of clarification of what is involved in
4 the expectations of the school would seem to be helpful to
5 parents..

6 Have you found that that is the case?

7 A Most definitely because I think they have a great
8 concern, what is going to be happening with my child in the
9 future? What will he do? Will he become a competent and
10 productive citizen in our society? They feel very strongly
11 that basic skills are needed for him to have the chance of
12 being a productive citizen in our society.

13 Q Mr. Leonard, is it true that the parents now have
14 a more clear understanding of what the school is attempting
15 to promote?

16 A We have certainly tried to promote that.

17 Q What has been the reaction of yourself and other
18 principals to minimum competency testing programs in general?

19 A Of course, I am an elementary principal and I can
20 only really speak for those in my district. It has been
21 very positive because it gives us -- principals are supposed
22 to be the instruction leaders of their school and with
23 declining budgets we are having to become more the
24 instruction leaders. We are very positive because it helps
25 us in our job.

1 If I can refer to the May issue of Phi Delta Kappa
2 which is an educational fraternity periodical, the gentleman
3 -- I have forgotten his name -- primarily researched with
4 high school principals, and I remember the statistic was
5 something like 70 percent of those people felt very
6 positively toward minimum competency tests in their role as
7 principals.

8 Q So based on your own familiarity with elementary
9 school principals and some research regarding secondary
10 principals, you conclude that principals, these educators
11 are not necessarily opposed to minimum competency testing,
12 and in some cases are positive?

13 A Very much so.

14 Q It is frequently argued that educators will,
15 because these programs were installed by the public, be
16 resistant to the program. The response of teachers and
17 administrators in your experience is not that; rather, they
18 are positive?

19 A Yes, sir.

20 Q Would you care to make any concluding
21 observations, Mr. Leonard. You have been running a program
22 that is early in the evolution of minimum competency testing
23 in South Carolina. We would like to get your views on how
24 you think it is running overall.

25 A If I could preface something here, I have been in

1 education approximately 12 years. During that time I
2 started off as a high school social ed teacher and became a
3 middle school assistant principal and a high school
4 assistant principal, an adult ed coordinator, and now an
5 elementary principal.

6 . The main reason I started moving down the line was
7 I was very concerned as a high school assistant principal
8 and teacher that we were ending up with some products that
9 were not what I call quality, you know, potential people.
10 They were deficient in a lot of skills, and I felt that if I
11 could move down, I might help stop this, because I could
12 see, as Mr. Murray was talking about, some of these kids end
13 up in the street, and they are not productive, and they are
14 destructive to society.

15 . So those are my basic feelings, you know, that we
16 need to start very early where our South Carolina Basic
17 Skills Assessment Program starts.

18 Q As you have moved down toward the place where it
19 all starts, you found the Basic Skills Assessment Program
20 helps you in that regard?

21 A Most definitely.

22 Q I have been teaching at the college level for 20
23 or 25 years, and I had better start moving down myself. I
24 can see that.

25 Thank you very much.

1 A Thank you.

2 HEARING OFFICER JORDAN: Cross?

3 CROSS EXAMINATION

4 BY MR. HANEY:

5 Q Mr. Leonard, I would like to ask you a couple of
6 questions just to have you elaborate on some of the things
7 you said.

8 First, you indicated that you worked very hard to
9 make the tests nonthreatening to teachers, parents and
10 students, correct?

11 A Yes, sir.

12 Q Would you then agree with previous testimony by
13 Professor Scriven that one of the virtues of minimum
14 competency testing is that it provides a weapon for teachers
15 to use to defend themselves against parents?

16 A Taken in that context, I can't necessarily agree
17 that it is a weapon. I think it is another device or tool.
18 I think weapon is very negative in its context.

19 Q Thank you.

20 May I ask you as an experienced school principal,
21 would you ever determine whether a child should be promoted
22 from one grade to the next strictly on the basis of one test
23 score?

24 A I don't think that would be good, sound
25 educational policy.

1 Q Thank you very much.

2 May I ask you a little bit more about the nature
3 of the assessment used in South Carolina?

4 What portion of the assessment in your state has
5 now been implemented for more than one year statewide?

6 A I am glad you asked that question because I felt
7 it needed to be answered.

8 Dr. Sandifer mentioned about our first grade
9 readiness tests.

10 Q Actually, I would like to ask you about that
11 specific portion.

12 Is it a group administered test?

13 A No, sir.

14 Q Would you describe it as primarily being a paper
15 and pencil test?

16 A No, sir, I would not, not for the student

17 Q Not for the student.

18 Thank you.

19 Would you then not agree that in terms of the
20 definition outlined by Chairwoman Jordan, that readiness
21 assessment does not meet the definition of a minimum
22 competency test having the following characteristics: a
23 test taken by students at designated grades that is "a paper
24 and pencil test"?

25 A I have lost your train of thought.

1 Q Would you describe the readiness assessment about
2 which there was much testimony earlier as primarily a paper
3 and pencil test?

4 A I think it would be difficult to give a paper and
5 pencil test to first graders because of several factors.
6 Some have never been instructed in that.

7 Q So fine, you would say it is or is not a paper and
8 pencil test primarily?

9 A As I answered earlier, it is not a paper and
10 pencil test for the students.

11 MR. HANEY: Thank you very much.

12 HEARING OFFICER JORDAN: Thank you, Mr. Leonard.

13 Doris Hedgepath, Chairman of the English
14 Department, Conway High School, Conway, South Carolina.

15 TESTIMONY OF DORIS HEDGEPATH

16 CHAIRMAN, ENGLISH DEPARTMENT

17 CONWAY HIGH SCHOOL

18 CONWAY, SOUTH CAROLINA

19 DIRECT EXAMINATION

20 BY DR. POPHAM:

21 Q Ms. Hedgepath, tell us about your current
22 position, how long have you held it?

23 A I am Doris Hedgepath from Conway, South Carolina.
24 I am employed by the Horry County School District. I have
25 taught high school English for eleven years. I am presently

1 Chairman of the Conway High School English Department.

2 Q How long have you been Chairman of that English
3 Department?

4 A Three years. I was Co-Chairman a year prior to
5 becoming Chairman for the past three years.

6 Q What kind of a community is Conway, and what kind
7 of a student population do you have at Conway High?

8 A Conway is primarily a small town located in an
9 agrarian community. Our population is approximately
10 15,000. Our student population at Conway High is around
11 1770. I think that is the figure based on the average daily
12 attendance.

13 Our ethnic make-up is 65 percent white, 35 percent
14 black. Approximately 65 percent of our students are bussed
15 students, we might refer to them as rural students in that
16 they live outside of the city limits.

17 Q So Conway is a fairly rural city?

18 A Yes, it is.

19 Now, Conway is located in a nice district in terms
20 of added features. Not only are we agrarian, but we are in
21 a very popular tourism area near Myrtle Beach. But we do
22 constitute a large population for a small town within our
23 school because of our enrollment, so we are rather
24 widespread.

25 Q Thank you.

1 We would like to focus in your testimony on the
2 impact of the Basic Skills Assessment Program on the
3 curriculum.

4 What is your feeling about the effect of the South
5 Carolina minimum competency testing program on the
6 curriculum in your school?

7 A The Basic Skills Assessment Program I feel has had
8 a very positive effect on all curriculum at Conway High
9 School. I might hasten to add at this point that we have
10 some very sighted personnel on our district level who
11 foresaw the nationwide concern for minimum competency.
12 Therefore, during the same time that our Mr. Murray and his
13 legislature friends were devising something to do statewide
14 with MCT, our district personnel, at the same time, were
15 devising a district curriculum for language arts and
16 mathematics, because they were that committed to the same
17 concerns of the public and school personnel.

18 So with that behind me I will go on and add that
19 -- I will repeat the impact has been positive.

20 Now, some definite results I think that I see
21 within my own school are better lesson plans being written
22 by teachers because of a clearer focus. We know more now
23 what our directions are for a given school term for our
24 students. So with the clearer focus that we feel we have,
25 we are having increased efficiency in classroom instruction.

1 A nice feature that I might point out is that our
2 language arts competency-based program has been met so
3 positively by the community and the students that even our
4 social studies and science departments are taking a closer
5 look at a more standardized curriculum for themselves.

6 Q So they are actually in the other subject areas
7 sufficiently impressed with what is going on in these basic
8 skills areas to model after that program?

9 A Yes.

10 Q And if I understood you correctly, you were saying
11 that the basic dividend, at least curricularly, is the added
12 clarity associated with the target skills for the program,
13 is that correct?

14 A Yes, correct.

15 Q It is often alleged that minimum competency
16 testing programs tend to reduce curriculum to the barest
17 minimums.

18 Do you feel that is the case at Conway?

19 A No, it is not the case at Conway because our
20 language arts program of which I am speaking is sort of a
21 dual system in that we deal not only with what you all or I
22 would term basic objectives; we deal also with another
23 system of objectives called or preferred objectives. So we
24 feel that we are offering nothing strictly minimal. We are
25 offering basic, those objectives that we feel we would like

1 all of our students to master upon completion of high
2 school. In addition, for the student who is more motivated,
3 for the student who is strictly college preparatory, if you
4 will, or for our advanced student who we term an honor
5 student, we offer preferred objectives, objectives that are
6 based on a much higher hierarchy of skills.

7 So we do not -- I almost object personally to the
8 word "minimum" because of that.

9 Q Go ahead and react personally to the word
10 "minimum."

11 A Well, we don't want to be minimum. Who does? We
12 don't want our students to be minimum. I think we have to
13 be realistic in that that is the most that some students
14 will ever be. You can't teach school and not know that.
15 But by the same token, you do not want to let the basically
16 capable, standardly capable student and the student who is
17 very capable be sidelined because you have reduced him to
18 some program that is termed only minimal.

19 Q Isn't it true that the basic skills objectives in
20 the state of South Carolina were fashioned in such a way
21 that they were not --

22 MS. PULLIN: May I again request that Mr. Popham
23 avoid testifying when he is questioning his witnesses?

24 HEARING OFFICER JORDAN: I would caution Mr.
25 Popham to confine himself to asking questions to which the

1 witness may be responsive. It is the witness who is
2 testifying, not the questioner.

3 DR. POPHAM: What if we switch roles?

4 (General laughter.)

5 BY DR. POPHAM: (Resuming)

6 Q Rephrasing the question, Mrs. Hedgepath,
7 rephrasing it dramatically, do you believe that the skills
8 represented in the South Carolina Basic Skills Assessment
9 Program are the lowest order skills?

10 A No, they are not.

11 Q For example, the analysis of literature skill in
12 the 16, would that represent a lowest order skill?

13 A No, it would not. I need to be personal here, if
14 you allow that, in speaking only about Conway High School's
15 program. We are designed within ourselves on a hierarchy of
16 skills by grade level, so there are some objectives that
17 will appear repeatedly, for example, the objective to
18 strengthen vocabulary. You cannot mark mastery by an
19 objective that uses the word "strengthen." So in reference
20 to that, I am speaking of our having objectives that we
21 reinforce continuously from ninth grade through twelfth.

22 However, there might be another objective that is
23 very skill oriented, for example, the student will use
24 correct punctuation. This is an objective that can be
25 measured. It is highly measurable. However, we still

1 reinforce it. Then we get on down to more advanced
2 objectives. One of those might be the student will analyze
3 and apply socially certain features in literature. We are
4 dealing with appreciations here. Again, this is an
5 objective which might be difficult to measure. However, we
6 don't leave it out of our curriculum because it isn't as
7 easy to measure. We feel that it is important.

8 Q So the existence of well-defined competencies in
9 the South Carolina Basic Skills Assessment Program has not
10 precluded you or your colleagues from teaching other things?

11 A Heavens, no.

12 Q I had not anticipated "heavens."

13 Have you any evidence as a seasoned veteran of
14 eleven years of teaching, evidence about how your
15 colleagues, how high school teachers feel about the Basic
16 Skills Assessment Programs?

17 A I will have to be perfectly honest. At this
18 point, and at the same point five years ago, if someone
19 walked up to me and said, Mrs. Hedgepath, we are going to
20 implement something new in our Horry County School District
21 program in language arts, I would have said, oh, no, not
22 another clerical task. There was some of that reaction
23 initially. However, I am talking about a time before the
24 state movement began.

25 So in our area or our district, we had time, I

1 think, to digest a change and approach a change that we felt
2 was coming nationwide as well as in the state.

3 So my hat is off to those personnel within my
4 district who could foresee what was happening.

5 So initially I think my reaction was a very human
6 one in that most English teachers are so really burdened
7 with paper grading and things of that nature, clerical
8 tasks, that I think your initial reaction to any change is,
9 well, now, wait a minute, I cannot take on another thing.
10 But it is not that kind of situation as it has turned out to
11 be.

12 I mentioned earlier that one of the positive
13 effects was more efficient use of class time and
14 instruction. I feel that with this clear focusing I
15 referred to earlier, that we are not wasting as much class
16 time on items that perhaps we taught simply because we liked
17 to teach them or felt comfortable with them. Now with this
18 clear focus of a more standardized curriculum, I feel that
19 we are making more efficient use of our class time, we are
20 able to gear our teaching a little more efficiently for the
21 individual's needs rather than the whole group's needs, and
22 I think that is really where education is. And I don't
23 think you can really argue that point.

24 Q I certainly wouldn't want to.

25 The opposite side of the clarity plus, and you

1 have described that, is that teachers will feel constrained
2 by having this very clarity.

3 Do you believe that the creativity of your teacher
4 colleagues at Conway is being stifled by this?

5 A No, I don't because we are allowed complete
6 academic freedom within our classrooms. I guess the best
7 way to explain that is that you and I might be teaching the
8 same objective. Perhaps you and I teach eleventh grade
9 English, and we have our designed set of objectives that we
10 like to expose our students to or reinforce or whatever.
11 You and I might be working philosophically on the same
12 ideas, but our methodologies may be totally different
13 because you have your distinct personality and I have mine.

14 So the case really resides in the fact that two
15 teachers are teaching the same objective but are allowed the
16 freedom to use their own personalities, their own approaches.

17 Q For example, I would rarely say "you all" and
18 "heavens."

19 In conclusion, Mrs. Hedgepath, would you please
20 summarize in your view the impact of the South Carolina
21 Basic Skills Assessment Program on curriculum and teaching?

22 A At this point I think the impact has been a
23 positive one for all of the things I have said earlier. I
24 do hope I am still teaching ten years from now when that
25 little first grader whose readiness we have been talking

1 about comes to me in eleventh or twelfth grade English so
2 that we can have another hearing and I can tell you how he
3 is performing at that point.

4 Q I hope you are teaching in ten years, too.

5 Thank you.

6 A Thank you.

7 HEARING OFFICER JORDAN: Cross?

8 CROSS EXAMINATION

9 BY MR. HANEY:

10 Q Mrs. Hedgepath, I would like to ask you a couple
11 of questions to clarify some of the things that you said. I
12 believe you started by recounting how personnel in the
13 Conway School District began developing a new and improved
14 curriculum about the time that basic skills legislation was
15 being considered in the state legislature, is that correct?

16 A That's correct.

17 Q That would have been about 1977?

18 A Actually a little earlier than that.

19 Q So even before the basic skills legislation was
20 passed in South Carolina, is that correct?

21 A That is correct. Our personnel began developing a
22 language arts program and continue to revise that program
23 for the next several years. So by the time the state
24 department or the state's program was completed, ours was
25 very well coordinated with it.

1 Q Fine.

2 Can I ask you, has any statewide basic skills
3 assessment developed under the new program been administered
4 statewide in a state so far?

5 A Yes. This spring, in fact, this past spring, 137
6 students at Conway High School were randomly selected to be
7 field tested for the eleventh grade test.

8 Q That was field testing. It was not regular
9 administration?

10 A Well, only in that phase in the eleventh grade. I
11 can only speak from ninth to twelfth.

12 Q Right.

13 So you started developing this new curriculum more
14 than four years before implementation of a statewide test at
15 the high school level, is that correct?

16 A Correct.

17 MR. HANEY: Thank you very much.

18 HEARING OFFICER JORDAN: Thank you, Mrs. Hedgepath.

19 The next witness, Anna Long, a parent from
20 Batesburg, South Carolina.

21 TESTIMONY OF ANNA LONG, PARENT

22 BATESBURG, SOUTH CAROLINA

23 DIRECT EXAMINATION

24 BY DR. POPHAM:

25 Q Mrs. Long, what city do you live in? What is your

1 experience with South Carolina's Basic Skills Assessment
2 Program?

3 A I am from Batesburg, and I am a parent of a
4 repeating first grader.

5 Q A repeating first grader?

6 A Yes.

7 - Q Is this continually repeating?

8 A No. What I mean by that is that Shannon was held
9 back last year because he was not keeping up with the first
10 grade. He could have been passed to second, but he was held
11 back with our permission so that he could not repeat
12 actually first grade but learn from where he left off the
13 year before so that he could enter second grade is what I am
14 trying to say.

15 Q So Shannon was kept back at the end of first grade?

16 A Right.

17 Q And how do you feel that the Basic Skills
18 Assessment Program has influenced your son's learning, if at
19 all?

20 A Okay, when he entered first grade he was given a
21 readiness test. He was borderline on that test, so the
22 teacher knew to watch Shannon to see if he was having any
23 problems with his school work. Almost immediately the notes
24 started coming home, please help Shannon with his letters,
25 please help Shannon with his numbers. It was -- the school

1 year started the last of August, and the first of October
2 the principal called me and asked me to come to his office.
3 Shannon was not keeping up with his class. They had kept an
4 eye on him constantly to make sure that he was able to keep
5 up, which he wasn't. They told me we should hire a tutor
6 for Shannon, which we did, in hopes that he could catch up
7 with the other children in his class. He was not able to,
8 so they moved him back into a class level where he could
9 learn with other children on his own level.

10 After he was moved back, he was put into a Title I
11 program which also helped him with his math and his reading,
12 which he was having a lot of difficulty with. At the end of
13 the year he had learned a lot more than he would have if he
14 had been just left in the class that he was originally in.
15 So he could have moved up into second grade. But the
16 principal of the school thought it would be in his best
17 interest to keep him in first so that he could not repeat
18 what he had learned, but to take up where he had left off
19 and learn all of the first grade things so he could move up.

20 Q How did the objectives or the clarity of
21 expectations in the basic skills program impact on Shannon's
22 progress the second time around?

23 A Before, he was failing miserably, and he was going
24 to school crying every day. This last year he has come home
25 with Bs and Cs, and he even had an A in math, which was his

1 worst subject. The teacher knew where to work with Shannon
2 because of the basic skills program, and helped him
3 immensely with his basic skills.

4 A Actually he was having the problem to begin with
5 that, his basic skills.

6 Q Are you saying that the previous time around,
7 without this clarity regarding basic skills foci, that
8 Shannon's work was not as effective as it was the second
9 time around with the emphasis on the basic skills?

10 A No, he had the basic skills then but he was so far
11 behind by the time that we moved him back, which was only
12 two months, that he could not catch up. He was learning at
13 a slower pace than the class he was originally placed in.
14 And that is why they kept an eye on him because he was
15 borderline on the readiness test.

16 Q With this program now in effect, what has been the
17 effect on Shannon regarding his attitudes toward himself and
18 toward school?

19 A Last year he cried every morning, and it is hard
20 to send a child to school who is unhappy. This past year he
21 has looked forward to school. Even when he was sick he
22 still wanted to go. He has enjoyed it that much more.

23 Q Have you gotten a lot of happiness from sending
24 him off?

25 A Oh, yes. It is much easier to send a happy child

1 to school than one who is disillusioned.

2 Q So minimum competency testing will make all
3 parents happy, is that what you are saying?

4 A No, I'm not saying that.

5 MS. PULLIN: I could object.

6 BY DR. POPHAM: (Resuming)

7 Q Okay. Is the program having any effect on you?

8 A Yes. I know that Shannon is getting the education
9 that he needs. The principal and teachers are taking
10 interest in the children. They are able to tell the parent
11 what they are or are not doing. So therefore you are not
12 disappointed at the end of the school year when your child
13 doesn't pass. You know the entire year what he is doing in
14 school, and it is easier to help your child when you know
15 what is going on.

16 Q So you understand more clearly what is transpiring?

17 A Yes.

18 Q So what is your general perception and conclusin
19 about the impact of the South Carolina minimum competency
20 testing program?

21 A I think it is a godsend, I really do, especially
22 for children like my Shannon.

23 DR. POPHAM: Thank you very much.

24 HEARING OFFICER JORDAN: Cross examine.

25 CROSS EXAMINATION

1 BY MR. HANEY:

2 Q Mrs. Long, you said that you think the program is
3 a godsend.

4 A I do, yes.

5 Q You talk mostly about the objectives and the focus
6 of the program rather than about the test, the readiness
7 test.

8 Do you think that the focus on objectives is more
9 important, or is the test more important?

10 A I think the test is important in that a teacher
11 can recognize that a child is going to have problems during
12 the school year and therefore she can fix it where she can
13 help the child better. I can't phrase that the way I wanted
14 to.

15 Q No, you are doing fine.

16 The only thing I wanted to ask you is that you
17 mentioned that your child, Shannon, was held back only after
18 the teacher had sent many notes home to you and you had
19 given your permission.

20 A Yes. He was given every opportunity to stay in
21 the classroom he was in.

22 Q How would you feel as a parent if your child was
23 to be held back without consulting you as the parent of the
24 child? Do you think that would be good?

25 A No. I think the teacher should take it up with

1 the parent so they will know what to expect.

2 MR. HANEY: Fine. Thank you very much.

3 HEARING OFFICER JORDAN: Thank you very much.

4 Our next witness, Marie Reed, a parent from
5 Leesville, South Carolina.

6 MARIE REED, PARENT.

7 LEESVILLE, SOUTH CAROLINA

8 DIRECT EXAMINATION

9 BY DR. POPHAM:

10 Q Mrs. Reed, where do you live and what has been
11 your association with the South Carolina Basic Skills
12 Assessment Program?

13 A I live in Leesville, South Carolina. It is a
14 small community west of Columbia, and I have been a teacher
15 aide at the school where my children attend, which is Utopia
16 Elementary School, and I help the children who don't pass;
17 who are not passed; who need help, after they take the
18 readiness test -- the ones that need special attention. I
19 work with those children.

20 Q At what grade level?

21 A In first grade, first graders.

22 Q This is the first formal instance of a witness
23 ever teaching in Utopia.

24 MS. PULLIN: I would like to object to Mr.
25 Popham's comments about his witnesses.

1 HEARING OFFICER JORDAN: Mr. Popham, you know that
2 those irrelevant, gratuitous comments are not helpful.

3 DR. POPHAM: Thank you, Professor Jordan.

4 BY DR. POPHAM: (Resuming)

5 Q As teacher aide, Mrs. Reed, how has the Basic
6 Skills Assessment Program influenced you?

7 A Okay, I have been teacher aiding for three years,
8 and when I first started with the teacher aide program we
9 didn't have any planned skills, we didn't have anything to
10 really go by assessmentwise in order to help these children,
11 and this year was the first year where we implemented a
12 program where we had plans, we taught the children exactly
13 what they needed, we worked with that until they were ready
14 for the next skill, and we just individually worked at their
15 own pace until we brought them up to where they needed to
16 be, where they were comfortable in the classroom and doing
17 well.

18 Q So as a teacher aide, the clarity with which the
19 skills were defined was beneficial?

20 A Right, very much so.

21 Q Have you any reason to believe that students at
22 Utopia are doing better as a consequence of the Basic Skills
23 Assessment Program?

24 A The first grade students, very definitely. I can
25 tell a big improvement, working with them, helping them to

1 learn their assessments. They are becoming much more
2 positive about themselves. They look forward to us working
3 with them in the program. They are much more comfortable in
4 the classroom than they were, and I just feel real positive.

5 Q Does not passing the readiness test have a
6 negative effect on students' attitudes?

7 A I don't believe so. They don't see it as not
8 passing. We just explain to them that they need help here.
9 We don't use it on a pass-fail basis. It is just that, you
10 know, you need a little extra help here, and we would like
11 to work with you and help you in this area. So they really
12 don't see it as a pass or a fail type situation.

13 Q So the students do not feel themselves irreparably
14 labeled as incompetent?

15 A No, no.

16 Q Do youngsters transferring -- do youngsters
17 transfer the learning that they acquire as a consequence of
18 these basic skills to other areas as well?

19 A Yes, they function much better in the classroom.
20 After we have worked with these children for a while, they
21 are much more comfortable in the classroom. They also go
22 home -- we have them sometimes share home experiences with
23 us, so they go home and teach, like, their younger brothers
24 and sisters, some of them even their parents. They explain
25 things to their parents and bring it in that way.

1 MS. PULLIN: The witness's statement is hearsay
2 and should not be admitted unless she can justify it with
3 some specific examples relative to the home experience.

4 THE WITNESS: Well, the children share these with
5 us, like one child came -- I was working with blocks with
6 this little child, and they came back and showed me, they
7 told me how they had taken a shoelace and took some of their
8 mother's spools and put different size spools on which was
9 comparable to what we were doing together when I was working
10 with the child.

11 BY DR. POPHAM: (Resuming)

12 Q You didn't accuse this child of hearsay testimony,
13 did you?

14 HEARING OFFICER JORDAN: Strike that.

15 BY DR. POPHAM: (Resuming)

16 Q Has your effectiveness as a teacher aide actually
17 been improved as a consequence of the Basic Skills
18 Assessment Program?

19 A Very much so.

20 Q And that is mostly because of the clarity you
21 talked about earlier?

22 A Yes, and having specific skills to work with these
23 children, and of course, more equipment, too, because we
24 just didn't have -- like we have puzzles now, and just lots
25 of different equipment that we can help these children to

1 learn their skills with.

2 Q Could you switch roles for a second and talk about
3 your feeling as a mother regarding the Basic Skills
4 Assessment Program? How has this impacted on your own
5 children?

6 A Very positively. They bring home worksheets.
7 There is a reading worksheet that they bring home. They
8 bring home math worksheets. They have brought home reading
9 lists, some of the reading that they are to do and some we
10 are to do together, and some we are to read for them or to
11 them, for my little third grader, and we have really enjoyed
12 these things. They have a school calendar that they bring
13 home, and each day they do different things for the month.
14 These are monthly calendars, and we have really enjoyed
15 working with them, and the children, it has really motivated
16 them to do things on their own.

17 Q So as a parent if I understand, you understand
18 more clearly --

19 A Oh definitely, yes. And in the meetings that we
20 have, they explain what is happening in the classrooms and,
21 you know, different areas that they are working with the
22 children. The teachers explain these to us, and it has just
23 been -- I really do understand what is going on.

24 Q You have a third grader?

25 A Yes. And a fifth grader also.

1 Q Third and fifth graders, so in both of those cases
2 you would know which basic skills are being pursued in the
3 classroom?

4 A Yes, that's right.

5 Q Then overall, reacting both as a teacher aide and
6 a parent, what is your estimate of the South Carolina Basic
7 Skills Assessment Program?

8 A I see it as very positive, implementation of
9 learning, very positive. I feel real good about it. This
10 is the first year I have really worked very closely with it,
11 and I am looking very forward to seeing in future years how
12 it is going.

13 DR. POPHAM: Thank you.

14 HEARING OFFICER JORDAN: Cross?

15 CROSS EXAMINATION

16 BY MR. HANEY:

17 Q I would simply like to ask you a little bit more
18 about the readiness assessment which is part of the Basic
19 Skills Assessment Program.

20 In the readiness assessment, how much time does
21 each teacher spend assessing each child individually?

22 A This is at the beginning of the year?

23 C At the beginning of first grade.

24 A Okay, it is about 30 to 45 minutes that they spend
25 individually with the child.

1 Q One child at a time?

2 A Yes.

3 Q Would you describe the readiness assessment as
4 being a group administered paper and pencil test?

5 A No.

6 Q It is, in other words, in your opinion, not a
7 traditional paper and pencil test.

8 A No.

9 MR. HANEY: Thank you very much.

10 HEARING OFFICER JORDAN: Thank you very much.

11 The next witness, Fannie King, Assistant Principal
12 for Instruction, Fergusson High School, Newport News,
13 Virginia.

14 DR. POPHAM: We are turning our attention now to
15 the State of Virginia, having concluded our consideration of
16 the South Carolina witnesses.

17 HEARING OFFICER JORDAN: All right.

18 TESTIMONY OF FANNIE KING

19 ASSISTANT PRINCIPAL FOR INSTRUCTION

20 FERGUSSON HIGH SCHOOL

21 NEWPORT NEWS, VIRGINIA

22 DIRECT EXAMINATION

23 BY DR. POPHAM:

24 Q Mrs. King, what is your current position?

25 A Assistant Principal at Fergusson High School in

1 Newport News, Virginia.

2 Q Fergusson High School in Newport News.

3 And what are your main responsibilities with
4 respect to the Virginia Graduation Competency Program?

5 A One of my main responsibilities with respect to
6 the competency testing is that I am the test coordinator. I
7 supervise the planning, administering and maintenance of the
8 students' records.

9 Q Tell us a little bit, if you will, about Fergusson
10 High School. What kind of a school is it?

11 A I would consider Fergusson an urban school. We
12 had a student population of approximately 1400 last year.
13 Next year we are expecting 1900. Our population is
14 approximately fifty-fifty black and white. We also have
15 other minorities in our school. Our socio-economic range is
16 from the very wealthy to the very poor, and education takes
17 the same range.

18 Q You are our first witness from the state of
19 Virginia. Could you tell us briefly something about the
20 nature of the Virginia minimum competency testing program?

21 A I believe in 1978 the Virginia General Assembly
22 mandated that students graduating from high school,
23 beginning in 1981 and thereafter would have to pass minimum
24 competencies, not necessarily pass a test but certify that
25 they had certain competencies by the time they graduated.

1 and those areas included reading, math, citizenship, further
2 education or employment.

3 The state provides the test for the math and
4 reading and the localities were left to devise their own
5 means of certifying for citizenship and for further
6 education or employment.

7 Q So in a sense it is a blend. There is a statewide
8 test?

9 A Right.

10 Q For math and reading, and then local districts --

11 A Devise their own methods. Each local district was
12 free to devise their own methods for testing in the last two
13 competencies.

14 Q Is there a high school diploma hinging on the
15 passage of the test?

16 A Yes. Students must pass the four competencies in
17 order to receive a diploma. If they have earned their 18
18 credits without passing the four competencies, they can
19 receive a certificate.

20 Q But they not only have to pass the test, they also
21 have to complete the credits?

22 A Oh, yes, they have to have the regular credits.

23 Q The credits and the grades and other things as
24 well?

25 A Yes.

1 Q What are your perceptions regarding the effects the
2 program has had on students, Ms. King?

3 A I think it has had some positive effects on all
4 students. Most people would probably think that it isn't
5 necessary or it is a waste of time for the average and above
6 student, but I was pleasantly surprised when some of our
7 better students told me, well, gee, I am surprised I missed
8 that question. But when they got to talking about it, they
9 realized they had not had experience in that particular
10 area. For example, one of our better students had never had
11 to fill out an income tax form, so even though he was a good
12 student and could read, he missed that question because he
13 had not had the exposure or the experience.

14 On the other hand, I feel that the testing program
15 is basically very sound for the minimum student or the one
16 that is below average because it pinpoints his needs, and
17 therefore he can receive the help that he needs.

18 Q What are the usual kinds of responses from
19 students who pass the examination the first time they take
20 it?

21 A Well, the majority of them that pass it the first
22 time, they say gee, the test was easy, and it was for them.
23 Others, who probably struggled and barely passed it are
24 elated, happy and just excited about it.

25 Q What about the other students, the students who

1 don't pass the first time?

2 A Well, naturally they are disappointed. They're
3 hurt. They become concerned, and I have found -- I am
4 particularly proud of several students I can think of that
5 failed the test not once but two or three times, and those
6 students I really got attached to because I kept trying to
7 encourage them, and they really worked hard. They sought
8 out help. Their parents sought help. We arranged tutors
9 for them, and every time they would take the test, they
10 couldn't wait for the results to come back. Did I pass, did
11 I pass? And they were really working hard. They enrolled
12 in classes they probably would not have taken before because
13 they weren't required, but they knew they wanted to learn so
14 they could pass the test. And they did it very willingly.

15 Q Was it helpful knowing what the nature of the
16 expectations were in those tests?

17 A I certainly think it was helpful to the parents,
18 the child, the teacher and everybody concerned because how
19 can you help someone if you don't know what they need? I
20 mean, you know, if you go to the doctor and he gives you a
21 pill and he doesn't know what it is for, it could kill you,
22 but if he knows what is wrong and prescribes the right
23 medication, you might get well.

24 Q Or he could kill you less often.

25 MS. PULLIN: Again I have to object.

1 BY DR. POPHAM: (Resuming)

2 Q What has been the effect on teachers at Fergusson
3 High School? Has the Virginia Graduation Competency Program
4 made them feel more positive about what they are doing, or
5 less positive?

6 Would you react to how the teachers are responding
7 to this program?

8 A Well, I think, as has been said before, some
9 teachers who perhaps are involved in the administration of
10 the tests are initially frustrated. Here is one more set of
11 papers I have to fool with, or I am interrupted from
12 teaching whatever it is in order to give the test. But I
13 really believe that the teachers, now that they have the
14 information in hand as to the specific skills that the
15 students have acquired or have not acquired can zero in on
16 what the students need.

17 I was really happy at the end of school this
18 year. One of the teachers came in and just voluntarily said
19 gee, this has been a great year. I am so pleased with the
20 progress my students have made. And I said, what do you
21 mean? She says, well, at the very begining of minimum
22 competency, I really didn't take it too seriously and I
23 really didn't work too hard on trying to teach to these
24 specific objectives. But this year I thought I would. And
25 she said she tried it and she was so pleased with the

1 results that her students had made.

2 And I think the teachers are now aware that it is
3 worthwhile and they are trying to really abide by it.

4 Q Thank you.

5 Do you feel that the effect of the program has
6 been to reduce the skills covered in the curriculum? Has
7 there been curricular reductionism?

8 A No, I don't believe that the curriculum has been
9 reduced. If anything, I think it has increased.

10 For example, because of the identification of the
11 needs of certain students, we have instituted a special
12 class in basic reading which does not replace the required
13 English classes that they still must take.

14 On the other extreme, for the better students we
15 have instituted classes in advanced reading and study skills
16 because they have been more aware of how important it is to
17 read.

18 Because of the fourth competency for further
19 education or employment, we currently have many more
20 students enrolling in our occupational program than we had
21 before.

22 I think it has created within the students a
23 really clear understanding that I am not going to be in
24 school forever. Momma and Daddy are not going to be feeding
25 me forever. I have to get ready for life, to take care of

1 myself. And they are taking the courses that will prepare
2 them.

3 Q ~~So the increased clarity of the curriculum has~~
4 yielded that kind of effect?

5 A I think so.

6 Q Do teachers provide more time on task, that is,
7 direct instruction for pupils now that those competencies
8 are clarified?

9 A Yes, and I would like to -- I think somewhere
10 along the line somebody has the idea that more time on task
11 means a waste of time, repeating basic concepts, and I would
12 like to clarify that. I don't feel that that is the case.
13 I feel that because the teachers and the students and the
14 parents all get a printout of the specific skills that a
15 child needs help in, the teacher can group the students and
16 work with the group that needs the help on this skill, they
17 can work individually with the students, and they are not
18 sitting there wasting time doing something just because the
19 whole class is supposed to do it. Therefore, I think each
20 person is getting more time on the task that he needs.

21 Q So your contention is that the Virginia minimum
22 competency test does provide diagnostic information?

23 A It definitely does.

24 Q Information that the teachers do not already have?

25 A Yes, because they used to have the national

1 standardized test, but they were not specific skills. These
2 are very specific.

3 Q In conclusion, do you have any overall appraisal
4 of the minimum competency testing program in Virginia?

5 A I think it is a very good thing. I think that it
6 makes students, parents and teachers aware of fundamental
7 things that everybddy needs to know. I think it makes it
8 perfectly clear to students that they have a responsibility
9 to learn some of these things themselves. It gives them
10 more incentive.

11 DR. POPHAM: Thank you very much.

12 CROSS EXAMINATION

13 BY MR. GOLDMAN:

14 Q Is it true that Newport News has other diagnostic
15 testing programs?

16 A Yes.

17 Q And is it also true that the district has its own
18 criterion reference testing program developed by teachers in
19 the elementary grades to identify at an early point areas in
20 which students need remediation?

21 A Yes.

22 Q So that kind of early identification is going on
23 with tests developed by teachers in the lower grades?

24 A Yes.

25 Q I have interviewed a random group of teachers from

1 your district, and is it true that the district's teaching
2 staff views the minimum competency testing program we are
3 referring to as duplication, that they don't need it?

4 A I don't understand your question.

5 Q My question is, the teachers in your district, do
6 they view the MCT we are referring to as a duplication of
7 effort that has already taken place within the district?

8 A I don't think so because I would feel, for
9 example, the criterion referenced tests you are referring
10 to, as I understand it, are given in the fall at whatever
11 grade levels, and they are given, the results are given back
12 to the classroom teacher so that she has specific
13 information about each child.

14 Well, that is fine, but that is enabling the
15 teacher to get the child to the point where he can pass the
16 state minimum competencies. In other words, we are starting
17 at the bottom of the ladder and coming up where I think it
18 is helpful, not necessarily an unuseful duplication.

19 Q But you are saying that the CRT, the criterion
20 referenced test that is administered is helpful to the
21 teachers prior to the state test?

22 A Certainly.

23 Q So the state test is a duplication?

24 A I don't know that it is a duplication because we
25 have CRT tests at various grade levels whereas the state

1 test is not designed to be given on all grade levels.

2 Q And the CRTs are given at the early point in the
3 elementary grades.

4 Is it true that the teachers view this effort as a
5 way to evaluate them?

6 A I would hope not. I don't think that they do. I
7 would hope that they view it as we do, a way to evaluate the
8 accomplishments of the child.

9 Q Do you feel that the teachers are teaching to the
10 test?

11 A What do you mean by teaching to the test?

12 You mean teaching to the objectives or teaching to
13 the answers?

14 Q Let me give you an example.

15 For instance, is it true that students
16 experiencing difficulties in reading the test are read the
17 test by teachers?

18 A Not that I know of. You mean while they are
19 taking the test?

20 Q Correct.

21 A I am not aware of that.

22 Q That is contrary to the interviews I have had with
23 teachers from your district, and of course, we do stand the
24 risk of the inflection in the voice of the teacher giving
25 some hint as to what the correct answer might be.

1 Is it true that students assigned --

2 HEARING OFFICER JORDAN: Do you have an objection?

3 MR. ALLEYNE: That is not a question. That is a
4 statement from the interrogator.

5 HEARING OFFICER JORDAN: We would caution you, Mr.
6 Goldman, to ask questions of the witness and let the witness
7 respond, and refrain from testifying.

8 DR. POPHAM: Professor Jordan, I would ask also,
9 was this information based on a report that was shared with
10 the other team according to our ground rules? We did not
11 know of the survey.

12 HEARING OFFICER JORDAN: Dr. Popham raises the
13 question as to whether this survey that you talk about
14 having in your possession, Mr. Goldman, was something that
15 was shared with the other team. They do not recall having
16 received it. I did not receive it.

17 Is it information which was shared?

18 MR. GOLDMAN: It is information that was gathered
19 through informal interviews of a random group of teachers
20 within the last week.

21 HEARING OFFICER JORDAN: But not shared with the
22 other team.

23 That will be disallowed.

24 BY MR. GOLDMAN: (Resuming)

25 Q One last question. You referred to the fact that

1 the high school graduation test included an item on filling
2 out an income tax return.

3 Do you feel that people who cannot fill out income
4 tax returns should be denied high school diplomas?

5 A If that is the only thing that they cannot do, I
6 would say no...

7 MR. GOLDMAN: Thank you.

8 HEARING OFFICER JORDAN: Thank you very much.

9 Ms. King, thank you. You may be excused.

10 The next witness, Laurie Collier, Supervisor of
11 Business Education, Newport News.

12 TESTIMONY OF LAURIE COLLIER,
13 SUPERVISOR FOR BUSINESS EDUCATION
14 NEWPORT NEWS, VIRGINIA

15 BY DR. POPHAM:

16 Q What is your position, Mrs. Collier?

17 A I have about three. I am a parent of a rising
18 junior at Fergusson High School. I serve on the Fergusson/
19 High School Parent Advisory Committee. And I am Business
20 Education Supervisor for the City of Newport News.

21 Q Starting on the last of those three lives, first,
22 how long have you held the position of City Supervisor for
23 Business Education?

24 A I have just completed my fourth year.

25 Q What did you do before you became City Supervisor?

1 A Twenty years as a teacher, I guess, and
2 coordinator where I placed students in part time jobs in the
3 field of business ed.

4 Q What are your current responsibilities as a City
5 Supervisor?

6 A I am responsible for the instructional program,
7 for maintaining the equipment, for purchase of new
8 equipment, for updating curriculum, anything that has to do
9 with the instruction in business education falls in my area.

10 Q Let's leave your role as City Supervisor for a
11 moment and turn to your role as a parent.

12 You have a daughter who is in the program?

13 A Yes.

14 Q And speaking as a parent of a daughter who has
15 been affected by the minimum competency testing program in
16 Newport News, what is your feeling about the attitudes of
17 students with respect to their own skills?

18 A My daughter has just taken it, just got her
19 results mailed with her report card at the end of the year,
20 and the students, I have a lot of students who matriculate
21 through my house by virtue of having a teenager and by
22 virtue of being a parent who carries them to swimming
23 parties and baseball games, etc. Their attitude is very
24 positive.

25 I think they have been indoctrinated long enough

1 that the students that I work with or that I come in contact.
2 with accept that this test is necessary, and they do not
3 question it, and I know some who have had trouble passing
4 it, and you know, they say, golly, I have got to get with
5 this. And they are willing to remediate because I think the
6 test results are pointed out to them as, hey, this is an
7 area you need to work on. You need to function, to be able
8 to function in society.

9 Q So as a parent you are satisfied that students are
10 responding positively.

11 A Yes.

12 Q Drawing on your experience as a business education
13 supervisor, what is your reaction to students and how they
14 are responding to the program in that realm?

15 A Well, let me see, we are seeing a better student.
16 It is easy for me to answer that, if possible, from the
17 standpoint of the teachers.

18 Q Please do.

19 A We have spent a lot of time in remediation.
20 Teachers would say, you know, I spend so much time teaching
21 the math and communication skills necessary to function in a
22 business office that I really don't have time to teach the
23 typing, the shorthand, the human relations. And in the last
24 three years there has not been so much of this. Students
25 are better prepared, and we are able to deal with more of

1 the nice-to-knows, and as a result, our employers are saying
2 they are hiring our students. We did see a decline in the
3 number of students. We were having trouble placing students
4 on jobs, and I was hearing, even as a coordinator when I was
5 a coordinator, well, what are you doing? These kids are not
6 the same kids they used to be. And now we are having less
7 difficulty placing students, and the students are
8 functioning much better.

9 Q If I understand you, then, you are suggesting that
10 the existence of the minimum competency testing program in
11 Virginia has allowed for more focused instruction on those
12 skills, thereby creating more time for pursuit of the
13 nice-to-know skills, is that it?

14 A Yes. But I can't say -- I think the minimum
15 competency test in Newport News has been our end result,
16 because as I pointed out a while ago we had been engaged in
17 a CRT testing program. So the minimum competency is kind of
18 the culminating activity.

19 Q Has this in any way stifled your local efforts in
20 Newport News?

21 A Oh, no. Most of the teachers I have worked with
22 -- and I do have some responsibilities K through 12 -- do
23 not mind it. I mean, the CRT tests get to be a burden, but
24 it is kind of nice to be able to immediately know what is
25 wrong with a child, to have resources at hand to take care

1 of different learning styles.

2 So I think the whole intent from K through 12, we
3 have a curriculum now that we like to think from K through
4 12, that a student, his weaknesses are diagnosed and we
5 remediate.

6 Q What has been the effect of the program on
7 teachers, their attitudes toward the program?

8 A Well, I think in business education the teachers
9 are more positive. I am hearing teachers, as I serve on the
10 advisory committee and as I mingle with teachers at the
11 secondary level, you don't hear so much of, well, they
12 should have taught them in elementary school. So I think
13 that is a very positive thing. I think that teachers feel
14 they are on target, they know what is to be taught, and I
15 know that as a parent, when I put my child in school, I
16 expect certain things.

17 So as a parent and as an educator, I feel
18 confident that my child is receiving this.

19 Q Some people feel that actually the skills of the
20 youngster will be diminished as a consequence of minimum
21 competency testing. As I understood your comments, you feel
22 that those students are now better able to take jobs and
23 fill them effectively.

24 As a specialist in business education, I suppose
25 you come into contact with a fair number of employers.

1 Can you respond to the reactions of the business
2 community regarding this program?

3 A I work with many employers. We have about 300
4 students who work on part time jobs in just business
5 education. I have employers throughout the city who are
6 constantly calling me, and I might say that the number of
7 calls is increasing dramatically that want to hire part time
8 students. We have an employer-employee banquet every year,
9 so I am constantly mingling with employers who also serve on
10 our advisory committees, and they are much more positive.
11 They feel that students are once again prepared for the
12 jobs, and they are more anxious to hire them.

13 Q In conclusion, in coalescing your three roles, and
14 in looking at the entire program from all three
15 perspectives, could you comment on its worth?

16 A I am very pleased both as a parent and as an
17 educator. I do agree that perhaps the minimum competency
18 tests came about because of public pressure, but I as an
19 educator don't mind being accountable. I as a parent expect
20 accountability. I am pleased with education. I am pleased
21 with the fact that -- I perhaps have stars in my eyes, but I
22 think we are back on task and we are dedicated to providing
23 students with a certain body of knowledge that they are
24 entitled to to function in society, and yet, because of the
25 efficiency that is resulting, we are also providing more

1 time for the nice-to-knows, as we call them in business ed.

2 DR. POPHAM: Thank you very much.

3 CROSS EXAMINATION

4 BY MR. GOLDMAN:

5 Q Mrs. Collier, is it true -- is the program that we
6 are talking about tied to a high school diploma?

7 A Yes.

8 May I add something? It is my understanding that
9 we deny the diploma to those who do not pass, but they can
10 come back if they did not pass any one of the competencies
11 and take it and receive their diploma if they met the other
12 requirements.

13 Q Can a student be denied a diploma solely on the
14 basis of the test?

15 A Yes, if he does not meet one of the four
16 competencies.

17 Q What is the passing score in Virginia on the test?

18 A In Virginia? They just gave it to tenth graders,
19 and we just got those results back, and I left my notes, but
20 I think it was 95 percent.

21 I can tell you, I can speak for the Peninsula --

22 Q The point I am trying to get to is in your view
23 can test scores distinguish between students who deserve a
24 diploma and those who do not? In other words, is it fair to
25 say that a student with a score of 51 has a legitimate

1 diploma, or one who has a score of 50 would have a
2 counterfeit diploma? In other words, do you feel that that
3 is a reliable approach?

4 A Well, I know what you are saying. Maybe I am
5 going off track, but let me respond this way. We feel that
6 this particular test, since 1978, in Newport News, we find
7 that the students who were having trouble -- and we are
8 using it as a diagnostic instrument, too, and we find that
9 the students who are having trouble are the students who are
10 in academic trouble anyway, and that many times the
11 attendance was the problem. So we are tightening that.

12 I think that with marginal students, there are
13 some cons.

14 Q Were you surprised at -- you mentioned that very-
15 few students flunked the test in your school. Were you
16 surprised that so few flunked the test?

17 A No, because we gave -- the test is administered in
18 the tenth grade. Our test scores have improved dramatically
19 on our SRAs, so I am always very positive, but the test is
20 field tested in the tenth grade and then we set out to
21 remediate.

22 Q Would it surprise you, Mrs. Collier, if your
23 teachers feel they are being forced to teach the test
24 because they may be evaluated by the results?

25 Would that surprise you?

1 A Yes, it would, but I think that perhaps in any
2 educational system you can find teachers who would say
3 that. But I think you can find just as many who do not feel
4 that way, and probably more.

5 MR. GOLDMAN: Thank you.

6 HEARING OFFICER JORDAN: Thank you.

7 And thank you very much, Mrs. Collier.

8 The next witness, Helen Stiff, Assistant
9 Principal, Prince Edward County High School, Farmville,
10 Virginia.

11 TESTIMONY OF HELEN STIFF

12 ASSISTANT PRINCIPAL

13 PRINCE EDWARD COUNTY HIGH SCHOOL

14 FARMVILLE, VIRGINIA

15 DIRECT EXAMINATION

16 BY DR. POPHAM:

17 Q Mrs. Stiff, what is your position and how long
18 have you held that position?

19 A I have recently been named an elementary principal
20 in a neighboring county, but for four years just prior to
21 this date I was an assistant principal at Prince Edward
22 County High School. I have been, or I was in Prince Edward
23 for eight years in total.

24 Q Congratulations on the new promotion.

25 Will you please give a description of Prince

1 Edward County High School?

2 A Prince Edward County Public High School has
3 approximately 800 students. They are about 75 percent
4 black, about 25 percent white. The students, a good number
5 of the students come from low income families. We have two
6 colleges in the community, Longwood College and Hampton
7 Sydney College. The community is very rural. There is the
8 small town of Farmville. Many of the students' parents are
9 involved in agricultural types of employment, and a few are
10 involved in light industry, and of course, we have some
11 parents who send their children to the schools who are from
12 the colleges.

13 Q Thank you.

14 What has been the overall impact of the Virginia
15 Graduation Competency Testing Program in Prince Edward
16 County School?

17 A The overall impact of minimum competency testing
18 in Prince Edward County has been very positive. We have
19 found that the minimum competency testing program has helped
20 us to identify weak students and to provide remediation for
21 them, and we feel like we are graduating a better group of
22 students now as compared to several years ago.

23 Q What has been the effect of the program on student
24 attitudes? Can you tell me anything about that?

25 A I think it has served to increase self-esteem

1 among many of our students. You will find that the students
2 are elated when they find that they passed the competency
3 tests. You will find that many of them are more concerned
4 about their education, and in prior years there was less
5 concern, in my opinion, about education and what they were
6 doing in school.

7 Let me mention Prince Edward County as the system
8 -- it is historically significant in that Prince Edward
9 County closed its schools -- and I think this factor, it
10 closed its schools several years ago. There was no public
11 education in Prince Edward County, and I think this was a
12 factor that retarded education in Prince Edward County, and
13 I think that in the last several years we have been working
14 to improve public education in Prince Edward County.

15 Q My curiosity has peaked. Why were the schools
16 closed?

17 A This was in an effort to avoid integration. This
18 was 1959, and for several years the schools were closed, and
19 they opened in 1964, I believe.

20 Q So you are saying that the students are more
21 concerned, that is, more serious about their education?

22 A Yes, far more serious.

23 Q Do you have any evidence regarding how student
24 performance has been affected?

25 A Yes. I have some statistics that reveal the

1 progress of our students in regard to completion of minimum
2 competency testing. In 1978 we had 78 percent who passed
3 the reading test and 52 percent who passed the mathematics
4 test. Overall, this reflects 50 percent having passed both
5 tests on the first administration.

6 Let's go up to 1981. You have 92 percent of the
7 students who passed the reading test on first
8 administration, and in mathematics, in 1981 you have 97
9 percent who passed the mathematics test on first
10 administration. This is a 91 percent of our tenth grade,
11 new tenth graders who took the test on first administration
12 and passed both parts of the test.

13 What this indicates to us is this says that we are
14 not overlooking our weaker students. We are going back, we
15 are directing instruction for them. We are providing them
16 with remediation. We are getting them more prepared early,
17 and they are now able to pass this test on first
18 administration.

19 Let me go on to say that once we have found that
20 our students can now do this kind of thing, we can teach
21 them far more by taking them further.

22 Q How would you react to the accusation that
23 students are just able to do well on the tests, and that
24 real skills are not being reflected by these impressive
25 statistics?

1 A As I had previously started to comment, we try to
2 make sure early in the game that our students can do these
3 kinds of things, that is to say, spend only a few days going
4 over the competencies, and these competencies are part of
5 public information. So anyone can study the competencies
6 and be prepared with the competencies.

7 So after we have found that our students are
8 prepared with the competencies, we go further and teach them
9 all the other kinds of things.

10 As Mrs. King had indicated in her testimony, the
11 State of Virginia requires 18 credits. So once our students
12 have completed this competency requirement, they go on to
13 study other things.

14 Q What has been the reaction of the teachers to the
15 competency testing program in your school?

16 A It has been an indicator to the teachers that
17 their instruction has been more directed. They feel like
18 they are getting something specific done. They feel that
19 instruction has improved in Prince Edward County.

20 Q Are the teachers overstressing the basics?

21 A Absolutely not. When we get a group of students,
22 for example, at the tenth grade level, we might have a few
23 teachers in the reading and mathematics area who might
24 refresh our students with the competencies. Generally
25 speaking -- let me digress a little bit. We use a locally

1 constructed diagnostic instrument around the eighth and
2 ninth grades to find out where our students are. If we find
3 that they are weak, we go back and work with these
4 students. Then we go on. So when we get to the tenth
5 grade, it is only a matter of spending a little time
6 refreshing students, and then we go on with our regular
7 requirements and instruction.

8 Q Ms. Stiff, what has been the reaction of the
9 community in your community to this program?

10 A The reaction has been very positive. The minimum
11 competency tests have served to indicate to the public in
12 Prince Edward County -- and it is a sensitive public -- that
13 the quality of education in Prince Edward County Public
14 Schools is high. It indicates that the students can do
15 certain things. We are not just producing students who
16 don't have some minimum standards or minimum proficiency.

17 Q In looking at the whole program from your vantage
18 point, could you comment overall on the impact, positive or
19 negative, of the competency program in your state?

20 A There have been many articles done in the media,
21 produced by the media, the Farmville Herald, for one, and
22 the Richmond Times-Dispatch, which are papers circulated in
23 the state, that indicate that the competency program is
24 significant for the State of Virginia. I think that the
25 public is interested in looking at what the competency

1 results reveal, and they do feel assured that students who
2 are graduating from high school are better than they were
3 several years ago.

4 DR. POPHAM: Thank you very much.

5 HEARING OFFICER JORDAN: Cross?

6 CROSS EXAMINATION

7 BY MR. GOLDMAN:

8 Q Ms. Stiff, how many questions do you have to get
9 correct in Virginia to pass the test?

10 A The cutoff score is 70.

11 Q The cutoff score is 70.

12 A 70 percent.

13 Q In your experience, how many students, what is the
14 experience in your school of pupils falling one point below
15 or one point above?

16 A We had on first administration of the test, we had
17 several students who were 69, 68, 67, etc. There are only
18 like 150 in this tenth grade class, approximately 150. So
19 we have about ten or more people who might fall in that
20 line. We feel very pleased that these students are that
21 strong, and what we do then, we go back and we start to
22 diagnose, find out what kinds of skills these students are
23 not prepared with. We work with them on these competency
24 skills, and we find that they perform well on the second
25 administration of the test. And the students are pleased to

1 know what their weaknesses are, too.

2 Q After having failed the test the first time?

3 A Yes. They are pleased.

4 I think our students feel -- I think they are
5 pleased to know when they are weak. They want to do
6 better. They want to know what is wrong, and they want help.

7 Q How do they feel if they fall one point below
8 passing?

9 A I think it might be a matter of slight
10 disappointment that I didn't make that one point, like any
11 of us would feel if we missed it by one point.

12 MR. GOLDMAN: Thank you very much.

13 HEARING OFFICER JORDAN: Thank you very much, Ms.
14 Stiff.

15 Your final witness?

16 DR. POPHAM: We are going to recall Professor
17 Scriven.

18 HEARING OFFICER JORDAN: Recall Professor Scriven.

19 FURTHER TESTIMONY OF MICHAEL SCRIVEN

20 DIRECTOR OF THE EVALUATION INSTITUTE

21 UNIVERSITY OF SAN FRANCISCO

22 SAN FRANCISCO, CALIFORNIA

23 FURTHER DIRECT EXAMINATION

24 BY DR. POPHAM:

25 Q This is somewhat unusual procedure, Professor

1 Scriven, calling you back, but we were interested to have
2 your observations on the hearing to date.

3 As you have observed the opening testimonies of
4 both groups and the witnesses thus far and the cross
5 examination, what thoughts come to your mind regarding what
6 has been transpiring here?

7 A It seems to me there is going to be some risk of
8 getting bogged down into some of what I see as the less
9 important issues.

10 Let me give you an example of that. It is clear
11 that it is possible to abuse the minimum competency
12 testing. It is possible, if you put enough political
13 pressure on, to get the retakes down frequently enough with
14 a small enough set of questions so that eventually the
15 student has had all the questions discussed with their
16 advisors, and on the 16th retake they will get them right.
17 It is possible to cheat deliberately in all sorts of ways.

18 The fact that this happens is not a sign that
19 minimum competency testing is not a good move to make. It
20 is a sign of the political power to corrupt any kind of
21 system of testing that exists in the school system, the
22 exact circumstance which necessitates going towards
23 independent testing.

24 We are going to it not because teachers are
25 incapable of doing a very good job, but because under the

1 pressures that they get for that, they find it is very
2 difficult to actually follow through and give their best
3 shot to this. If we find that MCT itself gets corrupted by
4 enough teachers, administrators, students and parents
5 finding some way to cheat on it, then we know that we have
6 come to the end of the line and the system is not worth
7 saving. That is why I put the matter in a very extreme way
8 at the end of my first testimony by saying this is a last
9 chance issue.

10 One can put it in minimum competency terms by
11 saying that the question of whether the school systems will
12 go for minimum competency testing is a minimum competency
13 test of the school systems. If they can't cut it for this,
14 the tiny little thread that connects external reality with
15 what the schools are doing, then we are in very bad shape.
16 This is the one way in which the consumer, whether it is the
17 student, parent or the employer, finds out whether people
18 that are getting graduated, i.e., dismissed from the school
19 as having learned what the school teaches them, whether they
20 have really learned what the school has to teach them. And
21 if it turns out they are illiterate, that is bad news. It
22 is important to know about that sort of bad news.

23 That is why minimum competency testing is a
24 minimum competency test for the school.

25 Q Are you troubled by the objections, criticisms

1. raised by our colleagues on the con team?

2 A They are excellent criticisms of the imperfections
3 of many implementations and the state of the art of testing,
4 give or take a little standard deviation here or there.

5 The question is not that. The question is what do
6 we do instead? If what we do instead is to be asked to pour
7 more resources into the present system, then we have already
8 tried that. We have lost public credibility doing it, and
9 the results are that we graduate illiterates. We have to
10 have a better alternative than that. Minimum competency
11 testing is a step towards honesty in the system by moving
12 the evaluation to the external position.

13 Q You concluded your opening remarks with the
14 observation that minimum competency testing was "the last
15 hope of education." Even for the pro team this may be a
16 little strong. Perhaps you would like to explain what you
17 meant by that.

18 A Well, just to amplify one step further, it isn't
19 that hard to work out whether somebody can in fact write.
20 The usual way is to ask them to do some writing. Similarly
21 with reading and similarly with computation. Whatever the
22 tricky little details there are about the testing system, we
23 are committed -- the fact remains that at a crude level it
24 has to be possible because the employers do it and the
25 people at the higher level in the educational system do it,

1 and it is done all the time. You discover that your new
2 students at Berkeley can't write sentences, can't listen,
3 can't read properly. This is an easy thing to discover. It
4 may take multiple reiterations of a test to do it. Fine.
5 Minimum competency testing systems normally allow multiple
6 reiterations. It may mean that the initial cutting score
7 will be a little arbitrary to within a few points. Fine.
8 Allow the student to rework and retake. None of these are
9 important drawbacks. They all relate to the question of
10 whether the total expertise of the testing profession, the
11 evaluation profession and the education profession can or
12 cannot face up to being honest with the people who pay the
13 bills and whose children go through, and with those children
14 themselves.

15 So I am really anxious for people to see the
16 crucial question here as "do we go with the big lie some
17 more?" The big lie is to graduate people who can't pass
18 fifth grade tests. If we want to go with that, for my
19 money, that is the end of the system of education in this
20 country as we have it. If we want to move away from that,
21 we have to move to some kind of external testing in basic
22 skills. If we go that route, that is minimum competency
23 testing. It may not be perfect today. It is not bad today,
24 and we can move it up real fast once we decide that is the
25 only alternative we have.

1 DR. POPHAM: Thank you, Professor.

2 HEARING OFFICER JORDAN: Cross?

3 DR. MADAUS: Yes.

4 CROSS EXAMINATION

5 BY DR. MADAUS:

6 Q Mr. Scriven, just to return to something you said
7 this morning, you would prefer using multiple indicators in
8 program evaluation, is that right?

9 A Right.

10 Q Now, also this morning you had a nice example that
11 you used of comparing your head of hair with Dr. Popham's
12 head of hair, and isn't that more like comparing the
13 valedictorian with the bottom person in the class, and
14 aren't we really concerned in all of this about people who
15 have very similar heads of hair, and we are trying to
16 distinguish between them?

17 A No, I don't think that is the proper focus at
18 all. That is why I am worried about that line of
19 questioning on the cutting score. The focus is the bottom
20 end. Are you going to be honest about the people at the
21 bottom end or not?

22 Q What about being honest about the people who are
23 on the cut score?

24 A Give them a second chance. They are not going to
25 be penalized.

1 Q What about being honest about the people who are
2 just over the cut score and never have to take the test
3 again, and in fact, because of errors in the test, would
4 have fallen below the cut score?

5 A Well, we can be honest with them and tell them
6 their score.

7 Q But it is not dishonest to tell the public that
8 here is a diploma and he is only one point over the cut
9 score? That is not dishonest?

10 A Why would that be dishonest?

11 Q How is it any different than one point below the
12 cut score?

13 A It is no different?

14 Q It is no different?

15 A No. The crucial thing about this is nothing to do
16 with the cut score. It is whether or not you have graduated
17 the people who are illiterate at the bottom end of the
18 scale. The cut score is the details.

19 Q Except the individual kids.

20 A No, the individual kids get the chance to retake,
21 and they get help on the retake. There is no permanent loss.

22 Q What about the kids just one or two points over
23 the cut score?

24 A People who are one or two points over the cut
25 score, you can hardly be dishonest in telling them.

1 Q So you are not making any inferences about their
2 ability. You are just saying they are one or two points
3 over the cut score?

4 A Of course I am making inferences about their
5 ability. They are marginally competent.

6 Q But we don't say that. We give them a diploma.

7 A Who said we don't say that?

8 Q Does it say on the diploma we endorse the diploma
9 and he got so many points over the cut score?

10 A The idea is not to suppose that the entire
11 function of the education system ceases with the diploma.
12 One of the things we are trying to fight against is the idea
13 that you should give it in wildly inappropriate cases. To
14 be one point over the cut score is not a case of being
15 wildly inappropriate.

16 Q Well, there are -- it is not wildly inappropriate?

17 A No, it is not wildly inappropriate. It is one
18 point over the cut score. Giving a diploma to somebody who
19 is illiterate is wildly inappropriate.

20 Q And neither team is for that, and we will show you
21 viable alternatives if you can stay this afternoon.

22 Thank you.

23 HEARING OFFICER JORDAN: Thank you very much.

24 Thank you, Professor Scriven.

25 That concludes the morning presentation of the pro

1 team's case.

2 We are going to recess now for lunch and reconvene
3 this hearing at 2:20. We hope to see you then.

4 (Whereupon, at 11:50 o'clock a.m., the hearing in
5 the above-entitled matter recessed, to reconvene at 2:20
6 o'clock p.m. the same day.)

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1 AFTERNOON SESSION

2 2:20 p.m.

3 HEARING OFFICER JORDAN: The hearing will
4 reconvene and, as you know, this afternoon we will hear the
5 Con Team present its case. The first witness for the Con
6 Team is Mr. Ralph Nader of the Center for Responsive Law of
7 this city.

8 THE CON TEAM PRESENTS ITS CASE

9 TESTIMONY OF RALPH NADER

10 CENTER FOR RESPONSIVE LAW

11 WASHINGTON, D. C.

12 DIRECT EXAMINATION

13 BY MS. PULLIN:

14 Q Mr. Nader, we heard a great deal of testimony this
15 morning about minimum competency testing and the allegations
16 of the other side that minimum competency testing is a
17 consumer protection device designed to assist the American
18 public in evaluating public education and to put an end to
19 what was described this morning as the "big lie" about
20 American public education.

21 Do you agree with the testimony this morning
22 indicating that minimum competency testing is a consumer
23 protection device?

24 A I don't believe it is because any consumer
25 protection device has to meet certain standards that can be

1 considered process standards.

2 Q What would the standards for a consumer protection
3 device be?

4 A For example, they have to be openly refutable in
5 terms of their quality and the accountability process is,
6 shall we say, extremely minimal for these tests. There is a
7 great deal of secrecy about how these tests are prepared.
8 There is no "truth in testing" legislation that covers these
9 tests, so they can be retroactively analyzed as the SATs are
10 retroactively analyzed by the test takers themselves, that
11 is, the students.

12 Q You indicated that there are other criteria that
13 you hold for consumer protection devices. What criteria
14 would those be and how would they apply in this context?

15 A The most obvious one is that a consumer protection
16 device has to protect the consumer. In this case the
17 consumer is the student. Do these MCTs protect consumers?
18 Most definitely not. They are a kind of educational
19 roulette where, depending on how the student feels on a
20 given day, depending on the ambiguity and poor quality of
21 the test, a high school career can be stopped suddenly or a
22 promotion from one grade to another can be stopped suddenly.
23 Life is just not made up of the last of the ninth
24 inning of the last game, when the pennant is going to be
25 decided in the coming pitch. That's a very unfair,

1 precipitous way to decide any important decision, not to
2 mention a promotion decision in school.

3 Furthermore, these tests don't reflect what the
4 students were learning or not learning in school. The
5 symmetry simply isn't there. They purport to predict adult
6 competency. This is a complete fraud and misleading
7 assertion, again a violation of consumer protection
8 principles.

9 I am reminded that the Educational Testing
10 Service, which tends to say that it spends the most time
11 developing sophisticated tests of anyone in the world and
12 they only purport to predict the grade scores in the first
13 year of college by these high school students who take the
14 SAT.

15 Their prediction level is about fifteen percent,
16 that is, except for about fifteen percent of the students
17 you can roll the dice and you will come out as accurate in
18 the prediction as these tests.

19 The SAT does not predict future capability or
20 competence and yet these minimum competence tests,
21 so-called, have the educational hubris, shall we say, of
22 trying to predict adult competency. I don't think in the
23 year 5000 A.D. psychologists will be able to so narrow and
24 predict the variables of the human intelligence in the
25 cultural context to warrant such an effort, much less being

1 done in 1981.

2 Q You are saying, then, that the minimum competency
3 examinations we are discussing here purport to measure a
4 much broader area of a student's ability or achievement when
5 compared to an examination that you have also described --
6 college level examinations -- which are described as being a
7 much narrower aspect of an individual's capacity? Is that
8 correct?

9 A Exactly. The SATs have much narrower ambitions in
10 their predictive claims and they are very poor in the
11 accuracy of their prediction. The MCTs have an almost
12 human, global claim about competency and they don't even
13 come close and there's no data to support what they do.

14 In fact, the existing tests in this area show just
15 the opposite. Competent adults who have taken this test
16 have failed the MCTs in significant numbers.

17 Q Should multiple choice tests be used to determine
18 grade-to-grade promotion or graduation from high school at
19 all?

20 A Never. That's like putting an extremely tenuous,
21 extremely arbitrary, extremely categorical, extremely
22 error-prone, extremely ambiguous prone pattern on top of the
23 young mind. The multiple choice test does not allow for
24 nuances. It is filled with ambiguities.

25 Just let me read you, if I may, a couple of

1 questions here to illustrate my point. Mind you, this is,
2 at the most, a high school senior taking this test, perhaps
3 much younger, of course, as well.

4 Question: A deputy sheriff came to Wanda's house
5 today with a warrant for her arrest. What should Wanda have
6 done?: (A) refused to accept the warrant until she talked
7 to her lawyer; (B) called her lawyer and asked her to come
8 to Wanda's house to talk to the deputy; (C) pretend that she
9 was not Wanda; and (D) gone with the deputy and called her
10 lawyer from jail.

11 First of all, there might be some poor children
12 who never would even think of having a lawyer to call and
13 the question is a horrible one.

14 Q You are a lawyer, Mr. Nader. Do you know the
15 right answer to that question? I don't want to put you on
16 the spot.

17 (Laughter.)

18 A Well, the best one -- you know, most people just
19 don't have lawyers that they call. That's the problem.
20 Lawyers don't serve most of the people in this country. You
21 would want to call your lawyer and ask her to come to
22 Wanda's house to talk to the deputy. In other words, you
23 freeze the situation.

24 But, you see, it's very ambiguous, this set of
25 replies, and you are supposed to answer in, what, thirty

1 seconds or sixty seconds or ten seconds?

2 Q As if there were one correct answer?

3 A That's right. And then there is this one. This
4 one is even worse because it depends on whether you are a
5 citizen activist, what the quality of your neighborhood is
6 like, whether you are a multi-purpose person, et cetera.
7 Listen.

8 The city garbage truck has not picked up Esther
9 Maxy's garbage for three weeks. Esther is having trouble
10 keeping the flies and mice away. What should she do?: (A)
11 take the garbage down the street to an empty lot; (B) call
12 the hospital to complain about the mice; (C) call the
13 sanitation department about the problem; and (D) cover the
14 garbage with a sheet.

15 Suppose you live in a town where the sanitation
16 department operates at glacial speed. By the time the
17 sanitation department comes you might be engaged in methane
18 biomass deterioration of the garbage. If you have an empty
19 lot that, say, belongs to someone you know and can be a
20 repository temporarily until the sanitation department
21 comes, or if there is a practice of this occurring where you
22 might want to do two or three of these. It is nonsense.

23 It penalizes the subtle mind. It discriminates
24 against whether you come from a rich neighborhood, a poor
25 neighborhood, whether you are a certain ethnic group,

1 cultural background and the like. In fact, you can't even
2 satirize these tests. How could you satirize satire? I
3 haven't found out yet.

4 Q Mr. Nader, do multiple choice tests have some
5 value as predictors of future performance for students?

6 A I don't believe so. First of all, what do
7 multiple choice tests not purport to measure? They do not
8 measure the student's determination, stamina, creativity,
9 character, idealism, experience, judgment, wisdom. These
10 are all the qualities that make for success in life. These
11 tests don't purport to measure them. They don't measure
12 them. But they are used to determine the future course of a
13 young person's life, whether educationally or, in an
14 indirect way, occupationally.

15 Q Well, would you see, then, that perhaps minimum
16 competency tests could offer a way to improve the quality of
17 America's public schools?

18 A I think only by exposing their own absurdity. In
19 other words, the way a deceptive practice focuses attention
20 on what is behind it.

21 Q Is there any evidence in the literature that MCTs
22 have led to school system change? First of all, the burden
23 is on the child, on the student, in the MCT context. It is
24 often viewed as a student problem rather than a school
25 problem, a system problem or whatever. There is no

1 indication that there is even a retroactive system change as
2 a result.

3 I am reminded of Professor Campbell's comment,
4 when he said that excessive reliance on quantitatively
5 measured scoring systems paves the way for the misuse,
6 corruption, political manipulation of not only that scoring
7 system but also of the social processes that these scoring
8 systems are supposed to be either reflecting or improving.

9 By that he probably meant that the instruction
10 starts tailoring itself to the MCT, that it becomes a
11 numbers game, a political type of game, that schools vie
12 with one another to measure their adequacy by how many
13 students pass these tests on the first go-around, or what
14 have you. It is a decoy. It is a diversionary method to
15 avoid facing up to the real qualitative problems in the
16 school system, and they are not all student-oriented.

17 Q Are you concluding, then, that minimum competency
18 testing may do more to harm the public's perception about
19 education than to help it?

20 A That's exactly my point. Not only don't they
21 fulfill constructive missions, they don't provide useful
22 information. But they actually, over time, will
23 increasingly damage people and systems in the following way.

24 They will affect the self-esteem of the students
25 who happen to fail. It just so happens that there's a

1 higher rate of failure amongst minority groups and lower
2 income groups, which is exactly the kind of correlation that
3 we have found to be the case with the SATs and other
4 multiple choice tests of the ETS company. In short, there's
5 an economical and cultural bias here.

6 And what is even more tragic is that it's been
7 shown that minority students who failed these tests
8 internalize the test scores as a measure of their self-worth
9 even more intensively than non-minority students who fail
10 these tests. So it's a very destructive factor for
11 self-confidence and it shouldn't be given the gravity of a
12 fraction of a percent that it is now given in the context of
13 assessing the student's performance.

14 The problem with MCTs is that they are given a
15 wildly exaggerated significance for a scoring process that
16 is extremely inadequate, fraught with error and ambiguity,
17 culturally biased, destructive of any expression of reality
18 of what is going on in the school, and unable to reflect
19 back on the school system by way of improvement of the
20 system itself.

21 Q In conclusion, then, would you say that you oppose
22 the use of minimum competency testing to determine the award
23 of a diploma or promotion?

24 (Laughter.)

25 A I not only oppose the MCTs because they don't

1 deliver what they say they deliver, I oppose them because
2 they are a diversionary technique that diverts attention
3 from the real problems of the school system in American
4 society. They waste money. They throw the system into a
5 centralized decisionmaking process rigged with political
6 manipulation. They take away the personal evaluation of the
7 student by teachers and school systems, at least to the
8 extent that it should be. It depreciates that personal
9 judgment and evaluation. And it does a great deal of harm,
10 cumulatively, to the psychology of the student and, indeed,
11 the orientation of the curriculum.

12 I want to just give you a little anecdote that
13 came to my attention recently. Two teachers met in
14 California -- they happened to be university teachers --
15 just a few weeks before exams. One said to the other, "You
16 know, I haven't drawn up a multiple choice test for a long
17 time. It is rather hard." And the other teacher said, "why
18 are you giving your students a multiple choice test?"

19 The first teacher said, "Because I have 110
20 students and I want to achieve fair grading." The other
21 teacher says, "Well, I have 600 students and I give
22 essay-type questions because I want to achieve fair
23 questioning." Fair questioning is more important than
24 focusing on fair grading because it is the prerequisite to
25 fair grading.

1 MS. PULLIN: Thank you very much, Mr. Nader. You
2 can cross.

3 HEARING OFFICER JORDAN: Cross examination.

4 CROSS EXAMINATION

5 BY DR. POPHAM:

6 Q Mr. Nader, there is a puzzling contradiction
7 between your testimony today and the thrust of your career,
8 as far as I can discern it. And since I am one of your many
9 admirers I hope you will be able to clarify for me.

10 You have been a champion of consumers' rights
11 through the years, defending the consumers against
12 exploitation by business and industry. If an industry
13 attempted to profit by fraudulently representing its goods
14 or services you have protected the public by exposing that
15 fraudulence.

16 Now in the minimum competency testing we see an
17 effort to restore honesty to grade level promotions and the
18 awarding of diplomas. The people who crafted these programs
19 are anxious to let the public honestly know what is
20 transpiring in education and yet we now find that you are
21 opposed to this. It seems contradictory. Perhaps you could
22 clarify.

23 A Well, it isn't contradictory. First of all, in
24 this area there are profitmaking firms and consultants who
25 benefit from the widespread acceptance of these tests, so

1 there is a commercial ingredient of vested interest here.

2 Secondly, your comments remind me of a bill that
3 passed through Congress a number of years ago called The
4 Truth-in-Labeling or Truth-in-Packaging bill. And I was one
5 of the first to denounce this bill because it did nothing of
6 the sort. It itself was a deceptive piece of legislation.

7 Q You proposed truth-in-testing laws?

8 A Yes, because it was a disclosure factor. It
9 propelled to the public arena data so that people of all
10 views and all backgrounds could analyze it and grapple with
11 it, not to mention the consumers themselves, that is, the
12 test-taking student.

13 So it isn't the label that is given to this
14 effort, MCT. It is really what is behind the label.

15 Q I'm just trying to push a little bit on this
16 because you are not opposed to truth-in-testing laws because
17 they reveal what is going on. Are you contending that a
18 minimum competency testing program by nature must be
19 secret? Couldn't you conceive of some in which the public
20 is informed, the nature of the tests are described, and
21 students have access to the test after they're given it?
22 Isn't this a possible conception?

23 A Oh, yes. I would hope that as a first step toward
24 public understanding, abolition of MCTs, that there first be
25 truth-in-testing disclosure, but I am willing to let the

1 public decide that. I think that they will come out against
2 these tests the more they know about them.

3 Q Thank you. You have offered opinions today
4 regarding test validity, the nature of the minimum
5 competency test, the deficits of multiple choice test items,
6 and so on. Are you offering those opinions as an expert on
7 such technical matters or as a layman?

8 A Well, how do you define a layman?

9 Q You would be a special one, not your average
10 layman, certainly, but I just wondered if you had any
11 special credentials to qualify you to talk about matters of
12 test validity and things of that sort.

13 A I believe so. We conducted a six-year study of
14 the Educational Testing Service that was completed in early
15 1980. This involved reading over enormous numbers of
16 documentations. Our staff, led by Allan Nairn, did that.
17 So I think we have a more than nodding acquaintance with
18 these tests.

19 I also have a very intense understanding of how
20 these tests affect students, having communicated with
21 students and taught students for a number of years.

22 Q On the basis of that experience, are you really
23 prepared to say that written multiple choice examinations
24 can never serve as valid measures of student knowledge or
25 skills?

1 A I think they have an inherent defect, yes. That
2 is not to say that every single multiple choice question is
3 defective. It is to say that there is a penalty imposed on
4 the students' critical reflective abilities, that these
5 tests make themselves very vulnerable to ambiguities, and
6 that the time pressure on these tests are utterly
7 unrealistic in terms of reflecting real-life experiences and
8 judgment.

9 Q Are you familiar with the many minimal competency
10 tests that are given without time limits, or do you think
11 that they are all time limited?

12 A They are not all time limited, but certainly these
13 MCTs, for example, in California run two hours or so and,
14 you know, there is a time limit.

15 Q There are many states in the nation, many
16 districts, which have no time requirements because they are
17 important examinations, of course.

18 A I would not put a great emphasis on that. A far
19 greater emphasis should be placed on the inherently
20 ambiguous nature of many of these questions and the
21 important point that they are given a wildly exaggerated and
22 decisive significance for human beings' future careers or
23 educational advancement.

24 Q You talk about the inherent ambiguity of the
25 multiple choice test. So then you really do believe it is

1 impossible to create a decent multiple choice test that
2 measures certain types of knowledge and skills?

3 A By comparison with alternatives, yes. In other
4 words, I think that there are alternatives, even in the hard
5 sciences, that can give a greater opportunity to the
6 creative diversity of students. As you know, there is more
7 than one way to deal with a math problem.

8 Q You have spoken about the fact that tests
9 essentially ignore individual motivations and needs and
10 interest and so on. Aren't there some tests, like the FAA
11 test that licenses pilots to pilot commercial aircraft,
12 where you wouldn't want to make accommodations to the
13 individual's motivation or preferences, where you ought to
14 have a single standard, or do you think all tests have to
15 have that?

16 A If you have a narrow test it should be for a
17 narrow purpose. For example, when they test airline pilots,
18 technically it is for a technical purpose. They don't then
19 say okay, airline pilot, we are not going to talk about your
20 stamina, your physical capabilities, your temperament, how
21 you behave under pressure in crowded skies near an airport.
22 They don't do that. You see, a narrow test should be for a
23 narrow purpose.

24 Q So a test with an avowed purpose could be used for
25 that purpose legitimately?

1 A It could be, but it has to be examined on its own
2 footing.

3 Q You commented that minority students in particular
4 often will fail the test. They have reduced self-esteem as
5 a consequence. Did you have an opportunity to hear this
6 morning the numerous witnesses on our side who testified to
7 the opposite effect? That in fact students' self-esteem,
8 minority and majority alike, were many times enhanced as a
9 consequence of those tests?

10 A I did not hear this morning's testimony, but I am
11 aware of that assertion and it's usually based on the
12 following, that if they pass a test that doesn't mean
13 anything they feel good because they passed the test.

14 The key thing is not only how they feel when they
15 pass, when they fail. The key thing is how they feel when
16 they fail a meaningless test and also how do they feel when
17 they pass a meaningless test.

18 Q And you are saying, by definition, all minimum
19 competency tests are meaningless?

20 A The ones that are given in this country,
21 definitely.

22 Q And they are meaningless because of the ambiguity
23 of the test items and what else?

24 A They are meaningless by their own standards. They
25 do not predict adult competency. They do not reflect what

1 is taught or supposed to be learned in the school
2 curriculum. They are inherently ambiguous in many
3 respects. And they have a class bias.

4 Q Not being able to predict adult competency is an
5 interesting contention because our opponents earlier today
6 suggested there was considerable uncertainty about what
7 adult competency is. How could they not predict what we...
8 don't know? I mean, is it really the case that creators of
9 minimum competency tests allege that unless they predict
10 with rather decent accuracy success in adult life they ought
11 not be used? Do you think all minimum competency testing
12 architects are claiming that they have to have that
13 predictive power?

14 A I don't think anyone claims that these tests are
15 bullseye predictors of adult competency, but it is bad
16 enough that they even presume to predict even a general
17 approximation to adult competency.

18 And I am not just speaking about people who may be
19 disabled or not feeling well that day and thereby subjected
20 to a particularly sharpened form of educational roulette. I
21 am speaking about people who cannot reflect the diversity of
22 their intellect, the background of their experience and
23 judgment through that extruded, narrow mold called the
24 multiple choice test.

25 Q Let me ask you a little bit about that. Granted

1 that we can't make perfect bullseye predictions. If you
2 found a youngster who could not pass a minimum competency
3 test calling for the demonstration of basic skills in
4 reading and writing and mathematics, and then you found a
5 youngster who could, which of these two youngsters would
6 have the better chance to succeed later?

7 A That, of course, is what is called a leading
8 question.

9 Q I am permitted. This is cross examination.

10 (Laughter.)

11 A Based on your premise, the students who show that
12 they can read, compared to students who show that they can't
13 read, will do better in life, I will say they will do better
14 in those matters of life which require reading. They may
15 not do better in motivating people and leading people and
16 organizing people and many other skills in life.

17 Secondly, the school tests themselves should be
18 able to show whether the students reflect the substance, the
19 specific subject matter that was supposed to be taught in
20 the course. And you really shouldn't have another layer of
21 one-shot multiple choice testing to do what the schools
22 themselves should be doing in their own testing.

23 That is what I meant when I said earlier it is a
24 dangerous diversion that develops a closed loop of
25 self-satisfaction by the test makers and test administrators.

1 Q If I understand you, then, you are saying that
2 currently tests are being used in the schools but they are
3 not being used properly?

4 A The spectrum is very wide. The schools have many
5 problems and many differential qualities.

6 Q I guess I am troubled, particularly since I am
7 such an admirer of yours, for you to come down on this side
8 of the case. You ought to be one of our witnesses.

9 MS. PULLIN: Can I ask again that Dr. Popham avoid
10 the gratuitous comments, even when they are favorable to my
11 own witness?

12 HEARING OFFICER JORDAN: The doctor is cautioned.

13 DR. POPHAM: I withdraw the gratuitous compliment.

14 (Laughter.)

15 THE WITNESS: I didn't think it was gratuitous.

16 BY DR. POPHAM: (resuming)

17 Q What is the alternative? Are you satisfied, Mr.
18 Nader, with student mastery of basic skills today in
19 America? And if you are of course there's no reason to be
20 looking for alternatives. Are you satisfied?

21 A Who can be satisfied?

22 Q I hope not.

23 A Obviously not. I think what we have to do is
24 focus on the day-to-day quality of education rather than
25 expect a particularly grave decision to be made in a one

1 hour, two hour, three hour exam. I just don't think that
2 reflects fairness in life. I don't think that reflects
3 reality in life. I don't think it reflects the substance of
4 the elementary and secondary education that the student has
5 gone through.

6 I am sure we would agree on many ways to improve
7 the regular curriculum, the quality of education, and that
8 is where the emphasis should be. And if budgets are so
9 tight, why in the world are budgets being used for this kind
10 of testing, when they should be directed much more toward
11 the interaction between student-to-student, student and
12 teacher, and teacher and administrators, parents and teacher
13 associations, and schools and society.

14 Q As a final question let me rephrase what you have
15 just said and you can pick apart my rephrasing.

16 It seems to me you are saying, in essence,
17 schooling is not satisfactory but we want more of the same.

18 A Oh, no. That is 180 degrees difference. You see,
19 your type of rephrasing is responsible for creating these
20 multiple choice questions. You are really proving my point.

21 (Laughter.)

22 What I am saying is that so serious is the
23 situation in our schools -- and it has been serious for many
24 years; it is not a recent phenomenon -- that we have to pay
25 attention to the kind of changes that integrate themselves

1 in the daily experience of the student, teachers, parents
2 and administrators, and rather than go to the easy fix, the
3 quick label, multiple choice MCTs. And I think the sooner
4 we get on with this business and face up to the real hard
5 problems, rather than think that we have some kind of an
6 educational hubris that can say stop and go to students
7 based on multiple choice test questions which really don't
8 even reflect much of what they are learning or didn't learn
9 at school the better off our educational system will be.

10 DR. POPHAM: My colleague, Professor Alleyne, has
11 a question.

12 BY MR. ALLEYNE:

13 Q Mr. Nader, Dr. Popham, during his cross
14 examination, asked you a question about your competence in
15 the area of education and testing in particular, and my
16 notes show that you responded to one of his questions, "We
17 conducted a six-year study." Was that your response?

18 A Of multiple choice testing and the Educational
19 Testing Service.

20 Q My question is, who is "we" and were you part of
21 the "we"? Did you actually take part in the study in terms
22 of doing research and analysis yourself? Or when you
23 answered the question were you merely reporting on the
24 results of the six-year study?

25 A I was involved in the study. Anybody who knows

1 anything about the studies that we put out realizes that
2 sometimes I am considered too much involved by the field
3 researchers. We help to frame the general questions, not
4 only helped frame the access to the data, made sure the data
5 was verified--

6 Q You yourself? When you say "we"?

7 A Well, not everybody did everything. Different
8 people. Edited the materials, questioned some of the
9 specialists in the field, and, above all, I wa to make
10 this point, that in all our consumer protection activities
11 we have always followed one rule. Consumers, per se, have a
12 right to evaluate, judge and make commentary and sometimes
13 from their perspective as consumers they can make extremely
14 relevant and telling commentary as the college students have
15 done vis-a-vis the SATs and Graduate Record Exams and LSATs
16 in the last few years.

17 Q Can you give us a rough percentage of the total
18 manhours of work which went into the six year study that you
19 yourself took part in?

20 A I really couldn't judge that because it involved,
21 over a period of six years, meetings, reading, analysis,
22 culling questions, but it clearly was in the hundreds of
23 hours.

24 Q As compared to the number of hours for the total
25 time put into the project?

1 A As compared to the thousands of hours for the
2 total time, because it involved many people over quite a
3 period of time.

4 I want to also emphasize that it is our function
5 to bring together the most insightful and competent
6 commentary which often is not given an adequate hearing
7 simply because it runs against the grain. For example, who
8 could question the credentials of Professor Campbell in this
9 area, yet he has not been offered the kind of prominent
10 platform by the Educational Testing Service establishment,
11 because he is known to be critical of them.

12 And yet I have never heard anybody question his
13 credentials and expertise over a lifetime of analysis in
14 this area. And many of these leading specialists have
15 confirmed and concurred with our conclusions in our ETS
16 study, and, indeed, praised them highly, including a report
17 that appeared in the Harvard Educational Review by two
18 Harvard Medical School professors.

19 BY DR. POPHAM:

20 Q A final question. Would it be correct to assert
21 that whereas you did devote a substantial amount of time
22 during the six-year study that you have not seriously
23 studied minimum competency testing per se?

24 A Multiple choice testing has common infirmities.
25 These tests have common infirmities. And while they have

1 sometimes uncommon infirmities in the sense that the ETS
2 specialists look down on the quality of multiple choice
3 questions in the MCTs, and there is available somewhere an
4 internal ETS memo which has comments on this, they do
5 exhibit common vulnerabilities, limitations, predictive
6 failures and damaging results on systems and students
7 because of the wildly exaggerated significance and
8 decisiveness that are accorded them.

9 Q But in response to the question you have not?

10 A Oh, yes. I have. I have studied multiple choice
11 testing.

12 Q You have studied minimum competency testing
13 programs per se?

14 A Do you see all this? Do you want to test me on
15 these (indicating)?

16 Q So the answer to the question is yes, you have
17 studied minimum competency testing programs?

18 A I have studied the technical literature. Actually
19 it's very fresh in my mind. I have even looked at some of
20 the questions which have escaped most eyes in this country
21 because they are secret.

22 BY MR. ALLEYNE:

23 Q I see that one of the books you have in your pile
24 is entitled "When Consumers Complain."

25 A That's another project.

1 Q Is there anything in that book about minimum
2 competency testing?

3 A That's another project. Everything else is
4 minimum competency -- technical reports and studies, all
5 people whose names you know.

6 DR. POPHAM: Thank you very much, Mr. Nader.

7 HEARING OFFICER JORDAN: Mr. Nader, before you
8 leave, for our record, we need it stated with clarity
9 whether your testimony is as an expert, as a specialist, or
10 as an informed and concerned citizen.

11 THE WITNESS: As an informed and concerned citizen
12 and as a specialist in some areas of testing, motivation and
13 impact, as well as the political, sociological,
14 anthropological and legal aspects of this area. I will
15 leave the psychometrics to others to crave specialization
16 status for it.

17 HEARING OFFICER JORDAN: Thank you, Mr. Nader.

18 The next witness, Dr. Arthur E. Wise, Senior
19 Social Scientist, Rand Corporation of this city. Dr. Wise.

20 TESTIMONY OF DR. ARTHUR E. WISE

21 SENIOR SOCIAL SCIENTIST

22 RAND CORPORATION

23 WASHINGTON, D. C.

24 DIRECT EXAMINATION

25 BY DR. MADAUS:

1 Q Dr. Wise, could you give us a little of your
2 background and education, please?

3 A Yes. I recently completed a book called
4 "Legislative Learning", in which I examined a number of
5 trends involving federal and state and judicial regulation
6 of the schools. In the past I have been an associate
7 professor of education and associate dean of education and
8 associate director of the National Institute of Education.

9 Probably I am here, however, because Time magazine
10 has called me perhaps the most outspoken opponent of minimum
11 competency testing.

12 Q What do you think -- in your studies, what has led
13 to the growth of the minimum competency testing movement?

14 A Well, I think I have a rather different view from
15 that that has been expressed so far today. Many people
16 believe that the concern for minimum competency testing
17 arose when people noticed that test scores were declining
18 and yet through the period of the '70s, when the minimum
19 competency testing emerged -- from the mid-'70s on -- the
20 best available evidence suggested that test score trends
21 were either constant or increasing.

22 I refer, of course, to the best available
23 evidence, which is the National Assessment of Educational
24 Progress. So that caused me to look further into what might
25 be causing a growing interest in minimum competency testing.

1 I noticed that it was but the latest in a number of efforts
2 by state legislatures to assert greater control over the
3 curriculum in our schools.

4 It also arose during the mid-'70s, when we noticed
5 an emergence of political conservatism and fiscal
6 conservatism, movement which implied that perhaps if we
7 reduced our aspirations for education we might be better
8 able to achieve them and indeed perhaps in so doing we might
9 be able to reduce the cost of education.

10 Q So then you think minimum competency testing was a
11 political response rather than an educational innovation?

12 A Well, I think, just to elaborate, that the
13 movement spread quite rapidly. It was a movement which few
14 people had heard of around 1976 and yet by 1978 we had such
15 legislation enacted in nearly every state or seriously under
16 study in each of the states.

17 Minimum competence testing spread so rapidly
18 perhaps because it seemed to be a relatively easy way to fix
19 a rather difficult problem. That problem, of course, is
20 that there are certain students who our students are not now
21 well serving. We have low achieving students in our
22 schools. Indeed we have, of course, low performing schools
23 as well as teachers who do not perform well.

24 It looked like a way by which we might quickly and
25 cheaply recommend, find ways to improve the schools. That,

1 it seems to me, accounts for the rapid spread of minimum
2 competency testing. The movement is more political than
3 educational, one might say, because we already know where
4 the low performing students are.

5 Education in the United States has been replete
6 with standardized testing. Indeed, most of our states and
7 most of our school systems since the early part of the
8 century have had standardized testing programs. The excuse
9 that we need to have a new test to identify students who are
10 not performing well strikes me as flying in the face of
11 substantial evidence we already have -- systematic evidence
12 -- not to mention the fact that standardized testing
13 produces or minimum competency testing produces information
14 which most classroom teachers already have through their own
15 personal observation.

16 I am particularly concerned about minimum
17 competency testing because it seems to divert our attention
18 from a trend which began in the mid-'60s and has begun to --
19 and into the '70s, which was an increased concern for equal
20 educational opportunity in this country, a concern for a
21 redeployment of resources in the interest of enhancing the
22 kind and quality of education which was being made available
23 to all of our students.

24 It has shifted our concern to what might be called
25 a minimally adequate kind of educational experience to be

1 made available. Now these words are, of course, capable of
2 substantial interpretation and reinterpretation and yet we
3 notice now that instead of talking about equal educational
4 opportunity any more much more we are now talking about
5 producing minimally adequate educational opportunities for
6 students. And this, it seems to me, is a redirection of our
7 national spirit, which is not likely, or which is likely to
8 translate into a kind of self-fulfilling prophecy,
9 especially as regards certain children whom we are not now
10 well serving.

11 Q You have written that minimum competency testing
12 is but the latest version of trying to apply scientific
13 management to education. Could you tell us what you mean by
14 the term "scientific management" and what we learn from
15 past attempts at this?

16 A Okay. What is going on now smacks of a trend
17 which existed in education between 1900 and 1920 in the
18 United States, well documented in a book by Raymond Callahan
19 called "Education and the Cult of Efficiency". It was
20 believed that if we could be very specific about the kinds
21 of instructions we gave to teachers and very specific about
22 the kinds of expectations we would have for students, if we
23 could derive lists, if we could run around with time in
24 motion studies with time clocks and so on we would improve
25 the efficiency of education.

1 Around 1920 we began to abandon that trend, only
2 to rediscover it around the mid-'60s, with a big difference,
3 however. In the early part of the century it was local
4 school boards imposing the system on local school systems.
5 Nowadays it is state government trying to impose these
6 systems statewide. The effect, I think, will be similar, as
7 we will discover.

8 Minimum competence testing is but the latest in a
9 series of trends that began around 1965. We have
10 accountability and PPBS and performance based education and
11 a variety of jargon which you all have heard of. They seem
12 not to last very long, happily. Each of them is devised as
13 a panacea for education. Each of them seems to have a
14 rather short life, although I must say that minimum
15 competency testing seems to be taking hold a bit more
16 strongly than some of the others, perhaps because it is tied
17 to a rather concrete technology, concrete and well-developed
18 technology, the technology of testing.

19 Q You said that minimum competence testing shifts
20 control over the curriculum from local to state officials.
21 Now how does this happen and why should we be concerned
22 about it?

23 A It's kind of a truism that he who determines the
24 test controls the curriculum. Maybe we don't need to be
25 concerned right now because the minimum competency testing,

1 as most of us know, minimum competence tests are relatively
2 easy tests and they are devised in such a way that
3 substantial numbers of children will pass them. So maybe we
4 don't need to be too concerned.

5 The school systems only have to spend a small
6 amount of time getting students ready for them. Put, in
7 fact, I think the public will become quickly aware that
8 minimum competence tests are quite minimal, if you will, and
9 that will lead, perhaps, to the expectation that these tests
10 should be made much harder and that they should be expanded
11 beyond basic reading and arithmetic skills to cover the full
12 curriculum. Well, that means that one will have to have
13 state officials devising tests in these areas and perhaps
14 even state officials monitoring that the curriculum is being
15 properly implemented in all school districts.

16 I guess I am concerned that in the process, by
17 having taken this step called minimum competency testing, we
18 will be in effect redesigning the educational system to
19 become a much more centralized educational system where
20 local school districts will become far less important than
21 they are now, where the state will become far more
22 important, and what we will see enhanced in education is a
23 kind of bureaucratic control over our schools, even more
24 bureaucratic than they already are.

25 Q Some of the features of the European system?

1 A Well, I think one can look to that, that famous
2 homily that the Minister of Education of France could look
3 at his clock and know what all students were learning
4 throughout France or being taught throughout France at that
5 particular hour. That seems to be the direction on which we
6 are embarked.

7 Q You have written that minimum competency testing
8 results in goal reduction and something you call goal
9 reductionism. Could you tell the audience what you mean by
10 those two terms and why do you object to these trends?

11 A Okay, with apologies for the terms, I will go on
12 and even mention one or two more. Because the effort here
13 is to enhance state control of education, one must rely on
14 testable, measurable items. Measurement in education, of
15 course, means testing in education.

16 Hence we come to value in education, that which we
17 can measure. And it seems to me rather important to point
18 out that what we are talking about here with minimum
19 competency testing are not really reading skills and
20 arithmetic skills and the love of reading and the love of
21 arithmetic. Rather, we are talking about a student's
22 capacity to demonstrate on a test that he can perform --
23 that he or she can perform -- certain skills. That is
24 different from improving achievement in these arenas.

25 But having said that, having noticed that what

1 minimum competency testing contributes to goal reduction,
2 that is a narrowing of the curriculum emphasis and
3 reductionism, reducing it to that which can easily be
4 measured, we notice that it contributes to a centralization
5 of educational policymaking, a growing bureaucratization of
6 educational policymaking in which people high above the
7 school system are making policy for that school system.

8 It seems to me that it is also associated with
9 what I would refer to as a deep professionalization of
10 education, where the role of the teacher is substantially
11 changed to become much more like that of a bureaucrat. You
12 know, a bureaucrat is one who has a rather precise job
13 description, a job description which is given to him or her
14 which tells him what to do and how to do it. That is the
15 direction in which minimum competency testing and its
16 inevitable successors will push American education and that
17 is my conjecture about what will happen if we continue along
18 this road.

19 Q So you think it will reduce professionalism in
20 teaching, change the teaching profession?

21 A I think it will make education less attractive a
22 profession to the more talented people in our society.

23 Q In recent years test scores have been rising in
24 the areas where minimum competency testing has been
25 emphasized. We saw today something from Prince Edward

1 County. Doesn't this prove that minimum competence tests
2 improve competencies?

3 A Unfortunately, I believe that is not the case. I
4 happen to be personally engaged in a study at this time
5 which has caused me to interview some 60 teachers about some
6 of the developments associated with minimum competency
7 testing and the increased emphasis on testing in our
8 schools. And I am not yet ready to talk systematically
9 about the results of that study, but I can tell you what
10 many of the teachers report, that with the institution of
11 minimum competency testing they redirect their efforts, and
12 upon further probing what we discovered is that they
13 redirect their effort so that they will be stressing those
14 kinds of skills which are tested for.

15 And I must say that teachers report to us not
16 about themselves but about other teachers, that the more
17 unscrupulous among them teach testing -- teach for the test
18 and so on, the really rather expectable responses of people
19 who are put under pressure to perform well on a single
20 metric.

21 MR. ALLEYNE: I would just like to point out that
22 the last response was not only hearsay, it was double
23 hearsay. It was a statement by people who are not here,
24 reporting on what other persons told those persons who are
25 not here, and I would like to have that statement stricken.

1 HEARING OFFICER JORDAN: Mr. Alleyne, your
2 suggestion is well taken, but hearsay is allowed in this
3 hearing, and I know for those with legal training that is a
4 very strange rule, but in education circles hearsay is
5 allowed and if what is being said is something which can be
6 substantiated by example we appeal to the witness to do that.

7 But I cannot disallow it simply on the basis of
8 hearsay.

9 MR. ALLEYNE: I'd just like to point out very
10 briefly, Professor Jordan, that I am not objecting to
11 hearsay, and I understand the hearsay rule in informal
12 hearings of this kind. What I was objecting to specifically
13 was double hearsay. So-and-so said that so-and-so said, and
14 I think that takes it a bit too far in the relaxation of the
15 rules.

16 HEARING OFFICER JORDAN: Dr. Wise, could you
17 rephrase your responses to help Dr. Alleyne in this problem?

18 THE WITNESS: I will try.

19 What I was saying is that I and a colleague of
20 mine interviewed teachers and what we have been finding is
21 that teachers report to us that, in an interview setting --
22 that is, in a one-on-one setting -- that they feel under
23 substantial pressure to prepare their students to perform
24 well on standardized tests. And I think I need say no more
25 than that.

1 HEARING OFFICER JORDAN: Thank you.

2 BY DR. MADAUS: (resuming)

3 Q Surely you don't object to upgrading quality
4 standards in education. Why do you object to minimum
5 competency testing, which purports to upgrade quality and
6 standards?

7 A I believe that it is a distraction, that is
8 prevents us from directing our attention to the real
9 problem, which, as I stated at the outset, is that we have
10 some students whom our schools are not now well serving.
11 And we have some teachers in our school systems who do not
12 belong there.

13 It seems to me that these problems are better
14 solved at the local level with parents exerting pressure to
15 upgrade the standards and variety and quality of the
16 educational experiences which their children receive. It
17 seems to me to be associated with efforts to upgrade the
18 quality of people entering the profession of teaching. It
19 seems to me to be associated with retraining the people who
20 are already in the profession. It seems to me to be
21 associated with research and development which helps us to
22 cope with the problems of children whom our schools do not
23 now well serve.

24 Q You were here this morning?

25 A Briefly, yes.

1 Q Did you hear Dr. Scriven say that minimum
2 competency testing was the last hope for public education in
3 the United States?

4 A Well, I might put it a little bit differently.

5 Q How would you put it?

6 A I might put it that minimum competency testing is
7 the final nail in the coffin of public education. That is,
8 public education is in substantial difficulty at this time.
9 It is not meeting the expectations which are increasingly
10 complex and technological and advanced and society requires.

11 It seems to me that minimum competency testing and
12 the developments which will inevitably follow from it -- and
13 I hope I am understood on that point and I am not
14 necessarily objecting to what is happening now but merely
15 what I expect to be following on the institution of minimum
16 competency testing -- will create a more bureaucratic school
17 system than we now have which will be associated with
18 attracting less talented people to the teaching profession,
19 which will further dehumanize the educational process by
20 implicitly describing it as thousands of concrete behavioral
21 objectives and which in a way will serve to further undercut
22 the public's confidence in education.

23 DR. MADAUS: Thank you, Dr. Wise.

24 HEARING OFFICER JORDAN: Mr. Popham, cross??

25 CROSS EXAMINATION

1 BY DR. POPHAM:

2 Q Dr. Wise, you observe that you are not objecting
3 to what we have now but only to the future. Apparently you
4 have some vision of what will happen out there and so you
5 are not so concerned about what is happening currently, is
6 that correct?

7 A If I may comment, for the brief time that I was
8 here this morning my concern is with statewide minimum
9 competency testing, as you know. It is barely the case --
10 just barely the case that any states have even yet begun to
11 actually administer to all students a statewide minimum
12 competency testing. So that if I am speculating about
13 future consequence, so, sir, are you.

14 Q The testimony we heard today is peppered with
15 concern about state control.

16 A Yes.

17 Q And I heard at one point you assert that if
18 minimum competence tests dealt with skills which were too
19 minimal they could be raised, but the spectre of state
20 control leads you back away from that. Would all reasonable
21 educators share your concern about the intrusiveness of
22 state control in education?

23 A Well, certainly all reasonable educators would not
24 share that view, but I would point out a political
25 development which has occurred in Washington over the last

1 year, especially as it affects education. Certainly a
2 belief that control by the federal government in education
3 has gone too far, and I think that that same sentiment might
4 well manifest itself at the state level.

5 Q So again we find that you are concerned about
6 federal control, but extrapolating that to state control?

7 A I think that one only needs to read state
8 legislation to become concerned about the fact that from
9 1965 until 19 -- well, for example, to take a state with
10 which you are associated, from 1965 until the last time I
11 looked was 1975, not a single year passed without the
12 enactment, in California, of a brand new accountability
13 law. And so it seems to me that people might be concerned
14 about that.

15 Q You have disparaged political responses to
16 educational problems. Since, at the federal level, Title 1
17 of the Elementary and Secondary Education Act provided aid
18 to disadvantaged youngsters, and Public Law 94-142 provided
19 assistance to the handicapped, do you want to go on record
20 as opposing those political efforts to improve education?

21 A Absolutely not. If you will look at what I have
22 written on the subject you will discover that I am in great
23 sympathy with the notion of directing federal aid at
24 disadvantaged populations.

25 Q So --

1 A There are proper roles. In short, if you are
2 asking the question, there are proper roles for the federal
3 government. There are proper roles for the state government
4 in education, and there are proper roles for the judiciary
5 in respect to educational decisionmaking.

6 Q So political solutions are acceptable if you like
7 them?

8 A Political solutions are acceptable. Well, I have
9 my opinions, certainly.

10 Q You commented in your remarks that minimum
11 competency testing was taking hold more than you had
12 anticipated. One might suspect that it might be predicated
13 on the honesty which is at its core. I am curious. Don't
14 you believe that since American taxpayers are paying for the
15 schools they have a right to know honestly how well they are
16 doing?

17 A Well, I absolutely do and certainly favor
18 increased access of parents to information which is
19 genuinely helpful and useful to them. I don't believe that
20 an examination administered statewide will necessarily
21 produce that high quality information that will be useful to
22 the individual parent.

23 Q As a final question, I recall when you and I were
24 sharing a platform debating this issue some years ago. I
25 asked you a question then and I'll ask you the same question

1 and see if you come up with a similar response.

2 This will be pre-test, post-test reliability.

3 A You have a better memory than I.

4 Q The question is, since you are so concerned about
5 state level minimal competency testing programs, would you
6 then not be opposed or not as opposed to programs such as
7 those in California where the local districts do in fact
8 create their own expectations, their own tests, and so on?

9 A Well, my answer to that is that any good school
10 system must know what it is doing and must find ways of
11 managing itself. And good school systems have done this in
12 the past. They have had ways of planning, ways of
13 monitoring how principals, teachers and students are
14 performing and evaluating the outcome of all of that.

15 If you choose to call that minimum competency
16 testing and that is done well, then I have no problem with
17 it.

18 DR. POPHAM: Thank you very much.

19 HEARING OFFICER JORDAN: Thank you.

20 DR. MADAUS: Redirect?

21 HEARING OFFICER JORDAN: Redirect.

22 REDIRECT EXAMINATION

23 BY DR. MADAUS:

24 Q Title I, 94-142, Dr. Wise, my understanding is
25 that they were political in that they were passed by

1 legislation, but they were well founded in educational
2 research at the time that they were proposed. There was a
3 massive empirical suggestion that these kinds of programs
4 would work. Is that correct?

5 A Well, certainly it was the case that empirical
6 work on finance demonstrated unequivocally that children,
7 poor children, children from low income families, were not
8 receiving the same level of expenditure, the same quality of
9 education as were their more advantaged peers, ample
10 evidence on that point.

11 And as I read the major intent of Title 1,
12 historically that was it, to direct attention, money first
13 and attention second, to that population.

14 Q And do you think that we have that kind of base in
15 minimum competency testing?

16 A I must say that, as I read and heard about the
17 groundswell of support for minimum competency testing, I
18 tuned in very carefully with all my friends and neighbors
19 and as I traveled around the country. I did not hear a
20 great outcry from parents of children -- of school age
21 children -- that they felt a strong need for minimum
22 competency testing. I did find that many people thought
23 that there had been a decline in the standards in American
24 education, a widespread consensus about that, and that we
25 needed to do something about that, certainly, but that

1 minimum competency testing was a proper response for that I
2 did not hear parents say.

3 Q You are familiar with our Team's position and you
4 know that we are not against using tests and we're not at
5 all against using them in school systems to manage school
6 systems at the local level. How do you feel about using the
7 test as the single criterion on which you make the decisions
8 like promotion or graduation or classification?

9 A I think that is unacceptable.

10 DR. MADAUS: Thank you.

11 HEARING OFFICER JORDAN: Any recross?

12 Thank you, Dr. Wise.

13 The next witness, Dr. Ralph Tyler, Consultant,
14 Science Research Associates, Chicago.

15 TESTIMONY OF RALPH TYLER

16 CONSULTANT

17 SCIENCE RESEARCH ASSOCIATES

18 CHICAGO, ILLINOIS

19 DIRECT EXAMINATION

20 BY DR. MADAUS:

21 Q Dr. Tyler, welcome. It's a pleasure to have you
22 here. Could you briefly describe for the audience your
23 experience in education over the past sixty years?

24 A It is a long experience. I began teaching science
25 and mathematics in the public high school of Pierre, South

1 Dakota, in 1921, sixty years ago. Later I worked with
2 prospective teachers at the University of Nebraska.

3 Then, in 1927 and '28, I was responsible for the
4 state testing program in North Carolina, working with the
5 schools in that state. In 1929 I went to Ohio to head the
6 Division of Accomplishment Testing in the Ohio Bureau of
7 Educational Research. In 1938 I went to the University of
8 Chicago, where I was University Examiner, responsible for
9 the official examinations and tests in that university.

10 During and immediately following World War II I
11 was director of the examinations staff of the U.S. Armed
12 Forces Institute, where we developed the GED test and other
13 examinations to enable returning soldiers and sailors to
14 receive credit for what they had learned while in the armed
15 forces.

16 In 1953 I became the founding director of the
17 Center for Advanced Study in the Behavioral Sciences. In
18 1953-55 I chaired the Committee that designed the curriculum
19 for the Advanced Education of Air Force officers in the Air
20 Force University, Maxwell Air Force Base, Alabama.

21 From 1963 to 1969 I was chairman of the committee
22 that designed and field tested the National Assessment of
23 Educational Progress. In 1978 I chaired a panel to review
24 the implementation of the Florida Minimum Competency Program.

25 So much for credentials. Tha. you.

1 Based on your years of experience in education,
2 Dr. Tyler, why do you think we are now engaged in
3 legislating minimum competency tests which are used for
4 diploma denial or grade-to-grade promotion?

5 A In a period of economic recession or depression
6 many people blame their social institutions for their
7 difficulties. The government, business and the schools are
8 most commonly the targets.

9 In 1933 a national conference was held in
10 Columbus, Ohio, on the crisis in our schools and some of the
11 speakers predicted that our nation would fall apart because
12 of what they perceived as the serious decline in the
13 educational achievements of schoolchildren. Today there is
14 great talk about declining test scores. Actually, the
15 results of the National Assessment of Educational Progress,
16 the only assessment which systematically includes a
17 representative sample of four age groups -- 9, 13,
18 17-year-olds and young adults -- shows no decline in reading
19 and arithmetic.

20 The last assessment showed improvement in the
21 proportion of so-called disadvantaged children who could
22 read. The much-publicized decline in the SAT -- the
23 Scholastic Aptitude Test -- scores of the college board
24 seems largely attributable to a larger proportion of high
25 school graduates in the lowest half of the class taking the

1 Scholastic Aptitude Test now rather than 1965 applying for
2 BEGG grants when the SAT scores were at their peak.

3 Furthermore, the subject matter examinations of
4 the college board show higher scores, not declining. In the
5 Indiana follow up, after 25 years in which they repeated the
6 standard achievement test to all the students that had been
7 given it 25 years before, showed somewhat higher scores.

8 The public, in reacting to their perceived
9 difficulties, does not look at the large picture of the U.S.
10 effort to obtain universal literacy. The estimate of
11 historians derived from the number of persons who then
12 signed Xs to documents because they were illiterate is that
13 about fifteen percent of Americans were literate in 1776.
14 By 1918, when 2 million young men were drafted to serve in
15 World War I, 35 percent were literate. That is, that
16 proportion could read simple material like newspaper items.
17 By World War II the proportion had increased to 55 percent.
18 The last national assessment of educational reading,
19 educational progress on reading, shows that over 80 percent
20 of 17-year-olds are literate.

21 Heretofore, those who did not learn in school
22 dropped out and found unskilled jobs. Now when young people
23 drop out of school most of them are unemployed, because
24 unskilled jobs in the United States have been reduced to
25 less than five percent.

1 Most of the children having difficulty in learning
2 come from homes where the parents have little or no
3 education. Our schools are slowly working out better ways
4 of teaching them, but the confusion lies in the fact that
5 the public has now become aware that youth have not learned
6 what the schools teach and the public thinks of them as
7 typical of most youth today, and they are not.

8 Q In your experience, are you aware of other
9 attempts to tie a high school diploma to performance on a
10 test?

11 A In the depression the New York Regents inquiry
12 into the character and cost of public education in New York
13 State included, among other studies, an investigation of the
14 effects of the then-mandated Regents' Examinations. In a
15 1936 report these findings are highlighted. Teaching and
16 learning in New York focused on what is tested, to the
17 neglect of other objectives, in the 51 cities and
18 communities studied in New York State for that study.

19 Two, a large proportion of young people who made
20 low scores in grade ten dropped out rather than be
21 humiliated by failing in grade twelve. Three, many young
22 people who passed the minimum grade ten considered that they
23 would already be able to graduate and neglected their
24 studies in grades eleven and twelve.

25 Q So in that experience the dropout rate increased?

1 A The dropout rate was higher then. When they
2 stopped mandating the Regents' examinations, the dropout
3 rate was lowered. But in the present recession the Regents
4 have again instituted mandated examinations in New York
5 State with the same probable effect.

6 Q Are there important differences, Dr. Tyler,
7 between certification and credentialing types of tests, such
8 as minimum competency tests and educational achievement
9 tests?

10 A Minimal competency tests are usually treated as
11 though they were designed to certify candidates for
12 particular activities whose requirements can be estimated.
13 Thus, tests to enable a candidate to obtain a driver's
14 license in my state of California are based on a review of
15 all the reported fatal accidents in the state. The test
16 items are based on the sections of the Motor Vehicle Code
17 that if followed would have helped to prevent fatal
18 accidents and the skills which would have helped the driver
19 to avoid these accidents.

20 A A certification test has not only actual
21 situations to guide test construction, there's also
22 motivation to do well for then the applicant receives a
23 reward. He or she is licensed to drive a car. There is no
24 such clear and valued reward for those persons who have
25 difficulty in passing minimum competency tests. There is no

1 guarantee of a job if he or she passes it.

2 A diploma is not highly valued by most of those
3 who come from homes where the parents have little
4 education. Furthermore, most certifying tests require
5 periodic renewal, as in the driver's tests in California.
6 Unless an item of knowledge or a skill is frequently
7 utilized it is likely to be forgotten.

8 The U.S. military service finds many inductees
9 whose records indicate that they could read and pass reading
10 tests in school but since leaving school have been in the
11 home and work environments where little or no reading is
12 done, and they have lost the ability to read. They require
13 retraining in the military service.

14 The Marine Corps, for example, in San Diego has a
15 whole school for retraining persons who could at one time
16 read but they had had no stimulation to read until they got
17 back into the military service. Standards are used by good
18 teachers to stimulate and guide individual students.

19 Since in our schools students are varied in their
20 backgrounds and abilities multiple standards are employed.
21 Each child needs to work to reach a standard that requires
22 putting forth effort to attain it but is reasonable within
23 his or her power or reach if he tries hard. This means that
24 if a teacher sets a standard in terms of the student's
25 present attainment, requiring him or her to go further, but

1 not a standard so difficult that the student won't try.

2 This is clearly sensible.

3 To illustrate, in teaching children to make a high
4 jump the standard to be reached by the child who now jumps
5 three feet, six inches is perhaps three feet, nine inches.
6 An appropriate standard to encourage further learning by a
7 child who jumps four feet, seven inches will be four feet,
8 ten inches. If each child is to be challenged and
9 encouraged to learn, the standards in a typical classroom
10 will be different for different children.

11 I was one of the site visitors for Frances Case's
12 study of schools in the inner cities that were effective and
13 without any other case happening we found that in all those
14 classrooms where teachers were effective in the inner
15 cities, where the most difficult teaching problems arose,
16 the teachers set high standards for the kids but each one
17 adjusted where the kid was and said, look, you can do that.
18 That's only a little bit beyond what you did last week.

19 The institution of a single competency measure is
20 appropriate for granting a credential but should not become
21 a central practice of schools and teachers whose function is
22 to increase student learning. A single standard would be
23 too easy to stimulate the more advanced learners and will
24 discourage those with great difficulty in learning.

25 Q Thank you. Some people say that minimum

1 competency testing measures adult competence, life survival
2 skills. What do you think of this line of reasoning?

3 A Well, during the depression when times were
4 difficult the people who survived were those who had learned
5 to live on nothing, with the river rats and so on. It's a
6 mistake to think that what you learn in school is for
7 survival. It's to help you become more civilized, to go
8 beyond being a beast. Survival is possible. The under
9 class survive in difficult times. The people who committed
10 suicide during the depression were the middle class. They
11 didn't know how to live with nothing.

12 So to talk about survival skills, that denigrates
13 the whole notion of education, which is not to be at the
14 level of people who are just barely surviving. But for our
15 country to become more and more civilized, to go on that
16 march of civilization has been our goal for thousands of
17 years.

18 Q Thank you. You were involved in a study on
19 minimum competency testing in Florida, I believe. Could you
20 please tell us about that -- your involvement in it and what
21 you found?

22 A This was a panel established by the National
23 Education Association and the Florida Teaching Profession.
24 Our panel held hearings in four different sections of the
25 state in which parents, teachers, students and other

1 citizens could present their views. We also studied the
2 relevant documents and reports. Our findings were published
3 in July of 1978.

4 In brief, we found, one, that there was a mismatch
5 between what students were being taught and the content on
6 which they were tested. There were a good many test items
7 for which we could find nothing in the curriculum that was
8 teaching that and, correspondingly, a great many things in
9 the curriculum that were not tested.

10 The great emphasis given to reading and
11 mathematics influenced teachers to focus three-fourths or
12 more of teaching time on these subjects, to the serious
13 neglect of science, social studies, literature, health and
14 the arts.

15 Three, most of the lower scoring students were
16 minority children. The press and many school authorities
17 blamed these students for poor performance, a case, it seems
18 to me, of blaming victims for their lack of educational
19 achievement. This diverted public attention from the
20 problem of helping children to learn who are now having
21 difficulty.

22 Because the children are usually waiting for poor
23 performance their remedial efforts were very faulty, just
24 repeating and drilling on exercises that had been
25 ineffective before.

1 Q Do you think that minimum competency testing
2 should be used as the sole or primary determinant of a high
3 school diploma or promotion?

4 A I do not. Professions -- for example, doctors,
5 lawyers, and educators -- recognize that human beings are
6 complex and their behavior is not always consistent. For
7 this reason they seek confirming or contradictory evidence
8 when decisions of importance are to be made. Doctors give
9 additional tests. Lawyers seek several witnesses. And
10 educators review the educational history of the child, as
11 reported by parents, teachers and guidance officers.

12 Frequently they give more than one test. Since
13 the initial use of objective tests, group tests in World War
14 I, test manuals have clearly stated, and I quote, "The
15 essence of many test manuals do not make an important
16 individual decision based on the results of a single test."

17 The National Academy of Education issued a report
18 in 1978 on minimum competency testing which emphasized that
19 the methodology of group testing was not sufficiently
20 precise to be the sole determiner of important decisions
21 about individuals. This past spring the press reported an
22 unfortunate fiasco in the case of the College Board test in
23 mathematics, an error of a single item which shifted the
24 ratings of hundreds of candidates.

25 Appropriate tests can be very helpful when used as

1 tools in teaching and learning. The results guide both
2 teachers and students, but their indications are
3 continuously verified or rejected as the students proceed
4 with their learning.

5 In this situation no irrevocable decisions are
6 involved and subsequent student performance can correct
7 earlier false indications.

8 Q You were a member of that National Academy of
9 Education task force on basic skills?

10 A Yes, sir.

11 Q Is that correct?

12 A That's correct.

13 Q Dr. Tyler, surely you don't object to upgrading
14 quality standards in education. Why do you object to
15 minimum competency testing which purports to upgrade quality
16 and standards?

17 A I have been through, unfortunately or fortunately,
18 in the sixty years a great many public outcries in which
19 they talked about improvement, but they seem to believe that
20 improvement can come from the top down rather than the
21 bottom up. Recent demonstrations indicate clearly that the
22 most effective procedure for improving education in the
23 schools of the United States focuses on individual schools
24 where the children are, the teachers are, and the parents
25 are, because the home is a very important factor relating

1 with the schools in childrens' learning.

2 Because of the wide variations in the backgrounds,
3 interests, and abilities of children and in the family and
4 community resources, no one set of problems or one set of
5 solutions is common to all schools in the country, the
6 state, or even the district. Hence, the function of the
7 state and districts is to stimulate and assist the local
8 school to identify its own real problems in achieving the
9 objectives of public education, to focus its efforts on
10 these particular problems, to develop a reasonable plan to
11 attack them, to set high but attainable goals for
12 improvement for the year, to appraise progress, and if goals
13 are not being reached to do necessary trouble shooting to,
14 get a more effective system working.

15 Each year parents, children and interested
16 community members are informed both of the progress and
17 difficulties and are invited to help in continuing efforts
18 to improve the schools. Only by focusing on real problems
19 of the particular school can substantial improvements be
20 expected.

21 Let me illustrate from my own experience. In
22 1968, right after the assassination of Martin Luther King,
23 the parents in four elementary schools in the worst economic
24 section of Detroit rebelled and went down to the Board of
25 Education saying that they would burn down the schools if

1 they didn't get their children to learn.

2 The superintendent asked me to come to work with
3 the teachers in those four schools and to get them
4 learning. We worked with the parents, mostly welfare
5 mothers, the children and the teachers and by the end of
6 three years the parents were so pleased because their
7 children were doing well, as well as the children in the
8 adjoining white district, that they gave, although they were
9 living on welfare, they gave the teachers a big banquet in
10 celebration for it.

11 If you work at the level where the parents are,
12 the community is, the children are, and the teachers are,
13 you can get improvement. But the idea that you can improve
14 by having tests done in the state just doesn't work.

15 Q Dr. Tyler, this morning Dr. Scriven, in his
16 testimony, several times said that minimum competency
17 testing was the last hope of public education in the United
18 States. Have you heard this before in your sixty years?

19 A The depression of 1909, when I was an elementary
20 child, my father was a minister in the town in Nebraska, and
21 we heard them saying the same thing then, only in that case
22 it wasn't minimum competency. The last hope was some way to
23 see that children are kept back. The idea was that they
24 would stay in the first grade until they finally mastered it.

25 My grandfather, when he graduated from Amherst in

1 1856, came out to be the elementary school principal in Ft.
2 Wayne, Indiana. The last three principals had been thrown
3 out because the 16-year-old boys had gotten tired of being
4 in the third reader. He found it very necessary first to
5 get the boys in order by thrashing the boys and then to get
6 them started on things they could read that were of interest
7 to them

8 But the way you get things done is in discovering
9 what the children or youth are like that you are working
10 with and help them learn.

11 DR. MADAUS: Thank you very much.

12 HEARING OFFICER JORDAN: Cross?

13 CROSS EXAMINATION

14 BY DR. POPHAM:

15 Q Dr. Tyler, you are generally regarded as one of
16 the most influential contributors to American school
17 practice.

18 A That's what you say.

19 (Laughter.)

20 Q Certainly during the last half century, and I
21 confess that throughout my own career in education I have
22 used you as sort of a father figure, particularly in the
23 early years, when I borrowed your ideas.

24 A Well, young people often rebel against father
25 figures.

1 Q My attacks upon your position ought not to be
2 interpreted as a form of Oedipal revenge. Nonetheless, I do
3 want to raise some concerns about your satisfaction with the
4 current state of affairs.

5 It seems to me you were suggesting that by and
6 large things weren't all that bad. I wonder, given the fact
7 that you are so heavily identified with the nature of
8 educational practice today because of your substantial
9 influence on it, wouldn't you be inclined to think it wasn't
10 all that bad?

11 A I was saying that we haven't gone to the bow-wows,
12 but I am certainly strong for improvement. And that's where
13 I've been working in the various schools and colleges in the
14 country to bring about improvement.

15 You remember the Saturday Evening Post article
16 described me as an education's family doctor. The doctor
17 doesn't go out to kill the patient, you know. He tries to
18 help him get better. Sure, the schools can be improved, but
19 they are still better than they were when I was a child.

20 Q You have described the adverse effects of testing
21 programs in the '30s, and I realize that one of the
22 advantages of advancing years is that you can view history
23 in a panoramic fashion, but haven't things really changed,
24 Dr. Tyler? That is, aren't we serving a different kind of
25 student clientele? Aren't we asking --

1 A Those children back in the '30s didn't stay in
2 school. When I was in the elementary school kids dropped
3 out at age 12, the average, and got jobs working on the farm
4 and elsewhere. There were only ten percent in high school
5 and only three percent in college. Now there are 78 percent
6 in the high school, of that age group, and 34 percent of the
7 age group in college. So we are reaching many more. It is
8 more difficult to reach children whose background has not
9 been so fortunate in having the opportunities to learn
10 earlier in the home.

11 Q And there are other differences. It seems to me
12 people recently have contended that youngsters are not
13 learning as well because television is too much of a
14 distractor. I suspect that in your year the crystal radio
15 was criticized.

16 A In my youth we didn't even have the radio, young
17 man.

18 Q Tom-toms from village to village. I guess what
19 I'm trying to get at is, don't you think the situation is
20 changed and then, to some extent, therefore, aren't your
21 observations, as interesting as they are regarding the '20s,
22 and '30s and '40s, aren't they possibly not germane to the
23 current situation?

24 A In my day the distraction from high school was the
25 pool hall. Nowadays it is TV, although one of the

1 13-year-old girls that I met in the Detroit situation had
2 become pregnant. I asked her how it happened. She said, I
3 go home. Nobody is home. It gets boring watching
4 television and making love is so much fun.

5 So there are certainly others. Certainly the
6 biggest problem in this society of ours right now is the
7 rapid erosion of the out-of-school activities, much more
8 than the school. In 1950 only 26 percent of the mothers of
9 school age children were in the labor force. Now 59 percent
10 are.

11 There are more than fifty percent of the children
12 who come home when nobody is there. In China or Russia they
13 are doing something, but that's where we have to focus our
14 attention rather than on minimum competency testing to get
15 cooperation in the home.

16 Q Clearly the world is a different world. I would
17 like to attack, if I might, the two reports that you cited.
18 First, in the Florida report that you participated in, you
19 indicated that it was commissioned by the National Education
20 Association and the Florida Education Association. Those
21 groups are on record, are they not, as opposing minimum
22 competency testing?

23 A It may be, but we were quite free to make our own
24 recommendations. They never once suggested what we should
25 recommend.

1 Q As far as the National Academy of Education report
2 to which you referred, is it not true that the first draft
3 of that report was prepared by an avowed opponent of minimum
4 competency testing, namely Arthur Wise, who preceded you as
5 a witness?

6 A The first draft was prepared by Arthur Wise,
7 that's true, but reviewed by all the members of our panel.

8 Q Thank you. You raise a concern about the diploma
9 not being a reward. As I recall your assertion, it was
10 because let's say the driver's license was a reward and the
11 diploma was not a reward, it didn't carry anything very
12 positive with it.

13 Aren't you familiar with a number of cases in
14 court now where specifically there is being a legal attack
15 on the education system because parents of failing
16 youngsters want to have that apparently meaningless reward?

17 A Parents often wish for things for their children
18 that the children don't appreciate. As a matter of fact,
19 we find, in the Chicago Alliance for Business programs, that
20 when you offer a job to a person, kids who have not been
21 reading before will begin quickly to learn to read, because
22 there is a reward.

23 The problem of motivating children who don't see
24 reading around them, if you have ever been in a ghetto,
25 reading is not very common. There isn't much reading

1 material. The problem motivating them is difficult and a
2 job would be an important reward. If you could say to every
3 child who passed that you could get a job the change would
4 be very great in the passing rate.

5 Q Then you are asserting that the high school
6 diploma is, for many students, not a reward?

7 A That's right.

8 Q Are you opposed only to minimum competency testing
9 programs in which a high school diploma is linked to the
10 passage of the test?

11 A I am objecting to any program in which there is a
12 single standard set. Only one test is given and it is used
13 as saying you have achieved or not achieved as opposed to
14 now we know where you are.

15 Q Don't the minimum competence tests constitute a
16 necessary condition and that youngsters have to do other
17 things as well?

18 A Well, usually it includes a lot of things that are
19 not being taught in the schools. If you say a good test
20 should sample where the child is supposed to have been and
21 find out where he is and move on, that certainly is a
22 necessary part of it.

23 But if Florida is any example, and in fact it's
24 now being challenged by the courts. You may recall it has
25 been sent back. They have to show that it really was

1 relevant to what the children were taught.

2 Q Although I disagree with your views, I wish you
3 another sixty years of forming them.

4 A Thank you.

5 HEARING OFFICER JORDAN: Thank you very much, Dr.
6 Tyler.

7 We are going to recess now for fifteen minutes and
8 would like to see you back in here when we reconvene at
9 about 4:00.

10 (A brief recess was taken.)

11 HEARING OFFICER JORDAN: The hearing will resume.

12 The next witness, Dr. Gilbert Austin, Co-Director,
13 Center for Educational Research, University of Maryland,
14 College Park, Maryland.

15 Dr. Austin.

16 Dr. Austin's dean would be unhappy with College
17 Park. He would prefer Baltimore County, Maryland. Let the
18 record reflect that we are talking about Baltimore County,
19 Maryland.

20 THE WITNESS: Different branches of the University.

21 TESTIMONY OF GILBERT AUSTIN

22 CO-DIRECTOR, CENTER FOR EDUCATIONAL RESEARCH

23 UNIVERSITY OF MARYLAND

24 BALTIMORE COUNTY, MARYLAND

25 DIRECT EXAMINATION

1 BY DR. MADAUS:

2 Q Dr. Austin, for the past five years you have been
3 involved in research designed to identify the
4 characteristics of effective schools, is that correct?

5 A Yes, it is.

6 Q Could you tell us what the term "effective
7 schools" means?

8 A I think that you have to put it in a very careful
9 context. Effective schools means schools performing better
10 than you would expect them to once you take into account the
11 intellectual level of the -- the ability of the children and
12 the SES or socioeconomic background from which they come.

13 It is not just a school that is filled with the
14 children of the affluent and the upper and middle class. It
15 is school which are inner city, totally black schools which
16 are doing markedly much better than you would have predicted
17 on the data base on which you would have made those
18 predictions.

19 Q And what are the criteria that you and others in
20 this area have used to identify effective schools?

21 A There are essentially two models that are in wide
22 use in terms of identifying exceptional schools or outlier
23 schools or whatever term you like to use. The first model
24 is that of the expert judge and which is primarily made up
25 of professional educators who have gotten together and on a

1 set of criteria that is acceptable to them they have in fact
2 said that schools X, Y, and Z perform differently than they
3 would have expected them to.

4 The alternate model to that, that model was first
5 developed and used very extensively by the U.S. Office of
6 Education in the early 1970s with a series of contracts by
7 the American Educational Research Institute, AIR, and
8 published a series of booklets called the work series, which
9 identified exceptionally effective schools.

10 The alternate model is called the regression
11 analysis model and it attempts to take into account those
12 factors that Coleman and others have consistently identified
13 as accounting for some of the major differences between
14 schools. And you feed those into the regression analysis
15 and you predict how well you think a school would do and
16 then you look at how well it actually did and the difference
17 is called residual.

18 And you collect the residuals and put them on a
19 continuum and choose from the extremes.

20 Q So the outliers are the schools that are effective
21 at one end of the continuum?

22 A Either end -- a particularly effective school or a
23 particularly ineffective school.

24 Q Right. Now have you in your research and the
25 research that I know you have reviewed recently, have we

1 been able to locate effective schools?

2 A Yes. We in the State of Maryland have been able
3 to locate effective schools at both ends of the continuum.
4 We worked pretty much in isolation for the two or three
5 years we were actively doing the study and then we published
6 the results of that study and we were very surprised to find
7 that a large number of other people, large in educational
8 research interactions at least, five or six other states had
9 done research very similar to ours using different
10 orientations.

11 And yet the characteristics of the schools they
12 identified as exceptional were surprisingly similar across
13 different methodologies.

14 Q And what were the characteristics of these
15 effective schools?

16 A I think someone made the point, maybe it was Art
17 Wise this afternoon, or perhaps Dr. Tyler, who said that the
18 really crucial thing about education is the local school
19 itself. The actual school itself, the teachers, principal
20 and children and the parents work and learn and live.

21 If you look at schools that are particularly
22 effective on the very positive side of that issue what you
23 find is that the schools somehow or other, and I will
24 describe in some cases how, has identified for itself its
25 own image and that image about itself is very positive. It

1 really feels good about itself.

2 It feels that it is in charge of its own destiny.

3 It feels that it has created a very positive self-image
4 about itself, its children, its parents, its physical plant

5 and the plant can be old or new, it doesn't make any

6 difference. It does seem to be concerned with being in

7 control of its destiny. It does seem to be concerned with

8 ideas like the school is being run as opposed to running.

9 It seems to be concerned with ideas like schools

10 have a purpose as opposed to being purposeless. Now a

11 purposeless school wouldn't mean that it wasn't working

12 hard. It just hasn't coalesced around a particular way of

13 doing it in this particular school.

14 Q What did you find to be the characteristics of

15 principals in these effective schools?

16 A The major characteristic of principals is that

17 they have very high expectations for themselves, their

18 teachers, parents, the aides, custodians, anyone who works

19 in their school. These are not high expectations given or

20 presented in a negative context. They are always in a

21 positive context. I know you can do better. I was really

22 pleased with the lesson I saw you do last week. That

23 general thrust is the most important one.

24 I guess the next most important one would be that

25 the person has tended to come up through the ranks and my

1 study was essentially at the elementary school. They've
2 come up through the ranks as elementary school teachers
3 themselves, and have identified a particular area of
4 competence, such as reading or mathematics.

5 In contrast to that, at least in Maryland, some of
6 the schools that were at the other end of the residual
7 continuum had surprisingly high numbers of ex-secondary
8 coaches in them who were principals. How they got there I
9 don't know. But it's an interesting observation, it seems
10 to me.

11 Q What about the characteristics of the teachers in
12 the schools?

13 A The characteristics of the teachers are, I think,
14 reasonably similar to that of the principal. They have high
15 expectations of their children. They have a kind of belief
16 that the school can in fact be successful at teaching these
17 children. The teachers, like the principals, I think, adopt
18 one of two roles and the dichotomy is false but it is
19 useful. That is the difference between being an
20 instructional leader and an administrative leader.

21 High residual schools are very successful and tend
22 to have people who have opted for instructional leadership
23 roles rather than administrative leadership roles. For
24 instance, in terms of principals we find that they spend
25 surprisingly large amounts of time actively teaching in the

1 classroom itself and visiting classrooms, as opposed to
2 spending a lot of time in their office. They tend to be
3 good leaders in the sense that they have trained their
4 secretaries to count the milk money and those sorts of
5 things so they can get out amongst the children.

6 Those are common characteristics of both teachers
7 and principals.

8 Q What about the characteristics of parents in these
9 schools?

10 A I don't know of any study of any school that is
11 imminently successful unless the parents have been deeply
12 involved. Coleman taught us that in his original studies
13 and I know of nothing that will refute it. What was said
14 both this morning and this afternoon confirms that
15 hypothesis.

16 Somehow or other, these really great schools
17 deeply and meaningfully involve parents in them. Without it
18 nothing much happens.

19 Q And what about, lastly, the characteristics of the
20 students in these schools?

21 A Well, the characteristic of the students is that
22 there is a new, "in" word that people have been using lately
23 and it's called "mediating structures." I heard it first by
24 -- I have forgotten his name -- from Massachusetts. But in
25 any case it means that what children think about themselves

1 is primarily the result of what adults say about them.

2 The adults observe a situation and they mediate it
3 and they think about it and they tell the children what it
4 means and the children believe what they tell them.

5 Therefore, when somebody tells children consistently that
6 they are good and useful and worthwhile and that they are
7 succeeding in school, that's what they begin to believe. If
8 they tell them they are constant failures and disasters,
9 that's what they believe.

10 Therefore, for instance in Maryland, as early as
11 grade three, age eight, if you ask the children, as we did
12 in our study, does how well you do in school depend more
13 upon hard work or luck, the children in the high residual
14 schools consistently, differentially answered that question,
15 saying it depended upon hard work.

16 And in an 8-year-old child who believes in terms
17 of the famous Coleman question controlling your destiny, as
18 early as eight years of age he is in charge of their destiny
19 and it is not up to the rest of the world to blame or to lay
20 accolades at the feet of.

21 Q Dr. Austin, in these effective schools do students
22 have to meet standards or are they just pushed along and
23 socially promoted?

24 A The schools, these really good schools, tend to
25 have very high standards in the form of very positive

1 expectations. But they tend to be standards that the school
2 itself has created, that the parents have created, that the
3 administration has created, that everyone getting together
4 to create it has in fact put it together.

5 For instance, let me give you an example in terms
6 of in-service education. In-service education in really
7 effective schools comes about almost always as a result of
8 the teachers and principals getting together and identifying
9 an area of needed help and then sending downtown to the
10 central administration asking for some help in this specific
11 area. It's not just the result of an outside force imposing
12 a measure like minimum competency testing or an in-service
13 day that we are going to learn about reading this Wednesday
14 afternoon..

15 Q Did you find in your research on effective schools
16 that these schools use minimum competency testing as the
17 sole or primary determinant for promotion? You are dealing
18 with elementary schools so let's stick with promotion. Or
19 are they making other critical decisions about students?

20 A Number one, the answer is no. They are
21 self-determined. But I would like to really share two
22 important insights, one relatively ancient and one recent.

23 When we did the study in Maryland one of the
24 finest schools in the State of Maryland which was originally
25 selected for our study was dropped from the study half-way

1 through because I found that the principal was in fact
2 giving the test to his teachers and having them teach to it.
3 The tragedy of that study was that when we retested those
4 children with a different form of the test that they really
5 were as good as the principal believed they were, but
6 because of the enormous outside pressure being brought upon
7 him or he personally perceiving it, he in fact yielded to
8 that pressure and blew the whole thing, when in fact he was
9 very successful.

10 The other one happened just the other night in a
11 statistics class I was teaching in which they were writing
12 papers for me and I had the very unusual pleasure, I guess,
13 of sitting there listening to home economics teachers tell
14 me that for most of that day they had been defending their
15 turf in terms of home economics, in terms of some of the
16 various competency tests which are being generated in
17 Maryland as to whether or not home economics teachers
18 weren't doing something important that those tests were
19 measuring. So that they in fact might make sure that they
20 were not going to get selected as those that were
21 dispensible within the system.

22 Q Dr. Austin, do you think that we should use
23 minimum competence tests for graduation, promotion, or
24 placement? Do you think that if we did that -- let me
25 rephrase the question -- that we would make these effective

1 schools even more effective?

2 A I think we would potentially make them much less.
3 effective.

4 Q Why do you say that?

5 A Because our research suggests that it is in fact a
6 local phenomenon. It is a principal, a group of teachers ..
7 getting together and saying this is the way we do it here.
8 There is no magic in the way they do it, whether you use
9 Ginn or Peterson or whatever. That's not the magic.

10 The magic is saying that in this school this is
11 the way we do it and we agree this is the way we do it. We
12 like phonics here and phonics works for us. Or we like
13 look-say, and that works for us. It's effective and good
14 and we are happy with it.

15 Q Dr. Austin, you heard Dr. Scriven say this morning
16 that minimum competency testing was the last great hope for
17 public education. Have you ever heard that before?

18 A I've heard it a number of times. I heard Arthur
19 Jenson say it in his opening piece in terms of intelligence,
20 in terms of compensatory education that has been tried and
21 failed. And the real answer to that question is that it had
22 only begun to be tried and it hasn't failed. The best and
23 latest research, as a number of people have suggested here
24 today is that the test scores are in fact rising up through
25 the fifth grade and they are probably rising because we are

1. paying serious attention to trying to educate children who
2 have not easily and well succeeded in school previously.

3 Bloom, in a book or article called "The Age of
4 Innocence" a number of years ago, said that we already know
5 a lot more about how to successfully teach children than we
6 are presently using. The best research says that teachers
7 are crucially important. If we really want to do something
8 about inner city children who don't learn easily and well,
9 we take the very best and most competent teachers in the
10 system and put them in contact with those children.

11 DR. MADAUS: Thank you, Dr. Austin. Dr. Popham?

12 CROSS EXAMINATION

13 BY DR. POPHAM:

14 Q Dr. Austin, we agree with much that you have said
15 about the importance of education. Are you currently taking
16 the position that the caliber of education in this country
17 for minorities and others is adequate?

18 A I have just finished a book reviewing in ten
19 subject areas the rise and fall of test scores over the last
20 fifty years. That evidence suggests, as the previous
21 gentleman said, that in fact the test scores are rising.
22 They are not in fact declining. If you look at the number of
23 children that are in school and make comparisons based on
24 age adjustments children are in fact performing better in
25 reading skills these days than they did X number of years

1 ago.

2 Q So you are talking about average performance and
3 we are focusing, I suspect, on those at the lower end of the
4 scale continuum. In response to the earlier question, do
5 you think the level of education, particularly for minority
6 youngsters and others, is satisfactory in this country?

7 A No, I do not.

8 Q Thank you. You have indicated that certain
9 programs, such as Title 1, Headstart follow-through, have
10 been positive forces in improving the caliber of education,
11 is that correct?

12 A That's true.

13 Q And yet earlier witnesses for the Con Team
14 suggested that this might be akin to scientific management.
15 Are you in fact in favor of state and federal intervention,
16 programs similar to those like Title 1, Headstart and
17 follow-through?

18 A Yes, I am.

19 Q You have learned a great deal about the
20 characteristics of effective schools. You haven't learned
21 all of those significant characteristics of effective
22 schools.

23 A Nobody has.

24 Q Is it not, then, possible that in the future we
25 might discover minimum competency testing programs of high

1 quality were in fact a characteristic of effective schools?
2 Possible?

3 A Anything is possible.

4 DR. POPHAM: Thank you.

5 HEARING OFFICER JORDAN: Thank you very much.

6 Our next witness, Dr. Richard Wallace,

7 Superintendent, Pittsburgh, Pennsylvania.

8 TESTIMONY OF RICHARD WALLACE
9 SUPERINTENDENT, PITTSBURGH PUBLIC SCHOOLS

10 PITTSBURGH, PENNSYLVANIA

11 DIRECT EXAMINATION

12 BY DR. MADAUS:

13 Q Dr. Wallace, before going to Pittsburgh as
14 superintendent were you superintendent somewhere else?

15 A Yes. I was Superintendent of Schools in
16 Fitchburg, Massachusetts.

17 Q What kind of community is Fitchburg?

18 A Fitchburg is a declining industrial city in the
19 Northeast typical of many declining cities, a city of
20 approximately 40,000 people. Fifty percent of our adult
21 population in the city had less than a high school diploma.
22 Fifty percent of the youngsters attending school were on
23 free lunches, which is an indication of the poverty level of
24 the city.

25 Q And what kind of district is Pittsburgh?

1 A Pittsburgh is a large industrial community,
2 population of about 400,000. We have 47,000 students in the
3 schools, approximately 51 percent black, and about 70
4 percent of the students are on free lunch, which is an
5 indicator of the poverty level.

6 Q Now, in both districts you introduced new programs
7 to increase student skills. What were the characteristics
8 of these programs? Could you describe them for the audience?

9 A If I could, right behind you is a listing of the
10 type of achievement monitoring systems that I used
11 extensively in Fitchburg, Massachusetts and have introduced
12 in Pittsburgh in the past ten months.

13 Essentially we have five characteristics. The
14 first one, perhaps the most important, is agreement upon
15 what is expected of students in the basic skills area at
16 each grade level in the system.

17 We asked the teachers to identify the twenty most
18 important learning outcomes in math, and reading, and
19 writing for their grade level, and we limit that to 20
20 because we think that they can manage 20 learning outcomes a
21 year effectively.

22 We communicate those skill expectations to the
23 parents, to the community at large, and indeed the teachers
24 and the administrators are fully aware of what is expected
25 of students in terms of learning outcomes.

1 Secondly, we ask teachers to spend 50 to 60
2 percent of their instructional time zeroed in on those key
3 learning outcomes that they have identified. They know that
4 this is not the entire curriculum, but they know that it
5 constitutes a substantial portion of what it is that
6 youngsters should be expected to learn.

7 We provide feedback to students, to parents, to
8 teachers every sixth instructional week; that is, we give
9 tests to students. We have teachers develop the tests. We
10 have one item per objective. We provide this feedback and
11 ask the teachers to use the data to make decisions about the
12 instructional progress of youngsters, to use the information
13 to report the progress to parents, and indeed to make
14 decisions on a schoolwide basis as to how youngsters ought
15 to be instructed more effectively.

16 We tie instructional materials specifically to the
17 objectives; that is, we ask teachers to identify materials
18 in their classroom or materials we can purchase for them
19 that key in on those key learning outcomes that they have
20 identified and believe are most important.

21 I should hasten to add we are not talking about
22 minimal competencies. We are talking about what one would
23 expect of the average student at any grade level in the
24 school system during the course of the year.

25 And finally, there is a great emphasis on staff

1 development as it relates to achievement monitoring with
2 specific reference to training teachers to use data to make
3 instructional decisions about students so that they can plan
4 appropriate instruction, group students across grade levels
5 if need be, across classrooms and so forth. Particularly in
6 the area of writing a great deal of emphasis has to be
7 placed on training teachers to write themselves in order
8 that they can effectively instruct students to write.

9 These are the essential characteristics of MAP or
10 Monitoring Achievement in Pittsburgh or SAM, a Skills
11 Achievement Monitoring as it was called in Fitchburg.

12 Q Now, I understand that you do use tests in this
13 program. You do use tests, is that correct?

14 A We use our own tests, yes.

15 Q In what way do you use them?

16 A Again, as I mentioned, we test students on each of
17 these skill expectations every sixth instructional week. On
18 each testing occasion these students are tested on each
19 objective for the year irrespective of whether they have had
20 instruction in those objectives or not.

21 We do that for two reasons: one, to communicate
22 to the students and through the printout we send home to the
23 parents what we expect the student to learn during the
24 course of an academic year. Also we found that it is an
25 exceedingly potent motivating device from one testing

1 occasion to another for students to monitor their own
2 progress toward the attainment of the skills that are
3 expected of them.

4 Q Do you use other data in making decisions,
5 instructional decisions about students and reporting to
6 parents?

7 A Yes. We take the notion that a test of any type
8 is an imperfect measure. We ask teachers in making
9 instructional decisions about youngsters to use the test
10 data from MAP or SAM as one and only one indicator of the
11 student's ability to perform.

12 Clearly, teachers are able to observe youngsters'
13 performance in their regular classroom in oral settings.
14 They give their own weekly tests. They have many
15 opportunities to observe a youngster. And we say to them if
16 the MAP or the SAM results do not confirm their judgment, to
17 ignore the test results and use their own judgment. We
18 trust their judgment more than any test result.

19 Q So you don't use a test as the sole or primary
20 determinant of placement for a student, or promotion, or
21 graduation in your program?

22 A Absolutely not.

23 Q Why not?

24 A Again, a test is an imperfect measure. It is only
25 one data point of many data points. With regard to what we

1 know about students, and we trust our teachers to make
2 judgments about the students, their achievement, their
3 performance and whether or not they should progress.

4 Q A little ways back you mentioned something that
5 you called multiple imperfect measures. Now, that came up
6 this morning in cross examining Dr. Scriven.

7 What do you as a public school superintendent mean
8 by multiple imperfect measures?

9 A From my point of view a test is an inference about
10 a student's ability to perform, and I am not comfortable in
11 making decisions about a youngster's achievement or his
12 progress on the basis of an inference, a single inference
13 based on a test result. I think we need to look at a broad
14 array of information that we have about a youngster and make
15 a decision in a total context.

16 Q And you think the teachers are the ones who should
17 make these decisions as the professionals?

18 A Unquestionably.

19 Q What evidence do you have that your program has
20 worked both in Fitchburg and in Pittsburgh?

21 A As yet I don't have any evidence in Pittsburgh
22 because I've only been there 10 months. In the seven years
23 in which I was in Fitchburg, when I arrived in 1973,
24 students, the average score, about 40 percent of the
25 students were scoring at or above grade level in math. When

1 I left in 1980, 92 percent of the students in the district
2 were scoring at or above grade level, and the range was from
3 85 to 95 percent. In that period of time the mean
4 percentile score in reading had gone from the 35th percetile
5 to the 72nd percentile.

6 Q And this is a working class, relatively poor
7 district you're talking about?

8 A That's right.

9 Q So there are other hopes for our public education
10 other than a minimum competency test?

11 A Unquestionably.

12 DR. MADAUS: Thank you.

13 HEARING OFFICER JORDAN: Thank you.

14 CROSS EXAMINATION

15 BY DR. POPHAM:

16 Q Dr. Wallace, I know it is early in your tour of
17 duty in Pittsburgh, but are you satisfied with the quality
18 of basic skills mastery on the part of Pittsburgh students?

19 A No.

20 Q It was mentioned that a minimum competency test
21 ought not to be a primary or sole determinant for
22 graduation. What kinds of determinants for graduation exist
23 currently in Pittsburgh? What does a youngster have to do
24 in Pittsburgh to get out of there with a diploma?

25 A There is a basic skills assessment test

1 administered in the 11th grade. If a youngster fails to
2 pass that test, then he is routed into a course in his
3 senior year; and if the student passes that course and meets
4 all other criteria, he can graduate.

5 I don't agree with that policy, by the way.

6 Q Was that enacted by the Board of Education?

7 A It was enacted by a previous administration and
8 the Board.

9 Q By the Board and the citizens in a sense wanting
10 the students to demonstrate proficiency?

11 A I can't answer that question. I wasn't there.

12 Q What I'm trying to get at is if a minimum
13 competency testing program is established where youngsters
14 have to pass the test in order to receive a diploma,
15 characteristically they must do many other things as well,
16 mustn't they?

17 They have to attend school a certain amount of
18 time, take courses, pass those courses, build up required
19 credits, isn't that so generally?

20 A That is true. I don't agree with the concept of a
21 minimal competency test. I am much more oriented toward
22 achievement monitoring beginning in kindergarten, and
23 providing students with feedback throughout the entire
24 course of their academic career as a way of making judgments
25 as to whether or not they are competent.

1 Q There is a certain perjorative connotation
2 associated with minima. People do not like minimum skills.
3 You have described a rather excellent program. If one were
4 to take those skills that you had focused on in that program
5 and simply made them worthwhile skills and then called that
6 a minimum competency testing program and obliged youngsters
7 to pass it, would you be opposed to that?

8 A How would the data be used?

9 Q Much in the same way you use them now, except at
10 the tail end students would have to demonstrate that they
11 could read, write and compute these worthwhile skills.

12 A If it was a single criterion to make a judgment,
13 my answer would be no.

14 Q But it is not a single criterion for there are
15 other things: teachers' judgments regarding grades,
16 students' passage of many courses. There are other things
17 going on.

18 A I think as one data point, again not a single
19 administration, but if youngsters were provided feedback
20 from the time they entered grade one as to how they were
21 progressing toward the attainment of skills and were given
22 public notice, if you will, if they were deficient in the
23 skills, then I think you are describing an achievement
24 monitoring system which I think is quite different from
25 minimal competency testing.

1 Q You heard a program, if you were present this
2 morning, described in South Carolina.

3 A I'm sorry. I was not present this morning.

4 Q Very well. The program in South Carolina is
5 remarkably similar to the one you just sketched where there
6 are early data points, mastery of student skills are
7 assessed, and the people in South Carolina don't really
8 conceive of their minimal competency testing program as
9 focusing exclusively on minima.

10 If that program incorporated the many fine
11 features you have described, wouldn't you find something
12 praiseworthy about that program?

13 A I honestly can't respond because I didn't hear the
14 presentation, and without knowing the details of the
15 program, I think it is inappropriate for me to answer that
16 question.

17 Q I guess what I'm trying to get at, Mr. Wallace, is
18 you clearly are on to some important instructional
19 principles in your city, and we wish you well. I do not see
20 anything that you have described which is intrinsically
21 incompatible with the well-conceptualized minimum competency
22 testing program. Not a bad one, not a rotten one, but one
23 that is proper. Do you?

24 A I am unalterably opposed to the imposition of a
25 single instrument as a criterion for judging competence, and

1 from my point of view that's what minimal competency testing
2 represents.

3 Q In other words, you are unalterably opposed to a
4 single instrument which would be administered many times if
5 the student failed just because the student, I suppose,
6 would perform in other areas that teachers could just better?

7 A Let me respond in a different way. I believe that
8 what I have described here is a total instructional system
9 in which testing is an integral part of that system, and
10 everything that I have heard and read about minimal
11 competency testing does not communicate to me it is an
12 instructional system, and therefore I am opposed to it.

13 Q If you found a program such as the one in South
14 Carolina which by legislative statute focuses on the
15 improvement of instruction, and conceded that you don't know
16 all about that program, but if you found such a program
17 would you find it somewhat more palatable?

18 A I might, and I can describe a program that has
19 just been initiated this fall in Massachusetts called the
20 Basic Skills Improvement Program. The Commonwealth of
21 Massachusetts was about to embark on a minimal competency
22 program. My colleagues and I were able, I think, hopefully
23 over a period of time to persuade the commissioner and the
24 Board of Education to take another view and to look at what
25 we call achievement monitoring.

1 The net effect was the implementation of a basic
2 skills improvement program which has a very different
3 connotation than a minimum competency testing program as I
4 know them.

5 Q The connotation might be that students who don't
6 do well are given additional instruction as an effort to get
7 most students up to mastery?

8 A No. The connotation is that the expectations are
9 laid out for students early in the game. They are given
10 feedback at critical junctures during their educational
11 experience, and they are given, if you will, 12 years to
12 demonstrate their competence.

13 Q Last question. If the citizens in the particular
14 community, Pittsburgh, for example, are incredulous
15 regarding the quality of the public school effort, do you
16 believe that they have the right to demand the imposition of
17 a minimum competency test?

18 A You used the word "incredulous."

19 Q They doubt that student skills in reading,
20 writing, and mathematics are as good as they should be. You
21 believe in that situation that they would have the right to
22 demand the imposition of a minimum competency testing
23 program?

24 A No, because I think we have alternatives that will
25 work better and can demonstrate results.

1 DR. POPHAM: Thank you.

2 REDIRECT EXAMINATION

3 BY DR. MADAUS:

4 Q Just one followup question. The Massachusetts
5 program that you referred to, for the record Massachusetts
6 doesn't use a state test or the local option test or a
7 commercial test by itself to make important decisions about
8 classification, promotion or diplomas, is that correct?

9 A That is correct.

10 DR. MADAUS: Thank you.

11 HEARING OFFICER JORDAN: Thank you, Doctor.

12 Deborah Meiers, Principal, Central Park East
13 School, City Schools of New York.

14 TESTIMONY OF DEBORAH MEIERS

15 PRINCIPAL, CENTRAL PARK EAST SCHOOL

16 CITY SCHOOLS OF NEW YORK

17 DIRECT EXAMINATION

18 BY MS. PULLIN:

19 Q Ms. Meiers, would you please describe briefly for
20 us your professional background and experience in the field
21 of education?

22 A Well, I became a school teacher in 1964 in
23 Chicago, and I taught young children, kindergarten, Head
24 Start, early grades from 1964 for about eight years, and
25 during that period I also got involved in teacher training.

1 and did teacher training in Philadelphia and New York City.

2 In 1974 I started with Central Park East School in
3 District 4 of Manhattan, which is East Harlem, and I have
4 been at that job ever since 1974. In addition, I have been
5 continuously involved in teacher education on the university
6 and local level, and I was a member of the School Board in
7 New York City in one of the 32 decentralized districts.

8 Q I believe that it has been reported that your
9 school is widely recognized as one of the most outstanding
10 elementary schools in New York City. Could you please
11 describe for us the kinds of recognition that your school
12 has received? And I realize you are somewhat shy about
13 this, but I think it's important for the people to know.

14 A You know, we actually spent the first five years
15 trying to avoid any recognition because we were feeling that
16 people would find out we were breaking some rules, but we
17 finally felt safe enough, and in the last few years there
18 have been stories written in the New York Post citing the
19 school as one of the four best schools that worked best in
20 New York. New York Magazine cited it as one of the 12 best
21 schools in New York, Parent Magazine as one of the 6 best
22 schools; the New York Teacher, the union's newspaper, ran a
23 centerfold spread on the school.

24 Last fall I received, and I think mostly in behalf
25 of the whole school, an award from the fund from the City of

1 New York for outstanding achievement in the field of
2 education. But I think what is most important to us is the
3 attitude of parents in their choosing to send their children
4 to us and the kind of word-of-mouth feedback that the school
5 has gotten through parents.

6 The number of people who wanted to send their
7 children to our school, both in East Harlem and throughout
8 the city, has been so great that we agreed to open a second
9 school this fall; and despite a rapid expansion of that
10 second location, the second school, we have had to turn down
11 hundreds of children who I wish we could have provided space
12 for next fall.

13 This was largely, I would say most of it, comes by
14 word-of-mouth from parents to their friends and relatives
15 around the city of New York.

16 Q Could you tell us what kind of student population
17 you have in your school?

18 A It is a fairly representative, I guess, of
19 Manhattan or New York City. About 75 to 80 percent of the
20 children are on the free lunch program. Fifty percent of
21 the children are black, 25 percent Hispanic, and about 25
22 percent white. About 15 percent of our children qualify for
23 receiving special education services for one sort or another
24 of learning handicaps. And incidentally, about a third of
25 the children I would estimate on the basis of our

1 calculations are children -- parents who sent their children
2 to us after taking them out of either parochial or private
3 schools in New York City to come to a public school.

4 Q I see. From your experience as a teacher and as a
5 principal of an urban elementary school, what would you say
6 are the main ingredients for building a strong elementary
7 educational program?

8 A I was just thinking of the remarks that one of the
9 gentlemen today said that we think we're special, because I
10 think that is the largest quality of it, that parents, the
11 children and the staff at our school think that we are the
12 greatest. And I think they're right, and I think it's
13 probably that the focus has been on an incredible staff, and
14 the sense of the staff of its own development and its own
15 autonomy.

16 There are teachers who I think are imbued with the
17 feeling that children desire and have the ability to make
18 sense of things. They have a lot of knowledge of curriculum
19 and children, and they know how to make a match between
20 that, and I think that's because they have that same
21 attitude toward themselves, and that is an attitude that I
22 think the school fosters -- an enormous respect for the fact
23 that teachers in order to teach children, in order to be
24 good role models for children, in order to make sense of a
25 learning situation have to be treated with respect

1 themselves, have to be decisionmakers, have to be people who
2 have some power over the environment of the classroom and
3 the school.

4 They have to be willing to share information and
5 that sense of mutual trust between the staff, and myself,
6 and the children, and the parents I think enables children
7 to concentrate on using the school as a learning environment.

8 Q Do you feel that parents play an important role in
9 making your school a success?

10 A The question of having some choice in the school I
11 think is an aspect of it, which means the power to remove
12 their kids which doesn't happen often, but I think that
13 feeling of power is important; the fact that we share
14 information very widely, we use a lot of different ways of
15 helping parents know what we are doing at school, and
16 getting feedback from them, and ways in which we have worked
17 a great deal in finding a common language in which we can
18 describe what we see children doing in terms that make
19 common sense to parents also, and which they can try out at
20 home and see whether they are getting the same information
21 we are getting.

22 Q I note that in your description of the factors
23 that are important in making your school a success you don't
24 say anything about competency testing or any other form of
25 testing. Why do you not mention testing as a factor in

1 making your school a success?

2 A I tell you, this is a long history and I'll have
3 to collapse it very much. But the fact of the matter is
4 that in 20 years of watching schools and having my own
5 children go through schools, the one thing I found out is
6 the least useful piece of information, and if not totally
7 useless, but the least useful piece of information I have is
8 the score a child receives on a multiple choice test.

9 It seems to me no matter how they break down the
10 score -- and we get now in New York forms that are broken
11 down, printouts broken down in six billion complicated ways
12 with stars and marks and so forth -- no matter how they
13 produce that, I find it an enormously misleading thing. The
14 notion that I can even find out so-called as simple as
15 whether a child knows how to read on the basis of that kind
16 of test, I have found out simply through working with
17 children, going over tests with them in the course of my
18 years, that it is a very poor piece of evidence as to how a
19 child performs.

20 Q Wouldn't you say, though, that tests reflected the
21 sorts of things that teachers need to know, particularly
22 when you are talking about something like learning to read?

23 A The fact is that there's nothing you can find out
24 on a test that I couldn't find out or anyone who is
25 qualified to work in a room with children shouldn't be able

1 to find out in 15 or 20 minutes. Now, you need a lot more
2 than 15 to 20 minutes to find out what you need to know to
3 help a child, but you know as much as that test could
4 possibly tell you and I think probably more in 15 to 20
5 minutes, and trying to teach that child to read. It's in
6 the process of teaching a child to read that I can assess
7 whether that child knows how to read, what they know and
8 what they don't know; and I'm not stuck then with a lot of
9 information.

10 If I want to make use of child's test score as
11 someone relatively sophisticated about reading and testing,
12 if I see a big discrepancy I find it intriguing and
13 interesting; and in that respect a very good teacher can
14 make some use of test information. But what I have to do is
15 go back and sit down with that child and go over the actual
16 test. It's intriguing then, as I learned to do many years
17 ago, and I have written about it, to see why the child made
18 that mistake. And it is the reasons for a child getting
19 right and wrong answers that are important, not the number
20 of right answers.

21 I would just like to give you an example of some
22 of the kinds of items on a test. I am supposed to be able
23 to find out on this item from a test often used in New York
24 City on word knowledge -- and I'm not exactly clear, by the
25 way, what I'm supposed to find out about this, but it's

1 called a word knowledge of vocabulary section of this test.
2 It reads, "To enjoy is to jump, walk, run or
3 like." Now, I know children who can read that to me very
4 clearly. They can read, "To enjoy is to jump, walk, run or
5 like." They know clearly the meaning of all those words.
6 It is not possible, I have not met a seven or eight-year old
7 who doesn't know the meaning of all those words.
8 Nevertheless, we know a large number of children get that
9 one wrong, and they get it wrong I find out when I talk to
10 them because they misunderstood the direction of the test.
11 They were answering as a sentence completion test, and they
12 thought to enjoy is to jump, to enjoy is to run -- that
13 sounds pretty good. They were answering a different set of
14 questions than the person who designed the test had in mind.
15 Or "A puzzle is a wonder, a story, a mystery or a
16 worry." I can think of lots of different reasons why
17 children would select different ones of these questions.
18 Q Are you saying that a test score or a test report
19 might give you misleading information?
20 A A child who got those wrong knows the meaning of
21 all those words, can use them all adequately and can read
22 them all. And I have numerous children whom I have sat down
23 with, and they can read the entire test and get a large
24 number of the items wrong, and there are other children whom
25 I can read the test to and will get the items wrong.

1 What we are measuring is a great many different
2 factors, but it's only by sitting down with that child that
3 I can find out what I am measuring. And any teacher who
4 doesn't do that I think should not be teaching that child to
5 read in any case.

6 Q Well, we have heard so much today, though, about
7 how parents are demanding test information, how they feel
8 that they need to have that information so that they can
9 know whether the schools are being successful. Surely you
10 have had parents come to you and make the same kinds of
11 demands.

12 How have you responded to them?

13 A By a lot of parent education. I think parents are
14 inundated with a great deal of anxiety about their
15 children's progress for very good reasons, and they need
16 information they can understand.

17 Now, we have tended to lead parents and teachers,
18 and I think as professionals and press, and the
19 professionals deserve a lot of discredit for this, to
20 believe that if we come up with information in numbers and
21 statistics and very complicated mumbo-jumbo that it is
22 somehow more real than the real act.

23 So I have parents who have in the early years who
24 sat with me, and we read with the child together, and they
25 told me what their child was reading at home, who would say

1 but what is his real reading like? And I'd say what do you
2 mean his real reading? That was him really reading. I
3 know, but you know, his reading score.

4 Now, it is something to me frightening and
5 terrifying that human beings in contact with their own child
6 should believe that a reading score is the real reading and
7 that the child who talks with them about books is not the
8 real child. It's like taking a marriage test to find out if
9 you're happily married and not to have any other source of
10 information about yourself.

11 And I think testing has taken away from children,
12 teachers and parents a sense that they can use their common
13 sense judgment to make an assessment of something I think is
14 common sense as to whether a child knows how to read. And I
15 think we've had to do a lot of re-education of parents and
16 with children.

17 I have children who say that, what's my real
18 reading, and I say before you took that test you should know
19 how well you are reading, not after you took that test.
20 That is not the way you should know whether you know how to
21 read or not.

22 That's with children before they go into the
23 testing situation, with them and with their parents how well
24 they know how to read, and the test then can provide some
25 other additional things such as -- in such a sophisticated

1 environment.

2 Q Let me try another alternative on you. The people
3 this morning talked about the importance of using test
4 information to determine whether or not students ought to be
5 promoted from grade to grade. How do you feel about that
6 one?

7 A You are touching on a very sore subject, because
8 New York City has just embarked upon the use of a test to
9 determine whether children may be promoted from the fourth
10 grade to the seventh grade, and I think it is very much --

11 Q From the fourth grade to fifth grade?

12 A Yes. And then from seventh to eighth. And for
13 all the reasons I have described before, clearly it is a
14 very strange way to make such a decision, since it does not
15 help me know whether a child knows how to read. And second
16 of all, I think it's going to lead us in New York and
17 already has started leading us into doing a lot of very
18 strange practices in the schools.

19 But let me just tell you one thing about our
20 school. There were four children in our fourth grade this
21 year who fell below that, one year below grade level on a
22 norm-reference test, and I think it's supposed to be about
23 the 35th percentile or something like that.

24 There were four children and of those children I'm
25 supposed to automatically hold all of them back. The notion

1 that the teacher and I and the parent and even my
2 superintendent do not have the power to make that decision
3 but that the chancellor is going to make it for 27,000
4 children. We can appeal, but I don't know what we could
5 appeal, and almost none of the appeals have been heard. But
6 those four children are supposed to be held over.

7 Q On the basis of a test?

8 A Yes. Of those four children two are children we
9 had already informed the parents that we felt that they
10 would do well to spend another year in elementary school.
11 There were two of those children whom we felt we had ample
12 and clear objective evidence were reading easily on grade
13 level, and there were two children, incidentally, who scored
14 on grade level and were even a little above grade level who
15 in my opinion we can amply demonstrate do not work
16 academically successfully, and their parents agree, and they
17 will be held over.

18 So it so happens accidentally that we're going to
19 be holding over four children, but only two of them are the
20 same as the ones that showed up on the test.

21 Q So you meet your quota of four, but it may not be
22 the right four.

23 A That's a sheer accident.

24 Q You indicated earlier that you felt some strange
25 things were now going on in the schools in your city as a

1 result of that test. What kind?

2 A Accelegration is something that has been going on
3 for a long time, and that is the degree of coaching. I want
4 to make it clear that I think coaching has a wide variety
5 from fairly benign coaching to something that I really think
6 is just plain cheating. And I think that we span the whole
7 arena in New York, as I suspect most places around the
8 country.

9 But starting about six months before the reading
10 test -- to some extent, by the way, I think all of our
11 curriculum in New York and most cities had been distorted.
12 It is as though now we have to justify reading by reference
13 to its effect on test scores rather than test scores by
14 their effect on reading.

15 I was reading an article the other day about why
16 we should have a program for teaching the classics to
17 children in school, and it said it's a very good motivator
18 for getting children to do well in tests. And I thought
19 wait a minute, wait a minute. The classics were classic
20 because we're supposed to motivate children to want to read
21 them for their own sake, not because they help improve test
22 scores.

23 But I think for some time we have accentuated as
24 though reading were the same as reading test scores, and I
25 think as a result children's practice of reading in schools

1 more closely resembles the practice of taking a reading
2 test; that is, the normal everyday experience of reading in
3 schools begins to look like testing.

4 In the course of reading in a reading class they
5 read dozens of little paragraphs which they're then supposed
6 to answer questions about. They are more and more designed
7 to look exactly like the tests that they're going to take in
8 the spring; you know, what is the main idea and so forth, as
9 though in most of these there is any idea whatsoever in the
10 kind of material children are spending most of their time
11 reading.

12 We have left the content out of reading for
13 teaching them the tricks of testing, and there are indeed
14 some tricks in testing; and I think it is worth teaching
15 children as long as they're going to take tests some testing
16 tricks.

17 But the more specific information I have available
18 to me as a principal about the nature of that test, the more
19 specific my coaching becomes, and the more, in my opinion,
20 it begins to look like cheating. And I think in the last
21 few years -- I don't think I am any worse than anybody else,
22 but it's hard for me not to be influenced by finding out
23 what the exact test is like. So there are lots of books
24 like this put out and materials like this mimeographed by
25 corporations, you know, to sell to the public; and I buy

1 A Yes.

2 Q Isn't this one index of the success of your school?

3 A No. In my opinion, no. I have no way of knowing
4 whether those particular children might do well in another
5 setting. I don't have a control group. I have absolutely
6 -- I do not take credit for getting higher results. I don't
7 think that's a criterion.

8 Q Do you think others than you might consider this
9 an index of your school's success?

10 A There may be some who do.

11 Q Let's turn to the other schools in New York City.
12 Do you believe that students who lack basic skills are
13 frequently promoted or graduated in New York City schools?

14 A I think that they sometimes are and they some times
15 will be under a minimal competency literacy, since I think
16 that competencies in most of the tests I know about it are
17 at inadequate educational levels to start with.

18 Q How many tests do you know about?

19 A I'll tell you one thing I can guess. Ninety-seven
20 percent of the students I have referred to this morning, if
21 they are passing that test I would suspect unless there's
22 been a miracle in the last two years in Virginia, that we
23 are talking about relatively minimal skills.

24 I think most of the students in our school that I
25 have taught had minimal skills. They knew how to read. The

1 problem that they were having and that I feel seriously
2 about is not that they did not know how to read, but the
3 enormous absence of subject matter and content understanding
4 that they have, the enormous absence of intellectual content
5 in our schools; and I don't think a testing rage in this
6 country focusing on minimum skills is going to help that
7 kind of competence the students have to handle ideas, to
8 make decisions, to handle judgments. And I think that you
9 are selling our children short.

10 Q It is inconceivable to you that a competency test
11 could deal with such matters?

12 A It is.

13 Q Why is that?

14 A I do not think those are matters susceptible to
15 multiple choice, paper and pencil group administered tests.

16 Q Making evaluative judgments, analyses?

17 A I don't.

18 Q Comprehension applications?

19 A No.

20 Q Professor Blum has created a book which offers
21 ample implications of those kinds of items.

22 A I have taken tests a large part of my life, and I
23 have seen people utilizing intelligence and judgment, and I
24 don't think that the two things go well together.

25 Q If it were true that citizens of New York City

1 really had some doubts, not about your school because it is
2 very successful apparently, but about some of the other
3 schools, would you not think it appropriate for them to ask
4 that students show some level of skill on tests?

5 A I would think it foolish of them to ask for it
6 that way. I would think that is not the demand they should
7 make. And as a parent who worked very hard in my children's
8 school, that is not the demand I made, and I thought their
9 schools were often very inadequate.

10 Q You have shown us a little booklet about getting
11 the main ideas. You are surely not opposed to having
12 students read a passage and give its main idea, are you?

13 A If there is an idea in there anywhere.

14 Q Well, I am getting the main idea that you are not
15 exactly protesting. Would that be a fair characterization?

16 A I am protesting to find out some things tests can
17 find out. For example, if we want to get some information
18 by testing you simply mean a structured observation of some
19 sort of another, I think that a lot of information in this
20 country we ought to get about what our children can or
21 cannot do, and that we have surprising little of it, and
22 with good testing in this country probably now done by
23 testing a reasonable child on a sampling basis, we could
24 provide ourselves with some data that would really be useful
25 to teachers, useful for parents, and useful for

1 administrators.

2 I think if by test you mean a structured
3 observation that we need to help teachers and parents learn
4 how to engage in structured observations of their children
5 in such a way that they can get useful information, if
6 that's how you mean test, yes. I think there are very
7 important ways in which we need to learn how to get
8 information that will be useful to us.

9 Q You have criticized minimum competency tests of
10 the multiple choice variety. There are some states in which
11 they are actually asking students to supply writing samples,
12 in Texas, South Carolina and a number of other places.
13 Would you be opposed to those tests as well if kids are
14 asked to write paragraphs or short essays?

15 A I don't know how they are measured, and I can't
16 answer every question you might imagine. But I think it
17 makes sense for a school to work out its own way of trying
18 to get samples of materials of children's work. I think
19 children's work is a terrific way to get information.

20 We keep a folder on every single child from the
21 time they enter our school until they leave. It includes
22 their writing, their artwork, samples of a variety of their
23 work. The children can go over it with their parents at any
24 time, and when they leave the school we sit down with the
25 kids and we go over the whole span of their career with us

1 with material.

2 I think that is one way, and I happen myself to
3 believe a very good way. I don't want to mandate that all
4 schools be like me. I know it's hard to believe, but I
5 don't think that another school adopting my approach would
6 get my results if they didn't believe in it as firmly as I
7 believe in it.

8 Q Minimum competency tests focus not at all on the
9 approach but on the end result of the approach. You would
10 allow other people, I assume, to use different approaches as
11 long as they produce good results?

12 A We would disagree. Some people might look at that
13 sample of material and say that child at the end there is
14 not a good writer, and I might say that child is a terrific
15 writer. That person might be counting the number of commas
16 they misused, and I might be impressed by the fact that they
17 undertook writing very complicated sentences in which they
18 are more likely to make mistakes on commas than the other
19 student here whose paper was perfect but who didn't try to
20 express anything complicated enough to get into trouble. So
21 we might disagree.

22 Q You would allow those other teachers in those
23 other school systems to use whatever criteria they wanted?

24 A I think if we provide alternatives, different ways
25 and a community of different people who work in that school,

1 the parents, teachers, and children in that school can work
2 out a way that is satisfying to them. I think even pretty
3 dumb things sometimes work that way. I have a lot of belief
4 in the importance of people having some autonomy.

5 Q Even if substantially different judgments were
6 reached regarding the quality of the students' efforts, this
7 would be acceptable?

8 A I think the direction is moving toward more
9 confidence in local control.

10 HEARING EXAMINER JORDAN: Thank you very much, Ms.
11 Meiers. You may step down.

12 The next witness is Dr. Robert Benton,
13 Superintendent of Public Instruction, Iowa Department of
14 Public Instruction, Des Moines, Iowa.

15 TESTIMONY OF ROBERT BENTON

16 SUPERINTENDENT OF PUBLIC INSTRUCTION

17 IOWA DEPARTMENT OF PUBLIC INSTRUCTION

18 DES MOINES, IOWA

19 DIRECT EXAMINATION

20 BY MS. PULLIN:

21 Q Dr. Benton, what is your background and training
22 in the field of education?

23 A Very briefly, I have a B.A. degree in teaching,
24 speech, English and social studies; I have an M.A. and
25 Doctorate of Education degree in the School of

1 Administration; five years of teaching in English, speech,
2 and journalism; three years as a director of public
3 information coordinator, secondary education; five years as
4 assistant superintendent of instruction; six years as a
5 local superintendent; and the last nine years a state
6 superintendent of public instruction for the state of Iowa.

7 Q Does that mean that you are the highest appointed
8 educational official in the state of Iowa?

9 A Yes.

10 Q Does the state of Iowa require the use of minimum
11 competency testing to deny diplomas, to determine
12 grade-to-grade promotion, or to place students in classes?

13 A No.

14 Q And did the state of Iowa recently undertake a
15 consideration of whether or not to use minimum competency
16 testing in that way?

17 A There has been some talk in the legislature, but
18 very little really in that particular area. Back in 1978 I
19 recommended to the state board that we do an in depth study
20 in the general area of student achievement, not just on
21 minimal competency testing but student achievement.

22 What we were trying to do was to really determine
23 first of all the level of achievement of students in Iowa,
24 and secondly, to see if there was some reason after we got
25 that information whether we felt that we could either

1 improve the educational program as a whole or individually
2 for students through some type of a program.

3 And so coming out of that particular study was a
4 very strong recommendation that the state not impose or
5 mandate a minimal competency testing in the state of Iowa.

6 Q Can you give us an indication of the kinds of
7 people who participated in that study?

8 A Yes. It was a task force which was composed of
9 two superintendents, two curriculum specialists, two
10 principals, four teachers, two university profs, two
11 legislators, a counselor, one or two citizens, two board
12 members, and a student.

13 Then we had another group that advised that -- we
14 called it the Board of Advisors -- and these were
15 representatives from a number of professional organizations,
16 both lay and education-oriented.

17 Q How did that study group go about gathering its
18 information?

19 A Well, first of all, as many of you know, the Iowa
20 Test of Basic Skills, the Iowa Test of Educational
21 Development are well-known tests in the field of education.
22 We had about a 35 or 40-year history of data from those
23 particular tests. Practically all of the schools in Iowa, I
24 think somewhere in excess of 90 percent of the schools,
25 participate voluntarily in those programs and have for a

1 number of years.

2 So that data or those data were analyzed in great
3 detail and interpreted. We worked with the Iowa testing
4 program at the University of Iowa in that particular area.
5 Also a member of that committee was an individual who had
6 served as a staff member in the Education Commission of the
7 state, and they're the ones that conducted the national
8 assessment of pupil progress. So there was some input along
9 those particular lines.

10 There was a great deal of study of that and coming
11 from that were the identification of five critical issues
12 that the task force finally zeroed in as they were taking a
13 look at this general total area of student achievement.

14 Again, I stress again the total concept of student
15 achievement, because we were trying to get a broad picture
16 there. For example, the five critical issues are these, and
17 I will go over them briefly. They are formed in the basis
18 of questions rather than in statements.

19 Should Iowa schools provide a narrow range of
20 curriculum in schools reflected in the basic skills or a
21 more broad range of curriculum as reflected in basic skills
22 plus other experiences, areas of knowledge, et cetera?

23 Secondly, what is the current status of student
24 achievement in the schools of Iowa?

25 Thirdly, to what extent should the state and/or

1 the local school districts attempt to alter or control the
2 factors from within or without the school that seem to
3 affect student achievement? I think that is something that
4 has not been stressed enough here.

5 Four, should standards of student achievement be
6 established, and if so, should they be established by the
7 state or local authorities? And if standards should be
8 established, should they be in absolute terms, or should
9 they be relative to the ability of each student?

10 And fifth, what responsibility does the local
11 school system and/or the state of Iowa have to communicate
12 progress in student achievement?

13 And those were the five critical areas around
14 which recommendations and analyses were done.

15 A major recommendation, and I will just read it
16 very briefly here, "The task force recommended that no state
17 or federally mandated minimal competency testing program
18 should be initiated in Iowa at either the state or local
19 level. Rather, the Department of Public Instruction should
20 encourage local education agencies to establish other
21 procedures or continue procedures already established for
22 monitoring progress of students through the school system.
23 and for judging whether or not individual people are making
24 satisfactory progress in light of what is known about the
25 individual's interest, aptitudes, and aspirations."

1 There are a lot of other recommendations, but that
2 was the major one that is relative to our discussion here
3 today.

4 Q Could you explain to us what your opinion is about
5 the reason that task force and ultimately the state rejected
6 the notion of using minimum competency testing for these
7 purposes?

8 A Well, in hearing the reports -- and I sat in on a
9 number of those discussions. I tried to stay out of them
10 because I didn't want to influence them. We appointed the
11 task force, and we wanted them to feel totally independent
12 in which to make judgment and recommendations.

13 I think there was a strong feeling that minimums
14 had a tendency to become maximums, and if you're only going
15 to deal with minimums, well, you don't have much of an
16 educational program.

17 Secondly, as it was determined, the achievement
18 level of Iowa students -- and I don't want to sound arrogant
19 and braggadocio on this -- but the Iowa student does perform
20 at an unusually high rate. They found after analysis of 35
21 years of test scores that the typical Iowa student performs
22 a full year above the average student of the rest of the
23 nation, and that 94 percent of Iowa schools have average
24 test scores at or above the national median.

25 So I think there was a general feeling that if you

1 were going to use minimum test scores in terms of trying to
2 increase levels of achievement, that perhaps that was not
3 appropriate as it related to the actual status quo of
4 education in the state of Iowa.

5 So I think those were the two or three reasons.
6 There is a high level of education in the state. We are a
7 rural state, but we do have a high level of education, both
8 the adult population, and I think there was just a general
9 feeling that there are much better ways to improve the
10 educational program than to go that particular route.

11 Q Was there a feeling that the information you had
12 on hand about your students was sufficient to provide you
13 with a picture of how well the schools were doing and that
14 minimum competency testing information would be redundant?

15 A I think there was a general feeling that we had
16 far more data than we knew what to do with and that
17 certainly -- and there are failures. This is not to say
18 that Iowa students all achieve at those levels. We have a
19 lot of kids that don't achieve at the level that they
20 should. Obviously, you never reach the millenium in terms
21 of educational achievement.

22 But I think that the feeling was that minimal
23 testing or minimal competency testing was not going to give
24 us any additional data. Really what we needed to do, and
25 that was one of the major recommendations, that the state

1 department should then work closely with local school
2 systems in terms of helping them to take a look at total
3 curriculum improvement and taking a real good look at how
4 they delivered the educational product.

5 I want to point out one other thing, and I think I
6 need to stress this. We are a state, and it's been referred
7 to here several times this afternoon, we are a state that
8 stresses greatly local control and local management of
9 education. In fact, we have in our state laws this
10 statement which I supported when it was being debated in the
11 legislature, and I think it's the right approach.

12 Section 280.12 of the code reads this way:
13 "Evaluation of educational program: The Board of Directors
14 of each public school district and the authorities in charge
15 of each non-public school shall, 1) determine major
16 educational needs and rank them in priority order; 2)
17 develop long-range plans to meet such needs; 3) establish
18 and implement continuously evaluated year-by-year short
19 range and intermediate range plans to attain the desired
20 levels of pupil achievement; 4) maintain a record of
21 progress under the plan, and 5) make such reports on
22 progress as the superintendent of public instruction shall
23 require."

24 I wanted to point out that maybe one of the
25 reasons why the legislature itself has not dealt with this

1 is because they of their own volition chose to put this into
2 the code, and they are basically saying that those kinds of
3 decisions as it relates to individual pupil, pupil progress,
4 attainment, whatever, needs to be centered at the local
5 level.

6 Q The conclusion is that the imposition of minimum
7 competency testing would conflict with that degree of local
8 control?

9 A Yes. At the state level. And I would say this,
10 that in the push for minimum competency we have had some
11 local school districts that have made that particular
12 decision. I don't agree with it, but I don't deny them the
13 right under the Iowa law to make that kind of a decision.
14 And I think they are finding and learning from some of their
15 experiences that there needs to be some adjustment made in
16 those areas, but some of them are very supportive to the
17 concept.

18 Q Have you yourself ever had experience with minimum
19 competency testing or something similar to that, perhaps
20 when you taught school yourself?

21 A I don't go back as far as Dr. Tyler, but when I
22 was an eighth grade lad in a one-room rural school in the
23 state of Iowa back in the early '40s, we country kids had to
24 take a minimum competency test to get into high school; the
25 town kids didn't. For some reason it was felt that the town

1 schools were better than the country schools. That
2 interested. That most of the valedictorians came from the
3 country school, but that's neither here nor there.

4 As an eighth grade student, yes, I had to pass
5 minimal competency tests, and I can tell you exactly what my
6 teacher did for all of one year. The Wadsworth Publishing
7 company used to put out the books on the various programs,
8 and I studied sample test questions practically all year
9 long. I was the only kid in the eighth grade at that time.
10 So, yes, I have gone through a minimum competency, and I'm
11 not really sure I remember a heck of a lot about the content.

12 Now, maybe it was good for me to discipline my
13 mind to learn the answers about hygiene and arithmetic. We
14 didn't have science in those days, at least in the country
15 schools. But yes, I have had that particular experience,
16 and I don't endorse it.

17 Q Would you say then that in your opinion it is not
18 appropriate to use a minimum competency test as a sole
19 criterion for critical decisionmaking about a student?

20 A Yes. That would be my opinion. I think
21 unfortunately in this day and age we are not giving enough
22 credit to the professionalism of teachers. I think that
23 there is a lot of reasons why people are critical of
24 teachers, but I'm not sure it's necessarily tied to student
25 achievement. I think it has some other political overtones.

1 MS. PULLIN: Thank you, Dr. Benton.

2 HEARING EXAMINER JORDAN: Cross examination?

3 CROSS EXAMINATION

4 BY DR. POPHAM:

5 Q Superintendent Benton, I was interested in your
6 eighth grade teaching experience in which you were described
7 that you were drilled on a particular workbook, I guess,
8 until you really mastered it.

9 What happened to you?

10 A Well, some would say that isn't particularly the
11 best outcome.

12 Q You may remember that I was participating in a
13 project that your department sponsored a couple of months
14 ago. In fact, I was snowed in in Des Moines, as I recall.

15 A The only snow we had all winter, by the way.

16 Q I didn't realize that you had such control.

17 (Laughter.)

18 A Either that or you brought bad luck to us.

19 Q Now, I had an opportunity -- there's not very much
20 going on in Des Moines actually -- to talk with a good many
21 teachers about what is transpiring in education in the
22 state. It is true that most of your state's high performance
23 is based on the Iowa Test of Educational Development and the
24 Iowa Test on Basic Skills, right?

25 A That's the data that we use, although we have some

1 preliminary data in the national assessment, but it's done
2 on a regional basis rather than state.

3 Q Prior to your creation of the review group, the
4 task force in 1978, did you have a position, Superintendent
5 Benton, regarding the wisdom of minimum competency testing?

6 A Yes. I have never publicly gone into it, yes, but
7 I have a professional opinion, and I've had a professional
8 opinion for quite some time.

9 Q And I assume that would be negative?

10 A Minimal competency testing, I have no negative
11 feeling about testing per se.

12 Q Right. I want to ask you a serious group. Your
13 review group you described seemed to be heavily populated by
14 professional educators. There were some citizens, but by
15 and large they were predominantly professional educators.
16 If a different review group had been formed which was
17 dominated by members of the public as opposed to those in
18 education, do you think they would have come up with an
19 identical set of recommendations?

20 A The Des Moines Register and Tribune took off after
21 us after its first laudatory editorial, and then apparently
22 when it wasn't controversial enough they came back with a
23 comment along the lines you're talking about.

24 My guess would be that yes, that may have
25 happened. I doubt very much it would have happened if they

1 would have understood the data from which those conclusions
2 were drawn. I think that was one of our defenses on the
3 thing, that if you are going to use as a basis for an
4 evaluation a set of complicated information, you don't turn
5 that over to people who don't have an ability to understand
6 it.

7 So we looked upon the involvement of that group
8 more in terms of an interpretive process rather than one of
9 decisionmaking.

10 Q Apparently you would not be opposed, although you
11 would not favor it, if local educators in Iowa decided to
12 install local district minimum competency testing programs,
13 right?

14 A We have not opposed it. In fact, what we have
15 tried to do when local school districts have done that, and
16 I have tried to make my consultants available to them in
17 either terms of helping them either if they're going to
18 construct their own test or use others, we have tried not to
19 let that bias enter into our professional relationship with
20 educators.

21 Q Then I guess as a last question if in other states
22 your colleagues were less satisfied with the caliber of
23 schooling in their state and wished to set up either a state
24 or a series of local minimum competency testing programs,
25 you would leave that to their prerogative as well?

1 A Oh, my good friend Ralph Tyler and I discussed
2 this many times, and I would not impinge on his ability or
3 right to do anything in his state he wants to. We respect
4 each other very much in this area.

5 MS. PULLIN: I have a couple of questions.

6 REDIRECT EXAMINATION

7 BY MS. PULLIN:

8 Q Is the Iowa Test of Basic Skills or the Iowa Test
9 of Educational Development ever used as a sole basis for
10 determining promotion or graduation in your state?

11 A I am not aware that any school district would use
12 that as the basis for that, no. It has been used mainly as
13 a diagnostic tool. It has, as many of you may know, a
14 rather sophisticated and yet a rather simple reporting
15 mechanism to parents where a child, if he takes it every
16 year, you can plot the progress. It is a well-known
17 instrument and I think a well-accepted instrument for
18 diagnostic purposes.

19 Q Could you tell me how many local school districts
20 of the number in your state use minimum competency testing
21 to promote or graduate students?

22 A I know of only one or two, and it would not be a
23 broad range. It may be in an area that I am familiar with.
24 Marshalltown, I think, uses it in mathematics.

25 Q Have you heard any outcry from the public in your

1 state for minimum competency testing?

2 A No, I have not.

3 MS. PULLIN: I have no more questions.

4 HEARING EXAMINER JORDAN: Any further recross?

5 Thank you, Doctor.

6 Our next witness is Dr. Joseph Cronin President
7 of the Massachusetts Higher Education Assistance Corporation
8 and former Chief State School Officer, Illinois.

9 TESTIMONY OF JOSEPH CRONIN,
10 PRESIDENT, MASSACHUSETTS HIGHER
11 EDUCATION ASSISTANCE CORPORATION,
12 FORMER CHIEF STATE SCHOOL OFFICER, ILLINOIS

13 DIRECT EXAMINATION

14 BY DR. MADAUS:

15 Q Is your background and training in the field of
16 education?

17 A Yes, it is, a bachelor's degree in history, but a
18 master of arts in teaching, and a doctorate from Stanford
19 University in educational administration.

20 Q What are some of your other backgrounds in
21 education? What other kinds of positions have you held?

22 A I have been a classroom teacher in English and
23 social studies, both in Massachusetts and California, a
24 principal in Maryland. I have been the secretary of
25 education on the Governor's cabinet in Massachusetts, and

1 state superintendent of education in Illinois from 1975
2 until 1980.

3 Q Now, when you were state superintendent of
4 education in Illinois, did the state board consider enacting
5 a minimum competency testing program?

6 A Yes, we did. That was because the legislature was
7 responding to the widespread publicity about the scholastic
8 aptitude tests, about maybe they should be a mandated test
9 as a requirement for graduation from Illinois schools.

10 We checked first of all with the people in
11 Princeton, New Jersey, who put out those tests on the
12 results and found out that they did in fact have a profile
13 of scores on Illinois and that really there had not been a
14 decline or a decline that would warrant serious changes in
15 the curriculum.

16 But we did volunteer to the legislature to have a
17 study and a series of public hearings around the state so
18 that school board members and citizens, as well as
19 professional educators, could comment about the desirability
20 of a statewide test as a requirement for graduation or a
21 checkpoint along the way.

22 Q Now, as a result of that what did your board
23 decide?

24 A Our board listened to dozens of people, reviewed
25 the experience of other states, particularly those in the

1 southwest. We had clippings and reports of the difficulties
2 that some Florida counties had in complying with it. We
3 discovered that there are legal problems. There is
4 litigation when you have school districts that have not
5 finished desegregation and yet you expect all the children
6 equally to excell or perform well on exams.

7 And since we were in the process of desegregating
8 about 30 school districts in Illinois, we thought for a
9 number of reasons it would be much more appropriate to ask
10 the local schools to have a process whereby they declared
11 their goals and objectives, spelled out what kind of
12 evaluation devices -- certainly tests could be included, but
13 we recommended strongly against using tests as the only
14 indicator of performance or competence or success in
15 schools.

16 Then we suggested to the legislature that they be
17 given some time to implement a curriculum. We also asked
18 that they look at the curriculum to make sure that that
19 corresponded with the goals, and also that the tests or
20 evaluation devices bore some resemblance to the curriculum.
21 And we said this is a process that should take about two
22 years. It should be done very, very carefully to avoid the
23 mistakes that we had learned about from other states; and
24 that that's where the decisionmaking should be about
25 graduation and about achievement, at the local level.

1 Q Now, in this study did you turn up some special
2 problems about accommodating certain kinds of students in
3 Illinois?

4 A We were busily implementing 94-142, the federal
5 Rights of All Handicapped Children Act, which talks not
6 about mass production or mass achievements, but
7 individualized education plans. And we saw some
8 contradictions and difficulties between having a
9 standardized test and an individualized education plan.

10 And in fact, our counsel and advice to school
11 districts was to individualize the evaluation so that it
12 matched the program plan for that handicapped child. As
13 many as 10 or 12 percent of Illinois children were
14 handicapped, ranging from mild disabilities to very serious
15 retardation.

16 Q Was there a district that violated that particular
17 state directive on handicapped and learning disabled
18 students and held them to a common test and common standard
19 in awarding a diploma?

20 A Well, while we came out in favor of local
21 decisionmaking, there were at least a half a dozen school
22 districts that came forward and said: Look, if there's
23 going to be a test, would you just tell us the name of the
24 test and we will impose it, we will put it in and send you
25 the results, or whatever you tell us. We understand that

1 power has been taken away from the local level by state and
2 federal authorities, and if that's what this is going to
3 yield tell us.

4 There were five or six districts that said: We
5 already have a minimum competency test and everybody must
6 pass it as a requirement for graduation from high school.
7 We said: Wait a minute, don't you have a plan for the
8 handicapped, don't you have some very careful exemptions and
9 some special treatment as the handicapped might need? Oh,
10 they said, yes, that's a conflict; we will go back and
11 review it.

12 We had about five out of those six school
13 districts actually provide for individualized attention
14 through evaluation for the handicapped as they moved through
15 high school. In one school district they said, no, our
16 board has made this decision and we believe every single
17 person in Peoria must pass that standard test or else
18 they're not going to get a high school diploma.

19 Q So Peoria ignored your directive on common
20 standards -- against a common standard for handicapped and
21 learning disabled students?

22 A Yes. Of course, since that time there have been
23 some lawsuits. There was a request of the state board of
24 education, which sent in an investigatory team some months
25 after I left Illinois. A team of 30 or 40 people went in to

1 ask questions, to hear complaints. And the state board of
2 education is right now reviewing that case because there is
3 a serious conflict.

4 But it's the opposite from what some of the other
5 situations might be, where we think a school district is
6 using a single yardstick to measure all children and in fact
7 trying to make sure that everybody wears size eight or above
8 as a requirement for graduation from high school.

9 Q Dr. Cronin, what do you see as the problems in the
10 present system of awarding diplomas? We have heard a lot
11 today from the other side about bringing back value to the
12 diploma and counterfeit diplomas and this sort of thing,
13 How do you see the diploma in American education?

14 A One of the great myths of American education, one
15 of the charades, is that the diploma is terribly important.
16 If you talk to most people and say, where is your diploma,
17 they say, I either have it framed on a wall in my office
18 where I can watch it, keep track of it, or it's in a safe
19 deposit box or it's in a file in the basement or wherever.

20 People do not take their diploma around to a
21 college. They do not take it around to a job. What is
22 really important today as the currency of educational
23 quality and performance is the transcript. And I think one
24 of the frontiers in terms of defining what performance is
25 and ability and achievement is to breathe more meaning and

1 life into the transcript, which is reviewed by college and
2 university admissions staffs, which is on occasion reviewed
3 by industry or by government employers, especially if it is
4 for a specialty or a technical position.

5 That is the important document, because that tells
6 -- that might tell not only grades and test scores, but I
7 would hope we could move towards more indicators, such as
8 this person can type at 60 words a minute or 90 words per
9 minute and make so many errors per page or per 100 words or
10 1,000 words. That kind of information on skills is very,
11 very useful for a targeted audience.

12 But the notion that one three or eight-hour exam
13 and a single score can be that meaningful is a charade and a
14 disservice.

15 Q And the transcript, of course, would cover the
16 wide experiences the student had in high school from grades
17 9 through 12. It's not just limited to the test?

18 A Exactly. It probably ought to include
19 extracurricular activities, leadership around the school,
20 and other important contributions that schools have to
21 American society in training citizens.

22 Q So do you think that a minimum competency testing
23 should be used by itself as the sole or primary determinant
24 of a high school diploma or promotion or classification?

25 A The inside joke after a while was that the notion

1 of MCT really stood for "minimal confidence testing," that
2 somehow there was the hope that if there was a test for
3 everyone, that if everyone could pass the test, then public
4 confidence in American education would be restored.

5 We thought that was simplistic. We thought that
6 would be short-sighted to think that more testing is the
7 answer to the ills of American education. In some cases the
8 response to declining or inadequate test scores should be
9 more teaching or perhaps more resources spent to support the
10 teachers, including more resources for the classroom
11 teacher, so that they are adequately paid and so that the
12 best ones stay in the classroom for their full career.

13 And to say that a test is the answer or so much of
14 the answer is to miss those other necessary solutions.

15 Q But you do think that students should be held to
16 standards?

17 A Absolutely.

18 Q But do you think a common standard for all
19 students makes sense?

20 A Standards should be set by teachers and principals
21 in the school. Those standards should be displayed by them,
22 should be reviewed by a citizen group called the local
23 school board. That is the proper locus of decisionmaking.

24 Q One of the witnesses this morning characterized
25 minimum competency testing as the last great hope for

1 American public education. How would you respond to that?

2 A Where was that person from? Is that someone from
3 the Midwest?

4 Q Well, he is an Australian working in California.

5 A Okay. I think the notion of looking at any kind
6 of test as a panacea, or as the single hope, is a terrible
7 mistake. We need a number of solutions in American
8 education. Some of them are financial solutions. Some of
9 them are solutions having to do with a greater commitment of
10 resources, a greater concern by families and parents for
11 what is happening in their schools.

12 And the idea of seeing testing as the one great
13 hope /or remaining hope is to rely too heavily on
14 psychometry.

15 DR. MADAUS: Thank you, Dr. Cronin.

16 HEARING OFFICER JORDAN: Cross?

17 CROSS-EXAMINATION

18 BY DR. POPHAM:

19 Q Dr. Cronin, one gathers from your remarks that you
20 would be in favor generally of locally controlled minimum
21 competency testing programs, if in fact the board of
22 education thought it was a good idea to install it?

23 A With appropriate safeguards for the handicapped
24 and presuming that they have just about finished
25 desegregation, with an opportunity for all children to have

1 profited from equal opportunity.

2 Q Since you endorse state-level intervention when it
3 is necessary to protect handicapped students, may we infer
4 that it is acceptable for a state to intrude on local
5 education agencies when the situation warrants?

6 A The word "intrusion" of course is a loaded one.
7 There is in most states a constitution saying that the state
8 shall set general standards for health and safety and equity
9 and opportunity for children. Clearly, when the
10 constitution spells that out I think it is appropriate for
11 the state to intervene to assist the clientele, including
12 the parents and students.

13 Q Intervention is acceptable when the situation
14 warrants?

15 A And when the constitution provides for it.

16 Q Would not some educators, legislators, citizens,
17 consider students' lack of basic skills sufficient cause for
18 state-level intervention?

19 A Yes, indeed. And in fact, we have task forces and
20 committees working with local schools on areas like writing,
21 for example, where we thought performance could be
22 improved.

23 Q You don't seem to think that a high school diploma
24 is a particularly important document.

25 A Oh, I think it is to the individual when they

1 receive it. I am talking about in later life, how many
2 times is the diploma actually brought around and used as
3 educational currency, and should it. And I conclude no.

4 Q Perhaps it is not brought around and used as
5 currency because most people have been awarded it, maybe on
6 the basis of social promotion.

7 A I don't think so. I think most people have earned
8 it in terms of performance. They have had to have their
9 promotion recommended by not one, but a series of classroom
10 teachers, especially through the junior high and senior high
11 school.

12 I think the notion of the diploma, which in many
13 cases only has 20 or 30 words on it, saying that Jim Popham
14 or Joe Cronin has graduated from X high school, that doesn't
15 convey much information. Here we have technology in the
16 computer so much that we can lay out in terms of the profile
17 and accomplishment, the merits and talents of a person, and
18 let us move to a more sophisticated transcript and not a
19 beefed-up diploma.

20 Q But your move toward the transcript is clearly
21 something that ought to be created. We don't have
22 transcripts of that caliber right now, do we?

23 A In some schools we have transcripts. Certainly
24 some admissions officers in many colleges collect a dossier
25 of information on a student coming in 5, 10 or 20 pages,

1 anecdotal information, references, indicators of
2 performance, essays written by the student. That's the kind
3 of broad approach I would favor.

4 Q You are a very astute observer of the educational
5 scene in various parts of the country. Don't you think it's
6 a bit premature to write off minimum competency testing as a
7 possible vehicle to improve the caliber of schooling?

8 A I certainly wouldn't write off testing. I am in
9 favor of testing for evaluation and diagnostic purposes. I
10 would repeat my words of caution to any state that things
11 that a single test or a state-wide test is the one key
12 answer to the revival either of excellence or the indicator
13 of satisfactory performance.

14 Q And your intuition tells you this, rather than any
15 substantial evidence on minimum competency testing programs
16 thus far?

17 A Oh, no. I have had a chance to talk to people
18 from other states, my colleagues from the other 49 states,
19 to review their programs. We have invited some of them into
20 our state to explain how the system works. We have held
21 public hearings. We have had people who worked in New York
22 State under the Board of Regents come out to Illinois. So
23 no, it's in 25 years of professional service.

24 DR. POPHAM: Thank you.

25 HEARING OFFICER JORDAN: Thank you, Dr. Cronin.

1 Redirect?

2 REDIRECT EXAMINATION

3 BY DR. MADAUS:

4 Q Well, you can't stop a local district from
5 adopting a minimum competency testing program that is tied
6 to a diploma or a promotion. What do you think of that
7 practice by a local district, using a test by itself to make
8 those kinds of decisions?

9 A We have those questions asked of our legal staff:
10 What did we think of diplomas that said that this is a
11 diploma that indicates passage of a minimum competency test;
12 here is another diploma that he completed 12 years but
13 didn't pass the test; here is another one if someone
14 couldn't even take the test? What do we think of having
15 three or four diplomas, sort of gradations? One would be a
16 first class, one clearly would be a second class diploma,
17 one would be a third class diploma.

18 We had serious reservations both legally and
19 philosophically about what it would mean to have a diploma
20 trail around with a student for umpteen years indicating
21 that they didn't pass a three-hour test. So we did
22 everything we could to talk that school district out of the
23 notion of multiple diplomas, where again what was really
24 called for is transcripts indicating at what did that person
25 excel in.

1 Maybe it was in sheetmetal, electricity, plumbing,
2 skills that our society genuinely needs, as opposed to
3 saying, well, we had some multiple choice questions, the
4 kinds that have been described today, and the person
5 couldn't handle some of the advanced questions.

6 DR. MADAUS: Thank you, Dr. Cronin.

7 HEARING OFFICER JORDAN: Any further recross?

8 (No response.)

9 HEARING OFFICER JORDAN: Thank you, Dr. Cronin.

10 Ms. M. D. Taracido, attorney at law, former
11 president and general counsel of Puerto Rican Defense and
12 Education Fund. Ms. Taracido.

13 TESTIMONY OF MS. TARACIDO, ESQ.,

14 FORMER PRESIDENT AND GENERAL COUNSEL,

15 PUERTO RICAN LEGAL DEFENSE AND EDUCATION FUND

16 DIRECT EXAMINATION

17 BY MS. PULLIN:

18 Q It's just been indicated you are the former past
19 president and general counsel of the Puerto Rican Legal
20 Defense Fund. First of all, when did you leave that
21 organization?

22 A Effective June 30th, 1981. So in other words,
23 it's about two weeks.

24 Q Could you please define for us briefly what the
25 Puerto Rican Legal Defense and Education Fund, which we will

1 refer to as PRLDEF, does?

2 A The Fund is a national civil rights organization.
3 It was established in 1972. Its primary objectives are to
4 protect the rights of Puerto Ricans and Hispanics in the
5 mainland United States and to increase Puerto Rican
6 representation in the legal profession.

7 I have been with the Fund since its inception in
8 1972. I have worn a few hats, actually, in that tenure.
9 During my tenure as a staff person, however, I was very much
10 involved in education rights advocacy. That was one of the
11 primary focuses that I had as a staff attorney and even at
12 the point in time where I took on the position as president
13 and general counsel I maintained my contact with bilingual
14 education and a number of other things.

15 Q Is it true, then, that PRLDEF as an organization
16 has been involved in monitoring issues such as minimum
17 competency testing and bilingual education in New York?

18 A Yes, it has. We initiated a complaint in January
19 of 1979 challenging the New York State minimum competency
20 regulation, and have been in the forefront of advocating
21 understandable instruction for language minority children.

22 Q Could you briefly describe the history of the
23 minimum competency testing program in New York?

24 A First I'd like to preface by saying it was the
25 most ineptly constructed regulation I think I've ever seen.

1 It was riddled with defects. It was initially issued in
2 August of 1978, and the regulation had three basic
3 components to it:

4 One component had to do with testing that would go
5 on in 1979 and 1980, in other words effective for graduates
6 of those two years, and a third component that had to do
7 with graduates of June 1981.

8 The first part, for '79 and '80, was something
9 called basic competency tests, or BCT's as it's known in New
10 York. And the June 1979 graduate had to pass a reading and
11 a math basic competency test. The June 1980 graduate had to
12 pass a reading, a writing, and a math basic competency
13 test.

14 As of June of 1981, in other words this very
15 academic year, students will have to pass a much more
16 stringent test called the Regents' competency test. And
17 that testing process incorporates all three -- math, reading
18 and writing. In addition, the regulation has something
19 called a preliminary competency test. That was a variation
20 of that last test that I have just described, which is the
21 Regent's competency test. However, it only dealt with the
22 reading and writing portion. So it is a variation of
23 reading and writing tests that would be applicable to the
24 June 1981 graduate.

25 And that was -- I would guess you would call that

1 the early identifier in that particular regulation, because
2 if the person who was given the preliminary competency test
3 in reading and writing were not to pass it, then remediation
4 was required for that student.

5 There was a small problem with respect to that, or
6 rather a large problem, really, from my perspective, and
7 that was that the trigger for whether you got to take the
8 preliminary competency test was whether you had fallen below
9 the norm on something called the pupil evaluation program,
10 which is a testing process given in third and sixth grade,
11 and which has been mentioned earlier, which is now being
12 used for promotional purposes.

13 That particular testing process is one in which
14 students are given a test in reading and in math and the
15 reading test is not available to limited English proficiency
16 students because it's only available in English. So anyway,
17 you have a trigger before you even get the preliminary
18 competency test. So what you have is a situation where
19 there may be many linguistic minority children, for example,
20 who would not be identified as perhaps having some
21 problems.

22 And the second thing that happens, of course, is
23 the preliminary competency test focusing simply on reading
24 and writing and not dealing with math means you don't
25 identify early enough on as to whether there's a math

1 problem.

2 Q You have identified some deficiencies, then, in
3 this very complicated testing scheme. Were there other
4 kinds of deficiencies which you and your organization felt
5 existed in the New York State program?

6 A Yes, lots of gaps. It was a real patchwork
7 quilt. For example, the basic competency testing process,
8 which was applicable to the June '79 and June '80 graduates,
9 in large part the test was not a valid test. It was
10 provided in English only, so that meant that if you were a
11 language minority student then, of course, you would not be
12 able to take that test.

13 There was no remediation requirement. You could
14 take the basic competency test in November and if you failed
15 it, tough cookie, as they say in New York. And then you
16 take it again in January and fail it again and nothing was
17 being done in between. So there was no effort to do
18 something about giving some support and help to those
19 students.

20 In addition, there was insufficient notice to
21 students. The people that we spoke to prior to filing the
22 January 1979 complaint, students I mean, indicated that they
23 had not been told. Lots of them in eleventh and twelfth
24 grade had not been told that it was meant to be one of the
25 requirements for graduation.

1 As to the Regents' competency testing process,
2 which as I mentioned earlier is a much tougher test, that
3 again is being provided -- you know, it was going to be
4 provided simply in English; again, insufficient notice.
5 When you think about it, a regulation initiated in August of
6 1978 to be applicable for the following year, that is very
7 difficult for me to see how a school district or a school
8 that has not been doing what it should be doing for students
9 for the last nine to ten years could possibly catch up and
10 have them ready to take this much stricter test in, you
11 know, for June 1981 graduation purposes.

12 Again, no remediation potential with regard to
13 math, since there was no preliminary competency test in math
14 to identify students having trouble with that.

15 The preliminary competency test, which is that
16 attempt at an early identifier; there again, the validation
17 was at issue. There was, as I said, no math PCT, and again
18 it was in English only.

19 Q You have mentioned or alluded several times to the
20 problems of limited English speaking students or the fact
21 that tests were not available in Spanish. What kinds of
22 problems did this testing program cause Spanish-speaking
23 students, who I presume compose much of your constituency or
24 the groups you work with?

25 A I feel compelled to do a prefatory remark when I

1 deal with bilingual education. It is so misunderstood and
2 so maligned. I would like to at least define what the
3 advocates of bilingual education mean when they talk about
4 bilingual education.

5 Q Fine.

6 A You have students who come into a school district
7 with limited English proficiency, and you can't have them
8 sitting in a classroom being taught by an English-speaking
9 teacher and expect them to really absorb the information
10 that is being given to them.

11 Consequently, common sense would dictate that what
12 you want to do is provide understandable instruction. And
13 the idea of bilingual education is to provide students
14 subject matter courses, math, social studies, science, et
15 cetera, in their native language so that they don't fall
16 behind their peers while they are learning English.

17 Another important vital component of bilingual
18 programs is English as a second language, which is a
19 language arts program, for lack of a better way of defining
20 it. It is a program that is meant to increase English
21 language fluency. If you have a program that does not have
22 that as an integral component part of the work being done in
23 that program, then it is not a bilingual program.

24 The whole purpose behind bilingual programs, since
25 we are an English-speaking nation, is to give the child who

1 is participating in that program -- develop in that child
2 the skills they need to be integrated into the regular
3 curriculum. So the ultimate goal is for them to learn
4 English language fluency.

5 Q At the same time that they are achieving
6 substantive knowledge in the other subject areas?

7 A Exactly.

8 Q Now what is the problem, then, with giving these
9 kinds of children a minimum competency test?

10 A Well, you are giving them a minimum competency
11 test in English?

12 Q Why not?

13 A Or in math, why not? Well, okay. Why not is that
14 they can't understand the language well enough to be able to
15 take a test in that language.

16 They are in a program that is precisely meant to
17 bring about an increase in their English language fluency.
18 You want a program that addresses that as an issue. So that
19 if you are trying to determine competency in a child who is
20 a limited English proficient child, who is participating in
21 a bilingual program, then presumably the competency you want
22 to determine is whether or not they have learned, let's say,
23 reading in Spanish, because that's what they are being
24 taught, or math in Spanish.

25 And what you should be trying to determine is how

1 well the school district is teaching them English as a
2 second language. To do anything more than that, to try to
3 get them to take that test in reading or in math in English,
4 when they haven't yet achieved English language fluency, is
5 ludicrous.

6 Q Is there a special problem also for students who
7 come from Puerto Rico in that regard?

8 A We have a large mobility factor. One of the
9 things we have to keep in mind is that Puerto Ricans are all
10 United States citizens. They are able to come and go from
11 the mainland to Puerto Rico and back and forth, and we do
12 have that kind of flow going on.

13 The instructional system in Puerto Rico is
14 conducted in Spanish. So that what we have is a situation
15 where they are coming from one instructional mode in terms
16 of language into another instructional mode. And although
17 they are taught English in Puerto Rico, they don't always
18 come to the United States with as much fluency as you need
19 to acceptably participate in the educational program
20 provided here.

21 Consequently, there is a need to really address
22 that. The whole point behind the advocacy for bilingual
23 education is, on the part of those of us who care about it
24 and think it is important, is that you want to have a
25 program that is effective and appropriate, and the only

1 effective and appropriate program for a person who does not
2 speak English is a program that gives them their work, their
3 subject matter work in a language they understand.

4 Q So you are saying, then, that to fairly assess the
5 competence of many of the students you are talking about,
6 competency is a factor which might involve competence in
7 subject matter, but also competence in language?

8 A Well, it is competence -- let's put it this way.
9 If -- assuming arguendo that it is acceptable to have this
10 one standard, a minimum competency testing process --

11 Q An assumption I presume you have difficulty
12 making?

13 A Yes, I have difficulty with that. Assuming
14 arguendo that that is true, an English proficient child can
15 obviously take that test, because presumably they have
16 enough fluency in that language to be able to deal with that
17 test. If you are a limited English proficient person you're
18 not going to be able to deal with that test in English. You
19 might be able to deal with it if it was given to you in your
20 native language.

21 And clearly, if you want to have some sense of
22 competence, as I mentioned earlier, competence in English,
23 then the most you can do is test for what the child has
24 learned in English and it's what's being given to that
25 person in English as a second language course.

1 Q In an attempt to promote educational
2 accountability, however, would it be fair to impose on a
3 student significant responsibility for educational success
4 or failure?

5 A I think it is unfair.

6 Q Why?

7 A I think it is unfair because I think that
8 education is a two-way street. I think that schools have a
9 responsibility for teaching students. I think that students
10 have to -- the students are there basically to learn,
11 obviously. And a process that doesn't look at both student
12 performance and the performance of the educational system is
13 one that is, I think, patently unfair in the end.

14 Educational programs may or may not be adequate.
15 And if you look solely at children's performance and how
16 they have done on a particular multiple choice examination,
17 what you are missing is a very important dimension and that
18 is whether or not the program provided to bring that child
19 up to that standard was an adequate program.

20 Clearly, it seems to me that you are further
21 victimizing the victim if you fail them when they have been
22 participating in an inadequate program. That just doesn't
23 make any sense.

24 MS. PULLIN: Thank you very much. =

25 CROSS-EXAMINATION

1 BY DR. POPHAM:

2 Q Would you favor a minimum competency testing
3 program in which Spanish-speaking youngsters did have tests
4 in the Spanish language that would be a necessary
5 condition?

6 A I think that if we were to assume that a minimum
7 competency testing process is one that is appropriate, to
8 not do that is crazy.

9 Q You described a number of features in the New York
10 minimum competency testing program which you considered
11 reprehensible. Assuming for the moment that those
12 deficiencies are genuine -- and I'm sure you're telling us
13 the truth -- most of them as I heard you sounded eminently
14 rectifiable. They can be changed.

15 Is there any reason why they are necessary
16 ingredients in a minimum competency testing program?

17 A I'm sorry, I don't understand.

18 Q You described a number of bad features in the
19 program. But it struck me that very few of them were
20 necessary ingredients. They may have been there in New
21 York, but are they necessary for a minimum competency
22 testing program to make some of the mistakes you described?

23 A Let me tell you, I was struck by what was supposed
24 to be the product of educators who were skilled in this
25 field. I am a lawyer. I don't pretend to be an educator,

1 although I have taught in the past. And I could not believe
2 anybody could put that kind of regulation together and then
3 say that this is an appropriate thing to use to determine
4 whether somebody should get a diploma.

5 Q I concede that. But let's assume that it is
6 conceded. Do you find that those features are necessary in
7 any minimum competency testing program? Are they necessary
8 conditions of a minimum competency testing program?

9 A What are you saying? I'm not clear what you
10 mean.

11 Q What I'm trying to get at, if you could describe a
12 minimum competency testing program which would be put
13 together better and avoid some of those deficits, wouldn't
14 that be somewhat more acceptable to you?

15 A I think that you can avoid the deficits. I think
16 that you can correct and remedy, and indeed they did. We
17 filed a complaint and as a result of the complaint some of
18 these things were remedied.

19 But I still think that using a test as a sole
20 identifier, as a sole determinant as to whether or not a
21 child should get a diploma is wrong for many of the reasons
22 I've already articulated.

23 Q Insofar as more Hispanic youngsters are failing
24 the New York test, doesn't this reflect inadequacies in
25 instructions, inadequacies which should be rectified?

1 A Yes. But I don't think you rectify it on the
2 backs of the children.

3 Q In the advanced summary of your testimony that we
4 received, you observe that the existence of minimum
5 competency testing programs makes it possible to monitor the
6 quality of school programs, thereby isolating less effective
7 schools so attempts can be made to correct ineffective
8 instruction. Do you still agree with that statement?

9 A That there should be monitoring?

10 Q In other words, the existing minimum competency
11 testing permits us to monitor schools, so we identify the
12 ones that are less effective, so we can do something to
13 improve them. Do you still agree with that?

14 A I think that -- well, let me put it this way. If
15 you are going to have what I feel is an inappropriate way of
16 determining whether or not a person gets a diploma, if you
17 are going to do that and you are going to put the onus on
18 children to perform, then you have to have an equal onus on
19 schools to perform. And that is basically what I said.

20 Q Isn't that a positive feature?

21 A It's a positive feature to the extent that you
22 would then try to put accountability where I believe it
23 belongs, frankly.

24 DR. POPHAM: Thank you very much.

25 HEARING OFFICER JORDAN: Further questions?

1 MS. PULLIN: No.

2 HEARING OFFICER JORDAN: You are excused. Thank
3 you very much.

4 (Witness excused.)

5 HEARING OFFICER JORDAN: We have no further
6 witnesses to call, and at this time the pro team first and
7 then the con team will summarize the proceedings of today in
8 a couple of minutes.

9 Jim?

10 SUMMARY OF THE DA 'S SESSION

11 BY DR. POPHAM, PRO TEAM LEADER

12 It has been a long day and this will not be my
13 full five-minute summary.

14 Our team opened with a set of remarks designed to
15 suggest that minimum competency testing programs were
16 installed chiefly because of citizen distrust with the
17 quality of schooling. We tried to suggest that the response
18 of educators in many cases has been positive. We tried to
19 preview the other team's probable attacks upon minimum
20 competency testing and attempted to suggest that those
21 attacks would sound better than they actually were.

22 We saw instances of that precise thing as the day
23 progressed, people trotting out lousy multiple choice test
24 items. My golly, in thousands and thousands of multiple
25 choice test items, we could surely find some genuinely

1 dismal ones.

2 We heard many times that scores have not declined
3 recently, so all is well, we don't need a minimum competency
4 testing program. Our argument, of course, is that the
5 scores have already gone far, far too low.

6 We tried to present a series of witnesses from two
7 states in which there are decent minimum competency testing
8 programs alive and well, in South Carolina and Virginia. We
9 heard those programs described and we heard a series of
10 witnesses offer testimony that suggested there were positive
11 effects on students, positive effects on the curriculum, and
12 positive effects on public perceptions of education.

13 Our first witness, Dr. Scriven, suggested that if
14 we could not move to a more honest system of describing
15 student progress that education, public education indeed was
16 in great peril. He concluded his opening remarks by
17 asserting that minimum competency testing constituted the
18 last hope of education.

19 This must have been particularly galling for our
20 counterparts, for they raised it four times and indeed on
21 one occasion questioned his birthplace. They could have, I
22 suppose, questioned even more in that same realm.

23 We believe that the restoration of public
24 confidence in school grading practices is imperative. We
25 think that minimum competency testing will supply that. We

1 hope in the next few days to provide witnesses which will
2 support that general contention.

3 HEARING OFFICER JORDAN: Thank you.

4 George?

5 SUMMARY OF DAY'S SESSION

6 BY DR. MADAUS, CON TEAM LEADER

7 Today we started out by telling you that our team
8 had a number of general contentions, the first being that
9 basic skills in fact were not declining, that the problem is
10 in more complex skills. We had several of our witnesses
11 describe that. We said that tests were redundant, that we
12 already knew who the schools were that needed help, and
13 you've heard ample evidence on that.

14 We said that we would offer viable alternatives
15 and we have done that. Both at the state level, at the
16 local level, and at the school level, we have shown you that
17 there are viable alternatives that will work.

18 And we then said that one of our contentions was
19 that it was a political response to an educational problem,
20 and we had several of our witnesses describe those features
21 to you.

22 On the technical aspects, we just started to get
23 into it, but you got a flavor for what is going to happen
24 tomorrow when we go into those issues in more detail, that a
25 single test score should not be used to make important

1 decisions about students by themselves.

2 Now, because we carried the word "negative team"
3 or "con team," that has a bad connotation in some people's
4 minds. I think it was clear today that we are not opposed
5 to testing. We think testing has a place in education, that
6 it can serve a good function. We are not against
7 standards. We are not against social promotion, and we
8 offered alternatives and showed how tests should be used
9 adequately.

10 Now, beware of what you heard from the pro team,
11 particularly the South Carolina testimony. South Carolina
12 does not use the tests for graduation. South Carolina
13 doesn't use the test for promotion by itself. And the
14 readiness test which you heard most of the testimony about
15 really in a way doesn't fit the definition of minimum
16 competency testing. It is not a paper and pencil test.

17 South Carolina is irrelevant to the argument. But
18 there were some interesting things that kind of crept
19 through the South Carolina testimony, and one of them -- I
20 think one of the highlights for me was the beautiful
21 testimony that the parent, Mrs. Long, supplied. And the key
22 thing in that was that she gave the permission for the
23 student to stay back and that the data was based on teacher
24 observation throughout the year, and the teachers made the
25 recommendation, went over it with the parent, and then the

1 parent and the school people together decided that the
2 student should be kept back.

3 That is the kind of thing we have been advocating
4 in our alternative program to minimum competency testing.

5 We will deal with Virginia later in the hearings,
6 and I won't keep you any longer. It has been a long and
7 hot, at least hot up here, very long day. Thank you.

8 HEARING OFFICER JORDAN: I think both sides did
9 well. I hope you do. I hope you enjoyed the proceedings
10 today enough to come back in the morning.

11 The hearing will reconvene at 9:00 o'clock in the
12 morning. Thanks to all of the witnesses who came and
13 participated to help us out. This hearing is adjourned.

14 (Whereupon, at 6:00 p.m., the hearing was
15 recessed, to reconvene at 9:00 a.m. on Thursday, July 9,
16 1981.)

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