10. THE CLARIFICATION HEARING: A PERSONAL VIEW OF THE PROCESS

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It was early morning of the second day of the Clarification Hearings in Washington, D.C. I was seated in front of the makeup table cluttered with bottles, tins, and brushes of all sorts, my new TV-compatible suit and blue shirt carefully protected by a bib. As the makeup artist was applying a brown fluid to my face (and undoubtedly wishing she had the skills of a plastic surgeon). Bob Ebel happened by the door. Seeing Bob, the incongruity of the situation hit me. How did I and a number of my colleagues in the next room waiting their turn in front of the light-bulb-studded mirror, get involved in this alien world? While I had my doubts from the beginning, Bob's appearance triggered the realization that 11 months earlier, when I agreed to serve as team leader for the negative side in the Clarification Hearings on Minimum Competency Testing (MCT). I really had no idea what I had let myself in for. I was again brought up short about the implications of the whole process and my part in two weeks ago after viewing, along with students and colleagues here at Boston College, the edited version of the hearings on public television. In what follows I have attempted to describe my reactions and feelings, both positive and negative, to various aspects of the process leading up to the hearings, the hearing itself, and the final TV product developed by Maryland Public Broadcasting (MPB).

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The following chapter represents the author's perceptions and suggestions about the process—a judicial evaluation model—used in the National Clarification Hearings on Minimum Competency Testing.

I will not get into the specifics of either case except where it might illustrate a more general point about the process itself. This paper does not rehash the pros or cons of MCT. Interested readers can find the outline of both cases in the *Phi Delta Kappan,* October 1981 issue, and the tapes of the full 24 hours of hearings and the three hour edited version are readily available.

Instead of specifics about MCT, I will concentrate on the strengths and weaknesses—as I see them—of the clarification process itself—as I experienced it. Further, in a more general sense, I have set down my reflections about the strengths and weaknesses of using a modified judicial evaluation model at the national level to illuminate and clarify education issues.

THE MODEL

We employed a modified version of the adversary of judicial evaluation model (JEM). The principal modification was the elimination of a jury or panel whose purpose was to hand down a decision or make recommendations about the object being evaluated. There were very good reasons for this deletion. By eliminating a "verdict" or a set of recommendations, NIE avoided the unpleasantness and controversy that would have certainly followed on a federally sponsored panel declaring one side or the other the "winner," or promulgating a set of recommendations on how to structure a MCT program. If the verdict or recommendations favored the negative side, it would have surely unleashed a raft of criticism and complaints about unwarranted federal intervention in state programs. If the pro side was the beneficiary, then NIE would have had to deal with the enmity of those advocacy groups opposed to MCT. By eliminating the panel or jury component from the Clarification Hearing process, NIE avoided this non-win situation. "Winning" or "losing" was left to the eyes of the beholders: *de gustibus non est desputandum.*

This modification, made in August, took on added significance after the November election. The Clarification Hearing mode was viewed as an acceptable, nonintrusive federal presence in education; it provided information to state and local policymakers which they could use or ignore as they saw fit.

From the beginning, NIE insisted that we were engaged in a clarification process; our task was to illuminate the issues surrounding MCT. Winning and competition between the teams were not to be part of the process leading to the hearing. Therefore, one of my main criterion in evaluating the clarification hearing model is the extent to which I feel it effectively and efficiently clarifies and illuminates issues.

THE AUDIENCE AND THE MODEL

From the outset, the plan was to make the videotaped proceedings of the hearing, along with written transcripts, available to interested policymakers at all levels. These products were to help inform their decisions concerning the design or modification of MCT programs. Initially, there were no plans to produce a television program to be aired nationally by the Public Broadcasting System (PBS), but this feature was added to the process in the late fall.

Staying with the original, more limited goal for a moment, one must ask how reasonable it is to expect policymakers, or even their surrogates, to view the full 24 hours of proceedings? I thought then, and nothing has happened to change my mind since, that it was preposterous to expect legislators or board members to find the time to view unexpurgated tapes.

The next question was: How reasonable is it to extract a one or two hour executive summary tape, which policymakers might be more apt to view and which truly reflects the complexity of the issues? I did not know the answer to this question initially. However, after viewing the three hour edited version of the tapes, I feel that altogether too much clarity and illumination is lost through the editing process. These doubts about the validity of the summary tapes are not a reflection on the work done by MPB. Based on material recommended by both teams, producer Frank Batavick did a superb job of putting together theedited version for the series, "Who's Keeping Score?" The difficulty is that you necessarily do violence to a carefully constructed, 12 hour case when you are forced to reduce the testimony and evidence to 75 minutes.

This leads me to my next question: Why go through 24 hours of exhausting hearings if the product that will receive the widest circulation and viewing is a three hour summary tape? If I had been cleverer, perhaps I could have structured each witness' testimony so that a piece could have been lifted intact for the expurgated version. But had I been that shrewd, why bother with the rest? Unlike a real trial, we were not building a record for an appeal.

Here I also must record my pessimism about the possibility of policymakers taking the time to read a more traditional, written evaluation of MCT. In hindsight—and I would caution the reader that mine is not always 20/20—I think that the TV medium has the potential of reaching and affecting more policymakers than does our more traditional evaluation reports. However, I also feel that the clarification hearing mode does not exploit the potential of that medium to reach and educate viewers. I am convinced now that the expertise of the participants, the TV time allocated to the project, and the funds expended for the series, "Who's Keeping Score?" would have been better used to produce a three- or four-part documentary on MCT—not a flashy but shallow, commercial-type documentary, but one of more substance and visual power, perhaps a NOVA or Cosmos-type product.

If such a four hour documentary had been our goal at the outset, the two teams could have worked cooperatively with the TV experts to put together a TV production that could have more effectively exploited the medium in presenting the pros and cons of MCT. Such a series would have been a more effective, efficient, and dramatic way to illuminate the issues than the static question-and-answer format employed in the hearings. Also, more public television outlets might have picked up the product, than have to the date elected to show "Who's Keeping Score?"

When NIE informed us of the decision to involve MPB in producing a series of three one-hour excerpts for each day of the hearing, to be aired on public tele-

vision and to be preceded by a one hour documentary produced solely by MPB with very little input from the team, the whole enterprise was transformed. We had a new audience, the general public or that segment of it that watched PBS. We were repeatedly admonished not to alter our efforts to continue as before; nonetheless, the spectre of the nationally aired product had considerable psychological impact. We certainly sensed that the process had been changed, but we did not appreciate until after the editing process to what extent the medium had altered the process. The announcement did change the way we chose some of our witnesses. For example we wanted some witnesses who would be recognized as creditable by a more general audience than the education, testing/research communities. We also asked the question: "How will this witness come across on TV?"

Presented with NIE's decision to seek funds for the public broadcasting component, our team requested that part of that budget include a TV expert for each team. This request, like several others, was ignored. However, if a similar process is ever repeated, it is crucial that each team have a TV person working closely with it to help the team utilize the power of the medium in presenting their case. Of course, such an addition adds to the cost.

If I had it to do again—God forbid—and the hearing mode was still the vehicle, then I would want to rehearse witnesses before a TV consultant and a small panel of lay people. The lay panel could provide feedback on whether technical points were properly translated and presented and whether the material and testimony were understood. Some evidence and testimony that I understood because of my background were clear neither to educators without a research background nor to those outside the field. The extent of this problem was not evident to me until the hearing and the editing process. A lay panel watching a rehearsal of the evidence and testimony would have helped us avoid this problem. But again, this would have added to the cost of the project and necessitated cooperation on the part of the witness that might not always be forthcoming from busy public personalities.

A TV consultant could offer advice on how the witness might better come across on TV. For example, two witnesses read a great deal of their testimony. If you read the transcript the testimony is very powerful. However, it does not make for good TV viewing; eye contact was not maintained and the testimony lost spontaneity. Perhaps I should have anticipated this problem, but I did not.

More importantly, the TV consultant would have been invaluable in helping us better utilize the visual medium to present some of our evidence and technical arguments. Technical matters are difficult to present to a general audience through the question-and-answer format of the JEM. While both teams used graphics to illustrate material, these were static renditions of drawings supplied by the teams. Nonstatic graphics, such as those seen on Wall Street Week, and other visual devices, such as short film clips or animations could have helped to make some of the arguments more understandable to a general audience. Here again, there are budget implications. The TV person could also have helped us to anticipate the editing process in structuring the testimony of each witness. In short, if you are going to reach a large audience to clarify an educational issue by using TV, don't go into the

process with one hand tied behind your back. While I knew a fair bit about the issues surrounding MCT, I knew nothing about the medium.

THE ISSUE AND THE MODEL

My perception is that NIE was very happy with the Clarification Hearing. The hearings and NIE's effort were received favorably by the public. The process resulted in a NIE-sponsored product that may be seen by a very large audience of both professional educators and lay people, depending on how many PBS affiliates choose to air it. The hearings were seen as an acceptable federal presence in education—informative but not intrusive. I have heard since that NIE was considering using the model with other issues and this gives me pause. Care needs to be taken in using the clarification hearing model with some issues.

In some respects, NIE was lucky that MCT was the subject of the first national use of the Clarification Hearing model, lucky in the sense that MCT is not a highly divisive issue encompassing deeply felt ideological or value-rooted positions. Moreover, it is not a burning issue in the minds of the public. You do not see bumper stickers that say, "Toot if you're against MCT." You are not accosted in airports by people with signs that say, "A Little MCT Never Hurt Anyone." Further, the possible positive and negative effects of MCT are rather easy to document, and technical issues of testing are fairly straightforward.

I have serious reservations, however, about using the model for highly divisive issues, such as busing or abortion. I also have my doubts whether it should be used for clarifying the issues surrounding bilingual education. I think that a federally sponsored Clarification Hearing on such ideologically based issues, which affect deeply held beliefs on both sides, could cause great mischief. The composition of the two teams and the selection of the hearing officer could touch off protests from groups on the right and left of the issue. Cooperation and data-sharing would be difficult. I would anticipate severe and bitter fights over the admissability of evidence and witness testimony.

Thus, while I feel that the clarification model or some variant on it has the potential to illuminate a number of issues for various stakeholders and publics not reached through more traditional evaluations, I think the issue needs to be chosen with care, particularly if federal funds are involved.

THE TEAM

The first task I faced after agreeing to be the team leader for the con, or negative, team was to build a team. This is a crucial step in the process. In choosing team members, I tried to select peers who could serve an outreach function to the various constituencies concerned about MCT. I was blessed with a superb team. Ours was truly a team effort from beginning to end.[1]

Unfortunately because of budget limitations, we met as a team only twice prior to the hearing. The first occasion was a meeting in Washington to orient both teams. Our second meeting in January was devoted to the development of strategy for case building and identifying potential witnesses and groups to contact. While subsets of

the team met from time to time, the whole team never came together again until the hearing. Further, the budget did not cover very much in the way of the team members' time once the days for the two meetings, the hearings, and the editing were deducted. If the model is ever used again, the budget should accommodate at least three or four team meetings prior to the hearing and sufficient funds to cover the team members' work during the case-building process. There was altogether too much "contributed service" on the part of generous team members. Both teams should come together for the two final data-sharing sessions and for both sessions with the hearing officer. Once again, these recommendations would increase the cost of the project. However, it does little good to have an excellent team but not be able to optimally utilize their talent.

There were disagreements on some details of strategy and on a few issues, and there was one that is worth recounting. What part should team members play at the actual hearing? Originally, I was not comfortable with handling all the direct and cross-examination myself. I felt that each team member, if he or she wished, should participate to some extent in both of these functions. Some team members disagreed. They felt that if all eight of us were directly involved in examining witnesses it would be confusing to the TV audience viewing the edited copies (another example of how the spectre of the TV production influenced us). Further, there was some sentiment that the direct and cross-examination should be handled by someone with trial experience. However, most of us felt that if the JEM was to work, non-lawyers should be able to handle those functions. After polling the team, it was agreed that the task of direct and cross-examination would be split between Diana Pullin and myself. Instinctively, I was troubled by the decision. A few weeks before the hearing, I reconsidered, after one team member asked what the team would do during the hearing other than sit and take notes. At the 11th hour I decided that all team members would participate in either the direct examination and/or cross-examination of witnesses. I would recommend this course to anyone using the model. People in the audience and those who viewed the TV version commented on the team participation and involvement. We looked and acted like a team. Those who originally had reservations also agreed that this involvement was beneficial.

BUDGET

One serious reservation about applying the JEM on a national scale is the cost. Each team had a budget of $107,000 with which to work. An additional $100,000 went to a subcontractor for project management and for the hearing. About $250,000 (I do not know the exact amount) went to MPB for the TV component.

One hundred thousand dollars is simply not sufficient to do the job correctly. Travel for the team to meet before, during, and after the hearing, and for data-sharing and meeting with the hearing officer; travel for 30 witnesses to come to Washington, and for case development—all this took a large chunk out of the budget. In keeping a daily log of my activities, I found the job to be nearly a full-time one from December through July, although I was budgeted for one quarter

time. As I mentioned earlier, the budget for team members was stingy and only their generosity made some of the work possible.

The budget did not permit us to do research, as originally planned, nor did it permit a first-hand investigation of the sites chosen by the opposing team. On the first point, we had to rely pretty much to what was out there, and much of that was simply testimony or hearsay. There were a number of issues on which we would have liked to have gathered data, but we could not because of the costs. Bob Linn did the analysis of extant data tapes to illustrate points about the cut score, measurement error, and item bias, but that was the extent of our original research. For the rest we collated the data, testimony, and hearsay that we found, primarily by mail and phone.

Not being able to visit the opposing team's sites was a major disadvantage. While we had a very broad outline of what each of their witnesses was going to say, the best we could do was to call them or contact individuals who might help us develop a line of cross-examination. This approach was not very beneficial. Our cross-examination was by far the weakest aspect of our case. However, if we had had the funds to go to each site and could have gotten the necessary cooperation to interview and observe for a week or so, I am confident that we could have turned up rebuttal witnesses or at least better lines of cross-examination. Whether those rebuttal witnesses would have felt free to testify is another matter to which I will return.

A national Clarification Hearing is not cheap, and the funds expended on this project do not reflect what is needed to do the job adequately. I have already made a number of suggestions that would increase the costs. As Jim Popham said to me at one point, it's a matter of a 15-watt bulb for illumination instead of 100 watts. The basic question is whether additional wattage can be justified through a cost-benefit analysis.

TIME

One major difference between the JEM and the actual judicial process is that the JEM has sharp time limits, for practical reasons, related to budget and audience. Direct, cross, redirect, and recross are all constrained by a fixed time limit.

A good deal of witness preparation involved timing. A major decision we had to make was how much of our time should be allocated to direct and how much to cross-examination. At one point, we felt that we would cross-examine only a few witnesses husbanding our time for our case in chief. Eventually I think we cross-examined all but two witnesses. However, in editing the tape for "Who's Keeping Score?" we selected very little cross-examination, using our precious 75 minutes for direct testimony.

We employed two stop watches to keep track of time. The cross-examination of one witness was progressing very well, but we were forced to cut it short because we had gone over our allotted time. Another five to ten minutes and we might have made some very telling points. Whether they would have been included in the edited version is another question. If we had turned up a witness to directly rebut

a pro witness, we would have been faced with an interesting time trade-off between rebuttal and direct testimony.

Considerations related to time influenced the kind of case we chose to develop. There were two strategies. The first was to develop only a few points and have all witnesses hammer repeatedly at the same theme. The pro team selected this strategy, and it was very effective. It is easier for the audience to follow the more limited arguments, and repetition hammers the point home.

The second strategy, and the one we followed, was dubbed by Wade Henderson as "the death by a thousand cuts." We felt that in addition to the three issues there were a number of important contentions that also had to be developed—for example, the technical limitation of tests when used for certification—if the issues surrounding MCT were to be truly clarified and illuminated. Further, as far as possible, the views of various concerned groups had to be represented. The involved allocating time across many points and constituencies.

I did not have a good solution to the problem of the time constraints association with the model. However, two teams jointly developing a documentary with a TV crew, I feel, would have been able to clarify the issues and contentions most effectively and efficiently with less time than was needed for the three days of hearing.

THE NEGATIVE OR CON LABEL

The label *con* or negative team was a difficult burden to carry for a number reasons. First, being against competency testing is akin to being against motherhood. The adjective *competency* in front of the noun *test* puts the opposition in difficult position. Second, it is always difficult to argue against the status quo, is to mention trying to prove a negative. Certainly our side was the more threatening one to established programs. This, in turn, made it difficult to gain entry programs or to obtain data we wanted to investigate. Why should an administrate collaborate on a process that might involve dirty linen appearing on national television.

Third, we repeatedly had to emphasize that our team was not anti-testing against standards. Fourth, we felt that we had to spend part of our time a resources presenting an alternative to MCT. In short, I felt our side had to carry heavier burden of proof.

Perhaps the most difficult aspect of the negative label was trying to get school people to testify. Very often we were told of problems endemic to MCT, but the person did not feel free to testify because either district or state administrators were sold on the program. For a while we even wrestled with ways witnesses might remains anonymous. We were very explicit in warning people that there might be backlash associated with their public appearances. Further, we decided not to have students relate their problems with MCT, because they might later be embarrassed by their TV appearance.

If the goal is to clarify and illuminate issues through TV, then using the documentary approach might help to lessen the problem and the difficulties associated with the negative or con label. In fact, using such an approach might involve only one team with different views represented.

PROJECT MANAGEMENT

Future uses of the model should involve one major change. After providing the funds directly to the teams, rather than going through the red tape of month billings to a third-party contractor, the funding agency should withdraw from the management of the project. Day-to-day project management should be in the hands of the hearing officer and his or her staff. Alternately analogous to a court-appointed monitor, an independent group or individual appointed by the hearing officer could manage the mechanics of the project. The funding agency should not be involved in directly telling or even suggesting to a team what it thinks the team should or should not do; nor should the agency intervene with its view of what should be, in debates or arguments between the two teams. Such disagreements should be adjudicated by the hearing officer, or a designate, without either the explicit or implicit intrusion of views on the part of the funding agency staff.

At the very least, the whole issue of the funding agency's role in the process needs more discussion. The JEM is held out as one that presents an opportunity for impartial pursuit of the "truth." When the funding agency or its representatives have an implicit or explicit agenda of their own related either to the substantive area being evaluated or concerns about backlash that might ensue, then it is no longer an impartial party in the process.

THE ISSUES

A key ingredient in the process is the framing of the issues and the definition of key terms. This is a place where I felt we went awry. Both sides thought that they understood the boundaries of the debate and the terms as defined. It turned out that they meant different things to the two teams. For example, we thought we were debating programs where, if a pupil did not pass a test, he or she was not promoted, could not graduate, or was automatically put in a remedial program. After examining them, we felt that the South Carolina and Detroit programs did not fit these parameters. In South Carolina, they do not use the test results as a sole or primary determiner for promotion or graduation. Further, the state's regulations forbid using the test score alone to classify students for remediation. In Detroit, pupils who fail the test still receive a regular diploma, but if they pass they receive an endorsed diploma. There was a heated, even bitter, debate over the inclusion or exclusion of these two sites. In the case of Detroit, the pro team considered the endorsed diploma a form of classification. We were not aware of this variant when we agreed to the definition of classification, and hence we objected. We did not know if we were opposed to endorsed diplomas. In the case of South Carolina, they argued that the test information was part of a classification procedure. We argued that it did not fit the sole or primary determiner criterion. The point is not to revisit these arguments but to recommend that a fuller discussion of the boundaries of the debate and definition of key terms should include specific reference to the actual sites to be used. This type of discussion, moreover, should not be put off but should come very early in the data-sharing process.

DATA SHARING

Data-sharing is a key component in the JEM. Unfortunately, there were weaknesses in this process, part of the problem being related to distance. The training tape showed a project at the University of Indiana, where the two teams were on the same campus and worked closely together. It is very difficult to collaborate when you are 3,000 miles apart, and only a small portion of your time is supposedly covered by the contract. True, we did have meetings in which we were able to share data, but discussions of the TV process ate into the available time, and there were not a lot of data to share until about 10 weeks or so before the hearings. Rather than inundating the other team with all the material and leads we were following, it was agreed that we would wait until the case was more or less firm before sending essential material. This was to keep the reading down to an acceptable level.

I do not know exactly how to overcome these problems except to say that the teams need more, or at least longer, joint meetings in which the actual evidence, testimony and cross-examination of each witness are discussed in detail. Exposing your hand completely at a joint meeting, like a dummy hand in bridge, is a difficult concept psychologically when deep down you often feel you're in a poker game. A joint effort at building a TV documentary might alleviate this problem. Another interesting variant might be to have one team develop and present both sides of the case.

THE HEARING

The hearing itself was both stimulating and exhausting. Eight hours a day of hearings for three days, coupled with nightly preparation, is a fatiguing experience. Before the hearing, some sort of introduction to the TV cameras is needed. Also, during the hearing a TV monitor should be provided for each team to give the team feedback on such basic matters as eye contact, posture, positioning and delivery.

On the hearing mode itself, I think once you eliminate the panel, decide to televise the proceedings, and are not evaluating a particular program with its direct acquiescence and cooperation, then, at least on a national scale, the hearing format is not the most efficient or effective way to clarify or illuminate issues. The hearing mode is probably effective and efficient at the state or local level when you are assured that the stakeholders to the evaluation will be in attendance and when a panel is constituted to make recommendations about a program that has agreed to this form of evaluation. Furthermore, limiting the hearing to the state or local level greatly reduces costs.

An interesting variant in the present model would be to have the two teams come together after the hearings to cooperatively make recommendations to design a MCT program, taking into account evidence and testimony introduced at the hearing.

THE HEARING OFFICER

This project was indeed fortunate to have as its hearing officer Barbara Jordan, who was very ably assisted in her task by Paul Kelley of the University of Texas. There were at least two possible roles for the hearing officer. The first, and the one Professor Jordan chose, was that of neutral arbitrator: She set the stage for the hearings by describing the process, purpose, and procedures; she introduced witnesses, ruled on objections, and acted as a referee. The second option was for the hearing officer to intervene directly by questioning witnesses. A minor problem with this second option was the already tight time constraints built into the process. A more troubling problem would have been that questions put by a nationally respected hearing officer could tip a case in favor of one side or another. The tone of the questioning might implicitly signal to the viewing audience a "decision" by the hearing officer in favor of one side. This would negate the benefits of eliminating the jury or panel from the proceedings. For this reason, I would recommend the first role as the most appropriate one when the model is used in a national context.

THE PRODUCT

After the hearings, each team had the job of editing their four hours of each day's proceedings down to 25 minutes. Several things became apparent immediately. First, the written transcript was not a particularly good guide for editing; material that read well did not necessarily view well. Second, our evaluation of witnesses made at the hearings did not necessarily hold up when we saw the tapes. It was very difficult to edit 15 or 20 minutes of testimony down to two or three. Basically, this involved making sure that all of our arguments were covered by quick snippets. This, in turn, resulted in a final product that lacked depth and clarity. We were forced to ask "Why three days of hearings if the most widely disseminated product is a bastardized version?"

There is a wealth of material in the full 24 hours of tapes, which could be excerpted to develop into short tapes for specific audiences dealing with focused issues. For example, tapes dealing with all of the evidence and testimony concerning MCT and the handicapped would make excellent viewing for concerned groups and for pre- and in-service teachers. Similarly, the testimony on reading or on technical issues could be excerpted for teaching purposes. These potential spin-off tapes for special audiences or for pre- or in-service teaching could be a very desirable side effect associated with the full three days of hearings.

CONCLUSION

The model, with its public television component, has the potential to reach and educate audiences that would not ordinarily be reached through more traditional evaluation reports. Research on the model, or variants of it, should be pursued. Evaluations of the process now in progress should shed additional light on the model's strengths and weaknesses.

At the local and state level, with a specific program that agrees to the process, the model may be very useful, although it might tax the attention span and retention powers of the audience. When the model is used nationally, costs go up substantially, and the issue to which the model is applied must be chosen with care. Further, a panel to hand down a verdict is probably not desirable. More importantly, if the purpose is to clarify and illuminate issues for the general public and for various stakeholders through the television medium, then the question-and-answer, basically aural mode of the model may not be the most effective or efficient use of available time. Going through three days of intensive hearings using the question-and-answer format and then editing out 90 percent of the proceedings makes little sense to me. Rather, it would be better to start out with the final product in mind and utilize the medium and its technology to its best advantage.

My experience with the Clarification Hearing was like my experience in the Army. After it was over and I was out, I was glad I had the experience. I had learned all kinds of new things and met some wonderful people, but no way would I re-up.

NOTE

1. The team members, who helped to develop arguments, located and prepared witnesses, helped with both direct and cross-examination of witnesses during the hearing, and assisted in the editing of the TV tapes, were: James Breeden, Senior Manager, Office of Planning and Policy, Boston Public Schools; Sandra Drew, Chicano Education Project, Denver, CO; Norman Goldman, Director of Instruction, New Jersey Education Association, Trenton; Walter Haney, National Consortium on Testing, Huron Institute, Cambridge, MA; Wade Henderson, Executive Director, Fund for Public Education, Council on Legal Education Opportunities, American Bar Association, Washington, D.C.; Robert Linn, Chairman, Department of Educational Psychology, University of Illinois at Urbana-Champaign; Renee Montoya, Chicano Education Project, Denver; and Diana Pullin, Staff Attorney, Center for Law and Education, Washington, D.C. While not a member of the team, Simon Clyne of Boston College was invaluable as an administrative assistant to the team.