

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2875 SCOMM 125: HOUSE SPECIAL COMMITTEE ON EDUCATION 2001-02

State	Original Exams	Modifications	Special Needs Students
Utah	Effective with the graduating Class of 2005. The test must include at least language arts, reading and math.		No info.
Washington	Students must pass test before being issued "certificate of mastery," which is required for graduation starting with Class of 2008. The test is the 10 th grade assessment in reading, writing, communication and math.	The state delayed the implementation of the high stakes nature of the exam by two years. Exit exam was initially scheduled for implementation in 2006. House Education Committee is being urged (2/20/01) to approve House Bill 2068, which would delay the mathematics and writing graduation requirements until 2010. The reading requirement would still have to be mastered by 2008. A separate provision of HB 2068 that would require the state to develop alternatives to the WASL for assessing student performance. Forty-two percent of the class of 2008 met the state math standard last year, while 66 percent met the reading standard.	

High Stakes Tests With A Twist

Alaska Department of Education & Early Development

State	Original Exams	Modifications	Special Needs Students
Georgia	A curriculum-based test is administered in 11 th grade "for graduation purposes."	The graduation test will be replaced with end-of-course assessments when they are developed.	
Indiana	Beginning with the Class of 2000, each student needed to pass a graduation exam in English/language arts and math at the 9 th grade level to graduate. State law allows two more ways for students to graduate without passing one or more test that comprise the exam: (1) if the student has used all possibilities to take the test; completed remediation opportunities; maintained high school attendance rate of 95%; maintained a C average in courses required for graduation; received recommendations by teacher(s) and principal. (2) Completes the "Core 40" with a "C" or better and gets permission of principal. Core 40 is the state's high school curriculum that leads to minimum preparation for college.		Special education students receive similar accommodations they receive on IEPs. But special ed students have the same three routes to a diploma as regular students.
Maryland	Exit exam covers math, reading, writing, citizenship, arts and physical education, the "World of Work" and "Survival Skills," but only at basic levels.	Exit exam will be replaced with end-of-course exams in English, government, algebra, geometry and biology. Students entering 9th grade in 2003 (Class of 2007) will be required to pass those end-of-course exams to graduate.	
Tennessee	Effective with Class of 2002, state is moving away from exit exam and is phasing in end-of-course tests in key subjects. Class of 2005 is first class that needs to pass test for diploma. 2001-2002 - Passing Gateway tests becomes a graduation requirement for students entering high school as freshmen. End-of-course testing begins in Algebra I and Biology. End-of-course testing also begins in English I, Math Foundations II, Algebra II and Geometry. 2002-2003 - End-of-course testing begins for the English II, Physical Science, Chemistry and U.S. History.	Moving from exit exams (choice of two) to end-of-course exams.	

State	Original Exams	Modifications	Special Needs Students
Virginia	All students must pass a literacy test to graduate. Students graduating in 2004, 2005 or 2006 must pass 6 end-of-course exams, 2 in English and 4 student-selected. Students graduating in 2007 and later may select only one subject; the remaining 3 must be in history, science and math. (Those subject matter requirements were applied to all students in the previous regulation.) Other tests, including the SAT II, Advanced Placement or International Baccalaureate exams, TOEFL and others may substitute for the end-of-course exams. Beginning with the Class of 2002, students may earn an Advanced Studies Diploma by passing more end-of-course exams or their substitutes (9 rather than 6,) and taking more courses.		
Wisconsin	By fall 2002, local school boards must develop policies specifying criteria for awarding high school diplomas, to be effective 2002-2003. As one of those criteria, districts must administer a "graduation exam" in language arts, math, science and social studies. However, each district may determine the passing score, and whether passing is even required for graduation. Parents may have their children opt out of the examination; whether, and how, a student who has opted out may receive a diploma is left to each district.		
Wyoming	Effective with the Class of 2003, high school students need to pass a test in reading, writing, and mathematics for a diploma. The testing system has two major components. The main feature is a set of assessments designed to measure student learning of the Wyoming Content Standards. The second component is a norm-referenced test to use for national comparison purposes.	The State Board of Education delayed the test effective date to the Class of 2005. A bill approved in 1/01 by the WY House education committee would create three types of high school diplomas—advanced, proficient and individualized.	

Tests: No High Stakes

Alaska Department of Education & Early Development

State	Original Exams	Modifications
Connecticut	State law mandates a statewide assessment to all students in grade 10 in math, language arts, science and interdisciplinary. It was administered for the first time in 1995. The legislation specifies the test cannot be used as the sole criterion for graduation or promotion, but that it will be the basis for awarding Certification of Mastery for those students who achieve the state goals in any of the subjects tested. It further specifies that a record of such performance should become part of the student's permanent school record and the official high school transcript. The high school test is a logical extension of the state's long-established testing program at grades 4,6 and 8.	
Delaware	No longer requires students to pass state assessments to graduate, but still requires certain assessment scores and course requirements for honors diplomas (Academic Diploma and Distinguished Achievement Diploma).	Backed off exit exam
Hawaii	The Hawaii Department of Education has placed a moratorium on its exit exam, effective with the Class of 2000, so that a new assessment system based on Hawaii's new performance standards may be developed. The old exam, developed in 1977, was not aligned with the new standards, was insufficiently rigorous and was entirely multiple-choice in format. The new exam is expected to be first administered in 2002 to the 10 th grade.	
Maine	Does not use state tests for graduation requirement. Uses state test as 10% of how school/district is assessed. Test is not used for student accountability.	
Michigan	Students must score above a certain level in mandatory state assessments (in communication, math, science and social studies) to gain state endorsement in that area. The scores and any endorsements earned appear on each student's transcript. Students need not gain state endorsement in any area to graduate, but if a student does not receive one of the endorsements, a district staff member and the student must meet "to determine an educational program for the pupil designed to have the pupil achieve state endorsement in each area in which he or she did not achieve state endorsement."	Districts can decide whether exit exam is used.
Missouri	A statute forbids exit exams: "In no case shall the state board of education or any other state agency establish any single test or group of tests as a condition or requirement for high school graduation or as a requirement for a state-approved diploma."	
Nebraska	A state initiative called School-based Teacher-led Assessment and Reporting System (STARS) are based on voluntary state content standards. Teachers conduct classroom assessments which are combined with national standardized tests and the NAEP are used to measure and report to the public student learning of Nebraska standards. Students are tested in each grade level writing, reading, math, science and social studies/history. Local school districts must have state approve local assessment plans.	
Oklahoma	To graduate, students must take end-of-instruction tests in English (starting in 2000-01), U.S. history (2000-01), biology (2001-02) and algebra (2001-02), but do not have to pass the tests. Results are recorded on transcripts. "It is the intent of the legislature that... the performance data and any available research shall be reviewed for consideration of additional consequences, including, but not limited to, high school graduation."	

Oregon	The Certificate of Initial Mastery is being phased in from 1990 to 2004. Not required for a diploma. Students may take one of three levels of difficulty of exams, A, B, C. A is the least difficult. To earn a certificate when the program is fully implemented, students must pass 10th grade tests in writing, reading, applied mathematics and science.	28% of students earned a certificate in year 2000. In February 2001, the state settled a class action suit filed by special ed students who claimed the testing system that leads to a Certificate of Initial Mastery discriminates against learning-disabled students. At the heart of the suit was whether LD students had equal opportunity to participate in the state testing program. In a state that offers one of the nation's most inclusive testing systems, the mediators who settled the suit said special education accommodations were too narrow.
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STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

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To: The Honorable Con Bunde
Alaska State Legislature

From: Shirley J. Holloway, Ph.D.
Commissioner

Date: February 27, 2001

Subject: Responses to the House Special Committee on Education Questions

Below are the responses to the two sets of questions submitted to the department by your office:

SET I

1. Please provide the passing scores for each part of the Competency Test in a format that can be explained to the general public. How many questions/which questions have to be answered correctly in order to pass each part of the test?

Each component of the HSGQE is scaled from 1-600 in much the same manner that the SAT scores are scaled 100-800. Over time, meaning has been attached to SAT scaled scores since post-secondary institutions require specific scores for students to be admitted. The HSGQE scaled scores will also acquire meaning as everyone increases their understanding of the results. Alaskans recommended passing scores by identifying questions (based on our performance standards) that were considered to be essential for future success upon graduation from high school. The scaled HSGQE passing scores are as follows:

Spring 2000

Reading: 305 passing score equals a raw score of 42 points out of 74 points.
Writing: 356 passing score equals a raw score of 49 points out of 68 points.
Math: 383 passing score equals a raw score of 55 points out of 80 points.

Fall 2000

Reading: 305 passing score equals a raw score of 40 points out of 71 points.
Writing: 356 passing score equals a raw score of 51 points out of 67 points.
Math: 383 passing score equals a raw score of 54 points out of 80 points.

As you can see, the examinations vary slightly in terms of total possible points as well as the number of points necessary to achieve a passing score. Our contractor, however, guarantees that our exams are of comparable difficulty.

2. How do Alaska's procedures for LD students compare to the provisions in the Oregon settlement agreement?

It is important to note that Oregon's mediated settlement involves an assessment system that is not high stakes in nature (in other words, diplomas are not withheld based on a student's performance on the assessment). Alaska's test accommodations system is designed to ensure that student's with disabilities are not unfairly penalized because of their disability while still maintaining test reliability and validity. A copy of the Oregon settlement agreement is attached for your reference.

In addition, Alaska has no specific accommodations that apply only to students with learning disabilities. All accommodations are available to any student with a disability, based on the decision of that student's IEP team, or a student eligible for services under Section 504 of the Vocational Rehabilitation Act.

3. Have you been able to get final total amounts for the cost of the Competency Test (distinct from the Benchmark Tests)?

The department's total assessment budget is \$4.2 million. The chart below illustrates the budgeted amounts for the High School Graduation Qualifying Exam and the Benchmark Assessments from the department's contract with CTB/McGraw-Hill.

	FY1998	FY1999	FY2000	FY2001
HS Graduation Qualifying Exam	\$350,000	\$966,600	\$1,786,800	\$2,147,500
Benchmark Assessments		\$791,800	\$1,583,400	\$1,352,800
Total	\$350,000	\$1,758,400	\$3,370,200	\$3,500,300

4. Answers to Rep. Wilson's questions:

- Where are lawsuits most likely to come from?
- Can we win?
- If not, what do have to specifically change?

Phil Reeves, an attorney with the Dept. of Law, prepared a summary of the legal context in which high stakes testing and challenges occur. This summary has been presented to committee members. Mr. Reeves will also

be present during the hearing on February 28th to verbally address these questions.

5. When will we see The Plan?

The department expects to have its work plan for 2002-2006 finalized no later than the second week of March.

6. What % of high school graduates are from military families?

School districts are not currently required to document whether students in their schools are from military families. Consequently, the department does not have accurate information regarding the percentage of high school graduates who are from military families.

7. Some districts are ramped up for the test. Is anyone getting their methods out to other districts?

A number of efforts to support school districts have been implemented by the department. A compact disc with the Chugach School District's standards-based education program has been created and is available to districts. The department also maintains a cadre of Quality Schools Consultants who are available to provide ongoing technical assistance to school districts regarding standards-based education. In addition, the department has helped sponsor a series of annual summer institutes that provide school teams and individual professionals the opportunity to network with other districts as well as gain additional expertise in improving student outcomes. A catalogue of these institutes is included for your review.

SET II

- 1. Are you familiar with the Settlement Agreement between the Oregon Department of Education, the Oregon Board of Education, and the Advocates for Special Kids (ASK)? If so, how does Alaska's statewide assessment program compare to Oregon's for learning disabled students?**
As noted above in Question #2, it is difficult to compare Oregon's mediated settlement with Alaska's system of accommodations since Oregon's assessment system is not high stakes in nature.
- 2. In developing Alaska's High School Competency Test, did CTB/McGraw Hill include children with learning disabilities during the field testing?**
Yes.

3. On what research were Alaska's decisions about accommodations and modifications based?

The *References* section of the *Participation Guidelines for Alaska Students in State Assessments* lists the research that was utilized in creating the accommodations system. Accommodations used by other states were also reviewed and Dr. Richard Smiley, Director of Assessments for the department, attended meetings conducted by the Council of Chief State Schools Officers (CCSSO) that focused on accommodations.

4. Do Alaska's accommodations include the use of a typewriter or word processor when the student's disability impairs the physical act of writing?

These accommodations are allowed, although the use of a computer spell-checker is not.

5. Is the approved list of accommodations final, or may IEP teams include methods of assessment that are not on the list?

The list of accommodation is not final. Page 9 of the *Participation Guidelines* states that the listed accommodations are not exhaustive due to changes in the technology of adaptive and assistive devices. It is up to the IEP team, in conjunction with the test coordinators, to determine what are appropriate accommodations.

Also, in line with IDEA 97, IEP teams may choose to have a student assessed using modifications. As noted on page 8 of the *Participation Guidelines*, modifications are defined as "changes to a testing situation that alter what the test measures or the level of performance that must be met". However, districts are not required to count the results of modified tests in their district reports and a student who passes a modified test would not be eligible for a diploma.

6. What are the procedures for students and parents to challenge decisions about accommodations and participation in alternative assessments? How is this information provided to parents?

As with any decision made regarding the special education and related services that are provided to a student with disabilities, parents have the federally-protected right to challenge an IEP team's decision related to assessments. These rights include participating in mediation, filing an administrative complaint with the department, or requesting a due process hearing. Descriptions of these procedures are provided to parents in the Procedural Safeguards notice that is provided to parents during every IEP meeting. Parents of students on 504 plans also have the right to appeal decisions regarding accommodations.

- 7. Did Alaska participate or make use of the work regarding test participation and accommodations done by the National Center on Educational Outcomes or the Council of Chief School Officers' State Collaborative on Assessment and Student Standards (SCASS)?**

Yes. In fact, the head of NCEO, Dr. James Ysseldike, attended the first two meetings of the committee that was convened to oversee the development of the Participation Guidelines. As noted above, Dr. Smiley attended meetings of the CCSSO SCASS group that focused on including students with disabilities in statewide assessments.

- 8. What empirical and experimental research has Alaska used in making decisions about test accommodations?**

As stated above, the *References* section of the *Participation Guidelines for Alaska Students in State Assessments* lists the specific research studies that were consulted. The response to Question 7 also describes Alaska's participation in the CCSSO activities and the consulting services provided by Dr. Ysseldike. The department continues to monitor changes in the accommodation systems of other states and to participate in NCEO and SCASS activities.

- 9. The Settlement Agreement entered into between the State of Oregon and the Advocates for Special Kids (ASK) included a provision that all accommodations would be allowed, valid and scoreable if used in the classroom as part of the student's IEP until research evidence invalidates the score interpretation. What is your view of this decision?**

As previously noted, Oregon's assessment system is not high stakes in nature. Consequently, the use of accommodations has different impact on student outcomes than it would for high stakes assessments. IEP teams in Alaska may choose to assess a student with a disability by using modifications. However, this student would not be eligible for a high school diploma.

- 10. What skills/knowledge are assessed in Alaska's alternate assessment for severely learning disabled students?**

It is unlikely that students with learning disabilities, regardless of the severity, would participate in Alaska's Alternate Assessment process. This assessment is for students with severe cognitive delays who are involved in a functional, basic-skills education program. A set of Alternate Performance Standards has been created that extends Alaska's Performance Standards to meaningful levels for these students. Students with learning disabilities are generally expected to participate in the regular statewide assessments. For your reference, I am providing you with an overview of the Alternate Assessment process.

- 11. What is the process for a parent's or student's appeal within the assessment program? How does it compare to the procedure in Oregon, which has been praised?**

Alaska's assessment system provides a process for challenging test scores. For students with disabilities, federal law, as described above, provides procedures for students with disabilities and/or their parents to challenge decisions made by IEP teams.

- 12. The psychometric research and statistical analysis reports of the Oregon Department of Education have been praised as "models for other statewide assessment programs". Do you agree with this assessment? If so, has the Alaska Department of Education modeled its research and analysis on Oregon's?**

The department has actively monitored the status of statewide assessments, including accommodations systems, in other states.



Comprehensive System of Student Assessments (CSSA)

Alternate Assessment System



ALTERNATE ASSESSMENT

Overview

In 1998 the state legislature passed a law creating a system of accountability, standards, and assessments for our schools. This school accountability is known as the Quality Schools Initiative. All students, including those with disabilities, must have educational standards and be assessed as part of the Quality Schools Initiative. The importance of including students with disabilities in statewide assessments is underscored by the 1997 Amendments to the Individuals with Disabilities Education Act (IDEA 97). This federal legislation requires that states develop alternate

assessments and guidelines for the participation of students with disabilities in alternate assessments.

Most students with disabilities will be included in the general course of study and be assessed through Benchmark Exams and the High School Graduation Qualifying Exam, either with or without accommodations. However, a small percentage (approximately 2%) of students in our schools have significant cognitive disabilities and adaptive skill levels that prevent completion of the standard academic curriculum even with modifications and accommodations. These students are involved in a functional, basic skills education program. Alternate performance standards and an alternate assessment system are necessary to include these students in statewide accountability and consider their needs when planning to improve schools.

Alaska's Department of Education & Early Development, working with test publisher, CTB McGraw-Hill, has developed an individualized, performance-based alternate assessment for students with significant cognitive disabilities. The assessment uses alternate performance standards that are based on Alaska content standards for all students and accepted by the State Board of Education & Early Development on March 24, 2000. During the school year, the teacher and parent will collect a portfolio of evidence (e.g., work samples, data charts, photographs) of the student's proficiency in meeting these alternate performance standards. The process is closely tied to the student's individual education program (IEP) and provides a system to improve and organize what teachers are already doing as part of the IEP process. The following pages are intended to give a better understanding of Alaska's alternate assessment.

Participation in the Alternate Assessment

Members of the student's individualized education program (IEP) team decide whether a student participates in the alternate assessment. The student's team must verify that the student meets all the following criteria:

- The student demonstrates cognitive ability and adaptive skill levels that prevent completion of the standard academic curriculum even with modifications and accommodations.**
- The student requires extensive direct instruction in multiple settings to accomplish the application and transfer of skills.**
- The student is involved in a functional, basic life skills education program.**
- The student's inability to complete the standard academic curriculum is not the result of excessive or extended absences, or primarily the result of visual,**

auditory, or physical disabilities, emotional-behavioral disabilities, specific learning disabilities, or social or cultural and economic differences.

Design of the Alternate Assessment



A statewide committee is working with test publisher, CTB McGraw-Hill, to assure that Alaska's alternate assessment provides an accountability measure that is:

- Consistent with state standards,
- Individualized to meet each student's unique learning needs,
- Performance-based,
- Integrated with the student's individualized education program (IEP), and
- Based on independent and reliable scoring.

And emphasizes:

- High standards,
- Parent involvement,
- Functional skills,
- Age-appropriate skills,
- Natural supports, and
- Generalization of skills.

Standards to be Assessed by the Alternate Assessment

All students are working to meet Alaska's content standards in 11 content areas (English/Language Arts, Mathematics, Science, Geography, Government & Citizenship, History, Skills for a Healthy Life, Arts, World Languages, Technology, and Employability). However, students are assessed in only three areas. Students in the standard course of study are assessed in Reading, Writing, and Math. Students participating in the alternate assessment are assessed in the English/Language Arts, Math, and Skills for a Healthy Life content areas.

Alternate performance standards, based on Alaska content standards for all students,

have been developed and approved by the State Board of Education & Early Development. The alternate performance standards can be found in Appendix A.

Demonstrating Proficiency



Students participate in the alternate assessment in grades three, six and eight, the same years that their peers take the Benchmark Exams. During high school, students participate in the alternate assessment beginning at grade 11. The department has identified a subset of the alternate performance standards to be assessed at each of these grade levels. Indicators of proficiency will be identified by the teacher and parent. The student, teacher, and parent will collect a portfolio of evidence of the student's proficiency. Evidence will be gathered during the school year and submitted in the spring of the year that the student participates in the alternate assessment. Evidence of the student's proficiency may take a variety of formats such as work samples, photographs, videotapes, data charts, checklists, progress reports, and interviews with employers or peers.

Independent raters will use a numerical rating system to score the portfolio of evidence on the following:

- **Skill** - how well the student performs the target behavior.
- **Support** - the extent to which the student is independent or uses prompts or assistance.
- **Generalization** - the extent to which the target behavior is demonstrated in more than one natural environment or with different people, in different subjects or different activities.
- **Appropriateness** - the extent to which skills are age-appropriate, challenging, authentic, and meaningful for the student.

Based on the above scores, an overall numerical score is derived which rates the student at one of four proficiency levels: not proficient, below proficient, proficient, and advanced. These proficiency levels correspond to the levels that are reported for all students.

Following is an example of how proficiency might be demonstrated for two students. John is 8 years old and Mary is 17 years old. Each is being measured on alternate performance standards at different times in their educational career: John is being measured with third graders and Mary with 11th graders. The indicators of proficiency that were selected for Mary and John are listed along with examples of the evidence that might be submitted to demonstrate their proficiency. The examples show how the alternate assessment is individualized to measure the unique skills of two students with very different abilities.



John

John is 8 years old and has delays in his cognitive skills. He can write letters and numbers using an adapted pencil, although this requires some effort. When with others, he often becomes distracted and wanders off. He is working on staying with the group and waiting his turn. He speaks, but is difficult to understand, and is just beginning to learn how to use a computer.

English/Language Arts Content Standard: A student should be able to speak and write well for a variety of purposes and audiences.

Alternate Performance Standard	Indicators selected for John	Evidence submitted
The student will use verbal and nonverbal communication to convey information, needs, and wants.	• John writes 3-4 words from a science unit to label pictures for a group presentation. • John writes words from the school lunch menu, which will be used to clarify his requests when ordering in the school cafeteria.	• Copies of the labels John made for the presentation • Work sample showing the words John

		has written
<i>Math Content Standard: A student should be able to apply mathematical concepts and processes to situations within and outside of school.</i>		
Alternate Performance Standard	Indicators selected for John	Evidence submitted
The student will respond to and use patterns.	• John follows a daily picture schedule to join activities in the appropriate order. • John follows a sequence of pictures to complete his part of a class presentation.	• Data sheets • Videotape
<i>Skills for a Healthy Life Content Standard: A student understands how well-being is affected by relationships with others.</i>		
The student will maintain positive interpersonal relationships.	• While working on a team project, John stays with his group and shares pictures when asked. • During free time, John stays with a peer and takes turns in a simple board game.	• Videotape • Data sheets



Mary

Mary is 17 years old with significant motor and cognitive delays. She vocalizes several vowel sounds and communicates by smiling or laughing when she is happy, and frowning or crying when she is upset. She can reach and grasp objects but has a difficult time holding small objects.

English/Language Arts Content Standard: A student should be able to speak and write well for a variety of purposes and audiences.

Alternate Performance Standard	Indicator selected for Mary	Evidence submitted
The student will engage in meaningful conversation.	• Mary shows pictures of her vacation to a peer, using smiles and vocalizations in response to peer's comments. • In response to parent's questions about her school day, Mary responds with smiles and vocalizations to indicate agreement.	• Written documentation from peers • Written documentation from parents

Math Content Standard: A student should be able to apply mathematical concepts and processes to situations within and outside of school.

Alternate Performance Standard	Indicator selected for Mary	Evidence submitted
The student will respond to and use measurement.	• When instructed by her peers, Mary sets the digital timer to bake a cake for a class project. • Mary sets the digital timer for the class's silent reading time.	• Written documentation by peers • Data chart

Skills for a Healthy Life Content Standard: A student should be able to contribute to the well-being of families and communities.

Alternate Performance Standard	Indicator selected for Mary	Evidence submitted

The student will participate meaningfully in the community.	• Working with a peer, Mary stamps the sponsor cards at the 1-mile marker for the community walk-a-thon. • Working with a peer, Mary hits a switch to count the number of people attending a class-sponsored spaghetti dinner.	• Written documentation by peers • Videotape
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Frequently Asked Questions about the Alternate Assessment

Why is there a need for alternate performance standards?

Alaska's content standards were created for all Alaskan students. However, Alaska's performance standards are highly specific in terms of skill and age attainment. The alternate performance standards were written to allow for variation in the demonstration of skills across ages and abilities.

When do students participate in the Alternate Assessment?

Students participate in the alternate assessment in grades three, six, and eight, the same years that their peers take the Benchmark Exams. During high school, students participate in the alternate assessment beginning at grade 11. The department has identified a subset of the alternate performance standards to be assessed at each of these grade levels.

How are parents to be involved in the alternate assessment?

As members of the IEP team, parents participate in the decision as to whether the student is eligible for, and will participate in, the alternate assessment. Parents also work with teachers to identify indicators with which to determine student proficiencies on the alternate assessment. They are also involved in evaluating how well the portfolio demonstrates the true level of the student's skills.

When are scores on the alternate assessment to be reported?

Proficiency scores on the alternate assessment are reported at the same time that the state reports proficiency scores for students participating in the benchmark and high school graduation qualifying exams.

Will students who participate in the alternate assessment be eligible to receive a high school diploma?

No, under AS 14.03.075, only students who pass the High School Graduation Qualifying Examination will receive a high school diploma.

What benefits will occur for students as a result of participating in the alternate assessment?

Schools must be accountable for all students. Educators, parents, policymakers, and the general public want and need to know the extent to which all students, including students with disabilities, are benefiting from their educational programs. The alternate assessment will provide information that will help teachers, schools, and parents design more effective educational programs. The assessment is integrated with the student's individualized education program (IEP) and provides a structure to assist teachers to improve instruction and better organize what they are already doing.

When will the alternate assessment be available?

A statewide field test of the alternate assessment will begin for students in grades three and eleven in September 2000. Full implementation will occur in the 2001-2002 school year when eligible students in grades three, six, eight, and eleven will be assessed.

Appendix A: Alaska's Alternate Performance Standards

The table below lists Alaska's Alternate Performance Standards (with corresponding content standards) for the three areas to be assessed in the alternate assessment.

English/Language Arts	
Alaska's Content Standards for All Students	Alternate Performance Standards
A student should be able to speak and write well for a variety of purposes and audiences.	The student will: • Use functional written communication. • Use verbal and non-verbal communication to convey information, needs, and wants. • Engage in meaningful conversation.

A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.	The student will: • Relate and apply what is viewed or read to practical purposes. • Comprehend meaning from oral language and other forms of communication.
A student should understand and respect the perspectives of others in order to communicate effectively.	The student will: • Respond to environmental, social, auditory, or visual cues. • Modify communication according to social and cultural norms.
Math	
Alaska's Content Standards for All Students	Alternate Performance Standards
A student should be able to apply mathematical concepts and processes to situations within and outside of school.	The student will • Respond to and use numbers and calculations. • Respond to and use measurement. • Respond to and use patterns.
Skills for a Healthy Life	
Alaska's Content Standards for All Students	Alternate Performance Standards
A student should be able to demonstrate responsibility for the student's well being.	The student will: • Manage personal needs. • Make choices and advocate for self and others. • Act safely and responsibly. • Engage in recreational and leisure activities.

A student should understand how well-being is affected by relationships with others.	The student will: • Maintain positive interpersonal relationships.
A student should be able to contribute to the well-being of families and communities.	The student will: • Contribute meaningfully at home and in the classroom. • Participate meaningfully in the community.

Special Education Categories and Eligibility Criteria

Listed below are the criteria for the 14 disability categories that must be used to determine whether a child demonstrates a disability and is in need of special education and related services. The presence of a disability is not sufficient to establish eligibility for special education. The disability must result in an educational deficit that requires specially designed instruction (i.e. special education).

1. Autism

To be eligible for special education and related services as a child with autism, a child must:

- a. exhibit a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, that adversely affects educational performance; and
- b. require special facilities, equipment, or methods to make the child's educational program effective; and
- c. be diagnosed as autistic by a psychologist; and
- d. be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.
- e. Characteristics of autism include:
 - ☒ irregularities and impairments in communication.
 - ☒ engagement in repetitive activities and stereotyped movements.
 - ☒ resistance to environmental change or change in daily routines.
 - ☒ unusual responses to sensory experiences.

Note: A child who manifests the above characteristics after age 3 could be diagnosed as having autism.

2. Deafness

To be eligible for special education and related services as a child with deafness, a child must:

- a. exhibit a hearing impairment that hinders the child's ability to process linguistic information through hearing, with or without amplification; and
- b. require special facilities, equipment, or methods to make his or her educational program effective; and
- c. be diagnosed by a physician or audiologist as deaf; and
- d. be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

3. Deaf-Blindness

To be eligible for special education and related services as a child with deaf-blindness, a child must:

- a. exhibit concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in a special education program solely for deaf or blind children; and

- b. require special facilities, equipment, or methods to make his or her educational program effective; and
- c. be diagnosed by an optometrist or ophthalmologist and by a physician or audiologist, as appropriate, as deaf-blind; and
- d. be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

4. Emotional Disturbance

To be eligible for special education and related services as a child with emotional disturbance, a child must:

- a) exhibit one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance:
 - an inability to learn that cannot be explained by intellectual, sensory, or health factors;
 - an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - inappropriate types of behavior or feelings under normal circumstances;
 - a generally pervasive mood of unhappiness or depression; or
 - a tendency to develop physical symptoms of fears associated with personal or school problems.
- b) require special facilities, equipment or methods to make his or her educational program effective; and
- c) be diagnosed as emotionally disturbed by a psychiatrist or psychologist; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

Note: The term includes children who are schizophrenic but does not include children who are socially maladjusted (see Glossary). It is important to distinguish children with ED from children with other behavior problems. Information in Appendix J provides some suggested clarification of terminology to assist in making these distinctions.

5. Hearing Impairment

To be eligible for special education and related services as a child with a hearing impairment, a child must:

- a) exhibit a hearing impairment that adversely affects educational performance but which is not within the meaning of deaf; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician or audiologist as hard of hearing; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

6. Specific Learning Disability

To be eligible for special education and related services as a child with a learning disability, all of the following six components must be addressed:

- a) The child must exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

The term **specific learning disability**:

- includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- does not include children who have learning problems that are primarily the result of a visual disability; motor disability; hearing disability; mental retardation; emotional disturbance; environmental, cultural or economic disadvantage; or lack of attendance.

- b) The IEP Team must show that:

- The child demonstrates limited academic achievement for his or her age and ability levels in one or more of the following areas when provided with appropriate learning experiences:
oral expression; listening comprehension; written expression; basic reading skills; reading comprehension; mathematics calculation; or mathematical reasoning; and,
- The child demonstrates a severe discrepancy between intellectual ability and academic achievement in one or more of the above-mentioned areas.

- c) The IEP Team must also ensure the following:

- At least one IEP Team member, other than the child's regular teacher, must observe the child's academic performance in the regular classroom setting;
- In the case of a child who is out of school, a team member must observe the child in an environment appropriate for a child that age; and,
- The observation report must document the name and title of the observer, as well as the date and place of the observation. This report must also be attached to the Evaluation Summary and Eligibility Report.

- d) The IEP Team must prepare a written report of the evaluation results that includes statements of:

- Whether the child has a specific learning disability;
- The basis for making the determination;
- The relevant behavior(s) noted during the observation of the child;
- The relationship of these behavior(s) to the child's educational functioning;
- Medical information, if any, related to the child's educational functioning,

- The nature of the severe discrepancy between intellectual ability and academic achievement which is not correctable without special education and related services; and,
- The determination of the team regarding the effects of environmental, cultural, economic, or attendance factors on the child's academic performance.

The report must be dated and team members must indicate their agreement or disagreement with the report's conclusions, and then sign the report. A team member who disagrees with the conclusions of this report must submit a separate statement of his or her own conclusions.

- e) The child must require special facilities, equipment, or methods to make his or her education program effective.
- f) The child must be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

7. Mental Retardation

To be eligible for special education and related services as a child with mental retardation, a child must:

- a) score two or more standard deviations below the national norm on an individual standardized test of intelligence; and
- b) exhibit deficits in adaptive behavior manifested during the developmental period that adversely affect the child's educational performance; and
- c) require special facilities, equipment or methods to make his or her educational program effective; and
- d) be diagnosed as mentally retarded by a psychiatrist or psychologist; and
- e) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

8. Multiple Disabilities

To be eligible for special education and related services as a child with multiple disabilities, a child must:

- a) exhibit two or more of the conditions described in this section, the combination of which causes such severe education problems that he or she cannot be accommodated in a special education program for solely one of the conditions; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed as described in this section for each condition; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

Note: The term multiple disabilities does not include deaf-blindness. Children with multiple disabilities exhibit two or more severe disabilities that are likely to be life-long, significantly interfere with independent functioning, and necessitate environmental

modifications to enable the individual to participate in school and society. A learning disability and speech/language impairment does not constitute a multiple disability. Likewise, a student with mental retardation who receives speech therapy as a related service would not be found eligible under this category.

9. Orthopedic Impairment

To be eligible for special education and related services as a child with an orthopedic impairment, a child must:

- a) exhibit a severe orthopedic impairment, including impairments caused by a congenital anomaly, disease or other causes, that adversely affects educational performance; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician as orthopedically impaired; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

10. Other Health Impairment

To be eligible for special education and related services as a child with a health impairment, a child must:

- a) exhibit limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, and is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, that adversely affects educational performance; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

11. Preschool Developmental Delay

To be eligible for special education and related services as a preschool child with developmental delays, a child must:

- a) be not less than 3 years old nor more than 6 years of age; and
- be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services as a child with developmental delays by meeting the following criteria:
- I. function at least two standard deviations below the mean or 25% delayed in age equivalency in at least one of the following areas:
 - cognitive development
 - physical development which includes fine and gross motor

- speech and language development which includes articulation, fluency, voice and language
- psycho-social development and
- self-help skills;

or

II. function at least 1.7 standard deviations below the mean or 20% delayed in age equivalency in two or more of the five areas in "b" above;

and

III. has learning problems that are not primarily the result of bilingualism, cultural difference, environmental disadvantage, or economic disadvantage.

The category preschool developmental delay should not be used when the child clearly meets the eligibility for another disability category.

Note: There is no pre-school learning disability classification. A child with learning problems who is not less than 3 years nor more than 6 years of age must meet the above criteria for preschool developmentally delay to qualify for service.

12. Speech Impairment

To be eligible for special education and related services as a child with a speech impairment, a child must:

- a) exhibit a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects educational performance; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician or speech-language pathologist as speech impaired; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

13. Traumatic Brain Injury

To be eligible for special education and related services as a child with a traumatic brain injury, a child must:

- a) exhibit an injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial maladjustment that adversely affects educational performance. The term includes open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician as having a traumatic brain injury; and

- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

14. Visual Impairment

To be eligible for special education and related services as a child with a visual impairment, a child must:

- a) exhibit a visual impairment, not primarily perceptual in nature, resulting in measured acuity of 20/70 or poorer in the better eye with correction, or a visual field restriction of 20 degrees as determined by an optometrist or ophthalmologist, which even with correction, adversely affects educational performance; or
- b) exhibit a physical eye condition that affects visual functioning to the extent that specially designed instruction is needed; and
- c) require special facilities, equipment, materials, or methods to make his or her educational program effective as determined by a teacher of students with visual impairments; and,
- d) be certified by the IEP Team and other qualified professionals, which includes a certified teacher of students with visual impairments, as qualifying for and needing special education services.

Quality Education in the Last Frontier: Alaska's State Improvement Grant

Abstract

The Quality Education in the Last Frontier (QELF) project, Alaska's state improvement grant, is designed to increase educational services and successful outcomes for all students, including students with disabilities. The QELF project will accomplish this by providing direct support and technical assistance, as well as facilitating collaboration among its partners. The project is located within Alaska's Department of Education & Early Development (EED).

Based on an extensive needs assessment, the following six goals were identified:

- (a) increase the participation of all students, including students with disabilities, in activities related to Alaska's Quality Schools Initiative and other school reform efforts;
- (b) support the full participation of parents, families, and community members in activities promoting student achievement;
- (c) develop and sustain effective partnerships with state agencies that provide services affecting students' educational achievement;
- (d) develop the infrastructure to recruit, train, and retain education professionals;
- (e) develop the infrastructure to recruit, train, and retain paraeducators; and,
- (f) develop an evaluation program to ensure the efficient use of federal, state, and local resources for project activities.

The QELF project will advocate for full inclusion of students with disabilities in statewide education reform activities by providing training, resources, and technical assistance to school districts, parents, families, communities, and state agencies. The project will also increase cooperation among stakeholders and build the capacity of systemic structures currently in place. Twenty-six organizations representing parents, school districts, school personnel, Alaska Natives and other under-represented groups, state agencies, institutions of higher education, and private employers have signed partnership agreements that identify specific areas of collaboration. These partnerships will enable the QELF project to achieve its goals with a small staff and low administrative overhead. They will also ensure that Alaska's systemic capacity continues to grow after the project's completion.

The QELF project will implement innovative strategies to improve the recruitment, training, and retention of paraeducators and professional educational personnel. The Alaska Personnel Development Team, comprised of stakeholders in Alaska's education system, will provide continuous assessment and feedback. The University of Alaska, Anchorage, the University of Oregon, and the Alaska Staff Development Network will combine distance education programs and summer institutes, increase the number and type of courses offered, and share expertise to meet Alaska's preservice and inservice training needs.

The QELF project will enable its partners to be more effective in achieving their goals and ensure federal, state, and local resources are more efficiently integrated. The project will also permanently increase the capacity of Alaska's education system to improve student achievement.

Response to Senator Wilken's Request for Information

During the hearing before the Senate HESS committee on February 21*, Senator Wilken asked for the number of students, ages 14 and over, who are receiving special education. The response is based on the 12/1/99 child count report submitted to the federal government. The 12/1/00 child count is currently being completed.

Students Ages 14 and over receiving special education:	4,864
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Total Number of students, ages 3-21, receiving special education:	17,495
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Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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Brian Porter
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Peggy Wilson
Gary Stevens
Reggie Joulé
Gretchen Guess

To: The Special Committee on Education
From: Representative Bunde *[Signature]*
CC: Karen McCarthy
Date: 02/16/01
Re: Competency Exam Research Information

Attached you will find information from Legislative Research on the competency exam in other states. In addition to this, please note the following:

I am providing this information to you regarding the states that originally set standards for high school graduation so that you can assess modifications and delays that have been made. This is important to note, as we are making decisions regarding delaying our competency exam.

Of the nineteen states that originally developed Competency Test requirements, thirteen are making modifications to the current exam. The states seeking modifications are Arizona, Florida, Georgia, Maryland, Minnesota, Mississippi, New Mexico, New York, North Carolina, Ohio, Texas, Tennessee, and Maryland. Out of this thirteen, those who set standards similar to the ones set by Alaska are Arizona, Nevada, New Mexico, Ohio, South Carolina, and Maryland. Six are requesting delays of the effective date of the graduation requirement. Delays are being sought in Arizona, California, Massachusetts, and North Carolina, but for a maximum of two years. Alaska is the only state seeking a four-year delay.

New Mexico, a state that has similar legislation as Alaska, is not requesting a delay. Instead, they are making modifications to the current exam, which will then be administered to the class of 2004. They will also modify the exam for students identified in Language Education Programs. They also have assessments for students who participate through an accommodated administration or alternate assessment based on bilingual or special education program guidelines.

Please also note that the following states are not making modifications and are not seeking delays in the competency programs they established: Alabama, Louisiana, Nevada, South Carolina, Utah and Washington. Four of these states are from the original nineteen.

I hope you take the time to review this information and that it is beneficial to you.

Attachments/ LCS

Legislative Research Services

*Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services*

*State Capitol
Juneau, AK 99801
Phone: 907-465-3991
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February 12, 2001

Memorandum

TO: Representative Con Bunde
FROM: Cherie Nienhuis 
Legislative Analyst
RE: Exit Exams in Other States
Legislative Research Report 01-130

You asked for information pertaining to the administration of exit exams in other states. You are particularly interested in whether lawmakers in other states are considering delaying implementation of the exam, and if so, under what circumstances and conditions the delay is being considered.

As you may know, accountability and assessment in our educational institutions is a common theme among state legislatures across the country. State laws have been written to address the need for measurement in education, usually by means of a standardized test, or exit exam. Many of these laws, including Alaska's, require that students attain a passing score on the exam in order to receive a high school diploma.

We have attached a number of articles pertaining to the subject matter described above. Included in the attachments are the results by school district of Alaska's exit exam, and information about other states requiring an exit exam in order to graduate. We have included recent reports on the status of the exams in other states, and whether delays are being considered. And finally, several opinion articles are attached which present various arguments on the issue of exit exams.

I hope you find this information useful. If you have questions, or need additional information, please do not hesitate to contact us.

Results of the 2000 High School Graduation Qualifying Examinations

School Districts	Reading Results Spring+Fall 2000 High School % Passed	Math Results Spring+Fall 2000 High School % Passed	Writing Results Spring+Fall 2000 High School % Passed	Oct. 1, 2000 Grade 11 Enrollment
Alaska Gateway	81	31	34	32
Aleutian Region	75	25	25	4
Aleutians East	65	15	31	26
Alyeska Central	24	7	14	110
Anchorage	85	45	58	3303
Annette Island	82	5	36	22
Bering Strait	45	24	26	84
Bristol Bay	100	50	83	18
Chatham	92	25	50	12
Chugach	50	30	50	10
Copper River	75	49	55	55
Cordova	96	46	67	24
Craig	55	26	47	38
Delta/Greely	49	25	31	59
Denali	100	67	63	27
Dillingham	84	19	54	37
Fairbanks	93	46	61	943
Galena	74	29	42	186
Haines	74	46	54	35
Hoonah	83	38	54	24
Hydaburg	27	0	0	11
Iditarod Area	44	19	25	32
Juneau	87	58	62	437
Kake	67	22	33	9
Kashunamiut	31	0	6	16
Kenai Peninsula	81	45	54	875
Ketchikan	100	51	71	156
Klawock	50	13	25	16
Kodiak Island	77	34	53	213
Kuspuk	47	16	28	32
Lake & Peninsula	41	18	27	22
Lower Kuskokwim	47	19	34	176
Lower Yukon	35	16	15	74
Mat-Su	73	39	50	1129
Mt. Edgecumbe	76	38	62	90
Nenana	40	15	28	78
Nome	77	23	26	39
North Slope	49	19	28	120
Northwest Arctic	32	8	13	108
Pelican	100	33	67	3
Petersburg	100	65	80	60
Pribilof	80	40	70	10
Saint Mary's	56	22	22	9
Sitka	76	46	55	120
Skagway	100	64	91	11
Southeast Island	85	33	59	27
Southwest Region	26	5	12	42
Tanana	88	25	50	8
Unalaska	100	90	100	20
Valdez	100	69	88	48
Wrangell	100	59	59	27
Yakutat	69	38	38	16
Yukon Flats	44	6	17	18
Yukon/Koyukuk	50	8	13	24
Yupik	12	0	15	26
Totals	79%	42%	55%	9151



ECS StateNotes

Assessment & Secondary Education

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States Conducting Student Competency Testing for High School Graduation (Exit Exams)

August 2000

When students graduate from high school, the public expects that each student will possess the skills to be successful at either work or postsecondary education. We know, however, that not all students meet this expectation. In an effort to increase the numbers of well-prepared young adults, nearly all states have set standards that describe what students should know and be able to do. The logical next question is, "Have students met those standards?" or "What do they know?" And then, "How will we measure what they know?" To answer these questions, some states have made a diploma contingent upon the demonstration of knowledge and skills. Some require students to pass a single "exit exam," while others require students to pass "end of course" tests. Still others require proficiency on sets of particular standards such as math or English.

High School Exit Exams (24 states)

States that require students to pass an assessment with a minimum score in order to graduate.

State	Notes	Citation
Alabama	The class of 2001 must pass the reading and language sections of the graduation exam; the class of 2002 must also pass the math and science sections; the class of 2003 must also pass social studies.	Ala. Admin. Code r. 290-4-2-.02
Alaska	Effective January 2002, students must pass a competency exam in reading, English and math.	Alaska Stat. § 14.03.075
Arizona	The competency tests covers reading, writing and math.	Arizona Rev. Stat. § 15-701.01
California	Starting in 2003-2004, each student must pass the exit exam to graduate. Students may take the exam in grade 9 starting in 2000-01. The board must study the [potential] appropriateness of other criteria by which a student who fails the test may earn a diploma, including exemplary grades and alternative tests of equal rigor, (Cal. Educ. Code § 60856).	Cal. Educ. Code § 60851
Florida	All 11 th grade students must pass a high school competency test in reading writing and math. Students enrolling as 9 th graders in 1999-2000 and later (the class of 2002 and thereafter) must pass the 10 th grade assessment test instead of the high school competency test. "In establishing passing scores [for these tests], the state board shall consider any possible negative impact of the test on minority students."	Fl. Stat. ch. 229, § 57

State	Notes	Citation
Georgia	A curriculum-based test is administered in 11 th grade "for graduation purposes." The graduation test will be replaced with end-of-course assessments when they are developed.	Ga. Code Ann. § 20-2-281
Indiana	Beginning with the class of 2000, each student must pass a graduation exam to graduate, unless the principal certifies that the student will complete the Core 40 curriculum (§ 20-10.1-5.70-1), or meet several other, fairly stringent requirements (grades, attendance, teacher recommendations, etc.).	Ind. Code § 20-10.1-16-13
Louisiana	Language arts, writing and mathematics tests are administered in 10 th grade, science and social studies in the 11 th grade.	La. Admin. Code § 2.099.00
Maryland	Exit exam covers math, reading, writing, citizenship, arts and physical education, the "World of Work" and "Survival Skills," but only at basic levels. They will be replaced with end-of-course exams in English, government, algebra, geometry and biology. Students entering 9 th grade in 2003 will be required to pass those end-of-course exams to graduate.	Md. Regs. Code tit. 13A, § 03.02.03
Massachusetts	All 10 th grade students must take tests in math, science and technology, history and social science and English. Starting with the class of 2003, all students must pass the math and English tests to graduate. In coming year, passing the other tests will also become requirements for graduation.	Mass. Gen. Laws ch. 69, § 1D Mass. Regs. Code tit. 603, § 30.03
Minnesota	Students must pass the Basic Skills test in reading, writing and math. The class of 2002 must also meet "High Standards" in 24 of 48 content standards from 10 Learning Areas.	Minn. Stat. § 120B.02 Minn. R. 3501.0040, 3501.0230
Mississippi	Requires mastery of "minimum academic skills as measured by assessments developed and administered by the State Board of Education."	Miss. Code Ann. § 37-16-7
Nevada	Test covers reading, writing, math and science.	Nev. Rev. Stat. § 389.015
New Jersey	Requirements include passing an assessment and demonstrating skills in areas identified by the state board of education other than those covered in the assessment tests.	N.J. Rev. Stat. § 18A:7C-2
New Mexico	Test includes reading, English, math, science and social science. Students leaving high school may take the exam within five years and still receive a diploma.	N.M. Stat. Ann. § 22-2-8.4
New York	New York State Board of Regents is phasing in a schedule under which all students will have to pass the Regents exams to graduate, beginning with the class of 2000. Students must achieve a minimum score of 65 on the exam; unless their district requests a 55 for the first few years. • Class of 2000 – English; • Class of 2001 – English, math; • Class of 2002 – English, math, U.S. History, Global History; • Class of 2003 – all previous curricular areas plus science; • Class of 2004 – all previous areas, except students must score at least 55 in math and science; • Class of 2005 – all previous areas with a minimum score of 65.	N.Y. Comp. Codes R. & Regs. tit. 8, § 100.5
North Carolina	Effective with the graduating class of 2001, all students must pass a computer skills test, to be administered in the 8 th grade. Effective with the graduating class of 2003, all students must pass basic competency exit exams, to be administered in the 11 th grade.	N.C. Gen. Stat. § 115C-12 N.C. Admin. Code tit. 16, r. 6D.0103
Ohio	Includes math, reading, writing, science and citizenship.	Ohio Rev. Code Ann. § 3313.61

State	Notes	Citation
South Carolina	Exam covers reading, writing and math.	S.C. Code Ann. § 59-30-10
Tennessee	Currently has exit exams, but beginning with the 2001 freshman class, students must pass end-of-course tests in English II, Algebra I and Biology instead of a single exam.	Tenn. Code Ann. § 49-6-6001
Texas	Exit-level assessments include English, math, social studies and science.	Tex. Educ. Code Ann. § 39.025
Utah	Effective with the graduating class of 2005. The test must include at least language arts, reading and math.	Utah Code Ann. § 53A-1-611, amended in H.B. 177 (Utah 2000)
Virginia	All students must pass a literacy test to graduate. Students graduating in 2004, 2005 or 2006 must pass 6 end-of-course exams, 2 in English and 4 student-selected. Students graduating in 2007 and later may select only one subject; the remaining 3 must be in history, science and math. (Those subject matter requirements were applied to all students in the previous regulation.) Other tests, including the SAT II, Advanced Placement or International Baccalaureate exams, TOEFL and others may substitute for the end-of-course exams.	Va. Code Ann. § 22.1-253.13:4 8 Va. Regs. Reg. § 20-131-50
Washington	Students must pass test before being issued "certificate of mastery," which is required for graduation starting with class of 2006.	Wash. Laws § 28A.655.060

Exit Exams Barred or Repealed (2 states)

State	Notes	Citation
Hawaii	The Hawaii Department of Education has placed a moratorium on its exit exam, effective with the class of 2000, so that a new assessment system based on Hawaii's new performance standards may be developed. The old exam, developed in 1977, was not aligned with the new standards, was insufficiently rigorous and was entirely multiple-choice in format. The new exam is expected to be first administered in 2002 to the 10 th grade.	No citation
Missouri	A statute forbids exit exams: "In no case shall the state board of education or any other state agency establish any single test or group of tests as a condition or requirement for high school graduation or as a requirement for a state-approved diploma."	Mo. Rev. Stat. § 160.570

Variations on Exit Exams (4 states)

State	Notes	Citation
Delaware	No longer requires all students to pass state assessments to graduate. Effective with the graduating class of 2004, however, requires students to demonstrate proficient level regarding state high school content standards to receive an Academic Diploma. A higher level of proficiency results in student receiving Distinguished Diploma. Students not reaching the proficient level receive a Standard Diploma and have up to five years to upgrade it to an Academic Diploma by retaking assessments and reaching proficient level.	S.B. 260 (Del. 1999) (approved May 3, 2000)

State	Notes	Citation
Michigan	Students must score above a certain level in mandatory state assessments (in communication, math, science and social studies) to gain state endorsement in that area. The scores and any endorsements earned appear on each student's transcript. Students need not gain state endorsement in any area to graduate, but if a student does not receive one of the endorsements, a district staff member and the student must meet "to determine an educational program for the pupil designed to have the pupil achieve state endorsement in each area in which he or she did not achieve state endorsement."	Mich. Comp. Laws § 380.1279
Oklahoma	To graduate, students must take end-of-instruction tests in English (starting in 2000-01), U.S. history (2000-01), biology (2001-02) and algebra (2001-02), but do not have to pass the tests. Results are recorded on transcripts. "It is the intent of the Legislature that... the performance data and any available research shall be reviewed for consideration of additional consequences, including, but not limited to, high school graduation."	70 Okla. Stat. tit. 70, § 1210.508
Wisconsin	By fall 2002, local school boards must develop policies specifying criteria for awarding high school diplomas, to be effective 2002-2003. As one of those criteria, districts must administer a "graduation exam" in language arts, math, science and social studies. However, each district may determine the passing score, and whether passing is even required for graduation. Parents may have their children opt out of the examination; whether, and how, a student who has opted out may receive a diploma is left to each district.	Wis. Stat. §§ 118.30 and 118.33

Endorsed/Honors Diplomas (5 states)

States that award special diplomas, in part, for performance on exit exams that is better than merely adequate. (See also ECS StateNote "Differentiated Diplomas")

State	Notes	Citation
Arizona	To earn an honors endorsement, students must show a "extraordinary level of knowledge, skill and competency" in math, English, science and social studies.	Ariz. Rev. Stat. § 15-1626
Massachusetts	Students may earn a "Certificate of Mastery" by meeting criteria that vary depending on a student's performance on skills assessments. Those criteria may include superior performance on advanced placement tests or various awards.	Mass. Gen. Laws ch. 69, § 1D Mass. Reg. Code tit. 603, § 31.04
New York	Students entering 9 th grade in 2000-2001 and before may earn a Regents diploma (rather than a local diploma) by meeting more stringent requirements for courses and Regents exam scores. For students entering 9 th grade in 2001-2002 and thereafter, all students must meet requirements for Regents diplomas. To earn a Regents diploma with honors, a student must achieve an average of 90 percent in all Regents examinations required for the diploma.	N.Y. Comp. Codes R. & Reg. tit. 8, § 100.5
Ohio	To earn a diploma with honors, students must maintain a 3.5 GPA, and either earn certain proficiency test scores as designated by the state board, or earn a 27 on the ACT (or the equivalent on the SAT,) as well as meet certain course requirements.	Ohio Rev. Code Ann. § 3313.61 Ohio Admin. Code § 3301-13-07
Virginia	Beginning with the class of 2002, students may earn an Advanced Studies Diploma by passing more end-of-course exams or their substitutes (9 rather than 6,) and taking more courses.	Va. Code Ann. § 22.1-253.13:4 § Va. Regs. Reg. § 20-131-50

January 24, 2001

States Adjust High-Stakes Testing Plans

By Lynn Olson
Education Week

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Arizona officials have sent a letter to districts asking for their advice about the best timing to implement new test requirements for graduation, following initial high failure rates. The state already has postponed until 2004 a requirement that students pass a math test to earn a diploma, but students in the class of 2002 still must pass the writing and reading portions.

And in Wyoming, a bill approved by the House education committee this month would create three types of high school diplomas—"advanced," "proficient," and "individualized"—based on a student's ability to meet new graduation requirements. The state board of education previously delayed the date by which students must meet the standards to earn a diploma, from 2003 to 2005. Unlike in other states, Wyoming schools are expected to collect a "body of evidence" to measure whether students have achieved proficiency in each content area.

Such moves follow on the heels of earlier delays in Alabama and Maryland.

Other states are standing by their original timelines, but are simplifying the content of their exams, lowering the passing scores required for graduation, or adding appeals processes and accommodations for students who may be having difficulty.

Last month, for example, the California state board approved a recommendation by Gov. Gray Davis, a Democrat, to shorten a new high school exit exam by as much as one hour and to delete some of the most advanced math questions.

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Similar issues are vexing lawmakers in Arizona, where 88 percent of all sophomores who took the state math exam in spring 1999 failed. The dismal results prompted state education officials to make new rules: High school students will have to take algebra in 9th grade and geometry in 10th grade.

The state also has agreed to drop some of the most difficult math items from the exam, a problem for which state schools Superintendent Lisa Graham Keegan said she takes responsibility. "I thought we had some items on there that were outside the parameters that were absolutely non-negotiable for all students," she said.

'Do It Right'

But the bigger problem, Ms. Keegan asserts, is the poor connection between the state's math standards and what students are learning and teachers are teaching in classrooms. The state set the original target date for linking test results to a diploma before it had data on how fast students' scores could improve, according to the schools chief. Now, she argues, those dates may have to be delayed a year or two.

"My bottom-line goal is, do the kids get there? Do we teach them what they need to know?" Ms. Keegan said. "You can only go as fast as you can go."

Others say the Arizona board decided to revisit its timelines under intense pressure from state legislators. "Essentially, the state board of education has taken the AIMS test off the table," said state Rep. John Huppenthal, a Republican, referring to the Arizona Instrument to Measure Standards. "They were on the verge of losing complete legislative support for the program, and I think they realized that.

"They're high-quality standards," he added, "but they just present an enormous political problem—essentially a train wreck—in which children who have been accepted to quality universities can't get out of high school."

North Carolina board members decided this month to slow down their graduation requirements—until the class of 2004—after watching such controversies unfurl in other states. Philip J. Kirk Jr., the chairman of the state board, said the state wanted to do adequate field-testing of the new exam to ensure confidence in the passing scores. State officials also wanted more time to communicate with the public and educators about the exam.

"We're sacrificing a year or two in order to get the test right and to get more confidence in it," Mr. Kirk said. "I didn't want to delay it even one day. However, even I was persuaded by the testing experts and the legal staff that we'd better do it right. I also was persuaded that maybe we have not done a good enough communication job with teachers and with high school students."

But Mr. Kirk said he was adamantly opposed to putting the requirement off for two or three years, an idea expected to come up at next month's board meeting.

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Last month, for example, the California state board approved a recommendation by Gov. Gray Davis, a Democrat, to shorten a new high school exit exam by as much as one hour and to delete some of the most advanced math questions.

In Ohio, a gubernatorial commission has recommended replacing the existing high school exit test with end-of-course exams. It also called for doing away with a requirement, scheduled to take effect in spring 2002, that 4th graders score at the "proficient" level on a state reading test to advance to 5th grade.

Also last month, the Louisiana board of education adopted a policy that permits 8th graders who fail the state test three times—even after repeating a grade and receiving remedial instruction—to enroll in an alternative program that would lead to a General Educational Development diploma and a "skills certificate," rather than a regular high school diploma. Students could re-enroll in the regular high school program at any time after they pass the 8th grade test.

"There are always people who would like to say we're watering it down, but that's simply not the reality," said Walter C. Lee, a member of the Louisiana board. By providing students with an alternative to dropping out of school, he argued, "we really have strengthened the program."

Meanwhile, Massachusetts Gov. Paul Cellucci and Lt. Gov. Jane Swift released a set of recommendations this month to bolster support for the Massachusetts Comprehensive Assessment System, or MCAS, which has come under fire from some parents and educators following initial high failure rates. The class of 2003 is the first that will have to pass the mathematics and English sections of the exam to earn a diploma. In 1999, only 67 percent of 10th graders passed the English section of the test and 44 percent passed the math section.

'Politically Untenable'

Twenty-four states now require students to pass state tests to earn a diploma, or plan to do so. And many are increasing the difficulty of those exams.

"It appears that on these tough tests, the failure rates are so high that they are literally politically untenable, and so states are forced to address them," said Monty Neill, the executive director of FairTest, a Cambridge, Mass.-based nonprofit group that opposes high-stakes testing.

High failure rates have clearly rattled Alaska policymakers. In his State of the State Address two weeks ago, Gov. Tony Knowles warned: "We face the prospect that up to two-thirds of our high school students aren't on track for a diploma under the current exit-exam law. That's neither acceptable, nor fair." Mr. Knowles, a Democrat, urged the Republican-controlled legislature to find a "more responsible effective date for the high school graduation exam."

Susan Stitham, a high school English teacher and the chairwoman of the Alaska state board of education, said that "the bottom line for me is that 2002 was not a date that was selected with any thought. Nobody ever said, 'When can you be ready, or when can the kids be ready?' It was just plopped on us."

The board was also concerned that some of the math questions on the state test might be too hard, she said, contributing to the low success rates. "Are all the things that are on there really what a student needs to know and be able to do to graduate from high school?" Ms. Stitham asked. "I don't think so. Like many states,

we're having problems with the math."

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But Mr. Kirk said he was adamantly opposed to putting the requirement off for two or three years, an idea expected to come up at next month's board meeting.

'Highly Charged Debates'

Improving public communication about state tests is also an issue in Massachusetts, where the Massachusetts Teachers Association has launched a \$600,000 advertising campaign against what it calls the "one-size-fits-all, high-stakes, do-or-die MCAS test."

State officials announced this month that they plan to spend as much as \$1.5 million on a public relations campaign of their own in behalf of the controversial exam. "These are highly charged debates," said Lt. Gov. Swift, "and in highly charged debates, there is often misinformation, some of which is spread purposefully."

Ms. Swift described the package of changes recommended by the Cellucci administration this month as "fine-tuning."

"We have not backed down from the graduation requirement, nor have we backed off from the timetable for the graduation requirement," she said. "In fact, all of the recommendations that the governor and I have made are designed to keep us on schedule."

Some of those changes include creating a more focused retest for students who initially fail the exam; permitting students who still have not passed the test by the end of 12th grade to enroll in alternative programs at community colleges; establishing an appeals process for students who score within a couple points of passing and who believe their exams may have been scored incorrectly; offering a four-year tuition waiver to state higher education institutions for students who do well on the test; and narrowing the history section to focus on American rather than world history.

But some of the biggest—and most sensitive—changes are designed to address the needs of special education students, who fail the MCAS at a higher rate than their other classmates do. The same issue has come up in states such as Alaska and Wyoming, where students with disabilities also will have to meet state standards to earn a diploma.

Mr. Cellucci, a Republican, has asked the Massachusetts education department to review and expand the list of allowable testing accommodations for special-needs students. He has also asked the state board of education to set up an appeals process that would review whether such students who failed the exam were given adequate accommodations.

A similar appeals process would be available for students without special needs who failed to meet the passing standard by the senior year of high school and wanted similar accommodations.

But the most contentious proposal in Massachusetts is to introduce a separate "state-endorsed certificate" for special education students who cannot achieve a passing score on the MCAS but who have achieved the goals in their individualized education plans required under special education law. The certificate

would not be a diploma and would not automatically allow students to enroll in state colleges or universities.

Ms. Swift said state officials were trying to address the "legitimate needs" of a small percentage of special education students who would not be able to meet the state standards, while maintaining pressure on districts to help most special-needs students meet the graduation requirement.

The proposal has enraged some in the special education community. "I think it's a really regressive, terrible idea because it's going to create a two-tiered system," said Lisa A. Guisbond, the parent of a 2nd grader with a learning disability. Ms. Guisbond, who co-chairs the Brookline chapter of the Coalition for Authentic Reform in Education, which opposes the high-stakes testing requirement, said the certificate "would be essentially worthless to [students] in terms of going on to higher education or getting employment."

But S. Paul Reville, the chairman of a state committee charged with overseeing the implementation of the law that created the MCAS, said the needs of special education students would not be ignored, as long as the state required districts to show progress in their achievement.

"The package shows, for the first time, a willingness to make some accommodations to some of the concerns that critics have been raising about MCAS over the past couple of years," he said. But "it may be too little, too late."

That's certainly the view of FairTest's Mr. Neill. While parent and teacher opposition has prodded the state to act, he said, "we think the response is mostly irrelevant and has angered more people than it's pleased." Tinkering with high-stakes testing rules or delaying the timelines, Mr. Neill argued, "doesn't change the fundamental issue that you shouldn't make decisions this way."

In other states as well, the debate is far from over. A legislative aide in Alaska predicted "quite a battle" over any attempt to change or delay the diploma rules.

Local Interference?

And in Ohio, an aide to Sen. Robert A. Gardner, a Republican and chairman of the Senate education committee, said that GOP lawmakers there are split about whether to end the state's requirement tying student promotion to testing. Legislators also are trying to sort out whether end-of-course exams would interfere with local control by leading to a state-level curriculum.

Testing and the use of tests to make high-stakes decisions "is going to be a big issue for us this year," predicted Julie Davis Bell, the education program director for the National Conference of State Legislatures. "We will watch it very closely."

On the Web

"The Use of Tests When Making High-Stakes Decisions for Students" is a resource guide for educators and policy makers provided by the U.S. Department of Education. Information in the guide is "intended to apply to standardized tests that are used as part of decision-making that has high-stakes consequences for individual

students."

From "No Exit? Testing, Tracking, and Students of Color in U.S. Public Schools," published by the Applied Research Center: "For many students, and disproportionately for students of color, the imposition of exit exams is like adding an unanticipated 100-yard dash to the end of a 26-mile marathon."

"The Use of the TAAS High School Exit Exam," from The Center for the Study of Testing, Evaluation, and Educational Policy criticizes the Texas Education Agency's exit-exam policy. Includes background, Web links and newspaper articles.

PHOTOS: "We face the prospect that up to two-thirds of our high school students aren't on track for a diploma," Alaska Gov. Tony Knowles warns during his State of the State Address earlier this month.
—Michael Penn/AP

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Education Remains Top Item For State Legislators

By Tiffany Danitz

Stateline.org

Friday, January 19, 2001



Improving US public education was a top priority for state governments last year, and is again in 2001. The issue was a major focus of nearly every governor's state of the state address, and at least 6,000 school-related bills were introduced in state legislatures. "Education is such a major political issue right now. Every governor wants to be the education governor and every president wants to be the education president - the rhetoric at the federal level is unlike anything we have ever seen before. And the American public is ranking it (the issue) as number 1, too," says Julie Bell, who heads the education department of the National Conference of State Legislatures (NCSL).

Several states put in place notable new policies last year, California and New Jersey chief among them. These were some of the year's highlights:

- California passed a landmark school aid package that guarantees every student in the state with good grades a chance to attend college and also provides funds to recruit teachers and reduce class size. Democratic Gov. Gray Davis made the plan the number one item on his legislative agenda, and some experts call it the most ambitious education reform measure in the nation.
- New Jersey embarked on a \$12 billion school construction plan under the leadership of Republican Gov. Christie Todd Whitman. The money will be awarded over ten years. Lawmakers approved the bill in response to a court order to repair school buildings in 30 needy districts. Then the legislature went beyond the order, making aid available to all districts regardless of wealth.
- Delaware Gov. Tom Carper signed a teacher accountability law that he had urged lawmakers to pass for the last two years. The comprehensive plan relaxes testing demands on students, but it doesn't let teachers off the hook. Instead of punishing or rewarding students for their performance, the law makes teachers accountable by linking their job evaluation to student scores. It includes a teacher-mentoring program that enlists veteran teachers to help rookies. (KANSAS, which has a similar program, decided to give mentor teachers a \$1,000 pay bonus this year.)
- Voters in Michigan and California rejected school voucher initiatives financed by wealthy conservatives that would have entitled parents of students in failing schools to send their children elsewhere at full or partial state expense. Teacher unions opposed the plans. A federal court in Cleveland struck down that Ohio city's five-year-old voucher plan, but Florida's statewide program -- the only one of its kind in the country -- continued to operate despite a legal challenge. In 2001, however, there will be no new vouchers awarded in Florida.

- Colorado and Georgia passed education reform bills that impose higher standards and require more accountability. Colorado's law focuses on grading the performance of schools and tying rewards and sanctions to the rankings. Georgia Gov. Roy Barnes pushed his reforms through the legislature despite the resistance of education unions, parents and activists. Some of his proposals will increase testing, reward high-performing schools, cut class-size for grades K-3, and set up an office of accountability to monitor reforms. The most controversial aspect of Barnes' plan ends teacher tenure. Every state except Georgia has teacher tenure laws.
- Texas saw its chief measure of student achievement, the Texas test, upheld in court. The Mexican American Legal Defense and Education Fund had sued to overturn it, arguing that the exam discriminates against minority students. U.S. District Judge Edward Prado disagreed, backing the state's right to set education policies if they are fair and improve education. His decision was watched across the states as governors and lawmakers brace for more lawsuits against their newly developed tests.
- Arizona voters opted to end bilingual education. A ballot initiative passed in November requires an immersion curriculum for public school students in the state who speak English as a second language. Education experts believe the move could start a trend.
- Maine Gov. Angus King continued to try and bring every seventh grader in the state a laptop computer. Pennsylvania lawmakers considered creating an online charter school and other states put money into technology for their schools. Universities also expanded online efforts, many offering distance learning programs over the Internet. Yale, Stanford, Oxford and Princeton universities joined forces to offer alumni online continuing education classes.

Improving Public Education

Throughout the states, phase II of the standards-based reform movement kicked into high gear as legislators debated how to make schools accountable, what types of tests to use and what rewards and sanctions should be placed on student performance. Debate also swirled around how to fund schools and what is an "adequate" education. Most states require by law that students receive an "adequate" education, but lawmakers are struggling to define what that means before the courts do.

All but one state, Iowa, has adopted standards that define what a student should learn at each grade level. Twenty-four states impose an exit exam that students must pass to graduate, according to Achieve, Inc. a nonprofit organization that tracks progress on standards-based reforms.

The standards movement started out slowly, with only 14 states signed on in 1996, but it has gained remarkable momentum and is starting to effect the way schools are governed. Education Commission on the States' (ECS) Clearinghouse Director, Kathy Christie says school board control of schools is giving way in some large urban districts to the mayor or an appointed CEO.

Lawmakers and state education departments are asking themselves tough questions about governance, such as: "How can we improve school boards or change the governance system so that school boards can play a role? Should the mayor have some control, or all of the

control? Should there be a different form of governance for under-performing schools? Should state superintendents be appointed or elected?" Christie told Stateline.org.

Lawmakers Dogged By Quality Teacher Deficit

Spurred by the need to raise the quality of teaching to meet higher standards and faced with a declining teaching force, which is rapidly shrinking because of retirements, cuts in class size and rising enrollments, lawmakers placed greater emphasis on teacher recruitment and training in 2000.

Twenty states now offer bonus pay, sometimes in the form of signing bonuses, but also for mentoring new teachers or getting students to perform well on tests. Some 2000 highlights:

- Connecticut and New York raised teacher salaries and threw in home loan and tuition reimbursement enticements.
- Because of the high cost of living in Northern California, the San Francisco school system is providing housing for teachers.
- California approved a substantial pay raise for teachers.
- Maryland, Virginia, Arizona, Kentucky, Louisiana, Colorado, Indiana and Nebraska approved packages that included teacher pay raises and college scholarship programs for would-be teachers. Many of these programs target teaching candidates who will commit to working in low-performing schools.
- Georgia passed a law that gives teachers willing to work in rural schools signing bonuses. The state also put more money into professional development opportunities.
- New York's \$25 million "Teachers of Tomorrow Act" gives teachers with three years experience who are willing to work in impoverished schools or can teach subjects in shortage areas (math, science and computers) a \$3400 bonus.

Becky Fleischauer, a spokesperson for the National Education Association (NEA), a 2.5 million member strong teacher union, is not surprised by the flurry of legislation to make the teaching profession more attractive.

"Standards-based reforms involves investing. State legislatures are realizing that you have to do more than just raise the bar and teacher quality is certainly part of helping all kids reach high standards," she says.

Reducing class-size is another strategy states are employing to help students meet more rigorous academic standards. But employing this policy at the same time that student rolls are bursting can cause massive shortages, as California has learned.

It needs 300,000 more instructors by 2010. Yet former California Gov. Pete Wilson signed class-size reduction legislation before leaving office two years ago which stretched the state's existing teaching force to the limit and left 30 percent of new teachers practicing on emergency credentials.

The Fresno Bee newspaper did an analysis of the 1999-2000 school year showing that one in

seven elementary school teachers in California worked without credentials last year compared to 1 in 63 the year before Wilson signed the law. Reporters also found that poor students were five times more likely than better-off kids to have a teacher without credentials.

The preceding was excerpted from the education chapter of "State of the States 2000," our annual report on state policy highlights. To obtain your free copy of this 56-page book, email your postal mailing address to managingeditor@stateline.org

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NCSL State Legislative Report Education Standards, Assessment and Accountability

October 2000

Volume 25, Number 9

By Shelby Samuelsen, Research Analyst

Overview

Education accountability-asking students, educators and institutions to be responsible for education outcomes-is gaining attention and influence as state and local policymakers implement sweeping accountability reforms. After decades of focusing on funding levels, curriculum offerings and resources, American education now is highlighting student learning and achievement. Statewide standards form the foundation for accountability reform. After they established academic standards, state policymakers turned their attention to creating statewide assessments, accreditation, and systems of rewards and sanctions. These new accountability approaches differ from traditional systems because they emphasize student achievement, look at schools as the mode of improvement, publicly report district and school scores, and attach rewards and sanctions based on specified performance levels. Within this new system, however, questions are emerging about how to include all students and how to establish fair assessments, performance levels, sufficient rewards and appropriate sanctions. This state legislative report discusses recent legislative trends and issues in standards-based and accountability reform.

In the 2000 legislative session, 41 states proposed more than 900 bills relating to accountability and assessment. Both Colorado and Georgia enacted comprehensive accountability policies. The Colorado legislature enacted legislation similar to school grading reforms in California and Florida that will grade schools using an A to F scale. The Colorado legislation also created a system of sanctions and rewards based on specified improvement indicators. The Georgia legislature passed the A-plus reform act, which eliminates tenure protections for new teachers, establishes a grading system for schools, and develops rewards and sanctions. The bill stipulates that in schools that receive poor grades for three or more years state education officials can authorize the removal of school personnel or allow parents to transfer their children to other public schools. Table 1 shows selected accountability and assessment enactments in the 2000 legislative sessions.

State Legislative Activity

During the 1997 through 2000 legislative sessions, more than half the states have enacted new policies that address accountability and assessment, including the following.

- **Alabama** classifies schools each year based upon student performance on the statewide achievement states. Schools that are placed on Academic Alert-if a majority of students score below the 23rd percentile on the Stanford Achievement Test-are required to achieve specified improvement. If progress is not made in a year, the schools are assigned an academic improvement team of professionals who are appointed by the state superintendent of education.
- **California** enacted the Public Schools Accountability Act, which mandates that schools are publicly ranked using the academic performance index (API). The API is a complex formula that is based on statewide test scores for the first three to five years (starting in January 2000) and eventually will include high school graduation rates, dropout rates and school attendance rates. Based on the API, the superintendent of public instruction develops an expected annual percentage growth target for schools based on their API baseline score.
- **Colorado's** Senate Bill 186 mandates the Department of Education to evaluate the academic performance and safety of every public school within the state. The bill also requires the department to develop a comprehensive data collection and reporting system for evaluation.
- **Delaware** passed the Educator Accountability Act of 2000, which requires student performance indicators to be used in teacher evaluations that will include student performance and improvement based on the Delaware Student Testing Program in reading, writing and math.
- **Connecticut** requires the state board of education to prepare a list of elementary and middle schools, by school district, that are in need of improvement based on student performance on the statewide examination. Each local board of education on the list must meet with the commissioner of education to discuss the process of improving school performance. The state publishes a report card on each school, including its performance on the statewide test.
- **Florida** enacted a comprehensive accountability plan that assigns a letter grade based on performance. Any student who has spent the prior school year at a school that receives a performance grade of "F" for any two school years (in a four-year period) can apply for a voucher to attend a private school.
- **Georgia's** A-plus Education Reform Act, passed in 2000, eliminates tenure for beginning teachers, grades schools from A to F based on student performance on statewide assessments, and implements a system of rewards and sanctions for schools. The A-plus act also includes salary increases for teachers in determined shortage areas (mathematics, science, foreign languages, special education, etc.).
- **Hawaii** requires the director of education to establish a comprehensive accountability system, including a student assessment program and a school profile that reports on student performance measures, school attendance, dropout rates, and parental involvement for each school.
- **Mississippi** authorized student assessment standards for student promotion and graduation in the public schools, defined standards for the implementation of a

performance-based accreditation system for individual schools and school districts, and authorized the state board of education to enter into long-term contracts for student assessment.

- **New Mexico** identifies schools that qualify for intervention, using multiple indicators of performance and accreditation standards, which include adequacy of performance in required subject matter, adequacy of pupil activities, adequacy of professional development, and adequacy of writing curriculum. The state team identifies schools that qualify for intervention and makes recommendations to the state's Educational Standards Commission (ESC). The ESC then assigns a liaison to work with the school and identify resources.
- **Texas** designed assessment instruments to assess students' essential knowledge and skills in certain grade levels and requires the Texas Education Agency to adopt secondary exit-level assessments to be administered to students in grade 11. Schools and districts can receive cash awards for exemplary student performance, but are subject to intervention and, ultimately, takeover if achievement falls below minimum standards.
- **Utah** enacted legislation in 1999 that provides for annual criterion-referenced achievement testing of students in all grade levels and norm-referenced testing of students in grades three, five, eight and 10. The state board of education is required to develop assessment mechanisms for determining demonstrated competency in courses required for high school graduation and provides for an external evaluation of core curriculum, content standards, objectives and assessments.

Standards

Statewide student standards are being established across the country as states set benchmarks for what students need to know and be able to do at each grade level. In 1997, 31 states had adopted standards in four core academic subjects-English, mathematics, science and social studies. In 1999, 44 states had adopted standards in those subjects and all states, except for Iowa, have adopted standards in at least one subject. Proponents of standards argue that clear and specific standards can help to guarantee all children, regardless of background or socioeconomic status, a rigorous academic curriculum. Standards also can ensure alignment among district and state assessments.

Although standards have been adopted in virtually all states, the implementation of standards is an entirely different issue. Many educators and policymakers are questioning whether teachers are receiving adequate professional development to help facilitate the integration of standards into the classroom. In Virginia, the state department of education is asking all 87,000 public school teachers in the state how they believe their schools are handling the Standards of Learning Program, which incorporates statewide standards, assessments and a system of accreditation for schools and districts. The on-line survey asks teachers about their teaching methods, whether there is sufficient classroom instructional time and if they believe they are receiving quality staff development. State officials hope the survey will provide information about how the standards are being implemented and the usefulness of the professional development. The results from the survey will be part of an indicator of school performance on the annual school report card.

National organizations-like the American Federation of Teachers (AFT) and the Thomas Fordham Foundation-rate the quality of state standards each year. In 1999, AFT found that the general quality of standards was continuing to improve. Twenty-two states, up three from 1998, had standards that were " ... generally clear and specific and grounded in particular content to meet AFT's common core criterion." The AFT report stated that states had more difficulty establishing clear standards in English and social studies, rather than in math and science. The Fordham Foundation gave the states an average grade of C-minus for 2000, up from a D-plus in 1998. It argued that states have become more serious about their responsibility to identify essential knowledge and skills; however, a majority of states hold "mediocre" expectations for their students. Although these organizations differ in their overall assessments of state standards, the reports clearly show the need for states to continually evaluate and strengthen their content standards, including assessing how the standards are being received and implemented at school sites.

Assessments

Virtually all states have turned to standardized testing to measure student achievement. By 2000, every state except Iowa will administer at least one form of a statewide test. States are working to ensure that their tests are aligned with state standards. According to Education Week, the number of states that administer student assessments explicitly aligned with standards in at least one subject increased from 35 in 1997-98 to 41 in 2000.

Types of testing programs vary dramatically across states. Some states use a commercially produced, norm-referenced test to assess student achievement (norm-referenced tests measure a student's performance against that of other students across the nation). Although norm-referenced tests allow students to be compared to a national measure, the tests are not necessarily aligned to specific state standards. Approximately 42 states use a criterion-referenced test. Criterion-referenced tests measure student performance against specific content standards. One concern with multiple choice assessments is that they do not accurately measure student growth. Many states now are developing more authentic assessments that require students to demonstrate their knowledge in a portfolio or through extended writing responses. In 1998, for example, Kentucky overhauled its testing program and employed an assessment that combines essays, multiple-choice questions and a writing portfolio. Vermont requires eighth grade students to complete portfolio assessments in both English and mathematics. According to Education Week, 10 states require students to incorporate portfolios of written projects or write extended responses to questions in subjects other than English.

The stakes attached to testing are increasing each year. Several states are attaching accreditation and ratings to schools based upon student performance on assessment. In Virginia, starting in 2006, only schools where pass rates exceed 70 percent on the statewide assessments in history/social sciences, mathematics, English and science will be eligible for accreditation. In 1999, only 7 percent of the schools in Virginia met the state requirement. The Virginia state board of education proposed dropping some of the penalties and extending the time frame for implementation. Furthermore, the state created a Virginia Technical Advisory Committee, which is to report annually to the state board on the assessments' validity and reliability and propose recommendations for improvements.

In addition to using assessments to determine school and district accreditation, 28 states have in place or are considering high school exit exams. Exit exams are creating concern

among parents and educators who question the use of a test to determine whether a student will graduate. In Wisconsin, parents mobilized in 1999 to protest the state's high school exit exam because they argued it was unfair for a student's graduation to be based on a single measure. The Wisconsin Legislature responded to these concerns, and in 2000 the exams will be only one of several factors used to decide whether a student can graduate. In Indiana, students who pass the ISTEP-Plus graduation exam graduate; students who fail the math or English portion must satisfy rigorous requirements to be eligible for a waiver to graduate. In 2003, the Massachusetts graduation test will be implemented-students must score at the proficient or advanced levels on all 10th grade tests to receive a high school diploma. Students in Massachusetts have joined together in mass protest of the state's assessment program. In May 2000, students delivered 7,000 signatures to demand the state repeal the law that makes passing the MCAS a graduation requirement. The students complained that the MCAS stifle creativity, waste valuable class time and force teachers to teach to the test.

High-stakes testing is accompanied by a myriad of questions and concerns for policymakers, educators and community members to consider.

- Is the statewide test a valid and fair measure of student growth?
- What type of assessment would best measure student growth and performance?
- Should this assessment be the sole measure of accreditation, promotion or graduation? If not, what other indicators should be included?
- Does this accountability system include students with disabilities and language minority students? If so, are alternative assessments and accurate measurements of performance in place for these students?

Reporting

How states use performance results is an important part of accountability policies. From determining what to include on school report cards to how that information is disseminated and explained to the public, accurate and fair reporting can be a powerful tool for improvement measures. As of January 2000, at least 40 states issued school report cards. The majority of states include student performance on assessments in their report cards. Dropout and graduation rates often are included. Colorado, among other states, includes indicators of community involvement and school safety. Although states vary in their capacity to collect, analyze and report information, it is important that all states provide clear, understandable and constructive information. The public needs to understand the different aspects of the state's accountability system; without public support, these reforms will fade over time.

Texas publishes two report cards annually. The Academic Excellence Indicator System (AEIS) reports at the district and school levels on student performance indicators as well as on profile data that includes student, staff and financial information that provide a context for interpreting the results. The AEIS data serve as a basis for all accountability ratings, awards and reports. The second is the School Report Card, provided to each school by the Texas Education Agency. This custom report card-that must go to each student's family-includes attendance rates, dropout rates, performance on statewide assessment and college admissions examinations, end of course examinations, completion of the state board of education's recommended high school program, student/teacher ratios and administrative and instructional costs per student. Maryland has been issuing district and state report cards 1991. The data-including student performance, mobility, dropout rates and finance

information are reported by gender and race/ethnicity. In Ohio, the state includes a selection of questions that parents can ask the schools in regard to information on the report card.

Accreditation/Ratings

The indicators state policymakers use to determine if a school or district is high- or low-performing is an extremely contentious and delicate issue. Florida enacted a comprehensive school accountability package in 1999. The state assigns each school an A, B, C, D or F, based on student achievement on the reading and mathematics sections of the Florida Comprehensive Achievement Test (FCAT) and a writing test. Schools that are rated F twice in a four-year period are considered "chronically failing," and students then become eligible for private school vouchers. Although Florida was the first state to assign letter grades, Colorado followed closely behind and will assign grades to schools in 2001. Critics of the Florida and Colorado programs argue that the grades do not take into consideration external factors, including the social and economic characteristics of low-income areas. California ranks schools based on their Academic Performance Index (API). California's complex ranking system, the API, compares the academic performance of schools with similar ethnic and economic characteristics. However, the ratings still are based on assessment scores. For the first three to five years, these rankings will be based solely on test scores until the state develops valid high school graduation, dropout and school attendance rates.

Similar to Florida's system, the Alabama accountability system classifies schools based on student performance; however, schools are delegated into three specific categories. If 50 percent or more of the students score above the 40th percentile on the achievement test, the school is classified as Academic Clear. If a majority of students score below the 40th percentile, the school is placed under Academic Caution, and if a majority of students score below the 23rd percentile, the school is placed in Academic Alert. The state superintendent of education is empowered to intervene in or take control of schools or school systems that are on academic alert when they have not met their improvement targets after three years.

State Intervention

School and district rewards and sanctions vary widely from state to state. Thirteen states-California, Florida, Georgia, Indiana, Kentucky, Maryland, New Jersey, New Mexico, North Carolina, Pennsylvania, Tennessee, Texas and Utah-currently offer monetary rewards to successful schools. In New Mexico, the Legislature appropriates funds to high-performing schools on a per-pupil basis. During the 1997 legislative session, \$500,000 was appropriated to 104 schools, and in 1999, the fund for rewards increased to \$1.9 million. In California, the Governor's Performance Award Program provides monetary awards to schools that meet or exceed their growth targets or to schools that demonstrate comparable improvement in academic achievement by all significant ethnic and socioeconomically disadvantaged subgroups. In 2000, the governor and state board approved \$25 million in grants for 200 of the state's lowest-performing schools under this improvement program.

As part of larger accountability reforms, approximately 18 states have enacted legislation that allows them to intervene in a district that is deemed to be low-performing. Thirteen of those states include the assignment of state staff as part of the assistance. In North Carolina, the state assigns teams of five to six members to work in a low-performing school for a year. In New Mexico, low-performing schools are required to develop a school improvement plan. If,

no progress has been made after two years, the Educational Standards Commission has a diagnostic team visit the school. These special teams are sent to analyze and diagnose problems and make recommendations for improvement. In California, the superintendent of public instruction invites schools that score below the 50th percentile on the statewide achievement test to participate in the Immediate Intervention/Underperforming Schools Program (II/USP). In this program, external evaluators are assigned to schools where they establish improvement plans and growth targets. Other states intervene by recruiting master teachers and administrators to specific schools. South Carolina pays the salaries and yearly bonuses for three years for exemplary teachers to teach in schools that are designated as low-performing. The state also funds the salaries and includes a 25 percent bonus for principals in these schools.

In some instances, states leverage change by altering the governance of local school districts. In large urban districts like Chicago, Baltimore and Oakland, mayors have been granted greater control over city public school systems. In 1995, the Illinois legislature transferred control of the Chicago public schools to Mayor Richard Daley, giving him control of the budget and responsibility to appoint school board members, the board president and the district's chief executive officer. In 1999, Michigan's Governor John Engler signed legislation that gave Detroit Mayor Dennis Archer the power to appoint a new school board and chief administrative office to supervise the city's schools. Although the overall effect of mayoral control of schools remains to be seen, this governance model has allowed states to intervene in low-performing school districts while ensuring a certain degree of local control.

As accountability policies are implemented across the country, it will be critical for policymakers to continually reassess their systematic reforms. It will be important to:

- Ensure alignment across all aspects of reform-from standards and assessments to reporting and accreditation.
- Communicate what performance indicators are used for accreditation and reporting to teachers, administrators and community members.
- Provide fair and accurate measures of student growth and performance.
- Identify existing policies and practices that successfully achieve school improvement.
- Provide adequate professional development and support for teachers to ensure high-quality instruction in all schools and for all students.
- Allow sufficient opportunity for feedback among all stakeholders, including students, teachers, administrators, parents, local policymakers and state officials including governors, legislators, chief state school officers, state school board members and department of education personnel.
- Consider the uniqueness of districts and communities in designing and implementing statewide accountability systems.
- Provide for systemic and sustained evaluation of reforms.

Although implementing standards and assessments has been difficult, states are finding that their response to performance-through sanctions, rewards, takeovers, etc.-is even more

contentious. Successful standards-based and accountability reform will depend upon adequate communication between educators, policymakers and the community at large.

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Education/School Testing: Does Texas Make The Grade?
All eyes are on Bush's state as it leads the nation in showing the promise--and pitfalls--of testing Relevancy: 100; (Time)
Jodie Morse With reporting by Ann Blackman/Washington, Chris Coats/Dallas, Desa Philadelphia/New York and Timothy; 09-11-2000 Size: 10K Reading Level: 10.

Pop quiz. Name and locate the following: Hekla, Monrovia, Manitoba and Orinoco. Now for a math problem: If a load of wheat weighs 3,942 lbs., what is the worth at 50[cents] a bushel, deducting 1,050 lbs. for tare? (Hint: a bushel of wheat weighs 60 lbs. You're on your own for tare.)

O.K., pencils down. These questions, which percolated through e-mail chains over the summer, are not meant to prepare you for the hot seat on Who Wants to Be a Millionaire. Rather, they're drawn from an oral exam given to seventh- and eighth-graders in Saline County, Kans., back in 1895. Students who mastered the five-hour exercise gained admission to high school. And if enough of the kids performed well overall in their studies, their teachers could win a pay raise of 25[cents] a week.

As school reforms go, standardized exams certainly have staying power. But the stakes are a good deal higher on the tests of today. As kids head back to class, they'll embark on what some educators have dubbed the Year of the Test, sitting for state exams that determine everything from high school graduation to school-funding bonuses. Not to mention whether your kindergartner will have nap time (schools in Mobile, Ala., have grabbed that time for test prep) and where you'll buy your next home (real estate agents in Arizona and Virginia now tout high scores in school districts where they have homes for sale).

Both George W. Bush and Al Gore advocate statewide-testing regimens to boost academic standards. It's a message that resonates with voters, who consistently back testing in national polls, and with policy-makers, who use tests to gauge the success of other school reforms. Recent studies detailed soaring test scores among black students who used vouchers to enroll in private schools, and among California immigrants after that state required they be taught only in English. Despite noisy protest rallies in Massachusetts and Virginia last spring, support for high-stakes testing remains strong. In a new poll for the Business Roundtable, 68% of those surveyed say students should pass statewide tests to graduate; 75% think that even those in elementary schools should do so to progress to the next grade. Said Bush last week on a six-state tour promoting his education agenda: "Measurement is the cornerstone to reform."

No place shows both the promise and pitfalls of such measurement more plainly than Texas, where Bush is serving his second term as Governor and which has one of the oldest and best studied of the high-stakes exams. First administered in 1990, the Texas Assessment of Academic Skills (TAAS) requires that exams in reading, writing, math, science and social studies be taken in

alternate years by the state's third- through eighth-graders. High school students must pass reading, writing and math tests. Administrators at some high-scoring schools can earn bonuses of as much as \$25,000; low-performing schools risk takeover by the state. Texas officials boast that since 1994, scores have risen 27%, and more students are taking the SAT and college-level advanced-placement exams. A study released last month by the Rand Corp. ranked Texas first in the U.S. in educating children, when measured by comparing students with similar family backgrounds. Officials also cite the shrinking gap in Texas between the scores of minority students and their white peers. In 1994, 28% of blacks and 34% of Hispanics in 10th grade passed the exam. This year 67% and 70% respectively did.

Such was the experience of Leander Middle School, tucked in the hills an hour north of Austin. When the Texas exam was first instituted, only 66% of Leander's students passed the math and reading portions of the test. So the school hired a consultant. The principal also had a revolutionary idea: drop homeroom and one daily elective, then double the time students spend on math lessons to 90 min. a day. Three times a year students take--and chart their progress on--exams tougher than the TAAS. To reduce stress during the real exam week, the school serves granola bars and invites children to come to class in their pajamas. The recipe has paid off. Leander's test scores, including those of its black and Hispanic students, have climbed steadily. And Leander students aren't pining for those lost electives. "We're here to learn," says 13-year-old Brooke Godbey. "We wouldn't benefit more from choir."

Each spring, students at Woodrow Wilson Elementary in Denton, Texas, trade their normal curriculum for an eight-week crash course known as "TAAS Camp." There, students who ace a day of drills spend the late afternoon playing computer and board games. The stragglers get one-on-one tutoring. The pressure peaks at test time. Says Sarah Telaneus, 11: "All of a sudden your heart starts pounding and you're thinking, 'I might go blank.'" Not to worry: she and her classmates turned in scores high enough to put their teachers in line for bonuses.

Critics maintain that such gains have come at a hefty price, contending that classrooms have morphed into pressure cookers and teachers dumb down creative lessons to teach only to the test. And recent studies allege that the gains in minority scores may be illusory. Growing numbers of Texas' minorities--as many as 50% in some schools--are dropping out or being granted "special education" status, meaning their test scores are not counted toward their school's overall ranking, according to a study published last month by Walt Haney, an education professor at Boston College. Says Haney: "Any system leaving that many children behind is tragic."

Some research has shown that intense coaching, like that at Woodrow Wilson, can lead to short-term spikes in test scores but that later on kids tend to forget much of what they've crammed. "Instead of reading novels, kids are skimming three-paragraph passages for key words," says Linda McNeil, an education professor at Rice University, who this year co-authored a report critical of the Texas exam for Harvard University's Civil Rights Project. Texas' lackluster performance on other national exams bolsters her case. Even as TAAS scores have skyrocketed, SAT marks have lagged. According to figures released last week by the College Board, the average math SAT score for Texas students increased just one point over last year, and the verbal score dropped to its lowest level in four years--and to the third-worst

spot in the U.S.

The score disparity points to another persistent criticism of the Texas test: that it is simply too easy. Its format, almost entirely multiple choice, is less demanding than many of the newfangled state exams, which require students to show their work on math problems and to answer essay questions. The writing segment of the Texas high school exit exam last spring consisted of just 40 multiple-choice grammar questions and a letter-writing assignment. A 1998 report by Harvard researcher Sandra Stotsky, commissioned by the Tax Research Association, concluded that the reading test declined in complexity in each of the previous three years. State officials deny the test has been watered down and say they're unveiling a more challenging exam in 2004.

More worrisome to educators are the many students who fail the current exam. Despite a B average, it took Amber Montgomery 13 tries--and four extra years of tutoring--before she finally passed the math portion of the achievement test and graduated at age 22 from Burleson High School, near Fort Worth. Says Montgomery: "I was determined to get my diploma."

But many struggling students, whose scores threaten to drag down a school's overall rating, find themselves shunted from the exam room. That apparently was the case at TSU/HISD Laboratory School, a tiny, predominantly African-American school near downtown Houston. After 93% of students passed all parts of the exam in 1998, the school won an "exemplary" state rating. But just one year later, only 62% passed. What happened? In 1998, 39% of students SAT out the exam after they were deemed "special ed," a designation generally confined to students with severe learning disabilities. The next year, after a district crackdown, only 24% received the exemption.

According to education professor Haney, more and more Texas minority students have dropped out of high school since the introduction of the state exam, from about 35% in the late 1980s to 40% through most of the 1990s. The Texas Education Agency dismisses Haney's calculations as inflated and says it has measures in place, such as factoring a school's minority-dropout rate into its overall ranking, to check the problem. But the agency concedes that its dropout figures--about 58,000 blacks and Hispanics since 1996--may be under the mark by as many as 20,000 students.

Promising to "leave no child behind," Bush pledges to replicate the Texas model on a national scale. While Gore calls for voluntary tests in fourth and eighth grades, Bush would require states to test children every year from third through eighth grades or lose 5% of their federal aid. If a school turned in failing grades three years in a row, its students would receive federal vouchers for tuition at parochial or other private schools. But each state would control the content of its exams.

Many states are already tinkering with the Texas formula. In addition to offering kids multiple tries to pass high-stakes tests, some states weigh other measures of student achievement alongside the exams. In Vermont students are assessed and promoted on the basis of a portfolio of work that includes a state test, classwork and teacher evaluations.

Even with the 1895 exam, a student who failed could retake the test a year later. But there's one thing he was sure to know, living in Kansas: tare is the weed normally harvested along with wheat.

--With reporting by Ann Blackman/Washington, Chris Coats/Dallas, Desha Philadelphia/New York and Timothy Roche/Austin

"Instead of reading novels, kids are skimming three-paragraph passages for key words and passing tests with these tricks."

--LINDA MCNEIL, RICE UNIVERSITY

Jodie Morse With reporting by Ann Blackman/Washington, Chris Coats/Dallas, Desha Philadelphia/New York and Timoth, *Education/School Testing: Does Texas Make The Grade? All eyes are on Bush's state as it leads the nation in showing the promise--and pitfalls--of testing.*, Time, 09-11-2000, pp 50+.

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The Big Score Relevancy: 99; (Newsweek) By Daniel McGinn With Steve Rhodes in Chicago, Donna Foote in Los Angeles and Anne Gesalman in Houston; 09-06-1999 Size: 13K Reading Level: 9.

The Big Score: High-stakes tests are rapidly becoming a rite of passage in districts around the country. But do they really improve learning?

By Daniel McGinn With Steve Rhodes in Chicago, Donna Foote in Los Angeles and Anne Gesalman in Houston Edition: U.S. Edition

Section: Society

Inside Chicago's top-ranked Whitney Young High School, the posters started appearing last December. LET'S BE #1! GIVE IT 110%! Usually this sort of rah-rah propaganda supports the basketball team, but this campaign by the principal had a different aim: urging kids to score high on the Illinois Goal Assessment Program, a standardized test that students would take in February. Tests are nothing new to the kids at Whitney Young--they already take three other batteries of standardized exams each year. But for a group of high-achieving 11th graders, the pressure was just too much. These kids say real learning is being shoved aside as teachers focus on boosting test scores. Creative writing? Forget it. Instead, they say, teachers emphasize a boilerplate essay format that exam scorers prefer. So on Feb. 2, eight juniors purposely failed the social-studies portion of the test. The next day 10 failed the science test. Then they sent a letter to the principal: "We refuse to feed into this test-taking frenzy."

As rebellions go, it wasn't exactly the Boston Tea Party. But it's a small sign of the growing anxiety among parents, teachers and kids over the proliferation of standardized tests. Fill-in-the-bubble exams have been part of classroom life for decades, but for most of their history they were no big deal. Scores were tucked in students' folders; at most, they were used to segregate kids into higher- and lower-level classes. That's changed dramatically in the last decade as reformers try to improve school quality by holding educators accountable for learning. Every state has a different testing scheme, but many state legislatures are writing new standards for what kids should learn in each grade and mandating tough new "high stakes" tests to gauge progress. Unlike such old-style standardized tests as the Iowas or Metropolitans, many of the new exams are linked to the curriculum and feature essays and short answers, not just multiple choice. The biggest difference: low scores can bring real pain. Kids can be held back, forced into summer school or, under rules in 26 states, denied a diploma. Educators can lose pay or be fired; schools can face state takeover. In polls, the tests win wide public support, and more states are jumping on the bandwagon.

Yet there is no easy answer to the most basic question: do these tests help kids learn? As the testing movement has grown, opposing experts have churned out a mountain of conflicting research. Fans of the tests say they're as necessary to schooling as a scale is to dieting. Ideally, they're diagnostic tools, letting teachers know Jack doesn't understand two-digit multiplication and Jill needs help with subject-verb agreement. Yes, it's sad that a single exam might keep a child from graduating, but most European countries already use exit

exams, and some U.S. students are kept from graduating for lesser offenses, like flunking gym or cutting too many classes. And as schools ask for money to hire teachers and cut class size, taxpayers have every right to expect a measurable payback. Supporters of the new exams point to encouraging results in Texas, one of the first states to implement this type of reform plan.

Despite those arguments, a growing number of critics say this testing inevitably leads to dumbed-down teaching. "Every hour that teachers feel compelled to try to raise test scores is an hour not spent helping kids become critical, creative, curious thinkers," says Alfie Kohn, author of "The Schools Our Children Deserve." It's those skills, after all, that put the United States ahead of world competitors in areas like entrepreneurship. Last fall the National Research Council warned Congress that schools should refrain from basing important decisions like who gets promoted or graduates solely on test scores, and called for more exploration of the unintended consequences of high-stakes exams. Teachers in the inner cities, where many children are being held back for failing the tests, worry that these exams are overwhelming their already overcrowded and understaffed classrooms. Suburban homeowners have more bottom-line concerns; they fear that dismal test scores will lower home values. For now, those worries will persist. Testing opponents have scored small victories in places like Wisconsin, but momentum is on the side of reformers. As kids return to classrooms this fall, the new exams will be part of the curriculum.

At Madison High School in Houston, the tests have already brought an innovation that makes teenagers cringe: Saturday classes. In 1990 Texas replaced its old tests with a tough new one (its acronym: TAAS); students who failed wouldn't graduate. Early results were abysmal. Madison principal Warner Ervin remembers when dozens of seniors failed. Students were crushed, parents were irate, teachers embarrassed. "It was difficult for everyone," Ervin says. So in 1997, Ervin began requiring every failing kid to attend tutoring sessions, some held on Saturday. The year before the tutoring began, 57 seniors failed; last spring the whole class passed. Results are also improving statewide. Last spring 78 percent of Texas students passed the test, up from 53 percent in 1994. Education is certain to be a key issue in the presidential race, so expect Gov. George W. Bush to tout this track record.

Other states can boast of their own success stories. Take 9-year-old Steven Ip of Brooklyn, one of 17,591 third graders who failed the high-stakes test given to New York City kids for the first time last winter. Steven, whose parents emigrated from China, has solid math skills, but because of his limited English ability, he scored in the 11th percentile on the reading test. So like a record 37,000 New York City kids, he faced mandatory summer school; if he failed his retest in August, he'd be forced to repeat third grade. During five sweaty weeks in a classroom at P.S. 241, teacher Maria Teresa Maisano worked with Steven and seven other students. They read books in class and for homework, learning how to ask questions and find key ideas. When test day arrived, Steven felt prepared. Like roughly 60 percent of the summer students, he passed the exam and can start fourth grade. The city's school chancellor, Rudolph Crew, has been blasted for retaining kids and mandating summer school, but he's standing firm. "This is high anxiety—it's not for the meek of heart," he says. "But I think it's the right thing to do."

Other educators aren't so enthusiastic. At Santa Monica Boulevard Elementary in Los Angeles, the lilting sounds of Spanish fill the playground. But in teacher David Levinson's fifth grade, as in all other California schools, classes must be taught in English. For 31 of his 32 students, English is a second language. "The scores for most of these kids are low and it's not too hard to figure out why," says Levinson. "These tests are extremely unfair." But

they're the law, and as a consequence they're beginning to drive the curriculum. "We spend a lot more time teaching to the test and a lot less on the kind of hands-on, learn-by-doing teaching we did in the past," says the school's longtime principal, Albert Arnold. "My teachers are very frustrated, and kids pick up on that." They'll be more frustrated next year when, for the first time, students who fail the test are held back.

California's on-again, off-again testing regimen shows just how messy the transition to exam-driven reform can be. Until the late '80s, California's schools were topnotch. Then in the early '90s, a sinking economy, political bickering over education reform and a growing immigrant population set them back. So the state devised a new test, the California Learning Assessment System. But critics attacked essay questions as too subjective to be fairly graded, and reformers who favor a back-to-basics approach lobbied for more focus on the three Rs. By 1994, the CLAS was dead, and students went untested for three years as legislators debated new standards. Most experts urged them to design a customized exam that tests exactly the skills the state's kids should be learning, instead of an off-the-shelf national exam. When standards, curriculum and tests are aligned through the made-to-order tests many states are adopting, "teaching to the test" can become a positive technique, experts say. But California's leaders couldn't wait for a custom exam, so they opted to use a generic test in the interim. Experts say that's been a weak link in their reform plan. "The system in California is imperfect," says Stanford professor Kenji Hakuta. "What's needed are tests that more closely line up to instruction." This disparity is a recurring theme: experts favor a gradual, methodical transition, but political realities often force quick, crude steps to try to show improvement before the next election.

As testing spreads, experts aren't the only ones parsing the quality of exams. When Wisconsin Gov. Tommy Thompson proposed a statewide graduation exam in 1997, he had wide public support. Then parents saw sample questions. "It scared the heck out of them," says state Sen. Bob Jauch. "They weren't sure they could pass it themselves." A strange coalition of opponents emerged, consisting of parents concerned that the tests were too tough, educators who resented the state's giving orders to locally run schools and legislators who'd rather spend the \$10 million testing budget on a tax cut. By June, Wisconsin's new test was dead.

Tales like that one give hope to the Chicago kids at Whitney Young who bucked the test last winter. Over the summer they rounded up like-minded students from other schools and named themselves the Organized Students of Chicago. They've already passed out leaflets denouncing the city's testmania; now they're planning teach-ins. The focus on the exams "just seems so totally excessive," says Will Tanzman, 17. Eli Presser, an 18-year-old who graduated last spring but is still active in the group, says the rising number of tests makes students feel "like they're under constant jeopardy--like every single test was going to influence their life." Principal Joyce Kenner ordered the students to perform 10 hours of community service for refusing to take last year's exam. So far, they haven't served it, and may rally more students to boycott the exams this winter.

School officials are sympathetic to charges that they're giving too many tests. "Nobody wants to be test crazy... We don't want you to be drones," says Chicago school board president Gerry Chico. But like administrators around the country, he says schools need to face the reality that the status quo, in which thousands of kids languished in classes with virtually no instruction, couldn't continue. Parents like Jay Rehak, who's also a Whitney Young teacher, worry their kids are suffering for the sake of the system. When his daughter faced her first high-stakes exam two years ago, "she came home panicked every night," he

says. But University of Chicago researcher Melissa Roderick, who's followed 100 students at five schools through Chicago's pass-the-test-or-stay-back program, says the get-tough approach is needed, the same way financiers impose harsh, short-term measures to stabilize troubled economies. "The tests are getting us moving," Roderick says. "Over time we'll look to other things."

Perhaps. Or maybe this new breed of exam will become a defining part of school days well into the next century. Most states are only beginning to get their curriculum in sync with the new tests, so experts say it will be years before we see whether they deliver improvements dramatic enough to justify the investment. "We're in the middle of the maelstrom- -it's very difficult to see which way it's going to go," says Judith Mathers, a policy analyst at the Education Commission of the States. Until then, pencils in hand, we all plunge ahead.

With Steve Rhodes in Chicago, Donna Foote in Los Angeles and Anne Gesalman in Houston

ILLUSTRATIONS/PHOTOS: The Pressure Is On: In Brooklyn, Steven Ip studied hard for the test that determined whether he would repeat the third grade. Extra Attention: In Los Angeles, Levinson thinks the tests are unfair to his fifth graders, who are still learning English

Tough love: Houston principal Warner Ervin watched dozens of seniors fail a difficult new test, but tutoring made the difference

KEYWORDS: testing, Whitney Young High School, SAT, statewide tests, education, high school, teaching, learning, standardized tests

By Daniel McGinn With Steve Rhodes in Chicago, Donna Foote in Los Angeles and Anne Gesalman in Houston, *The Big Score*, Newsweek, 09-06-1999, pp 46.

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Terms: **exit exam! w/para delay and not alaska** ([Edit Search](#))

St. Louis Post-Dispatch June 6, 1999, Sunday, FIVE STAR LIFT EDITION

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St. Louis Post-Dispatch

June 6, 1999, Sunday, FIVE STAR LIFT EDITION

SECTION: EDITORIAL, Pg. B2

LENGTH: 444 words

HEADLINE: STANDARDS THAT COUNT

BODY:

EDUCATION

SETTING standards for education reform is easy. Making them count takes work. A recent study by the Council of Chief State School Officers found that Missouri and Illinois need to get to work in both areas. Both states lag behind the nation in graduation requirements. The most glaring gaps: Illinois and Missouri require only three years of English and two years of social studies for graduates and Illinois requires only one year of science.

We need stiffer requirements. Whether students plan on college or not, their high school diplomas should guarantee them the basics they need to function as citizens in a highly demanding and technical society. Both states need to work more closely with higher education officials and construct mandatory high school curriculums that make sense.

But sensible course requirements alone do not guarantee success. The St. Louis Public Schools, along with Wellston, require more classes from their graduates than any other district in the St. Louis area. Yet last year, only 3 percent of city 10th-graders scored proficient on state math tests.

Clearly, tough classes matter more than lofty requirements. But how do we measure the quality of high school classes?

For states like Texas, the answer is exit testing. Students must prove their readiness to graduate from high school by passing a standardized test. If they fail, they do not graduate. **Exit exams** mean heartache for some students, whose failure cheats them out of a graduation ceremony with their classmates, **delays** their post-high school plans until they pass or discourages them from taking the test again. But Texas test scores are on the rise, and a diploma now means more than just a certificate of high school attendance.

Missouri and Illinois have adopted exit exams, but the stakes are lower, and neither state puts graduation on the line. Maybe we should. We could start with exit testing in the lower grades -- an antidote to social promotion -- and use tests that measure critical thinking skills as well as information absorption. For high school students, a research project component could help measure ability and reward hard work.

Standards alone cannot fix our public schools. We need more involved parents, dedicated teachers, sensible administrators and manageable classrooms. We need to remember that test scores cannot tell us the contents of a child's mind or the expanse of a student's potential. But we also need to admit that, like it or not, we live in a world that values performance more than potential. We need to prepare children early for that world, using standards that prod them on

to success.

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LENGTH: 14169 words

SYMPOSIUM: EDUCATION AND THE CONSTITUTION: SHAPING EACH OTHER AND THE
NEXT CENTURY: Sorting and Reforming: High-Stakes Testing in the Public Schools

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SUMMARY:

... " Defying the common wisdom that programs today must appeal to "niche" markets, "Millionaire" attracts people of all ages and from all walks of life. ... So far, the OCR has investigated complaints about high school exit examination requirements in several states, including Ohio, Nevada, North Carolina, and Texas. ... In 1978, the legislature amended the Act to require that students pass a functional literacy examination as a condition of receiving a high school diploma. ... The most significant is *GI Forum v. Texas Education Agency*, a class action that relied directly on the legacy of *Debra P. Individual students and several advocacy organizations sued Texas officials, alleging that the use of the Texas Academic Assessment System (TAAS) as a graduation requirement discriminated against black and Hispanic students and violated due process. ... In fact, Texas school districts have confronted such difficulties in staffing their classrooms that some have begun to recruit high school students to teach. ...*

TEXT:

[*107]

I. Introduction

During the recent television season, the surprise hit was a game show called "Who Wants to be a Millionaire." n1 Defying the common wisdom that programs today must appeal to "niche" markets, "Millionaire" attracts people of all ages and from all walks of life. n2 There has been considerable speculation about the reasons for the show's success, n3 but one thing is certain. At the heart of this entertainment phenomenon is multiple-choice testing. In fact, "Millionaire" is the first quiz show to give contestants multiple-choice questions, prompting one expert on television and film to comment: "The difference between 'Millionaire' and the 50's game shows tells you where education is going in this country. In the 50's game shows, you had to know the exact answer. Today we get multiple choice [*108] on a show whose title isn't even punctuated correctly." n4

The show's format demonstrates that multiple-choice tests have become an accepted part of American life, so commonplace that millions of people tune in to see who will reap the rich rewards of selecting the correct answer. In fact, the format on "Millionaire" has triggered many of the same concerns that generally arise about multiple-choice tests. In the first place, there have been doubts about the accuracy of the scoring. Early on, two contestants were informed that they had given wrong answers, when in fact their responses were

correct. n5 In addition, some viewers have called in to complain that questions have been drafted in misleading and inappropriate ways. n6 Moreover, some have expressed reservations about the validity of the test. That is, the questions do not seem well-calculated to identify who is entitled to one million dollars. The most widespread criticism has been that the questions are too easy. The insurance company that guarantees the prize money insisted that the show pose more difficult problems to avoid an excessive number of winners. n7 Alex Trebek, host of the high-brow game show Jeopardy, joked that contestants on "Millionaire" were asked simple questions like "What's the usual color of PostIts?" n8 Finally, and perhaps most perniciously, the show has been widely criticized because its contestants are overwhelmingly white and male. Indeed, the show's host, Regis Philbin, issued an on-air appeal to women and minority viewers to enter the selection process. n9 Critics have alleged [*109] that a time-pressured format and biased questions have disproportionately advantaged white men. n10

America's fascination with "Millionaire" provides a glimpse into the power of high-stakes testing and its hold on the popular imagination. But while this television show affects the fortunes of only a few contestants each night, other forms of standardized testing have daily consequences for millions of students in America. These tests are being used to determine who will be promoted from one grade to the next, who will receive a high school diploma, and who will gain admission to elite colleges and universities. As with "Millionaire," these practices are widely accepted, roundly applauded, but nevertheless quite controversial. In this article, I will first examine the historical origins of high-stakes testing. Next, I will describe the growing interest in these tests in elementary and secondary schools as well as the tensions that have resulted. Then, I will explore the most significant challenges to the use of high-stakes testing as a requirement for graduation or promotion to another grade. This article will close by contemplating the likely future of the movement for testing and accountability.

II. The Roots of High-Stakes Testing

The use of standards in American education is far from a contemporary innovation. During the late nineteenth century, schools took on newfound importance as America confronted the combined forces of urbanization, industrialization, and immigration. Attendance became compulsory as educators assumed the task of preparing students to become productive workers and good citizens. The "common" school was designed to take students from all walks of life, assimilate them to a shared set of values, and inculcate in them a necessary set of skills. n11 Concerned about accountability and standardization, particularly in urban schools, business and professional leaders pressed for centralized administrative control of school districts. The hope was that schools could adopt the same model of governance as corporations used and apply a "scientific" [*110] approach to teaching. n12

In response to the growing importance of education, national reformers took an interest in developing curricular guidelines that would help schools perform their critical public function. In 1892, the National Education Association created the Committee of Ten to draft recommendations for strengthening the curriculum in America's high schools. This group was the first "blue ribbon panel" to address such an issue. n13 The Committee's work was influential in developing not only secondary school course offerings, but also standards for college admissions. The resulting recommendations focused on giving modern academic subjects the same weight as classical ones and on ensuring that all students received the same preparation for "the duties of life" through a liberal education, regardless of whether they were college-bound. n14

The Committee of Ten's report prompted the formation of yet another committee, this time to review college admissions criteria. n15 As a result of efforts to standardize high school graduation and college entry requirements, the College Entrance Examination Board was established. The Board developed a unified examination system for admission to college. The topics chosen for the test shaped high school offerings at schools with students headed for higher

education; the scope and difficulty of the tests established something akin to voluntary national standards in each subject. n16 The College Entrance Examination Board's work laid a foundation for the development of standardized testing in higher education. After World War II, these tests became a commonplace feature of college admissions. The impetus for multiple-choice entrance examinations came from elite institutions. Top educators wanted to shake up the traditional system of merely admitting the children of alumni without much concern for their scholastic aptitude. To compete with European universities, college presidents at institutions like Harvard and Yale believed that they needed a meritocratic system of admissions. Because a wide pool of graduating high school seniors would have to be evaluated to identify the most academically talented, the system had to be relatively inexpensive to administer. Thus was born the Scholastic Aptitude Test, now a fixture of the college application process. n17 [*111]

The success of standardized testing in colleges and universities paved the way for their use in elementary and secondary education. At first, the tests were primarily a way to sort students by ability and to place them in appropriate programs. n18 In the 1970s, however, a movement emerged to implement testing for promotion and graduation. This "minimum competency" movement enjoyed some success, but it also met with strong opposition because of concerns about fairness. The United States had only recently embarked on efforts to desegregate the schools and to undo past inequities in education based on race. As a result, denying a diploma to students who could not pass an exit examination seemed to punish the victims of past discrimination for having attended inferior schools. Moreover, placing students who failed the test in remedial classes could resegregate schools that had only recently been ordered to achieve racial balance in the student body. n19 These objections slowed down the implementation of high-stakes testing, but interest in standards and accountability was rekindled in the early 1980s, leading to the contemporary push for testing requirements.

III. The Recent Rise of High-Stakes Testing

In 1983, the National Commission on Excellence in Education published a report entitled *A Nation at Risk*, which warned that America's children were falling behind their peers in other countries and that an alarming number were functionally illiterate and innumerate. n20 The report went on to urge that Congress undertake national educational reform to reverse "a rising tide of mediocrity that threatens our very future as a Nation and a people." n21 Despite this ominous warning, federal officials could not agree on comprehensive educational reform, nor was Congress willing to appropriate substantial additional monies for the public schools. n22

Instead, policymakers grew increasingly interested in the use of national standards and accountability. n23 For the accountability movement to remain a low-cost reform initiative, it had to rely heavily on standardized tests. Moreover, to address the outcry over social promotions and meaningless [*112] high school diplomas, the tests had to have real consequences for a student's future. The result was high-stakes testing, which the National Research Council defines as a test on which "an individual student's score determines not just who needs help but whether a student is allowed to take a certain program or class, or will be promoted to the next grade, or will graduate from high school." n24 Testing was touted as both a scientifically legitimate and a relatively inexpensive way to "get tough" on the public schools.

High-stakes tests have become standard practice throughout much of American public education, but this school reform strategy has hardly been free of controversy. Because of the popularity of the movement, policymakers have battled over who should set the standards and get the political credit. In his 1997 State of the Union address, President Clinton called for "a national crusade for education standards - not federal government standards, but national standards, representing what all our students must know to succeed in the knowledge economy of the twenty-first century." n25 He followed through with efforts to develop voluntary national tests that would assess fourth-graders'

and eighth-graders' proficiency in reading and mathematics. n26 In 1998, Congress brought the drive for federally imposed accountability to a halt when it barred the Department of Education from using appropriations to develop a national standards test. n27 At present, the only federally sponsored testing is the National Assessment of Educational Progress (NAEP). Developed in the mid-1980s, the NAEP is administered on a purely voluntary basis to make state-by-state comparisons of student achievement. The test is used exclusively to generate research data; it has no stakes attached for students, teachers, local school districts, or state agencies. n28

So far, then, efforts to impose uniform, national standards have been stymied. If Congress were to hold school districts receiving federal monies accountable by administering a mandatory national test, state and local officials fear that their traditional authority over designing and implementing the public school curriculum would be undermined. Even voluntary national tests are controversial because they make state and local [*113] educational tests seem at best parochial and at worst pointless. n29 Congressional intermeddling seems particularly inappropriate in light of the steady decline in the federal government's financial support for public schools throughout the 1980s and much of the 1990s. n30

Because of this impasse in developing a national examination, states have taken the primary responsibility for adopting standards testing. At present, 19 states require students to pass an exit examination to receive a high school diploma, and seven plan to adopt such tests in the next few years. n31 The tests have proven particularly popular in the South. In 1998, 11 of 15 states below the Mason-Dixon line required students to pass a high school exit examination. By contrast, of the remaining 35 states, only six had imposed such requirements. n32 State reliance on highstakes testing continues to grow. Although the Wisconsin legislature's joint finance committee last year voted 13 to 3 to leave an exit testing program unfunded and to delete the law creating the examination, this decision bucked the trend toward expanded use of standards testing. n33

There has been ongoing debate about the propriety of high-stakes testing. One aspect of the controversy is technocratic. Experts accuse politicians of misunderstanding or willfully ignoring the proper applications of standardized tests. In particular, when state and local officials are under pressure to do something about failing schools, they tend to look for a quick fix. Rather than develop new tests, they use existing ones, even though they were constructed for a wholly different set of purposes. n34 In Chicago, for example, the school district decided to administer the Iowa Test of Basic Skills (ITBS) to identify low-performing schools and students. However, the ITBS is a norm-referenced test, one that by definition classifies some children as above average and others as below average based on [*114] their performance relative to each other. Moreover, the ITBS's scoring procedure is based on national, aggregate performance without any special consideration of Chicago's curricular priorities and academic standards. n35 Indeed, the test's own developers have indicated that it should not be used as the sole basis for retaining students at a grade level or for selecting students for special instructional programs. n36 Although the Chicago public school system conducted a pilot test of the Chicago Academic Standards Examination in early 1999, the chief accountability officer expressed fears that dropping the ITBS would cause the district to lose credibility with the media and the public. n37

Another line of confrontation has emerged between teachers and school administrators who must undertake the day-to-day business of educating children on the one hand and politicians who pronounce testing and accountability a panacea for the school system's ills on the other. Teachers worry that standards are being developed without much input from them and that the tests cast a shadow over daily instruction. n38 When districts face negative labels, loss of funds, and constraints on their autonomy if scores are low, teachers are under intense pressure to teach to the test, even at the cost of displacing other important curricular material. The incentive to focus on the test to the exclusion of other academic subjects is particularly strong in low-income,

minority school districts, where at-risk students jeopardize a school's chance of gaining a favorable rating. n39 In addition, standards testing may force teachers to try to fit all students [*115] into the same mold, regardless of differences in their learning styles. As one scholar in the field of education has noted:

Uniform standards may be appropriate for business - a manufacturer wants all its microwave ovens to meet specified standards of quality. That's good. But to what extent do we want all students to be alike? Of course, there are certain basic skills we want all students to master, but should all students be required or expected to attain them at exactly the same age or grade level? n40

Students who cannot fit the mold are in danger of being pushed out of the regular testing system to keep a school's scores up. Students may be placed in special education, held back, encouraged to be absent the day of the examination, or even steered toward transfer to another school or dropping out. n41 When these strategies fail, some desperate districts have resorted to cheating to improve their test performance. n42

Finally, the tests create conflict between disadvantaged communities and state and local proponents of standards testing. Interestingly, some accountability initiatives have been adopted as a corollary of school finance reform. In both Kentucky and Texas, for example, the state supreme [*116] courts held that reliance on local property taxes to fund the public schools resulted in such gross disparities among districts that the finance system was unconstitutional. n43 When the state legislatures developed plans that equalized school funding, they also adopted accountability measures to ensure that the state's enlarged role in allocating funds actually led to improved academic outcomes. n44 In short, school finance reforms coupled with accountability measures were seen as a way to ensure that students in less affluent districts received not just money, but also a meaningful education.

Even so, parents, students, and community leaders in low-income and minority communities have questioned the fairness of standardized tests. n45 High-stakes testing has been concentrated in states and districts with substantial low-income and minority populations. n46 Not only are students of color more likely than whites to have to take an examination, but available evidence suggests that they are disproportionately likely to fail it. n47 Although defenders of accountability testing argue that standards are needed to protect at-risk students from educational neglect, disparities in passage rates have led to charges that the tests do not measure merit but instead mark class privilege. As one critic has charged, [*117] "America's elites now perpetuate themselves with gatekeeping rules of their own making, rules legitimated by scientific objectivity." n48 The tests have been attacked because they require the kind of cultural capital that low-income children of color are unlikely to have. According to critics, questions drafted with white, middle-class students in mind seldom resonate with the lives of non-white or poor children. Perhaps the most striking example of this cultural insensitivity is a mandate that students with limited English proficiency take high-stakes tests only in English, a practice that effectively prevents them from fully demonstrating their academic skills. n49

Alternatively, testing opponents argue that students in historically underfinanced and typically segregated schools have not had an equal opportunity to meet the standards imposed by accountability tests. The tests stigmatize those who are held back in a lower grade or denied a high school diploma, even if the fault lies with a deficient educational system. Far from motivating children, this message of failure could prompt them to quit school or withdraw from their studies. As a result, those students most in need will be lost to the educational system. n50 Moreover, critics contend that labeling schools as low-performing in traditionally disadvantaged communities can backfire as a reform strategy. When these schools are placed into receivership or denied funding because of low test scores, teachers and administrators become discouraged. Instead of continuing to work in schools that serve at-risk students, these

educators seek jobs in affluent districts with students who arrive well-fed, healthy, rested, and ready to learn. Rather than enhance the educational environment for the disadvantaged, the accountability system may make it that much more tempting for teachers and administrators to leave schools already considered undesirable, low-status institutions. n51

Although the federal government has not undertaken to mandate tests itself, concerns about fairness have prompted some legislative and [*118] administrative activity. Late in 1999, the President's Advisory Commission on Educational Excellence for Hispanic Americans endorsed standardsbased reform but criticized high-stakes testing programs that fail to account for the special needs of Hispanic students. The Commission called on the Department of Education's Office for Civil Rights (the OCR) to launch a state-by-state inquiry into testing practices that discriminate against Hispanic students. Of particular concern was the treatment of students with limited English proficiency. n52

Although the OCR has not launched a special inquiry into the treatment of Hispanic students, it did circulate a revised draft of guidelines on high-stakes testing a few months after the Commission's report was released. The proposed guidelines are designed to clarify the practices permissible under Title VI and Title IX of the Civil Rights Act of 1964. The advisory standards specify the principles of measurement that should be observed to minimize dangers of discrimination, and they indicate that the tests should be "educationally justified" if they are to survive legal scrutiny. n53 So far, the OCR has investigated complaints about high school exit examination requirements in several states, including Ohio, Nevada, North Carolina, and Texas. Chicago's testing program also has triggered a complaint. In both Ohio and Texas, federal and state officials agreed that the tests could be used, but that all students must have access to remedial assistance, multiple chances to take the examination, and appropriate classroom instruction to prepare for it. The investigations in Nevada and North Carolina are likely to yield similar results. n54

In addition, Senator Paul Wellstone of Minnesota has sponsored the Fairness and Accuracy in Student Testing Act, which would ban elementary and secondary schools receiving federal financial assistance from using standardized tests as the sole factor in making "any decision [*119] about the retention, graduation, tracking, or within-class ability grouping of an individual student" n55 The legislation further provides that such tests must be reliable and valid, based on a functional performance level rather than on performance relative to that of other students, aligned with the curriculum and classroom instruction, offered on multiple occasions, administered in compliance with guidelines provided by the test developer or publisher, appropriate for the intended purposes, and modified to accommodate disabled and limited-English-proficient students. n56 As a list of supporters shows, the bill responds to reservations about high-stakes testing shared by teachers, educational experts, and advocates on behalf of low-income, minority students. Wellstone's legislation has been endorsed by educational organizations, such as the National PTA, the Council of Great City Schools, the National Education Association, the American Psychological Association, and the National Association of School Psychologists, as well as by racial and ethnic organizations, such as the National Association for the Advancement of Colored People, the Mexican American Legal Defense and Education Fund, and the National Urban League. n57 In offering the legislation, Wellstone revealed that he was motivated in part by his own personal history. He himself has a learning disability that hampers his performance on standardized tests. n58 As a result, Wellstone felt compelled to sponsor the legislation, even though it faces an uphill battle in Congress. n59

IV. Legal Challenges to High-Stakes Testing

Concerned parents, students, and community leaders are not waiting for Congress or the Office for Civil Rights to save them from the perils of high-stakes testing. In several states, parents have protested the use of tests as graduation requirements, and students have boycotted standards testing. n60 In

Massachusetts this year, hundreds of teachers, students, and parents protested the Massachusetts Comprehensive Assessment System (MCAS) by rallying on the capitol steps. At the rally, students and parents carried signs that read "High incomes=High MCAS scores" and "Hey Governor Celluci, kiss my MCAS." n61 Students also delivered [*120] petitions and packets of information to legislators and the governor. Moreover, hundreds of students around the state boycotted the MCAS on the day it was given. n62 Similar boycotts and protests have taken place in Arizona, Florida, Georgia, Illinois, Louisiana, Ohio, and Wisconsin. n63

Some students and advocacy organizations have turned to the courts for protection from high-stakes examinations. The leading case on high school exit examinations is Debra P. v. Turlington. n64 During the push for minimum competency requirements, the Florida legislature passed the Educational Accountability Act of 1976. The Act established three requirements for graduation from Florida public high schools: (1) a minimum number of credits; (2) mastery of basic skills; and (3) satisfactory performance in functional literacy as determined by the State Board of Education. The Act also provided for remediation and mandated creation of a comprehensive testing program to evaluate basic skills. n65 In 1978, the legislature amended the Act to require that students pass a functional literacy examination as a condition of receiving a high school diploma. Those who failed the test but had sufficient credits to graduate would receive a certificate of completion. n66 The distinction between a diploma and certification of completion was significant: only those who received a diploma were eligible for certain state jobs and admission to the state university system. n67 [*121]

When the test was administered, black students were disproportionately barred from receiving a diploma because they could not pass it. On the test's first administration, 78% of black students failed the communications or mathematics section or both; by contrast, only 25% of white students failed one or both sections. The pattern was the same during two subsequent administrations of the examination. As a result, 20% of black students remained ineligible for a diploma compared to only 1.9% of white students. n68 Because of these disparate outcomes, a class action was filed in federal district court against the state and local officials responsible for adopting and implementing the test. Brought on behalf of present and future twelfth-grade students who had failed or would fail the test, the suit alleged that the test was discriminatory and violated due process. n69

The discrimination claims were based on equal protection, Title VI, and the Equal Educational Opportunities Act. The plaintiffs contended that the test contained biased items, perpetuated the vestiges of past discrimination, and resegregated black students in remedial classes. n70 The trial court did not find any evidence of discrimination in the test's construction because Florida officials had used methods of test design that were generally accepted as valid and reliable. n71 To address whether the test perpetuated past discrimination, the court reviewed the history of public elementary and secondary education in Florida. The state's entire school system had been subject to de jure (that is, state-mandated) segregation on the basis of race from 1890 to 1967. Race-based pupil assignments were declared unconstitutional in 1967, and the state's schools were still under a federal desegregation decree. n72 The dual school system had created grave educational inequities, and students taking the exit examination in 1978 had spent at least some time in a system that had yet to undo the effects of past discrimination. Even if the test had been adopted with the best of intentions, it could not add insult to constitutional injury by denying diplomas to students victimized by officially sanctioned racism. Therefore, the use of the test as a graduation requirement had to be postponed until the senior class had been through twelve years of schooling in a desegregated system. n73 The trial court rejected [*122] the claim that disproportionate assignment of blacks to remediation led to impermissible segregation. The judge held that these assignments were a constitutionally acceptable way to address the lingering effects of unequal educational opportunity. n74

In addition, the test violated both procedural and substantive due process. The district court first found that students had protected property and liberty interests in a diploma. The property right arose because the state of Florida compelled students to attend school and, in turn, offered them a diploma with economic value. The liberty interest derived from a student's right to be free of the stigma of being labeled "functionally illiterate" by state officials. As a result, Florida officials could not divest high school pupils of these interests without following the dictates of due process. n75

With respect to procedural due process, state and local agencies had to provide students with adequate notice. The court held that two years' advance warning was insufficient, and that Florida had to allow students more time to prepare for and meet the new requirement. n76 On appeal, the Fifth Circuit basically agreed with the trial court's conclusions, but added an additional requirement. Under substantive due process, the state had to demonstrate that all students had a fair opportunity to learn; that is, the curriculum had to offer them a chance to master the skills necessary to pass the test. n77 On remand, Florida officials introduced surveys of teachers, students, and administrators to establish the curricular validity of the exit examination. In addition, officials visited selected classrooms to observe the material that was covered. n78 The trial court held, and the Fifth Circuit agreed, that this evidence was sufficient to satisfy substantive due process. n79 The federal judiciary was not willing to impose the onerous burden of showing that every student in every classroom actually had the same opportunity to learn. n80

Recently, several new legal challenges have been filed. The most significant is *GI Forum v. Texas Education Agency*, n81 a class action that relied directly on the legacy of *Debra P.* Individual students and several advocacy organizations sued Texas officials, alleging that the use of the Texas Academic Assessment System (TAAS) as a graduation requirement discriminated against black and Hispanic students and violated due process. [*123] Adopted in 1990, the TAAS test certainly produced disparate outcomes for students based on race and ethnicity. In 1991, 67% of black tenth-graders and 59% of Hispanic tenth-graders failed the examination, while only 31% of whites did. n82

Citing the Equal Protection Clause, the plaintiffs claimed that Texas officials had intentionally discriminated against non-white students in adopting and implementing the examination. They based this argument on the fact that the Texas Education Agency adopted cut-off scores of 70%, even when it knew that they would seriously harm black and Hispanic students. Moreover, as circumstantial evidence of animus, the plaintiffs cited procedural irregularities in the rush to adopt the test. n83 The defendants countered that they had adopted and implemented the TAAS as a way to ensure that all students received a meaningful education, regardless of race or ethnicity. Far from acting with discriminatory intent, legislators and state education officials sought to improve the academic performance of low-income, minority students. n84 On a motion for summary judgment, the district court concluded that there was insufficient evidence of discriminatory intent to merit a trial and dismissed the plaintiffs' claim. n85

The plaintiffs argued in the alternative that state officials had violated Title VI because the test had a discriminatory effect, regardless of whether it was adopted with a benign motivation. The defendants responded that there was no private cause of action under Title VI and that wrongful intent was a prerequisite under both Title VI and the Equal Protection Clause. n86 The trial court rejected both of these contentions and allowed the plaintiffs to proceed to trial on the Title VI claim. n87 Citing the gap in test scores between white, black, and Hispanic students, the plaintiffs asserted that the test had an impermissible disparate impact. In making this argument, they asked that the four-fifths rule used in employment discrimination be applied in an educational setting at least when diploma requirements were at issue. That is, if the passage rate for non-whites was less than 80 percent of that for whites, the [*124] plaintiffs would make out a prima facie case of impermissible disparate impact. n88

The defendants responded that the court should look at cumulative, not first-time, pass rates because only when students had failed the test after a number of attempts were they denied a diploma. According to state officials, remediation efforts steadily closed the gap between whites and non-whites as students took the tests on successive occasions. n89 The defendants also questioned the wisdom of importing employment standards into the field of education, but pointed out that non-whites' cumulative pass rates were slightly over 80 percent of those for whites. n90 Ultimately, the trial court agreed that cumulative pass rates were the relevant scores to compare but rejected rigid reliance on a four-fifths rule. Instead, the judge concluded that the disparity was wide enough to qualify as substantial, and the burden shifted to defendants to show that the TAAS test was educationally necessary. n91 The defendants satisfied this burden by demonstrating that the test was scientifically constructed and that the high stakes attached to it created important incentives for students to learn. n92 The plaintiffs were unable to persuade the district court that their proffered alternatives would be equally effective in pushing students to master basic concepts. n93

The plaintiffs also alleged that the TAAS test violated equal protection and the Equal Educational Opportunities Act because it perpetuated the vestiges of past discrimination in a state with a history of unconstitutional segregation, wrongful discrimination against limited-English-proficient students, and a grossly unequal system of school finance. n94 The defendants argued, and the district court agreed, that these historical wrongs had been sufficiently cured and that the test did not unfairly penalize students who had been victimized by prior governmental misconduct. n95 Relying on the Equal Educational Opportunities Act, the plaintiffs [*125] also contended that the TAAS test had the effect of excluding limited-English-proficient students from the instructional program. The trial court did not permit this claim to go to trial, presumably because it accepted the state's argument that a diploma is not a form of instruction. n96

Following Debra P., the plaintiffs asserted that students had both protected liberty and property interests in a diploma. Although the defendants argued that there was no constitutionally safeguarded interest whatsoever, the trial judge accepted the plaintiffs' position that due process protections were triggered by the TAAS requirement. n97 With respect to procedural due process, both plaintiffs and defendants conceded that notice of the TAAS test generally had been adequate. However, plaintiffs asserted that limited-English-proficient students had not received sufficient warning, in part because they sometimes entered high school at an advanced age and did not have enough time to prepare to take the test in English. The court rejected this claim, presumably accepting the defendants' view that general notice, not the plight of individual students who voluntarily entered the district late in their high school careers, was the relevant concern. n98

With respect to substantive due process, the plaintiffs contended that curricular validity had to be judged based on the regular curriculum. The defendants insisted, and the district court agreed, that remedial programs should be considered in assessing whether students had an opportunity to learn that prepared them for the test. n99 The defendants distinguished Texas's situation from that in Florida because the state had adopted the Texas Essential Knowledge and Skills to guide curricular development in the public schools. The TAAS test was designed to [*126] evaluate mastery of these skills, and consultations with teachers during the construction of the test confirmed that the examination measured skills taught in the classroom. n100 Although the Texas Education Agency had not conducted surveys and site visits like those in Debra P., the trial court found that it had discharged the obligation of establishing general curricular validity. n101

There are several notable points about the GI Forum decision that could be important in future litigation. First, with respect to equality issues, the district court focused exclusively on the testing process itself and largely refused to explore how the test affects a student's overall educational experience. In addressing claims of bias, the judge relied heavily on the

scientific methods used to construct the TAAS test. Although disproportionate failure rates for blacks and Hispanics were nonetheless cause for concern, the court accepted the defendants' argument that a high-stakes test was uniquely beneficial in motivating students and therefore was educationally necessary. The judge did not require elaborate statistical proof that the threat of being denied a diploma effectively prodded at-risk students to learn. The court deferred to the defendants' account of the test's impact, even though the plaintiffs had argued that the test demoralized black and Hispanic students and increased the likelihood that they would drop out of school. n102 The trial court refused to accept the plaintiffs' evidence that high rates of failure on the TAAS test correlated with increased drop-out rates. The court wanted proof of a causal relationship, not a mere correlation. In the court's view, students might drop out for a number of reasons that had nothing to do with the TAAS test. n103

Here, the allocation of the burden of proof was critical. Even when the plaintiffs had made out a prima facie case of disproportionate [*127] impact, the court insisted that they demonstrate that the TAAS test was not a good motivator. However, because the defendants bore the burden of establishing that the test was educationally necessary, the court logically should have required proof of a causal relationship between its administration and improved student performance. The defendants did offer evidence that, on successive administrations, the scores for black and Hispanic students improved. n104 However, this evidence did not plainly establish a causal relationship between the test and student motivation. Most importantly, students who dropped out of school would not be among the those who took the test multiple times. As a result, the multiple test-takers might constitute a pool of self-selected students who were already highly determined to succeed despite repeated obstacles. In addition, even if the test had no effect on student motivation, pass rates might improve because of the practice effect of taking the test over and over. In short, the defendants' evidence that the test was an educationally necessary incentive was probably no more convincing than the plaintiffs' evidence that it was detrimental.

The court also accepted the defendants' definition of what was at stake as a result of TAAS testing. According to the trial judge, the only relevant inequity related to the denial of a diploma, not the impact on the students' general educational experience. For instance, the plaintiffs contended that the disparity in first-time pass rates was the relevant criterion for determining whether the test had a discriminatory impact. Assuming that the primary concern was that students were stigmatized by this failure, were assigned to remediation, and perhaps even dropped out of school, then first-time pass rates were the proper focus of a Title VI inquiry. Failure could have a negative effect on a student's education, regardless of whether the district ever formally denied a student a diploma. The court, however, emphasized the gap in cumulative pass rates because, only after multiple failed attempts, did the state of Texas penalize students by withholding a degree. As a result, the sole question was how substantially the gap in pass rates had narrowed, even if the cost was that blacks and Hispanics failed the test many more times than did whites, lost many more hours of regular instruction than did whites, and perhaps decided to drop out of school more often than did whites. This narrow focus enabled the court to defer to "the State's right to pursue educational policies that it legitimately believes are in the best interests of Texas students," even if "the policies are debated and debatable among learned people." n105

The court's unwillingness to look at the test in context is further evidenced by its treatment of substantive due process issues. In Debra P., [*128] the state of Florida could not simply assert that because the exit examination measured basic skills, it necessarily drew on material taught in public school classrooms. Nor could officials point to the steps they had taken to ensure that the test was reliable and valid. Instead, the state had to offer survey evidence and site visits to convince the court that children had a fair opportunity to prepare for the test. The trial court in GI Forum refused to impose the same evidentiary burden on the state of Texas. Instead, it relied on the state's adoption of a formal curriculum, the Texas Essential Knowledge and

Skills, and its consultation with select classroom teachers in developing the test. Moreover, the judge allowed state officials to demonstrate that remediation prepared students to pass the TAAS test eventually, although a fair opportunity to learn arguably requires that all students receive appropriate instruction in the regular curriculum.

The proof of curricular validity offered by the state of Texas does not compare favorably with the evaluation of classroom teaching offered in Debra P. A formally mandated curriculum cannot ensure a common classroom experience for all children. There must be some evidence that the paper requirements are in fact being implemented. Teachers who are consulted when a test is designed are hardly likely to be a random sample. Instead, they are probably among the unusually successful and engaged instructors chosen for high-profile assignments. Even if these teachers were not self-selected, their number is so small that representativeness would still remain a serious problem. Again, by deferring to the state's view that curricular validity could be assured without much direct evidence of the classroom experience, the court in GI Forum adopted a deferential stance, assuming that officials acted in good faith and "would agree with the proposition that unequal education is a matter of great concern and must be eradicated." n106

Faced with defeat on both equal protection and due process grounds, the plaintiffs chose not to appeal the district court's ruling in GI Forum, presumably because counsel feared that a conservative Fifth Circuit Court of Appeals might overturn the helpful precedent in Debra P. n107 Other cases also have met with limited success in the courts. In Erik [*129] V. v. Causby, n108 the plaintiffs challenged a North Carolina county's Student Accountability Policy, which provided that students who failed to obtain a designated score on a state standardized test would be held back, regardless of their academic performance during the school year. Students who failed the test had to undergo remediation in the summer and retake the test. If they failed, they could take the test one more time. If they had not passed after three attempts, they were denied promotion to the next grade. The testing requirement was waived for special education and limited-English-proficient students. n109

The plaintiffs alleged that minority students' pass rates were about half of those for whites. Based on these disparate outcomes, the lawsuit asserted that the accountability program violated federal equal protection, Title VI, and due process, as well as North Carolina's own constitutional and statutory protections. The trial court denied the plaintiffs' request for a preliminary injunction. Although the judge did not reach the merits of the case, he signaled that "federal courts have no business substituting their judgment for that of the local school board when it comes to qualitative achievement standards for promotion." n110 The parties eventually settled the case out of court, and the district instituted a policy that makes students who fail the test but have better than a C average eligible for a waiver. In addition, school officials created a parental notification program and a system for developing individualized remediation plans. As a result, the number of students held back dropped substantially. n111

In Louisiana, parents opposed to the state's educational assessment program filed suit to obtain copies of the test questions. The court held that although the public records act did not explicitly exempt the questions from disclosure, releasing them would be "nonsensical" because the test's validity would be compromised. n112 In addition, the plaintiffs sought to enjoin Louisiana officials from using test results in making promotion decisions, but the district court threw out the case as premature since no results had yet been released. In doing so, the judge indicated that she had serious doubts that students had a protected property interest in promotion to the next grade. n113 After the litigation, the state [*130] board of education recommended that local officials retain students in fourth grade no more than one time, regardless of their test scores. n114 Despite these setbacks, litigation over high-stakes testing continues. Recently, in Indiana, students with disabilities filed suit, alleging that the state's exit examination fails to accommodate their unique needs. n115

V. The Future of High-Stakes Testing

The GI Forum decision and other recent cases demonstrate that, in a conservative era, federal courts are increasingly unwilling to probe the workings of state educational systems. The judiciary's reformist impulse has largely been spent after decades of struggle over desegregation. In the late 1960s and 1970s, federal judges embarked on a lengthy campaign to desegregate public schools. The result was protracted, and sometimes intractable, litigation that produced at best a tenuous racial balance, when the goal of integration was not wholly thwarted by white flight. n116 Beginning in the 1980s and continuing into the 1990s, district courts began to terminate these cases and withdraw from oversight of desegregation decrees. n117

With these weighty and pervasive obligations at an end, federal judges are undoubtedly reluctant to take up the task of scrutinizing ongoing racial inequities through the lens of high-stakes testing. Instead, as in GI Forum, courts would prefer to define the issues narrowly so that the entire system of public elementary and secondary education is not on trial. By focusing on the scientific methods used to construct a highstakes test, courts can require the state to be race-neutral in devising and administering questions without insisting that other inequities in the educational system be remedied. If curricular validity can be shown by formally mandated standards and consultation with select teachers, then courts can affirm that students have an equal opportunity to learn, even when classroom experiences in fact differ dramatically. In any event, testing cases are unlikely to lead to systemic reform, even if they succeed. Instead, the test will be thrown out, and inequalities in educational opportunity will persist.

Court-generated reform is more likely to come about in state than in federal court, and this reform is more likely to prompt - rather [*131] than derive from - high-stakes testing. For instance, in both Kentucky and Texas, the high courts held that the system of financing public schools was inequitable enough to violate the state constitution. n118 As a result, the Kentucky and Texas legislatures undertook comprehensive reform initiatives, in which accountability and high-stakes testing were one component. Far from driving systemic change, testing programs were used to measure the success of independent efforts to improve the public schools. These tests were incidental, not essential, to reform. For example, in Texas, if the TAAS test had been successfully challenged in federal court, the state would nevertheless have remained committed to school finance equalization as mandated by its own supreme court.

In states such as Kentucky and Texas, the schools historically have been funded at such low levels that even with court-mandated school finance reform, classrooms continue to confront the dilemma of limited resources. For example, Kentucky ranked forty-third in per-pupil spending and thirty-seventh in average teacher's salary when the state high court held the school system unconstitutional. Only 68.2% of ninthgraders finished high school, and in poor Appalachian districts, 48.4% of the population was functionally illiterate. n119 Texas, too, has long ranked in the bottom tier of states with respect to per-capita student spending on schools and other services for children. n120 Its school finance system also produced gross disparities in the resources available to children in low-wealth and high-wealth districts. For some districts, the ratio of available resources was as large as 700 to 1. n121 In addition, there was a significant correlation between district wealth and the racial make-up of the student body. n122 Although disparities in available resources have been moderated, Texas remains a state that invests relatively little in its schools. The state still ranks well below the national average in per-capita student spending, and its teachers receive comparatively low wages and few benefits. n123 In fact, Texas school districts have confronted such difficulties in staffing their classrooms that some have begun to recruit high school students to teach. n124 [*132]

Where testing programs have been adopted legislatively without the impetus of court-mandated reform, they have sometimes been justified as independent levers for systemic reform. Unfortunately, there is little evidence that test

results alone can motivate students and schools to perform better. Most states that have adopted high-stakes testing requirements did not appropriate substantial amounts of money to enhance classroom instruction. Indeed, some legislatures did not even want to pay to devise new tests; instead, officials tried to rely on existing tests, even when they were inappropriate for use in decisions about graduation, grade promotion, or tracking. Overall, then, the tests have been another bureaucratic requirement for schools to satisfy, but they have not led to an infusion of funds to handle the extra demands. n125

High-stakes testing is popular because it offers a way to identify and blame individuals without acknowledging a collective unwillingness to invest in public schools, particularly those in low-income, often minority areas. The tests have taken on the dimensions of a morality tale. n126 Failure is located in low-performing schools and failing pupils, not in systems of public education that suffer from serious inequities in the allocation of resources. The wealthiest students, who are enrolled in private schools, are spared the need to take high-stakes tests to demonstrate their bona fides. Middle-class and upper middle-class students in suburban communities expect to pass the test, and indeed, some of them view it as an annoyance that diverts them from more important work, such as preparing for advanced placement tests or college entrance examinations. n127 [*133]

In low-income schools that serve large numbers of at-risk students, however, the tests occupy a major place in the educational process. Schools risk being labeled low-performing and losing their autonomy; teachers risk being accused of neglect and losing their credibility; and students risk being identified as inadequate and losing their respectability. To prove both institutional and individual worth, principals must emphasize the importance of the test, teachers must revise their lesson plans to ensure that children are prepared, and children must be given incentives such as parties and prizes to keep up with lengthy and sometimes tedious drills and practice examinations. So much effort is diverted to the test that it becomes not a minimum standard, but the primary standard. The school's goal is to ensure that each child meets the minimum rather than to ensure that each child's potential is maximized. As a consequence, children in low-income communities of color who can readily pass become captives of test-driven instruction directed at their at-risk peers. n128

The current push for standards testing has enjoyed a long period of popularity, certainly longer than that of the minimum competency movement of the 1970s. For one thing, the rhetoric of holding students, teachers, and schools accountable sounds more upright and less derogatory than labeling them incompetent. For another, the country continues to enjoy an unprecedented run of economic prosperity. In a global economy, the United States has acquitted itself quite well, although the gap between the rich and the poor grows ever larger and the status of the middle-class seems increasingly fragile and tentative. n129 To fuel America's economic engine, it has been necessary to sort individuals into appropriate niches. The sorting at the top has seemingly been perfected through college and graduate admissions processes, which have relied on standardized testing to a significant degree in the post-World War II era. n130 Now that a high school diploma is seen as a bare minimum for most entry-level jobs, sorting individuals at the bottom of the job queue also has become imperative. n131 If a diploma is not a reliable marker of [*134] basic skills, employers will squander time and resources on training the untrainable. The accountability movement offers a way to distinguish not just between high school dropouts and high school graduates, but also between those who attended class and those who mastered the material.

The standards movement so far has not been derailed by the forces that hampered the minimum competency movement. In the 1970s, the country was still grappling with the legacy of officially mandated racial segregation. Racial unrest was very real, and a movement that seemed to reinstate racial hierarchy, even through a scientifically constructed test, was suspect. n132 Today, however, there is a growing clamor for formal colorblindness. According to this view, individuals should be judged on their own merits, regardless of race. A

properly designed and administered test is seen as a perfectly appropriate way to hold individuals accountable, whether or not it results in racial disparities. n133 In addition, many of the social reform movements of the 1970s were overshadowed by the Vietnam War, Watergate, and economic troubles. So far, persistent problems of this magnitude have not come along to displace the popular fascination with standards and accountability. Peace and prosperity have given Americans the luxury of tinkering with reform, although record budget surpluses at the federal and state levels have not led legislatures to open the purse strings for public education. n134 Perhaps, when the United States faces a fiscal downturn or international unrest, the interest in refining educational standards will subside. [*135] Unfortunately, the opportunity for meaningful change through public investment in the school system will have passed as well. Tests used for sorting will become a distraction from, and even a substitute for, genuine reform.

VI. Conclusion

High-stakes testing has become a pervasive part of the American educational scene. Indeed, prime-time television has joined the craze with the hit show of the season, "Who Wants to Be a Millionaire." Just as that show demonstrates our fascination with the power of multiple choice tests, it also reveals our cynicism and ambivalence. The questions require contestants to recall trivia, spouting facts that have little or nothing to do with their ability to be valuable and productive persons. At times, the audience secretly wonders why knowing inconsequential information should make such a huge difference in a person's financial fortunes. After all, the outcomes seem to turn on a combination of blind luck and random bits of knowledge, not on the contestant's inherent worth as a person, worker, or citizen. Even so, the show starkly reveals the consequences of failure. Someone who once had the potential to win a million dollars can go home with a pittance. A person who held the interest of millions of viewers, whose struggle was high drama, disappears during a commercial and is promptly forgotten.

The drama of high-stakes testing in the public schools takes place every year for millions of children across the nation. Despite some legal challenges and lobbying efforts, the accountability movement remains a powerful part of the American political scene. However well-developed the science behind assessment and measurement may be, high-stakes tests cannot work miracles in failing systems. The examinations are a yardstick and, yes, even a stick, but they are not a magic wand. And, unlike a television game show, America cannot conveniently arrange for those who fail the tests to disappear, nor can its responsibilities to these children be promptly forgotten.

FOOTNOTES:

n1 Bill Carter, 'Millionaire' Cashes In, N.Y. Times, May 21, 2000, <section> 4, at 5 (describing how the show's unprecedented success has enabled ABC to demand the highest advertising prices in history); Bill Carter, 'Millionaire' Adds a Night, N.Y. Times, May 17, 2000, at E10 (noting that the show is so popular that ABC has expanded it to four nights a week on prime time television).

n2 Bill Carter, A Million Reasons the TV Quiz Show Has Struck It Rich, N.Y. Times, Nov. 14, 1999, <section> 1, at 1; Frank Rich, Who Doesn't Want to Be a Millionaire, N.Y. Times, Nov. 20, 1999, at A13.

n3 See, e.g., Carter, supra note 2 (noting the long hiatus since game shows were popular in the 1950s); Rich, supra note 2 (greed and materialism coupled with economic insecurity due to a growing divide in wealth); Julia Chaplin, Quiz Shows Make Every Contestant a Video Gladiator, N.Y. Times, Jan. 16, 2000, <section> 9, at 1 (showing high-tech effects and computer anxiety); Joseph Siano, The Extraordinary Thrill of Watching Ordinary Winners, N.Y. Times, Feb. 6, 2000, <section> 13, at 4 (connecting to ordinary contestants in a depersonalized world); Paul Brownfield, He's America's Dealer of Choice; With Regis Philbin Holding the Cards, "Who Wants to Be a Millionaire" Feeds Off the

Same High-Stakes Tension That Lights Up Las Vegas, L.A. Times, Calendar, at 3 (love of gambling for large stakes).

n4 Carter, *supra* note 2 (citing Robert Thompson, a professor at Syracuse University).

n5 Sarah Shannon, U.S. Imports Millionaire Quiz, Plus the Mistakes, Evening Standard, Aug. 24, 1999, at 17; Bill Carter, Hit Quiz Show Misses as Correct Contestant Loses, N.Y. Times, Aug. 20, 1999, at B1.

n6 Amy Pagnozzi, Betting On a Million, Hartford Courant, May 19, 2000 at A3 (describing how one viewer complained that a question that attributed the term computer "bug" to a 1947 incident involving a moth that flew inside a computer ignored far earlier uses of the term "bug," for example, by Thomas Edison in 1889).

n7 Brownfield, *supra* note 3 (describing a lawsuit that Goshawk Syndicate, brokers at Lloyd's of London, filed in February 2000 based on allegations that the questions had been "dumbed down," making the game too easy).

n8 Bill Hoffmann, Trebek: Millionaire Wins No Prizes, N.Y. Post, Mar. 20, 2000, at 83; Michael Precker, Brain Games: The Eggheads Compare Quiz-Show Questions, Dallas Morning News, April 22, 2000, at 1C. Another game show host, Ben Stein, did a parody of "Millionaire" in which a contestant was asked to choose his first name from four possibilities. Allison Fass, Who Wants to Parody "Millionaire"? There Is No Final Answer, N.Y. Times, Apr. 6, 2000, at C10.

n9 Robert Schaeffer, Who Wants to Be a Contestant?, N.Y. Times, Feb. 19, 2000, at A15 (noting Philbin's on-air plea after barely 10% of those who competed on the show were women and none were African-American).

n10 *Id.*; Bill Carter, Quiz Show Draws More Women Contestants, N.Y. Times, Feb. 28, 2000, at C13 (describing efforts to include more "female material" and "black culture"); Amy Alexander, Who Wants to Be a Millionaire? We All Do!, Boston Globe, May 14, 2000, at E1 (asserting that the show's questions are biased because they are written by white men); see also Alex Kuczynski, Quiz Screening Seems to Reflect Gender Skew, N.Y. Times, Apr. 24, 2000, at C16 (claiming that the show had resorted to skewing the questions used in the selection process to enable more women to qualify).

n11 David B. Tyack, *The One Best System: A History of American Urban Education* 28-59 (1974).

n12 *Id.* at 126-76; Elliot W. Eisner, Standards for American Schools: Help or Hindrance?, 76 Phi Delta Kappan 758, 759-60 (1995).

n13 Diane Ravitch, *National Standards in American Education: A Citizen's Guide* 36-37 (1995).

n14 *Id.* at 37-39.

n15 *Id.* at 39.

n16 *Id.* at 40-41.

n17 For an engaging account of the development of the standardized testing movement in college admissions, see Nicholas Lemann, *The Big Test: The Secret History of the American Meritocracy* 1-52 (1999).

n18 Ravitch, *supra* note 13, at 46-47.

n19 *Id.* at 47-50.

n20 National Comm'n on Excellence in Educ., United States Dep't of Educ., *A Nation at Risk: The Imperative for Educational Reform* 8-9 (1983).

n21 *Id.* at 5.

n22 Hagit Elul, Making the Grade, Public Education Reform: The Use of Standardized Testing to Retain Students and Deny Diplomas, 30 Colum. Hum. Rts. L. Rev. 495, 497-500 (1999); Michael W. Kirst & Allan Odden, National