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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 third day of proceedings. The pro team testimony, led by James Popham, began with William Raspberry, who presented his view of the likely impact of MCT. The remaining witnesses represented ongoing MCT programs in North Carolina and Detroit, stressing the positive effects of MCT on students, the curriculum, and public perceptions of education. George Madaus, the con team leader, began his case by reiterating his team's position: that tests can be helpful in education, but that his team opposes MCT when it is used as a single indicator to deny diplomas, to keep students back in a grade, or to classify students. The witnesses for the con team testified about the impact of MCT on Chicano-Hispanic students, its effect on handicapped and learning disabled students, and the current programs of MCT in New Jersey and North Carolina. The day's proceedings concluded with closing arguments from Dr. Popham and Dr. Madaus. (BW)

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MINIMUM COMPETENCY TESTING  
 CLARIFICATION HEARING

JULY 10, 1981

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BARBARA JOEDAN, HEARING OFFICER

DEPARTMENT OF COMMERCE AUDITORIUM  
 14th Street and Constitution Ave., N.W.  
 Washington, D.C.

TM 820 268



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14th Street and Constitution Ave., N.W.  
Washington, D.C.

P R O C E E D I N G S

1

2

(8:30 a.m.)

3

DR. KELLY: Good morning. Welcome to the third  
4 day of these hearings on minimum competency testing. I am  
5 Paul Kelly, Director of the Measurement and Evaluation  
6 Center and Professor of Educational Psychology at the  
7 University of Texas at Austin.

8

It is again my honor to introduce to you the  
9 presiding officer for this hearing, Professor Barbara  
10 Jordan, Lyndon B. Johnson Public Service Professor at the  
11 LBJ School of Public Affairs at the University of Texas at  
12 Austin. Professor Jordan.

13

## INTRODUCTION AND INSTRUCTIONS BY THE

14

HEARING OFFICER, PROFESSOR BARBARA JORDAN

15

HEARING OFFICER JORDAN: Thank you, Dr. Kelly.

16

I have presented opening remarks for two days now,  
17 and I repeat each day what I have said a prior day, because  
18 there is a possibility that there are some people here who  
19 did not hear the opening remarks on the first day. They  
20 will be a part of the record of these proceedings, in case  
21 you find these remarks so stellar that you want a copy.

22

Now, as used in this hearing minimum competency  
23 testing refers to state or locally mandated programs which  
24 have the following characteristics:

25

All or almost all students are, at any designated



1 grade, are required to take paper and pencil tests designed  
2 to measure the basic academic skills, life or survival  
3 skills, or functional literacy.

4 A passing score, a second characteristic of MCT, a  
5 passing score or standard for acceptable levels of student  
6 performance has been established.

7 Third characteristic: Test results may be used to  
8 certify students for grade promotion, graduation or diploma  
9 award, to classify students for or place students in  
10 remedial or other special services, allocate compensatory  
11 funds to school districts, evaluate or certify school  
12 districts, or evaluate teachers.

13 The minimum competency testing project is designed  
14 to provide quality information to state and local  
15 decisionmakers, information that will assist them in making  
16 informed choices about the policies and programs. This  
17 project should help to promote a greater public  
18 understanding of the dynamics of MCT programs and provide a  
19 vehicle for informed public participation in the policy  
20 process.

21 The purpose of this hearing, simply put, is to  
22 provide a public forum for clarifying some of the most  
23 salient issues concerning minimum competency testing. Both  
24 teams have agreed that there are certain functions which MCT  
25 programs should not serve. Both teams are emphatic in their

1 repudiation at elementary and secondary levels of the use of  
2 MCT for the following three purposes:

3           One, teacher evaluation;

4           Second, allocation of educational and other  
5 resources;

6           And the third no-no is retention of non-passing  
7 students at all grade levels.

8           The two teams do not agree, however, with regard  
9 to other functions of minimum competency testing programs.  
10 In this hearing, the teams will focus on MCT programs that  
11 use test results to certify or classify students. The three  
12 major issues this hearing will seek to clarify are:

13           Whether MCT programs will have beneficial or  
14 harmful effects on students, on curriculum and teaching, and  
15 on public perceptions of educational quality. While the  
16 framework for the hearings borrows extensively from the  
17 judicial process, it is not intended to result in victory  
18 for one side or the other. Rather, the clarification  
19 hearing is designed to serve an educational function by  
20 providing a public forum for discussion of a controversial  
21 topic from different, often competing perspectives.

22           The clarification of issues and points of concern  
23 is the desired outcome. The judicial process merely  
24 provides the framework and systematic procedures for  
25 discussing those issues and for public involvement in the

1 process.

2           There will be no jury to deliberate or render  
3 final formal judgment here. There will be no jury to decide  
4 whether MCT programs are successes or failures, or the  
5 overall quality of the MCT programs. All decisions in this  
6 process, all judgments concerning the information presented,  
7 will be left to the viewing public.

8           The target audience for this project includes  
9 legislators, state and local policymakers and  
10 administrators, special interest groups, parents, teachers,  
11 students and the general public.

12           Specific rules of procedure have been agreed upon  
13 by both teams. On each day the case presented by each team  
14 will make an opening statement outlining the case to be  
15 presented in support of the team's position. On each day  
16 the pro team will present its case first.

17           Each team will rely heavily on the testimony of  
18 witnesses rather than the detailed presentation of data.  
19 Although some witnesses will be interpreting documentary  
20 evidence that will be entered into the record of the  
21 hearing, other witnesses will state and be stating their own  
22 observations and opinions.

23           Direct, cross, redirect and recross examination of  
24 witnesses will be permitted.

25           Finally, it has, I'm sure, not escaped your

1 attention that these proceedings are being videotaped. By  
2 this fall, gavel to gavel videotapes and written transcripts  
3 will be available to professional and constituent  
4 organizations for use in workshops, seminars and public  
5 forums.

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

11 The pro team begins first, Dr. James Popham. And  
12 today I would appreciate it if you would, as you did  
13 yesterday, review the argument and the points that you are  
14 going to present to us today. Dr. Popham.

15 OPENING REMARKS BY  
16 DR. JAMES POPHAM,  
17 PRO TEAM LEADER

18 Thank you, Professor Jordan.

19 Our case today commences with a witness, Mr.  
20 William Raspberry, distinguished syndicated columnist from  
21 the "Washington Post," who as an analyst of educational  
22 affairs in this nation, will comment as to his view  
23 regarding the likely impact of minimum competency  
24 testing.

25 The bulk of our witnesses, as has been the case

1 previously, will represent ongoing minimum competency  
2 testing programs which actually are taking place at this  
3 time. Our first set of witnesses come from the state of  
4 North Carolina, where a state-level minimum competency  
5 testing program has been installed, a single test  
6 administered, high school graduation depending upon passage  
7 of that test.

8           Our concluding witnesses all come from the city of  
9 Detroit, where that city of its own volition installed a  
10 minimum competency testing program to improve the quality of  
11 instruction for the youngsters in Detroit schools. We shall  
12 demonstrate via these witnesses that once more minimum  
13 competency testing programs not only can, but are having a  
14 positive impact on, students, on the curriculum, and on  
15 public perceptions of education.

16           Professor Jordan, we are ready to call our first  
17 witness.

18           HEARING OFFICER JORDAN: The first witness is  
19 William Raspberry, who is a columnist for the "Washington  
20 Post." Mr. Raspberry, will you come forward, please.

21                           THE PRO TEAM PRESENTS ITS CASE  
22                           TESTIMONY OF WILLIAM RASPBERRY,  
23                           COLUMNIST, "WASHINGTON POST"

24                           DIRECT EXAMINATION

25                           BY DR. POPHAM:

1 Q Mr. Raspberry, thank you for joining us today.

2 As a distinguished syndicated columnist for the  
3 "Washington Post," you have written frequently about  
4 educational topics. Would it be correct to characterize you  
5 as an informed analyst of educational issues?

6 A I sincerely hope that's correct. I work at  
7 analyzing various issues, and I try to be informed about  
8 them.

9 Q Have you been following the evolution of the  
10 minimum competency testing movement in this country for the  
11 past half dozen years or so?

12 A In a general way, yes.

13 Q What is your overall analysis of minimum  
14 competency testing?

15 A I suppose that it reflects a growing waning of  
16 confidence in public education throughout America. People  
17 have become increasingly aware that schools are not doing  
18 what we expect them to do. We keep hearing about children  
19 who are graduating from high schools who are awarded  
20 diplomas, who are illiterate or nearly so. And it seemed  
21 that this was not a good state of affairs, and people seemed  
22 to look for some way, some objective measure of whether in  
23 fact a child had learned what his diploma alleges him to  
24 have learned.

25 And they came upon the notion that at least a

1 minimum level, some minimum level of competency should be  
2 guaranteed, so to speak, by a diploma, not a twelfth grade  
3 education necessarily, but some minimum level of  
4 competency.

5 Q Something like a minimum warranty, essentially?

6 A Pretty much that, yes. It doesn't guarantee  
7 genius or even average high school competency, but just a  
8 minimum, the minimum ability to function in life.

9 Q At least this much?

10 A At least this much.

11 Q Why do you believe that many people seem to be  
12 fearful of minimum competency testing programs?

13 A Because they believe, often with great  
14 justification, that a lot of children have not achieved that  
15 minimum level of competency, although they have spent 12  
16 years in schools. The evidence is very clear that for a  
17 large number of children, many of them unfortunately  
18 minority children, they have not been given the skills that  
19 they need to qualify for work, for college, for anything  
20 else.

21 Q And is it then your interpretation that perhaps  
22 because of these tests, these deficiencies will be revealed,  
23 is that it?

24 A Of course. I think the assumption somehow, and I  
25 don't quite understand the assumption, but it seems to be

1 that if you don't reveal the absence of the competencies,  
2 the wide world will assume that the competencies are there.  
3 They test the student in the first place because of the  
4 assumption that the competencies in many cases are not  
5 there. So it does not seem to me to follow even logically.

6           It seems to be in some views a way of protecting  
7 children. It simply delays and postpones their exposure to  
8 the real world.

9           Q     You indicated that in some instances minority  
10 youngsters were not doing as well as they should in school.  
11 Some civil rights groups have gone on record as opposing  
12 minimum competency testing programs. Why do you think  
13 that's so?

14          A     For precisely that reason. I suppose it's partly  
15 out of embarrassment and partly out of a misguided concern,  
16 a misguided pity that masquerades as concern. Pity is an  
17 emotion that wants to protect those we feel sorry for  
18 because we feel them inferior.

19           I think if these leaders, if these opponents to  
20 the entire notion of minimum competency really believe that  
21 children are capable of learning, capable of acquiring the  
22 skills, they would insist on some kind of testing to make  
23 sure that they had acquired the skills so you would know  
24 whether the schools were doing what they were supposed to  
25 do.



1           If you are quite certain that the kids are  
2 incapable of achieving the skills, then you don't want any  
3 tests to disclose that. You think it is an assault on the  
4 children. I think it is essentially an assumption that the  
5 children are stupid that makes people oppose the test to  
6 reveal whether they have in fact acquired the knowledge they  
7 are expected to acquire.

8           Q     Based on your own estimate of the capabilities of  
9 minority youngsters, how do you think they will be affected  
10 by minimum competency testing programs if they are widely  
11 adopted?

12          A     The answer to that is that it depends a very great  
13 deal on how the tests are instituted. If you administer a  
14 minimum competency test for the first time to a child in the  
15 twelfth grade, you have busted him out if he has not  
16 acquired the material. That's all, it is an assault on the  
17 child. It has nothing to do with probing for competency.

18                If in fact you administer the test early on and in  
19 fact install tests that measure quite early on -- and I mean  
20 in early elementary school -- whether the competencies for  
21 that grade level are being acquired, the minimum competency  
22 exam at the end of that process will be quite routine. I  
23 mean, it is as though a manufacturer applies quality control  
24 checks on the work at the very end of the assembly line. It  
25 is absurd. You do your quality control all the way along

1 the line or it doesn't make any sense.

2           So if you do it only at the end you can have a  
3 devastating effect on children. If you do it as a part of  
4 an educational process as a routine thing, it could have a  
5 salutary effect.

6           Q     Thank you.

7           Do you think that minimum competency testing  
8 programs will satisfy our citizens' right to know about  
9 what's happening in their schools?

10          A     Not satisfy it, but it certainly goes in the  
11 direction of the right of parents and citizens at large to  
12 know in a general way what is going on in the schools. I  
13 suspect that a part of the institutional opposition to not  
14 just minimum competency testing, but all testing, all  
15 standardized testing, is that the people who don't want the  
16 test administered don't want us to find out how well or how  
17 poorly they are doing their job.

18          It is very interesting. In those instances where  
19 faculty, administrators and parents are confident that their  
20 children are learning well, you don't hear any opposition to  
21 testing. It's only when there is considerable doubt that  
22 testing becomes the ogre.

23          Q     As a resident of the Washington, D.C., area, you  
24 are doubtlessly familiar with the D.C. schools  
25 competency-based curriculum program. Recently this led to

1 the non-promotion of a number of primary grade children.  
2 What is your reaction to that practice? I'm not interested  
3 in your appraisal of the particular program in D.C., because  
4 you may not be familiar with it. But what is your reaction  
5 to the practice of holding youngsters back?

6       A       There are two basic ways to react to this thing.  
7 The tests were administered in the first, second and third  
8 grade youngsters in this city. Approximately half of them  
9 did not reveal on the test that they had acquired the  
10 competencies required for that grade and therefore were not  
11 eligible for promotion.

12               One way to look at it is to say, what a terrible  
13 thing you have done to these children, 5,000 or 6,000  
14 children. You didn't do it to their predecessors because  
15 you didn't have this system and now you have done it to this  
16 group of kids. Terrible, terrible.

17               My view is that we did the terrible things to the  
18 predecessors of these children. We didn't find out whether  
19 or not they were learning in first, second and third grade  
20 first, second and third grade skills. As a result, they  
21 went on to fourth grade, many of them without those skills,  
22 not acquiring the fourth grade skills because they had not  
23 gotten the base.

24               It's very difficult to learn fractions if you  
25 haven't learned to add and subtract. It's impossible to

1 learn algebra if you haven't learned fractions and decimals  
2 and the basic operations.

3           So I think, while we may have embarrassed some  
4 kids and certainly embarrassed some parents and school  
5 officials, we did the children in the long-term a very real  
6 service. As a matter of fact, the second wave of testing  
7 showed that most of the children had caught up on the  
8 skills.

9           The most significant thing that happened in all of  
10 this was that the plan communicated to the children that  
11 this thing you are doing is important. We are not playing  
12 games; it is important. And most of the kids understood  
13 that this enterprise we call education was taken seriously  
14 and they started to get serious, and the results showed  
15 that.

16       Q     Thank you.

17           In previous testimony, witnesses for the con team  
18 have frequently cited the opinions of a number of experts.  
19 We'd like to get your reaction to the opinion of an expert  
20 on minimum competency testing, an excerpt drawn from a book  
21 about minimum competency testing. I quote:

22           "The minimum competency testing movement, for all  
23 its acknowledged dangers, is more than a new form of testing  
24 program. Potentially, it can provide the impetus to  
25 re-examine our educational system and our expectations for

1 it. If questions such as the above are not posed, in 10 or  
2 15 years the minimum competency testing movement will be  
3 little more than an historic curiosity, much the same as its  
4 numerous predecessors, which emerged, created much furor and  
5 activity, moved quickly across the educational landscape,  
6 and silently disappeared, leaving little in their wake but  
7 memories.

8 "If time is spent, however, thinking through and  
9 confronting the many issues noted in this book, if we  
10 consciously strive to overcome gross simplification and  
11 generalization in the name of action, the minimum competency  
12 testing movement may be much" --

13 MS. PULLIN: I object. I think this is very  
14 leading.

15 DR. POPHAM: I'm simply trying to get a reaction  
16 to a statement by an expert on minimum competency testing  
17 from Mr. Raspberry. Frequently, as you heard in previous  
18 testing, our opponents cited expert testimony, and I am  
19 looking for Mr. Raspberry's reaction to this.

20 DR. MADAUS: Could we identify the expert?

21 HEARING OFFICER JORDAN: Why, then, Dr. Popham,  
22 don't you tell them who your expert is? And I think in  
23 order for him to ask the question, to get the judgment of  
24 this witness, he has to read the statement, and the only way  
25 that we will know how the witness would react to that

1 statement is that he could read it in its entirety. So tell  
2 us who that is?

3 DR. POPHAM: The author of that statement is  
4 Professor George Madaus, leader of the pro team, who along  
5 with two co-authors --

6 HEARING OFFICER JORDAN: The con team.

7 DR. POPHAM: Yes. Well, depending on the way you  
8 read the quotation.

9 (Laughter.)

10 DR. POPHAM: Professor Madaus is one of the  
11 acknowledged experts in the field of minimum competency  
12 testing and has written about as much on that subject as  
13 anyone I know, and I would very much like to have Mr.  
14 Raspberry react to the quotation.

15 HEARING OFFICER JORDAN: You may proceed.

16 DR. POPHAM: Thank you.

17 BY DR. POPHAM: (Resuming)

18 Q Continuing: "If time is spent thinking through  
19 and confronting the many issues noted in this book, if we  
20 consciously strive to overcome gross simplification and  
21 generalization in the name of action, the minimum competency  
22 testing movement may do much of what it is capable of  
23 doing: increasing our understanding of schools, schooling  
24 and the process of education.

25 "In accomplishing this end, the minimum competency

1 testing movement may engender an educational system which is  
2 both desirable and capable of preparing students who are  
3 well-grounded in the basics of reading, writing and  
4 mathematics."

5           As indicated, that quotation was taken from the  
6 writings of Professor George Madaus, who along with two  
7 others in 1979 authored a book on minimum competency  
8 testing. That was the concluding paragraph in the entire  
9 volume.

10           What is your reaction to that expert opinion?

11           A     Aside from my inability to react to that part that  
12 refers to the content of the book, the general attitude  
13 squares very solidly with my own, that minimum competency --  
14 minimum competency testing can be of tremendous value in  
15 making us look realistically and honestly at what is  
16 happening in our schools and to modify those aspects of it  
17 that are not satisfactory.

18           Q     And as the expert suggests, if the program is  
19 properly put together along the lines you were describing  
20 earlier?

21           A     Exactly.

22           Q     So in conclusion, what is your overall estimate of  
23 the likely impact of minimum competency testing on education  
24 in this nation?

25           A     My estimate is that if we can give up the idea of

1 fighting minimum competency testing and get excited about  
2 insisting on competency, that is to say if we can turn our  
3 energies toward making sure that the tests do what we want  
4 them to do, and they are not used as weapons against kids --  
5 which they can be -- if they're not used as weapons against  
6 kids, but as aids and measures to make sure that they learn  
7 the things that they have simply got to learn if they are  
8 going to have any kind of a decent chance in this life,  
9 minimum competency testing can be of enormous value.

10 DR. POPHAM: Thank you so much for being with us.

11 HEARING OFFICER JORDAN: Cross-examination?

12 CROSS-EXAMINATION

13 BY MR. HENDERSON:

14 Q Mr. Raspberry, good morning. I have followed and  
15 admired your career for some time now, so it is really good  
16 to meet you at long last.

17 Let me just ask you a couple of questions. Do you  
18 advocate public access to valid test data?

19 A I'm not sure what the question means. If you can  
20 say it for me --

21 Q In essence, do you believe that the public has a  
22 right to know about the tests that their children are being  
23 subjected to?

24 A Know what about it? To know who put it together,  
25 to know what the items are, to know the content of the



1 test?

2 Q To know its content and validity, things of that  
3 nature.

4 A I think it is probably fair to know. I also think  
5 it is very likely that lay persons, if I use myself as a  
6 measure, will not have much idea of what they're looking at  
7 in terms of technical aspects.

8 Q But you do believe the public interests should be  
9 served insofar as validity of tests are concerned?

10 A Yes.

11 Q Does your support of minimum contention testing  
12 reflect an assumption that the tests are in fact valid,  
13 relatively bias-free instruments?

14 A My support of minimum competency testing is not a  
15 support of minimum competency tests or any other particular  
16 tests, just as my support of thermometers used to take  
17 temperatures is not an assertion that I guarantee the  
18 accuracy of any particular thermometer.

19 It's the idea of testing that I think is valid.

20 Q But I'm saying, you would support, then, the idea  
21 that a test, when used, should be valid and should be  
22 validated with regard to issues like cultural bias and items  
23 of that nature?

24 A Yes.

25 Q Can the public interest be adequately served

1 without an independent cross-validation of the tests  
2 themselves?

3 A It certainly can be.

4 Q How do we in fact know that the tests are in fact  
5 culturally, you know, not culturally biased, without some  
6 kind of validation?

7 A I must say to you, I have looked at this question  
8 for a good many years. I cannot tell you what cultural bias  
9 is. So I cannot answer the question. I don't know how you  
10 eliminate what I don't know is there in the first place.

11 Q Let me ask you a question. Would it surprise you  
12 to know that most of the research in these tests has been  
13 handled by the companies who themselves are responsible for  
14 making the tests? Would that surprise you?

15 A No, it wouldn't.

16 Q Are you concerned about the potential for conflict  
17 of interest in situations like that, where in fact test  
18 companies are employed to establish exams and then at the  
19 same time employed to cross-validate the exam, to check the  
20 bias element in the exam, to assume that the exams can be  
21 used and are in fact appropriate measures of what they  
22 purport to measure?

23 A As I said earlier, I'm not sure what cultural bias  
24 is.

25 Q Ignore cultural bias. Assume, for example, we are

1 talking about validating the item type of the test. Let's  
2 assume we are talking about making certain that the tests do  
3 what they purport to do. Would it concern you in that  
4 sense?

5       A     If it turned out that tests were failing bright  
6 kids and passing stupid ones, I would be very concerned  
7 about those tests. What generally happens, it seems to me  
8 -- I have looked at tests in quite some depth. In almost  
9 every kind of standardized test, it is possible to take  
10 items and find grievous fault with them.

11       Q     Do you support the use of minimum competency  
12 testing as a deciding criterion in the award of a high  
13 school diploma, meaning that notwithstanding other perhaps  
14 valid indications to the contrary?

15       A     For example?

16       Q     For example, let's assume that a student fails the  
17 high school minimum competency test. Yet the student has  
18 evidence of having been really competent insofar as what the  
19 test purports to measure, for example, writing samples and  
20 teacher input, and you have an assessment from teachers  
21 throughout school, principals, parents. Would that in fact  
22 disturb you in any way?

23       A     It would disturb me greatly, and I'll tell you  
24 why. The reason we have minimum competency testing now as a  
25 movement is that the public has very grave doubts about the

1 judgments being made by teachers and administrators about  
2 the competency of the children they are graduating from  
3 schools. If we had confidence of that, there wouldn't be a  
4 demand for minimum competency testing.

5 Q Didn't you once say that competency exams  
6 administered at the end of high school frequently amount to  
7 punishing students for the failure of the system?

8 A Yes.

9 Q Does that mean the testing programs which  
10 institute diploma sanctions without appropriate phase-in  
11 time are misguided programs or not programs that you would  
12 support?

13 A Yes.

14 Q You once wrote an article entitled "Let's Make the  
15 Kids Learn" where you discussed the need to improve writing  
16 capabilities as it is tied to the improvement of test  
17 scores. Is that still your position?

18 A Yes, it is.

19 Q You mentioned the question of pity vis a vis the  
20 minority community and its attitude toward minimum  
21 competency testing. Aren't their concerns, meaning the  
22 concerns of the minority communities, predicated on the  
23 failure to diagnose at a sufficiently early point in the  
24 system the failure of their students and then devising some  
25 appropriate remedy to address that? Isn't that a part of

1 their concern?

2       A     On occasion. I am thinking of a particular case  
3 where the minimum competency test was administered near the  
4 end of the process, the eleventh and twelfth grade, with the  
5 result that a large segment of the minority kids failed the  
6 test. And of course that was described as racism.

7             So in response to this accusation of racism and in  
8 response to the accusation that it came too late in the  
9 process, they instituted much earlier tests to discover  
10 which competencies were not being acquired, and they gave  
11 remediation classes for the children who were not measuring  
12 up. And of course the response was, since those remediation  
13 classes were predominantly minority, they said this proves  
14 that you had a segregative intent all along.

15            So what I'm saying is the answer to your question  
16 is sometimes.

17       Q     Let me ask you this question. Won't the system  
18 that failed to address the minority parents' perceptions  
19 that implementing these programs will in fact have a  
20 detrimental impact on their students lose additional  
21 credibility with minority communities? Isn't that a real  
22 concern?

23       A     It's a real possibility, yes.

24       Q     Thank you. I have only one additional question,  
25 which I think Professor Madaus will raise with you. Thank

1 you very much.

2 BY DR. MADAUS:

3 Q Mr. Raspberry, I have to respond to the quote that  
4 was read to you. Do you realize that these hearings are  
5 about a very limited range of minimum competency tests, that  
6 there are other kinds across the country; that it is a  
7 generic term and not a very specific term? Are you aware of  
8 that?

9 A I am aware of the opening statement of Ms. Jordan  
10 this morning.

11 Q And that particular quote was describing what we  
12 would agree, what the team would agree are good programs, in  
13 Kansas. In fact, that report came out of a study that was  
14 commissioned in Massachusetts, and the results of that study  
15 was that the test should not be used by itself to deny a  
16 diploma.

17 Our team feels that you should use multiple  
18 indicators, because sometimes the test can make mistakes.

19 Were you here yesterday, Mr. Raspberry?

20 A No, I was not.

21 Q Well, yesterday we showed that one or two or three  
22 items can result in large numbers of students being  
23 classified as incompetent or functionally illiterate. We  
24 also showed that it's very easy for one or two bad items to  
25 creep into a test. And for that reason we want to use,

1 along with the test, which we don't oppose -- we are for  
2 testing -- we want to use other indicators to make sure that  
3 we are making the right decisions.

4 Q Would you be opposed to that?

5 A It depends greatly on what the other indicators  
6 are. In some school systems, for instance, one of the key  
7 indicators is attendance in school for 12 years. That is  
8 insufficient as an indicator to me that the child was  
9 learning anything.

10 Q Exactly. We would agree with that.

11 We had witnesses say that one indicator would be  
12 to let the student take the test and actually read it, not  
13 necessarily answer the multiple choice test, but can the  
14 student read the test items. There are other indications of  
15 reading than just the answers in multiple choice tests.  
16 Very often the other indicators will validate the test  
17 results, but sometimes for a number of reasons -- the kids  
18 are getting nervous or difficulties at home, any number of  
19 reasons, bad items -- the test can be wrong.

20 And we feel that there needs to be a mechanism to  
21 check against those kinds of mistakes. Would you be against  
22 that kind of protection for students?

23 A I suppose I'm not quite understanding the  
24 necessity for the protection. If you are suggesting that an  
25 item on a test, on a standard test, can be bad for my child

1 and not bad for yours -- I mean, if the item is no good, it  
2 seems to me the item is no good.

3           And I don't quite see how this takes care of  
4 anything.

5           Q     Well, there is an interaction between item and  
6 individual. Some items or some individuals are different.  
7 It has nothing to do with bias necessarily.

8           Let me phrase the question another way. In a  
9 state like Florida you can be denied a diploma unless you  
10 attain a 70 percent pass score. Now, there is no appeal to  
11 that. The only thing you can do is wait and take the test  
12 again until you pass it.

13          A     What is it 70 percent of?

14          Q     70 percent of --

15          A     A test at what grade level?

16          Q     It's an eleventh grade test. You can take it in  
17 eleventh or twelfth grade. And 70 percent of the items on  
18 the test.

19          A     Is the test of competencies at eleventh grade  
20 level or at some --

21          Q     Much lower level.

22          A     You're talking about a sixth grade test, aren't  
23 you?

24          Q     Sixth to eighth grade.

25          A     You're talking about a high school graduate



1 scoring approximately 70 percent on a test designed for  
2 sixth graders, and you're asking me whether that is too  
3 high?

4 Q I'm asking you -- no, what I'm asking you is,  
5 can't you conceive of a child who falls one or two points  
6 below that and may be able to indicate the skills on that  
7 test by other means, but is not allowed to do that?

8 A I really want to know a good deal more about the  
9 other means. If a child comes to school out of a hospital  
10 after major surgery and is terribly confused and sick and  
11 cannot on that basis pass the test or get an appeal from the  
12 result of that score, I would have grave concerns about the  
13 system and the wisdom of the people who wrote it. I mean,  
14 if there are such clear indications that the test is not a  
15 valid measure that day.

16 Q All right. I hope you will see the full three-day  
17 taping and you will see some of the indicators that we  
18 mean. I don't have enough time to pursue this any further.  
19 Thank you.

20 A Thank you.

21 HEARING OFFICER JORDAN: Is there any redirect?

22 DR. POPHAM: Why?

23 HEARING OFFICER JORDAN: I think that is wise.

24 Thank you, Mr. Raspberry, for helping us out on  
25 this.

1           The next witness is Dr. Michael Priddy, Director  
2 for Research, Planning and Evaluation, Guilford County  
3 School System, Jamestown, North Carolina.

4           Let the record show that Dr. Priddy is from  
5 Greensboro, rather than Jamestown.

6                           TESTIMONY OF DR. MICHAEL PRIDDY,  
7           DIRECTOR FOR RESEARCH, PLANNING AND EVALUATION,  
8   GUILFORD COUNTY SCHOOL SYSTEM, GREENSBORO, NORTH CAROLINA  
9           BY DR. POPHAM:

10          Q    Dr. Priddy, what is your current position and what  
11 are your responsibilities?

12          A    I am the Director for Research, Planning and  
13 Evaluation in the Guilford County School System in  
14 Greensboro, North Carolina. As part of that work, I am  
15 responsible for long and short-range administrative,  
16 instructional planning, the conduct or oversight of research  
17 within the school system, the evaluation of ongoing  
18 programs, and in particular the conduct of the standardized  
19 testing program at the local and state levels, including  
20 grades K, 1, 2, 3, 4, 6, 9, 10 and 11.

21          Q    Thank you.

22                   Briefly, will you describe the main features of  
23 the North Carolina competency testing program?

24          A    The program was established in 1977 by the General  
25 Assembly. As a part of it, the state board of education was

1 asked to adopt measures that can be used to determine the  
2 minimal literacy or the ability of our graduates to perform  
3 reasonably in life.

4           As a part of that work, a competency test  
5 commission was formed with the responsibility of advising  
6 the state board, and it of course was to delve into each of  
7 the matters very carefully in detail. As a part of that  
8 work, the competency test commission was to recommend tests,  
9 one in reading, one in mathematics; was to recommend minimum  
10 standards, and to go through a process of careful research  
11 to make those decisions.

12           Part of that process involved identifying a  
13 variety of reading tests and mathematics tests,  
14 administering those to approximately 80,000 juniors in the  
15 state of North Carolina in the spring of 1978, and based on  
16 that trial testing recommending to the state board of  
17 education a reading test and a mathematics test; and  
18 further, to recommend minimum standards.

19           To accomplish that task, the competency test  
20 commission included within its makeup either as a part of  
21 the committee or as adjunct people relevant subgroups, if  
22 you will, content specialists, secondary school teachers,  
23 persons knowledgeable about test bias, particularly about  
24 ethnic bias on tests and so on.

25           The work of that group resulted in the

1 recommendation of those tests with some modifications.  
2 These were well-known and widely used tests, but for North  
3 Carolina they were revised, with some things being taken out  
4 and other things being added. Also, the minimum standards  
5 were recommended. Students must perform at least at the 64  
6 percent level on the mathematics test and the 72 percent  
7 level on the reading test.

8 Q In your judgment, was the process by which these  
9 tests were selected, the standards set, a careful one?

10 A I think that it was extremely careful and  
11 systematic, and I think it is best displayed by the lack of  
12 adjudication in North Carolina. Several groups indicated  
13 prior to the first regular administration that they would be  
14 suing the state and were simply waiting for the results. At  
15 the time the results were released, the only two cases that  
16 appeared to be surfacing were quickly squashed and we never  
17 heard anything else about them.

18 Q Would you tell us a little bit about Guilford  
19 County and how the minimum competency testing program has  
20 been implemented there in your situation?

21 A Guilford County is located in the Piedmont section  
22 of North Carolina. It has a population of about 315,000,  
23 two major cities, Greensboro and High Point, with three  
24 school districts. I am in the county school district. The  
25 county is reasonably well off. It is ranked second in

1 wealth in North Carolina. The school systems therefore  
2 benefit from some of that wealth.

3           The Guilford County school system has  
4 approximately 25,000 students, with 44 schools and 8 high  
5 schools. It is the sixth largest system in North  
6 Carolina.

7           Implementing the program in Guilford County turned  
8 out to be a reasonably smooth process. Certainly one is  
9 always uncertain about the state legislature and what it  
10 really has in mind. But because of what I considered to be  
11 sufficient direction and lead time from the state, we were  
12 able to put together a plan of action that allowed us to  
13 begin talking with the principals -- I say "us"; I am  
14 thinking of the testing coordinator and myself -- at a time  
15 approximately seven to eight months in advance of the first  
16 administration.

17           And in the process of doing that, we were able to  
18 talk about staff needs, materials, staff development needs,  
19 scheduling, and those little mechanical things that  
20 sometimes drive you nuts at the last minute when you are  
21 trying to put together something like this.

22           Based on that process, the principals made plans  
23 in the spring of the year, the spring of '78 prior to the  
24 first administration and at about the time of the trial  
25 testing, to have remedial reading and mathematics classes in

1 the high schools as a part of the regular schedule, and  
2 began to identify individuals who would be appropriate as  
3 teachers in those classes. And you will hear from one of  
4 those persons next, I believe.

5           Also, there were situations where we simply didn't  
6 have people already under contract at the sites who seemed  
7 appropriate. So during the summer, as attrition provided  
8 opportunities, principals made selections for those remedial  
9 classes based on that opportunity.

10       Q       So there was clearly an instructional orientation  
11 in your implementation of this program?

12       A       Very much so.

13           We have a couple of other things, too, that worked  
14 especially well. During the summer the instructional  
15 supervisors for reading or language arts and mathematics  
16 began to do their work, putting together recommendations on  
17 how to provide remedial instruction, how to organize  
18 classes, identifying appropriate materials that teachers  
19 might select from, and so on. And of course, they were  
20 ready to provide the service and staff development during  
21 the teacher work days prior to the opening of school, which  
22 was approximately two months before the test was to be  
23 administered.

24           Furthermore, we identified some pre-competency  
25 tests that we administered the first week of school that

1 year, that allowed us to identify those students who were  
2 marginal either way, as well as in rather great need of  
3 remediation.

4 We immediately established two forms of  
5 remediation at that point: what we called a short-term  
6 remedial program, and that was for the marginal students.  
7 Some of them just needed to work on fractions.

8 For the other students -- and we did identify some  
9 that we considered to have some major needs -- we placed  
10 them in a long-term remedial program with the prospect that  
11 they would be there after the competency test was  
12 administered.

13 And then finally, we established -- and I say  
14 "we", the testing coordinator and I established -- what we  
15 called an advisory committee on competency testing in the  
16 school district. That was composed of principals, teachers,  
17 also students who were being affected by the program,  
18 parents of students, a board member, and some administrative  
19 staff. And like all advisory committees, we spent a good  
20 deal of time briefing them, bringing them up to date on what  
21 was happening in the trial testing and then, when the  
22 results came in, how to present those to your friends at  
23 church and bridge parties and the grocery store. You know,  
24 so we would have a cadre of knowledgeable people.

25 Then during the summer they worked some more and

1 got to the point where they were advising us rather than the  
2 other way around. And particularly they said, "Because of  
3 the nature of the program and its imminent effect on some  
4 students, we feel the public needs to better understand what  
5 is going on and encourage them to distribute materials to  
6 students and parents." Which we did, in process explaining  
7 the program. They encouraged us to go to the mass media.

8           So we went on TV with the local talk shows, having  
9 someone like yourself interview us and ask the questions,  
10 and what are we doing and so on.

11           And then finally, about a week before the  
12 competency test, we went on a radio call-in talk show: a  
13 parent that was on the committee, a student preparing to  
14 take the test, and myself. And I found that situation to be  
15 rather interesting, because I didn't have to say anything by  
16 that point. The parent and student could respond to all the  
17 questions the folks were asking when they called in.

18           Q     You described a fairly intensive effort to design  
19 an effective program. Do you have any indication that the  
20 program in your school system is increasing youngsters'  
21 mastery of basic skills?

22           A     Very much so. If I might refer to some charts  
23 that I have. In North Carolina initially -- and I say  
24 initially -- that is the first fall administration in '78 --  
25 90 percent of the students passed the reading test and 85



1 percent passed the mathematics test. That was the class of  
2 1980. By the time they reached their senior year, the last  
3 month, 98.6 percent of those students had passed the reading  
4 part and 98.3 percent had passed the mathematics part.

5           Now, in Guilford County we started out a little  
6 ahead of the state, with 95 percent passing the reading part  
7 and 93.5 percent passing the mathematics part. And by the  
8 time for graduation of that group, 99 percent had passed the  
9 reading test and 98.2 percent had passed the mathematics  
10 test.

11           I think that's the kind of evidence that helps.

12           Q     Thank you very much.

13           Have there been any major changes in the  
14 curriculum or instruction due to the minimum competency  
15 testing program?

16           A     Yes, in both areas.

17           Q     Could you describe those?

18           A     In the area of curriculum, we often hear that  
19 programs like minimum competency testing are going to narrow  
20 the curriculum, shrink it, if you will. Based on personal  
21 research in the school district, that's not the case for  
22 average and above-average students.

23           For remedial students it is the case, and we  
24 intentionally narrow it to focus on the basic reading and  
25 mathematics skills that they need. But the interesting

1 facet there is that once they acquire those skills and they  
2 have performed successfully on the test, they expressed  
3 interest in extending themselves into other areas, other  
4 courses, and were then able to. They had some skills that  
5 were requisite to performing in vocational areas and other  
6 instructional areas.

7 Q So they had the basic skills that allowed them to  
8 expand their focus?

9 A Right.

10 In the area of instruction some other things  
11 happened that I found to be rather interesting. We found  
12 more small group and tutorial instruction in the remedial  
13 classes, and we found teachers using more frequent means of  
14 evaluation, as opposed to what I considered to be rather  
15 typical practices in secondary schools of large group  
16 instruction and teacher-made tests covering wide chunks of  
17 material. I thought those were rather significant changes.

18 Q Dr. Priddy, what do the citizens of Guilford  
19 County think about the diploma now that students are  
20 receiving it having passed this test?

21 A Well, first, I think you need to know that the  
22 state as well as the school system has made conscientious  
23 efforts to distribute all of the information about group and  
24 subgroup performance through the mass media, through board  
25 of education meetings, through reports from the schools to

1 the students, to the parents, and so on. So it is  
2 reasonable that if a person is paying some attention to what  
3 is going on that he or she is aware of the results.

4 I personally reviewed the minutes of our board of  
5 education meetings and our school advisory committee  
6 meetings since the inception of the program and found that  
7 all comments and references to competency testing were very  
8 complimentary. The lay folks as well as the board members  
9 were pleased.

10 Then I went on to look at the news media,  
11 particularly the newspapers, because they seem to take a  
12 great deal of interest in how well the schools are doing. I  
13 reviewed about two years worth of news clippings from three  
14 local newspapers. And I am pleased to say that in every  
15 case the reports, the news analyses, the editorials, the  
16 commentaries, were extremely favorable toward the program  
17 and the way it was implemented in Guilford County, and  
18 particularly about the performance of students.

19 Q Thank you.

20 Dr. Priddy, minimum competency testing has not  
21 been with us all that long, certainly not in North Carolina  
22 for very long. What were your original feelings about  
23 minimum competency testing and what are your feelings now?

24 A At the outset of the program in '77 and '78, when  
25 we were doing some of these things I was talking about, I

1 was rather skeptical of the entire thing. I perceived it to  
2 be somewhat faddish, perhaps politically motivated,  
3 potentially more harmful than helpful, and perhaps even  
4 discriminatory in the long run, based on some other research  
5 that we had available to us.

6 Even up until this past winter, I think I harbored  
7 some of those feelings. But yet, I had not seen the public  
8 outcry that we have seen in some other states.

9 During the winter and particularly in the spring,  
10 I did some research of my own, which I referred to, and  
11 because of that I shifted 180 degrees now. Going into and  
12 talking with people individually who are a part of the  
13 program allowed me to conclude very confidently that the  
14 students have taken the program very seriously, teachers  
15 have worked extremely hard to make it successful. The  
16 teachers and principals, the central administrative staff,  
17 the regional offices, the state board of education, and the  
18 governor are serious about the program and they are  
19 supporting it.

20 And of course, there are obvious indications of  
21 that, like \$30 million for remediation over the last two and  
22 a half years, and so on and so on. But there are  
23 attitudinal indications, too. People can tell whether you  
24 are simply trying to cover or whether you are serious about  
25 helping people succeed in life.

1 Q So then you are now very positive toward the  
2 program?

3 A Extremely so. I think it has been beneficial to  
4 the students in Guilford County, which I can speak to very  
5 directly. But that is my perception from North Carolina.

6 DR. POPHAM: Thank you so much.

7 HEARING OFFICER JORDAN: Cross?

8 CROSS-EXAMINATION

9 BY DR. MADAUS:

10 Q You said, if I heard you correctly, that the  
11 standard for passing in North Carolina is very carefully  
12 set; is that correct?

13 A That's correct.

14 Q Are you familiar with Dr. Jaeger, a professor at  
15 the University of North Carolina?

16 A I am very familiar with him.

17 Q Were you here yesterday?

18 A Yes, I was.

19 Q Did you see the results of Dr. Jaeger's study of  
20 standard-setting in North Carolina?

21 A Yes, I did, Dr. Madaus. And if I may comment, I  
22 think there are some limitations to that study. He invited  
23 650 people to participate at one point or another, and by  
24 the end of the study only 72 had. I think ten percent  
25 perhaps is a too limited response rate or participation

1 rate.

2 Q In the study that you did -- in which you  
3 indicated that on the basis of that you changed your mind --  
4 I understand you had five schools that you sampled?

5 A Four. The fifth was a pilot site.

6 Q And you asked teachers and people working in the  
7 schools questions about the program?

8 A Yes.

9 Q What was your sample size per school?

10 A It involved the principal, the chairman of English  
11 mathematics departments, and the remedial reading and  
12 mathematics teachers.

13 Q So the mean response in any school was between  
14 four and six people?

15 A Yes. And I indicated that in the study.

16 Q Thank you.

17 Dr. Haney will inquire.

18 BY DR. HANEY:

19 Q I would just like to read a quote for you from an  
20 expert and ask you to react, if I might. I guess, to  
21 explain where this comes from --

22 A Will he go unnamed?

23 Q I hope you can identify him for us. I'm sure you  
24 are familiar with the study that this expert undertook in  
25 North Carolina.

1           The reason I'm asking this is that when Dr. Popham  
2 asked you about the effect of the program on basic skills  
3 you cited data concerning concerning the pass rate on the  
4 test. But, of course, it is not necessarily the case that  
5 simply because pass rates went up that skills have gone up.  
6 The test may have become easier over time.

7           As I'm sure you know, the question was at issue in  
8 North Carolina and your competency testing commission  
9 invited independent experts to evaluate the test results in  
10 1979. One independent testing expert described in the  
11 report of his opinions as a nationally known test evaluator,  
12 he said:

13           "It is apparent that they, the new and revised  
14 test questions, are easier."

15           Do you recall who said that?

16       A     No, I'm sorry, I do not.

17       Q     Well, it happens to be Dr. Popham who said that.

18       A     May I react?

19       Q     Please do.

20       A     Well, two additional forms of each test have been  
21 developed since the original administrations and there have  
22 been equating studies performed to ensure that the standards  
23 for all three in each area are similar.

24       Q     Yes. But nevertheless, given Dr. Popham's  
25 opinion, is it not fair to hypothesize that pass rates may

1 have increased over the lifeterm of the program in part  
2 because the test has become easier?

3 A One can hypothesize many things.

4 MR. HANEY: Thank you.

5 HEARING OFFICER JORDAN: Redirect?

6 REDIRECT EXAMINATION

7 BY DR. POPHAM:

8 Q Just one question. With respect to reacting to  
9 quotations, do you think you get a fuller flavor for the  
10 position in reacting to a paragraph or a sentence?

11 A I suspect fuller flavor is derived from entire  
12 paragraphs or even chapters.

13 HEARING OFFICER JORDAN: If you have a  
14 substantive, relevant question to ask, Dr. Haney, on  
15 recross, we will have it. But if we are going to go into a  
16 little bit of games playing, I will not see that occur.

17 MR. HANEY: I didn't mean to offer a flip  
18 comment. Personally, we would have liked to have cited more  
19 from this study. However, we were not informed of the study  
20 in North Carolina, despite some of the ground rules of this  
21 hearing. That is, that opposite teams would share  
22 information completely concerning evidence that was relevant  
23 to both sides of the case. We do not have access to the  
24 full report.

25 HEARING OFFICER JORDAN: We certainly understand



1 that, and I don't think that report is being offered for  
2 consideration in terms of the compiling of evidence.

3 Thank you very much, Dr. Priddy, for coming and  
4 helping us to understand and clarify the issues which  
5 surround MCT.

6 The next witness is Mrs. Gloria Ramsey, a teacher  
7 at Lucy Ragsdale High School. And is Jamestown, North  
8 Carolina, correct for you?

9 MRS. RAMSEY: No, that's High Point.

10 HEARING OFFICER JORDAN: Okay, High Point. But  
11 you teach at Jamestown?

12 MRS. RAMSEY: Yes.

13 HEARING OFFICER JORDAN: Very good. Mrs. Ramsey.

14 TESTIMONY OF GLORIA RAMSEY, TEACHER,

15 LUCY RAGSDALE HIGH SCHOOL,

16 JAMESTOWN, NORTH CAROLINA

17 DIRECT EXAMINATION

18 BY DR. POPHAM:

19 Q Mrs. Ramsey, what is your professional role?

20 A At this point I am a vocational coordinator and  
21 counselor and math remediation coordinator and teacher for  
22 the North Carolina competency test at Ragsdale High School.

23 Q Could you describe Ragsdale High School for us?  
24 Give me an idea of what it's like.

25 A Yes. Ragsdale is located in an upper middle class

1 community with very much parental and financial support. We  
2 have 1,050 students, 75 percent white, 25 percent black.

3 Q How did you become a remedial instruction teacher  
4 at Ragsdale High?

5 A I have worn many hats at Ragsdale. However, the  
6 principal indicated to us in 1977 that two teachers would be  
7 chosen to coordinate the reading and the math for the North  
8 Carolina competency test, and from that I was chosen as the  
9 math coordinator.

10 Q In your opinion what has been the effect of  
11 minimum competency testing on students in your high school?

12 A At Ragsdale High School it has been the best thing  
13 that has ever happened to the students.

14 Q The best thing that has ever happened to the  
15 students?

16 A Yes.

17 Q That's a pretty strong statement. Would you like  
18 to expand on that?

19 A Yes, I most certainly can. I have been directly  
20 involved with minimum competency at Ragsdale High School.  
21 When I say the best thing that happened to students, it has  
22 caused the minority students to feel that they are part of  
23 Ragsdale High School, which in many cases they did not feel  
24 in the past.

25 I have seen peer relations improve, students

1 helping students, students volunteering to help each other.  
2 It has just been great. I have seen a drastic change there  
3 at Ragsdale.

4 Q What about the impact of the program on students'  
5 attitudes? Apparently it's been positive. Could you  
6 amplify on that?

7 A Absolutely. At Ragsdale, located where we are,  
8 the academic standard has always been very high at the  
9 school because the majority of our students either go on to  
10 college or technical institutes. As a result of North  
11 Carolina competency testing, those students who particularly  
12 felt that they were left out or that they had not excelled  
13 because of emphasis possibly being shifted a little in the  
14 direction of the GT student now felt a sense of  
15 accomplishment.

16 Therefore, it is like anything else. If no one  
17 pays attention, if you are pushed aside, you do nothing.  
18 But when you gain what I feel was long overdue, just due for  
19 these students, they felt a part -- which gave them  
20 self-esteem and everything changed completely.

21 Q Ms. Ramsey, how have teachers been affected at  
22 Ragsdale High?

23 A Overall, the teachers at Ragsdale High School have  
24 been pleased, not only at the school level, but central  
25 office staff, regional office staff and state. As Dr.

1 Priddy has stated, we had a chance to prepare for this test  
2 and everyone took part in this. I saw a closer relationship  
3 with teachers and staff coordinators from the central  
4 office. The regional staff was willing to contribute its  
5 input, and we even had the state directors.

6 Any time people are informed before the fact  
7 rather than after the fact, you will get this kind of  
8 result. And this is what has been done in Guilford County.  
9 And I can only speak for my particular situation because  
10 this is what I am familiar with.

11 Now, as a result of this, most teachers, some who  
12 have come to me in the past and said -- I'm lost, I don't  
13 know what to do for Johnny, I don't know how to reach the  
14 students -- now they have a tool. They have expanded their  
15 curriculum so that they can help Johnny, and this is in  
16 their particular subject areas, the reading and the English,  
17 and American history. All of these courses play a part in  
18 this remedial work that we are doing.

19 Q Let's talk about that expansion of the  
20 curriculum. Are students having a chance to learn only the  
21 basics or are they learning more than the basics?

22 A Absolutely not. At Ragsdale we were also the  
23 pilot program for computer-assisted instruction. The funds  
24 happened to -- because of minimum competency testing, we got  
25 computers for the students to work on through remedial

1 funds. The computers were at that time primarily -- well,  
2 they were solely for the purpose of a supplementary form of  
3 materials for the remedial students.

4           Had it not been for this component, the minority  
5 student I doubt very seriously at Ragsdale School would have  
6 had a chance to have hands on the computer. No way. As a  
7 result of the minimum competency testing, the remedial  
8 students had a chance to use the computers first, and this  
9 inspired interest from the GT students, naturally, because  
10 only the remedial students knew how to key into the  
11 computer, how to work with the computer, and the GT students  
12 wanted to learn the computer. After all, we are living in a  
13 computer technology world.

14           And then this caused us to be able to get another  
15 grant, and now for the GT students -- we have a gifted and  
16 talented program in computer science. The students are all  
17 in the same lab, so there is no stigma. They are all using  
18 it at the same time. It is integrated, so therefore the  
19 students all work at the same time, so there is no stigma  
20 whatsoever attached.

21           Q       Ms. Ramsey, as a concluding question, in your  
22 opinion will minority students suffer in any way from the  
23 minimum competency testing program?

24           A       I would say not. For the first time, I have been  
25 pleased, being in the system and seeing what is happening.

1 As I stated before, I am a vocational coordinator. I not  
2 only remediate the minority kids. There are some middle  
3 class kids who have failed the cutoff point by one or two  
4 points.

5           Naturally, no one feels good with failure. Those  
6 students who were failing were not feeling good. But when  
7 you explain to them that this is not the end of the world,  
8 that you can do it, and let them get in there and do it and  
9 let them see that they can do it, it's the best thing that  
10 has happened to those kids.

11           Because I have long sat there and saw these kids  
12 pushed aside, socially promoted, given a diploma, and get  
13 out there and employers call me back and say: Johnny can't  
14 fill out his application. You have sent him here to apply  
15 for the job, but he can't fill out the application. Or  
16 Johnny can't add, or so forth and so on.

17           But now the teachers are becoming concerned, so  
18 they are becoming accountable, and the students are getting  
19 what they need. So I feel that we had nothing at first.  
20 Now we have something to start with. Anything new there is  
21 going to be some questions. Somebody is going to be  
22 affected by it. But as a starting tool -- and we can always  
23 continue, we must continue to evaluate. But as a starting  
24 tool, I really think this is the best thing that has  
25 happened to the minority students in North Carolina, and

1 particularly in my area.

2 DR. POPHAM: Thank you.

3 HEARING OFFICER JORDAN: Cross?

4 DR. MADAUS: We have no questions.

5 HEARING OFFICER JORDAN: Thank you very much.

6 The next witness, Mr. Craig McFadden, Director of  
7 Psychological Services and Testing, Goldsboro, North  
8 Carolina.

9 TESTIMONY OF CRAIG McFADDEN,  
10 DIRECTOR OF PSYCHOLOGICAL SERVICES AND  
11 TESTING, GOLDSBORO, NORTH CAROLINA

12 DIRECT EXAMINATION

13 BY MR. POPHAM:

14 Q Mr. McFadden, what is your current position?

15 A I am coordinator of psychological services and  
16 testing for the Goldsboro City Schools in Goldsboro, North  
17 Carolina.

18 Q Would you describe briefly the Goldsboro City  
19 School District?

20 A Goldsboro City Schools serve a small community in  
21 eastern North Carolina of about 35,000. The city district,  
22 the school district itself, has many of the problems of  
23 larger inner city school systems. New suburbs in the county  
24 that the county schools serve and white flight have left the  
25 system with about a 70 percent black, 30 percent white

1 ratio. It's a direct inverse ratio that the state has.

2 Q What are your responsibilities as director of  
3 testing for the Goldsboro City Schools?

4 A I coordinate the various group testing programs in  
5 the city school system, including the North Carolina  
6 competency testing program. That involves organizing  
7 testing materials, instructing test administrators on the  
8 standardized testing procedures, monitoring the test  
9 administration to make sure that the standardized procedures  
10 are being followed. I analyze the data when it comes back  
11 for teachers, other administrators, board of education,  
12 local news media.

13 Q What has the overall impact of the North Carolina  
14 competency testing program been in Goldboro?

15 A It has been very positive and very well-received  
16 within the school system and within the community at large.  
17 As was previously stated, there are two tests, a reading and  
18 math test, consisting of about 120 items each. If a student  
19 fails in the fall of his junior year, then he can take it in  
20 the spring of his junior year, and if he fails again, in the  
21 fall of senior year and the spring of senior year. After  
22 graduation he can keep coming back until he is 21 to retake  
23 the test.

24 Q Has Goldsboro attempted to do anything distinctive  
25 with respect to the implementation of the state-wide test?



1       A    Yes.  As I stated earlier, the state mandates the  
2 testing program be started with the test administration in  
3 the fall of the student's junior year.  We have gone back to  
4 the seventh grade and used annual achievement testing  
5 results to try to identify high-risk students or students in  
6 danger of failing the competency test in the eleventh  
7 grade.

8           In the eighth grade, fall of the eighth grade, all  
9 students are administered a pre-competency test which --  
10 from there, students who fail that test -- we identify about  
11 35 percent of the high-risk students.  With that, an IEP or  
12 individual educational program is written for those  
13 students, and the teachers begin to instruct a little bit  
14 more toward those educational objectives.

15       Q    Is there any evidence to indicate that students  
16 have increased their mastery of basic skills as a  
17 consequence of this program?

18       A    Yes.  If I could refer to the graphics there,  
19 unlike Guilford County, we started out somewhat below the  
20 state in the percentage of passing.  In the fall of 1978,  
21 our junior class of 498 students, we had 14 percent fail the  
22 reading test and 25 percent fail the math test.  This was a  
23 total of 129 students overall, roughly one-quarter of our  
24 class.

25           By the end of the senior year -- and this is the

1 spring of 1980 -- these students now preparing for  
2 graduation, the senior class dropped to 441. Of the 129  
3 students who originally failed the test, 22 left school for  
4 one reason or another. The percentage of passing has moved  
5 to 98 percent in both reading and math, which is very close,  
6 right on the state average.

7 Q So even though you started below the state  
8 average, you were able to achieve the same level as the  
9 state?

10 A Right.

11 Q What about students' attitudes?

12 A When the test results first come out, there is of  
13 course initial disappointment with the test results for  
14 those students who fail it. Then once they are placed in  
15 the special labs -- if they fail the competency test at the  
16 beginning of the eleventh grade, they are placed in special  
17 remedial labs that are success-oriented. A lot of  
18 error-free type learning goes on in there.

19 And a lot of times this will be the first  
20 experience with success the students have had in all 11  
21 years of school. These are not the college-bound students  
22 we are talking about. Rather, they are students who have  
23 had failure for their whole 11 years in school. So the labs  
24 are offering the only place that success occurs for these  
25 students. It's a very positive experience for them in the

1 labs.

2           Also, once they get into their regular classrooms  
3 and regular curriculum, they seem to be better able to  
4 handle the material that goes on there.

5           Q     Then of course, as you have indicated, so many are  
6 finally able to pass the test. That must be positive.

7           A     Definitely.

8           Q     How about the teachers in your school system. How  
9 have they been affected by this program?

10          A     The special lab teachers, of course, their entire  
11 curriculum is based on the competence test and teaching  
12 these basic skills. The regular classroom teachers are not  
13 really affected at all in their teaching. I have talked  
14 with several of them, of course, over the period of the last  
15 three years and they have had nothing but praises for the  
16 fact that these students who used to come to their class  
17 without even -- come into a geometry class without even the  
18 basic mathematics abilities, now begin to achieve on a grade  
19 level that they're supposed to.

20          Q     Are the test results used at all in connection  
21 with the instructional program? How do those relate?

22          A     Okay. We get a computer sheet on each student  
23 that specifically points out the student's strengths and  
24 weaknesses. And those printouts are used as the foundation  
25 for the IEP that is written on each student each year or the

1 individual educational program for that student. Overall,  
2 teachers zero in on those areas of weaknesses.

3 Q A common argument against minimum competency  
4 testing is that minimum levels of instruction become maximum  
5 levels. In other words, the focus on the skills in the  
6 minimum competency test essentially crowds out other aspects  
7 of the curriculum. Has that been the case in Goldsboro?

8 A No. The statewide graduation requirements that  
9 existed before competency testing still exist now. Passing  
10 the competency test is an additional requirement.

11 Q So it is not the sole and only criterion?

12 A No. The original curriculum still exists. The  
13 student must pass so many English units and math units that  
14 the state requires, plus the competency test.

15 Q From your earlier remarks, I suspect that the  
16 teachers teaching that full array of the curriculum seem  
17 more positive as a consequence?

18 A Yes. They are definitely more pleased with the  
19 skills that the students possess when they enter their  
20 classrooms. But their actual teaching has not changed.

21 Q What is the public response to the minimum  
22 competency testing program in Goldboro?

23 A The public response has been very positive. In  
24 working in the school system for several years, nothing has  
25 brought out as much response from the public. I have had

1 manufacturers and employers in the city call me up and say,  
2 this is great. We seem to be very reassured now that the  
3 high school students with a high school diploma will possess  
4 certain basic reading and mathematics skills, marketable  
5 skills.

6 Q In conclusion, then, what is your personal  
7 estimate of the impact of the minimum competency testing  
8 program in North Carolina, particularly in your own  
9 situation?

10 A Well, I don't think any venture of this magnitude,  
11 statewide competency tests, can be all positive. There are  
12 certainly problems with a cutoff score; one point below, one  
13 point above, what's the difference. We have had students  
14 visibly upset over results. And just administratively, the  
15 man-hours it takes to properly implement this program is  
16 incredible.

17 But the benefits far outweigh any drawbacks. If  
18 you send students out, high school students with a high  
19 school diploma who cannot fill out a job application, cannot  
20 read a bus schedule, cannot read a menu, cannot add up the  
21 prices of things, cannot determine how much change they  
22 should get back, nor look at a water bill and determine how  
23 much they owe on that water bill -- that is what this  
24 competency test is based at: giving those students those  
25 basic survival skills.

1           And we're not talking about the college-bound  
2 student. We're talking about the student who is going to  
3 leave high school and try to make it out there in the real  
4 world. Without these skills, that student is going to have  
5 problems.

6           DR. POPHAM: Thank you so much.

7           HEARING OFFICER JORDAN: Cross.

8                           CROSS EXAMINATION

9           BY MR. MADAUS:

10          Q    Mr. Priddy, isn't it true that you cannot get a  
11 diploma in North Carolina unless you pass the state test?

12          A    That's true.

13          Q    You are a director of testing and psychological  
14 services?

15          A    Correct.

16          Q    So your training is in testing, psychological  
17 testing, educational testing?

18          A    Correct.

19          Q    Are you a member of any professional organizations  
20 that deal with testing?

21          A    The American Psychological Association.

22          Q    You're a member of the APA?

23          A    Yes.

24          Q    Are you familiar with the APA 1974 test  
25 standards?

1 A Familiar, yes.

2 Q As a test director, of course, these are guides  
3 for good practices in testing, is that right?

4 A Yes.

5 Q Let me read you two short quotations, and these  
6 are not out of context:

7 "Frequently one will not have enough confidence in  
8 test interpretations to justify over other data." Or: "A  
9 test user should consider more than one variable for  
10 assessment, and the assessment of any given variable by more  
11 than one method."

12 As a testing person, would you agree with that?

13 A Again, when the testing program first started --  
14 of course, my training is in psychological assessment. The  
15 first thing you will learn in any graduate assessment course  
16 is, do not use the test as a sole criterion for making  
17 educational decisions.

18 Where I think the North Carolina competency test  
19 overcomes that --

20 Q Do you agree with that?

21 A Yes, basically I agree with that. The way it  
22 works down there is the fact that these students are not  
23 given one shot at the test. They are given many  
24 opportunities to pass the test, with remediation in  
25 between.

1 Q And when they fail it the first time right around  
2 the cut-off score, doesn't that result in labeling until  
3 they take it again? Aren't they labeled?

4 A How do you mean by "labeled"? Yes, they are.

5 Q Incompetent. And yet they may by test error have  
6 been over the cut-off score.

7 A If they are in the eleventh grade and do not pass  
8 this test, they have been labeled long before they took the  
9 test.

10 Q So we don't need the test?

11 A The tests are useful I think primarily in singling  
12 out or pointing out those specific areas that the student  
13 has weaknesses in and directing instruction.

14 Q You just said we know that already.

15 A We know maybe generally that they are low or  
16 generally that this student has not succeeded in academics.

17 Q You said another interesting thing that goes  
18 against your graduate training. You said one or two items  
19 below or over don't make a difference?

20 A Again, if the students take it in the fall of  
21 their junior year and are only given one shot at it, I would  
22 be against it.

23 Q But doesn't it make a difference to an individual  
24 kid? Doesn't it make a difference to an individual, a  
25 youngster? Doesn't it make a difference?



1           A     Sure it does. But if they were to leave the high  
2 school without those skills, I think that would make even  
3 more of a difference.'

4           Q     Let's pursue that for a minute. If a student  
5 takes it the first time and passes it by one point, does the  
6 student have to take it again?

7           A     No.

8           Q     Maybe the student didn't have the skills and we're  
9 putting the person out into the world.

10          A     That's one of the problems.

11          Q     Exactly.

12          A     It's a criterion-referenced test, like a driver's  
13 test.

14          Q     This is our point.

15                   I'm sorry, we're out of time. Thank you very  
16 much.

17          A     Thank you.

18                   HEARING OFFICER JORDAN: You are excused. Thank  
19 you.

20                   We are now going to take a break for 15 minutes.  
21 We should reconvene shortly past 10:30.

22                   (Recess.)

23                   HEARING OFFICER JORDAN: All right. The next  
24 witness is Dr. Arthur Jefferson, General Superintendent,  
25 Detroit Public Schools, Detroit Michigan.

1                   TESTIMONY OF DR. ARTHUR JEFFERSON,  
2           GENERAL SUPERINTENDENT, DETROIT PUBLIC SCHOOLS,  
3                   DETROIT, MICHIGAN  
4                   DIRECT EXAMINATION

5           BY DR. POPHAM:

6           Q     Dr. Jefferson, you have been introduced as the  
7 General Superintendent of the Detroit Public Schools. How  
8 long have you served in that role?

9           A     I served as General Superintendent for six years.

10          Q     Have you had any previous experience as an  
11 educator, and if so what is that experience?

12          A     I am this year 21 years as a practicing educator.  
13 I started out as a teacher and served in a number of other  
14 capacities at the local school level and at the central  
15 level, both administratively and, for the last six years, as  
16 General Superintendent.

17          Q     Superintendent Jefferson, could you briefly  
18 describe the Detroit Public Schools for us?

19          A     The Detroit Public Schools is the sixth largest  
20 public school district in the United States. We have over  
21 220,000 students, are demographically 86 percent black,  
22 about 2 percent Hispanic, and about 12 percent white.

23          Q     Before turning specifically to the topic of  
24 minimum competency testing, would you please set the context  
25 a little bit for us by describing what public education is

1 like these days in an urban setting?

2       A     Interesting is one word that I could utilize, and  
3 perhaps your imagination could go from there. But more  
4 specifically, I think our urban school districts -- and  
5 Detroit is no exception -- you will find some of the best  
6 schools in my district in the state of Michigan, you will  
7 find some that are mediocre, you will find some, quite  
8 frankly, that are poor.

9       There is one other characteristic, not only in our  
10 district, which but I think it is true from talking to my  
11 colleagues in other urban school districts: I think we  
12 know, as urban educators, a lot more about what it takes to  
13 make a successful educational school system, an educational  
14 program, than we did perhaps 10, 15 years ago. And I think  
15 that we in urban education feel a heck of a lot more  
16 optimistic about the future than perhaps we did a decade  
17 ago.

18       Q     You are in the state of Michigan. Is there a  
19 statewide requirement in Michigan for districts to have  
20 minimum competency testing programs?

21       A     No, we don't have a statewide minimum competency  
22 program in Michigan at all.

23       Q     Why on earth did the Detroit Public Schools choose  
24 to initiate a minimum competency testing program?

25       A     Well, I think that I would like to respond in this

1 way. We have been concerned, particularly since the  
2 mid-70's, with trying to improve the quality of education  
3 totally for our youngsters. The minimum competency testing  
4 program, what we call our proficiency program, is only one  
5 step we have been instituting in our school district since  
6 1975.

7           We first started with a citywide reading program  
8 at the elementary grade level. Now it is K through 8. We  
9 went then into a mathematics program. So what I am saying  
10 is that we were beginning in 1975 to lay the groundwork at  
11 the basic levels, at the elementary and middle school  
12 level.

13           In 1977 we felt it was a natural extension to move  
14 into the senior high school level in terms of our high  
15 school proficiency program. Quite frankly, we were  
16 graduating a good number of students who were doing very  
17 well, no question about that. But we also were graduating a  
18 significant number of students who by anyone's test,  
19 particularly ours, made us doubt they had acquired those  
20 fundamental skills that would enable them to become  
21 productive human beings, first of all in pursuing whatever  
22 they wanted to pursue, and secondly becoming productive  
23 citizens in whatever community they chose to reside in.

24           Q       But at a time when many educators were actively  
25 resisting the imposition of minimum competency testing, you

1 and your associates in the Detroit Public Schools created  
2 your own voluntarily?

3       A       That's correct, and that's one of the reasons that  
4 I wanted to indicate that we were doing a number of other  
5 things in terms of totally looking at our instructional  
6 program. And the high school proficiency program, our  
7 competency program was one step toward that, I believe, as a  
8 comprehensive look at what we were doing as educators, what  
9 we were expecting of students and what we owed parents and  
10 other supporters of our public school system.

11       Q       Briefly, could you describe the main features of  
12 the Detroit high school proficiency program?

13       A       Basically, our program is primarily an  
14 instructional improvement program. By that I mean that we  
15 are concerned with totally looking at our curriculum, our  
16 instructional program, to be able to define much more  
17 sharply what it is we expect students to learn, particularly  
18 as we focus on these fundamental areas of reading,  
19 mathematics, and writing skills.

20               So we were concerned, first of all, that this be a  
21 significant intervention to improve the total instructional  
22 program. On the other hand, there's no question that our  
23 program is a testing program. We do test youngsters for  
24 diagnostic purposes so that we can gear our instructional  
25 program to help to undergird those weaknesses that are

1 displayed by the test, as well as to build upon those  
2 strengths.

3           Thirdly, our program is one that may have a  
4 distinct feature in the sense that the mathematics and  
5 reading portions are multiple choice, but the writing  
6 portion of the test requires our youngsters to write, and  
7 they are hand-scored, a very elaborate process that we have  
8 to go at.

9           A fourth characteristic of our program is that we  
10 were concerned with being fairer to students in terms of an  
11 early warning system which starts in the tenth grade. Tenth  
12 graders can take the exam and if they pass it, then fine.  
13 But if they don't, then we as educators can use that  
14 information, hopefully in a meaningful instructional manner,  
15 to help that student along.

16       Q     What happens to a student who takes his test in  
17 reading, writing and mathematics, and after several attempts  
18 does not pass the test? What happens to, let's say, the end  
19 of the twelfth grade?

20       A     The student graduates and receives a diploma.

21       Q     Is there any indication that that is in some way  
22 different than other diplomas?

23       A     There is. A student -- well, let's put it the  
24 other way around. A student who passes all three sections  
25 of our exam receives what we call an endorsed diploma. That

1 is, it is clearly indicated on the diploma that that student  
2 has mastered the proficiency exam.

3 Q So if I understand you, a student in Detroit who  
4 do not pass the examination is at an early point identified  
5 as needing remedial assistance, and at a later juncture if  
6 they don't pass the examination they get a diploma, but it  
7 is not an endorsed diploma, is that correct?

8 A That's correct.

9 Q Do you have any evidence to indicate that the  
10 program is having beneficial effects on students? It's  
11 early in the game, of course, but what about early results?

12 A Early results I think are certainly indicative of  
13 some positive directions. I would emphasize it is early in  
14 the game, even though, upon my recommendation, the board  
15 adopted our program in 1977. But we were concerned that we  
16 should take a very rational approach to the development of  
17 this program. So the first testing really did not occur in  
18 terms of getting any hard data until 1980.

19 From 1977, the fall of 1977 until 1980, it was as  
20 very comprehensive developmental process. In the first  
21 exam, given in January of 1980, as I recall about 40 percent  
22 of the twelfth graders passed, then twelfth graders, passed  
23 all three sections of the examination. Incidentally, about  
24 80 percent passed the reading portion, but our requirement  
25 is that students must pass all three sections -- reading,

1 writing and mathematics.

2           We gave the test again in January of 1981 for  
3 those students who are graduating in June of this year, and  
4 that figure increased to roughly 70 percent of our twelfth  
5 grade students who graduated this past June, passed the  
6 exam.

7           But I would indicate very, very clearly that it is  
8 early in the game in terms of hard data, like test results.  
9 I could point out, however, that we do administer other  
10 standardized tests as well. The state administers a state  
11 assessment exam for our tenth graders, and all of those  
12 indicators show that our students are increasing as far as  
13 test results go.

14       Q     So there is evidence from other tests that  
15 students in Detroit are advancing in their mastery of basic  
16 skills?

17       A     That's correct.

18       Q     Could this improvement be merely a matter of  
19 having teachers in Detroit teaching particular test items?

20       A     Well, I don't think so. When I say that, what I  
21 mean is that I certainly hope our teachers are teaching  
22 those competencies that we are attempting to measure. And  
23 incidentally, we are talking about very broad competencies.  
24 There are four competencies in each of the three major  
25 categories: four in reading, four in mathematics, and four



1 in writing.

2           We took that approach because we didn't want to  
3 get involved in a lot of minute or discrete competencies.  
4 We would rather get those fundamental ones. And I would  
5 hope that our teachers, our instructional staff -- we spent  
6 an awful lot of time in in-service work developing  
7 instructional materials, and I would hope that, for example  
8 in reading, that our teachers are teaching students how to  
9 identify the main idea of a reading passage. I would hope  
10 that our teachers are teaching students grammatically how to  
11 set forth a clear and cogent and concise sentence and to  
12 develop a paragraph that makes some sense to the reader.

13           So if you are talking about whether or not our  
14 teachers hopefully are doing that, then yes, I hope that is  
15 the case. But as far as in a much more narrow sense of  
16 teaching the test per se, no, I hope that is not the case.

17       Q     If I understand you, then, you would encourage the  
18 teachers to teach toward these 12 broad skills?

19       A     No question about it.

20       Q     You described the student population of Detroit as  
21 86 percent black. It is often alleged that black youngsters  
22 will be harmed by minimum competency tests. What is your  
23 view as to how minimum competency testing will impact on the  
24 black students in Detroit?

25       A     Well, I think that any kind of intervention

1 strategy that one utilizes certainly has the potential to be  
2 discriminatory in nature. We ought to describe perhaps more  
3 extensively the environmental circumstances existing within  
4 our city. Our city population-wise has a black adult  
5 population of 63 percent, as a matter of fact, in terms of  
6 the 1980 census.

7           Our board is majority black. Of the 13 members of  
8 the central board, I am obviously black. I would hope so.  
9 And so are many of my colleagues. But also, I have many  
10 white colleagues who have worked very extensively on this  
11 program, and I think that we bring a certain amount of  
12 sensitivity, hopefully, to this issue, to make sure that,  
13 realizing that we are dealing with a population that is  
14 majority black, that we would employ any strategy -- and  
15 this would be no exception -- that would be sensitive to the  
16 potential discriminatory nature of the testing program.

17           So I just want to say that as a prelude to perhaps  
18 specifically answering your question. I happen to believe  
19 that black students can learn like any other students. I  
20 happen to believe that we do a disservice to our students if  
21 we do not accept that fundamental proposition that indeed  
22 they are capable of learning. And it seems to me that what  
23 we are talking about are simply those -- not all of the  
24 skills, not all of the understandings and the concepts that  
25 an "educated," quote, person may need, but certainly some of

1 the most fundamental skills.

2           And frankly, I think I would be doing a disservice  
3 to our student population if I sold them short and in any  
4 way implied that indeed those are kinds of skills they  
5 cannot master. So I can't speak in general in terms of what  
6 is going on in other states. Obviously, we tried to be  
7 sensitive to some of those issues that historically might  
8 have been discriminatory toward minority students.

9           But I can speak more specifically about our  
10 students and our situation and how we attempt to approach  
11 it. And I am convinced that we have instituted all of the  
12 safeguards that at least we were aware of.

13       Q       Overall, then, as you think about the Detroit high  
14 school proficiency program currently and think about its  
15 future, what is your opinion?

16       A       My opinion is positive. It is positive on the  
17 basis that I think that we in education -- and let me be  
18 more specific -- we in urban education, during the latter  
19 part of the 60s and 70s we went through a very, very dynamic  
20 period, to say the least, where, if I may coin a colloquial  
21 phrase, where everyone was simply doing their own thing, a  
22 heck of a lot of experimentation, some of which, quite  
23 frankly, in retrospect I think was very bad.

24           What we are attempting to do now, I think, in  
25 urban education is to recognize that indeed we have a

1 responsibility as educators to do our job, and it seems that  
2 one of those jobs as a teacher is to clearly understand what  
3 it is that you are trying to teach to a group of students.  
4 And I think that proficiency exam is a vehicle to help us as  
5 educators to do their job a hell of a lot, excuse me,  
6 better.

7                 Secondly, I think we have a responsibility to  
8 students. But students have responsibilities as well. They  
9 need to know very clearly what it is that we expect of them,  
10 and I think that our proficiency exam helps to clarify  
11 better what we have been trying to do in the past decade in  
12 letting students know what we expect of them, at least in  
13 those areas that this proficiency exam covers.

14                And finally, I think we are responsible to the  
15 parents and the larger community that support our public  
16 educational system. I see the proficiency exam, at least as  
17 we have attempted to design it and implement it in our  
18 setting, as going a long way in being responsible to our  
19 parents and to other community persons who support our  
20 public schools.

21                DR. POPHAM: Thank you very much.

22                HEARING OFFICER JORDAN: Cross-examine?

23                                 CROSS EXAMINATION

24                BY MR. BREEDEN:

25                Q     Most of my questions are designed to help me

1 understand some reports that were given to you and that you  
2 passed on to the chairperson of the curriculum committee  
3 giving statistics on the proficiency exam and its outcomes.

4           The first question I would like to ask is: What  
5 is the experience in Detroit in terms of the enrollment in  
6 the public schools? Are you experiencing a sudden upsurge  
7 in enrollment during this?

8           A     No. Our enrollment is declining. But over the  
9 last three years the rate of decline has lessened or  
10 decreased. But we are still declining in enrollment. We  
11 expect it to level off in the next five years.

12          Q     I see. I observed from the data reported that in  
13 the tenth grade, for instance, there were about 10,000  
14 students and in the eleventh grade about 9,000, and in the  
15 twelfth grade about 7,000. Doesn't represent a surge, a  
16 wave moving through? What explains the lesser numbers of  
17 students at each grade?

18          A     Well, I think that typically many of our school  
19 districts, and ours is no exception, have too high a dropout  
20 rate in terms of students entering. For example, in senior  
21 high school, entering ninth graders, due to a high dropout  
22 rate, will reach the twelfth grade as a smaller group.

23          Q     I see. Thank you.

24                The diploma endorsement was another. I am not  
25 quite certain how it operates. Is there a cutoff score in

1 each of the three areas of competency?

2       A       There is a cutoff score in each of the three  
3 areas. And as I indicated, students must pass in order to  
4 receive the endorsed diploma.

5       Q       What is that cutoff score?

6       A       For reading and mathematics, it is -- I'm sorry.  
7 For reading and writing, it is 70 percent, and for  
8 mathematics it is 65 percent.

9       Q       I see. Then the question is in terms of the  
10 distinction you make between the endorsed and the unendorsed  
11 graduation diploma. I am a little familiar with this kind  
12 of distinction. I guess several of my degrees have things  
13 like "honors" or something like that, although no one has  
14 ever inquired on any employment interview whether I had  
15 endorsements or not.

16               But have you any notion of what the effect of  
17 endorsed or unendorsed has on the student's ability to go  
18 to, say, an employer and seek a job if there were two  
19 students presenting themselves?

20       A       Well, I don't have any hard data because June of  
21 1981 was the first year that that occurred. So we're  
22 talking about a little while ago when the first students  
23 were subjected to that written requirement. But I can say  
24 in general, as you have already pointed out, differential  
25 diplomas is not something that are new. High school

1 students as well as college graduates have been receiving  
2 differential diplomas in terms of honors.

3 Q You don't expect employers or admissions  
4 committees to use little checkmarks saying high school  
5 students -- endorsed and not?

6 A Not any more than they do it now to determine  
7 whether or not a student graduates summa cum laude.

8 Q One final question: Does the diploma indicate  
9 what the score was? For instance, if I got an unendorsed  
10 diploma would it say 52?

11 A No.

12 Q So there's no indication?

13 A There's no such indication. The student knows it,  
14 though.

15 MR. BREEDEN: Thank you.

16 HEARING OFFICER JORDAN: Thank you very much, Dr.  
17 Jefferson. You are excused.

18 The next witness is Dr. Stuard Rankin, Office of  
19 Research, Planning and Evaluation, Detroit Public Schools,  
20 Detroit, Michigan.

21 TESTIMONY OF DR. STUART C. RANKIN,  
22 ASSISTANT SUPERINTENDENT, RESEARCH,  
23 EVALUATION AND PLANNING, DETROIT PUBLIC SCHOOLS,  
24 DIRECT EXAMINATION  
25 BY DR. POPHAM:

1 Q Dr. Rankin, what is your current position in the  
2 Detroit Public Schools?

3 A I'm Assistant Superintendent for Research,  
4 Planning and Evaluation.

5 Q How long have you been associated with the Detroit  
6 Public Schools?

7 A I was first employed in 1953 as a teacher, so it  
8 is nearly 30 years except for about a three-year period when  
9 I was sent to direct the Michigan-Ohio Regional Educational  
10 Laboratory.

11 Q What was the nature of your involvement with the  
12 Detroit high school proficiency program?

13 A I guess I carried the fundamental responsibility  
14 for the development of the program, its installation in the  
15 school system, and its operation and revision.

16 Q Could you describe the main features of how this  
17 minimum competency testing program was created?

18 A Well, it began back in '77 when Dr. Jefferson  
19 asked me and some of my colleagues to develop such a program  
20 and to look into how we should go about developing it. And  
21 the first thing we did was to gather a group together of  
22 people on the national level who had some experiences and  
23 tried to find out from them what mistakes we could avoid.

24 Shortly after that, in the summer of 1977, Dr.  
25 Jefferson recommended to the Board of Education that we go



1 ahead with the development of such a program, and we  
2 outlined some of our fundamental concerns and directions at  
3 that point. Following that we decided that we should use an  
4 outside contractor to help us develop a test because we  
5 didn't feel we had sufficient in-house test development  
6 capability, and we also felt that there was no test on the  
7 market that would be good enough.

8           So we issued a request for proposals and reviewed  
9 those from a number of different test development groups,  
10 selected one in the middle of the '77-'78 school year. And  
11 then in the spring of '78, I guess it was, that Dr.  
12 Jefferson established a competency selection committee made  
13 up of staff members, community people, students, employers  
14 in the Detroit area. Then that group of about 40 people  
15 identified some 19 competencies altogether in three areas.  
16 They used the 19 to search for response from the community,  
17 from staff, from students.

18           And on the basis of those responses, that same  
19 committee made a decision in June of 1978 for 12  
20 competencies, four in each of the three areas. At that  
21 point we wanted to be sure that the competencies were  
22 totally and fully made clear, developed properly and  
23 were understood, and therefore that they could give direction  
24 to the instructional program and to the test development  
25 effort and the development of test items.

1           So test specifications were developed. That was  
2 done by the test contractor, but it was reviewed fully by  
3 staff to be sure that there was a good fit between our  
4 curriculum, our instructional program and the test  
5 specifications.

6           We also reviewed them, as the contractor had, from  
7 the standpoint of bias for race and sex. Once we were  
8 satisfied with the test specifications, we informed the test  
9 developer that the test items should be developed. This was  
10 done during the '78-79 year in the fall. And we also  
11 developed instructional support systems, programs,  
12 competency tapes, slides, in-service programs -- and by  
13 these I mean orientation and materials, a program manual  
14 made available to all teachers that would give in great  
15 detail a description of the competencies and the program.

16           The next spring we implemented the program as a  
17 pilot in four schools, and on the basis of that experience  
18 we learned something about the instructional part of it and  
19 about the tests. We used the results of that pilot program  
20 -- well, I'm getting out of sequence.

21           We then gave a field test for all of the items.  
22 We had developed 60 items. The test contractor developed 60  
23 items for each of the 12 skills, except for the one -- we  
24 have one that is not a multiple choice, and that is the  
25 writing sample. Every student in the Detroit test is

1 required to actually write a paragraph in response to a  
2 prompt, so that we can look at a real product in that  
3 situation.

4           So anyway, we developed 60 for each of the 12  
5 skills, put them together in three different forms of the  
6 test, plus an early form for grade eight so that we could  
7 get an early fix on where our students were. And the other  
8 forms had ten items per skill and that form had only five.  
9 We gave a field test to assign difficulty levels using a  
10 Rosh model to make sure that the forms were equivalent and  
11 if we had to add items later on we would be able to do so.

12           At that time we were ready now to begin  
13 implementation in the '79-'80 school year. So we had a  
14 massive in-service education program. We had an orientation  
15 program for parents and students. And we began moving  
16 forward.

17           The instructional program had three parts: One,  
18 we took a good look at the fit between these skills and our  
19 whole K through 12 curriculum and tried to work there to be  
20 sure that that fit continued and got better. We taught,  
21 even if they knew them, these skills to all eighth and ninth  
22 graders, made sure they were part of that curriculum, and  
23 developed a remedial program at the high school level during  
24 the school year and the summers.

25           We gave the test for the first time in '79 and '80

1 to tenth and eleventh graders, because that eleventh grade  
2 class would be the first ones under the gun this spring.  
3 Now, we finally gave it to tenth, eleventh and twelfth  
4 graders this year. And as Dr. Jefferson pointed out, we  
5 have put the final step of the program in operation, which  
6 is the use of an endorsement on the diploma for those who  
7 have passed.

8 Q Thank you for that very complete description.

9 Could I infer that the high points included  
10 careful community participation in the selection of the  
11 competencies?

12 A Indeed.

13 Q There was test development with external  
14 assistance, but under your control?

15 A Yes.

16 Q And there was an effort to link the test effort  
17 with instruction in a very formidable fashion?

18 A Yes.

19 Q Thank you.

20 Could you indicate how the program is now  
21 functioning? What is your estimate of how it is functioning  
22 at this time?

23 A Well, we are very close to it, and the reason is  
24 we have an implementation committee that consists of people  
25 from each region and some high school principals and all the

1 key department people in instruction and research, which  
2 meets on a very regular basis. So we are very close to  
3 following it as it goes, and it appears to me that early  
4 returns are very good.

5           By that I mean that it appears that, although this  
6 is a fairly difficult test, that schools seem to be scoring  
7 better the second time around. It appears that our remedial  
8 programs are having the desired impact, that the youngsters  
9 are able to learn these skills. If they had not had them  
10 earlier, they are now able to master them.

11           We get reports from teachers on a regular basis,  
12 and this is I think the most important part of it, that the  
13 clarification that we have given to the teaching of certain  
14 writing skills and reading skills and math skills through  
15 this test development process has made their understanding  
16 of how to teach them quite a bit better, and that they now  
17 feel much more able to do a better job at teaching reading,  
18 writing and mathematics than they had before we had done  
19 this.

20           Now, perhaps they could have done it without having  
21 the test. But the point is -- and this is a key point, I  
22 think -- that if you do a really good job of making clear  
23 what you will accept as proof that learning has taken place  
24 and you use that to help direct the instructional  
25 development and the instruction, then I think it is far more

1 likely that the youngsters are going to be clear on what's  
2 expected and the teachers are going to be clear on what's  
3 expected.

4           And we have found that our teachers are  
5 enthusiastic about that. We have those reports from  
6 department heads and principals and others, the teachers  
7 themselves within the schools.

8           The students have taken the program very  
9 seriously. Many of our students who did not pass the  
10 examination who were seniors and have graduated and been  
11 given a diploma are enrolled in our summer school this  
12 summer because they want to get that endorsement.

13       Q     Clarity of expectation, then, if I understand, is  
14 a key ingredient in the Detroit program?

15       A     Yes, it is.

16       Q     You seem somewhat positive toward the program, Dr.  
17 Rankin. Have you always been?

18       A     Well, I think what happens when you get so deeply  
19 involved in something is you become enthusiastic about it  
20 because you have a stake in it. So you may be seeing some  
21 of that.

22           I guess I would have to admit that at the early  
23 stages I had some of the same reservations -- I have not  
24 heard the testimony for the last two days, but the same  
25 reservations I am sure that have been presented by the con

1 side here. Some of the questions that would be raised I'm  
2 sure were ones that I had in my mind.

3           We have done everything we can to try to see that  
4 unfair burdens are not placed on students, that instruction  
5 is not limited to the fundamental skills, that all of the  
6 safeguards of the early warning systems in place, that it  
7 really is an instructional program and not just a testing  
8 program, and that the test is fair.

9           We have tried to do everything we can. So I guess  
10 I have become in some sense maybe a convert, and I am quite  
11 enthusiastic about it now.

12       Q     Thank you.

13           Is it true that you have been a longstanding  
14 proponent of humanistic education?

15       A     Yes, sir.

16       Q     Do you see the Detroit high school proficiency  
17 program as humane?

18       A     Indeed. I believe that letting youngsters go  
19 through school without requiring performance from them that  
20 they are capable of giving is less than humane. I believe  
21 that it is essential that if you really believe that all  
22 kids can learn, that you have to treat them all as if they  
23 are learners. And this means you can't just give them an  
24 opportunity and bring them to the cafeteria of knowledge,  
25 but you have to insist.

1           So therefore one has to be a little more  
2 demanding. And this is a way to do that which we feel is  
3 not unduly punitive and puts some seriousness of purpose  
4 into a program, but treats youngsters as if they were  
5 learners. And to me that is the most humane thing you can  
6 do.

7           Another piece of that in my judgment is that my  
8 attitude about myself I think is influenced by how well I  
9 read or do other fundamental skills, and in turn that goes  
10 back and forth and reinforces one and the other. So I am  
11 unable to fully separate the affective learnings and the  
12 cognitive.

13         Q     Are the tests too easy in Detroit?

14         A     Well, the students don't think so. We have  
15 offered from the beginning -- Dr. Jefferson has offered to  
16 reporters, whether it is broadcast or print media, the  
17 opportunity to take our examination any time we give it.  
18 They are welcome to come in and take it on one condition:  
19 That is, that they publish their results or broadcast them.  
20 And we have agreed to score them at once.

21           And we have had one taker so far. That was a  
22 reporter for the "Detroit News" and she may have been  
23 assigned that task. But in any event, she asked to  
24 participate in the test. She took it last January at one of  
25 our high schools on the day we gave it.. She is a recent



1 Radcliff graduate, and she wrote in the newspaper that this  
2 was a difficult and challenging examination, and what she  
3 thought was that if students could pass that that we had  
4 good reason to believe that they were competent in these  
5 areas. That is just one person's view.

6           We have intentionally tried to make the test so  
7 that it is something more than a piece of cake, that it is  
8 serious. We're glad to furnish samples of them. There are  
9 samples in this program manual. They are challenging.

10       Q     As a concluding question, where do you see the  
11 Detroit minimum competency testing program going?

12       A     Well, I think that we will continue to examine  
13 whether the use of the endorsement route is the proper one.  
14 It seems the proper one at the moment. I think that we will  
15 probably find that each year, as the program goes on, more  
16 and more youngsters master these skills at earlier levels.  
17 I think we may find that certain skills are either less  
18 important or too easily mastered, and we may want to replace  
19 one or two skills in the 12 or add others. We may find that  
20 we can give it earlier in the school and students can master  
21 it sooner, so they can get on to other and perhaps more or  
22 at least as important things.

23           But I think one critical thing we will be doing  
24 is that we will be taking from it the concept of focused  
25 instruction and clarification of the instructional task and

1 be using that strategy in helping to clarify learning in  
2 other areas, whatever they may be. And we have already  
3 begun to look at some of that.

4 DR. POPHAM: Thank you so much.

5 HEARING OFFICER JORDAN: Cross.

6 CROSS EXAMINATION

7 BY MR. BREEDEN:

8 Q Dr. Rankin, as I indicated to Dr. Jefferson, I am  
9 trying to understand some of these statistics related to  
10 this proficiency program. You mentioned the experience with  
11 the reporter being the only taker. Do you suppose that  
12 other reporters feared to take the test because they might  
13 have failed or come up with a bad score?

14 A I wouldn't want to guess why they didn't. Two of  
15 them informed me that they really wanted to take it and we  
16 had made arrangements for them to take it. A news break the  
17 morning of the test was what they used as their reason for  
18 not taking it, and I think it was a legitimate reason in  
19 their case.

20 I think others would be glad to take it.

21 Q I wonder. I was examining some of the data on the  
22 test on reading in the tenth grade. And I observed, for  
23 instance, if you reduced the cutoff score at an average of  
24 one and a half points and used that to represent success,  
25 500 students would have experienced success rather than

1 failure on that examination.

2           Do you think that there might be some connection  
3 perhaps between that experience and some of the behavior of  
4 students as they proceed through the grades, dropping out,  
5 for example?

6       A     I think there are multiple reasons for youngsters  
7 to drop out of school. I think that probably the most  
8 important one is experiencing success in school. I think  
9 that the success experiences that occur every day in the  
10 classroom are probably the more powerful ones.

11       Q     I wonder --

12       A     Could I finish answering the questions?

13       Q     Certainly.

14       A     It appears to me, though, that in this case what  
15 we have seen are youngsters who are that close, who maybe  
16 pass two areas and fail by one or two points in another  
17 area, but felt encouraged to go ahead. That is the kind of  
18 response we get from them. So I don't think that's going to  
19 happen, although I would admit it's too early to tell.

20       Q     Have you conducted any studies of these youngsters  
21 to get some sense of how their test experiences might have  
22 affected their decision to continue or leave school?

23       A     The only studies we have conducted are informal.

24       Q     There is one other line of questioning that I  
25 would pursue for just a minute. I note there are 12

1 competencies of some detail. In each of the general  
2 sections, reading, writing and mathematics, there are four  
3 distinct competencies identified. I also observed that in  
4 each of these areas the decision to grant endorsement or  
5 non-endorsement depends upon a summary score of the  
6 competencies together.

7 I have had secretaries from time to time in my office  
8 who exhibited varied skills. One couldn't type very well  
9 and had difficulty constructing sentences and spelling. I  
10 asked her to do first drafts, because another secretary  
11 could finalize copy better. But I found that she was very  
12 good at computing, and when I gave her a set of figures to  
13 put in columns and add up I didn't really have to check her  
14 work because I knew that it would be precisely done.

15 Another staff member was very, very good at writing,  
16 but I knew that if I got a column of figures from her I  
17 would have to check it, because there almost invariably  
18 would be an error. I found this out through experience not  
19 through some summary score that they presented to me when  
20 they came forward.

21 Do you think that perhaps the raw data that is  
22 used in the instructional program to indicate precisely  
23 which competencies a student has or does not have might be  
24 more useful in assessing the student's capacity, say, to go  
25 into a particular program of training or a particular line

1 of employment?

2       A     Well, I think that they are both useful.

3 Certainly the information the teacher has on the student is  
4 raw data. These data are clearly helpful in determining  
5 instruction appropriate for the student.

6       Q     I was thinking of the employer or perhaps an  
7 admissions officer.

8       A     We have taken a middle route between having a  
9 summary score for the whole battery of all 10 or 12  
10 competencies and having a separate score for each of the 12  
11 competencies, and we have felt that to some extent math  
12 competencies have certain similarities that separate them  
13 from reading competencies, and those have ones that are  
14 separate from writing, and that there is a greater  
15 commonality among skills within an area.

16           So it seemed to us to be a reasonable way to go.  
17 The information we provide to students and parents actually  
18 specifies the area and our counselors are directed to have  
19 at least three counseling sessions with any student who  
20 failed any part of the test, as soon as the information is  
21 received, within the next month, with any student who failed  
22 any part of the test. And the teachers have that  
23 information.

24       Q     But Dr. Jefferson, in referring to the  
25 endorsement, indicated that the person who mainly knows

1 whether the graduation diploma is endorsed or not is the  
2 student. Is that correct?

3 A At this point that's true. This has now been in  
4 effect for one month, and that may change.

5 MR. BREEDEN: Okay. Thank you.

6 HEARING OFFICER JORDAN: You are excused. Thank  
7 you very much.

8 Our next witness is Ms. Zodie Johnson, Region 5  
9 Superintendent, Mumford High School, Detroit.

10 TESTIMONY OF ZODIE JOHNSON,  
11 REGION 5 SUPERINTENDENT,  
12 MUMFORD HIGH SCHOOL, DETROIT, MICHIGAN  
13 DIRECT EXAMINATION

14 BY DR. POPHAM:

15 Q It's good to have you with us, Mrs. Johnson.  
16 Could you describe your role in the Detroit Public Schools?

17 A My role is region superintendent, and we have  
18 eight regions in the city of Detroit and I am Region 5  
19 Superintendent under the General Superintendent, Dr.  
20 Jefferson. I have 26,000 students in my region, over a  
21 thousand teachers and a number of other employees, and we  
22 have the opportunity to work with the 26,000 students in  
23 setting up curriculum and checking and monitoring and  
24 presenting programs to them.

25 We also have the opportunity to bring in programs

1 that enhance the education of the children. We have a motto  
2 in Region 5: What we believe, we can achieve, with hard  
3 work. And we also have another motto: that humanism plus  
4 self-concept equals increased achievement. Because we  
5 firmly believe that all students can learn, and I have told  
6 my teachers that all, 95 percent of them, can learn, and  
7 those who can't learn are those who are severely  
8 handicapped, and even they do learn.

9           So we subscribe to the fact that<sup>s</sup> if we teach  
10 somebody will learn.

11       Q       That's a very large region, larger than many  
12 school districts. How has the Detroit High School  
13 proficiency program been implemented in your region?

14       A       We have implemented the high school proficiency  
15 program. It is not just as an exam; it is a program from  
16 kindergarten through twelfth grade. And in our teachers'  
17 objectives they must put the high school proficiency  
18 objectives in there.

19           For instance, we will have capitalization in the  
20 kindergarten. And by the way, I want to mention that we  
21 have kindergarteners who are reading at third grade level.  
22 We have a pilot program of all-day kindergarteners. And we  
23 are trying to do something to prevent that kind of problem  
24 where we have to remediate later.

25           So we started with that. We had the TESAP

1 project, which is teacher expectations, student achievement  
2 program. And our teachers actually go in and monitor each  
3 other. They code in the kinds of things that are happening,  
4 the bias against various children.

5           By the way, our region is 99 percent black, so  
6 it's not biased by color necessarily, it is biased by the  
7 little boys and little girls. And we've even checked on the  
8 math scores to see what happens in kindergarten in math. So  
9 we are doing a number of things to promote the achievement  
10 of the children.

11       Q       What is your impression of the effect that the  
12 minimum competency testing program in Detroit is having on  
13 students in your region?

14       A       We feel that it had a lot of effect, a very good  
15 effect on the students. But it has also had a very good  
16 effect on the instructional staff, and we feel that this  
17 goes together along with the parents. We have had workshops  
18 with parents, students, teachers, and staff, and we are  
19 conducting a number of workshops even this summer with  
20 them.

21           We are learning as we go along. We have actually  
22 taken the data that we get and we are checking to see what  
23 we need to do. We are diagnosing the weaknesses not only in  
24 the students. We are not saying it's just students. We are  
25 diagnosing the weakness in teaching. We are actually coming



1 along with some other activities that will help us to  
2 deliver services better.

3           And the competencies that are involved, we call  
4 them skills and objectives, can be taught at all grades, for  
5 instance writing. We have a young writers group, and we  
6 published a book where kindergarteners through twelfth  
7 graders have written a book, and they have written poetry  
8 and prose.

9           We have done a number of things that have enhanced  
10 our children's academic skills. We were also the national  
11 academic game's winner, and I would like to say that -- from  
12 Longfellow School for the whole country. And I would like  
13 to say that this is a school in the Title I area.

14           We have had great growth in the Title I area, and  
15 we are trying to prove, and we are working on this, that it  
16 doesn't matter where you live. The socioeconomic area  
17 doesn't matter, if you are taught, because the kids in Title  
18 I schools are learning at a greater rate sometimes than some  
19 of the other students.

20       Q       Ms. Johnson, let me pursue that point. It is  
21 claimed by critics that minority students will be  
22 disproportionately harmed by minimum competency testing  
23 programs because they may fail the test more frequently.  
24 You come from a region which is 99 percent black students.  
25 What is your feeling about the influence of minimum

1 competency testing programs on black youngsters?

2       A     If we teach, they will learn. And I think that  
3 the whole thing that we have to do is change the attitudes  
4 of people working with students. If we have people come up  
5 and say, kids can't learn because they're black, they can't  
6 learn because they are poor, they can't learn because --  
7 then not much teaching is going to be done, because it's a  
8 self-fulfilling prophecy. If you say they can't learn, then  
9 why are you going to teach?

10           And I refer to one of the prominent studies that  
11 said that kids didn't learn if they didn't have two parents  
12 at home. They found out there were a lot of kids who didn't  
13 have two parents at home who were learning.

14           Then we had another study that said that you can't  
15 learn because you are black, as if it's based on your  
16 color. And we found that we did have whole schools that  
17 were learning at very high rates and they were all black.  
18 So that eliminated that theory.

19           So we tell our people -- and we work together on  
20 attitudes; I think attitudes are most important -- that all  
21 students can learn if they are taught. And if you have  
22 really worked with the kids, they will learn.

23       Q     So you would say that this program is not in any  
24 sense designed to harm the black youngsters in your  
25 district?

1       A     No, not in Detroit at all.

2       Q     What about the effect on student attitudes in  
3 Region 5? How are these students responding attitudinally  
4 to the program?

5       A     I think they have responded beautifully in my two  
6 high schools. I have 2500 in Central High School and 2500  
7 students in Mumford High School. And the first program that  
8 we had in the summer, we had over 400 kids come into the  
9 school for the proficiency program. We had made up booklets  
10 and other projects, and they came and we had teachers and  
11 tutors from the students and we had teachers from the  
12 regular school system.

13           I would like to say that even during the strike --  
14 we had a bus strike, the kids came to school. They walked  
15 many, many miles just to get there. The attendance was  
16 almost perfect.

17           So it has had an awful lot of effect and they  
18 realize it is important. But we believe that when we work  
19 with students we given them all kinds of motivational  
20 devices. All the students who pass the exams at each of our  
21 schools were given pins and certificates. All the students  
22 who didn't pass the exam are working very hard to pass it.

23           So we have had a great deal of progress with our  
24 children.

25       Q     That may be one of the more startling statistics I

1 have heard. Are you suggesting that during the bus strike  
2 students walked to school?

3 A We had students who had to walk to school, who  
4 walked to school for many miles just to get to school then.  
5 We didn't have an absentee rate at all during that time. We  
6 had high attendance. In fact, we had the highest attendance  
7 in the city. So we were very proud of that.

8 Q How have the teachers responded to the program in  
9 Region 5?

10 A They have responded excellently. Now, when we  
11 first started out we had to persuade them. We had to change  
12 a lot of attitudes about working with our kids, not just  
13 with proficiency programs, but with all kinds of programs.  
14 I think attitudes have to be changed and they have to be  
15 brought into the line that we are working with kids, and if  
16 we aren't doing anything then we have no reason to be  
17 there.

18 I guess I make the famous statement that you can  
19 teach in an empty room, and if no one is learning anything  
20 you may as well be in an empty room. We work together, and  
21 my staff has gone out and given support to all the  
22 teachers. We have checked the lesson plans, we have checked  
23 all the programs that they have. We have done a number of  
24 things in a support way to help the students.

25 In fact, right now we have about 200 teachers who

1 are in workshops, clinical workshops where they are working  
2 with master teachers and with the students.

3 Q Are your teachers becoming confident they can  
4 teach these 12 skills?

5 A Yes, they are becoming very confident. In fact, I  
6 think we have had visitors from all over the state. We have  
7 had to give workshops for 33 school districts at Lansing  
8 because we had the highest growth in achievement. So we are  
9 feeling very successful because we are having success.

10 Q Critics of minimum competency testing programs  
11 sometimes claim that it will cause the curriculum to focus  
12 exclusively on minimums. Is that the case in Region 5?

13 A No. We are working very hard to develop the  
14 highest achievement for every student that that student is  
15 able to have. And I feel very strongly about that, being a  
16 black woman, because black women have triple burdens, being  
17 poor, black and female. And I feel that all of our children  
18 need all that they can get in order to succeed in life.

19 So we are working very hard. And again, I say  
20 that the most important ingredient is the attitude of the  
21 people who work with our children.

22 Q You seem at least mildly enthusiastic. As a  
23 concluding question, what do you perceive to be the general  
24 impact of this program on students, teachers, and so on in  
25 Region 5?

1       A       I think it has focused in on specific objectives  
2 that we have to have, minimum objectives at any rate. And  
3 some of the objectives are not minimal. Our objectives in  
4 writing can be used at kindergarten level or twelfth grade  
5 level or college level. So we have zeroed in on many of the  
6 competencies that the students should have and we have made  
7 motivational projects where they will have these kinds of  
8 things.

9               We have the big meeting every year to award the  
10 young writers and the newspaper people and all the people  
11 come out. So everybody wants to really write in this area,  
12 and we publish a book. Our book is quite beautiful and is  
13 surprising to see. We have kids from ~~special~~ special education,  
14 from first grade through twelfth grade, writing stories and  
15 poetry. We have a full house whenever we have this.

16              We also do many other things. I think that the  
17 things that we do in fine arts -- we have a fine arts  
18 festival where we have thousands of people coming in,  
19 thousands of kids performing. The kids learn to read every  
20 song they learn to sing. They learn to read another  
21 language playing in the band.

22              All of these things help a great deal. We have  
23 our science fair projects. We have our student  
24 organization. We have student council where all of the  
25 students come in, and they also give us their goals and

1 objectives and they give us their input as to what should be  
2 done in the school.

3           We develop leadership skills among students. We  
4 have our yearly awards program and we had so many awards  
5 this year that I was asked by the board to make it short  
6 next year. We had about 300. And I did explain to them if  
7 our students hadn't won so many awards in the national  
8 academic games it would have been short.

9           We have many programs. We have the cross-age  
10 tutoring that I think helps a lot, because each child who  
11 tutors someone else learns something about the skills they  
12 are working with.

13           DR. POPHAM: Thank you so much, Ms. Johnson.

14           HEARING OFFICER JORDAN: Cross?

15                           CROSS EXAMINATION

16           BY MR. BREEDEN:

17           Q    Ms. Johnson, I am certainly impressed by your  
18 enthusiasm and the broad scope of interventional options  
19 available to students in your area. I guess my questions  
20 are directed at trying to understand more precisely the role  
21 of the test score and particularly in its most summary form,  
22 endorsement or not endorsement of the certificate. The  
23 philosophy you proposed, if we teach they will learn, is one  
24 that I subscribe to very powerfully. And yet, when a  
25 student ends the period in high school with an unendorsed

1 diploma, it says he or she has failed to learn.

2           Could it possibly be that someone has failed to  
3 teach?

4       A       There is failure on the part of many people when a  
5 student has been in school 12 years and hasn't learned  
6 enough to pass the exam. That's why we have the program  
7 that we have, our high school proficiency program, where we  
8 have certain checkpoints. We are checking to see what the  
9 child has learned.

10           We in Region 5 have graphs to show the overall  
11 learning of all of the students, and in each of my schools  
12 as you go in the door you see a chart, a graph of how they  
13 have grown for the last three or four years.

14           So we are working on that. We sit down and do an  
15 item analysis of what has happened to the child. For  
16 instance, just to mention one, fractions. At one time when  
17 I was working in a school system I found that we had not  
18 taught fractions, they had not learned fractions from maybe  
19 kindergarten through the eighth grade. So we started  
20 working on that.

21           I have 45 teachers now working on a curriculum,  
22 and they are going through the item analysis to be sure we  
23 are zeroing in on what the children need.

24       Q       I wonder if you would share my belief that when a  
25 student leaves the high school environment the problem of



1 learning shifts in a dramatic way, where the resources that  
2 are made available in high school are not so readily  
3 available without some output of energy. I wonder if the  
4 alternative to endorsement -- what you would think of this,  
5 if instead a student got a list of things that they had to  
6 work on in order to learn them now that they have left the  
7 school, if that might be a better communication to the  
8 student rather than a communication that you have failed to  
9 be endorsed?

10       A     I think the student does get such a list of things  
11 that they need to work on. In fact, they may pass two areas  
12 or they may pass one area. I think the first time it was  
13 given at one of our schools 30 percent of the schools passed  
14 all these areas, and at the end over 70 percent had passed.

15             We worked directly with the students on the areas  
16 that they needed to work on. They did not have to take any  
17 of the areas over where they had passed.

18             MR. BREEDEN: Thank you very much.

19             HEARING OFFICER JORDAN: Thank you very much, Ms.  
20 Johnson.

21             The next witness is Ms. Susan Dyer, Proficiency  
22 Test Coordinator, Mumford High School, Detroit, Michigan.

23                             TESTIMONY OF SUSAN DYER,  
24                             PROFICIENCY TEST COORDINATOR,  
25                             MUUMFORD HIGH SCHOOL, DETROIT, MICHIGAN

## 1 DIRECT EXAMINATION

2 BY DR. POPHAM:

3 Q You have been introduced as the proficiency test  
4 coordinator for Mumford High School. Is that in Region 5 in  
5 Detroit?

6 A Yes, it is.

7 Q What is the nature of the responsibilities of a  
8 proficiency test coordinator at a high school?

9 A Basically I have three different areas:

10 First, letting the students, the parents and the  
11 teachers know about the proficiency program. For example,  
12 at the outset letters are sent home to the parents letting  
13 them know about the program, letters are sent to the  
14 individual students telling them about the program.

15 Also, there is in-service with the teachers. I am  
16 responsible for having in-service workshops with the  
17 teachers, letting them know about the materials available  
18 with regard to -- we have various packets of materials that  
19 the teachers can work with the students in the classroom.  
20 So we have an in-service workshop to let them know about the  
21 materials.

22 Also, after the test was given we were able to  
23 give them the statistics in regards to the areas where the  
24 students were having difficulty. Also, I encourage the  
25 teachers to come into the office and see the actual raw

1 scores in regard to how the students did on the individual  
2 tests.

3           Also, my job deals with the testing itself. I am  
4 responsible for setting up the testing schedule, letting the  
5 students know where they will be tested, letting the  
6 teachers know their specific duties, and generally running  
7 the test per se on the day of the testing.

8           Then the last area deals with disseminating the  
9 results of the tests, not only to the students but to the  
10 teachers and parents. And this is done, for example, by  
11 having testing seminars where the students are brought in  
12 and I go over their actual test scores with them, explaining  
13 to them how we arrived at the results of the test, and also  
14 explaining what can be done if you have failed the test.

15           Then the last part is doing what we refer to as  
16 the summer recourse program, where we have in-depth tutoring  
17 for those students that have failed the test.

18       Q       So a proficiency test coordinator is very actively  
19 involved with the Detroit High School proficiency program?

20       A       Very, very. I am the testing lady, so they know  
21 to come to me.

22       Q       As testing lady, what is your general impression  
23 of the high school proficiency program's impact at Mumford  
24 High?

25       A       I think it has been a very positive impact, from

1 teachers, from students, and from parents alike. For  
2 example, when the results of the test came out parents began  
3 to call wanting to know. Johnny failed the math part; what  
4 can I do to assist him. And I explained that we were having  
5 a summer recourse program. How can I get him in? I sent  
6 letters home explaining the program and asked that tear-out  
7 sheets be returned for me to get an idea of the number of  
8 students that we would be servicing.

9 I received 250 results in a week's time and  
10 telephone calls saying, I want my child in the program. So  
11 the parents were interested. The students were coming --  
12 even after the seminars, the students were coming to my  
13 office saying, I want to see how I did. Even the students  
14 that passed the test wanted to see just exactly how they  
15 did. And if they were weak in various areas, they would  
16 say: Well, I was kind of weak in formulas. I better spend  
17 more time on that. So the ones that passed were just as  
18 interested as the ones that had failed, and they wanted to  
19 see just exactly how well they did.

20 Q So you see the effect on students as being clearly  
21 positive?

22 A Yes.

23 Q Is there any other evidence that students are  
24 responding positively to the program?

25 A Yes. I could cite our summer program of last

1 year. As I said, I got 250 tear-off sheets within a week's  
2 time, and when the program started I had 333 students  
3 enrolled in the program and that was the largest program for  
4 a single school. We had schools paired in some cases. Our  
5 enrollment remained high. The students were coming. We had  
6 25 students in the class and they were there.

7           As I would walk through the halls to check to see  
8 if my teachers needed anything, there was nobody in the  
9 hall, and that is usually not the case. In a high school  
10 you have those individuals that I refer to as those majoring  
11 in "hallology." They are out there every hour. They  
12 weren't there. And many of these students were in our  
13 program. They were not in the halls.

14           And to reiterate what Ms. Johnson said about the  
15 bus strike, they were there. They walked. One of our  
16 tutors had to walk about five miles and he was there. He  
17 did not miss a day. So they were very positive.

18           Q       What has been the effect on the curriculum at  
19 Mumford High?

20           A       I feel it has been a positive effect on the  
21 curriculum because -- and I discussed this point with my  
22 principal. He felt that in many instances it helped those  
23 teachers who were having difficulty, or who were marginal  
24 teachers with regard to dealing with these skills.

25           The program is laid out beautifully. They tell

1 you just exactly the areas that you are going to be dealing  
2 with. You know you are dealing with main ideas. We have an  
3 instructional packet with individual activities to deal with  
4 the main skill and the subskill that goes along with it.  
5 The teacher does not have to spend precious time going and  
6 running off material. The materials are there.

7           They teach, and the students notice that because  
8 they say, she's teaching us. We don't have to deal with  
9 attendance problems. We don't have to wait and take  
10 attendance and so on. Teaching goes on in the classroom.  
11 That's why we had 25 students in the class there every day.

12           One of the television stations came out to our  
13 summer program and they were flabbergasted that the classes  
14 were filled, and they were really surprised that the  
15 teachers were teaching and excited about teaching. They  
16 just couldn't believe it because usually, unfortunately, big  
17 city schools get bad press. They will come out if there's a  
18 fight, but when it comes to something positive you have to  
19 go through all kinds of changes to get them to come out to  
20 the schools.

21           So they were very surprised, and especially in one  
22 instance they were talking to the reading teacher and the  
23 students were standing outside, they were upset, I've got to  
24 get in there, I have to get started. And they couldn't  
25 believe it. But it made a difference when the results from

1 the reading program came out. We had 42 students in the  
2 reading class. 37 passed the reading portion of the  
3 proficiency exam, so we knew that teacher was teaching and  
4 the students were in there learning.

5 Q What has been the impact of the program on the  
6 public?

7 A It has been positive also, and I can cite an  
8 example. We had an honors assembly, as Ms. Johnson  
9 mentioned, for those students who had passed the test for  
10 the first time. We issued merit pins and certificates. On  
11 the day of the program when I got there at quarter to 8:00  
12 there were parents at the auditorium door and the program  
13 didn't start until 9:00 o'clock. The parents were there.

14 When we had the program about midway and asked the  
15 parents to stand up to honor them, I was surprised. The  
16 auditorium was filled. There were more parents at that  
17 assembly than there had ever been, even for musical  
18 programs, where parents usually come out to see their  
19 children perform. Those parents were there. They were  
20 proud. They were up taking pictures of the children as they  
21 went across the stage to get their pin.

22 So it has been positive. Parents will come up to  
23 the school to see just exactly how the students are doing in  
24 the program. I have had parents come up between the end of  
25 school and when the summer program starts -- say we give the

1 test in January and when the results come back in say  
2 approximately April, a parent will come up and say: Ms.  
3 Dyer, so and so failed in reading; can I have some material  
4 that I can work with him at home until the summer program  
5 starts?

6           So they are interested. They are very concerned.

7           Q     As a concluding question, do you feel the impact  
8 of the Detroit High School proficiency program on minority  
9 students will be positive or negative?

10          A     Positive.

11          Q     Why so?

12          A     It is negative when you send students out into the  
13 world without the necessary skills to survive. That is the  
14 crime.

15               DR. POPHAM: Thank you.

16               HEARING OFFICER JORDAN: Cross?

17                               CROSS EXAMINATION

18               BY MR. BREEDEN:

19           Q     I have one question. How much of the progress in  
20 the Detroit School System do you feel would be lost if one  
21 thing were eliminated -- eliminating the endorsement of the  
22 graduation diploma? If that were removed from the program,  
23 how much of the program would fall to the ground?

24           A     I don't think it would fall to the ground. That,  
25 to me, that is just a word on a piece of paper. It has to



1 come from inside. There are students that have graduated,  
2 the January graduating class there was no, you know,  
3 endorsement per se. That came out in the June graduating  
4 class.

5 This young lady came to my office just the other  
6 day. She really didn't have to because it didn't count on  
7 hers, but she said I want that endorsement. I want to take  
8 that test. And she is in our program.

9 Q So perhaps a voluntary test would suffice as well  
10 as a systemwide test that had endorsement as its consequence?

11 A Well, voluntary, unfortunately when you put the  
12 term "voluntary" on it it loses something.

13 MR. BREEDEN: I understand that. Thank you.

14 HEARING OFFICER JORDAN: Thank you, Ms. Dyer.  
15 Thank you very much for testifying for us.

16 Our next witness is Ms. Linda Spight, Proficiency  
17 Test Coordinator, Henry Ford High School, Detroit, Michigan.

18 TESTIMONY OF LINDA SPIGHT

19 PROFICIENCY TEST COORDINATOR

20 HENRY FORD HIGH SCHOOL

21 DETROIT, MICHIGAN

22 DIRECT EXAMINATION

23 BY DR. POPHAM:

24 Q You are a proficiency test coordinator as well,  
25 Miss Spight. Where is that?

1 A Henry Ford High School in Detroit, Michigan.

2 Q What kind of a high school is Henry Ford like?

3 A Henry Ford High School is a high school located in  
4 the northwest area of Detroit, which is basically a middle  
5 class area, although we have students from all  
6 socio-economic backgrounds.

7 The enrollment is approximately 3,000 and 96  
8 percent of those students are black.

9 Q In that particular high school how has the high  
10 school proficiency program been implemented in any  
11 particular ways?

12 A Well, first of all, they identified a proficiency  
13 coordinator to coordinate the program, to in-service the  
14 teachers to make sure the teachers knew exactly the goals  
15 and objectives of the program, the objectives that had to be  
16 mastered by the students, to make sure that the teachers  
17 were very much informed about the program.

18 Also, a remedial education program was instituted  
19 for students during the regular school year and also during  
20 the summer.

21 I would like to mention that in the remedial  
22 program that even students who have passed the examination  
23 have enrolled in the remedial program if they feel that they  
24 had a weakness that needed to be shored up.

25 Q Students who have passed the examination and yet

1 are still taking the remedial program because they believe  
2 they have to improve their skills?

3 A They have some deficiencies.

4 Q What do you think the effects of the program, at  
5 least in your high school, have been on students skills?

6 A I think the basic skills have improved and with  
7 the improvement of basic skills the students are ready to  
8 acquire higher level skills.

9 Q You have indicated that the population is  
10 predominantly black in your school. Do you feel that black  
11 youngsters in the school are being helped or harmed by this  
12 program?

13 A I think they are being helped by the program.

14 Q Why do you feel that way?

15 A I think, as Susan Dyer said previously, that the  
16 harm would be if the students went out into the "real world"  
17 and were not able to function. If you give a student a  
18 diploma the student assumes that he will be able to utilize  
19 that diploma to get a job, to go on to higher education, to  
20 function successfully in society, and I think that we are  
21 doing the student a disservice if we allow him to harbor  
22 this misconception.

23 Q How about student attitudes at Henry Ford High  
24 School? What are student attitudes like with respect to  
25 this program?

1           A       The students feel very positive about the program  
2 We have a summer program at Henry Ford also. We have a  
3 summer program at all the Detroit high schools for  
4 proficiency. These are students who have taken the test  
5 once. They failed to master all the competencies and are  
6 planning to retake the test.

7           In the writing classes the writing teachers asked  
8 the students to write a paragraph. The topic was, "do you  
9 feel that students should have to pass a proficiency  
10 examination in order to receive an endorsed diploma," and  
11 over ninety percent of the students indicated that they felt  
12 the test was necessary. And these are students who had  
13 failed the test previously. So I think the attitude is good.

14           Also, we use peer tutors, and I think  
15 traditionally students have felt leery about other students  
16 knowing about their deficiencies. Students who are in  
17 reading labs would sneak into the room or hide their ID card  
18 so no one would know that they were enrolled. But now we  
19 have other students tutoring students and there is no stigma  
20 attached.

21           The students want to learn and they don't care who  
22 teaches them or who enables them to learn. They just want  
23 to learn.

24           Q       You indicated earlier that there was a clear  
25 expectation now associated with these twelve skills. How

1 has this affected teachers in your high school?

2       A       The teachers feel more confident in teaching what  
3 they have to teach. My field was English and I know for a  
4 fact that in college you were not taught how to teach  
5 grammar. They assumed if you graduated from high school and  
6 you were accepted into college and you chose to teach  
7 English that you knew how to teach grammar. And this is not  
8 necessarily the case.

9               So some teachers who perhaps were experts in  
10 content -- on Shakespeare, on Chaucer, on the Middle Ages --  
11 were not able to teach grammar. And I think this program  
12 that those teachers feel more confident in teaching those  
13 skills that are going to be necessary. No, they have not  
14 stopped teaching Shakespeare and Chaucer, but they do  
15 realize that they have to concentrate on the basic skills  
16 that students will have to use when they leave our  
17 institution.

18       Q       Is that concentration leading to a lack of concern  
19 for higher level skills?

20       A       No. We have a document that was developed last  
21 summer for, we call them, RC classes -- reading competency  
22 classes -- which are mostly filled with students who have  
23 not passed the reading or writing sections of proficiency  
24 examinations.

25               We gave teachers suggestions and in the documents

1 for tenth, eleventh and twelfth graders we suggested that  
2 they use, for example, Of Mice and Men by John Steinbeck to  
3 teach main ideas. Also, to use the dialect in Of Mice and  
4 Men. Is this dialect effective? Yes, it is effective in  
5 this book. But if these characters were out in the real  
6 world, would the dialect be effective?

7 I think that's an effective technique for black  
8 students to let them know that yes, your dialect is a  
9 language and it can be used in certain situations when it's  
10 going to be beneficial. But in some other situations it  
11 cannot be used and you have to use the language of the  
12 larger society.

13 So we have given the teachers literary material  
14 that they can use as a main idea, for grammar, so that the  
15 teachers do not feel that they are stifled, that they are  
16 only teaching the basics.

17 Also, as Dr. Jefferson said earlier, our skills  
18 are so broad that most of the skills were already germane to  
19 most other disciplines in the school. How can you teach  
20 without showing a student how to capitalize or punctuate or  
21 find a main idea? And the main idea leads to the author's  
22 purpose or theme.

23 So the teachers are definitely not stifled by the  
24 program.

25 Q How about the public's view of schooling? Do you

1 see the high school proficiency program as having positive  
2 or negative effects on the public's perception?

3       A       The effect is positive, because I think the public  
4 believes that the schools are serious. They know for a fact  
5 that the students are serious. When we gave the test the  
6 first time the students arrived promptly. During the breaks  
7 usually we have five minutes between classes and sometimes  
8 after the five minutes are up we have to go out in the hall  
9 and get the students back into the classes.

10           While the tests were being administered students  
11 didn't even want to take a break. They wanted to get back  
12 into the testing situation.

13           Parents have been coming up to the schools, have  
14 been calling. We have, at Henry Ford High School, 70  
15 graduates who are coming back this summer to retake the  
16 examination so that they can get an endorsed diploma. Some  
17 of those graduates, because the program was just instituted  
18 in June in terms of the diploma, had already been accepted  
19 into colleges. They really don't have to come back to get  
20 the endorsement. And one student in particular told me she  
21 knows that she doesn't need it, but she needs it for herself.

22           She wants to know that she can master the  
23 competencies. So it has a positive effect.

24       Q       As a concluding question, how would you then  
25 appraise the overall impact of the Detroit high school

1 proficiency program on students and teachers and the public  
2 in your school?

3       A       The proficiency program will be a positive force,  
4 I think, for education in Detroit. Even though the program  
5 has only been in place for two years it was rather difficult  
6 to make predictions, to generalize. But from the feedback  
7 from parents, from students, from the community at large,  
8 from the increased learning of the basic skills, as evidenced  
9 not only on the test but on course work, on teacher-made  
10 tests and evaluations, I think the program is positive and  
11 it will be expanded.

12               DR. POPHAM: Thank you so much.

13               HEARING OFFICER JORDAN: Cross exam?

14                               CROSS EXAMINATION

15               BY MR. BREEDEN:

16       Q       I have a few questions to ask. As a proficiency  
17 test coordinator, is part of your responsibility helping  
18 students and teachers take tests and understand factors that  
19 could lower their scores and that had nothing to do with  
20 their proficiency?

21       A       Test-taking skills.

22       Q       Do you have some estimate of the amount of time,  
23 compared with teaching skills that are survival skills in  
24 the sense that they have some consequence other than a test  
25 score, the relative amount of time that might be devoted to



1 this?

2       A     I don't have any exact idea of the time, but I  
3 would like to say I don't think you can divorce -- the way  
4 that you phrased the question seems to imply that testtaking  
5 skills are not survival skills.

6       Q     No, I certainly don't want to convey that  
7 impression. Where someone's success hangs on a point or two  
8 they are very powerful survival skills.

9           I don't have any further questions. Thank you.

10       A     Thank you.

11           HEARING OFFICER JORDAN: Thank you very much.

12           Mrs. Clara Rutherford is our next witness, Central  
13 School Board Member for Detroit Public Schools, Detroit,  
14 Michigan.

15                           TESTIMONY BY CLARA RUTHERFORD

16                           MEMBER, CENTRAL SCHOOL BOARD

17                           DETROIT PUBLIC SCHOOLS

18                           DETROIT, MICHIGAN

19                           DIRECT EXAMINATION

20           BY DR. POPHAM:

21       Q     Mrs. Rutherford, could you describe your position  
22 in relation to the Detroit Public Schools?

23       A     I am a member of the Central Board of Education.  
24 I was first elected in November of 1972. At that time it  
25 was a signal honor. I was the first black person, the first

1 black female elected citywide to the school board, and, of  
2 course, I would not have considered that, nor would I have  
3 mentioned it had not another black female followed me,  
4 because it meant I was evidently doing something right.

5 Q The Central Board, I surmise, has responsibility  
6 for the entire Detroit Public Schools?

7 A That's where the buck stops.

8 Q Haven't you also been active nationally with  
9 respect to the school board concerns?

10 A Yes. I am, whatever it means, a consultant to the  
11 National School Board Association. I am president of the  
12 National Caucus of Black School Board Members, recently  
13 reelected, and I serve on the Council of Urban Boards of  
14 Education, their steering committee, and I have been  
15 involved in the Teacher Corps Recruitment Centers, when they  
16 were in existence.

17 Q So it would be fair to say that you bring not only  
18 a local but a national perspective to your view, as a school  
19 board member, about the Detroit minimum competency testing  
20 program?

21 A Why not brag and say international.

22 Q Intergalactic.

23 A Thank you. That's even better.

24 Q As a representative of the public, how do you  
25 think students are being affected by Detroit's high school

1 proficiency program?

2       A     I think that it's one of the most positive things  
3 that has come out of the Detroit public school system in  
4 recent years.

5            We had a very lengthy, very disturbing  
6 desegregation case in Detroit, and I think our  
7 superintendent was really trying to prove to the public that  
8 we were about educating all of the young people in Detroit.  
9 I think we were trying to prove to their parents that we  
10 were about educating all the young people in Detroit and  
11 that the ills that were disclosed and uncovered in that  
12 disastrous desegregation case were not only not going to be  
13 allowed to continue but that our commitment was totally  
14 different from those boards of education and probably those  
15 superintendents that had preceded us.

16       Q     We have heard from earlier witnesses that Detroit  
17 is a school system with an 86 percent black enrollment,  
18 predominant black leadership, and dominant black school  
19 board membership. It is sometimes asserted that minority  
20 students will be harmed by minimum competency testing  
21 programs of the sort that you have in Detroit. Could you  
22 please comment on that assertion?

23       A     Well, I don't think they say that about the  
24 programs of the sort that we have in Detroit, because  
25 Detroit is unique in the in-depth cooperation that we have

1 from the community.

2           You see, one of the things we firmly believe in  
3 Detroit is that the taxpayers own the school system -- the  
4 school board members do not own it and neither do the  
5 administrators. The school system is really owned by the  
6 taxpayers and we would not dare introduce a program into our  
7 system without full input from our community. And because  
8 the community does feel ownership in our program, and our  
9 community is minority, they have accepted this. Their input  
10 was greatly appreciated in the establishment of the goals of  
11 the proficiency program because, you see, nobody in Detroit  
12 ever calls it the proficiency test in Detroit. It is the  
13 proficiency program.

14           When I go out into the larger community nationally  
15 I find that it is called the test, but in Detroit we refer  
16 to it as a program, because it embraces everything from K  
17 through 12 that we do in the school system.

18           And to get back to the minority issue, as a  
19 minority person in some circumstances, but, thankfully, not  
20 in Detroit, I find that an African proverb is a thing I use  
21 all the time. And that is, every mother wants for her baby  
22 the sweetest berry on the bush. And since our citizens have  
23 participated in the enactment and the development of our  
24 proficiency program, they feel that kind of ownership that  
25 says to them yes, you are trying to make my child do the

1 thing that he or she needs to do in the large society to  
2 achieve.

3 Q Wasn't it so that there was a fairly significant  
4 outreach program to secure community involvement in the  
5 original determination of the twelve competencies for the  
6 program?

7 A Yes, indeed. And when I say total community  
8 involvement I mean everywhere. Because, you see, in Detroit  
9 we are not convinced that having a lot of alphabets after  
10 your name means you are really in touch with the community.  
11 So we tried to get a wide spectrum.

12 We had account firm representatives. We had the  
13 big three automobile industry represented. We had the PTAs,  
14 the PTOs, the local schools advisory council. We had the  
15 church groups, the Masonic lodges, the fraternities, the  
16 sororities. Wherever we could get live bodies to  
17 participate in the program, we did.

18 And the rate of attendance was astounding. Nobody  
19 wanted to miss this because everybody has an idea that they  
20 can run a school system. And this was their opportunity to  
21 prove it.

22 Q Wasn't there even a poll in the Detroit Free Press?

23 A The Detroit Free Press constantly takes polls,  
24 because we are convinced also in Detroit that there are  
25 those people in the community who do not want programs to

1 succeed, because when the program succeeds they lose a  
2 headline. So they poll us to death on whatever we do, and  
3 their poll indicated that there was acceptance by the  
4 community in our program.

5           We tied that also to the financial state of our  
6 school district. We are still the only major school  
7 district in this country that has been able to successfully  
8 renew millages but also get new money to run a school  
9 district. When everyone in the state of Michigan,  
10 practically, was voting against five so-called property  
11 reduction proposals on the ballot, Detroit citizens  
12 increased our millage rate by 3.5 mils. And that, to me,  
13 speaks of the confidence the community has in the school  
14 system.

15       Q     You are a member of the Central School Board in  
16 Detroit. School boards are seen as the representatives of  
17 the public -- the taxpayers. How do you perceive the  
18 public's perception of schooling in Detroit insofar as the  
19 high school proficiency program is concerned?

20       A     I find that because we involve the total business  
21 community and the other community-type organizations, that  
22 the public really views this as another effort, yet another  
23 effort, to increase the productivity and excellence of the  
24 students.

25           For example, we involve the business community .

1 because there is no way that a school system is going to be  
2 able to fill, for example, our typing classes with 300 IBM  
3 Selectric III typewriters. There is just simply not that  
4 kind of money available. But by involving the business  
5 community they can fill a classroom or two or three or four  
6 with those kinds of new equipment that would enable our  
7 students to be able to leave a high school situation and  
8 move into their areas without them having to undergo  
9 expensive training, on-the-job training and other programs.

10           By involving the business community we find that  
11 business people are more than willing to offer their  
12 expertise by giving someone a year's leave to work in a  
13 certain area or to help us tighten up a program. We find  
14 that the medical profession, for example, we have a vocation  
15 center located right in our medical center in Detroit, and  
16 we find that the doctors, nurses, dentists, ward clerks,  
17 receptionists, all the people with input into the medical  
18 profession, are more than willing to come over and talk to  
19 our students to give them hands-on opportunities to  
20 participate.

21           So we find that we still have our pastores (ph).  
22 We still have those in Detroit, not as great as we'd like  
23 to, but they are more willing to hire our students because  
24 they know them and they know what we are trying to do with  
25 them.

1           We find that our ministers are more than willing  
2 to have some of our students come in and do those things  
3 that people don't normally associate with church -- polling  
4 the community around the church to find what programs the  
5 church wants to do.

6           So our school wants to be treated as, we want them  
7 to be treated as productive citizens, you know, in society.  
8 So we have found that the transition from middle school to  
9 the total community has been eased somewhat by the  
10 cooperation of the people who live in Detroit.

11         Q       The high school proficiency program in Detroit is,  
12 of course, relatively recent. As a concluding question I  
13 would like you to react from your perspective as essentially  
14 a member of the governing board of that school system and  
15 from your national familiarity with comparable or different  
16 kinds of programs. What do you foresee as the future of the  
17 minimum competency testing program in Detroit?

18         A       Well, since it is a proficiency program there are  
19 sharp edges that need to be honed. I am not impressed,  
20 necessarily, with the endorsement for one reason. Once you  
21 get past that first job, nobody ever asks if you were a Phi  
22 Beta Kappa from your college or if you were a member of the  
23 National Honor Society in your high school.

24                However, the self-satisfaction the student gets,  
25 that heightened interest, that heightened awareness of I'm



1 so tough because I passed this test, means so much more than  
2 you can put in words, you know, to the general public. It  
3 is just that if you feel good about yourself then you are  
4 more likely to feel good about others. I believe in that  
5 completely and utterly.

6 I find that, well, we are, you know, easing down  
7 the hard edges. And while we are doing those things as  
8 educators that you must do as we are preparing all of these  
9 massive test documents and data for distribution wherever we  
10 need to distribute it, we have found that the total emphasis  
11 on education in Detroit is so much greater than it was  
12 before. And I see us as not only having this program in  
13 Detroit but statewide as well, which will certainly be a  
14 radical change in the way things happen in states.

15 But we have been observed very, very closely by  
16 our state board of education and by our state department of  
17 education and now we find that we are right across from  
18 Windsor, Ontario, from Canada, so we find Canadians coming  
19 over to find out what we are doing. We have had visitors  
20 from Mexico because we have a very large Latino population  
21 in Detroit. We have had visitors from England.

22 So we feel that we are the ones in the catbird  
23 seat at this time because we have demonstrated that by  
24 having total communication with your public and with your  
25 educators, as well as the system, itself, that we have been

1 able to pull off something that two years ago people told us  
2 we would never do.

3 DR. POPHAM: I thank you.

4 HEARING OFFICER JORDAN: Cross?

5 CROSS EXAMINATION

6 BY MR. BREEDEN:

7 Q Your testimony presents a remarkable picture of an  
8 organization within energy and leadership that could well be  
9 emulated by many communities across the country.

10 Again, I am trying to wrestle with a very minor  
11 point, I think, in the whole picture, and that is the  
12 diploma endorsement. You indicated how a student might feel  
13 having passed the test, as having really done something  
14 significant. Yet, if I read the statistics correctly, about  
15 thirty percent of the senior class had the experience of  
16 failing the test. Would you reflect for a moment on what  
17 that experience might mean to a student?

18 A It means the same as the student who has applied  
19 him or herself from kindergarten to very strenuous activity  
20 in school, by making the honor roll, by winning the  
21 attendance award because they are there every day, and being  
22 asked to sing at a certain program or recite a program in  
23 another situation and who finds that they miss being cum  
24 laude by a tenth of a point.

25 MR. BREEDEN: Thank you.

1 HEARING OFFICER JORDAN: You are excused and thank  
2 you very much. We are going to take a lunch break, but  
3 ~~before we do that, evaluation forms were handed to you this~~  
4 morning. If you are not going to return to the hearing this  
5 ~~afternoon we would greatly appreciate it if you would fill~~  
6 out the evaluation form and turn it in to us.

7 We are going to recess for lunch and reconvene  
8 this hearing at about 1:25.

9 (Whereupon, at 12:10 o'clock p.m., the hearing  
10 recessed, to reconvene at 1:25 o'clock p.m., Friday, July  
11 10, 1981.)

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AFTERNOON SESSION

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1:35 p.m.

3 HEARING OFFICER JORDAN: The hearing will come to  
4 order.

5 As you know, this afternoon we will hear the  
6 presentation from the Con Team. Dr. Madaus, tell us what we  
7 are going to learn about today.

8 OPENING REMARKS BY DR. GEORGE MADAUS, CON TEAM LEADER

9 DR. MADAUS: Again, for those of you who have just  
10 joined us today, I would like to really reiterate that the  
11 Con or Negative Team is kind of a misleading connotation, in  
12 that we are not against testing and we are not against  
13 standards. We are against social promotion. We are  
14 opposing minimum competency testing when it is used to deny  
15 diplomas, to keep students back in a grade, or to classify  
16 students.

17 We don't think that those tests are adequate to be  
18 used by themselves to make those kinds of important  
19 decisions. We think that those decisions are best made using  
20 multiple indices.

21 Now with that background in mind, today, this  
22 afternoon, you will hear first from the Director of the  
23 Virginia -- the Testing Director in the State of Virginia  
24 and he will talk about the impact minimal competency has on  
25 students and on the curriculum and on wider issues as well.

1           We have two witnesses. Frederico Perna and  
2 Lorenza Schmidt will talk about the impact of the kinds of  
3 minimal competency tests and programs we are disputing as  
4 they affect Chicano-Hispanic students. Mr. Schmidt will  
5 talk particularly about California.

6           Now yesterday Dr. Popham graciously agreed that  
7 his team would no longer contest the use of a minimum  
8 competency test to deny a diploma to a handicapped or  
9 learning disabled student, and we really welcome that  
10 admission.

11           However, for the record and because this tape is  
12 going to be used for other purposes, we are going to present  
13 two more witnesses today that will deal with the effect of  
14 minimum competency testing on handicapped and learned  
15 disabled students.

16           We will then hear from a group superintendent and  
17 two teachers from New Jersey, one of the largest urban  
18 states in the United States, and they will tell you about  
19 the impact of that state's minimum competency program on  
20 teaching young children, on the curriculum and learning.  
21 And we hope you will pay particular attention today.

22           Our final witness will talk about North Carolina.  
23 We will also bring out today some of the political  
24 dimensions of minimum competency testing that we have  
25 alluded to and talked about particularly on the first day.

1 Thank you.

2 HEARING OFFICER JORDAN: Thank you. The first  
3 witness for this afternoon is Dr. Gerald Bracey, Director of  
4 Research, Evaluation and Testing, Virginia State Department  
5 of Education.

6 TESTIMONY OF DR. GERALD BRACEY,  
7 DIRECTOR OF RESEARCH, EVALUATION AND TESTING  
8 VIRGINIA STATE DEPARTMENT OF EDUCATION  
9 DIRECT EXAMINATION

10 BY DR. MADAUS:

11 Q Could you give us a little of your background in  
12 education, please?

13 A I received a Ph.D. in Psychology from Stanford  
14 University. I worked for three years for Educational  
15 Testing Service in Princeton. I taught pre-service education  
16 and psychology at Indiana University for three years, and  
17 for the past four years I have been the Director of  
18 Research, Evaluation and Testing for the Virginia Department  
19 of Education.

20 Q And what do you do in that job in Virginia?

21 A Appropos of testing I have overall responsibility  
22 for all of the myriad of testing programs that Virginia has  
23 which go far beyond minimum competency testing.

24 Q Could you describe the minimum competency testing  
25 program in Virginia?

1           A       1978, after the legislature mandated minimum  
2 competency tests to be prescribed by the Board of  
3 Education. As it stands now, to obtain a diploma from an  
4 accredited high school in Virginia you must attain the  
5 required units of credit and pass a 60-item test in reading  
6 and a hundred-item test in mathematics.

7           Both of those test the format is four choice  
8 multiple choice items, with the exception of twenty items on  
9 the reading test, which are true-false.

10          Q       Now we have heard a lot of evidence from the other  
11 side that minimum competency testing will document  
12 weaknesses on the part of students. Do we need those kinds  
13 of tests that are tied to diplomas to do that?

14          A       Absolutely not. We already have many instruments  
15 that are much better than minimum competency testing for  
16 doing that. We have the ACT battery, the SAT. We have  
17 National Assessment, and we have a myriad of standardized  
18 achievement tests, norm reference tests, objective reference  
19 tests, criterion reference tests, domain reference tests.  
20 We do not need an additional testing program, particularly  
21 one that has the sanction of a diploma attached to it.

22          Q       Do you have any evidence of redundancy in Virginia?

23          A       Yes. When we first administered the minimum  
24 competency test we found that the test was highly correlated  
25 with the SRA achievement battery which we use, in spite of

1 the fact that there was a large ceiling effect on the  
2 minimum competency test.

3 Q What is a ceiling effect?

4 A That means that most of the students were getting  
5 almost all of the items correct. And what this does  
6 statistically is to reduce the possibility of any  
7 correlation. Yet there was a very strong correlation.

8 Q We have also heard a lot of argument and a lot of  
9 testimony from the other side that minimum competency  
10 testing will restore meaning to the high school diploma. Do  
11 you think that those tests will accomplish that?

12 A No, for at least three reasons.

13 One, the assumption that a diploma ever had a  
14 specific meaning has been proven to be false. Many states,  
15 if not most, issue a variety of diplomas that are not clear  
16 in terms of what they mean in terms of achievement.

17 More importantly, when people talk about restoring  
18 meaning to a diploma or getting certain minimum, as Mr.  
19 Raspberry was talked about this morning, it is usually in  
20 the context of restoring the pursuit of cognitive excellence  
21 to the schools. You don't instill or restore excellence by  
22 tests that have the label functional literacy or minimum  
23 competence.

24 Thirdly, and most importantly, in the construction  
25 of these tests any issue of pedagogy very quickly takes a



1 back seat to issues of politics and economics. The test  
2 must be constructed so that initially enough children fail  
3 to satisfy the people who called for the test in the first  
4 place and at the same time enough children pass so that it  
5 doesn't wreak economic havoc on the schools.

6           Now when either of these criteria are not met  
7 there is hell to pay. There is a lot of fast shuffling,  
8 and, as we have seen in the last three days, no small number  
9 of miracles. In Washington, D. C., when about fifty percent  
10 of the early elementary school children were about to be  
11 retained as a result of test performance, Mr. Gines, the  
12 Acting Superintendent, derided the test, derided his  
13 predecessor who had championed it, which prompted the  
14 Washington Post to headline an editorial, "Mr. Gines gets  
15 Cold Feet."

16           In Virginia, each time we have administered our  
17 minimum competency test the passing rate has increased. On  
18 the most recent administrations, 96 percent of first-time  
19 takers passed the reading test. Ninety-eight percent passed  
20 the mathematics test. There was immediate talk that we have  
21 to raise the passing score.

22           Now there is no valid pedagogical reason for  
23 raising the passing score. By raising the passing score you  
24 would once again get to that optimal number of children who  
25 are failing, but that satisfies the critics and at the same

1 time does not overwhelm the schools.

2           And we have heard in the testimony of the last few  
3 days, in California, North Carolina and elsewhere, that  
4 certain predicted failures never materialized. A lot of  
5 kids fail the test initially, but by the time the sanction  
6 comes to be applied miraculously all of these children have  
7 passed the test.

8           Q     Were you here this morning?

9           A     Yes, I was.

10          Q     Did you see the graphs from North Carolina  
11 indicating that the index of success is the high pass rate?  
12 How would you react to that?

13          A     Well, I think without question passing a test is  
14 not the same thing as learning the skill.

15          Q     In your opinion, do minimum competency tests  
16 measure basic or survival skills -- adult skills that people  
17 need to function in the adult world?

18          A     They are often purported to do either or both. It  
19 is likely, in my opinion, that they do neither. There has  
20 been much too quick discussion of let's get back to basics  
21 and not enough informed and protracted discussion of what  
22 constitutes the basics. One need not be a starry-eyed  
23 futurist like, well, I don't know if Alvin Toffler is  
24 starry-eyed, but like Toffler to realize that we are saying  
25 goodbye to Guttenberg in the society and that the society

1 that is evolving will have a very different set of basic  
2 skills from the one that we are leaving as we move from an  
3 industrial society into an information society.

4           The recent NBC special entitled "America Works  
5 When America Works" showed one segment of children working  
6 with computers. The reporter said in a very matter of fact  
7 manner that these computers would soon be everywhere, and he  
8 did emphasize the word "everywhere". In a society where  
9 computers are going to be everywhere the basic skills are  
10 going to be involved, at least in part, in how to operate  
11 and manipulate things related to computers. In no test that  
12 I have seen is there anything related to the emerging  
13 information technology.

14           Q     What about, though, the statement about survival  
15 skills? What about that part of it?

16           A     There is absolutely no evidence that I have seen  
17 that passing these tests increases a child's chances of  
18 surviving. And as we have seen over these days, failing the  
19 test doesn't decrease the chances of surviving.

20                     In the first place, the items are short,  
21 truncated, abbreviated, simplified versions of what a child  
22 is going to encounter in the real world. The main idea  
23 items, such as were referred to this morning, are never more  
24 than 200 words long, yet I heard somebody saying you can go  
25 from main idea to author's purpose.

1           The contractual items are 200 words long and they  
2 can't be longer. The item specifications say they cannot be  
3 any longer than 200 words. The contract for the car that I  
4 bought not too long ago is two pages long of very fine print  
5 and I don't think I understand all of it. But that's what  
6 you're going to have to deal with to survive.

7           Secondly, as has been noted, by and large the  
8 child does not actually perform the skill but merely picks  
9 one of four alternatives presented to him by the test and  
10 they know the rule of the testing game well enough to know  
11 that one of them is right.

12           Life outside a school and certain Chinese  
13 restaurants does not often present itself in a multiple  
14 choice format. Now Professor Ebel championed the multiple  
15 choice format because he said life consists of a series of  
16 choices. I can't deny that. But the problem in life is to  
17 decide what those alternatives are and the consequences of  
18 choosing any one of them. And in that sense I think  
19 Professor Ebel is naive in the extreme to parallel multiple  
20 choice test items and the choices of life.

21           Q     You are a testing expert and you run a state  
22 testing program with a lot of different kinds of tests other  
23 than minimum competency testing. In your opinion do the  
24 minimum competency tests that you have seen measure general  
25 skills or discrete skills?

1       A     Discrete skills, and often a very razor-thin band  
2 of these skills. If you look at the competency list they  
3 often look very broad and general and you can't argue with  
4 them. When these lists get translated into actual test  
5 specifications and test items, the range of skills  
6 invariably becomes very narrow.

7       Q     What is the implication of this narrowing when  
8 minimum competency tests narrow that definition down further  
9 and further?

10      A     That the instruction is going to be targeted on  
11 that very narrow range of skills. The Virginia minimum  
12 competency test requires students to multiply fractions. So  
13 does the Detroit test. In Virginia the allowable range of  
14 denominators are the numerals one, two, three, four and  
15 five. In Detroit the range is two through twelve.

16            If the children are learning the general  
17 algorithm, the general method for fractions, for multiplying  
18 fractions, why are these restrictions necessary? In the  
19 Detroit test, one other point, no integer can exceed 5,000.  
20 I don't understand the necessity of these restrictions.

21            In the Virginia test also we require the child to  
22 understand the concept of parallelism and to pick from a set  
23 of lines those lines which are parallel. By a series of  
24 events much too long to get into here as to how it actually  
25 happened, some test items were constructed which required

1 that the child recognize the concept of perpendicularity or  
2 right angles. One would expect that if these children were  
3 being instructed in a general program they would be taught  
4 parallelism, perpendicularity, acute angles, oblique  
5 angles. I am not a mathematician, but I think these are  
6 generally related mathematical skills.

7           And changing the test items should not affect  
8 dramatically the passing rate. The passing rate on the  
9 parallel items was something in excess of ninety percent.  
10 On the perpendicular items it was forty percent. We  
11 received numerous phone calls from local school districts  
12 saying these items are unfair because it wasn't listed in  
13 the competency list. And at least one threatened a law  
14 suit, although they didn't follow through on that.

15       Q       Now in most places it is argued that if a student  
16 fails a minimum competency test it is okay, because they are  
17 going to receive remediation. Is that true in most states?

18       A       In most states. In Virginia it is not required by  
19 law, but I'm sure it takes place in all districts.

20       Q       And in your experience in Virginia and elsewhere  
21 what does remediation consist of?

22       A       An even more narrowly targeted instruction program  
23 with the aim of getting the kid through the test. And I  
24 intend this as no real criticism of the schools because the  
25 schools are under immense pressure because test scores have

1 become such a dominant focus of evaluation of schools.

2           Now the minimum competency test comes along much  
3 too late in a child's life for significant remediation. Ask  
4 yourself, or, as was stated by a gentleman from North  
5 Carolina this morning, what has been the experience of a  
6 child who in the tenth grade, which is when we administer  
7 the test in Virginia, fails that test? Can it have been  
8 anything but repetitive frustration and failure, even if we  
9 have had this hobgoblin of social promotion? The kid knows  
10 the game. He knows that he doesn't know.

11           In my experience children in this condition of  
12 failing a minimum competency test have such a negative  
13 feeling about themselves and about themselves as a part of  
14 school that in all likelihood significant learning, and it  
15 can occur, is only likely to occur in some setting that  
16 cannot be defined, a school.

17       Q     Now how do you think minimum competency programs  
18 that have a diploma denial are apt to affect the dropout  
19 rate?

20       A     I don't know for other states, but in Virginia the  
21 dropout rate has been increasing since we installed the  
22 minimum competency requirement.

23           Now getting units of credit may be a somewhat  
24 ambiguous process. When a child gets a piece of paper back  
25 that says, in effect, you needed a 70 to pass this test and

1 you received a 65, that is concrete, specific, imutable.  
2 When newspapers and peers interviewed on TV and say this  
3 test is a piece of cake, an insult to my intelligence, the  
4 effect of failing, I would assume, is doubly devastating and  
5 probably a prime catalyst in a decision to drop out.

6 Q Now are you arguing against standards? Are you  
7 arguing against testing?

8 A When you are arguing against minimum competency  
9 tests it is pretty easy sometimes to come out to look like  
10 you are arguing against competency. No, I am not arguing  
11 against either standards or testing.

12 As noted earlier, I am arguing against a single  
13 standard that does not recognize that talents are widely  
14 diversified while presuming, in the absence of any evidence,  
15 to be measuring survival skills. I am very concerned, as I  
16 said earlier, that test scores of a variety of kinds have  
17 become, in many peoples' minds the sole measure of a  
18 school's effectiveness, the sole measure of how good a  
19 student is, how good a teacher is, how good a school is and,  
20 as I found out the last time that I moved, how good a  
21 neighborhood is.

22 I am especially against any testing program that  
23 covers a narrow range of skills, comes along late in a  
24 child's life and has the power of withholding a diploma.

25 Q Your experience in testing is extensive. What do



1 you consider to be the proper role of testing?

2       A     Well, there is a secondary role of testing, and  
3 that is to measure the progress of groups. That is an  
4 unavoidable role in a society which insists in reducing all  
5 phenomenon to a single number, such as the GNP or the CPI,  
6 and insists equally on comparing groups with one another.

7             But the most appropriate role for testing is to  
8 use it as one strategy for monitoring student progress, as  
9 one means for providing information to the teachers about  
10 instruction or for instructional purposes, and possibly as  
11 one datum in a promotion-retention decision.

12            Any test that a child takes should begin early in  
13 a child's stay in school and be used principally to assist  
14 instruction, not to drive it, which is a phrase I have heard  
15 recently.

16       Q     So you would not have objections to using test  
17 scores as one piece of evidence in making these kinds of  
18 important decisions?

19       A     Absolutely not.

20             DR. MADAUS: Thank you.

21             HEARING OFFICER JORDAN: Dr. Popham.

22                                CROSS EXAMINATION

23             BY DR. POPHAM:

24       Q     Is the administrative unit you head in the  
25 Virginia Department of Education responsible for Virginia's

1 minimum competency testing program?

2 A How do you mean responsible?

3 Q Do you create new forms of the test? Are you  
4 responsible for administering the test?

5 A We did not select the initial test to be used.  
6 Once this test was selected we are responsible for  
7 developing new forms for each administration.

8 Q But if one were to look at a place: the  
9 Department where the responsibility lay for carrying out the  
10 testing program it would be in your department?

11 A It would be.

12 Q Do you approve personally of the Virginia  
13 competency graduation test?

14 A No, I do not, not as it is currently structured.

15 Q How do you explain that paradox?

16 A I don't see it as a paradox. I argued against a  
17 state-mandated testing program before it was ever put into  
18 place. Now that it is in place I have a series of decisions  
19 to make. One, I have to decide if this test is in violation  
20 of the Nuremberg precedent and, if so, I have to argue that  
21 it is immoral and leave. I don't think it is that bad.

22 Otherwise, I think it is. Actually, my  
23 responsibility is to stay on and see that the test is  
24 administered as well as possible under the circumstances  
25 while trying to alter the program as we go along.

1            Legislators are continuously having votes go  
2 against them. Supreme Court judges are having decisions go  
3 against them. They don't leave the bench.

4            Q        And you have not been able to bring about any  
5 significant improvements during the last few years?

6            A        We are working on what we hope will be some very  
7 significant improvements.

8            Q        Not working on. Have you made any?

9            A        Not yet.

10          Q        The skills that you were criticizing in Virginia  
11 as narrow ranged, were those selected by Virginia educators?

12          A        They were selected under extreme duress and  
13 extreme haste, because the legislation was passed in March  
14 of 1978, affecting the class of 1981. We in the testing  
15 area felt that we must have a test by the fall of 1978. We  
16 assembled two committees who -- they did yeoman's duty, but  
17 in that short a period of time I can't say that the process  
18 was wholly rational.

19          Q        But the skills were selected by supposedly  
20 competent Virginia educators, perhaps under more haste than  
21 was desirable? Could they reverse their decisions and  
22 select other competencies and modify them? Can they prevent  
23 you from doing that from law?

24          A        They are until the State Board agrees to review  
25 the competency areas and the State Board may this fall be

1 reviewing all policies related to the competency exam.

2 Q So the situation might be improved?

3 A It might be. Hopefully it will be.

4 Q Would you comment about your view that students  
5 were dropping out of school as a consequence of the minimum  
6 competency test? What empirical evidence do you have to  
7 support that?

8 A The only empirical evidence is a rise in the  
9 dropout rate, which seems to have leveled off now. I don't  
10 have any formal empirical data.

11 Q So this is just speculation?

12 A I would call it an educated guess.

13 Q You'd call it an educated guess from a person who  
14 is on record as opposing the test?

15 A I don't see that that is salient.

16 Q I know you don't.

17 If schools are currently doing so well with the  
18 skills measured by "piece of cake" examinations, why are so  
19 many students failing those exams?

20 A Not very many students are failing any more.

21 Q One hundred percent pass "piece of cake" exams in  
22 Virginia?

23 A Ninety-six percent of the first-time takers pass  
24 the reading and 98 percent the math.

25 Q You have heard earlier testimony on the part of

1 Virginia educators who believe that the examinations are  
2 perhaps having a beneficial effect. You just don't agree  
3 with those positions?

4       A       I'm sorry. I wasn't here to actually hear that  
5 testimony. I am aware of the situation in Newport News.  
6 Newport News had an extensive criterion-referenced  
7 instructional and testing program before the minimum  
8 competency testing program came along. I would ascribe the  
9 good effects, whatever they are, probably more to that  
10 program than to the legislatively-mandated minimum  
11 competency test.

12               In addition, in Newport News there is no  
13 corroborative evidence of improvements. That is to say, the  
14 norm reference scores have not been going up at all. They  
15 have been flat.

16       Q       Let me ask one final question. You were  
17 contending that examinations were defective in the sense  
18 that they did not recognize individual differences.  
19 Certification examinations rarely, it seems, recognize  
20 individual differences. Do you know if any Bar exam  
21 accommodates to the individual differences of aspiring  
22 lawyers?

23       A       No. But there I think that there is an  
24 agreed-upon body of knowledge that is to be tested. And  
25 what I said in my opening statement was there is no

1 consensus as to what the basic skills ought to be. I have  
2 heard all through the three days the basics, the basics, the  
3 basics, as if we really know what they are.

4 Diane Ravage, in the recent New Republic article,  
5 says we lack consensus on whether there is any body of  
6 knowledge and skills that everyone ought to know.

7 DR. POPHAM: Thank you. We are out of time. I  
8 appreciate it.

9 HEARING OFFICER JORDAN: Redirect?

10 Thank you, Dr. Bracey.

11 The next witness, Ms. Lorenza Calvillo Schmidt,  
12 Director, Middle Earth, University of California at Irvine.

13 TESTIMONY OF LORENZA CALVILLO SCHMIDT

14 MEMBER, BOARD OF REGENTS

15 CALIFORNIA BOARD OF REGENTS

16 DIRECT EXAMINATION

17 BY MS. MONTTOYA:

18 Q Mrs. Schmidt, can you tell us a little bit about  
19 yourself, please?

20 A Yes. I am presently a member of the California  
21 State Board of Education. I was reappointed for a second  
22 four-year term last fall.

23 In addition to that I hold both an elementary and  
24 secondary life credential in California and have been a  
25 member of the National Task Force on Desegregated Education.

1 And I am a member of the National Task Force on Migrant  
2 Education.

3 Q How many years have you been on the State Board of  
4 Education?

5 A It's been five years.

6 Q We have heard ~~earlier~~ today and yesterday the  
7 California system of minimum competency testing is one that  
8 requires local districts to develop their own competency  
9 tests and one that requires that diplomas be withheld if a  
10 student does not pass that competency test.

11 Do you agree with that?

12 A That's correct.

13 Q As a State Board member do you receive reports on  
14 the implementation of that minimum competency test program?

15 A Yes, we have. The state law went into effect in  
16 September of 1976 and the first diplomas to be denied were  
17 June of '81, which was a week and a half ago. But during  
18 that time, as districts developed tests, they have  
19 administered those tests and then changed them. And we have  
20 received a series of reports of the impact of those tests on  
21 children.

22 Q And those tests were tests that were given before  
23 the diploma sanction?

24 A That's correct.

25 Q Can you tell us a little bit about the results of

1 the most recent, the one that the diploma sanction relates  
2 to?

3       A       Yes. Let me just restate something that was said  
4 in your introduction. From my personal perspective I think  
5 testing as a vehicle for the improvement of instruction is  
6 very valuable. I think testing as a factor for denying a  
7 diploma is what I disagree with.

8               In the fall of '80 the State Department of  
9 Education reviewed 85, actually 95, school districts.  
10 Eighty-five submitted usable data. And of those 85 school  
11 districts they tested the twelfth grade class that would be  
12 affected this June and that represented 25 percent of the  
13 student body.

14              The results of that, this last fall we received  
15 the report in March of '81, just three months ago. The  
16 results were that minority and limited and  
17 non-English-speaking students are failing proficiency tests  
18 at rates greater than those of all other students. Hispanic  
19 students are failing it at one-and-a-half times greater than  
20 the overall sample. And black students are failing it at  
21 two times the rate of the overall sample.

22              Overall, fifteen percent of white students are  
23 failing the test as compared to 29 percent of Hispanics and  
24 35 percent of blacks. Nineteen percent of the  
25 English-speaking students fail as compared to 48 percent of



1 the limited English-speaking students and 67 percent of  
2 non-English-speaking students fail the test.

3 Q And all of those students did not receive diplomas?

4 A That was in the fall, so those students would then  
5 be projected to have taken those tests again toward the end  
6 of this year.

7 Q In light of those results do you feel that the  
8 minimum competency testing program has had a beneficial  
9 effect on low achieving and language-different background  
10 students?

11 A No, I am concerned because I think that the impact  
12 on students goes beyond the statistical failure. The impact  
13 on students that fail is that they are tracked into a very  
14 narrow curriculum option and they move into remedial  
15 programs and their experience, then, is limited to that  
16 remedial activity.

17 As the state department reviewed the quality of  
18 remedial programs developed there wasn't a great deal of  
19 evidence to look at, but the lack of sufficient dollars and  
20 the problems teaching staffs were having suggested that the  
21 quality of the remedial programs are very questionable.

22 What happens, then, in terms of beneficial or  
23 non-beneficial effect for those students is that they are  
24 tracked into a very narrow curriculum. The curriculum  
25 options are not expended and in fact, because as in some

1 schools where you had 40, 50, 60 percent of the students  
2 failing that first examination you went from perhaps one or  
3 two remedial classes to five, six, or seven. You had to  
4 pull the teachers, then, who had formerly been teaching  
5 other classes into those classes.

6           And what occurs is that the entire student body  
7 then -- other portions of the student community -- lose a  
8 calculus class or an English V class or a class on  
9 Shakespeare. It's an impact across the entire student body.

10           An additional part of that, if you want to look at  
11 benefit, is that if you then begin to have to pool the  
12 general funds to support these three, four, five, six other  
13 kinds of remedial programs, the public's response or the  
14 parents' response is also not very beneficial. Parents  
15 become upset if they want those students to go on to  
16 Stanford or UCLA or Harvard and they have not had an  
17 opportunity to take the kinds of college preparatory classes  
18 that they needed.

19           Then they also feel resentment because what they  
20 see is what appears to them to be a loss of general funds  
21 for this expanded remedial program. What occurs, what I  
22 believe occurs, is that these very complex factors, when  
23 reduced into what appears to be a simple solution to a  
24 complex educational problem is that people become very angry  
25 at the impact of this kind of program.

1 Q So you do feel that the curriculum has been in  
2 effect narrowed in scope and focus as a result of the --

3 A That has occurred in California.

4 Q Do you have information about how the fact that  
5 the California population is very high transient and mobile  
6 and what effect has that had on the results of minimum  
7 competency testing in California?

8 A That becomes particularly important in California  
9 because the existing state law requires that each local  
10 district develop its own proficiency test. It is explicit  
11 that we are not to have a state standardized proficiency  
12 level and I would not be in support of that.

13 But what I am saying is that the law establishes  
14 that the local districts will develop their own tests.  
15 Districts have the option of utilizing some models which the  
16 state developed or buying commercial products. We have  
17 found, as part of the reports we have received at the State  
18 Board, 78 percent of the districts are developing their  
19 own. They hire consultants or use their teachers. They  
20 have not extensively used people from the community.

21 They use the people within the teaching staffs.  
22 So consequently, because each district has a different  
23 standard, it has created problems that are not yet resolved  
24 for students moving from district to district. You may have  
25 students that seek out a district that has an easier test

1 and that is one type of problem.

2           But you also may have students that will move from  
3 one school to one where the test is harder and they will be  
4 denied a diploma and their entire life experience affected  
5 by that.

6           In addition to that, well, I guess the other part  
7 of that is, it didn't have the diploma sanction attached to  
8 it. Then the adjustment for that child or that student  
9 would be to move from one school that had used tests to  
10 develop a curriculum to improve its instructional program.  
11 They will move to a second district and they will need to  
12 adapt to a totally different curriculum. But then they  
13 would not be denied a diploma.

14           What occurs now is that the student population of  
15 California, about forty percent of them, are mobile. That  
16 is, the family moves, career changes are frequent, the  
17 family separates or divorce or something like that, so that  
18 for the entire student body there is a great deal of  
19 mobility and they are moving from different standards to  
20 different standards to different standards, which  
21 complicates further the concern about the coordination  
22 between the standards they are being tested for and the  
23 instruction they receive, which was one of the factors that  
24 the Florida case examined -- the correlation between the  
25 test and the actual instruction the child had access to.

1 I might just, as a footnote, indicate that the  
2 problems for migrant children are even more severe because  
3 they will go to three, four or five schools in one year.

4 Q There's been a great deal of testimony this  
5 morning and on other days about the increased participation  
6 of all kinds of community members, especially parent  
7 participation. Have you found that to be true as a result  
8 of the Hart legislation in California?

9 A In California we unfortunately have not had what  
10 appeared to be a much more successful experience in Detroit.  
11 The interaction or the participation of parents in this  
12 activity has been tremendously poor. We have had school  
13 districts where 75 percent of the parents failed to show and  
14 the rate has gone from 75 percent failing to show to  
15 fifteen, 25 percent failing to show.

16 There are a few where parents didn't come.

17 In the studies that were conducted, and let me  
18 indicate that the March study was a study, I think I did  
19 say, of 85 schools for the twelfth grade, we found in that  
20 study that 19 percent of the districts had held no  
21 conferences at all. They had not even included that  
22 activity that would pull the parent in. So it remains, at  
23 this point in time in California, still as a very serious  
24 problem in that process.

25 The other part of that as well are the fiscal

1 implications. We have found that districts say to us,  
2 because of the severe fiscal crisis in California, or for  
3 all public agencies but certainly for education as well, is  
4 that the cost of notifying parents plus the counseling  
5 sessions with them plus the time, the staff time, it takes  
6 to release teachers to hold these meetings and have these  
7 conferences, those kinds of costs were costs that had not  
8 originally been projected.

9           That becomes a further factor in having people  
10 feel tremendously frustrated and the morale being very low.

11       Q     So there is a mechanism in the law for parent  
12 participation but that's not really happening?

13       A     It is happening poorly.

14       Q     Superintendent Trujillo, also from California,  
15 testified earlier that a student who does not pass a minimum  
16 competency test examination may get a diploma by using  
17 another assessment instrument. Are you aware of such a  
18 provision in the California law?

19       A     No, I am not. Let me just comment on the  
20 certificate for seat time. The law was originally written,  
21 as I indicated---

22       Q     What is a certificate for seat time?

23       A     Let me explain that. In '76 it was silent on --  
24 it indicated that you must pass this test to get a diploma,  
25 but it was silent on whether you could give a student a

1 certificate for having spent 12 years there. They didn't  
2 pass the test. They may not have completed course  
3 requirements, but you give them a piece of paper which says  
4 you have been here 12 years and that is sometimes called  
5 seat time.

6           The author, Gary Hart, was asked to consider -- it  
7 was, in fact, a very heated political discussion -- was  
8 asked to consider permitting explicitly the granting of  
9 certificates, whatever they might be called. It was revised  
10 in '77 and again in '80 and he now explicitly prohibits the  
11 granting of a certificate and says it must be a diploma.

12           His staff, as they researched other state laws,  
13 found that where a certificate was allowed a  
14 disproportionate impact on minority children was just  
15 horrendous. You know, the 60 or 70 percent of the students  
16 that got the certificates were invariably minority  
17 children. And he just opted not to permit it.

18           Q     One last question, Mrs. Schmidt.

19           A     Your original question was whether I know of any  
20 other. I am not sure whether he was talking about the very  
21 traditional GED. I don't know what that other was that was  
22 a way out of getting something other than the diploma.

23           Q     But you are not aware of any?

24           A     There's not a certificate that can be granted.

25           Q     Superintendent Trujillo also offered his opinion

1 that all children should pass the minimum competency test  
2 examination in English. Can you respond to that in  
3 reference to limited English-speaking children?

4       A       As I indicated, in the first series of statistics  
5 the impact on limited and non-English-speaking children has  
6 been very severe. The law explicitly states that in order  
7 for you to get a diploma you must, at the twelfth grade,  
8 pass that test and you must pass it in English.

9       However, it also explicitly states that you test  
10 that child once between the fourth and sixth grade, once  
11 between the seventh and eighth, once in the tenth, and once  
12 in the eleventh. And it says that any of the tests prior to  
13 that twelfth grade can be in the language of the child, the  
14 primarily language of the child.

15       So the district is not prohibited from developing  
16 an instructional plan which reinforces and strengthens the  
17 language of the child, permits that child to learn the  
18 subject matter, the math and the science and the history or  
19 biology, in order to strengthen their skills so that the  
20 ultimate passing of the test must be in English.

21       I doubt you will alter the language that the final  
22 test has to be in English. But if a district were to use  
23 that language, to refuse to use the primary language of the  
24 child, I think that is educationally unsound.

25       MS. MONTOYA: Thanks very much.



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22 test has to be in English. But if a district were to use  
23 that language, to refuse to use the primary language of the  
24 child, I think that is educationally unsound.

25           MS. MONTROYA: Thanks very much.

1 HEARING OFFICER JORDAN: Thank you. Dr. Popham.

2 CROSS EXAMINATION

3 BY DR. POPHAM:

4 Q Miss Schmidt, as a member of the Board charged  
5 with governing California schools, are you at all rankled  
6 that the minimum competency testing law of that state was  
7 initiated exclusively in the legislature and not from the  
8 Board?

9 A Oh, no, not at all.

10 Q You commented, in response to a question about  
11 narrowing of the curriculum in California, that that in  
12 effect has occurred in California. That's a very strong  
13 statement. What evidence do you have to support the  
14 narrowing of the curriculum in California?

15 A What I would do, and I would like very much to do,  
16 is leave with you the two reports I used, and they were  
17 conducted by the State Department of Education. One was a  
18 status report on the implementation of the proficiency law  
19 submitted to the legislature in 1980.

20 The other was a status report on the  
21 implementation of the law submitted to the State Board in  
22 March of '81 and I have copies for you.

23 Q Are you saying that there is unequivocal evidence  
24 in those reports that curriculum has been substantially  
25 narrowed?

1           A     The study sample that I cited that is used for  
2 both of those reports, and one of which is on 85 districts.  
3 In those districts and the case studies in which they pulled  
4 fifteen out of the 85 for a much more intensive phone  
5 interview and personal site visits, they found in those  
6 schools that they were forced to increase the number of  
7 remedial classes and in every instance district staff spoke  
8 about the loss of different types of classes.

9           They didn't all lose their calculus class. Some  
10 lost other types of classes, but yes, in every instance they  
11 talked about having to reduce other kinds of enrichment.

12          Q     Isn't it possible that with fund reductions that  
13 might be a factor as well?

14          A     Absolutely. As you are fully aware, this is in  
15 addition to Proposition 13 that has created for districts a  
16 decline in fiscal resources. When you lay on top of that a  
17 requirement that they must, for the purpose of diplomas and  
18 not for improving instructional programs, but that they  
19 absolutely must do these series of activities which also  
20 take dollars which have been reduced, then all of those  
21 factors together result in precisely the kind of thing that  
22 I have described.

23               And I honestly believe that if they did not have  
24 the diploma sanction that the fiscal impact would not then  
25 be as severe, because districts would have more flexibility.

1 Q There is no question that your honest beliefs are  
2 what we are looking for, but that is such a strong statement  
3 for a person in your position I certainly hope you can  
4 corroborate that with a lot of evidence.

5 Let me ask you another question. Since you are  
6 opposed to differential standards because of California's  
7 local determination minimum competency testing program one  
8 would think you might be in favor of a single standard. But  
9 as I understood your testimony you are not in favor of  
10 differential standards nor are you in favor of a single  
11 standard. How do you resolve that problem?

12 A What I indicated very early in my testimony,  
13 testing is a vehicle for the improvement of the  
14 instructional program. That can be tremendously valuable.  
15 That is the kind of support we should be providing to school  
16 staffs in order for them to carry that out.

17 In using that testing vehicle or outcome for the  
18 purpose of denying the diploma, that single standard,  
19 whether it is locally set or statewide set, I think we  
20 create the same kinds of confusion and problems that have  
21 been brought about.

22 Q Let me ask you a follow-on to that. Would the  
23 high failure rates you have described of minority students  
24 in California have been as easily detected without minimum  
25 competency tests as they were with minimum competency tests?

1           A       I think the difficulties around the different  
2 kinds of learners in a state have been identified through a  
3 variety of different things. You are fully aware of the  
4 categorical programs, the very strong bilingual law in the  
5 state, the emphasis on migrant programs, the very strong  
6 federal and state law for handicapped children, so that we  
7 have a variety of different educational and funding vehicles  
8 which have directed us to different types of problems and  
9 different types of learning communities.

10                 It was not as if this was a whole new revelation  
11 that we would not have known about.

12           Q       We certainly have heard a lot more about it in the  
13 last few years as a consequence of MCTs.

14           A       Are you suggesting that it's okay that we failed  
15 40 percent of black students for the purpose of learning?

16                 MR. ALLEYNE: The witness should answer questions,  
17 in my judgment.

18                 MS. PULLIN: The examiner should also only ask  
19 questions, not testify.

20                 MR. ALLEYNE: I'm asking that the hearing officer  
21 make a ruling that the witness not ask questions and that  
22 the witness simply answer questions instead of asking  
23 questions.

24                 HEARING OFFICER JORDAN: Would you please be  
25 responsive?

1 ~~BY DR. POPHAM:~~ (resuming)

2 Q Mrs. Schmidt, if larger numbers of minority  
3 students than majority students are failing these local  
4 minimum competency tests, briefly, doesn't that indicate  
5 that those students lack basic skills?

6 A I guess my response would be, Dr. Popham, that it  
7 probably indicates a variety of varied, complex kinds of  
8 things.

9 Q It doesn't indicate that they lack basic skills?

10 A The only thing that test -- the failing that one  
11 test -- suggests that for reasons that I'm not even sure  
12 they failed that one test. Possibly they didn't know the  
13 information.

14 Q I'm not talking about the reason. Doesn't it  
15 indicate that they lack the skills?

16 A No, not necessarily. It may. It may be that they  
17 don't test well.

18 DR. POPHAM: Thank you.

19 HEARING OFFICER JORDAN: You are excused. Thank  
20 you very much.

21 The next witness, Mr. Frederico Perna, Attorney  
22 and State Legislator, Denver, Colorado.

23 TESTIMONY OF FREDERICO PERNA

24 ATTORNEY AND STATE LEGISLATOR

25 DENVER, COLORADO

## 1 DIRECT EXAMINATION

2 BY MS. PULLIN:

3 Q Representative Perna, what kind of experience have  
4 you had in dealing with educational problems?

5 A Generally I have had sort of a dual level of  
6 experience in educational problems. One is as an attorney I  
7 have been involved in both litigation at the federal and  
8 state level involving discrimination complaints,  
9 representing parents and students. At the state level, as a  
10 state legislator, I have focused on school financial form,  
11 bilingual education and other educational issues.

12 I have testified before the United State Senate on  
13 federal education legislation and other administrative  
14 hearings.

15 Q In the course of this extensive involvement in  
16 educational problems have you had occasion to listen to your  
17 constituents or other citizens comment about the state of  
18 American public education today?

19 A Yes. And the criticism that I hear not only comes  
20 from my own constituents in my own legislative district.  
21 They come from my travels throughout the entire state, which  
22 is largely rural. Essentially I think the criticisms have  
23 been capitalized during these hearings, which are that the  
24 parents, taxpayers, the business community and other  
25 individuals feel, as a general rule, that the public

1 educational system is not responding, is not producing  
2 students who can compete, who can provide the kinds of  
3 direction and leadership that we need in the state and in  
4 the country, and who basically don't have the same kinds of  
5 skills that apparently the public school system used to  
6 produce.

7       Q    You indicated in that response that you received  
8 some of those criticisms from your own constituents in your  
9 own district. My recollection is that you are a legislator  
10 from the City of Denver. And my recollection is also that  
11 the City of Denver has had a minimum competency testing  
12 program used to deny a diploma for a number of years. Is  
13 that correct?

14       A    That's correct.

15       Q    But you still hear complaints from your  
16 constituents in Denver?

17       A    That's correct. I represent a district which is  
18 about fifty percent Hispanic and we have a large number of  
19 minority schools in my district. The Denver public school  
20 system has had a PAR test for about 20 years now. We have a  
21 state law which allows districts to have some form of  
22 proficiency testing if they so choose. It is not mandatory.

23                But in Denver we have a tremendous dropout rate in  
24 our high schools and particularly the Hispanic high schools  
25 and at the tenth grade level where the test is first



1 administered, it's my understanding that a very large number  
2 of students fail it. So there are a lot of problems and  
3 complaints from my constituents.

4 Q After you received all of those complaints from  
5 various constituents and other Colorado citizens about the  
6 state of education, I assume that you, as a responsive  
7 politician, attempted to try to help them address those  
8 problems. What kinds of activities have you engaged in  
9 vis-a-vis those educational difficulties?

10 A I don't know if it was because I'm a responsive  
11 politician. My concern, and it was before I was in the  
12 state legislature, was with working with parents. I guess  
13 I'm a little disappointed that the testimony this morning on  
14 the part of some very outstanding educators focused so  
15 little on parents.

16 The implication that was left this morning was  
17 that apparently this minimal competency test is what is the  
18 prime reason for the improvements in the educational system  
19 in their states or in their school districts.

20 Q What do you see as the importance of parental  
21 involvement?

22 A I think that is the number one point and the  
23 number one factor in improving any educational system. In  
24 my state I have worked in many rural school districts; in  
25 particularly, working with parents, working with students,

1 getting parents involved in the educational process,  
2 providing parents with education as to state laws and  
3 federal laws, their rights and responsibilities, encouraging  
4 parents to join advisory committees, to participate more  
5 fully in school activities, to attend classrooms, to help  
6 devise curriculum, to help devise policy for the school  
7 district, be it in retention policies, discipline policies,  
8 a number of kinds of student policies.

9           And I found that in our state where you have that  
10 kind of parent involvement and obviously with an  
11 administration which is sympathetic and generally wants  
12 parents' involvement and parents' input, that you have a  
13 vast improvement in the educational program in any school  
14 district. And I'm a little disappointed that that has not  
15 been highlighted during these hearings.

16       Q     Well, you have certainly helped articulate that  
17 concern and a way of addressing these problems.

18           I wonder, though, whether you have actually been  
19 able to implement a parental involvement program in any of  
20 the local school districts and, if so, how that worked?

21       A     Absolutely. And it is interesting, when I  
22 describe this process, let me first say that this one  
23 district that I am going to speak about is a district which  
24 about six to eight years ago had very severe racial tension  
25 in a very small rural community in the southern part of

1 Colorado between the Hispanic community and the Anglo  
2 community. But that has all been turned around because of  
3 tremendous input and interest on the part of parents.

4           So now we can look at achievement test scores and  
5 the CTBS test. We can look at dropout rates. We can look at  
6 retention rates of children, the attendance rates of  
7 children, which have all been vastly improved because of  
8 tremendous parent involvement and the complete change that  
9 has been brought to the school system because of their  
10 involvement without minimum competency testing at all. In  
11 fact, there's no discussion of minimum competency testing.

12       Q     Did you say that the program was successful and  
13 that there had been an increase in educational quality as a  
14 result?

15       A     That's correct.

16       Q     And what examples do you have of the fact that  
17 that has happening?

18       A     There is some test data which is preliminary and  
19 very recent which shows that, in particular, Hispanic  
20 children have improved anywhere in the range of ten to  
21 twenty percent in the last two years in their mean scores on  
22 standardized English language achievement tests. There are  
23 other kinds of indicators, as I mentioned earlier -- the  
24 increased attendance rate of children, even among very young  
25 children who traditionally are very prone to illness.

1           We found that for some reason more and more kids  
2 are attending school. The dropout rate has been improved or  
3 at least reduced. That kind of feeling and involvement in  
4 this school system we have been able to evaluate.

5           Q     You seem to indicate that the parental group you  
6 were working with in that school district soundly rejected  
7 the notion of minimum competency testing program. Do you  
8 share that notion? Do you reject the notion of minimum  
9 competency testing?

10          A     I think it depends on the purposes for which such  
11 tests are used. I don't absolutely reject any use of  
12 minimum competency testing. In fact, I largely agree with  
13 most of the testimony this morning on the part of the  
14 educators from the other states that they use this test to  
15 help identify problems of children at very early stages.

16                In fact, I would take it a step further. I don't  
17 think we ought to start testing at the ninth grade level. I  
18 think we should start testing at the first grade level and  
19 begin to do the kinds of intervention that we talked about.

20                My main disagreement is that that test should not  
21 be primarily used to, or exclusively used for the purpose of  
22 denying a diploma. And I think if one looks at the  
23 testimony this morning every one of these educators who  
24 spoke so glowingly about their districts, and I believe what  
25 they are saying because I think they are very honest and

1 sincere and hardworking educators, not one of them testified  
2 this morning that they absolutely and firmly believe that  
3 without the minimum competency test their program would fall  
4 apart, that they wouldn't have the improvement in their  
5 educational system that they were so proud about.

6           Not one of them said that. They were all very  
7 careful to shy away from that very last point, at least when  
8 I listened to the testimony this morning. I would not  
9 conclude from that testimony that, dispensing with Your  
10 Honor's involvement in this case, it is proven that a  
11 minimum competency test must be used to deny a diploma.

12       Q     You have to admit that some of the testimony this  
13 morning referred to some very high pass rates on some of  
14 those examinations. Didn't you find that somewhat  
15 persuasive?

16       A     Well, I have to admit I was impressed by the 98 to  
17 99 percent pass rate in some of those tests. Put looking at  
18 that objectively one has to wonder what that really means.  
19 What that tells me as a parent, as a taxpayer, as a citizen,  
20 it either tells me that the kids are doing marvelously well  
21 in school and there is no need for any testing program  
22 because they are all almost geniuses -- at least 98 to 99  
23 percent of them at least doing very well in school -- or  
24 that perhaps there has been a ceiling effect, as was  
25 discussed by an earlier witness, and that perhaps the test

1 was too easy. ~

2           To me I guess I am a little troubled by a finding  
3 that 98 to 99 percent of the children are passing a test.  
4 That is not the normal distribution of the regular tests and  
5 I don't think it gives us that much information.

6           Q     Don't you think that when a standard is set  
7 students will strive to achieve and pass the standard or  
8 meet the standard?

9           A     Absolutely. I was very impressed with the  
10 testimony this morning that the children, I think in  
11 Detroit, were going to summer school, were taking remedial  
12 classes, were going out of their way to take these classes  
13 because they wanted to pass the test. I was sitting in the  
14 audience thinking, well, if the superintendent of that  
15 school said, to get a diploma in this district you have to  
16 climb a telephone pole by twelfth grade, I bet those kids  
17 would be going to summer school to learn how to climb a  
18 telephone pole.

19           That's obviously a ludicrous example, but the  
20 point is that if students know that they have to do X to get  
21 a diploma they, of course, those who are concerned will work  
22 very hard to do X to get that diploma.

23           My question is, I think the X that they are doing  
24 is misguided and that's not what kids should be doing.

25           MS. PULLIN: Thank you. I don't have any more

1 questions. .

2 HEARING OFFICER JORDAN: Mr. Popham.

3 CROSS EXAMINATION

4 BY MR. POPHAM:

5 Q In your testimony you observed that in the  
6 situation you are describing minimum competency tests were  
7 not discussed. Then the questioner said that these tests  
8 were soundly rejected. Perhaps that was an inference on her  
9 part. Were they soundly rejected or not discussed?

10 A In which environment were you referring to?

11 Q Whichever one she was referring to.

12 A Oh, I think she was alluding to two things. One  
13 was in the community of Center in the one school district I  
14 am talking about where they were discussed and soundly  
15 rejected. Our state legislature has also rejected it.

16 Q In the other situation they weren't discussed?

17 A Yes, they were discussed.

18 Q Okay, you are clearly a person who wants to  
19 improve the quality of schooling. I want you to realize  
20 that in this clarification hearing we are talking about  
21 minimum competency testing in at least two variations. One  
22 involves a diploma sanction -- withholding diplomas from  
23 students who don't pass the test -- and the other involves  
24 isolating those students who need remedial assistance. That  
25 can be as early as the first grade all the way through the

1 twelfth grade.

2           Picture that ladder kind of program which  
3 attempted to create safeguards along the lines implied by  
4 many peoples' testimony here, even a program which involved  
5 strong parental participation. Couldn't you find yourself  
6 in support of such a program?

7           A     Yes.

8           DR. POPHAM: Thank you very much.

9                                 REDIRECT EXAMINATION

10           BY MS. PULLIN:

11           Q     Would you use a minimum competency test score  
12 alone to make a critical decision about a student?

13           A     Absolutely not, and I hope my testimony earlier  
14 clarified that.

15           HEARING OFFICER JORDAN: Thank you, Mr. Perna.

16           The next witness, Dr. Charles Richman, Professor,  
17 Department of Psychology, Wake Forest University,  
18 Winston-Salem, North Carolina.

19                                 TESTIMONY OF DR. CHARLES RICHMAN  
20                                 PROFESSOR, DEPARTMENT OF PSYCHOLOGY  
21                                 WAKE FOREST UNIVERSITY  
22                                 WINSTON-SALEM, NORTH CAROLINA

23                                 DIRECT EXAMINATION

24           BY DR. MADAUS:

25           Q     Professor Richman, could you give us your



1 background and field of expertise?

2       A     I have a Master's degree from the School of  
3 Psychology, Ph.D. in experimental psychology, licensed  
4 practicing psychologist in the State of North Carolina. I  
5 began by being a director of the testing bureau at Hampton  
6 Institute.

7           I am presently Professor of Psychology in the  
8 Department of Psychology at Wake Forest and Program Director  
9 for the Research and Child Development Program at Bowman  
10 Gray School of Medicine.

11       Q     Could you briefly describe the North Carolina  
12 minimum competency program as it relates now to the receipt  
13 of the high school diploma in North Carolina?

14       A     Eleventh grade students in the State of North  
15 Carolina are required to take the minimum competency test  
16 and pass both parts -- the math and reading -- prior to  
17 graduation, that is, receipt of a diploma. If they fail the  
18 test they receive a certificate of attendance.

19       Q     So they cannot get a diploma in North Carolina  
20 unless they pass that test?

21       A     Correct.

22       Q     Now did you recently conduct a study on the effect  
23 that the North Carolina minimum competency testing program  
24 had on pupils in Greensboro, North Carolina?

25       A     Yes, I did.

1 Q Could you briefly describe how you went about that  
2 particular investigation?

3 A We began by meeting with the counselors from four  
4 high schools in the city -- the four high schools in the  
5 city. And they had a director of counseling for the city of  
6 Greensboro. And I discussed with them what I would like to  
7 do in terms of assessing the effects, emotional effects on  
8 students who either pass or fail the test -- the competency  
9 test.

10 We did this. I had the agreement of the four high  
11 schools, and we tested a total of 66 students, which was  
12 later reduced to 54 students because of absences or  
13 dropouts, prior to the receipt of the results of the  
14 competency test and one month following the results that  
15 they received in terms of the competency test. We gave a  
16 battery of four different tests to these students.

17 We classified students in terms of two categories  
18 in the pre-competency testing phase -- high risk and low  
19 risk. Low risk was determined by the counselors as being  
20 those students who were well above the top twenty percent in  
21 their respective schools and had positive teacher  
22 recommendations. The high risk students were those students  
23 who had scores or grade point average in the lower twenty  
24 percent of the class, were in a pre-remediation program, and  
25 you had the teachers' recommendation in terms of possibility

1 of failure on the test. Again, it was a pre-post-test  
2 design.

3 Q Could you briefly describe for the audience what  
4 your results revealed?

5 A The results revealed, number one, that on most of  
6 our measures there were no differences among our groups in  
7 pre-competency testing results. Most of our results  
8 revealed -- the important results, as I saw them revealed  
9 that they all occurred post.

10 Q So there was no difference in any of the results  
11 before, but you are saying the differences between the two  
12 groups showed up after the tests?

13 A Correct. And this became three groups, actually.  
14 We had the low risk group with no failures and the high risk  
15 group. And we did not know who would fail or who would  
16 pass, so then we divided those into high risk-fail and high  
17 risk-pass students.

18 The one instrument, the psychological screening  
19 inventory, which is used to screen psychiatric problems, was  
20 administered and again no differences occurred  
21 pre-competency testing. But in post-competency testing we  
22 found that the high risk-fail students had a statistically  
23 significant increase in their anxiety, suspicion, perceived  
24 maladjustment dimension. And this dimension as correlated  
25 with neuroticism and schizophrenia varied quite high on the

1 MMPI.

2           A second dimension is alienation, similar to the  
3 behavior of hospitalized psychiatric patients. We found on  
4 this dimension, the alienation dimension, that the high  
5 risk-fail students, although none of them reached the  
6 critical level of a score of 70, behaved similarly to many  
7 psychiatric patients. Post-testing the high risk-fail  
8 students, over 25 percent were in that category -- the  
9 alienation category.

10           None of the low risk and none of the high  
11 risk-pass students could be placed in that category. Again,  
12 this part of the instrument is highly correlated with  
13 neuroticism and paranoid behavior, and other dimensions,  
14 such as self-esteem changes, et cetera.

15           And then we found an interesting finding with the  
16 student who passed the test but were high risk -- high  
17 risk-pass students. We also found that they also changed,  
18 but they changed in a negative direction after passing it.  
19 That is, they showed a significant decrease in conscientious  
20 behavior related to academic achievement.

21           Q       Their measures, after they passed, indicated that  
22 they were less -- they reported that they were less  
23 conscientious about school matters?

24           A       Exactly, and less conscientious about other  
25 matters also.

1 Q How would you interpret that?

2 A Well, really it was a surprise to us. I had a  
3 counselor in the system interpret it for me. She told me  
4 that she has seen similar things like this. She has seen  
5 this occur, actually, with several students. That is that  
6 it was as if -- and we are talking about a high risk student  
7 -- it is as if he or she has passed the last hurdle and  
8 there is nothing left. I am going to get my diploma and all  
9 I have to do is live another year and a half.

10 Q This is in the eleventh grade? .

11 A Correct.

12 Q So we could sum up your findings for the  
13 audience. What would you say?

14 A I would say that our findings suggest that the  
15 minimum competency test, as it is given in the State of  
16 North Carolina, penalizes both the student who passes the  
17 test, that we did not suspect in terms of the conscientious  
18 level, and as we did expect prior to it, penalizes the  
19 student who fails the test emotionally.

20 Q Now you are a psychologist and a member of APA?

21 A Correct.

22 Q Do you think that we should use tests to make  
23 important decisions, use test scores by themselves to make  
24 important decisions about individuals?

25 A I think tests are appropriately used and

1 appropriate tests are important for helping guide one's  
2 decisions, yes.

3 Q But the scores shouldn't be used by itself, say to  
4 deny a diploma?

5 A In no case can I say a score on a test. We are  
6 not sophisticated enough in the testing business at this  
7 point.

8 DR. MADAUS: Thank you very much.

9 HEARING OFFICER JORDAN: Mr. Popham?

10 CROSS EXAMINATION

11 BY DR. POPHAM:

12 Q In your study and in your testimony you referred  
13 to pre-competency testing and post-competency testing  
14 changes. Isn't that inaccurate on the very description of  
15 what transpired?

16 A Pre-competency testing knowledge and  
17 post-competency knowledge.

18 Q It's not testing?

19 A Knowledge, correct, of scores, correct.

20 Q They have taken the test before and that's what  
21 you're talking about, knowledge?

22 A Knowledge of the results. Ten days, approximately  
23 seven to ten days after taking the competency test, where  
24 they had no results known to them, and approximately 30 days  
25 after the results are made known to them.

1 Q The test having been taken before that?

2 A Seven to ten days.

3 Q The study you report is a pre-test, post-test  
4 design, right?

5 A Correct.

6 Q There's no randomization, correct? Randomization,  
7 assignment of subjects?

8 A Sure. They were randomly assigned. And in terms  
9 of stratified randomization, low-risk students were  
10 stratified and high-risk students were stratified.

11 Q But there is no random assignment of a control or  
12 comparison group?

13 A Sure. The low-risk students are the comparison  
14 group.

15 Q They were assigned at random?

16 A Sure. We could not test all low-risk students in  
17 the whole population, so they are a sample randomly  
18 selected.

19 Q Perhaps -- well, I will leave that alone. I think  
20 in common parlance randomization in design may mean  
21 something different to other folks.

22 You described this group as taking a special  
23 competency test course. Were they enrolled in that test  
24 course as the study progressed?

25 A They were enrolled in it prior to competency.

1 testing and throughout.

2 Q Throughout the course?

3 A Yes.

4 Q Isn't it possible that what was going on in that  
5 course, clearly another independent variable, may have  
6 accounted for the effects that you note?

7 A No. I had a high-risk pass group and a high-risk  
8 fail group.

9 Q You are going to suggest on the basis of your  
10 professional reputation that when you have two potentially  
11 independent variables operating simultaneously you can  
12 exclude one on the basis of this design?

13 A No. I said that if you are talking about  
14 differentiation in terms of the high risk population, all  
15 the high-risk students were in this course, were in this  
16 remediation course, all the high-risk students.

17 Q The possibility of an interaction effect --

18 A Oh, there is a possibility of that.

19 Q But that is not alluded to in your explanation.  
20 You don't even mention the fact that something else going on  
21 during the same time might have caused the results.

22 A In terms of the change from pre to post? What are  
23 you suggesting?

24 Q Just that. You were kind enough to explore this  
25 study with me over the phone and I appreciate the



1 graciousness of that. I concluded that conversation with  
2 you identifying its title, which is "A Preliminary Report."  
3 It seemed to me, Professor Richman, that if you just  
4 suggested a number of studies, a number of conclusions based  
5 on this -- wouldn't you want to go on record as suggesting  
6 that this is indeed a preliminary report which you are  
7 hoping to follow up with other studies, and the very nature  
8 of the small sample, the exigencies of getting in and out of  
9 the schools makes it only that, a possibility kind of  
10 study?

11 A I definitely think it's a preliminary study, and I  
12 guess I think it is suggestive. As I stated earlier, it is  
13 suggestive and I would like to follow up on it in the  
14 future.

15 Q That's very important. I hope you get a chance  
16 to. Thank you very much.

17 A Thank you.

18 HEARING OFFICER JORDAN: You are excused.

19 The next witness, Dr. Lawrence McNally, Director  
20 of Pupil Services, Northport-Eastport School District,  
21 Northport, New York.

22 TESTIMONY OF DR. LAWRENCE McNALLY,  
23 DIRECTOR OF PUPIL SERVICES, NORTHPORT-EASTPORT  
24 SCHOOL DISTRICT, NORTHPORT, NEW YORK  
25 DIRECT EXAMINATION

1 BY DR. MADAUS:

2 Q Dr. McNally, could you give us a little bit of  
3 your background, please, and education?

4 A Yes. I am a director of special education,  
5 actually in New York State. I am the director of pupil  
6 services. I am in charge of the special education program  
7 within the Northport-Eastport School District.

8 I hold a Ph.D. in educational research and I have  
9 been in the field for approximately 20 years.

10 Q How did the Northport-Eastport School District  
11 become involved in competency testing?

12 A Traditionally, our district has always awarded  
13 high school diplomas to students, including pupils with  
14 handicapping conditions, as a symbol of the fact that they  
15 have successfully completed their course of high school  
16 instruction. And in 1979 the state education department  
17 instituted a new requirement for receipt of the diploma,  
18 namely the passing of the competency test in areas of  
19 reading and mathematics.

20 Our district had at that time two students who  
21 failed to meet this new requirement. Both of these students  
22 had handicapping conditions. The records of these students  
23 indicated that they had successfully completed their IEP's,  
24 though.

25 Q What is an IEP, for the audience?

1           A     IEP stands for individual educational program, and  
2 it is a written document that is developed that reflects the  
3 instructional program that is being provided for all  
4 students. It is a federally mandated requirement and it is  
5 mutually developed by the staff, the parents, and where  
6 appropriate the youngsters in question.

7           It incorporates the goals and objectives of the  
8 educational program that is going to be provided to the  
9 students, and incorporated in the individual education  
10 program are the evaluation procedures that are going to be  
11 used to measure whether or not the student has or has not  
12 attained the objectives.

13          Q     And a lot of thought and planning goes into these  
14 IEP's for each individual student?

15          A     That's right.

16          Q     So I interrupted you on that question. Could you  
17 tell us about what happened to Abby and Richard?

18          A     Well, the Northpoint District decided, based upon  
19 the fact that the students had successfully completed their  
20 IEP's, to award them high school diplomas.

21          Q     They had failed the competency test?

22          A     They had failed to meet the requirements of the  
23 competency test.

24          Q     So they could not get diplomas?

25          A     That's correct.

1 Q And then Northport-Eastport did what?

2 A They awarded the diplomas based upon the fact that  
3 they did not want to denigrate the achievements of these  
4 students. They didn't want to deprive them of the  
5 traditional form of recognition that is given to every  
6 student who has successfully completed their high school  
7 course of instruction. We didn't want to ignore the  
8 objectives that had been developed at their individual  
9 educational planning conferences.

10 We really didn't want to use an arbitrary measure  
11 such as the basic competency test to judge whether the  
12 students had or had not successfully completed their  
13 instruction program. And we felt that it would be patently  
14 unfair to penalize these students by depriving them of the  
15 diploma because of the fact that they had failed to meet  
16 these particular competencies, because of something that was  
17 beyond their control.

18 For example, one of the students, who was a  
19 neurologically impaired youth, passed the reading competency  
20 program, but she failed the mathematics test. The reason  
21 that she failed the mathematics test was the fact that she  
22 had a neurological impairment which precluded her from  
23 performing mathematical operations.

24 And we felt that it would be grossly unfair to  
25 deprive this student of the traditional form of recognition

1 that was due her.

2 Q We will come back to what happened, because I  
3 think it's a very interesting story of what transpired after  
4 you awarded the diploma.

5 But what problems would the denial of the diploma  
6 create for handicapped students in New York?

7 A Well, when you deny a diploma to a student with a  
8 handicapping condition, you are basically advertising their  
9 shortcomings to everybody in the community. You have the  
10 potential of actually stigmatizing them by labeling them as  
11 incompetent.

12 You have to realize that many of these students  
13 have achieved phenomenal factors in terms of particular  
14 areas of competence, which unfortunately are not measured by  
15 basic competency tests.

16 Q Are there any economic consequences to a  
17 handicapped student that graduates without a diploma?

18 A There are very serious economic repercussions when  
19 you deny a student with a handicapping condition a high  
20 school diploma. The impact is that you limit their access  
21 to employment opportunities.

22 The prospective employer all too often uses the  
23 diploma as a screening device and denies the student access  
24 to a job interview. The diploma is used as a minimum  
25 requirement all too often, without regard to the actual

1 skills required of the job or possessed by the applicant.

2           Many pupils with handicapping conditions are  
3 eminently qualified to hold jobs, but because of the fact  
4 that they don't have this piece of paper in their hand when  
5 they go for the job they never even get an opportunity to be  
6 interviewed for it.

7           Q     Let's pick up the story now. Abby and Richard  
8 failed the mandated New York minimum competency test and  
9 therefore were not supposed to get a diploma?

10          A     That's correct.

11          Q     Northport-Eastport went against the New York  
12 regulations and awarded the diplomas. What happened?

13          A     The state education department ordered the school  
14 district to provide them with the names of the two students,  
15 the names and addresses, so that they could notify the  
16 youngsters that they had received an invalid diploma. The  
17 school district refused to give the state department the  
18 names of these two students, and as a result we had to go to  
19 court.

20          Q     What happened in court?

21          A     Well, after a very protracted period of time the  
22 court rendered a decision in favor of the two students. The  
23 decision indicated that the state, in its actions in terms  
24 of trying to deny a diploma to these students, basically was  
25 violating the due process procedures of the Fourteenth

1 Amendment.

2           The youngsters, because they had successfully  
3 completed their course of instruction, the court ruled that  
4 they were entitled to receive their high school diploma.  
5 They had attended special education programs designed to  
6 meet their individual needs and abilities and not to pass  
7 the basic competency test, and they had been in these  
8 programs for a number of years. One of these students was  
9 in special education programs for 12 years, another one for  
10 14 years.

11           And to change the requirements just before they  
12 were to graduate was as violation of their due process  
13 rights. The court felt that the denial of the diploma to  
14 these students would possibly stigmatize them by labeling  
15 them incompetent. And in addition, it recognized in its  
16 decision that there was an adverse impact on these pupils in  
17 terms of       iting their future employment opportunities and  
18 ultimate success in life.

19           MR. ALLEYNE: Professor Jordan, I think that if  
20 the witness is going to go on describing a court decision,  
21 we at least should have the foundation of knowing what court  
22 decision he is talking about, the name of the case, and the  
23 level at which the case was decided.

24           DR. MADAUS: That is my lack of experience in the  
25 way I asked the question. I'm sorry.

1 HEARING OFFICER JORDAN: Could you provide us with  
2 that information?

3 THE WITNESS: Yes, I can. It is the state court,  
4 the Supreme Court of the State of New York, County of  
5 Albany.

6 HEARING OFFICER JORDAN: The style of the case?

7 THE WITNESS: What?

8 HEARING OFFICER JORDAN: What is the style of the  
9 case? What is it called?

10 THE WITNESS: In the Matter of the Application of  
11 the Board of Education of Northport-Eastport School District  
12 and Abby and Richard, by their Guardian, against the  
13 Petitioners. Then it says Gordon M. Ombach, Individually  
14 and in His Official Capacity, as Commissioner of Education  
15 of the State of New York.

16 HEARING OFFICER JORDAN: Thank you.

17 MR. ALLEYNE: I would just like the record to show  
18 -- and I know you are aware if it, but the audience may not  
19 be -- but the Supreme Court of New York is not the highest  
20 court in New York, but is one of the lower courts in New  
21 York. It is a trial court.

22 HEARING OFFICER JORDAN: Professor Alleyne, you  
23 are out of order.

24 Proceed.

25 DR. MADAUS: Thank you.



1 BY DR. MADAUS: (Resuming)

2 Q The court ruled that Abby and Richard should get  
3 their diplomas?

4 A That's right.

5 Q Now what is happening now in New York in terms of  
6 your students that are following IEP's in your district? I  
7 gather New York still has the diploma sanction for  
8 handicapped students?

9 A That's correct. Our district and a number of  
10 other districts, however, are continuing to award high  
11 school diplomas to pupils with handicapping conditions who  
12 have successfully completed their individual educational  
13 plans.

14 I would note that we have had an instance of a  
15 youngster who passed all the state requirements, including  
16 the competency test requirements, for receipt of a high  
17 school diploma, and because that youngster did not complete  
18 the vocational component of his individual educational plan  
19 the recommendation was that he not be given a high school  
20 diploma, because we use the individual educational plan as  
21 the basis for rendering -- as the primary indicator as to  
22 whether or not the student should or should not get a high  
23 school diploma.

24 Q So you have standards for graduation for  
25 handicapped students that they have to meet in order to get

1 a diploma?

2       A     That's right.

3       Q     How do other professionals in the field of special  
4 education feel about competency testing being used as a  
5 precondition for the receipt of a diploma?

6       A     Many of the special ed directors I have talked to  
7 feel that the competency test as a precondition to the  
8 receipt of a diploma is a very harmful one. In fact, there  
9 are many of us that feel that it really has a destructive  
10 impact on pupils with handicapping conditions. We feel that  
11 it damages their self-esteem by labeling them as  
12 incompetent, that we have a very grave concern about the  
13 fact that many of these students will now exit from school  
14 much earlier and in essence drop out of special education  
15 programs because they no longer have an incentive to stay  
16 there.

17      Q     How would that work? Can you elaborate on that  
18 order?

19      A     Well, we all do things for various reasons, and  
20 one of the reasons why youngsters stay in school is the fact  
21 that they are told that if they complete their program of  
22 instruction they will ultimately receive a form of  
23 recognition which translates into a high school diploma.  
24 And when you tell a student that you are not going to get a  
25 high school diploma if in fact you can't pass this

1 competency test requirement -- and some of these youngsters  
2 are very well aware of the fact that they will never be able  
3 to pass these competency test requirements -- they in utter  
4 disgust say, I give up; and they exit from the system.

5 DR. MADAUS: Thank you very much.

6 HEARING OFFICER JORDAN: Cross-examination. And I  
7 would just simply state, on cross-examination -- and I  
8 thought, since this is the third day of the hearing, that  
9 the participants would know this -- if you want to evoke  
10 some responses which will be of some value informing the  
11 audience of some deficit in testimony or some information  
12 you feel that the audience ought to know, then that must be  
13 evoked through responses on cross-examination and not by  
14 gratuitous comments from your seats.

15 Dr. Popham?

16 CROSS EXAMINATION

17 BY DR. POPHAM:

18 Q Dr. McNally, I want to ask you a question and only  
19 one question, because we have no quarrel with your testimony  
20 or the views you have expressed. But I'd like to set that  
21 question in an accurate depiction in our team's stance.

22 Yesterday we commented that we have no  
23 disagreement with differential standards for handicapped  
24 youngsters. For example, as you have described, the IEP as  
25 a way of establishing standards for those youngsters would

1 be quite acceptable to our view. We think it would be  
2 inhumane to require handicapped youngsters to pass the same  
3 test as non-handicapped youngsters at the same standards.  
4 That is absurd.

5           However, I have a question. It seems possible  
6 under these circumstances to have a form of minimum  
7 competency testing using IEP's or some analogous  
8 specialized, adapted examinations. Do you think there's any  
9 virtue in some kind of differential diplomas for handicapped  
10 youngsters?

11           This is a very troubling area. We don't know the  
12 answer to it. But is there any sense in which diplomas for  
13 regular youngsters not distinguished in some way from  
14 diplomas for handicapped youngsters will have adverse  
15 effects? I would be interested in your view on that.

16        A       I believe, if you are going to issue a different  
17 diploma to handicapped student you are basically going to be  
18 discriminating against those students. I believe that by  
19 doing so you just are putting them in the position of being  
20 second class citizens.

21           DR. POPHAM: Thank you. I appreciate your views.

22           HEARING OFFICER JORDAN: Redirect.

23                           REDIRECT EXAMINATION

24           BY DR. MADAUS:

25        Q       On the IEP, when you use the IEP to determine

1 whether students should graduate or receive the diploma,  
2 doesn't the IEP consist of a lot of assessment, and then  
3 professionals get together and use a lot of evidence to make  
4 the decision?

5 A That's correct.

6 DR. MADAUS: Thank you.

7 HEARING OFFICER JORDAN: Recross?

8 RECROSS EXAMINATION

9 BY MR. ALLEYNE:

10 Q May I see the decision you refer to?

11 A Certainly.

12 Q The case entitled "Supreme Court of the State of  
13 New York, County of Albany, Board of Education of  
14 Northport-Eastport, and Abby and Richard," et cetera, that  
15 case was decided by a trial court, is that correct?

16 A No, that was decided by a judge. Yes, it was not  
17 a jury trial.

18 Q It was a jury trial, and this was a decision that  
19 could be appealed through the intermediate appellate court  
20 in New York, is that right?

21 A That's correct.

22 Q And could be appealed from there to the highest  
23 court in New York, which is the New York Court of Appeals,  
24 is that right?

25 A That's correct.

1 HEARING OFFICER JORDAN: Thank you very much. You  
2 are excused.

3 The next witness is Alan Levinson. Mr. Levinson  
4 is a parent from Eastport, New York. Mr. Levinson.

5 TESTIMONY OF ALAN LEVINSON,  
6 PARENT, EASTPORT, NEW YORK

7 DIRECT EXAMINATION

8 BY MS. PULLIN:

9 Q Mr. Levinson, I believe the Hearing Officer stated  
10 you are a parent. Could you tell us how many children you  
11 have?

12 A Three.

13 Q And those children go to public schools or have  
14 gone to public schools in the State of New York?

15 A Yes.

16 Q Have those children taken minimum competency  
17 examinations as part of their requirement for a high school  
18 diploma?

19 A Two have. The third is a junior, so she hasn't  
20 taken the test yet.

21 Q For the two students who have taken the test, have  
22 they both passed?

23 A One passed and one didn't.

24 Q Okay. Let's focus on the one who didn't, because  
25 that's a little more troublesome to me. Tell us a little

1 bit about what she did or did not pass on that test?

2       A     Okay. The child that did not pass is Abby who was  
3 mentioned by Dr. McNally. She had passed the reading and  
4 could not even take the math, because she is intimidated by  
5 the test. In fact, we were notified by the school that on a  
6 preliminary test -- I believe they give them a preliminary  
7 test to see how she would do -- she basically broke down.  
8 She could not take the test.

9             Yet she is capable of math. She is capable of  
10 adding, subtracting and multiplying somewhat, dividing. I  
11 doubt it. She can tell time. She can work. But she cannot  
12 take a math test.

13       Q     Would it be fair, then, to say that there are  
14 certain things that Abby cannot do if they are going to be  
15 tested in a paper and pencil test, and that there are  
16 certain skills in mathematics, basic mathematics, that she  
17 does not have?

18       A     Yes. She does not have some skills in math. Yet  
19 she could pass a math test if she didn't know it was a math  
20 test.

21       Q     It sounds like Abby is afraid of math?

22       A     Yes.

23       Q     When you look at Abby in her day to day dealings  
24 in the world, how does she do? Does she go out into the  
25 world and cope as a young adult?

1           A     Yes. She is 22. Socially she is active. She  
2 does go out. She does have boyfriends. She does work. In  
3 fact, she has two jobs, one job on a Saturday. She does  
4 filing for an optometrist, not only filing but inserting  
5 mail and such. And then during the week she works for a  
6 program called Arbor, which is a program that was  
7 established by parents of handicapped children, where she  
8 does silkscreening, she has done horticulture. At this time  
9 they are packing for automotive parts. We are going into a  
10 new venture, which is maintenance service.

11                 And on all of these items she is definitely  
12 capable of doing the work.

13           Q     Does she do other things required of normal  
14 adults, like take the train to work or ride the bus?

15           A     Yes. She even argues with me. She goes to work  
16 by train. She takes the Long Island Railroad. She goes on  
17 the train by herself. She gets to where she is going. And  
18 then she has to take a cab to get to the office.

19                 And she is well capable of this. She knows the  
20 time schedule. She knows -- just to back up about telling  
21 time and maybe relating it to math, if we are running late  
22 to get to the train, because I drop her off on the way to my  
23 office, she knows we are late. In other words, she knows  
24 the train is 8:36 and it is now 8:32 and we don't have much  
25 time left to catch the train.



1           So she is capable of this. She does know what  
2 train she is catching back home, which again relates to some  
3 math, I guess. And she is able to function as a normal  
4 person within the outside world.

5           Q     All right. ~~You~~ say that your daughter is able to  
6 function, and yet the testimony of Dr. McNally indicated  
7 that the Commissioner of Education of the state of New York  
8 declared that he felt Abby's diploma was a counterfeit  
9 diploma.

10          A     He obviously is wrong, since they lost the case.

11          Q     That is a legal judgment, and I doubt that Dr.  
12 Popham or Professor Alleyne will let you do that.

13                 Why don't you give us your opinion as Abby's  
14 parent about whether or not she was entitled to a regular  
15 high school diploma.

16          A     She definitely was entitled to the diploma. Abby  
17 herself felt that she was entitled to the diploma. Abby  
18 herself has said that there is no way the state will ever  
19 get the diploma back. So I don't know how many courts they  
20 have to go to, but they will still never see the diploma.

21                 Not only did she get the diploma, but she earned  
22 the diploma. She went to school. The average child goes to  
23 school I guess 12 years, from 6 to 18. She went to school  
24 possibly 14 years or 15. She worked, I'm sure, harder than  
25 any other daughter, who happened to graduate at the same time

1 from Northport High School, probably worked twice as hard to  
2 get the diploma, and feels she earned it.

3           And if I remember reading the diploma, there is  
4 something on it that says something about achievement, and  
5 she achieved something and she achieved her diploma.

6           Q     She fulfilled the requirements of her  
7 individualized education plan?

8           A     Definitely. And she feels the same way.

9           MS. PULLIN: Thank you very much.

10          HEARING OFFICER JORDAN: Cross?

11          DR. POPHAM: This isn't even a question. We find  
12 ourselves in considerable accord with Dr. McNally and with  
13 you, sir, and most of all with Abby, and certainly don't  
14 want to have any cross-examination.

15          MS. PULLIN: Does that mean you're going to defend  
16 her when they come to take her diploma away?

17          HEARING OFFICER JORDAN: You are excused. Thank  
18 you.

19          We will now take a break for about 15 minutes, and  
20 we will reconvene around 3:25.

21          HEARING OFFICER JORDAN: The hearing will  
22 reconvene.

23          The next witness is Dr. William Shine, Chief  
24 School Administrator, Superintendent, Cherry Hill School  
25 District, New Jersey.

1 TESTIMONY OF DR. WILLIAM SHINE, SUPERINTENDENT,  
2 CHERRY HILL SCHOOL DISTRICT, NEW JERSEY  
3 DIRECT EXAMINATION

4 BY DR. MADAUS:

5 Q Dr. Shine, would you describe your educational and  
6 professional background for the audience, please?

7 A I was a classroom teacher and school standard,  
8 school superintendent, and a state department of education  
9 official, an assistant commissioner for curriculum  
10 instruction in the State of New Jersey. And currently I'm a  
11 local school superintendent.

12 Q In Cherry Hill?

13 A In Cherry Hill.

14 Q Could you describe the district of Cherry Hill?

15 A The Cherry Hill School District is a middle class  
16 to upper middle class school district, 14,000 students K  
17 through 12, two high schools, three junior high schools, and  
18 15 elementary schools.

19 Q Would you describe for the audience the New Jersey  
20 minimum basic skills?

21 A The New Jersey minimum basic skills program  
22 features tests in the third, sixth, ninth and eleventh  
23 grade. In 1985 these tests will be used for certification  
24 for high school graduation.

25 Q And right now they are using them to identify --

1 A Right now they are using them to identify students  
2 for remediation and to classify school districts or schools.  
3 in the state as approved or unapproved.

4 Q Dr. Shine, do you consider that minimum competency  
5 tests, when used for diploma denial or promotion represent a  
6 serious threat to public schools in this country?

7 A Yes. I think it strikes at the very heart of  
8 public education. I think that the decision to use those  
9 youngsters who have a cognitive deficit at the twelfth grade  
10 level to validate or invalidate a system is cruel. I think  
11 that it will be politically unproductive, and I think at the  
12 present time it is almost entirely politically motivated.

13 Q So you say that this is a political response,  
14 then, to an educational problem?

15 A No doubt in my mind.

16 Q What do you see as a direct impact of these kinds  
17 of programs that use the test score to deny a diploma or a  
18 promotion or classify students? What do you see as the  
19 direct impact on students?

20 A I see the awesome power of the state being  
21 employed to narrow the curriculum so that public schools  
22 will focus more and more on providing youngsters who are  
23 cognitively bright in a very small segment of the subject  
24 matter and relatively docile, effective workers.

25 Q What impact have what you term political decisions

1 to use minimum competency tests had? What effect have they  
2 had on educators in responding to --

3 A Well, some educators have welcomed them because  
4 they provide clear proof of accomplishment, however minimal,  
5 they abort any attempt at systematic evaluation of  
6 individual teachers, principals, or school superintendents,  
7 and they are a way to respond to public criticism which the  
8 press appears to understand at the moment.

9 Q Dr. Shine, does minimum competency testing,  
10 particularly in your home state of New Jersey now, lead to a  
11 loss of local control over the curriculum?

12 A Yes, no doubt about that.

13 Q Okay. Now, is there anything inherently wrong  
14 with state control?

15 A No. There is nothing inherently wrong with state  
16 control of the curriculum if one believes that the parents  
17 shouldn't exercise maximum control over the education of  
18 their student. The further the decisionmaking regarding the  
19 content of education, both in course offering and in  
20 methodology, is removed from the parent, the more alienated,  
21 in my judgment, the parent becomes or will become, and the  
22 more likely that parents who want significant control over  
23 the education of their children will exercise the private  
24 school option.

25 Q One other thing on that. Do you think that the

1 professional educators at the local district level are  
2 better equipped to address the curriculum issues than state  
3 department people?

4       A     I think there's probably very little difference in  
5 the competency level in state departments of education or at  
6 the local district level. I think one could raise serious  
7 questions about whether minimum competency should start with  
8 school boards and superintendents rather than the children.

9             But that aside, it's not so much the competency as  
10 it is the responsiveness issue.

11       Q     Dr. Shine, has there been a decline in curricular  
12 offerings in order to prepare students for the tests?

13       A     There has been a decline in my district from the  
14 third and sixth grades in schools that have felt  
15 threatened. I have 15 elementary schools. Each one is  
16 structured in essentially the same way. Some one or two of  
17 those schools were marginally threatened with public  
18 exposure by failing the test. So they spent an inordinate  
19 amount of time preparing for this test, and of course they  
20 succeeded admirably.

21       Q     The test scores went up?

22       A     100 percent passing.

23       Q     So another miracle, like the ones we have been  
24 hearing.

25       A     We saw instant miracles.

1 Q Instant miracles.

2 As a superintendent in these very tight financial  
3 times that we are in, are you concerned about the cost of  
4 these state-mandated programs on you as running a local  
5 school district?

6 A Yes. When you consider in New Jersey we are  
7 averaging 12, maybe \$13 a child per day, and we take two  
8 days out for testing in grades 6, 9 and 11, and three days  
9 in the third grade, and for instance in my district we  
10 tested 750 third graders and we found one who failed the  
11 test after this three-day effort. I suspect he was coming  
12 down with the mumps.

13 But at any rate, in the other grades the two-day  
14 loss is coupled with preparation for the test and a great  
15 deal of teacher time and energy in diagnosing the test, in  
16 an ironic attempt to get diagnostic results from a tool in  
17 which everyone scores at the highest level.

18 Q So it's not just the two days of testing. There  
19 are other costs in terms of instructional time?

20 A Instructional time is the central cost in  
21 education. I guess the cliché of the year is "time on  
22 task," and certainly we know that one of the reasons  
23 youngsters weren't learning is they weren't spending time in  
24 the learning process.

25 The test in New Jersey for the bulk of the

1 students in New Jersey is not a learning experience, hence  
2 is a two-day, in grades 6, 9 and 11, waste of time.

3 Q Dr. Shine, based on your rather extensive  
4 experience as an assistant commissioner in one of our  
5 nation's most urban states, New Jersey, what do you think  
6 the effect of minimum competency testing will be in terms of  
7 desegregation attempts there?

8 A Unfortunately the state, as far as school  
9 districts are concerned, is already segregated. De facto  
10 segregation exists in New Jersey. This segregation in my  
11 judgment will go on further and become more pronounced if  
12 the public schools lose credibility.

13 I could applaud -- well, I couldn't applaud, but I  
14 could understand those educators who would believe that  
15 minimum competency testing somehow might energize the  
16 schools, somehow might be a political plus, and they would  
17 choose to sacrifice a few twelfth graders to that effort.

18 But in my judgment that will be counterproductive,  
19 and what will happen is that as the schools gear up to pass  
20 the test and as the test items are being done now, are being  
21 revealed in the local newspaper, the test items will be so  
22 ludicrous to the average person that they will further lose  
23 confidence in the schools. As a matter of fact, the  
24 headlines in the New Jersey papers now are calling for the  
25 test to become more difficult because so many youngsters are



1 passing.

2 Q Do you think that will further erode enrollment in  
3 the public schools?

4 A Yes.

5 Q What will happen?

6 A I have no empirical evidence to prove that. We  
7 have only been privileged to have this test for the past two  
8 years tied to classification. Before the test was tied to  
9 classification, the school districts took it seriously, but  
10 their response was not obsessive. Since it has been tied to  
11 classification, it has become an obsession. We have box  
12 scores in the newspaper, et cetera. Parents are making  
13 inquiry as to how well a school might have done.

14 The situation -- a scenario such as this takes  
15 place. One school will have 30 sixth graders and they will  
16 all score 65 on the test, and that school will be judged 100  
17 percent efficient, where another school might have 60 sixth  
18 graders and of that 10 will score below 65 but the others  
19 will score 100 percent on the test. And that school will be  
20 judged inefficient.

21 The teachers then, in order to upgrade the scores  
22 of those who have not scored as well, maybe one or two  
23 points below the grade level, will deprive them of  
24 opportunities to participate in broadening activities.  
25 Their parents will become disenchanted because there is an

1 obvious segregation within that school, within that  
2 curriculum, under the guise of "remediation."

3           And the parents are seeking -- parents of  
4 youngsters who have the financial option are seeking the  
5 private school alternative, especially in that particular  
6 ability group.

7           Q     Dr. Shine, we are running a little behind. So I  
8 would like to ask you one last short question. As an  
9 educator, do you think that we need diploma denial or  
10 promotion decisions attached to a test in order to have  
11 successful schools?

12          A     I think diploma denial attached to a single test  
13 is pernicious.

14                   DR. MADAUS: Thank you.

15                   HEARING OFFICER JORDAN: Dr. Popham?

16                               CROSS EXAMINATION

17                   BY DR. POPHAM:

18          Q     Dr. Shine, you observed that minimum competency  
19 tests were politically motivated.

20          A     That's correct.

21          Q     Do you really believe that all of the legislators  
22 and all of the school board members who designed and put  
23 together these kinds of programs were all doing it for  
24 political reasons?

25          A     Yes. Now, when I say politically motivated I

1 don't necessarily mean that in a pejorative way. What I'm  
2 saying is that for a long time we have sought political  
3 solutions to educational problems. For a long time we have  
4 politicized the school. This is just one more evidence of  
5 that. And in order to be responsive to a constituency that  
6 won't pay a great deal of attention, we have to derive  
7 journalistic responses which are also -- which tend to lend  
8 themselves to the political arena.

9 Q But the intention of many of these people might  
10 have been to improve education?

11 A There's no question that they are well  
12 intentioned.

13 Q I wanted to clarify that. Thank you.

14 You talked about costs associated with the use of  
15 minimum competency tests. Now, aren't there tremendous  
16 costs, hidden costs, hidden expenses to society, associated  
17 with miseducated youngsters?

18 A There's no question that is true.

19 Q You describe miracles with easy tests, 100 percent  
20 of the students reaching mastery. Is it not possible to  
21 create tests that would be more demanding?

22 A I think it's possible to create tests that would  
23 be more demanding. I think it is done every time. As a  
24 matter of fact, in New Jersey we have an interesting  
25 situation where the department of higher education has

1 developed a minimum competency test in competition with the  
2 department of education's minimum competency tests. The  
3 results are quite different..

4           As a matter of fact, the same month that the  
5 commissioner of education was heralding a successful war on  
6 illiteracy on the basis of the successful competition of the  
7 state department of education's minimum competency test, the  
8 state chancellor of higher education was decrying the lack  
9 of basic skills in the public high schools based on his  
10 tests.

11       Q     Perhaps there will be a competition to see who can  
12 have higher minimums.

13       A     Yes, and the competition in my judgment will  
14 result in loss, deprivation of educational experience, and  
15 also self-image for the student.

16       Q     You indicated that the newspapers are calling for  
17 the test to be made more difficult.

18       A     That's correct.

19       Q     Isn't that in a sense desirable because the public  
20 now knows what kinds of tests there are, and if the public  
21 is dissatisfied the public can call out for higher  
22 standards?

23       A     I would think, however, that we have an obligation  
24 as educators to work with the editors and newspapers and  
25 talk about differentiated testing and talk about criteria

1 referenced testing as more related to a subject, rather than  
2 overall intelligence, and try to construe a normative event  
3 into some kind of a criteria for a mass public. I think  
4 that's an error.

5 Q A final question. You described segregation going  
6 on in the schools. I am curious as to your view on this.  
7 Isn't there a kind of hidden segregation in our schools  
8 today, a segregation based on differential mastery of  
9 skills?

10 A There's no question that society segregates itself  
11 in many ways, and that there is differential mastery of  
12 skills. The segregation I was talking about unfortunately  
13 tends to be socioeconomic rather than educational.

14 DR. POPHAM: Thank you.

15 HEARING OFFICER JORDAN: You are excused. Thank  
16 you very much, Dr. Shine.

17 The next witness, Mrs. Esther Lee, Title I  
18 Coordinator, Washington Township, New Jersey.

19 TESTIMONY OF MRS. ESTHER LEE,

20 TITLE I COORDINATOR,

21 WASHINGTON TOWNSHIP, NEW JERSEY

22 DIRECT EXAMINATION

23 BY MADAUS:

24 Q Could you give us a brief description of your  
25 background and education?

1           A     I am presently a Title I teacher. I used to be  
2 the coordinator of the program. I have a master's degree in  
3 reading.

4           Q     Okay. You are presently a Title I teacher?

5           A     Right.

6           Q     What is Title I, for those who don't know?

7           A     Title I is a federally funded remedial program.  
8 It can be either reading or math. In our district it is  
9 just reading. And it is funded through the Elementary and  
10 Secondary Education Act of the Federal Government.

11          Q     What kind of community is Washington Township,  
12 where you teach?

13          A     Washington Township is a rural, growing suburban  
14 district. We have presently 7,000 students and we are  
15 located 20 miles outside of Philadelphia on the way to  
16 Atlantic City.

17          Q     What are your major concerns with the New Jersey  
18 minimum competency testing program?

19          A     I have two major concerns: the impact of the  
20 testing and the program upon the students and the teachers.  
21 If I can give you an example, as a reading teacher we used  
22 to remediate children based upon their needs in the  
23 classroom. However, now the children are isolated, pulled  
24 out of the regular program, and now our emphasis is to  
25 remediate what they missed on a particular test on a

1 particular day.

2 Q So it has changed the whole remediation program?

3 A Definitely. In the old days before minimum  
4 competency testing we were funded by the local board of  
5 education. We have the same amount of reading teachers now  
6 we had then. The only difference is our funding.

7 In the old days before we had competency testing  
8 we offered courses at the high school level. If I can give  
9 you an example of one, it was called "Rapid Reading." And  
10 this course, we offered it for credit, any child could sign  
11 up for it and the children who needed remediation were also  
12 in the class. So when the child came into the classroom, he  
13 was in there with honor society students, the football  
14 players and wrestling students, and he felt very good about  
15 himself. And we found out that in this situation the  
16 children made excellent gains.

17 But with minimum competency testing, we were not  
18 allowed to do that. So we were forced to segregate the  
19 children. Now when a child walks into the room he says,  
20 man, I don't want to be here with these dummies.

21 Q So there is a stigmatizing effect?

22 A Definitely. We can see it as we work with the  
23 children, because the gains that we used to make no longer  
24 happen.

25 Q Okay. How does it happen that remediation for the

1 minimum competency testing becomes a separate course, rather  
2 than what went on in the regular classroom?

3       A       Because I guess our concentration now is to pull  
4 out children, and children can be pulled out for reading and  
5 they can be pulled out again for math. And again, as I  
6 said, our concentration is to remediate what was on the  
7 test. And we do this, because I think as Dr. Shine said,  
8 the results of the testing programs are advertised in the  
9 paper. So we are gently coerced, I guess, by the  
10 administration and the state and the county level to use the  
11 old test to determine what specific skills the children  
12 need, to remediate those needs, and from those needs that  
13 they did -- from the results of the test, we use it to  
14 develop an ISIP.

15       Q       What's an ISIP?

16       A       An ISIP is an individual student improvement  
17 plan. And on the surface it sounds like a really neat  
18 idea. My only concern -- if I can give you another example  
19 from our district, our sixth graders go to another building  
20 for seventh grade. And if they fail the test, then the  
21 child's ISIP is developed from how the child did on that  
22 particular day.

23       Q       And it is disturbing to me, since I have worked  
24 with some of the sixth graders all year long, that nobody  
25 asks me what the child did. We know that, and many times



1 children don't do well on the test because they are afraid.  
2 Maybe they had a fight with their mother or maybe they  
3 haven't eaten for a few days for some reason.

4 I really feel that it is appalling to remediate a  
5 child and determine a program for the following year based  
6 on how he did on that one day.

7 Q On these test scores on a single day?

8 A Yes.

9 Q How does instruction become test preparation? How  
10 do you think it happens?

11 A Well, as a reading teacher I see that there is no  
12 specific research on what specific skills a child needs to  
13 determine competency. And if I can give you an example, one  
14 of the items on the sub test that are tested is a "schwa."  
15 Now, I am sure there are many people in this room who feel  
16 that they are competent readers, but if I asked them to  
17 isolate a "schwa" they probably would not be able to do  
18 that.

19 Q A "schwa"? A what?

20 A That's an "uh" sound. If I punched you in the  
21 stomach, you would say "uh," and that's all you ever have to  
22 need to know about the "schwa." But our state department  
23 doesn't think that.

24 Q Not with my Worcester accent.

25 Okay, how do teachers go about preparing students

1 for the test in your remedial classes?

2       A     Again, if I could go back to the old days before  
3 minimum competency testing, our philosophy used to be that  
4 the goal of reading is to get people that read, that enjoy  
5 reading and that do read. For example, if you want to  
6 become a better bowler you bowl. If you want to become a  
7 better runner you run. And if you want to become a better  
8 reader you read.

9           However, if we are concentrating on isolated  
10 subskills in isolation and then the children see no  
11 relevance of what we are doing to their regular lives, as a  
12 result they see reading as punishment and they determine  
13 that's something they don't like to do and they are not  
14 going to do it.

15       Q     So it has a negative effect on how they perceive  
16 reading?

17       A     Right, definitely.

18       Q     How do the kids themselves feel about the remedial  
19 program? You told us a little bit earlier, but can you  
20 elaborate on that?

21       A     Yes. I guess I am old, because I can talk about  
22 it in the old days before we had competency testing. We  
23 used to concentrate on building the reading program upon  
24 their individual needs as we saw them based on what the  
25 classroom teachers were telling us, and we would use things

1 like, especially high school boys, we would use things like  
2 drag races and motorcycles, and that way that would extend  
3 the reading interest into their home life.

4           But now, because the emphasis is on passing the  
5 test and we as teachers have a concern because we want the  
6 public to see the schools in good light, you know, we are  
7 forced to do these skills in isolation so the children can  
8 do better on the tests.

9           Q.    Have scores gone up?

10          A    Oh, definitely, the scores have gone up. That  
11 doesn't necessarily mean that the children are reading any  
12 better. But they are doing better on things like the  
13 "schwa."

14          Q    You are an experienced teacher. Have these tests  
15 identified any children who are disabled readers that you  
16 didn't know about already?

17          A    No, definitely not. As a competent teacher, we  
18 can identify which children need help, and I don't need the  
19 results of one test to tell me that. I get especially upset  
20 because in our district we have a \$14 million budget and we  
21 do standardized testing K through 12 in addition to the  
22 state competency testing, and next year in our district we  
23 have only \$1800 earmarked for materials, high-interest  
24 low-level materials to remediate our elementary children.  
25 And I think that is appalling, and I think that the emphasis

1 is then on reporting the scores and testing the children,  
2 rather than actual remediation.

3 Q How do you think from your experience parents feel  
4 about the program?

5 A I know that parents have been upset, not only in  
6 our school district but in neighboring districts. The  
7 parents have gone to the school board very upset about the  
8 practice for the test. They have gone to the school board  
9 because they feel that their children are missing out on  
10 other things that we used to teach in the curriculum.  
11 Science and social studies and the higher level thinking  
12 skills are suffering.

13 And a neighboring district's parents were  
14 complaining that not only were they drilled on a daily  
15 basis, but children were taking 30 or 40 problems home at  
16 night for practice.

17 Q Do you think that students should be promoted  
18 without skills?

19 A Definitely not. But I don't think that -- I don't  
20 think that the skills that determine competency should be  
21 determined by someone at a state department level. They  
22 should be determined in conjunction with the public and the  
23 parents and the particular school district.

24 Q Who do you think is best able to make decisions  
25 about whether students are promoted or whether they receive

1 a diploma?

2       A     I think the classroom teacher definitely. And I  
3 know that in our state the state keeps telling us that we  
4 should use multiple assessment for promotion, for  
5 classifying children, for putting them in remediation  
6 programs. But what happens, because the test results are  
7 received so late and because we are short of child study  
8 teams and other people that can do this, it's so much easier  
9 to draw a line and then determine, these kids should be  
10 labeled or classified on the results of their test scores,  
11 only because it is most expedient to do so.

12           DR. MADAUS: Thank you very much.

13           HEARING OFFICER JORDAN: Dr. Popham?

14                           CROSS EXAMINATION

15           BY DR. POPHAM:

16       Q     Mrs. Lee, you described the old days, pre-minimum  
17 competency testing, and some of the techniques that might  
18 have been employed in those days. Did those techniques  
19 work?

20       A     Yes. We saw students, remedial students --  
21 sometimes what they really need is a little bit of  
22 confidence, and I think that 99 percent of the problem in  
23 helping, especially a high school student, is the confidence  
24 that he can do it and a good feeling, a good self-concept  
25 that he feels good about himself. Then I think you have 90

1 percent of the battle out of the way before you hit  
2 remediation.

3 Q Isn't it true, however, that it was precisely  
4 because the public doubted that the old ways were working  
5 that minimum competency testing programs have been  
6 mandated?

7 A I don't think that's true. One or two people  
8 said, well, I've got a high school kid who couldn't do thus  
9 and so, and I think it has been blown out of proportion.

10 Q So you are really saying that the public  
11 inaccurately perceives this, in fact the quality of  
12 schooling is pretty good?

13 A Right.

14 Q You were talking about skills being taught in  
15 isolation. Can't skills be taught in isolation even without  
16 a minimum competency testing program?

17 A Yes. But because of the minimum competency  
18 testing program, because of the emphasis to have the  
19 children pass the test, we are forced to do that. As I said  
20 before, if I hit you in the stomach, you know all that you  
21 want to know about the schwa and it's not necessary to spend  
22 weeks on drill on that particular thing. There are other  
23 ways of knowing what a word is, besides that.

24 But somebody has determined that that is an  
25 important subskill.

1       Q       That's the second time you have alluded to hitting  
2 in the stomach. You will notice I am more than an arm's  
3 distance from you.

4               Is it possible, since you are opposed to  
5 state-level establishment of standards, that you would be  
6 more sympathetic to local creation of standards, and indeed  
7 a locally devised minimum competency test?

8       A       No, I didn't say about a locally devised --

9       Q       I know you didn't. But I'm asking now.

10      A       Because we have so many things that we can already  
11 use besides -- as I say, we already use standardized  
12 testing. We have requirements, like I as an English teacher  
13 had certain requirements that children had to meet before I  
14 would give him a passing grade. I think that is certainly  
15 sufficient enough to demonstrate competency.

16              Quizzes that teachers give are certainly more  
17 relevant and more meaningful to the child, to the parents,  
18 and to the community than tests set by someone outside.

19      Q       Let me sketch a hypothetical situation for you.  
20 Let's say you had a collection of teachers in a school who,  
21 as you, feel that the caliber of education is good enough,  
22 and we had a school, a board, that didn't think it was.  
23 Now, wouldn't the teachers in that school situation be a  
24 little more inclined to give passing grades, since they  
25 thought all was well?

1           A     Do you want to repeat that? Are you saying that  
2 the teachers would give up their integrity to do something  
3 that the school board wanted them to do?

4           Q     Not at all. I'm saying what if their perceptions  
5 differ. You say things are fine and many citizens in our  
6 country think they aren't. Many citizens, in fact witnesses  
7 for the con team, believe that the quality of education is  
8 not sufficient. You're telling us it is.

9           Now, if there was a disagreement, wouldn't it be  
10 possible for the public to demand some standards and to have  
11 kids demonstrate this fine performance, that they can?

12          A     Well, I think that if my administrator came to me  
13 and said, you know, that these tests are too easy, that you  
14 should make them a little bit more difficult, I wouldn't be  
15 disinclined not to review what I had to do. And I don't  
16 feel that any other teacher would either.

17          Q     Let me ask one last question. You are talking  
18 about the kinds of tests that really provided rather minimal  
19 targets for you and the kinds of reading tests with which  
20 you were disturbed. Isn't it possible to build a paper and  
21 pencil test which tried to measure some of the higher order  
22 reading skills that students should possess? Isn't it  
23 possible to build a valid schwa-less reading test?

24          A     I think that many times we think that things have  
25 a black and a white and a right and a wrong. I think that



1 in a paper and pencil test the child does not have a chance  
2 to validate his or her reason for doing so. And that is the  
3 reason between a paper-pencil test and me working  
4 individually with the student.

5 Q So you would be opposed to paper and pencil tests  
6 too?

7 A I'm saying there are other ways of validating a  
8 child and measuring competency rather than just paper and  
9 pencil tests. Again, I believe with the state department  
10 that we use multiple assessments.

11 DR. POPHAM: Thank you very much.

12 HEARING OFFICER JORDAN: Thank you, Ms. Lee. You  
13 may be excused.

14 Mr. Henry Stevens, teacher, Camden, New Jersey.

15 TESTIMONY OF HENRY STEVENS,  
16 TEACHER, CAMDEN, NEW JERSEY

17 DIRECT EXAMINATION

18 BY DR. NADAUS:

19 Q Mr. Stevens, could you tell us who you are and  
20 what you do?

21 A My name is Henry Stevens. I am an eighth grade  
22 science teacher. I am also president of my local education  
23 association.

24 Q That is in Camden?

25 A Yes, it is.

1 Q Could you describe for the audience what kind of  
2 community Camden is?

3 A ~~Camden is a~~ predominantly black neighborhood,  
4 about 20 to 30 percent Hispanic and about 5 to 10 percent  
5 white.

6 Q What are your major concerns with the nature of  
7 the minimum competency testing program?

8 A My major concern is the negative effect that the  
9 test has on students, teachers and students.

10 Q What are the teachers' reactions?

11 A Well, you know, I was sitting here this morning  
12 listening to some of the testimony that was going on. We  
13 were asking the board members and everybody about what  
14 teachers thought. I am sure that you can get a lot of  
15 teachers to come in and tell you what they think, and  
16 they're not really happy about it. Because teachers like to  
17 teach and the way it's going on now all they're doing is  
18 coaching, coaching for exams.

19 Q How does a teacher in Camden go about coaching?

20 A He goes about using standardized tests, such as  
21 the California test or Iowa test, old tests.

22 Q Just uses old tests with the students and gives  
23 them practice?

24 A That's right. And they are told to do so.

25 Q The teachers are told to do so?

1 A Absolutely.

2 Q By who?

3 A By administrators.

4 Q Why? What is the rationale?

5 A Like anybody else, when there is pressure put on  
6 you, you want to do well. I happen to live not too far from  
7 Dr. Shine, who is in a good neighborhood, and my  
8 neighborhood is not as financially well off as his. But we  
9 still like to do well.

10 Q And doing well means the scores go up?

11 A Absolutely.

12 Q That's what we mean by doing well. Well, have the  
13 scores gone up?

14 A Yes.

15 Q So we have another miracle in New Jersey.

16 A That's correct.

17 Q Are the kids any better prepared now, with the  
18 scores up, than they were before, do you think?

19 A They are prepared to take exams, but I don't know  
20 how much other preparation has taken place.

21 Q You are an experienced teacher and you have been  
22 elected by your colleagues to an important post and  
23 therefore you are close to your colleagues. Do you think  
24 that these tests tell you or your colleagues -- or identify  
25 for you or your colleagues disabled readers or students

1 disabled in mathematics that you didn't know about already?

2 A Absolutely not.

3 Q You can pick these students out? You know who the  
4 ones are that need remediation?

5 A Sure.

6 Q Can you test? Can you use the test information  
7 that you already have in the system to do this?

8 A Yes.

9 Q Now let's get back specifically to the New Jersey  
10 situation. What happens in Camden if a student fails the  
11 minimum competency test?

12 A They are taken out of the classroom and put into  
13 remedial classes and they are drilled in the areas that they  
14 have done poorly on in the exam.

15 Q So first they are pulled out of classes and then  
16 they're put into remediation, and remediation becomes test  
17 preparation?

18 A That's correct.

19 Q How do students feel about being pulled out of  
20 class?

21 A Well, I think peer pressure is one of the hardest  
22 things that students have to live with. When they return to  
23 their classroom, they are called some names they are not  
24 happy about, and that doesn't make them feel too good. I  
25 don't think it would make anyone feel too good to be called

1 the names that they are called.

2 Q So they are labeled by their peers, which is a  
3 pretty tough thing for kids to face?

4 A That's right.

5 Q Now this ninth grade class that is in Camden, if I  
6 understand the New Jersey situation, will be the first one  
7 that has to pass the statewide test in order to receive a  
8 diploma?

9 A That's right.

10 Q So by the time they are twelfth graders, they will  
11 have had to pass the test or they won't get a diploma?

12 A That's right.

13 Q How do teachers in Camden feel about this?

14 A Well, the teachers are not happy about it, nor are  
15 the students. I was also listening to testimony this  
16 morning from the gentleman from Goldsboro, North Carolina,  
17 when he showed us his charts. He said that there were 22  
18 students who had not returned to school for some reason or  
19 another. And I would like to think that the reason could  
20 possibly be that they were under the impression that they  
21 may not, no matter what, receive a diploma.

22 They did not come back to school in Camden. We  
23 have a lot of those students.

24 Q What kind of students are they?

25 A They are culturally and educationally deprived

1 students.

2 I also heard in the testimony this morning -- I  
3 heard the lady from Detroit, and I'm so glad they are doing  
4 so well in Detroit.

5 Q I am, too.

6 A I like to think maybe it has something to do with  
7 the leadership they have there now. However, I heard her  
8 say something about 25 students, when they had the strike,  
9 that the classroom was filled and they had 25 students in  
10 there.

11 But let me tell you, in Camden that's not the  
12 case. We're talking about filling a classroom, you're  
13 talking about upward of 35 or more in a small classroom.  
14 And I would like to think that that is a little too many.

15 Q Now, do you think that students should be  
16 graduated from New Jersey schools, Camden, or be promoted in  
17 Camden if they don't have skills? Don't we need standards?

18 A Yes.

19 Q Who is best able to determine whether a student  
20 should graduate or be promoted?

21 A It appears to me that if the classroom teachers  
22 are going to spend most of their time with those students,  
23 then certainly they can identify the skills that are  
24 necessary to reward them with some type of reward at the end  
25 of 12 years. And if you don't do that, they're not going to

1 come to school. They're going to drop out.

2 Q Can't the teachers, in making this decision, use  
3 test information as one piece of information along with  
4 everything else they have?

5 A That's correct.

6 DR. NADAUS: Thank you.

7 HEARING OFFICER JORDAN: Mr. Popham?

8 CROSS EXAMINATION

9 BY DR. POPHAM:

10 Q Mr. Stevens, you agree that the public has the  
11 right to know about the quality of its schools?

12 A I do.

13 Q You have described a number of weaknesses in a  
14 particular minimum competency testing program, and yet you  
15 have been honest enough to point out that you saw a program  
16 that you saw some virtue in.

17 Don't you think it is possible with fine  
18 leadership and care and planning to eradicate many of the  
19 weaknesses that you now find in this program?

20 A Sure.

21 DR. POPHAM: No further questions.

22 REDIRECT EXAMINATION

23 BY DR. NADAUS:

24 Q Just one further question. Do you think there are  
25 ways of letting the public know how the schools are doing,

1 how kids are doing, because I think you agree that the  
2 public has a right to know, without tying the testing  
3 information to a diploma or to promotion?

4 A That's right.

5 DR. MADAUS: Thank you.

6 HEARING OFFICER JORDAN: Thank you, Mr. Stevens.

7 The final witness, Reverend W. W. Finlator,  
8 Minister, Pullen Baptist Church, Raleigh, North Carolina.

9 TESTIMONY OF REVEREND W. W. FINLATOR,

10 PULLEN BAPTIST CHURCH,

11 RALEIGH, NORTH CAROLINA

12 DIRECT EXAMINATION

13 BY MS. PULLIN:

14 Q Reverend Finlator, I notice that Professor Jordan  
15 indicated you were from the Pullen Baptist Church. We are  
16 not in any way related, though, are we?

17 A I would be happy and honored.

18 Q For those who won't see the videotapes of these  
19 proceedings and who will just be reading about them, I  
20 suppose we should indicate that you are a man of at least a  
21 few years of experience in this world, is that correct?

22 A Yes. I have been around a long time, yes.

23 Q And could you say that in your years around you  
24 have had occasion to observe a number of social changes?

25 A Yes, I hope so.



1 Q And as a citizen in the state of North Carolina,  
2 have you had an opportunity to observe the implementation of  
3 the minimum competency testing program in that state?

4 A Not as closely as I should, particularly if I were  
5 a school staff member. I wish I had done a better job. But  
6 I'm aware of it, yes.

7 Q And you have watched it a little bit?

8 A Yes.

9 Q In the course of your observations of that testing  
10 program, have you reached a determination about whether or  
11 not you feel that minimum competency tests have been or will  
12 be hurtful or unjust toward our children?

13 A I reached the conclusion that the competency test  
14 should be subjected to sustained and healthy scrutiny.

15 Q Why have you reached that conclusion, sir?

16 A Well, as a long resident of Dixie -- and that's  
17 where I take my stand, to live and die there -- we know how  
18 devious and resourceful the ways of people who are in what  
19 we call the establishment, and how they have found devices  
20 to maintain the status quo and to see to it that they retain  
21 the position that they occupy and that the minorities do not  
22 press too hard upon them.

23 And for this reason the minimum competency test  
24 should be regarded with great suspicion as one of those  
25 cases where eternal vigilance is a price we have to pay for

1 our liberties. And that's why I take seriously the civil  
2 rights organizations, such as the NAACP and others, who have  
3 cast great doubt upon these tests. I think that all of us  
4 do well to listen to them.

5 Q Reverend Finlator, have you had an opportunity to  
6 determine whether or not you feel that minimum competency  
7 tests in your state or in other states in this country will  
8 be hurtful or perhaps -- well, let's just say hurtful -- in  
9 our schools or to the teaching in our schools?

10 A Let me put it this way. In the South through the  
11 years I have been on the so-called auspicious side. I am  
12 male, white, Gentile, Protestant, middle class, and more or  
13 less educated. Okay, I have never had any doors closed to  
14 me because of sex or color or status. I don't know what it  
15 is to be excluded.

16 But I know that other people, for the very same  
17 reasons that I have been blessed, have been unblessed. I  
18 happen to know that the same economic system, the political  
19 system that enhances me, diminishes others; and that there  
20 are people who are not poor and exploited and down because  
21 of their own fault, as the Protestant ethic would have us  
22 believe. But the same systemic justice that blessed me  
23 degraded them.

24 Now, the school is the government. The  
25 principals, the superintendents are government authorities.

1 The teachers are civil servants. The school unfortunately  
2 has played its part in the continuation of this  
3 discrimination and injustice. And anyone who is realistic  
4 will know that it's not all over.

5           Particularly at this time, when the blessings, the  
6 help that has come from Washington -- we have to keep in  
7 mind in the South that everything good that has happened to  
8 the blacks and the poor comes not from the grace of our  
9 hearts, but from up yonder, up here. And up here is letting  
10 those people down now.

11           MS. PULLEN: Thank you very much for your  
12 opinions, Reverend Finlator.

13           HEARING OFFICER JORDAN: Dr. Popham?

14                           CROSS EXAMINATION

15           BY DR. POPHAM:

16           Q    Reverend Finlator, you suggested that minimum  
17 competency tests be subjected to sustained and healthy  
18 scrutiny, I believe. If we were eternally vigilant and did  
19 in fact scrutinize those tests constantly, openly, with all  
20 concerned constituencies who are affected, would you be  
21 somewhat more relieved about their use?

22           A    Yes. By "scrutiny," Dr. Popham, I mean  
23 suspicion.

24           Q    Whatever you mean is fine with me.

25                    You commented that these tests might be used for

1 economic reasons. Do you really believe that the  
2 legislators who initiated these tests in North Carolina were  
3 in fact primarily guided by economic motives?

4 A I think about every legislator is primarily  
5 motivated by economic motives.

6 (Laughter.)

7 Q I understand why you are the final witness.

8 (Laughter.)

9 Q You have been at the hearings for a while. Did  
10 you have the opportunity to hear from all the witnesses  
11 earlier today?

12 A Yes, sir.

13 Q It seems that implicit in your remarks is a  
14 concern about the possible negative effects that these kinds  
15 of programs might have on minority groups of one kind or  
16 another. Would you agree that if a program is put together  
17 with specific concern for those minority constituencies, it  
18 might have beneficial effects?

19 A No, sir. I would say definitely not. I would say  
20 that these people from the -- well, mention Detroit and all  
21 the good things we heard about Detroit. I was moved by the  
22 zeal and the buoyancy and the commitment of the leaders of  
23 the Detroit schools.

24 But no one ever asks, now why are these schools  
25 solidly black? Why when they graduate will there be a city

1 in which unemployment for teenagers might be 18 or 20  
2 percent, and for black teenagers 30 or 40 percent? Why  
3 would they be concerned about being made competent for that  
4 bleak picture?

5           It would seem to me that the competency test ought  
6 to be turned around and students to be competent, say why,  
7 after all these 12 years in school, why are there no jobs?  
8 Why are we all black here? Who allowed these industries to  
9 move away from here and leave this desert land? What  
10 happened?

11           Why are there no ways of rapid transport out to  
12 the area where the jobs are? Who has denied me equal  
13 justice under the law? That's the kind of competence test  
14 that ought to be given in Detroit.

15       Q     You are talking about a fairly ambitious kind of  
16 test, of course. But I wanted to push you a little on  
17 this. You talked about a differential unemployment rate  
18 amongst whites and blacks in Detroit or many urban  
19 settings. Isn't it conceivable to you that if black  
20 youngsters emerged from schools equally able to perform  
21 fundamental skills in reading, writing and mathematics,  
22 there might not be that differential unemployment rate?

23       A     No. I think we are playing a game. Instead of  
24 the schools teaching the students to ask these fundamental  
25 questions about society, they are playing a game of helping

1 them to compete in the society as unjust as it is with no  
2 equipment to challenge that society.

3 Q Given the society and the injustice of it that you  
4 see, you still do not think it more appropriate to try to  
5 send youths from school in command of basic skills?

6 A To places where there are no jobs, professor?

7 Q That gives us an excuse to send students forth  
8 lacking those skills, Reverend?

9 A I would opt for the skill. But the point I am  
10 saying here is I kept hearing this morning these schools --  
11 and my wife teaches English in high school and I have seen  
12 what she has gone through in the last 15 years -- and to  
13 hear, for example, that those halls are no longer crowded  
14 and loud and boisterous and the kids or the youngsters are  
15 not coming to school, the dropout is big and they are  
16 staying away, you know, all of this, and suddenly we "have  
17 found a solution"?

18 We have got them out of the halls, we have them  
19 walking five miles to school, we have them all ears,  
20 complete attention. We have control, discipline, everything  
21 is working beautifully, and I am beginning to think, you  
22 know, is not that possibly an implementarian use of this?

23 Like you start school prayer and bible reading and  
24 scripture and devotion -- which I am against because you use  
25 that to create an atmosphere -- and it seems to me that we

1 have come to something else that we are using. And Lord  
2 knows, if I were a teacher in the school and I were to fail  
3 and if I were a teacher in a school, the first thing I would  
4 ask for is a principal who would enforce the law and respect  
5 and control. And I would want that.

6 But I see this as being used for that under the  
7 guise of being used for something else.

8 MR. POPHAM: Thank you very much.

9 HEARING OFFICER JORDAN: Thank you very much. You  
10 are excused.

11 That is the last witness for today. We will now  
12 have closing arguments by the team leaders. Presenting the  
13 first closing argument will be Professor Popham.

14 CLOSING ARGUMENT BY DR. W. JAMES POPHAM,  
15 PRO TEAM LEADER

16 MR. POPHAM: We wish to, as a team express our  
17 appreciation to the National Institute of Education for its  
18 role in sponsoring this clarification hearing, to Professor  
19 Barbara Jordan for her very deft and sometimes brutal role  
20 in controlling these hearings, to our opponents, Professor  
21 George Madaus and his very able colleagues who presented  
22 their case very well, and to all the witnesses and other  
23 individuals who worked to make this hearing a success.

24 In closing, we wish to recapitulate our position

25

1 and our opponents' position and then weigh them on an  
2 equal-balance scale.

3     Our team attempted to open its position by suggesting  
4 that the impetus for minimum competency testing programs  
5 throughout this country was public distress. Public  
6 dissatisfaction with the caliber of schooling. We find  
7 nearly 40 states enacting these kinds of minimum competency  
8 testing programs because of publicly elected legislative  
9 action, because of the actions of citizen school boards.

10     And the reason that the public has acted in this  
11 fashion is that it is essentially distressed with the  
12 quality of schooling. The public no longer believes that a  
13 high school diploma really means very much. The public no  
14 longer believes that students are advanced on the basis of  
15 skill from grade to grade. Rather, the public sees the  
16 specter of social promotion and sees the possibility that  
17 students do not possess fundamental skills in reading,  
18 writing, and mathematics.

19     We contended that minimum competency testing programs  
20 of high quality would have decisively positive effects.  
21 First, positive effects on students. We believe that more  
22 students will master basic skills and because they  
23 master those skills they will feel better about themselves  
24 and school. We believe there will be positive effects on  
25 the curriculum. Better competencies will be selected, and



1 because they are clarified, they can be more effectively  
2 promoted.

3           We believe there will be positive effects on  
4 public perceptions of schooling. The public will recognize  
5 that seat time has been abandoned as a criterion for  
6 advancement and, most significantly, will have evidence in  
7 the form of test performance that students can, in effect,  
8 master basic skills.

9           We presented seven features of a high-quality  
10 minimum competency testing program. We are surely not in  
11 favor of any minimum competency testing program in  
12 existence. There are many which need to be improved. But  
13 programs which possess many or most of these features will,  
14 we believe, be of high quality.

15           Many of our witnesses came from public schools,  
16 educators they were. And one might suspect that these  
17 educators, because indeed minimum competency legislation had  
18 been thrust upon them, would be negative and resistant  
19 regarding minimum competency testing.

20           Not so. These witnesses, in fact, were indeed  
21 positive regarding their particular minimum competency  
22 testing program. We commenced our witnesses with a series  
23 of individuals from the State of South Carolina. South  
24 Carolina is an interesting case, for testing occurs at the  
25 early grades -- kindergarten, one, two, three, six, eight,

1 eleven, many grades -- and the program has as its thrust  
2 improvement. There is a clear push to make instruction  
3 better. That clear push to make instruction better renders  
4 this a different kind of program.

5 I was particularly struck by the opposing team's  
6 willingness to exclude South Carolina from the proceedings  
7 by calling it irrelevant. How irrelevant? Well, irrelevant  
8 because one test was not exclusively paper-and-pencil. They  
9 were not concerned about six other grade levels where the  
10 tests were paper-and-pencil, irrelevant because there was no  
11 diploma sanction associated with South Carolina's program,  
12 when by the definition of minimum competency testing used in  
13 this hearing it was possible also that the only function of  
14 those particular programs would be to identify students in  
15 need of remedial assistance. This is precisely the purpose  
16 of the South Carolina program.

17 We presented witnesses from other states:  
18 Virginia, California, Texas, Illinois, North Carolina. In  
19 each instance, these witnesses, from their own experience,  
20 from evidence, described positive effects on students,  
21 positive effects on curriculum, positive effects of public  
22 perceptions of schooling. These are the three issues under  
23 consideration in this hearing.

24 Did our opponents, through deft cross examination.  
25 negate these contentions? They did not. Commissioner Ralph

1 Turlington from the State of Florida, described in eloquent  
2 terms how that State's minimum competency testing program  
3 has turned education around in Florida, has raised the level  
4 of aspiration of Florida educators to new heights.

5           Did our opponents, through clever cross  
6 examination, repudiate Commissioner Turlington's views?  
7 They did not. He described a program in which there is  
8 considerable public support and not a little educational  
9 support.

10           We concluded our presentation of school-based  
11 witnesses with a series of individuals from Detroit,  
12 Michigan, by and large, a black school district, 86 percent  
13 black youngsters, a black-controlled board of education, a  
14 black-dominated administrative hierarchy. These individuals  
15 described a program in which a differential diploma was  
16 awarded. These individuals described a program that is  
17 working. These individuals described a program that does  
18 not penalize black youngsters but indeed enhances the  
19 possibility that they would be successful in later life.

20           They joined with many other witnesses who clearly  
21 claimed, who believe, that minority youngsters will not be  
22 harmed by minimum competency testing. We had other  
23 witnesses. Professor Michael Scriven described minimum  
24 competency testing as an antidote to what he views as  
25 current dishonesty in promotion practices in our schools.

1 He claimed that it was indeed the last hope of education --  
2 perhaps, as he admitted, an overstatement -- but  
3 nonetheless, wanted us to look very carefully at minimum  
4 competency testing in contrast to the evils of the current  
5 situation.

6           Professor Scriven claimed that if startling  
7 modifications are not made, public education in this country  
8 may crumble. We heard from Morris Andrews of the Wisconsin  
9 Education Association making it very clear that an  
10 enlightened teachers organization, circa 40,000 members, can  
11 support minimum competency testing if crafted in a fashion  
12 that they consider in the best interest of students.

13           We heard Professor Robert Ebel, one of the world's  
14 finest testing experts, testify that the testing technology  
15 currently available to us is sufficient for purposes of  
16 minimum competency testing. And we heard William Raspberry,  
17 an analyst of educational matters, tell us that those who  
18 consider minimum competency testing programs evil for  
19 minority children may in fact have fundamental doubts about  
20 the ability of those minority children to succeed.

21           In a nutshell, our case rests on the notion that  
22 minimum competency testing programs can be designed of high  
23 quality and that those programs will have positive effects  
24 on students, on the curriculum, and on public perceptions.

25           What about the con team? The con team must, it

1 seems to us, present a position which essentially describes  
2 negative effects on each of those three issues. They must  
3 describe negative effects not only for weak minimum  
4 competency testing programs but for high-quality minimum  
5 competency testing programs. They must show that there is  
6 something inherent in minimum competency testing which will  
7 yield more negative than positive effects.

8           They led off their witnesses with Ralph Nader, a  
9 distinguished defender of consumer rights in this country.  
10 It was apparent from his testimony that in recent years Mr.  
11 Nader has been defending other sorts of concerns than  
12 minimum competency testing. It was apparent that he was not  
13 familiar with minimum competency testing in this country and  
14 frequently would respond to questions from our side and  
15 their side on the basis of a study dealing largely with the  
16 multiple-choice test. He decried multiple-choice tests,  
17 arguing that they could not under any circumstances serve as  
18 valid measures of knowledge or skill.

19           In commenting on this observation, Professor Ebel,  
20 an acknowledged testing expert, simply said, "Absurd." Mr.  
21 Nader was, it seems, in a difficult position. He has been  
22 an advocate of honesty in consumer matters, and yet he found  
23 himself taking an opposite stance from a position which is  
24 predicated upon honesty in the awarding of the diploma.

25           Our opponents claimed with considerable fervor

1 that there was no decline in the caliber of public schooling  
2 in this country. Several witnesses indeed attested to the  
3 fact that public education had not dropped off recently,  
4 that basic skills were indeed getting better. Yet, this  
5 particular testimony was refuted by the con team's own  
6 witnesses. Dr. Mary Berry, Representative Frederico Pena,  
7 Congresswoman Shirley Chisholm all concurred that the  
8 quality of schooling in this country is not sufficient,  
9 whether or not it has declined in the past few years it is  
10 not good enough.

11           Our opponents pounded and pounded at the  
12 sole-criterion argument. Every other witness, it seemed,  
13 was asked, "Do you believe that a minimum competency test  
14 should serve as the sole criterion by which students should  
15 be advanced?" And the response, of course, was "Never."  
16 Yet, not a single witness was able to isolate a situation in  
17 which passage of a minimum competency test was the sole  
18 criterion.

19           Let us be clear about this sole-criterion  
20 discussion. If in a state a student is required to pass 15  
21 courses at the high school level, the passage of those 15  
22 courses is a criterion for graduation. It is not the sole  
23 criterion. If a student is obliged to pass a course in U.S.  
24 history or U.S. government, those are criteria, but not sole  
25 criteria. If a student is asked to pass a minimum

1 competency test in reading, writing, and mathematics. that  
2 is a criterion. It is not a sole criterion. It is an  
3 additional criterion.

4           Our opponents were mightily concerned that in  
5 minimum competency testing teachers would teach to the  
6 test. We are particularly troubled by their concern. We  
7 are particularly troubled by their worry regarding curricula  
8 reductionism. For in that way, we believe, is embedded a  
9 very poor perception of the professionalism of American  
10 educators.

11           One of their witnesses claimed that in a minimum  
12 competency testing program, "Any teacher with an ounce of  
13 sense would teach toward the test." We believe that any  
14 teacher with an ounce of integrity would not.

15           Our opponents raised the specter of minority  
16 failure under minimum competency testing programs and  
17 suggested that because early returns had indicated many more  
18 minority students were failing tests that these tests were  
19 biased against minorities and would work to the detriment of  
20 minority youngsters.

21           Yet, when they were greeted with a litany of  
22 positive testimony regarding the impact of minimum  
23 competency testing on minority students, they were unable to  
24 contest that testimony.

25           It is more than apparent that if minority students

1 do badly on these tests it is not as a consequence of the  
2 test but as a consequence of education and that inequity can  
3 be identified by a minimum competency testing so it can be  
4 excised.

5           Our opponents were dismayed by the quality, the  
6 technical quality of testimony. After frequent reiterations  
7 that they were in fact in favor of testing, they paraded a  
8 series of witnesses who took pot shot after pot shot at  
9 testing. Some of these indeed were cheap shots. Mr. Nader  
10 gave us a series of ludicrously bad test items. We heard  
11 from other witnesses offering very weak test items.

12           You have heard of a "straw man" argument. This  
13 hearing has given rise to the "straw test" argument. You do  
14 not have to have weak tests. We do not have to have  
15 corrected test items in a minimum competency test. Examples  
16 have been distributed of actual test items from minimum  
17 competency tests now in use which are not flawed.

18           Our opponents suggested dire consequences. Dire  
19 consequences in the form of more student dropouts. Many  
20 claims of this sort. One of their witnesses, in fact, even  
21 offered evidence that more students were dropping out in  
22 Florida because of the minimum competency testing, but under  
23 cross examination retreated to the posture that issues were  
24 being raised. There is no evidence, no evidence, that  
25 minimum competency testing programs reduce the rate of



1 retention in our schools.

2           We were struck with how many of their witnesses  
3 were not in total disagreement with minimum competency  
4 testing but, indeed, if the program were carefully crafted,  
5 would find themselves in accord with the minimum competency  
6 tests. Mary Berry and Shirley Chisholm both indicated that  
7 if the program were properly put together, there could  
8 indeed be merit.

9           We are most impressed, however, with the on-record  
10 views of the leader of the con team which, in essence,  
11 states, "The minimum competency testing movement may  
12 engender an educational system which is both desirable and  
13 capable of preparing students who are well grounded in the  
14 basics of reading, writing, and mathematics."

15           There you have the con team's presentation. You  
16 must put these both on a balanced scale and decide. In  
17 essence, the con team is saying there is no problem, there  
18 is no real problem serious enough to warrant an installation  
19 of minimum competency tests. That is too grave. And they  
20 have described a medley of possible problems associated with  
21 minimum competency tests.

22           Yet, listening to the con team puts you in a  
23 position of listening to prophets of peril. They tell us we  
24 will have fine alternatives to minimum competency testing  
25 programs. Careful scrutiny of that suggests that they are

1 offering more of the same story.

2           The pro team contends that minimum competency  
3 testing is desired by the public and minimum competency  
4 testing is desired by educators who know enough about it.  
5 Minimum competency testing programs of high quality will  
6 produce positive effects on students, on the curriculum, and  
7 on public perceptions of schooling. We are not just saying  
8 they can or they will. Those programs are currently  
9 producing such effects.

10           Minimum competency testing programs of high  
11 quality will restore honesty to public school promotion  
12 practices in this country. Minimum competency testing  
13 programs of high quality will improve American education.

14                           CLOSING ARGUMENT BY DR. GEORGE MADAUS,

15   CON TEAM LEADER

✓ 16           DR. MADAUS: Our team would also like to take this  
17 opportunity to thank NIE and to congratulate NIE for these  
18 hearings. We think a lot of good is going to come out of  
19 these tapes when they are edited. So NIE's effort in this  
20 regard is to be applauded.

21           We would also like to thank Paul Kelly for all of  
22 his work over the life of this project in moderating between  
23 Jim and I. He did a great job. Also, Barbara Jordan for  
24 her wonderful work throughout this. It has been a privilege  
25 to work with her. We would like to congratulate Jim and his

1 team. They have done a fine job of bringing together a fine  
2 group of witnesses. They made a good case. And I would  
3 like to congratulate each and every one of them.

4 I would also like to just take a personal moment  
5 here to thank my team, because I could not have done it  
6 without them. They have done a lot of work over a long  
7 period of time, and I really appreciate it. It is not over  
8 yet. We still have to edit.

9 Now, I would like to again -- I would like to  
10 begin by, rather, summing up our team's position, because I  
11 think Dr. Popham is misleading you when he starts talking  
12 about minimum competency testing as if it were a generic  
13 term. The lines of this hearing, this clarification  
14 hearing, were very carefully drawn.

15 We are not against certain kinds of minimum  
16 competency testing programs. We are not against competency  
17 testing programs, like in Kansas or in Massachusetts or in  
18 Burlington, Vermont. There are some good programs out  
19 there. Minimum competency testing programs like those give  
20 the public information that they have a right to know.

21 We are not against restoring meaning to the  
22 diploma. We are not for social promotion.

23 Somehow the "negative team" connotation has been a  
24 hard burden to carry. The "con team," he kept referring to  
25 us. Well, that is a con. That is a con. Our team is for

1 integrity in education. We are for standards. We don't  
2 want social promotion. We want the diploma to mean  
3 something. We don't want it to be counterfeit.

4           What we don't want is counterfeit accountability  
5 geared to some kind of paper and pencil test. Education is  
6 more than that. We are not against tests. There are  
7 legitimate uses for tests in education, and we have  
8 reiterated time and time again that tests can play a  
9 valuable part in informing the public and in instructional  
10 policy and decisionmaking.

11           What we were against -- and this is where you are  
12 being conned by the pro team -- what we are against is when  
13 a test score becomes a necessary condition to receive a  
14 diploma or the full condition to be promoted from one grade  
15 to another. We are saying -- and I think you will have to  
16 listen carefully because, again, of the label that we carry  
17 throughout this hearing --, what we are saying is those kinds  
18 of tests are one data point in making decisions. But the  
19 decisions on diploma award or promotion or classification  
20 should be made by the professionals, by parents, by  
21 administrators, using all of the indices that they can to  
22 come to the best judgment about each individual student.

23           Now, in talking about programs where if you don't  
24 pass the test you don't get the diploma, or you don't  
25 receive -- you don't get promoted, or that's the sole

1 criterion by which you are pulled out of a classroom and  
2 dumped into some kind of a remedial program, in talking  
3 about those kinds of programs, there are some serious  
4 problems. The test becomes very, very important, and  
5 whenever a test becomes very, very important there are  
6 serious consequences on individuals and there are serious  
7 consequences on teaching and on the curriculum.

8           We had some contentions when we started. We said  
9 basic skills were not declining. We didn't say that  
10 everything was right in American education. We said that we  
11 were concerned that the more complex skills were declining,  
12 and by concentrating on these paper and pencil basic minimum  
13 kinds of things we are going to make that situation worse.

14           We are concerned about that. But we don't think  
15 the schools are as bad as Dr. Popham has portrayed. We have  
16 seen terrific teachers and administrators from both sides  
17 come to these hearings and testify. When I think of all the  
18 nonsense I have heard about poor teaching and so on, I am  
19 really encouraged by the types of people I have seen from  
20 both sides, administrators and teachers.

21           Now, one of the contentions we had is that this is  
22 a political response to an educational problem, that it is a  
23 cheap, quick and conspicuous fix to a serious problem. What  
24 is happening is that the test is being used as an  
25 administrative device to mandate learning. You don't

1 mandate learning. That's not how kids learn, by mandating a  
2 test.

3           Now, we felt it was incumbent on us, because we  
4 had this label "con team," "negative team," that we had to  
5 offer alternatives. And we very carefully structured that  
6 part of the first day. We started off by having Dr. Austin  
7 talk about the characteristics of successful schools, and he  
8 did a beautiful job of describing what goes into a  
9 successful school. And the perhaps most important  
10 ingredient was they believe that kids could learn. And we  
11 believe that kids can learn, and learning is a lot more than  
12 passing those tests.

13           He described the characteristics of the teachers  
14 and the administrators and the parents and the students in  
15 those schools, and we have seen those characteristics  
16 mentioned by a lot of people in testimony, including people  
17 from Dr. Popham. So that's what Detroit was about. They  
18 had excellent administrators, excellent teachers.

19           We then followed by a superintendent from a large  
20 district that showed how tests could be used in  
21 instructional decisionmaking. But as he said, when it comes  
22 down to making decisions about promotion or graduation, then  
23 you use all kinds of information. You don't use a single  
24 test score.

25           Now, Dr. Popham is saying, well, we are misleading

1 you on that because after all they have to meet the  
2 requirements of the Carnegie units, and if they don't do  
3 that they don't graduate. So this test is not the sole  
4 criterion. What we mean is, if you don't pass that test you  
5 don't get your diploma.

6 Now, he says, well, you can take it four or five  
7 times, isn't that good? The minute you fail it you are  
8 labeled. In Florida you are labeled a functional  
9 illiterate, because it was a "funky lit test." And I don't  
10 care if you pass it four months from now, that's a tough  
11 label for a kid to live with.

12 There ought to be some way in which those test  
13 scores can be reviewed before we hang that label on the  
14 kid. Dr. Popham admitted that Donnie Shea should not have  
15 been subjected to what he was subjected to in Peoria, one  
16 that Dr. Popham cites as a model minimum competency testing  
17 program. What we want for every kid in America is what he  
18 wants for Donnie Shea: a mechanism to look at that test  
19 score and see if it is accurate, to see if there are other  
20 indicators that might say that test was wrong for this kid.  
21 If there aren't, the test is right, the other indicators  
22 agree, then maybe the kid should be kept back, should not  
23 get a diploma. But that is what we want.

24 Why were we so adamant about this test score  
25 thing? Because of technical limitations. And Dr. Popham

1 said: Gee, we were bombarded by technical witnesses about  
2 the quality of technical tests. Who did he mention? He  
3 mentioned Ralph Nader. He didn't mention Dr. Linn, who is  
4 also one of the foremost testing experts in this country.  
5 He didn't mention Dr. Calfee. He didn't mention Roger  
6 Farr. He mentioned Ralph Nader.

7           Ralph Nader is a consumer advocate. Ralph Nader  
8 is warning people that you don't get truth in labeling by  
9 giving a minimum competency test. And he read us some items  
10 that were bad items.

11           And Dr. Popham says, oh, he derides these items,  
12 these are bad items. Those items came out of a test that  
13 was used in some districts in New Mexico to deny  
14 diplomas.

15           Now, Dr. Linn's testimony, which I think is  
16 crucial to our argument, shows what a couple of items can  
17 mean. In Florida if we lowered the cutoff score by three  
18 multiple choice items, after eleven years of school 11,000  
19 more kids would have gotten a diploma in the state of  
20 Florida, 11,000 on three multiple choice items.

21           And Ralph Nader wasn't the only one who mentioned  
22 bad items. Dr. Calfee mentioned bad items. Debby Meiers  
23 mentioned bad items.

24           Coming back to the alternatives, we then showed  
25 you alternatives at both the local district level with Debby



1 Meiers and at the state level with two chief state school  
2 officers who said we don't need these kinds of things.

3           Now, Dr. Popham's sites are very interesting. His  
4 witnesses testified to great improvements in education.  
5 They felt that things were really good. In not one of his  
6 sites, in not one of his sites, at least -- well, I will go  
7 through them for you. In not one of his sites could you  
8 lose a diploma or be kept back on the basis of the test.

9           South Carolina? No. Let's look at South  
10 Carolina. They don't use it for diploma denial, they don't  
11 use it for grade to grade promotion, and they don't use it  
12 by itself for classification. They don't use it by itself  
13 for classification. And that is the issue, by itself.

14           Florida, which has a terrible program according to  
15 Dr. Popham's own witness, Dr. Scriven. You heard  
16 Commissioner Turlington tell about all these wonderful  
17 results. There's no diploma sanction operating in Florida  
18 right now.

19           Harlington, Texas. Mrs. Moreles had wonderful  
20 results. Kids aren't kept back there on the basis of the  
21 test scores. Dr. Trujillo's own district, he admitted that  
22 a kid can graduate from there using other indicators of  
23 proficiency.

24           We can go through the other sites. Detroit I  
25 think is a very interesting site. Detroit does not differ

1 that much from what Dr. Wallace talked about as an  
2 alternative. It is quite different than what Debby Meiers  
3 talked about, but it doesn't differ that much from what Dr.  
4 Wallace talked about.

5         And really, the only thing that is troublesome  
6 about Detroit is the endorsed diploma. Now, I think anyone,  
7 who was here today has to say that the Detroit witnesses  
8 admitted that they would have gotten the result they got  
9 without the endorsed diploma. You don't need the endorsed  
10 diploma to have the kinds of outcomes that Detroit reports.

11         On the endorsed diploma, though, there are a lot  
12 of kids who missed the endorsement by a couple, two or three  
13 items. Again, what we want is a way to review that to get  
14 other indicators in.

15         Now, we have heard a lot of testimony from Dr.  
16 Popham's witnesses that we agree with. For example, Zodie  
17 Johnson. We believe that if teachers teach students,  
18 students will learn. We believe that. But we don't believe  
19 you need a sanction to make that happen.

20         We also think that an important part of this  
21 clarification hearing is that what we are illustrating in  
22 these alternative techniques are some quite different  
23 competing philosophies of education. We are saying there  
24 are other ways to teach, there are other ways kids can  
25 learn. We don't need to approach it through a behavioral

1 objectives, stimulus-response kind of approach.

2           There are other ways and Debby Meiers, a very  
3 successful principal in Manhattan, described some of those  
4 for you. That in some ways is a very central issue to this  
5 debate: What kind of schools and what kind of teachers and  
6 what kind of learning do we want? That is crucial.

7           What we maintain is that when you have that  
8 necessary requirement of passing that test, that diminishes  
9 to some extent teachers. Their judgment should be taken  
10 into account in these kinds of decisions.

11           Coming back for a minute to the technical issues,  
12 I have been an admirer of Dr. Popham for a number of years.  
13 I read his books. And somehow, Jim, in my heart I can't  
14 believe that you are not disturbed by kids around the cutoff  
15 score, that you are not disturbed about test error. I just  
16 don't believe it, Jim, I really don't. I don't believe that  
17 you are not disturbed by the fact that we can get quite  
18 different classification schemes depending on how we set the  
19 cutoff score. I don't believe it, Jim.

20           One of the pro team's main contentions is truth in  
21 labeling: Let's get rid of the counterfeit diploma. They  
22 never told you about the fact that kids over the cutoff  
23 score by one, two, three or five items because of test  
24 error, again, may just as easily have fallen on the other  
25 side. And those kids don't have to be tested again. Is

1 that honest? Is that truth in labeling?

2           You heard a test director from North Carolina  
3 admit today that he was concerned about that, that his  
4 training told him that you don't use tests this way.  
5 Ethical standards in psychology, test standards from the APA  
6 and MCRE say if we don't use test information that way, we  
7 shouldn't.

8           One of the problems with the testing in minimum  
9 competency testing is that the tests simply don't receive  
10 enough scrutiny. In some states those tests are highly  
11 classified. In Dr. Lynn's analysis of Florida, those tests,  
12 you can't see them. We had the tape from someone who had  
13 bought the tape for a court trial. Otherwise we could not  
14 have done the analysis that we did.

15           We suggested that there may be concern for  
16 dropouts in Florida. We are not saying that the Claire  
17 Sullivan dissertation was definitive on this, but it raises  
18 enough questions where the state of Florida should be  
19 gathering the necessary data to answer that question one way  
20 or another.

21           Dr. Richman's study in North Carolina is  
22 suggestive. We never said it was definitive, but it was  
23 suggestive enough that we should be concerned to get more  
24 data.

25           I hope that Dr. Popham would be just as

1 incredulous and just as skeptical about some of the dramatic  
2 test rises that we have seen. Could it be -- I mean, won't  
3 he be as incredulous about that as he was about some of our  
4 empirical data, that maybe those results or the fact that  
5 the test was made easier or the test was not equated, that  
6 they taught to the test or in fact in some cases test  
7 security broke down? Well, I hope so.

8           Now, one of the big shams in all of this, it seems  
9 to me, is that these tests are somehow going to guarantee to  
10 the public that kids coming out of school have life skills,  
11 survival skills, that they are going to be competent  
12 adults. That again is a technical question about test  
13 validity. Do you really think that a paper and pencil  
14 multiple choice test given in one or two hours, three hours,  
15 whatever, really predicts what successful adults do? I  
16 doubt it.

17           You have heard the testimony from Mrs. Shea and  
18 Mr. Levinson and Dr. McNally about handicapped children who  
19 can perform quite well. They are very competent functioning  
20 adults who didn't pass these tests. Or maybe there are some  
21 kids that have not been labeled as handicapped who haven't  
22 passed the test and also can function quite well. And that  
23 is why we want multiple indicators.

24           Now, again I think that in closing, that the issue  
25 before us is in some ways a value question about what type

1 of schools and what kind of education. Do we want a narrow  
2 test-driven curriculum and test-driven schools, or do we  
3 want schools where tests assist instruction, but the  
4 professionals in the schools, the parents and the kids make  
5 the decisions, the important life decisions about kids in  
6 terms of promotion, classification or graduation?

7 Thank you.

8 HEARING OFFICER JORDAN: Thank you, Dr. Madaus.

9 Now for my closing remarks.

10 CLOSING REMARKS BY THE HEARING OFFICER

11 PROFESSOR BARBARA JORDAN

12 You will note that we have used this judicial  
13 format for the hearing. Even though we have used a judicial  
14 format, no one is going to render a decision right now, even  
15 though I am tempted. There has been no jury. No one here  
16 can say whether this hearing has been a success or failure.  
17 No one here can really comment about the overall quality of  
18 minimum competency testing programs.

19 All of the decisions and all judgments concerning  
20 what has been presented here are left to subsequent  
21 audiences. Available to subsequent audiences by this fall  
22 will be gavel to gavel videotapes and written transcripts of  
23 the hearing. In addition, PBS will air in early fall a  
24 four-part television series consisting of a documentary on  
25 MCT programs, followed by an edited version of each of these

1 three days of hearings.

2           In these three days we have sought to clarify what  
3 the two teams perceive to be some of the major issues in  
4 minimum competency testing: Whether MCT programs will have  
5 a beneficial or harmful effect on students, on curriculum,  
6 and teaching, and on public perception and educational  
7 quality.

8           The two teams have done well. They worked  
9 actively for ten months developing their cases. 57  
10 witnesses have testified. They have sought to clarify these  
11 issues of educational and social significance.

12           The extent to which we have succeeded will be  
13 reflected in the quality of decisions made by legislators,  
14 state and local policymakers and administrators, parents,  
15 teachers, students, and by the ultimate policymakers, the  
16 ultimate policymakers in our democratic society, the  
17 American people.

18           Before adjourning this hearing, I would like to  
19 take this opportunity to thank all of those who have made it  
20 possible, both those who have been presenting, testifying  
21 for these three days, and those who have been behind the  
22 scenes working. I especially want to thank the two team  
23 leaders. You all really did well. And I know you were  
24 worried from time to time, but you really did do all right.

25           Your witnesses were good. They provided useful,

1 insightful, comprehensive material about minimum competency  
2 testing. And my dear colleague, Paul Kelley, has done an  
3 outstanding job of assisting me in my role as hearing  
4 officer.

5           A great many people have worked behind the scenes  
6 to make this hearing possible: the Commerce Department,  
7 most gracious in providing us this auditorium and this  
8 conference room and looking after so many of the details,  
9 like coffee and air conditioning, parking spaces, mobile TV  
10 vans. They did a lot.

11           Galan Armstead and William Steinforth, we thank  
12 them for their staff has gone out of their way to try to  
13 make us welcome and comfortable, and we thank them for  
14 that.

15           The videotapings of the hearings, as well as the  
16 production of the three days, of the three one-hour edited  
17 tapes, are being handled by Maryland Instructional  
18 Television. Maryland Instructional Television. When we say  
19 those words, we think of Frank Batavick, executive producer  
20 of the series, and his staff who have been working with us  
21 all along. They have been invaluable in helping us create a  
22 production for the television medium.

23           Also helping throughout these months of  
24 preparation has been the McLeod Corporation, Jim Lieberman,  
25 his staff, able people handling logistics.



1           In thinking of the people who have played such key  
2 roles in these clarification hearings, we must particularly  
3 acknowledge the intellectual contribution of Dr. Robert  
4 Wolf. Dr. Wolf saw the contributions a judicial hearing  
5 format could make in addressing education issues. He  
6 developed that format in detail, from the use of the pro and  
7 con views to the establishment of rules of evidence and  
8 procedure. We appreciate the contributions he has made over  
9 the past decade in developing this method and in working  
10 with us on the MCT hearing.

11           And finally, the hearings would not have been  
12 possible without the support of the National Institute of  
13 Education. In sponsoring this hearing, the Institute has  
14 created a public forum for the debate of controversial  
15 public policy issues. Milton Goldberg, Acting Director of  
16 the Institute, Jeff Schiller, head of NIE's Program Testing,  
17 Assessment and Evaluation, and Judy Schoemaker, Testing Team  
18 Leader, ought to be commended for their support.

19           I particularly want to thank Enid Herndon, NIE's  
20 project officer for this effort. From the outset, Enid has  
21 managed all of the picky details, and she did it pleasantly  
22 and well, details like those necessary when you are trying  
23 to translate an idea into reality. In keeping all of us --  
24 she was outstanding in keeping all of us -- team leaders,  
25 hearing officer, TV production crews, management

1 contractors, and Department of Commerce -- on track and on  
2 target.

3           This hearing concludes only one part of the  
4 effort. The production of the edited tapes and efforts to  
5 provide the materials to state and local decisionmakers and  
6 concerned citizens will continue through the Southeast  
7 Educational Communications Association, also to be  
8 coordinated by Enid Herndon.

9           It should be pointed out that NIE's interest in  
10 this endeavor goes beyond informing decisionmakers about  
11 minimum competency testing issues. The Institute is equally  
12 interested in finding out how effective this judicial  
13 hearing approach can be as a research alternative for states  
14 and communities in addressing public policy issues.  
15 Therefore, research is being conducted on the utility of the  
16 hearings, the edited tapes and other materials for the  
17 educational community, and on the value of the hearing  
18 approach to clarify educational issues.

19           This research is being conducted by the Northwest  
20 Regional Educational Laboratory and is being managed by Mary  
21 Ann Milsap of the Institute. We look forward to the outcome  
22 of these continuing activities.

23           If you have not already filled out your evaluation  
24 forms, I hope, for this hearing, those of you in the  
25 audience, I hope that you will do that before leaving the

1 auditorium.

2           At this time this hearing is adjourned.

3           (Whereupon, at 5:15 p.m., the hearing was  
4 adjourned.)

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