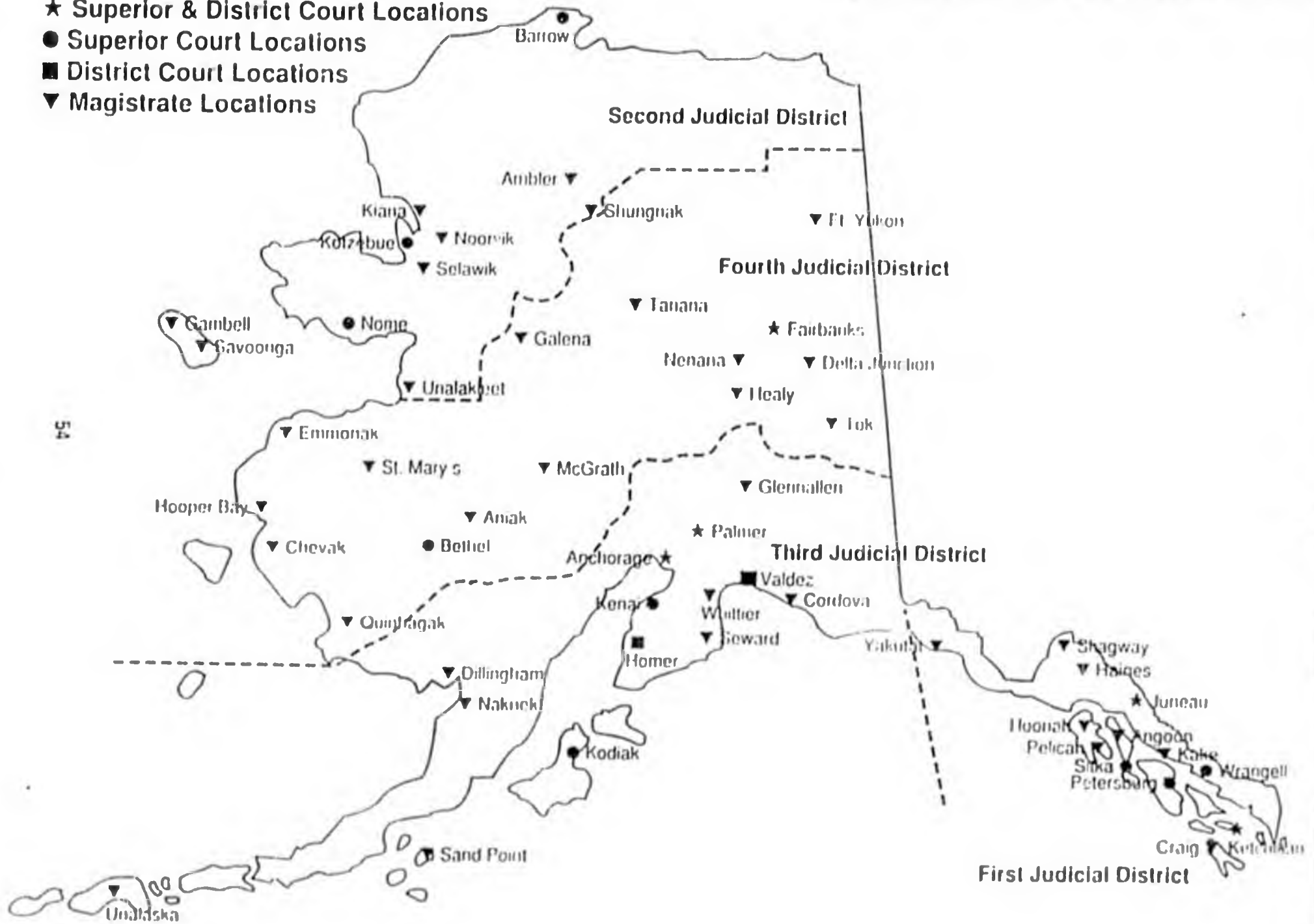


ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9109 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

ALASKA COURT LOCATION

- ★ Superior & District Court Locations
- Superior Court Locations
- District Court Locations
- ▼ Magistrate Locations





ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept. of Admin.
 Committee on Foster Care Review Dated 4/22/97
Committee Name
Bill / Subject

Attached: PL-96 272

SIGNED:

Jodi Olmstead
 Testifier
Concerned Parents For Reform
 Representing
PO 56054 / North Pole AK 99705
 Address / Phone Number
488-0334

Jodi Ormstead
488-0354

I. OVERVIEW OF REVIEW SYSTEMS

A. PURPOSE OF FOSTER CARE REVIEW

The purpose of foster care review is to ensure that children do not linger unnecessarily in foster care, but rather that they receive the support and benefits of a permanent home. Permanence is defined as a home which holds together during crisis and provides a lasting, trusting, and nurturing environment. The return of the child to the biological family is the ideal permanent goal; however, when this is not possible, the goal becomes placement of the child in an alternative stable, permanent home.

B. IMPORTANCE OF REVIEW SYSTEMS

1. Recognizing the Need for Review Systems

Over 450,000 abused and neglected children pass through the foster care systems in this country every year. Some are victims of "foster care drift" as they are moved from placement to placement. Some are separated from their brothers and sisters. Without effective reviewers advocating on their behalf, many will remain in foster care throughout childhood.

Placement of a child in foster care is intended to be a short-term solution to a crisis situation. In the 1960's, however, foster care was viewed as the only option for many children. No efforts were made to return them to their families or free them for adoption so they could be placed with new permanent families. Children were coming into the foster care system in large numbers and they were not leaving. Vital developmental years were lost as children were shuffled around to many different foster families and group homes.

Throughout the 1970's, judges, social workers, attorneys and child advocacy groups began to recognize that the U.S. foster care system, based on the 1960's model, was failing to respond to the needs of many abused and neglected children and their families. Many children were lost in the system and there were no regular or timely reviews of their placements. Crowded court calendars and understaffed child welfare agencies were contributing to an increase in the number of children entering the system and length of time spent in substitute care.

Concern for children lingering unnecessarily in foster care grew during the seventies. One solution proposed by child advocacy organizations was the comprehensive implementation of a permanency planning case work practice model. A companion solution was creation of a system using citizen volunteers to monitor foster care placements through regular case review and to advocate on behalf of foster children.

2. The History of State - Based Review Legislation

Citizen foster care review systems first began in this country as a result of state-based initiatives. In 1974, South Carolina became the first state to enact legislation requiring the establishment of a statewide Foster Care Review System. The following year, after recognizing that legislatively mandating foster care review did not necessarily ensure its implementation, an administrative office and external review boards were established throughout the state. Initial funding of the South Carolina Foster Care Review System

include at least one review panel member not responsible for the provision of services to the child(ren) being reviewed.

The third party review provision of PL96-272 coupled with the success of states that previously enacted citizen review systems, has resulted in a dramatic increase since 1980 in the number of states utilizing citizen review. Citizen review systems are currently in place in 22 states, with at least 7 additional states utilizing citizen participants in internal agency reviews.

4. NCJFCJ Permanency Planning Project

Another reason for the dramatic increase in the use of citizen volunteer reviewers was the encouragement of technical support and training provided by the National Council of Juvenile and Family Court Judges' Permanency Planning for Children Project.

The project was established in 1972 and was designed to make permanency planning a reality in the nation's juvenile and family courtrooms. Judges, who recognized that increasingly crowded dockets and limited financial resources were hindering judicial foster care case review, encouraged the use of volunteer reviewers. The project recognized that these volunteer reviewers could facilitate and compliment the judicial review process by helping to ensure regular and sensitive reviews of every child in foster care.

5. The National Association of Foster Care Reviewers

The need for a central clearing house for pertinent information became apparent as an increasing number of states contemplated establishing foster care review systems. People working with foster care review systems in states such as South Carolina, New Jersey and Arizona spent innumerable hours with representatives from other states interested in passing the necessary legislation to allow implementation of similar statewide review systems. Several states began to maintain an informal network within which to share experiences and information to improve the operation of their programs.

As the number of systems grew, their needs outgrew this informal network. There was a recognized growing need for a national organization to promote citizen involvement in review and to provide assistance to states wishing to include volunteers in the review process. The National Association of Foster Care Reviewers (NAFCR) was organized in February 1986. The initial operating budget for the association was funded through a grant from the Margaret T. Morris Foundation, an Arizona private foundation interested in child welfare issues. The Association has continued to grow through memberships and donations.

NAFCR has expanded its focus to promote permanent families for children by working to assure that every child in foster care receives timely independent, quality case reviews. The Association promotes citizen involvement in reviews, provides training and technical assistance, serves as a resource for information on review, and promotes national awareness regarding the status of children in care.

Material in Section I. B. was adapted from 'An Overview of Citizen Involvement in Foster Care Review' by Susan Carter, JD for the National Association of Foster Care Reviewers.

APPENDIX A

PUBLIC LAW 96-272 (THE CHILD WELFARE AND ASSISTANCE ACT)

In creating PL 96-272, the United States Congress recognized the need to divert funds away from foster care and channel funds toward other alternatives. Congress also recognized, however, that a redirection of funds alone would not be sufficient to address the problems in the child welfare system nationwide or to protect children and their families from abuse by this system. The reforms mandated by PL 96-272 are described below. These reforms are essential elements in any child welfare system designed to ensure permanence for children.

1. CASE PLANS

To ensure permanence for all children PL 96-272 requires that the state develop a written case plan on each child in care. This plan must be designed to achieve "placement in the least restrictive (most family like) setting available and in close proximity to the parent's home, consistent with the best interest and special needs of the child."

In order for a state agency to receive federal funds for these programs, these case plans must specifically describe:

- a. the type and appropriateness of the child's placement;
- b. the care and services that will be provided to the child, biological parents and foster parents;
- c. how the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement;
- d. plans for carrying out the voluntary placement agreement or judicial determination that brought the child into care;
- e. the appropriateness of the services to be provided to the child and family under this plan.

2. SEMIANNUAL REVIEWS AND DISPOSITIONAL HEARINGS

With regard to periodic case review, PL 96-272 specifically requires:

- a. a two-tiered review system to be in place, with review by a court or administrative body at least every six months and a dispositional hearing by a court or judicially sanctioned body within eighteen months of placement and periodically thereafter;
- b. a six month review panel to consider the continuing need for placement, compliance with the case plan, progress made on the plan and a projected date for permanent placement of the child;



GUIDELINES

*for a
Model System*

*of
Protective Services*

for

Abused and Neglected Children

and

Their Families

National Association of Public Child Welfare Administrators

An Affiliate of the American Public Welfare Association

1125 Fifteenth Street, NW, Washington, DC 20005

202-293-7350

LEGAL RIGHTS OF CHILDREN AND PARENTS IN THE CONTEXT OF THE *GUIDELINES*

by Robert M. Horowitz

Associate Director, National Legal Resource Center for Child Advocacy and Protection, American Bar Association, Washington, D.C.

"The Constitution is verbally silent in the specific subject of families."¹ Recently, a law professor characterized the "central theme of the original founder's discussion of families" as "silence - absolute and deafening."²

The Historical Perspective

This silence prevailed for over a century and quarter. Not until 1923 did the U.S. Supreme Court first interpret how the Constitution applied to state intervention into family life. Since then, the Court has assessed the constitutionality of several state statutes which potentially interfere with parental child rearing autonomy. In each case, unless the child's physical or mental health was in jeopardy, the Court has invalidated the statute.³ These holdings rest upon parents' Fourteenth Amendment due process rights to rear their children without undue state interference.

In these rulings, the Court has consistently interpreted the "liberty" guarantee of the Fourteenth Amendment to include freedom of choice and action in important personal matters. The Court has stated that the term liberty "notes not merely freedom from bodily restraint, but also the right of the individual to ... marry, establish a home and bring up children."⁴ These and other decisions have found a "private realm of family life which the state cannot enter."⁵

A parent's liberty interest in raising his or her child may, in some instances, fall under state scrutiny. The Supreme Court has clearly recognized such state authority. The decision in *Prince v. Massachusetts*, 321 U.S. 158 (1944), stated that the "family itself is not beyond regulation in the public interest." In addition, as *parens patriae*, the state "has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare."

In a more recent case involving the rights of children whose parents sought to have them committed to a mental institution, the Court reiterated the presumption set forth in *Meyer* and its progeny that parents act normally in their children's best interest. Upon this belief, the Court extended scant due process protections to children in these circumstances. However, the Court provided that this presumption can be overcome, and cited "the incidence of child abuse and neglect as grounds for rebutting parental rights."⁶

When the state elects to intervene in the family, it must heed due process of law, or it may be liable in a civil rights law suit. This applies equally to parent and child. Civil rights actions involve allegations that a person's constitutional or federal statutory rights have been violated under "color of state law." When the alleged violation is attributed to a public agency, the color of state law condition is met, even if it is a local or county agency.

* Specified due process protections are not easily identified. The U.S. Supreme Court has never ruled on a civil child protection matter. Thus, state legislatures and courts have wide latitude in identifying due process rights for their jurisdictions. However, from the Supreme Court's rulings in several termination of parental rights cases, it is clear that a high degree of due process protections are accorded parents when their child rearing rights are invaded (often just short of those rights afforded a criminal defendant).⁷

Beyond the basic rights to notice and a trial-type hearing, some of the due process rights which some federal courts have extended to parents are:

- Right to counsel at public expense for indigent parents;
- Right to challenge internal agency findings;
- Right to a prompt hearing following an emergency removal of a child; and
- Right to challenge the accuracy of an agency's records and findings.

Federal Law And The Family

The legality of the *Guidelines* must be assessed against relevant federal law. For purposes of this discussion, two such laws are important, the Adoption Assistance and Child Welfare Act and the federal Child Abuse Prevention and Treatment Act.⁸

In 1980, Congress enacted P.L. 96-272, the Adoption Assistance and Child Welfare Act. This Act conditions the states' receipt of federal child welfare money upon compliance with federal requirements. Most of these pertain to foster care services, for example, case plans and periodic reviews of all children placed out-of-home. The most significant requirements for Child Protective Services (CPS) workers is that preventive services be offered to families in an attempt to avoid out-of-home placements.

Federal courts have equated these requirements to individual rights. That is, parents and children have a right to services and protections contained in the federal Act, assuming that the state participates in the federal child welfare program. Thus, families have a federal right to preventive services. Denial of preventive services could support a civil rights action against the agency.⁹

In many ways, such actions have replaced the questionable constitutional right to treatment. This right, which was widely cited in the early 1970s, applied mainly to involuntarily committed mental patients and juveniles. The theory was that if the state deprived an individual of his or her freedom for purposes of rehabilitation, then the state was obliged to provide treatment. In recent years, courts have backed away from this constitutional right. However, with its emphasis on preventive and rehabilitative services, the Adoption Assistance and Child Welfare Act essentially creates a federal law right to treatment.

The 1974 federal Child Abuse Prevention and Treatment Act also conditions receipt of federal funds upon the states meeting certain eligibility requirements.¹⁰ However, unlike P.L. 96-272, this Act has never been interpreted as extending individual rights which are enforceable in a court of law.¹¹ Rather, the sole remedy for a state's failure to meet eligibility criteria is loss of federal child abuse funds.

State Law And The Family

State law is the source of legal authority for CPS intervention. This law must accommodate the constitutional and federal rights of children and parents. While state law may grant greater rights, these must not conflict with constitutional or federal law. For example, state law routinely describes the procedure for taking a child into protective custody; that procedure must be consistent with due process of law.

Violations of constitutional or federal statutory rights may result in civil rights actions. An agency's inattention to state law, or even its own policies, also carries legal risks. Such actions may lead to civil law suits based upon negligence. In other words, parents and children have a legal right to the agency's performance of its duties in accordance with state law. Recently the Court of Appeals for the District of Columbia ruled that the District's CPS agency could be liable for the death and severe injury of two children. Their abuse had been previously reported to the agency, but the agency failed to respond or carry out an investigation as mandated by state law.¹²

Guidelines: Constitutional And Federal Law Analysis

If the *Guidelines* result in state legislation, and if that legislation does not violate federal or constitutional law, then the *Guidelines* will be legal. Where the *Guidelines* result in agency regulations or policy, they must also be measured against state law. Thus, for example, an agency

should not limit its investigation authority to parental or caretaker abuse and neglect if the state law includes out-of-home abuse within CPS jurisdiction. The *Guidelines* clearly warn of this danger where they state that CPS policy should be designed so that it is consistent with state and federal statutes.

Mission And Philosophy

The mission and philosophy of the *Guidelines* reflect public policy and social work principles. The constitution and federal law do not address or limit the organizational structure of the CPS system. The service goal of strengthening families, coupled with the reasonable efforts requirements to maintain and protect children in their own homes, adheres to constitutional concepts of family privacy and the requirements of P.L. 92-272. The presumption that parents and caretakers have a right to rear their children, if willing and able to protect them, complies with the liberty interests set forth in *Meyer* and its progeny.

Implicit in these cases is the notion of family diversity, which the *Guidelines* respect. Repeatedly, the U.S. Supreme Court has favored parental child rearing rights over state intrusion based upon the family's "deeply rooted [role] in this Nation's history and tradition." This role has contributed positively to a diverse citizenry. The Court has specifically disfavored the homogeneous child in rejecting "any general power of the State to standardize its children."¹³

Target Population

The state is free to define child abuse. The principle constitutional limitation concerns the vagueness doctrine. Under it, due process requires that a statute which prohibits certain conduct be reasonably clear and understandable. A citizen of ordinary intelligence must be able to ascertain from a statute's language what conduct constitutes a violation. Further, statutory language should not encourage arbitrary or erratic behavior by the government.

Some commentators have argued that many abuse and neglect definitions, as found in reporting laws, are overly vague.¹⁴ The offending language includes such catch-all terms as "failure to provide parental care" or "negligent treatment." This issue was frequently litigated in the 1970s, however, no court found such language in any reporting law to violate the vagueness doctrine. Rather, courts concluded that "ordinarily reasonable parents" understand what it means to abuse and mistreat a child, and that it would be difficult, "if not impossible," for the legislature to draft highly specific statutes which would protect children and give juvenile courts needed flexibility.¹⁵

Compared to many existing reporting law definitions, the standards in the *Guidelines* are precise. The document limits the definition to parental acts or omissions which result in death, serious harm or risk of serious harm to the child. As such, the standards in the *Guidelines* would easily pass any vagueness challenge.

A second inquiry is whether definitions in the *Guidelines* are too specific. There is no constitutional prohibition against specific statutory language. However, for purposes of receiving federal child abuse funds, the language must meet federal eligibility criteria. The federal child abuse law and regulations do not limit abuse and neglect definitions to serious harm.¹⁶ At the same time they do not, on their face, prevent a state from qualifying harm in this manner. Without benefit of a clarifying regulation, policy announcement or court ruling, it can only be stated that several states which are currently eligible for federal child abuse funding have similar language in their reporting laws.¹⁷

The *Guidelines* also limit abuse and neglect to actions by the child's parents or caretakers. Third party cases such as day care employees are specifically excluded; it is argued that such abuse is better handled by the criminal justice system. Under constitutional law this rationale would defeat any equal protection charge.¹⁸ And while the 1984 amendments to the federal child abuse law expanded the definition of abuse to cover out-of-home situations, the commentary to the implementing regulation clarifies that the state may delegate investigative authority in these cases to a non-CPS agency.¹⁹

Finally, other limits contained in the *Guidelines* — poverty related neglect, educational

HB

145

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 145

Revision Date: 24-Feb-97 Dept. Affected: EDUCATION
 Title: An act relating to certification of teachers BRU: Teaching and Learning Support
 Component: Teacher Education and Certification
 Sponsor: Rep. Con Bunde
 Requester: Office of the Governor COMPONENT SERIAL NO. 1240

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	77.0	21.0	21.5	22.0	21.5	23.0
TRAVEL	40.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	20.0	82.5	84.0	85.5	87.0	88.5
SUPPLIES	10.0	2.0	2.1	2.1	2.2	2.2
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	2.0	5.0	5.1	5.2	5.3	5.4
TOTAL OPERATING	149.0	110.5	112.7	114.8	117.0	119.1

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGES IN REVENUES	149.0	110.0	112.7	114.8	117.0	119.1
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	149.0	27.5	28.7	29.3	30.0	30.6
1005 GF/Program Receipts		82.5	84	85.5	87	88.5
Other:						
TOTAL	149.0	110.0	112.7	114.8	117.0	119.1

Estimate of current ye. (FY97) cost: \$ 50

POSITIONS:

	4 FTE	4 FTE	4 FTE	4 FTE	4 FTE
FULL-TIME					
PART-TIME					
TEMPORARY	1.2FTE				

ANALYSIS: (Attach a separate page if necessary)

Position analysis:
 1FTE Education Associate
 2FTE Clerical Assistant
 (FY99-03- 4 clerical and professional)
 For all other analysis, see attached.

Prepared by: Nancy Buell
 Division: Teaching and Learning Support
 Approved by Commissioner: Shirley J. Holloway, Ph.D.
 Agency: Department of Education

Phone: 465-8689
 Date: 2/24/97
 Date: 2/24/97

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Analysis to accompany Fiscal Note for HB145

Costs to the state to implement HB145 come in four categories:

- 1) Selection and/or development of a test. Costs include
 - purchase of examination copies of all available, nationally recognized tests in sufficient quantity for review
 - staff time to collect technical information, review tests, prepare analysis for the Board
 - convening a work session of the Board and staff, with technical review assistance and training in setting of legally defensible cut-off scores
 - licensing fees, if applicable, for the state
 - 2) Revision of forms, procedures, and regulations necessary to implement the testing
 - staff time in start-up year
 - depending upon volume, ongoing analyst time which will convert to an additional portion of an analyst and a portion of a clerical in the teacher certification unit, based upon the feedback from other states
 - printing costs to redo all forms
 - programming costs to change to allow this as part of the teacher certification imaging system
 - 3) Program receipts authority FOR WHATEVER COMPONENT OF STATE GOVERNMENT, INCLUDING THE UNIVERSITY SYSTEM. These Program receipts would not necessarily go to the Department. In most states, these systems are run out of the universities, but in our state, if the University of Alaska runs the test centers, they would need additional program receipts authority. Therefore, the overall fiscal note is indicated, though it would not necessarily come to the Department.
 - fees paid by the applicant to the test center for purchase and scoring of the test(s)--a graduate scale depending upon the number of tests
 - any additional fees paid by the applicant to maintain the test center (e.g. proctor, facility, computer terminals if necessary and not included in start-up costs)
 - 4) Start-up costs (THESE COSTS WOULD BE APPLICABLE TO THE COMPONENT DOING THE TESTING, IF A UNIT OF STATE GOVERNMENT, E.G. THE UNIVERSITY OF ALASKA, OR THE DEPARTMENT IF A TEST CENTER IS LOCATED HERE)
 - Initial costs prior to the first applicants providing program receipts (e.g. computer terminals if required, facilities rental, proctor costs, training of proctors, program coordination)
- These costs are listed as a "miscellaneous expense" on the fiscal note.

It is important to note that in the case of the GED, the SAT, the Graduate Record Examination, and other tests of even the pencil-and-paper variety, test centers are all financed by someone.

It is anticipated that after two years, this program could pay for itself at the test center and administration level. However, feedback from other Teacher Certification units in other states indicates that additional costs for the department will continue.

NOTE: IT WILL BE IMPOSSIBLE TO IMPLEMENT THIS BILL STARTING JULY 1, 1997.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 18, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/27/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 145

HOUSE BILL NO. 145

TEACHING COMPETENCY EXAM FOR CERTIF

"An Act relating to certification of teachers."

recommends it be replaced
with the following committee substitute

CS HB 145 (HES)

the same title
 a new title

additional referral to Finance Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) DOE

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Full Name</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>John B. ...</i>	<input checked="" type="checkbox"/>			
<i>Car Bunde</i>	<input checked="" type="checkbox"/>			
<i>Brian D. ...</i>	<input checked="" type="checkbox"/>			
<i>John ...</i>		<input checked="" type="checkbox"/>		
<i>Tom ...</i>				<input checked="" type="checkbox"/>

CHAIR'S SIGNATURE

Car Bunde

0-LS0552AE
Cramer
2/27/97

CS FOR HOUSE BILL NO. 145(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certification of teachers."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 14.20.020(b) is amended to read:

4 (b) A person is not eligible for a teacher certificate unless that person has
5 received at least a baccalaureate degree from an institution of higher education
6 accredited by a recognized regional accrediting association or approved by the
7 commissioner and, if applicable, has passed the examination or examinations
8 required by (i) of this section. However, this subsection is not applicable to

9 (1) persons employed in the state public school system on September 1,
10 1962;

11 (2) persons issued an emergency certificate during a situation that
12 [WHICH], in the judgment of the commissioner, requires the temporary issuance of
13 a certificate to a person not otherwise qualified.

14 * Sec. 2. AS 14.20.020 is amended by adding a new subsection to read:

15 (i) Beginning on July 1, 1998, a person is not eligible for an initial regular

1 teacher certificate unless the person has taken and successfully completed a
2 competency examination or examinations designated, at the time the person took the
3 test, by the board. The board shall review nationally recognized examinations that are
4 designed to test the competency of new teachers and shall designate those
5 examinations that it finds adequately test the skills and abilities of new teachers. For
6 each examination designated under this subsection, the board shall establish the
7 minimur acceptable level of performance.

8 * Sec. 3. The requirements for examination established in this Act do not apply to a
9 teacher who holds a valid regular teacher certificate on the effective date of this Act.

10 * Sec. 4. The Department of Education shall report to the legislature by March 1, 1998,
11 on the examinations the department has selected in compliance with AS 14.20.020(i), enacted
12 by sec. 2 of this Act. The department shall also report to the legislature by March 1, 1999,
13 on the progress made in using competency examinations in issuing initial regular teacher
14 certificates.

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



STATE CAPITOL, JUNEAU 99801
(907) 465-3759

SPONSOR STATEMENT

HB 145 "An Act relating to certification of teachers."

We all realize the importance of having well-qualified teachers in our school system. In an effort to provide our state with a quality teaching force, we must ensure that our prospective teachers demonstrate a minimum level of competency in basic skills.

Presently there are 40 states that include tests as part of their teacher licensure. The passage of HB 145 would add Alaska to that list.

HB 145 would require people who are not now licensed to teach in the state to pass a competency examination designated by the Alaska State Board of Education before receiving their certification. It is our intention that the Board will select a basic test for primary grades and a test for subject endorsements in secondary. The board will also establish the minimum acceptable level of performance for this examination.

I urge you to give these increased standards for our teachers your full support.

Sec. 14.20.020. Requirements for issuance of certificate. (a) Except as provided in (f) of this section, the department shall issue a teacher certificate to every person who meets the requirements in (b) and (c) of this section.

(b) A person is not eligible for a teacher certificate unless that person has received at least a baccalaureate degree from an institution of higher education accredited by a recognized regional accrediting association or approved by the commissioner. However, this subsection is not applicable to

(1) persons employed in the state public school system on September 1, 1962;

(2) persons issued an emergency certificate during a situation which, in the judgment of the commissioner, requires the temporary issuance of a certificate to a person not otherwise qualified.

(c) The board may establish by regulation additional requirements for the issuance of certificates, including the fees to be charged for each certificate.

(d) The board may by regulation establish various classes of certificates.

(e) The annual estimated balance in the account maintained by the commissioner of administration under AS 37.05.142 may be used by the legislature to make appropriations to the department to carry out the purposes of this section and to support the activities of the Professional Teaching Practices Commission under AS 14.20.460, 14.20.470, and 14.20.500.

(f) Except as otherwise provided in this subsection, the department may not issue a teacher certificate to a person who has been convicted of a crime involving a minor under AS 11.41.434 — 11.41.440, 11.41.455, or 11.41.460, or under a law in another jurisdiction with elements substantially similar to an offense described in AS 11.41.434 — 11.41.440, 11.41.455, or 11.41.460. When five years have elapsed after a person has received an unconditional discharge for a conviction of a crime listed in this subsection, the person may petition the department to issue the certificate in spite of the conviction if the person otherwise satisfies the requirements for the certificate. When deciding whether to grant or deny the petition, the department shall consider the nature of the particular crime, whether and to what extent the person has been rehabilitated, and the other factors that the department determines are significant.

(g) The department shall issue a teacher certificate to a person who possessed a valid Alaska teacher certificate upon retirement. A teacher certificate issued under this subsection is valid for the life of the retired teacher and qualifies the holder as a substitute teacher in the state.

(h) A person is not eligible for a teacher certificate unless the person has completed three semester hours in Alaska studies and three semester hours in multicultural education or cross-cultural communications. However, the commissioner may issue a provisional certificate, valid for no longer than two years, to an applicant who has not completed the semester hours required under this subsection at the time of application. (§ 37-5-4 ACIA 1949; am § 1 ch 76 SLA 1962; am § 10 ch 98 SLA 1986; am §§ 13, 14 ch 32 SLA 1971; am §§ 19, 20 ch 138 SLA 1986; am §§ 6, 7 ch 151 SLA 1990; am § 1 ch 3 SLA 1991; am § 5 ch 90 SLA 1991; am § 1 ch 105 SLA 1992)

Revisor's notes. — In 1992, in (f) of this section, "AS 11.41.434 — 11.41.440" was substituted for "AS 11.41.434 — 11.41.442" in two places to correct a manifest error in § 7, ch 151, SLA 1990.

Effect of amendments. — The 1992 amendment, effective September 18, 1992, added subsection (h).

Editor's notes. — Section 10, ch. 151, SLA 1990 provides that subsection (f) does not apply when the crime occurred before September 19, 1990.

Opinions of attorney general. — The State Board of Education may not provide for issuance of a "teacher certificate" for a person who does not hold at least a baccalaureate degree unless the person comes

within one of the exceptions enumerated in this section. August 29, 1988 Op. Att'y Gen.

The State Board of Education may provide for a "provisional certificate" that is not a "teacher certificate," but it may not authorize the holder to be employed as a teacher or to be eligible for membership in the Teachers' Retirement System unless the certificate is based upon at least a baccalaureate degree. Similarly, a holder of a provisional certificate based on less than a baccalaureate degree would not be considered a "certificated employee" within the meaning of AS 14.20.350, relating to collective bargaining rights. August 29, 1988 Op. Att'y Gen.

TABLE B-2
ASSESSMENT REQUIREMENTS FOR THE INITIAL TEACHING CERTIFICATE

STATE	Basic Skills Exam:					Subject Matter Exam	General Knowledge Exam	Knowledge of Teaching Exam	Assessment of Teaching Performance	Footnotes
	Reading	Math	Writing	Spelling	Other					
	1	2	3	4	5	6	7	8	9	
Alabama	(1)	(1)	(1)	(1)		(2)		(2)	X	(1) For admission to program (2) Institution's exit exam
Alaska										
Arizona	X	X			(1)					(1) Grammar
Arkansas	X	X	X			X		X		
California	X	X	X			(1)			X	(1) Or completion of an approved subject matter program
Colorado	X	X	X		(1)	X	X	X		(1) Oral English proficiency
Connecticut	X	X	X			X				
Delaware	X	X	X							
D.C.	X	X	X			X			X	
Florida	X	X	X			X	X	X	X	
Georgia						X				
Hawaii	X	X	X			X		X	X	
Idaho										
Illinois	X	X	X		(1)	X				(1) Grammar
Indiana	X		X		(1)	X	X	X		(1) Listening
Iowa										
Kansas	X	X	X					X		
Kentucky	(1)	(1)	(1)	X		X	X	X	X	(1) Required for admission to teacher education
Louisiana	X	X	X		(1)	X	X	X	X	(1) Communication skills
Maine					(1)		X	X		(1) Communication skills
Maryland	X		X	X	(1)	X	X	X		(1) Listening
Massachusetts						(1)				(1) Two-part exam covering communication and literacy skills and the subject matter knowledge for the certificate proposed for fall 1990
Michigan	X	X	X			X	(1)			(1) Elementary Certificate exam (subject-matter exam)
Minnesota	X	X	X		(1)					(1) PPST required
Mississippi	X	X	X		(1)	X	X	X		(1) Listening
Missouri	(1)	(1)	(1)	(1)		X				(1) For entry into teacher education
Montana	X	X	X		(1)		X	X		(1) Listening
Nebraska	X	X	X							
Nevada	X	X	X			X		X		
New Hampshire	(1)	(1)	(1)							(1) Demonstrate competence by: a) college recommendation, b) possession of MA or higher, c) certification from state requiring basic skills test, d) statement from college
New Jersey						X	(1)		X	(1) For elementary education
New Mexico	X	X	X		(1)		X	X		(1) Listening
New York							X	X		
North Carolina	(1)	(1)	(1)	(1)		X		X		(1) Prior to entry into teacher education (2) Listening
North Dakota	(1)						X	X		(1) Prior to entry into teacher education
Ohio	X	X	X			X	X	X		
Oklahoma	X	X	X			X			X	
Oregon	X	X	X			(1)	X	X	(2)	(1) Communication Skills & General Knowledge Exams required for elementary (2) For Oregon graduates
Pennsylvania	X		X		(1)	X	(2)	X		(1) Listening (2) Includes Math
Rhode Island (1)	X	X	X	X			X	X		(1) Core battery of NTE
South Carolina	X	X	X			X		X		
South Dakota (1)	X	X	X			X			X	(1) Required within the institutional program requirements
Tennessee	X	X	X			X	X	X	X	
Texas	X	X	X			X		X		
Utah										
Vermont										
Virginia	X	X	X			X	X	X		
Washington	(1)	(1)	(1)							(1) Required for some prior to entering teacher education
West Virginia	X	X	X			X			X	
Wisconsin	X	X	X							
Wyoming										



NEA-ALASKA

Affiliated with the National Education Association

February 24, 1997

Representative Con Bunde
Chairman of the House HESS Committee
Juneau, Alaska

Dear Representative Bunde:

NEA-Alaska supports the use of testing to measure professional knowledge and competency of those who seek initial certification to teach in Alaska. We support HB 145.

Testing teachers prior to certification is consistent with last year's legislative mandate requiring a comprehensive system of teacher evaluation for experienced teachers. Beginning this year school administrators will be working more closely with teachers to both improve individual teaching performance.

NEA-Alaska seeks higher standards for teachers. Preparation programs must be relevant to experiences and needs of the classroom. The use of testing will provide Alaska a wealth of information on how well they are doing to prepare for Alaska's classrooms. Institutions that prepare students to teach in Alaska can use test results to identify methodology and innovation to insure that students who become teachers are trained and prepared well.

Certification standards imposed on new hires by the state must be rigorous. The evaluation teachers receive in classrooms by administrators along with future efforts by the State Board of Education in working with local school districts to improve teaching performance will move Alaska's schools toward greater levels of excellence. We support the Department's efforts to develop pre-service and practice assessments and measures for new and career teachers.

HB 145 will provide Alaska school districts a degree of assurance that applicants for teaching positions who apply for initial certification have

HB 145
handout from
OOT

A QUALITY PROFESSIONAL WORKFORCE

According to the Report of the National Commission on Teaching and America's future:

"A more complex, knowledge-based, and multicultural society creates new expectations for teaching. To help diverse learners master much more challenging content, teachers must go far beyond dispensing information, giving a test, and giving a grade. They must know their subject areas deeply, and they must understand how students think as well as what they know in order to create experiences that produce learning. Moreover, as students with a wider range of learning needs enter and stay in school--a growing number whose first language is not English, many others with learning differences, and still others with learning disabilities--teachers need access to the growing knowledge that exists about how to teach different kinds of learners effectively.

Developing the kind of teaching needed will require much greater clarity about what students must learn to succeed in the world that awaits them, and that teachers must know and do to help them achieve it. Standards that reflect these imperatives for student learning and for teaching are largely absent in our nation today."

Alaskan educators are the first in the nation to have statewide performance standards for teachers and administrators which will be the basis of both district evaluation and state licensure. Each district is currently developing a performance-based evaluation system. With the assistance of the broadly representative Professional Licensure Task Force, the Department of Education is also developing a performance-based licensure system which will require that professional educators have the skills, knowledge and abilities to help students meet standards and involve parents and community members in the education of their children.

"Improvements in professional development and teacher preparation" was one of five key areas state leaders and business executives agreed upon at the National Educational Summit. This area of the Quality Initiative focuses on preparation, licensure and continuing professional development of teachers and administrators. This initiative also includes the development of strategies to increase the number of Alaska Native educators, and to increase the number of in-state and local hires (Alaska now imports 85% of its new teachers from outside of the state) through the development of university preparation programs which graduate students able to perform at the level or standard Alaska requires of its teachers.

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6-92

Central Microfilm Services
Department of Education
State of Alaska



NEA-ALASKA

Affiliated with the National Education Association

February 24, 1997

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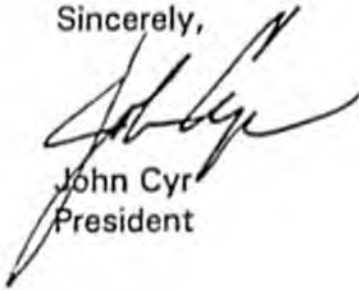
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HB 145 will provide Alaska school districts a degree of assurance that applicants for teaching positions who apply for initial certification have

successfully completed a test designed to measure competency in basic skills, professional knowledge or expertise in their area of teaching specialty.

We look forward to working with the sponsors of the bill to address ways to make the bill better and more functional.

Sincerely,

A handwritten signature in black ink, appearing to read "John Cyr", written in a cursive style.

John Cyr
President

HB 145
handout from
DOL

A QUALITY PROFESSIONAL WORKFORCE

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Draft Approved by State Board of Education 1/21/97. Pending Department of Law review before final.

Register , 1996 Education

4 AAC 04.200 is repealed and readopted to read:

4 AAC 04.200 Professional Content and Performance

(a) This chapter identifies and describes content and performance standards that reflect the highest abilities and qualities of the teaching profession. The paragraphs describe the content standards for teachers and administrators. The subparagraphs identify performance standards upon which districts shall base their district performance standards as required by AS 14.20.149(b).

(b) The following content and performance standards apply to a teacher:

(1) A teacher can describe the teacher's philosophy of education and demonstrate its relationship to the teacher's practice. Performances that reflect attainment of this standard include

(A) engaging in thoughtful and critical examination of the teacher's practice with others, including describing the relationship of beliefs about learning, teaching and assessment practice to current trends, strategies and resources in the teaching profession; and

(B) demonstrating consistency between a teacher's beliefs and the teacher's practice.

(2) A teacher understands how students learn and develop, and applies that knowledge in the teacher's practice. Performances that reflect attainment of this standard include

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(A) accurately identifying and teaching to the developmental abilities of students; and

(B) applying learning theory in practice to accommodate differences in how students learn, including accommodating differences in student intelligence, perception and cognitive style.

(3) A teacher teaches students with respect for their individual and cultural characteristics. Performances that reflect attainment of this standard include

(A) incorporating characteristics of the student's and local community's culture into instructional strategies that support student learning;

(B) identifying and using instructional strategies and resources that are appropriate to the individual and special needs of students; and

(C) applying knowledge of Alaska history, geography, economics, governance, languages, traditional life cycles and current issues to the selection of instructional strategies, materials and resources.

(4) A teacher knows the teacher's content area and how to teach it.

Performances that reflect attainment of this standard include

(A) demonstrating knowledge of the academic structure of the teacher's content area, its tools of inquiry, central concepts and connections to other domains of knowledge;

(B) identifying the developmental stages by which learners gain mastery of the content area, applying appropriate strategies to assess the stage of

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learning of student in the subject, and applying appropriate strategies, including collaborating with others, to facilitate students' development;

(C) drawing from a wide repertoire of strategies, including , where appropriate, instructional applications of technology, and adapting and applying these strategies within the instructional context;

(D) connecting the content area to other content areas, and to practical situations encountered outside the school; and

(E) staying current in the teachers' content area and demonstrating its relationship with and application to classroom activities, life, work and community.

(5) A teacher facilitates, monitors and assesses student learning.

Performances that reflect attainment of this standard include

(A) organizing and delivering instruction based on the characteristics of the students and the goals of the curriculum;

(B) creating, selecting, adapting and using a variety of instructional resources to facilitate curricular goals and student attainment of performance standards;

(C) creating, selecting, adapting and using a variety of assessment strategies that provide information about and reinforce student learning, and that assist students in reflecting on their own progress;

(D) organizing and maintaining records on students' learning, and using a variety of methods to communicate student progress to students, parents, administrators and other appropriate audiences; and

(E) reflecting on information gained from assessments and adjusting teaching practice, as appropriate, to facilitate student progress toward learning and curricular goals.

(6) A teacher creates and maintains a learning environment in which all students are actively engaged and contributing members. Performances that reflect attainment of this standard include

(A) creating and maintaining a stimulating, inclusive and safe learning community in which students take intellectual risks and work independently and collaboratively;

(B) communicating high standards for student performance and clear expectations of what students will learn;

(C) planning and using a variety of classroom management techniques to establish and maintain an environment in which all students are able to learn; and

(D) assisting students in understanding their role in sharing responsibility for their learning.

(7) A teacher works as a partner with parents, families and with the community. Performances that reflect attainment of this standard must include

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- (A) promoting and maintaining regular and meaningful communication between the classroom and student families;
- (B) working with parents and families to support and promote student learning;
- (C) participating in schoolwide efforts to communicate with the broader community and involve parents and families in student learning;
- (D) connecting, through instructional strategies, the school and classroom activities with student homes and cultures, work places and the community; and
- (E) involving parents and families in setting and monitoring student learning goals.

(8) A teacher participates in and contributes to the teaching profession.

Performances that reflect attainment of this standard include

- (A) maintaining a high standard of professional ethics;
- (B) maintaining and updating both knowledge of the teacher's content area(s) and best teaching practice;
- (C) engaging in instructional development activities to improve the quality of, or update classroom, school or district programs; and
- (D) communicating, working cooperatively and developing professional relationships with colleagues.

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(c) In addition to the content and performance standards set out in (b) of this section, the following content and performance standards apply to an administrator in the public schools:

(1) An Administrator provides leadership for an educational organization.

Performances that reflect attainment of this standard include

(A) working with and through individuals and groups;

(B) facilitating teamwork and collegiality, including treating staff as professionals;

(C) providing direction, formulating plans and goals, motivating others and supporting the priorities of the school in the context of community and district priorities and staff and student needs;

(D) focusing on high priority issues related to student learning and staff competence;

(E) recognizing and acknowledging outstanding performance;

(F) solving or convening others to solve problems and making sound judgments based on problem analysis, best practice, district goals and procedures;

(G) prioritizing and using resources effectively to accomplish organizational goals through planning, involving others, delegating and allocating resources sufficiently and to priority goals;

(H) taking action to carry out plans and accomplish goals; and

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(1) maintaining own professional goals.

(2) An administrator guides instruction and support an effective learning environment. Performances that reflect attainment of this standard include

(A) supporting the development of a schoolwide climate of high expectations for student learning and staff performance;

(B) ensuring that effective instructional methods are in use;

(C) maintaining school or program-level records of student learning, and communicating students' progress;

(D) developing and supporting instructional and auxiliary programs for the improvement of teaching and learning; and

(E) facilitating the establishment of effective learning environments.

(3) An administrator oversees the implementation of models, including standards-based curriculum. Performances that reflect attainment of this standard include

(A) demonstrating knowledge of current major curriculum design models;

(B) interpreting school district curricula in terms of school-level organization and program;

(C) facilitating staff's alignment of materials, curricula, methods, goals and standards for student performance;

(D) monitoring social and technological developments as they affect curriculum.

(4) An administrator coordinates services which support student growth and development. Performances that reflect attainment of this standard include

(A) implementing and overseeing student behavior and discipline procedures which promote the safe and orderly atmosphere of the school;

(B) providing for student guidance, counseling and auxiliary services;

(C) coordinating outreach for students, staff and school programs community organizations, agencies and services;

(D) being responsive to parent and family requests for information, involvement in student learning and outreach assistance;

(E) supporting the development and use of programs which connect schooling with plans for adult life; and

(F) supporting the development and overseeing the implementation of a comprehensive program of student activities.

(5) An administrator provides for staffing and professional development to meet student learning needs. Performances that reflect attainment of this standard include

(A) supervising, or arranging for the supervision of staff for the purpose of improving their performance, demonstrating the ability to apply , as appropriate, both collegial and hierarchical models;

(B) working with faculty and staff to identify individual and group professional needs and design appropriate staff development opportunities;

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(C) evaluating staff for the purpose of making recommendations about retention and promotion; and

(D) participating in the hiring of new staff based upon needs of the school and district priorities.

(6) An administrator uses assessment and evaluation information about students, staff and the community in making decisions. Performances that reflect attainment of this standard include

(A) developing tools and processes to gather needed information from students, staff and the community;

(B) using information to determine whether student, school or program goals have been met and implementing changes where appropriate;

(C) interpreting assessment information and evaluations for others; and

(D) relating programs to desired standards or goals.

(7) An administrator communicates with diverse groups and individuals with clarity and sensitivity. Performances that reflect attainment of this standard include

(A) communicating clearly, effectively and with sensitivity to the needs and concerns of others, both orally and in writing;

(B) obtaining and using feedback to communicate more effectively;

(C) recognizing the influence of culture on communication style and communicating with sensitivity to cultural differences; and

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(D) communicating a positive image of the school in the community.

(8) An administrator acts in accordance with established laws, policies, procedures and good business practices. Performances that reflect attainment of this standard include

(A) acting in accordance with federal and state laws and regulations;

(B) working within local policy, procedures and directives; and

(C) administering contracts and financial accounts responsibly, accurately, efficiently and effectively.

(9) An administrator understands the influence of social, cultural, political and economic forces on the educational environment, and uses this knowledge to serve the needs of children, families and communities. Performances that reflect attainment of this standard include

(A) acting with awareness that schools exist in a political environment and are affected by other systems with which they intersect and interact;

(B) identifying relationships between public policy and education;

(C) recognizing the appropriate level at which an issue should be resolved, including home, classroom, building and district levels, and taking appropriate action;

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(D) engaging in and supporting efforts to affect public policy that will promote quality education for students;

(E) addressing ethical issues that arise in the educational environment, acting with care and good judgment within appropriate time frames; and

(F) enlisting public participation in and support for school programs, student achievement and the schoolwide climate for learning.

(10) An administrator facilitates the participation of parents and families as partners in the education of children. Performances that reflect attainment of this standard include

(A) supporting and respecting the responsibilities of parents and families, recognizing the variety of parenting traditions and practices in the community's diversity;

(B) ensuring that teachers and staff engage parents and families in assisting student learning;

(C) maintaining a school or program climate which welcomes parents and families and invites their participation; and

(D) involving parents and community in meaningful ways in school or program decisionmaking.

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(3) combine performance standards set out at 4 AAC 04.200 to create broader performance standards; and

(4) provide additional or alternative performance standards to accommodate district goals and priorities.

(c) A district's evaluation system may

(1) provide a variety of assessment strategies;

(2) recognize a variety of evidence of performance of a standards; and

(3) recognize a variety or continuum of levels of skill acquisition and require more experienced educators to perform at higher levels of performance than less experienced educators.

(d) Performance standards should be interpreted and applied in the context of the job requirements of the educator being evaluated.

(e) In addition to establishing performance standards, a district's employee evaluation system must meet all other requirements under AS 14.20.149. (Eff. 12/17/94, Register 132: am ___/___/___, Register ___)

Authority: AS 14.03.015

AS 14.07.020

AS 14.07.060

AS 14.20.010

AS 14.20.020

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AS 14.20.149

4 AAC 18.025 is repealed:

4 AAC 18.025 PRINCIPAL. Repealed. ___/___/___

**Assessments Used by States for Teacher Certification/Licensure
1996**

state	basic skills	teaching knowledge: pedagogy and/or specialty areas	in-class observation
Alabama	x	preparing institution's exit exam	x
Alaska	-	-	-
Arizona	x	-	-
Arkansas	PPST	-	x
California	x	Praxis II and MSAT	x
Colorado	x	PLACE state developed exams	x
Connecticut	Praxis I	Praxis II	x
Delaware	PPST	-	x
District of Columbia	PPST	Praxis II specialty area tests	x
Florida	x	x	-
Georgia	-	state developed exams	x
Hawaii	PPST	PLTT and Praxis II specialty area tests	x
Idaho	-	-	x
Illinois	x	state developed exams	x
Indiana	x	Praxis II core battery and specialty area tests	x
Iowa	-	-	x
Kansas	PPST	Praxis II core pedagogy	x
Kentucky	x	Praxis II core battery and specialty area tests	x
Louisiana	x	Praxis II core battery and specialty area tests	x
Maine	PPST	Praxis II core battery	-
Maryland	-	Praxis II core battery and specialty area tests	-
Massachusetts	x	Praxis II core battery and specialty area tests	x
Michigan	x	x	x
Minnesota	PPST	-	x
Mississippi	x	Praxis II core battery and specialty area tests	x
Missouri	x	Praxis II core battery and specialty area tests	x
Montana	PPST	Praxis II core general knowledge and communication	x
Nebraska	PPST	-	x
Nevada	PPST	-	x
New Hampshire	x	-	x
New Jersey	-	Praxis II core general knowledge and specialty area tests	x
New Mexico	x	Praxis II core battery and specialty area tests	x
New York	-	Praxis II core battery and specialty area tests	x
North Carolina	PPST	Praxis II core pedagogy and specialty area tests	x
North Dakota	x	-	x
Ohio	x	Praxis II core pedagogy and general knowledge and specialty area tests	x
Oklahoma	PPST	specialty area exams	x
Oregon	PPST	Praxis II core pedagogy and specialty area tests	x
Pennsylvania	x	Praxis II core battery and specialty area tests	-
Rhode Island	x	Praxis II core battery and specialty area tests	x
South Carolina	x	Praxis II core pedagogy and specialty area tests	x
South Dakota	-	-	x
Tennessee	PPST	Praxis II core battery and specialty area tests	x
Texas	x	x	x
Utah	-	-	x
Vermont	-	-	x
Virginia	PPST	Praxis II core battery and specialty area tests	x
Washington	x	-	x
West Virginia	PPST	PLTT and specialty area tests	x
Wisconsin	x	-	x
Wyoming	-	-	x
total	75%	67%	86%

SOURCES: The NASDTEC Manual, 1996-1997: Manual on Certification and Preparation of Educational Personnel in the United States & Canada" (May, 1996) and Educational Testing Service web site

Journal of Assessment and Evaluation in Higher Education

HB

146

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB146

Revision Date: 26-Feb-97 Dept. Affected: EDUCATION
 Title: Secondary Pupil Competency Testing BRU: Teaching and Learning Support
 Component: Quality Schools
 Sponsor: Bunde
 Requester: (H)HESS COMPONENT SERIAL NO. 2147

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	137.6	139.5	142.4	145.8	148.1	151.2
TRAVEL	25.0	25.0	8.0	8.0	8.0	8.0
CONTRACTUAL	385.6	87.5	88.2	90.1	93.1	94.5
SUPPLIES	4.0	8.4	7.6	8.1	8.4	8.5
EQUIPMENT	10.0	5.0	0.0	0.0	10.0	5.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	562.2	265.4	246.2	252.0	267.6	267.2

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	562.2	265.4	246.2	252.0	267.6	267.2
1005 GF/Program Receipts						
Other:						
TOTAL	562.2	265.4	246.2	252.0	267.6	267.2

Estimate of current year (FY97) cost: \$

POSITIONS:

FULL-TIME	2.0					
PART-TIME	1					
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Education Specialist II (Range 21)
 Education Assistant (Range 12)
 Administrative Clerk II (Range 10)

See attached for other items

Prepared by: Nancy Buell
 Division: Teaching and Learning Support
 Approved by Commissioner: Shirley J. Holloway, Ph.D.
 Agency: Department of Education

Phone: 465-8689
 Date: 2/26/97
 Date: 2/26/97

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Analysis to accompany Fiscal Note on HB146

This will cost all school districts, in addition to the anticipated costs to the state. Districts will have increased costs in making testing available for students, in providing tracking and remedial assistance, in logistics associated with test security and administration, at minimum. Other projected costs would include redoing district-level diploma format, providing testing for out-of-school students, and in loss of revenue from the higher drop-out rates which seem to inevitably follow the use of an exit test in other states.

Anticipating all of the costs of an Exit Examination is very complex, not only because such a test affects the lives of children, but because there have been substantial legal challenges to these tests and we know the standard to which it will be held. It is extremely difficult to get accurate figures on the cost of development and maintenance of this test, because no other state has the unique conditions of Alaska. The figures in this fiscal note represent the best information that we can extrapolate from other states at this time. It has been adjusted for numbers of students and other specifics known at this time for Alaska (e.g. travel costs). However, we will need to revise future years as more information is made available and as we have more time to thoroughly research this topic.

Personnel Services includes a skeleton staff on one Education Specialist, one Education Assistant and part of a clerical staff member. This is extremely conservative by the standards of other states, all of which have assessment staff far beyond what Alaska has now and would project even with this fiscal note.

Travel costs are associated with field testing and training sessions around the state. Field testing is absolutely essential for a high-stakes test, because the state would have to be able to withstand strict scrutiny in the technical quality of all test items, norms and cut scores. All new items would have to be field tested and subjected to review and technical screening. Staff would need to conduct the field test themselves, or supervise carefully any other staff or contractors, because variation in field staff could affect technical merit of the test items, and which is part of the standardization and defensibility of the test.

Contractual includes the cost of the test itself, development, standards setting, expertise where technical manipulation of scores is concerned (not included in Personnel costs above), layout, scanning of answer sheets, reports (individual, school, district, state), and revision of the test itself through either a rewrite and renorming, equating study, item bank development, or a combination of these. The field test is perpetual. No state uses a shelf product. No shelf product would ever be secure. There are commercially available copies of other state's tests, which are by definition not secure (e.g. available to the public). Conceivably one could get the test publisher to give one a secure item bank, or develop one's own item bank, with norming and standardization. In any case, after a large start-up cost, there are annual maintenance fees. This item also includes postage, printing, fax, long distance.

Equipment includes purchase of computer and scanner, with anticipated replacement. Without new equipment, we would not be able to outfit the employees working on this with stations which could handle the data associated with this project.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 18, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/20/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 146

HOUSE BILL NO. 146

PUPIL COMPETENCY TESTING

"An Act relating to competency testing requirements for secondary students; and providing for an effective date."

recommends it be replaced
with the following committee substitute

CS HB 146 (HES)

the same title
 a new title

additional referral to Finance Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) DOE

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Paul Ryan</i>	<input checked="" type="checkbox"/>			
<i>Chris Beards</i>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<i>John W. ...</i>	<input checked="" type="checkbox"/>			
<i>Tom ...</i>		<input checked="" type="checkbox"/>		
<i>Tom ...</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *Chris Beards*

CS FOR HOUSE BILL NO. 146(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to competency testing requirements for secondary students; and
2 providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 14.03 is amended by adding a new section to read:

5 Sec. 14.03.075. Secondary pupil competency testing. (a) A pupil may not
6 be issued a secondary school diploma unless the pupil passes a competency
7 examination in the areas of reading, English, mathematics, science, Alaska history, and
8 United States history. The department shall determine the form and contents of the
9 examination and shall score completed examinations. A pupil who fails to pass the
10 examination required under this subsection and who is no longer in attendance shall
11 receive a certificate of attendance from the school district indicating the years of
12 attendance and that the pupil has not passed a competency examination or received a
13 diploma.

14 (b) A pupil who fails the examination required under this section may be

1 reexamined. A reexamination may not be offered more often than once every three
2 months and must occur within three years after the date the pupil is no longer in
3 attendance. A pupil who passes the reexamination and who meets any other
4 graduation requirements shall receive a diploma from the school district.

5 * **Sec. 2. REQUIRED REPORT.** By April 15, 1998, the Department of Education shall
6 provide a report to the legislature containing the standards used to prepare the competency
7 examination required under sec. 1 of this Act.

8 * **Sec. 3.** Section 1 of this Act takes effect January 1, 2002.

9 * **Sec. 4.** Section 2 of this Act takes effect July 1, 1997.

March 14, 1997

Dear Chairman Bunde and Members of the HESS Committee:

Thank you for my opportunity to testify, March 11, on HB 146

I believe the effort behind mandated exit exams can be a driving force to:

1. Alert students, parents, teachers and the public to a new plane of academic expectations, thus promoting beneficial accountability and adjustments for everyone.
2. Increase student competence and public confidence in our high school graduates.
3. Encourage improved planning and accommodations for students with special needs.
4. Enhance the relevancy of local curriculums to both the general population and to their own unique cultures and communities.

As promised, I have considered some of the challenges we discussed and propose the following suggestions for your consideration. I believe this proposal encourages high standards of achievement, is attentive to special needs students, increases post graduate opportunities for all students, and is discriminatory toward no one.

Exit exams could flow as follows:

1. All students take an examination the semester prior to entering 9th grade (handicapped students may be excluded from testing only by the decision of a Child Study Team composed of at least the teacher, parent, and principal. I suggest the exam measure skills in Reading, English, and Math only. Dropping the proposed Social Studies and Science components would minimize state influence over local curriculum.
2. Based on their test results, 9th graders enter either modified (special education), basic skills, regular, or advanced classes.
3. Beginning at 11th grade and through 12th grade, all students receive ongoing instruction in putting together a personal portfolio of their specific strengths and accomplishments.
4. All students completing 21 credits will graduate with a diploma. Student transcripts will list grades and note whether classes completed were modified, basic, regular, or advanced level placement.
5. All 12th grade students must take an exit exam prior to graduation (handicapped students may be excluded from testing only by Child Study Team decision).

It should be noted that significant costs will be associated with recognition and accommodations for some handicapped test takers (pretest teaching, braille for visually impaired, interpreters for hard of hearing, modified time frames for attention disordered, etc.)

6. All diplomas will note whether or not the graduate has passed the state mandated exit exam.

7. Students failing exit exam may chose to be re-examined within three years after the date the student is no longer in attendance (not more often than once every three months). Students passing re-examination will receive a diploma noting they have passed the exit exam.
8. As a graduation requirement, all students must complete a personal portfolio outlining their specific strengths and accomplishments. This should prove helpful in both career planning and in negotiations with recruiters and employers.

Extra note:

Chairman Bunde referred to the problem of non-engaged students passing time in class with their heads down on desks. At the high school level, my suggestions for this problem are as follows:

1. I believe we should have more respect for high school students than to allow them to shirk basic responsibilities we require of elementary students.
2. Educators must quickly distinguish between those students who *can't* and those students who *won't* produce acceptable quality behavior and work.
3. Students who *can't*, should receive remedial services and accommodations (tutors, behavior plans, special education, revised schedules, outside mental health services, etc.)
4. Students who *won't*, should be asked to do what 99% of 1st graders do well--be on time, with materials, on task, follow rules and directions. If able students won't honor these reasonable requests, they are choosing to be wilfully disobedient--a serious offense. For us to allow such apathy is to teach students it is acceptable or that they are not worthy of higher expectations. Disciplinary procedures need to be exercised.

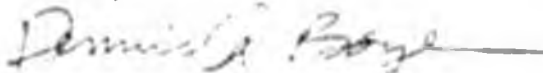
We need to remember that all students have a right to an education, and when a student chooses to behave in ways that infringe on teachers' ability to teach and other students' rights to learn, we have a duty to remove that violating student.

5. Prior to removal from regular classes, parents should be encouraged to accompany their child to school to try influencing their child to meet reasonable expectations in the regular school environment.
6. Students who still choose not to comply with reasonable expectations, should be considered for long term suspension or alternative placement i.e. correspondence, special programs, alternative education off campus. Services should be offered to parents of these students to help them establish a healthier balance of control with their child.

Districts adhering to this process might greatly reinforce many of the intentions behind HB 146.

If I can be of any assistance, please call me at 746-9205 or 376-6944

Sincerely,



Dennis Boyer

Education Commission of the States Summary of Exit/Minimum Competency Tests, by State as of March 13, 1997 (available by Internet, <http://www.ecs.org/ecs/23fe.htm>)

State	Exit Test Required for High School Graduation
Alabama	Yes
Alaska	No
Arizona	Reading, Writing, Mathematics, but test not developed
Arkansas	Yes
California	Not at state level; local district designs and administers
Colorado	No
Connecticut	No
Delaware	No - Voluntary test available for "meritorious diploma"
Florida	Yes
Georgia	Yes
Hawaii	Yes (note: Hawaii only has one school district--equivalent to district exit test)
Idaho	No
Illinois	Principles of Declaration of Independence, Constitution and proper display of the Flag
Indiana	Class of 1999-2000 will begin
Iowa	No
Kansas	No
Kentucky	No
Louisiana	Yes
Maine	No
Maryland	Yes, Quiz on Citizenship
Massachusetts	Yes
Michigan	Optional
Minnesota	Reading, Writing and Mathematics
Mississippi	Yes
Missouri	No
Montana	No
Nebraska	No
Nevada	Yes
New Hampshire	Option at the district level
New Jersey	Reading, Writing and Mathematics
New Mexico	Yes
New York	Yes
North Carolina	Yes
North Dakota	No
Ohio	Yes
Oklahoma	No
Oregon	No
Pennsylvania	No
Rhode Island	No
South Carolina	No

¹ Appears to be outdated information, because Oklahoma reported to AKDOE staff that they do

South Dakota	No
Tennessee	Yes, but no passing standards - information only
Texas	No, but exit exams set for four high school courses
Utah	No, but optional course exit exams available
Vermont	SBE is to develop, but not done yet
Virginia	Yes
Washington	No, but will require in 2000, apparently in Reading, Writing and Mathematics
West Virginia	No
Wisconsin	No
Wyoming	No
District of Columbia	No

Are there states that are assessing knowledge of history as part of an exit examination?

It would appear that at least seven states include some questions on history or citizenship. Maryland and Illinois report specific examinations. Virginia, Ohio, Oklahoma, Louisiana and Georgia report assessing questions on history as part of a section on citizenship, geography and reference skills (topic areas in Social Studies).

Washington, which is just developing its assessments, has decided to delay or omit developing a test of Social Studies due to the expense of developing a test which addresses the state standards.

Are individual sub-test scores aggregated to determine whether a student passes the overall examination?

Yes, up to a point. It appears from at least partial state responses to our survey that states require students to pass all subtests. Where subtests are individually scored, see next question. Where there is only one overall score, the subtests are aggregated to produce the score.

If a student fails one part of a multi-part exit examination, does s/he have to take the entire test over?

Eight states responded to a survey on this question. All reported that students were only required to retake a sub-test they had failed.

Students in other states are always given multiple opportunities to pass the exam, usually two times each year, for as long as they are in school, and for as long as five years after they are out of school (one state).

Possible Implementation Table for Exit Examination

1997-98	1998-99	1999-2000	2000-01	2000-02	2000-03
<p>Draft test in Reading, Writing and Mathematics, pilot subsets of items, pilot full test</p> <p>Mandate standards in Reading, Writing and Mathematics Disseminate performance standards in Reading, Writing and Mathematics related to the test</p>	<p>Field test</p> <p>Establish state norms Establish cut-off scores</p> <p>Districts develop remedial system</p> <p>Teacher training</p>	<p>Test 9th graders</p>	<p>Test 9th and 10th graders</p>	<p>Test 9th, 10th and 11th graders</p>	<p>Test 9th, 10th, 11th and 12th graders</p>
<p>***DEPARTMENT DOES NOT RECOMMEND A STATE-LEVEL TEST IN SCIENCE AND SOCIAL STUDIES DUE TO THE LACK OF CONSENSUS ON STANDARDS AND CONCERNS BEING CURRENTLY RAISED OVER TECHNICAL QUALITY OF TESTS IN THIS AREA</p>		<p>Draft test in Science and Social Studies</p> <p>See above line for tasks related to these tests</p>	<p>See above line for tasks related to these tests</p>	<p>Test 9th graders</p>	<p>Test 9th and 10th graders</p> <p>[Test moves out to test 12th graders by year 2004-05]</p>

To shorten the timeline to implement the exit examination in the year 2001, it would be imperative that there be a fail-safe mechanism to delay the process if technical quality (necessary to withstand legal challenge) cannot be achieved.

O-LS0515E
Ford
3/7/97

CS FOR HOUSE BILL NO. 146(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): **HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

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THE PROFESSIONAL JOURNAL FOR EDUCATION

Phi Delta Kappan

October 1996/Volume 78/Number 2/Page 127

The Sixth Bracey Report on the Condition
Of Public Education

By Gerald W. Bracey

Mr. Bracey takes his annual close look at the myths about and the hard data describing the current performance of American public schools.

Section 1.

LAST YEAR, the Fifth Bracey Report awarded Family Circle a "Least Credible Article" prize for its school-bashing op-ed piece by Rush Limbaugh. Unfortunately, Al Franken's exposé, *Rush Limbaugh Is a Big Fat Idiot*, was not yet available to use as a trophy. An "Intensity of Loathing" award went to Business Week for its "Will Schools Ever Get Better?" cover and accompanying article. This year, we have all new prize winners and more of them.

The Envelope, Please

The "Most Unethical Advertisement" award is won jointly by the National Alliance of Business, the National Governors' Association, the Business Roundtable, the American Federation of Teachers, and, most incredibly, the U.S. Department of Education. These august groups earned this accolade for sponsoring a full-page ad in the *New York Times* on Sunday, January 31, that lamented the state of education in this nation. On the left half of the page, 15 countries were listed by number. The United States was number 14, and the words "United States" were boldly circled. On the right, the text read, "If this were a ranking in Olympic hockey, we would be outraged." (This ad led me to coin the phrase "Worst Possible Spin Syndrome," a label that, unfortunately, must often be applied to reports about educational data.)

The number 14 is the rank of American 13-year-olds in math in the Second International Assessment of Educational Progress. Within the squishy boundaries of propaganda, the ad is accurate. American 13-year-olds did rank 14th among 15 nations. But ranks tell you nothing about performance. In the 200-meter dash at the Atlanta Olympics, Michael Marsh of Houston ranked third in his semifinal heat and finished dead last in the finals, although his performance in the two races differed by a mere .22 of a second. A 7% improvement in his performance in the finals would have given Michael Marsh - not Michael Johnson - first place and a world

record.

If one looks at the performances - the actual scores on the math test - one finds that the American 13-year-olds averaged 55% correct. And the international average of all nations? Fifty-eight percent. For a nation obsessed with being number one, as America is, this sort of average performance is not acceptable. But it presents a very different picture from the gloomy one suggested by the ranks. Students from Korea, the top-ranked country, got 73% correct. This 18% difference between American and Korean students was the biggest gap between the two nations in the study; the smallest difference was just 3%. As we shall see below, this is not much of a reward for the price Korean youngsters pay to be number one.

The "Longest-Running Goofy Speech" award goes to Louis Gerstner, Jr., the CEO of IBM. Gerstner began his "the-system-is-broken" speech several years ago and continued it through the March summit with the nation's governors and business leaders. Along the way, he has maintained that, if we don't shape up our schools, we will soon be a Third World economy. Of course, this is ludicrous. In 1994 and 1995, the World Economic Forum declared the U.S. economy the most competitive in the world. In 1996 the Forum changed its formula, and the U.S. fell all the way to fourth place among 25 industrialized nations. The International Institute for Management retained a formula similar to the old one used by the Forum, and the U.S. maintained its top ranking.

The "Most Unethical Means of Publicizing a 'Study'" award is shared by Paul Peterson and Jiang Tao Du of Harvard and Jay Greene of the University of Houston. The basis for this award is discussed in the section on choice.

The "Most Ludicrous Fact Pulled from Thin Air" award goes to Speaker of the House Newt Gingrich (R-Ga.). This should be the speaker's second award in a row in this category; only an oversight kept me from handing out the prize last year for his comment, recorded in the Fifth Bracey Report, "Three out of four of our students are not learning to read." This year, addressing the National PTA Legislative Congress, Gingrich declared that "55% to 60% of our seniors don't know enough about our culture to sustain it." One wonders what Gingrich might have said a century ago, when the high school graduation rate was 3%.

The Failed Miracle'

This heading is the title of a 1996 feature article about Japan. A heretofore adoring U.S. press is at long last showing some appropriate journalistic skepticism about Asian schools. Asian students still score higher on tests than American students, no question. But it is clear now from the Time article and from other essays that appeared over the past year that American students can beat the socks off their Asian counterparts if we are willing to take only four simple steps.

1. Convince American parents that, when their children come home from public school, they should feed them and then ship them off to a private school or tutor until 10 p.m.; most youngsters, both elementary and secondary, will need to go all day on Sunday, too.
2. Convince American parents to spend 20% to 30% of their income on these after-school schools.
3. Convince American parents that, when their children turn 4, they should take them on their knees and tell them, "You are big boys and girls now, so you need to start practicing for college entrance examinations."
4. Convince American students that, if they sleep four hours a night, they will get into college, but if they sleep five hours a night, they won't; they must study instead.

For more on these four steps, read on.

My Research column in the May 1996 Kappan contained a strong indictment of Japanese high schools that drew extensively on Paul George's monograph, *The Japanese Secondary School: A Closer Look*.² That volume chronicles a year George spent in a Japanese school, observing a group of students he had earlier observed for a year when they were seventh-graders. He reports that he and his son, who attended the school both years, took to exchanging glances to register their surprise and shock at what they were seeing. And what they were seeing was a group of students so obsessed with the upcoming college entrance examinations that they could not pay attention and often acted in uncivil ways - when they were not actually sleeping in class. The students were sleep-deprived from keeping late hours at jukus (cram schools). Since their juku instructors tell them not to pay attention to what their regular teachers say, they use the school day to catch up on their Z's.

Here's what Time had to say about the Japanese high school:

The most forceful indication that parents are disappointed in the public schools is the intense competition to get into private ones, from kindergarten through high school. The key to success is the juku, an evening and weekend cram school where children from the age of four prepare for entrance examinations. Nearly 60% of junior high school students take juku classes, which cost their parents as much as \$400 a month. They usually study material at least a year ahead of the public school curriculum and endure rigorous schedules that leave no time for the playground.

Akiko Tsutsui, a 10-year-old fifth-grader, gets out of school at 3:30 p.m. and goes straight home to have a snack and do her homework. Three afternoons a week she leaves again at 4:45 for a juku session that lasts from 5:10 to 10:00. For almost the entire class, Akiko will listen to tutors explain how to answer test questions and will practice taking them herself. She sometimes attends all day on Sunday for extra help. The classes give Akiko a better chance of getting into a local private junior high school.

Competition in Japan has always been fierce, and the schools have always demanded conformity and intense rote learning. But the system has become an extreme, decadent version of what it used to

be. And not only do children suffer on account of the schools and cram courses, but they may not be learning what they ought to.

Have a nice childhood, Akiko.

Recall that Susan Goya, an American who has taught in Japanese schools for 20 years, made similar comments in the October 1993 issue of the *Kappan*. She cited the *juku* as critical to the success of Japanese students because "the quality of education in Japanese public schools is poor."³

The observations of George and Goya were further corroborated by Susan Elbert, an American teaching English in a rural part of Japan. Even there, Elbert reports, 70% of the students attend *juku* and often do not get to sleep before 1 a.m. "I have talked to many teachers and students," Elbert reports, "and they all seem convinced that a student cannot get into a prestigious high school or college with only the knowledge acquired in public school. I was shocked. The exams are really difficult. You need special training and attention to pass them, and you can't get it at a public school."⁴

Elbert also confirms the comments of earlier authors that *ijime* - bullying - occurs when the object of the bullying is perceived as somehow "different." Elbert rejects the word *ijime*, though, saying that *kurushime* - torturing - is more accurate. "Looking deeper than the mentally damaging words, threats, demands, and beatings, these troubled students seem victims of what Japanese society institutionalizes as ideal, namely 'sameness.' Two tormentors said of their classmate after he hanged himself last fall, 'We have no regrets. He was weak, and his character was poor.'"

Elbert's and George's depictions of the upright, hyperanxious Japanese students make Mary Jordan's comments on Korean youngsters even more telling and poignant. Jordan, a former education reporter for the *Washington Post*, now with that newspaper's foreign service in Tokyo, writes that "today's South Korean students make the famously intense Japanese students look easygoing." Her article on the topic opens with the following story:

It was 11 p.m. and fourth-grader Moon Sae Bom was solving math problems and double-checking her social studies maps. For the past two hours, her mother had sat beside her, checking her answers, making sure the 10-year-old didn't fall asleep.

This is a regular night at the Moon house and in millions of homes throughout South Korea, where mothers spend hours a day studying with their elementary and secondary school children, even plying them with caffeine to keep them awake and learning. There is a huge new industry of private tutors for women who need to relearn algebra, world history, and other subjects so they can help with homework.

Across this academically hyperachieving country, students file out of public and private high schools not at 3 p.m. but at 10 p.m. Every weeknight they study in their classrooms from dinner until late into the evening.

Sae Bom's mother not only helps check answers, she spends more than \$30,000 a year for private tutors. Many Koreans, says Jordan, now spend 20 to 30 percent of their income this way.⁵

Korean youths appear to be even more sleep-deprived than the Japanese. Jordan cites one girl who says she studies 80 hours a week. She studies in school until 11 p.m., puts in another hour at home, and then is back on the subway to school at 7:40 the next morning. Nothing in Jordan's description suggests that this girl is an exception.

As in Japan, Korean schools pay no attention to individuality or creativity. All teachers teach the same thing, and the students memorize it. About the girl who studies 80 hours a week, Jordan writes, "She has heard about American high school students hanging out at malls, joining activities like the track team or the yearbook, and even dating, but there is little time here for that."

Anyone still want to be number one in the world in math and science? Are American parents willing to eliminate their children's childhood for a few measly percentage points on a math test and even less on a science test? Sae Bom, incidentally, is lucky. Her mother plans to send her to high school in Britain, where, she has been told, children can be children.

Given that they spend all this time grinding the books, one can wonder why the Korean students are not even farther ahead of our TV-drenched couch potatoes, who, according to a recent report, seldom spend even an hour a day on homework on school nights (and forget weekends).⁶ In the Second International Assessment of Educational Progress, where U.S. students ranked 14th of 15 nations in mathematics and 13th in science, Korean 13-year-olds finished first, but they got only 18% more items correct in mathematics and only 11% more correct in science. A paltry 18% for all that effort and angst and a childhood forgone? I don't think so. Although Jordan contends that Korean children start worrying about college when they are 4, at age 9 they got exactly one more item right (out of 58) than American 9-year-olds. If we were to control statistically for hours of study, no doubt we'd find American youngsters ahead of the Korean children.

Section 2. The Sixth Bracey Report on the Condition Of Public Education, By Gerald W. Bracey

Choice, Charters, and Contracts: New Wines or Trojan Horses?

The grand proposals for choice have diminished since the biggest advocates at the national level - George Bush and Lamar Alexander

- left office. But choice as a political movement is far from dead. It has just moved from the White House to the statehouse and "morphed" into newer forms: contracting for services, private vouchers, and, especially, charter schools. Not much is happening with the first two, but the charter school scene is hot. If Judy Garland and Mickey Rooney were around today, they'd probably shout, "Hey, gang, let's start a charter school!" Education's one consistency is its proneness to fads, but seldom have so many waxed so enthusiastic over an innovation yet to prove its effectiveness.

The arguments for charter schools were presented in the September Kappan. Here, I want to note some reservations. It is clear that many people are interested not in the impact of the first round of charter schools but in what are being called "second-order effects." For some, these second-order effects are the improvement of public education. For others, they are the destruction of public education.

Charter schools promise to improve the performance of students, and, in exchange for that promise, they are granted a "charter" relieving them of some regulations and entanglements with central office bureaucracy. Although they are supposed to supply data in order to obtain renewals of their charters, it is not clear that they will. The need to show that they are improving education will certainly provide an incentive to cook the books, as happened with the failed privatization experiment of the 1970s, performance contracting. At the moment, though, "Charter schools' ability to improve student achievement has yet to be proven."⁷

Whether charter schools will ever improve achievement is a question that might never be answered. Even right-wing enthusiasts Chester Finn, Jr., Louann Blerlein, and Bruno Manno lamented that they "have yet to see a single state with a thoughtful and well-formed plan for evaluating its charter school program. Perhaps this is not surprising given the sorry condition of most state standards-assessment-accountability-evaluation systems generally. The problem, however, is apt to be particularly acute for charter schools, where the whole point is to deliver better results in return for greater freedom."⁸

Jeffrey Henig, perhaps the most disinterested and careful observer on the choice front, agrees with Finn and his colleagues. He finds that charter schools "show few signs of interest in systematic empirical research that is ultimately needed if we are going to be able to separate bold claim from proven performance. Premature claims of success, reliance on anecdotal and unreliable evidence are still the rule of the day."⁹

Alex Molnar predicts that such unreliable anecdotes will prevail.

Charter schools will fail, fraud will be uncovered, and tax dollars will be wasted. But just as certainly, glowing testimony will be paid to the dedication and sacrifice of the selfless

teachers and administrators at some "Chartersmetoo" school who transformed the lives of their students and proved the success of charter school reform.

Free-market zealots will either claim vindication or argue that their revolutionary ideas need more time to work. Supporters of public education will call the experiment a costly failure and marvel at the willingness to spend large sums on unproven alternatives while cutting resources for the public system that serves most children. With an absence of any uniform standards, the war of educational anecdotes and misleading statistics will remain "subject to interpretation." And all the while, the desperation of America's poorest children and their families will grow.¹⁰

And these words were written before the disaster for children called "welfare reform" was passed.

Molnar observes that charter schools create a rather peculiar free-market setting. When the Edutrain charter school in California failed because of fiscal mismanagement, free-market fans cited it as a case of the market imposing its discipline. But in a true free-market setting, those punished are those who invested in the enterprise. Those punished by Edutrain's failure, though, were the children who attended the school and had their lives and education disrupted, along with the taxpayers of Los Angeles who funded the enterprise. "The charter school market feeds on the revenue provided by taxpayers even in failure. It is a market in which the financial risks are socialized, and the financial gains are privatized," says Molnar. "The struggle is not, at its root, between market-based reforms and the educational status quo.

Rather it is a battle over whether the democratic ideal of the common good can survive the onslaught of a market mentality that threatens to turn every human relationship, inside and outside the classroom, into a commercial transaction" (p. 167).

For the moment, though, charter schools are thriving. As Henig says, "Legislators and citizens who balk at full-fledged choice proposals seem to find charter schools less threatening, perhaps because they retain a clear role for governmental oversight; proponents of more extensive choice proposals seem to find charters an acceptable step in the right direction."

Elsewhere on the choice front, the results continue to be mixed at best. The only project that has received something close to an adequate evaluation is Milwaukee's choice programs, wherein up to 1.5% of the city's children are eligible to receive vouchers to attend private schools. John Witte and his colleagues at the University of Wisconsin have evaluated this program each year for five years, under contract from the Wisconsin Department of Public Instruction. They conclude that, while the attrition rate from the program remains puzzlingly high, "the majority remain and applaud the program." Witte's comments scarcely constitute a ringing

endorsement of the program:

Outcomes after five years of the Choice Program remain mixed. Achievement change scores have varied considerably in the first five years of the program. Choice students' reading scores increased the first year, fell substantially in the second year, and have remained approximately the same in the next three years. In math, choice students were essentially the same in the first two years, recorded a significant increase in the third year, and then significantly declined this last year.

Regression results, using a wide range of modeling approaches, including yearly models and a combined four-year model, generally indicated that choice and public school students were not much different. If there was a difference, Milwaukee Public Schools children did somewhat better in reading.¹¹

This is actually a remarkable outcome. The number of students participating in the choice program has never approached the legal limit and has never exceeded, on average, 70 students per school. Thus the private schools involved are not being overwhelmed by a flood of low-income students. One might think that such students are sufficiently few in number that they could receive more attention in the private schools than they might in their neighborhood schools and that their test scores would rise as a consequence. On the other hand, Peter Cookson, another researcher in the choice arena, concludes from his observations that private school teachers are less creative, more by-the-numbers teachers than public school teachers.¹²

In conversation, Witte again said that the public schools are doing a better job with their students than the choice schools, but his reasoning presents a good-news/bad-news scenario. Initially, both choice and public schools serve similar clienteles. As one moves up the grade ladder, though, the public school student body is increasingly drawn from lower-income and minority families, groups that post lower test scores. That the public schools are able to maintain parity with the private schools, then, constitutes quite an accomplishment. That they are not able to hang on to their middle-class clients does not.

In connection with the Milwaukee choice program, I should note that a "study" purporting to show that the program is effective just happened to be released on the opening day of the Republican National Convention. The study, with Jay Greene of the University of Houston as lead author and ardent school choice advocate Paul Peterson as another author, was prepared for a conference on August 30. (Peterson brought to the Brookings Institution the research that produced John Chubb and Terry Moe's notorious book on school choice.)

Almost three weeks prior to the conference, the study was handed to the media. A press release was given to the Associated Press, and a short version, titled "School Choice Data Rescued from Bad

Science," turned up on the op-ed page of the Wall Street Journal on August 14. The rhetoric and tone of this op-ed article reveal that the purpose of the "study" is not to learn what actually happened in the Milwaukee program, but simply to persuade those who might influence choice legislation that something positive came of it.

The study has been hyped by former Secretaries of Education William Bennett and Lamar Alexander and by noted educator Rush Limbaugh. Surely, this is a historic moment. It must be the first time that any of the three have accepted at face value the conclusions of a study conducted at Harvard. (They must have accepted it at face value, because - aside from the "Executive Summary" and the conclusions - it is virtually impossible to understand.) Limbaugh congratulated the Annie E. Casey Foundation, which he frequently targets, for actually funding something worthwhile. Although the manuscript cites that organization, the foundation has denied that it funded the research.

It is difficult to refute the study, because it is virtually impossible to determine what Greene and his colleagues did. In the introduction, they refer to a "natural experiment" similar to medical studies wherein one group of people receives a treatment and a comparable group does not. However, during the course of the report, they refer to both analysis of covariance and regression analysis as ways of analyzing the data. In a "natural experiment," however, neither technique would be needed.

The principal claim is that the effects of choice show up only after three or four years of participation. This result is from a comparison of children in the program for that length of time with those who applied initially and were not selected. This comparison is problematic from the outset because the attrition rate of participants in the program is so high that very, very few of the children who started the program are still in it after four years (perhaps not such a great recommendation for the program itself). It is even more difficult to find the nonselected children, who might differ from the selected group on any number of variables. When Witte attempted to reconstruct the analysis, he discovered that of some 72 cells that would be needed, 23 contained no children at all, and another 20 contained three or fewer. How anything could be determined by such empty cells and small numbers is, well, a mystery.

An analysis by Witte indicates that, after four years, the two groups are not random samples either of those who joined the program or of those who applied and were turned down four years earlier. But no adjustment is made in the Greene study for their differences.

Actually, in the end, Greene and his colleagues acknowledge that it is not choice that has produced the results - if, indeed, there are any results after the methodological flaws are factored out. They write, "The disruption of switching schools and adjusting to

new routines and expectations may hinder improvement in test scores in the first year or two of being in a choice school. Education benefits accumulate and multiply with the passage of time." Certainly, one cannot take issue with this statement. On the other hand, this statement means that attributing the results to "choice" is an ideological decision, not one based on the data.

Many of the students who were not choice students had experienced "the disruption of switching schools" many times during the four years. To draw the conclusions that they did, Peterson and his colleagues would have needed another group of students demographically similar to the choice group but who had been in the same public school for four years.

Kathryn Stearns, a senior fellow at the Carnegie Foundation and a resident of London, penned one article that suggests that choice in England has had all the outcomes its detractors predicted.¹³ The schools that people choose (which she says are not always the effective ones) do, indeed, thrive. But since these schools have limited opportunities to grow, they soon become overcrowded, and so they end up choosing the students that they think will give them the least trouble. Such stratification is a commonly predicted negative outcome of choice plans in this country.

Middle-class parents, much more than working-class parents, are using their choice options, but Stearns doesn't think it's because they are better educated or more interested in their children's education. She thinks that the reason the middle class exercises its options to a greater degree is that poor people are more likely to see the local school as central to their communities.

Contrary to what market theory would predict, none of the unpopular British schools have closed. They simply serve a clientele that is increasingly more difficult to educate, and they serve that clientele less well. Writes Stearns, "The gains for certain individuals have come at the expense of others and at the expense of the community as a whole. The legislation has led to increased social segregation, and this, in turn, is leading to greater inequality of attainment. . . . If the British experience is any guide - and I think it is - abandoning the urban schools to the whims of the marketplace won't improve the lot of most students or the administration of urban education." Exactly.

Section 3. The Sixth Bracey Report on the Condition Of Public Education, By Gerald W. Bracey

New Data

The past year was an even quieter year for new data about schools than the previous one. The data from the Third International Mathematics and Science Study are due to be released soon -

probably in December - but most data analyses this year were rehashes of old, sometimes quite old, material.

Threatened with annihilation by the Gingrich gang, the U.S. Department of Education finally got around to looking at what the data said about education. Even though most overall trends were up, Emerson Elliott, then-commissioner of the National Center for Education Statistics, would commit himself to saying only that "some conditions are improving, while others are not."¹⁴ The Washington Post, never quick with a good word for schools, looked at Elliott's data and awarded the schools an editorial with the headline "A B+ for the Schools."¹⁵

Indeed, it seems a bit misleading to say only that things are getting better, except where they aren't. Most of the conditions that have showed no improvement or have worsened have to do with differences between various subgroups - the gap between the achievement of blacks and that of whites or between children of high-income families and children of low-income families, and so on. More misleading is the tendency of *The Condition of Education* to date improvements from the appearance of *A Nation at Risk* in 1983. This gives the impression that the report caused the changes that led to the improvements. Such a causal attribution would make sense in view of the furor caused by the "paper Sputnik." It would also be convenient to link changes to a concrete event, such as the publication of the report. It's all very convenient, but it's wrong: most of the upward trends had begun before *A Nation at Risk* appeared.

One piece of good news in *The Condition of Education* is that, despite continuing immigration by people with limited proficiency in English, the difference between white and Hispanic reading scores in the National Assessment of Educational Progress (NAEP) has been declining consistently since 1975. (The difference increased from 1990 to 1992, but the change is small enough that it could be a blip.) The gap between white and Hispanic mathematics scores has also been declining since 1973.

More disturbing, the gap between the scores of black students and those of white students declined from 1975 to 1988 but increased in 1990 and again in 1992. Moreover, that gap remains large: black 17-year-olds score just below white 13-year-olds on the NAEP mathematics test.

Although the SAT does not measure school outcomes, people are interested in its vagaries, and so I note here that SAT scores rose in 1996 for the third year in a row, moving up two points on the math section and one point on the verbal. In 1996, 1,084,725 students took the test, about 17,000 more than in 1995. Although the scores are reported this year using the recentered scale only, changes in scores are the same as they would have been using the old scale.

As in the past two years, rising scores did not garner the media

attention that declining scores have. Only USA Today thought the news worthy of the front page. The New York Times and the Washington Times buried the story deep in the front sections, while the Washington Post, as has been its custom for three years running, relegated its article to the Metro section - material of only local interest. Only the Washington Times thought it necessary to comment on the recentering, featuring a long quote from former assistant secretary of education Chester Finn, Jr., declaring the test "ruined."

A few words are probably needed about that much-ballyhooed recentering. Every five years or so, the makers of commercial achievement tests "renorm" them. This is essentially what the College Board did in its recentering, but it was the first such adjustment since the standards were set on the SAT in 1941 and the average raw score was assigned a scaled score of 500. The group taking the SAT in 1941, though, was by no means "average." It consisted of 10,654 white students living in the Northeast and planning to attend primarily Ivy League and Seven Sisters colleges. Sixty percent were male, and 40% had attended private college-prep schools.

Currently, 30% of SAT-takers are minorities, 52% are women, 83% have attended public schools, and 41% report an annual family income of \$40,000 or less. Obviously, the 500 "average" from the 1941 elite does not represent the average score of this much more representative, much more heterogeneous, group. The College Board quite reasonably decided to make 500 represent the average score once again. This decision unleashed a torrent of irrational criticism that it was trying to hide poor performance. "The largest dose of educational Prozac ever administered," commented Chester Finn at the time. I am certain, however, that, if we could step back to 1941 and administer the SAT to a group demographically the same as those who took the SAT in 1995, the 1941 group would score substantially lower.

As it is, some students will actually get lower scores on the SAT math section with the recentered scale than they would have gotten with the original scale. This is because over the last 15 years there was enormous growth in the proportion of students scoring above 650 on the math section. In *The Candidate's Handbook, 1996*, a publication of the Heritage Foundation, Denis Doyle attributes this growth to Asian American students. However, even a cursory look at the data would have shown him that Asian students constitute far too few test-takers to account for such growth. In fact, 6.8% of non-Asian test-takers scored above 650 in 1981, while 10.8% of non-Asians scored that high (on the old scale) in 1995, a 57% increase.

In any case, the recentering pulls some of these students down - though not by much: students obtaining scores between 660 and 710 would have scored about 10 points higher on the old scale.

As a practical matter, the recentering means that a student who gets 500 knows that he or she is typical. On the old scale, this

500 would convert to 420 on the verbal scale and 470 on the math. These scores could well lead students to conclude that they are below average, given that 500 is considered average. But the old 500 was "average" only for the tiny elite who took the test in 1941.

Secretary Riley as Rip Van Winkle

Secretary of Education Richard Riley must have been pleased with the press coverage he got when he released trend data from *The Condition of Education*. After all, when in previous recorded history had the *Washington Post* accorded a grade as high as a B+ to the schools?

Maybe Riley thought he could use the tactic again a few months later to emphasize more good news. While his tactic didn't work on the *Post*, articles turned up in a number of newspapers on June 18 and 19 reporting that, in comparison to other nations, American youngsters read very well. The *Los Angeles Times* and the *Houston Chronicle* carried the story in their front sections, while *USA Today* displayed the story prominently on the front page. 16 "U.S. High in Literacy," trumpeted the *Houston Chronicle*. One wonders whether Newt Gingrich saw the story. Clearly, IBM's Gerstner did not. At a conference in July 1996, Virginia Gov. George Allen quoted Gerstner as saying, "We can teach them work skills. What is killing us is teaching them how to read."

The reports on reading performance were true, of course. But the only reason they qualified as news was that the papers had ignored the story the first time around. When the study was actually "news," only *Education Week* and *USA Today* covered it at all, and the *USA Today* story came complete with a quote from Francis Alexander, then-deputy assistant secretary of education, dismissing the results. On the phone, *Los Angeles Times* reporter Josh Greenberg said that he and his editors were suspicious of the story, given that it was four years old, but decided to go with it anyway as no one seemed to know anything about it. In that, Greenberg and his editors were certainly right. The data were those from the 1991 International Association for the Evaluation of Educational Achievement (IEA) study, released in July of 1992 as *How in the World Do Students Read?*

The Media

Relatively speaking, the past year was a good media year for us "contrarians." Contrarians was the label affixed to me, David Berliner, Harold Hodgkinson, Harold Howe II, Richard Jaeger, and Iris Rotberg on the cover of the May 1996 issue of the *American Association of School Administrators'* magazine, *The School Administrator* - along with the title "The Leading Defenders of America's Public Schools." The issue celebrated the 200th anniversary of Horace Mann's birth, and we all contributed articles. AASA Executive Director Paul Houston contributed a cover essay in which he observed something with which we contrarians all agree: "American education has many challenges and failings. They

just don't happen to be the ones about which most of our citizens have been told." Houston wants to expand this issue into a book.

The cover of the November/December 1995 issue of *Teacher* magazine featured large, hot-pink type against a black background, which asked the question "Is the School Crisis a Fraud?" The article for the most part featured Berliner's work and mine and revealed an interesting change in tactics by our detractors and by school critics in general. In the early days of our research, the critics labored arduously to ignore us. (Some still use this tactic; in her 1995 book, *National Standards and American Education*, Diane Ravitch alludes to us in several places but never mentions any of the six contrarians by name.) At the same time, they clobbered schools with ranks and numbers: "American high schoolers come in last or next to last in virtually every economic measure," said Gerstner and his colleagues. "International examinations designed to compare students from all over the world usually show American students at or near the bottom," said Albert Shanker, president of the American Federation of Teachers (AFT).¹⁷

These statements are typical. They show how the school-bashers once tried to use numbers and statistics to show that public schools had failed. Now that the contrarians have shown repeatedly that these numbers show nothing of the sort, the critics have shifted their ground and want to declare the numbers irrelevant. They refer to us as using "numerically driven arguments," as if this were something inappropriate or even reprehensible when it is precisely what they once did.

It is true that the more thoughtful commentators in the *Teacher* article - among them I number Deborah Meier, David Tyack, David Cohen, and Mike Rose - called attention to the qualities that numbers cannot measure. But we contrarians have done so as well. The Third Bracey Report presented Israel Scheffler's view of the defining characteristics of education, which is worth repeating: the formation of habits of judgment and the development of character, the elevation of standards, the facilitation of understanding, the development of taste and discrimination, the stimulation of curiosity and wondering, the fostering of style and a sense of beauty, the growth of a thirst for new ideas and visions of the yet unknown.

I offered this comment on these features of education: "The extent to which we accept Scheffler's definition is the extent to which we must realize that, for all the test scores and graduation statistics presented here and elsewhere, we really do not have appropriate indices of how the system functions or doesn't."¹⁸ But the qualities described in this definition are not the qualities being published in the *New York Times* ad with which this report began. That ad is a "numerically driven argument," and it is those numbers that we contrarians have rebutted.

At one level, it is unfortunate that *Teacher* brought in thoughtful critics because they give the school bashers who use numerically driven arguments - Denis Doyle, Chester Finn, Diane Ravitch,

Albert Shanker, and so on - an undeserved credibility by association with genuine scholars.

Shanker, in fact, provided the most stunning example of hypocrisy in connection with numerically driven arguments. When I spoke to the Education Press Association in 1995 and presented as many statistics as I could wedge into an hour, Shanker spoke next. Shanker, who in 1993 had already written such statements as "The achievement of U.S. students in grades K-12 is very poor" and "American students are performing at much lower levels than students in other industrialized nations," now discarded all use of actual data. He recounted how he kept meeting young people who could not make change and having other "personal experiences" that repudiated my data. "Frankly," said Shanker, "I find these experiences more compelling than [waving his arm at the screen where my graphs had appeared] all those numbers that Jerry just put up there." And yet, when Lawrence Steinberg and Lawrence Stedman wrote numerically driven opinions recapitulating the usual litany of charges against schools, Shanker grabbed the numbers as a drowning man grabs flotsam and used them in three of his weekly paid advertorials in the Sunday New York Times.

One media curiosity continued this past year and warrants a brief comment. When a report by or an article about the contrarians appears rebutters are always brought in for "balance." When a report comes out that is critical of the schools, the media almost always play it straight, without opposing commentary. To my knowledge, only once has anyone ever called me or any of the "revisionists" to comment on such a negative report. Strangely enough, that was the conservative Washington Times, and it gave my retort almost as much space as the report the story was about.¹⁹

As for positive media coverage, the New York Times ran a long article on the contrarians, and Newsweek essayist Robert Samuelson titled one of his articles about us "Three Cheers for the Schools?"²⁰ In his essay, Samuelson referred to me as the "godfather" of the contrarians, which is amusing but not historically accurate. Samuelson could not bring himself to give the schools three cheers, but he did declare flatly that much of the crisis rhetoric had been overblown. Even Better Homes and Gardens got into the act with "The Good News About Our Schools," a surprisingly meaty and accurate piece, and I finally managed to pry open the door of the Washington Post op-ed page after five years of trying.²¹

In speeches and workshops, I generally excoriate the media for their susceptibility to the Worst Possible Spin Syndrome (WPSS). At the same time I tell audiences that the most balanced and most extensive coverage of education in the country appears in USA Today. USA Today, sometimes accused of rendering sound bites on paper, often includes two-page inserts on education, and for the week of 13 May 1996 it ran a weeklong series.²²

As part of its weeklong series, USA Today conducted a survey of

parents and children and found that, overall, both groups gave schools a grade no lower than B- on a variety of elements. (For example, parents awarded this low grade to the superintendent, the school board, the budget process, and the way students treat one another.) Indeed, 75% of parents awarded their children's schools either an A or a B. The survey did show, though, that elementary school parents are much more satisfied with their children's schools than are secondary school parents. For instance, 42% of secondary school parents said that schools did not prepare students adequately for the world of work, and 38% said that schools did not prepare students adequately for college. Perhaps because of the temporal distance of elementary school parents from these realms, these complaints were voiced by only 16% of elementary school parents. Thirty-two percent of secondary school parents felt that their children were not challenged to learn, but only 17% of elementary school parents felt that way.

On the downside, fully 33% of the students said that getting good grades does not make you popular, and only 31% said that they did an hour or more of homework nightly. Forty-seven percent of the parents, despite giving high marks to the public schools, said that they would send their children to private schools if they could afford it.

Overall, though, even the editorial page of USA Today was surprisingly upbeat. I say surprisingly because in five years that page has never published any of the many articles and letters to the editor that I have submitted, nor had they previously said anything positive. But above a May 13 editorial three times the normal length, USA Today's headline read, "U.S. Schools Can't Teach? Don't Believe the Myths." The opening paragraph read: "It's time to set the record straight. Schools have been getting a bad rap over the past decade or so, fueled by some myths that have been around so long they're often accepted as fact."²³ Tell me about it.

There are several things to take into account about the USA Today survey. First, it asked parents only about schools their children attend, and parents are consistently more positive about their own children's schools than about the schools elsewhere in the nation. This is probably because of two other factors: 1) people depend on the national media for information about the nation's schools, and the national media accentuate the negative; and 2) people depend much more on local sources for information about local schools.²⁴

Second, it is a somewhat superficial survey. Recall that the Public Agenda Foundation in its 1995 report *Assignment Incomplete* found that, when the researchers started to scratch the surface of public support, it was very thin.

Third, some of the questions posed vague hypothetical situations. Would 47% of parents really send their children to private schools if they could afford it? We have no idea what kind of financial picture the respondents held in their minds when considering this

possibility. Would a fully paid tuition allow them to "afford" it? Would their overall economic comfort level have to rise also? We don't know, but we do know that people often respond to hypothetical situations differently from the way they do when confronted with a reality.

My salute to USA Today is not meant to suggest here that the media have finally stopped bashing schools. There continued to be much "gratuitous violence" visited upon the schools. Gratuitous violence is a phrase I use to describe articles that are written about something that has nothing to do with schools but that contains a slap at the schools nonetheless.

And the media still remain prone to WPSS. Typical of WPSS was the way the media handled the NAEP history assessment released in November 1995. The Washington Post headlined its story "Knowing the Past May Be History, U.S. Test Reveals."²⁵ Rene Sanchez, the Post education writer, opened the story with these words: "The nation's students have received a dismal report card in American history." Sanchez' comment was mild compared to that of Lewis Lapham, editor of Harper's Magazine, who took to the op-ed page of the New York Times and began his essay as follows: "If it is true that American democracy requires the existence of an electorate that knows something about American history, the news last month from the Department of Education can be read as a coroner's report."²⁶

As with Gingrich, one wonders how Lapham would have characterized American democracy a century ago, when the high school graduation rate was 3%. In a letter rejecting an article I had submitted for publication, Lapham apologized for overstating the case. Why is it that overstated charges against the schools are always made in a public forum, while apologies for the errors are made only in private?

In response to these comments, I took to the op-ed page of the Washington Post with this quote:

A large majority of students showed that they had virtually no knowledge of elementary aspects of American history. They could not identify Thomas Jefferson, Andrew Jackson, or Theodore Roosevelt. . . . Most of our students do not have the faintest notion of what this country looks like. St. Louis was placed on the Pacific Ocean, Lake Huron, Lake Erie, the Atlantic Ocean, Ohio River, St. Lawrence River, and almost every place else.²⁷

This quote could have come from an article on the 1995 NAEP history report, but it didn't. It appeared in a New York Times article about a survey of history knowledge that the Times itself had commissioned. The Times was incensed at the outcomes, and it put the story on the front page, next to its other major headline of the day: "Patton Attacks East of El Guettar." The date was 4 April 1943.

In that wartime survey, only 3% of the students could accurately list the states of the East Coast. Asked to identify the occupation of Walt Whitman, the students pegged him as a missionary to the Far East, a pioneer, a colonizer, an explorer, a speculator, a famous cartoonist, an unpatriotic writer, a musician, the father of blank verse, an English poet, and a columnist. Hundreds of students, according to the Times report, listed Whitman as being an orchestra leader. Since the Times made no further comment on this last item, we may assume that the editors did not make the connection to Paul Whiteman, a popular bandleader of the day.

What really made these results outrageous was that they came not from high school seniors, but from college freshmen. Although the article didn't address graduation rates, the high school graduation rate at the time stood at 45%, and only about 15% of those who graduated went on to college. The Times survey had uncovered not just a group of ignoramuses, but an elite group of ignoramuses.

I do not tell this story here in order to defend ignorance. Yet in my book *Final Exam: A Study of the Perpetual Scrutiny of American Education*, I showed that the last century has seen an almost unbroken march of progress in terms of how much people know (the decade from 1965 to 1975 is the lone exception).²⁸ But we are not a nation of learners, nor have we ever been. And if you wish to know why, just read the base of the Statue of Liberty. It does not say, "Give me your college grads, your 1,300 SAT scorers yearning to learn." Indeed, we are closer to being a nation of learners today than at any time in the past. The progress we have made with the huddled masses of the whole world is extraordinary. It is only recently that many educated citizens of other nations have begun to migrate to our shores.

In the opening paragraphs of "The Media's Myth of School Failure," I described how members of the media fell all over one another trying to get out the report of an international comparison in math and science and how not one media outlet had reported the international reading comparison released five months later - the one Secretary Riley finally touted this year.²⁹ Why the difference? Well, it could be that the U.S. ranks were mostly (but not entirely) low in math and science, while American students ranked second in reading among 31 nations. Or could it be that good news is just not news to the American media? That's what it sounds like to U.S. Department of Education staffers Laurence Ogle and Patricia Dabbs. They described what happened when a generally positive geography assessment issued forth from the NAEP. "The geography press conference was attended by the President of the National Geographic Society, and the mood of almost all the speakers was clearly upbeat The reporting in the press, however, was lackluster and negative, at best. Few news agencies picked up the story." But when the history results came out two weeks later, not only did Rene Sanchez call the results "dismal" and Lapham declare them "a coroner's report," but

reporters beat down the doors to get to talk with Ogle and Dabbs:

Returning to our offices after the press conference, we found our voice mail jam-packed with media requests for additional information. News accounts were on the radio, and reports were even spotted on the Internet. Requests for additional information flooded in from radio and television stations, newspapers, and a few talk-show hosts. That evening, reports on the history results were seen on the network newscasts, public television, and later in the week, on the political talk shows from Washington. . . . Even television's late-night comedy king, Jay Leno, spoke about (and ridiculed) the results. Clearly, the coverage of the negative news eclipsed the relatively good news about geography.³⁰

This is worse than the reading versus math and science reporting I had described. In that case, the media were simply ignoring the good news. Here, they stand accused of confabulating bad news: "Students Fall Short in NAEP Geography Test," declared the front-page headline of the Education Week story.³¹

Unfortunately, as that Education Week headline suggests, it is not just the general media that are subject to capriciousness. When *The Manufactured Crisis*, by David Berliner and Bruce Biddle, appeared, Education Week carried a story deep inside the edition about the tome that would win the Book of the Year award from the American Educational Research Association. Education Week editor Ronald Wolk panned the book in *Teacher* magazine in a review that made one wonder if he had read it. He called this most compendious source of data a "polemic." Though parts of it are written in an impassioned style, it is surely data-based and certainly not a "polemic." Yet when *Beyond the Classroom*, by Laurence Steinberg and others, appeared - a book barely deserving of the word "research" - Education Week ran it as a front-page story.³²

Events

The year was even quieter for events than it was for data. The event that everyone watched for with great anticipation was the "summit." In advance, people said it would probably be the most important policy-related event since the 1989 summit in Charlottesville between President Bush and the nation's governors.

The summit was tightly guarded, with each of 41 attending governors bringing along a chosen business leader to an IBM facility in Palisades, New York, provided by IBM's Gerstner. Some 30 "resource people" were also invited to attend. The list read like a Who's Who of the Right. From the beginning, it was clear that the governors were abandoning a lot of previous work. (Since few of them were sitting governors at the time of the 1989 summit, "abandon" might not be the best word for their inaction.) Claudio Sanchez, National Public Radio education reporter, described the activity with some small incredulity in his voice. Asked by the host of "All Things Considered" if the summit's outcome meant we

would have 50 sets of standards instead of one, Sanchez replied that it could mean that we would have 16,000 sets of standards, one for each district. One could almost hear Sanchez shrugging his shoulders.

It might be telling that, in an advertorial just after the summit, American Federation of Teachers president and resource person Shanker felt obligated to acknowledge the charge that nothing happened at the meeting in order to deny it. Resource person Diane Ravitch was emphatic that something actually had happened, even if it was wrong.

One theme was repeatedly sounded at the recent education summit in Palisades, New York: national standards are dead. Apparently, the United States should have 50 state standards or even 16,000 local standards. But no national standards. The governors, Democratic and Republican, said it; the President said it. And they are all wrong.³³

After this opening subterfuge, Ravitch went on to try and revive the corpse of national standards. She was joined in her effort a couple of weeks later by Shanker in another of his weekly advertorials in the Sunday New York Times. Whether they have succeeded or ever will is not yet clear. Education, seldom able to hold the spotlight in turbulent political times, has been muscled off stage by welfare reform and the Presidential election campaign. Whether Ravitch and Shanker can transform the corpse of national standards into a living mummy probably won't be known until after the election.

Meanwhile, at a July meeting, the governors formally agreed to construct an "entity" to provide "technical assistance in the areas of standards, assessments, accountability, and the use of technology in schools."³⁴ The governors did not give the "entity" a name, a staff, or a budget. Their earlier thinking was that the staff and budget would be small, but how a low-budget "entity" with only a few staff members can do all the things projected for it is not clear.

A number of events this year should have ramifications for education. But they are now percolating through the culture without any clear indication yet of what they will ultimately mean. I number among these events the Million Man March, the Stand for Children Day, and the various meetings of the Promise Keepers.

Education and Immigration

As this is written, our nation of immigrants seems intent on beating up on today's immigrants. There are few arenas in which those wishing to attain political popularity spew out disinformation more frequently than in the realm of immigration. Most people believe that immigrants are arriving in record numbers and rates (false), that most immigrants enter illegally (false), that most end up on welfare (false), that they take jobs from natives (false), and that they earn most of the doctorates in

science and engineering (true). My facts come from Immigration: The Demographic and Economic Facts, by Julian Simon, a professor of business administration at the University of Maryland.³⁵ The monograph is a compilation of original work by Simon as well as other research.

Critics often use the doctorate statistic to declare that American students don't like science anymore. Actually, the number of doctorates awarded to native-born students soared between 1963 and 1972. The number then fell just as dramatically until 1983 and has been increasing substantially since then. The number of doctorates awarded in science and engineering to native-born students was just under 2,000 in 1958, just under 6,000 in 1972, just over 3,000 in 1983, and just under 5,000 in 1993. Doctorates awarded to foreign-born students showed mostly slow, steady growth from 1958 (when the number was about 300), then began to surge in 1983, and exceeded the figure for U.S.-born students in 1989. Foreigners now receive about 60% of the doctorates in science and engineering. About half of these students become citizens or permanent residents.

Science and engineering are areas in which immigrants are in competition with natives. As I have reported each year since the Second Bracey Report, despite continued predictions of shortages (a hoax in itself), there is a glut of doctorates in these fields. This year, science writer and newsletter publisher Daniel Greenberg comments that "the paucity of solutions to the Ph.D. glut is surely one of the wonders of the great American university system. The common wisdom in the ivy-covered realm is that the problem will correct itself when students wise up to the grim job situation and stop coming."³⁶ That hasn't happened yet - for Americans or for foreigners.

Overall, fewer of the current immigrants belong to the "huddled masses." The proportion of aliens with eight years or less of education has dropped from 35% to 25%, while the proportion with 16 years or more has risen from 17% to 30%. Immigrants do constitute a larger proportion of undereducated residents than previously, however, because the proportion of undereducated native-born Americans has fallen more rapidly in the same 30-year period, from 37% to 11%.

The number of immigrants entering the U.S. has risen rapidly since 1980, and the number entering annually is now about the same as it was in 1910. The number of immigrants entering in one year peaked in 1916. The numbers declined precipitously after World War I, again at the onset of the Great Depression, and yet again as World War II began.

We call ourselves "a nation of immigrants" but forget how much more literally true this was in the early years of this century. In 1850 immigrants made up 9.7% of the population. By 1860 the figure had leapt to 13.2%. The proportion peaked in 1900 at 14.7%, and in 1990 it was 7.9%, up from a record low of 4.7% in 1970.

As for illegals, while it is tough to get a completely accurate fix, most estimates run from one-fourth to one-third of the total. Six out of 10 illegal immigrants enter legally as students, visitors, or temporary workers and become illegal only when their visas expire. Thus no more than 13% of all immigrants actually enter the country illegally.

For those between the ages of 15 and 65, the welfare rates for immigrants are lower than they are for natives. They are substantially higher for immigrants over 65, but that group constitutes a small proportion of immigrants. The overwhelming majority of immigrants are between the ages of 5 and 45 - most of them, between 10 and 40. Welfare rates are much higher for immigrants who are also refugees, but they are a tiny proportion of all immigrants.

Immigrants rarely have any negative impact on the availability of jobs or on the wages paid. Only in markets with high rates of immigration and stagnant economies do immigrants have an adverse impact, lowering the ability of blacks to obtain jobs or good wages.

Certainly immigration puts strains on some school systems. Districts that have to deal with large numbers of students whose native language is not English or with a student body that represents a hundred native languages unquestionably bear an extra burden. Overall, though, immigration remains a boon to the country. Simon and Stephen Moore surveyed top economists around the country - including 38 who had been either president of the American Economic Association or on the President's Council of Economic Advisers - regarding their opinions about immigration. Eighty percent said immigration had been very beneficial to the economic growth of the nation, and 20% said that it had been slightly beneficial. Asked what we should do about current immigration rates, 58% said increase them, 33% said keep them the same, and 11% said they didn't know. None said lower the rate.³⁷

Education and the Economy

While immigration is an arena rife with myths, the status and future of the economy have sprouted their own collection of old wives' tales that suck in people who should know better. In the October 11 edition of USA Today, President Clinton and Vice President Gore co-signed a letter to the editor claiming that by 2000 "60% of all jobs will require advanced technological skills." They did not elaborate on what "advanced technological skills" meant. I wrote to Messrs. Clinton and Gore and also to Secretary of Labor Robert Reich and Secretary of Education Riley asking for a citation for the figure mentioned. My quartet of epistles produced only one response. Staff members at the U.S. Department of Education wrote to say that they were certain that the Department of Labor could provide the answer. It did not.

But it is clear that Clinton and Gore were not using job projection figures from the U.S. Department of Labor's Employment Outlook: 1994-2005.³⁸ That document shows that, while jobs requiring college education will grow at a faster rate than jobs that require less schooling, these jobs are mostly not high-tech jobs, and the occupations that account for the largest numbers of jobs remain low-skilled. Cashiers, janitors, and retail sales positions are the big three. (These findings are reported in more detail in the January 1996 Kappan Research column.) An earlier publication had listed retail sales as the top job and found that it would account for one-third more jobs than the 10 fastest-growing jobs combined. "Systems analyst" is the only high-tech occupation that is both rapidly growing and offering a large number of jobs.

Statistics like these don't stop people like IBM's Gerstner from running around like Chicken Little, screaming that the system is broken. Even more numerous are the people who are running around claiming that we need high standards in order to facilitate - this year's hottest buzz phrase - the "school-to-work transition."

Elsewhere I have declared that schools should not prepare students for work. I offered the following arguments.³⁹

- Schools should return to the civic function that Jefferson argued they should fill. "In every government on earth is some trace of human weakness, some germ of corruption and degeneracy which cunning will discover and wickedness insensibly open, cultivate and improve," Jefferson wrote in his 1732 plan for education in Virginia. Governments of rulers degenerate, and thus the power must be invested in the people. To prevent the germ of degeneracy from infecting the people, a nation must see to it that the people are educated. A nation educated as Jefferson envisioned would contain people properly suspicious of power.
- Most work lacks any intrinsic value, and most workers would not choose to do it. It is dull, boring, and even dangerous, and - while that is an inescapable fact of life - schools should not collude with business to prepare children to endure job outcomes such as carpal tunnel syndrome.

A good commentary on work can be found in the comic strip "Dilbert," which already appears in 800 newspapers and is still the fastest-growing strip in the country. Dilbert and his buddies work for a company that has endless arbitrary and capricious rules, defective products, heartless accountants, and backstabbing co-workers. In one sequence, Dilbert suggests to a co-worker that they quit and set up their own business. "Why quit?" asks Dilbert's pal. "We can run our new company from our cubicles and get paid too." "Wouldn't that be immoral?" asks Dilbert. "That's only an issue for people who aren't already in hell," replies the co-worker.

Scott Adams, the creator of "Dilbert," put his Internet address in the strip and has been deluged with letters asking, "How did you know where I worked?" Apparently a lot of workers also think

they're already in hell.

Study after study has found the American worker to be the most productive in the world. It is when the workers leave the workplace that they become Joe and Josie Sixpack, watch mindless television, and engage in other brain-numbing activities. Even if the current predictions about increases in leisure time (they seem to be coming true in Europe if not here yet) are wrong, schools should provide a liberal, not technical, education. Schools should educate students to enjoy a rich, thoughtful life, alone and in groups.

Incidentally, in this connection - to borrow the title of an article debunking the book promulgating the myth - "Bowling Alone Is Bunk." Peter Hong of the Los Angeles Times visited bowling lanes and found them thriving. The creator of the "bowling alone" myth constructed it with statistics.⁴⁰ In the past, group participation had been associated with higher levels of education. But in recent years, while educational levels have been rising, group participation hasn't risen as much. Thus, statistically adjusting for education, participation rates drop, but this is a statistical outcome that is not validated in reality.

Actually, the American softball league reported a rise from 27 million to 40 million participants between 1972 and 1990. Participation in sports and professional groups grew dramatically between 1974 and 1994. Only church-related groups, among 15 types of groups, showed a large drop. Even participation in literary/art groups increased.

Business leaders are, once again, confusing training with education and asking schools to train young people. And in their arguments, they often operate disingenuously. Sam Ginn of Pacific Telesis likes to tell audiences about the time that his company gave a reading test to 6,400 job applicants - and only 2,800 passed. Ginn says this means we have to do more in schools. What Ginn doesn't tell his audiences is that he had only 700 positions to fill. His test found four times more qualified applicants than there were jobs available.

More important, Ginn doesn't tell audiences that his jobs paid only \$7 an hour, which works out to a little over \$14,000 a year. Does he really expect America's literati to show up for such jobs? Ginn's attitude was captured nicely in a "Frank and Ernest" cartoon in which a personnel officer tells Frank and Ernest, "What we want are people who are smart enough to pass our aptitude test and dumb enough to work for what we pay."

In his farewell speech as President, Dwight Eisenhower warned of the "military-industrial complex." Were he alive today, he would no doubt issue a new warning about the "government-industrial complex." The government sometimes appears to have forgotten that education should accomplish something other than the agenda of the National Alliance for Business, the Business Roundtable, etc. To borrow the words of a now-infamous report, "If an unfriendly

foreign power had attempted to impose" such a narrow agenda on our schools, "we might well have viewed it as an act of war."

- Vocational information could be dispensed and training accomplished much more effectively at vocational centers that operate full time and to which students could go after high school (or after college, for that matter). A number of vocational educators have responded favorably when I have posed such a notion, although the *Journal of Vocational Education*, after commissioning the article containing this proposal, ultimately rejected it because the editor felt it would be too threatening to readers.

- Research from cognitive psychology, especially the literature on the transfer of training, strongly suggests that general training is not effective. The lack of effectiveness of vocational training seems even more likely, given the Bureau of Labor Statistics projections that most skilled jobs will require extensive on-the-job training, no matter what the educational level of the job holder.

The fact is that schools have done a fabulous job on the supply side - providing business and industry with greater numbers of highly productive workers than they can use. Business and industry have done a poor job on the demand side. President Clinton is currently bragging about the 10 million jobs his Administration has created, but each month, as the Department of Labor announces more job creation, there is also a report that most of these jobs are in the low-paying service sector.

As has become a tradition in Presidential election years, this issue of the *Kappan* carries essays outlining the positions of the two major party candidates. This year's essays will carry the bylines of the Clinton/Gore '96 Campaign and Bob Dole. If nothing has changed since this was written in August, it would be more honest to say that the real authors were Richard Nixon and Ronald Reagan. Before he signed the monstrous welfare reform bill, President Clinton rejected others on the ground that they hurt children too much. Elsewhere, Speaker of the House Newt Gingrich has declared, "No civilization can survive with 12-year-olds having babies, 14-year-olds doing drugs, 15-year-olds killing each other, 17-year-olds dying of AIDS, and 18-year-olds receiving diplomas they can't read. All of those things are happening in America today."⁴¹ Both parties seem focused on youth. It will be interesting to see what the next Administration brings to - or aims at - our schools.

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February 26, 1997

Ms. Shirley Holloway
Commissioner of Education
State of Alaska
810 W. 10th
Juneau, Alaska 99801

Dear Commissioner Holloway:

I am responding to a request for information about the experience of our research organization, the National Center for Research on Evaluation, Standards, and Student Testing (CRESST) in reviewing the assessment plans of various states.

When confronting the idea of certification of high school performance, most states plan to involve a range of information rather than base their decision on a single measure. The use of an existing standardized test for this purpose, such as the California Achievement Test (5th Edition), raises a number of difficulties. First, the publisher will doubtless say the test is not intended for this purpose. Secondly, as in the Debra P. case, evidence will be required to demonstrate that the students have had an opportunity to learn the material tested. Both of these conditions will immediately raise the likelihood of court case(s). Third, it is our experience that tests of this type, not designed for certification testing, will not bear the pressures placed upon them for this purpose. Specifically, much attention in preparation may be given to the strategy of test taking itself rather than in focusing on the underlying constructs the test is intended to measure. Last, the use of this test over a long period of time raises questions of test security and ultimately of fairness.

While the goal of the legislation may be laudable, there is the reality of the technical quality of available or new measures to meet this goal. In general, certification testing works best when decisions are made in a subject matter area for which there is an agreed upon course of study, such as in the area of law. It is not yet possible to find an omnibus test to measure the full range of competencies undertaken in high school.

Sincerely,

Eva L. Baker
Co-Director, CRESST