

# EDUCATION REPORTER

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## Parent and Pupil Rights Law Signed in Nevada

CARSON CITY, NV—State Senator Ann O'Connell announced victory for parents' rights when Governor Bob Miller signed S.B. 168 into law on July 10, 1997. "It was a long and difficult battle for parents' rights," Senator O'Connell said. "This struggle began nationally with the Protection of Pupil Rights Amendment, which was passed by Congress in 1978. Our Nevada Parents Rights Bill, S.B. 341, which passed the Legislature last session, was vetoed by Governor Miller."

The Nevada State Senate voted unanimously to pass S.B. 168, with the State Assembly voting for passage by 32 to 9. The Senate had failed by just two votes to override Governor Miller's veto of S.B. 341 in the previous session.

The key to passage in this legislative session was the fact that S.B. 168 mirrors federal legislation,

including the Family Education Rights and Privacy Act (FERPA) and the Grassley Amendment (a 1994 update of the 1978



State Senator Maurice Washington

Protection of Pupil Rights Amendment). In response to teachers' and counselors' objections to S.B. 168, State Senator Ray Rawson, who chaired the Senate hearings, stated, "... this is existing federal law, not a new statute. . . . A lot of people

are objecting to something they evidently do not understand and were expected to comply with to this point in their teaching and in their counseling."

Senator Rawson emphatically stated that federal law is not limited to federal

programs, explaining that the application of the law includes any district which accepts federal money for federal programs. "If the state of Nevada accepts one dollar of federal money for education, then the state of Nevada is obligated to abide by that law." In response to the question of why it is important for Nevada to put existing federal mandates into state law, Senator Maurice Washington, co-sponsor of S.B. 168, noted, "If it is not in Nevada's statutes, then any breaches of this policy must be litigated on the federal level. The enforcing agency is the FBI or the federal marshals."

FERPA provides parents with access to their children's school records and limits who may have access to those records without parental consent. Jeanne Simons, a longtime parents' rights activist, who filed a federal complaint under FERPA, said, "The impact of putting the Grassley Amendment and FERPA into state law takes on added significance for parents' rights when one is aware that LeRoy Rooker, Director of the Family Policy and Compliance Office for the U.S. Department of Education, stated on April 16, 1996, that no state has

ever been disciplined under FERPA by having federal monies removed from a school district."

"It's been a tough road to victory," said Janine Hansen, State President of Nevada Eagle Forum. "Persistence is the key to winning. Nevada started on the



State Senator Ann O'Connell

road to protecting parents' rights in 1988 when Lyon County adopted a pupil rights protection policy by a five-to-one vote after much debate. Several other attempts to pass parents' rights legislation were made, including the passage of S.B. 341, which Governor Miller vetoed. Because we

stuck to the language in FERPA and Grassley, the Nevada State Education Association and the Greater Nevada School Counselors Association found themselves isolated in opposing S.B. 168. For the first time, the Nevada State PTA and the Nevada Association of School Boards testified in favor of Parent and Pupil Rights. Using the federal language marginalized or eliminated most of the opposition."

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## Oregon Governor Nixes Popular Parental Rights Bill

SALEM, OR—Oregonians were shocked on June 30 when Governor John Kitzhaber vetoed H.B. 2569, the Student Rights to Privacy bill that had passed both houses of the legislature by large margins. The Senate vote was 26-4 and the House vote was 35-23.

The amended bill, sponsored by Rep. Ron Sunseri (R), states that school districts "shall guard the privacy of students, their parents and families against unnecessary or unlawful governmental intrusion, and support parental involvement in the education of their children. . . ."

H.B. 2569 would have established the right of parents or guardians to examine materials used in connection with any survey, analysis, or evaluation. Students under the age of 18 would not be required to submit to any survey, analysis, or evaluation that reveals personal information such as political affiliations, sexual behavior and attitudes, illegal behavior, family income, or religious beliefs, unless the school receives prior written parental consent.

H.B. 2569 was modeled after the federal "Parents Rights Restoration Amendment," 20 U.S. Code § 1232h, which President Bill Clinton signed into law in 1994. 20 U.S. Code § 1232h applies only to federally funded programs, and federal funding becomes next to impossible to trace once it is

mingled with the much larger amount of state funds used in the public schools. H.B. 2569 was designed to give students and parents the same protection against abuses with state funds.

Despite easy passage by both Houses and the approval of the Oregon School Board Association, the Oregon Department of Education, and the Oregon Education Association during work sessions in the House Education Committee, Governor Kitzhaber vetoed the bill he had been expected to sign. Only four days before the veto, Danny Santos, the education aide to the Governor, said, "As long as it meets all legal requirements, we see no problem with it. The powers that be seem to be fine with the bill. . . ."

Nevertheless, H.B. 2569 joined the list of failed student right-to-privacy efforts. Despite the fact that federal student privacy legislation has existed for federally funded programs since 1978, only 17 student right-to-privacy cases made it through the court system between 1984 and 1994. This failure usually results from the inability of the plaintiffs to trace federal funding through the school budget.

"It is appalling that our children will continue to be subjected to the never-ending onslaught of inappropriate and many times invasive and sexually explicit surveys and questionnaires without the parent's knowledge or consent," Rep. Sunseri said.

## Gifted and Talented Curriculum Program Raises Concerns

HILLSBOROUGH, NJ—Parents who were originally puffed up with pride when told by their local public school that their fourth-grade child should be promoted into a "gifted and talented" class became concerned about the content of the course when they read a document that defines its "Philosophy." It brags that this is "a DIFFERENTIATED [sic] program" in goals and curriculum, and that class size will be limited to 12 students.

The document starts out using all the trendy public school buzz words: self-esteem, self-awareness, problem-solving, decision making, higher-level cognitive processes, self and peer evaluation, and self-direction.

Page after page instructs the teacher how to give guided imagery exercises under the caption "Your Mind's Eye." "Room will be darkened. Students must find comfortable position. Eyes may be closed or open. Closed is preferable. . . . Concentrate on slowly breathing, releasing energy from body."

"Tranquil Scene" is the title of one

imagery exercise. "You're standing on a sandy beach. . . . Feel the sand between your toes. . . . See little white fluffy clouds drifting, drifting. . . . See yourself sipping your favorite drink. Taste it . . . enjoy." At the end of the exercise, the teacher is instructed to count to ten, thereby "giving the students an opportunity to adjust to returning." Parents worry that it is an out-of-body experience if it takes a count of ten to return to reality.

A second instructional imagery exercise, called "Fruit," might substitute for lunch. "Sit comfortably. Relax. Close your eyes. See a large fruit. . . . See yourself taking a big bite. Hear the crunch. Enjoy the taste. Smell it."

This curriculum is not just a mindless activity to entertain students. It is guided imagery with a purpose.

The teacher is instructed to "chart names of students, numbers of objects remembered and specifically what objects each student remembered."

For what purpose will the teacher "chart" this imagery information about

See Gifted and Talented, page 2

# EDUCATION BRIEFS

**“California Continues Phaseout of Whole-Language Era” was the headline, but the fine print revealed that the Legislature is using \$46 million of federal Goals 2000 funds to train teachers for grades four through eight in phonics-based methods. However, reading instruction in grades four through eight is “remedial” and addresses the illiteracy problem only after children have spent the first three years learning how to guess instead of to read.**

**Diplomas were denied to two high school students who failed to meet community service requirements.** The seniors, who attended Bethlehem (PA) Area Public Schools, failed to complete the mandatory 60 hours of unpaid community service performed during non-school hours. Despite a lawsuit filed against the school district in 1990 and subsequent appeals, the policy remains in place. The two seniors, like other students who failed to meet the requirement in previous years, will be honored by opponents of this mandatory “volunteer” policy.

**Plans are underway to open the nation’s first two-year post-secondary school established for homeschool students.** This institution of higher learning aims to respond to the needs of homeschool students and is projected to open in 1999 in Virginia, near Washington, D.C. An education program emphasizing apprenticeships will allow students to divide time equally between internships and traditional classroom academic courses. The school will be nondenominational but is expected to reflect Christian and conservative ideologies.

**Drug makers are targeting children.** Pharmaceutical companies eager to market products are racing to impress federal regulators with data assuring that medications are safe and effective for children. The push to sell these drugs to young consumers may cause children to be diagnosed with illnesses they do not have and therefore treated with medication they do not need, or with medication alone when counseling should also be prescribed.

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## Gifted and Talented

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each student?

To scan it into the child’s computer profile? To follow up with psychiatric sessions with the school counselor? Is this how public schools are helping our best and brightest students?

Then the teacher is instructed to “conduct discussions on sleep and dream theory.” Students are told to “remember and record a dream” and to “discuss their dreams and discover how certain parts stand out, or are enlarged or diminished or distorted.”

It’s not surprising that parents are demanding laws to protect student privacy. The schools seem obsessed with gathering personal information from children.

The next exercise is supposed to help students engage in “analysis.” Indeed, it takes extraordinary analysis to understand why the curriculum calls this exercise “abstract” communication.

Students are told to “form a human sculpture which communicates their analysis in an abstract way. . . . Students get into small groups and create sculptures, making sure that at least one part of someone’s body is connected to someone else’s. A statement about a dream could be used to stimulate individual and group sculptures.”

That sounds cozy. It surely will be more fun than the tiresome tasks

traditionally given to fourth-graders, such as learning decimals, fractions, long division, and writing simple compositions.

The fourth-grade gifted and talented students are now ready to progress into some heavy learning. Students are taught to “use the experimental research technique in a self-directed learning activity related to experimental anomalies.”

The teacher is instructed to introduce clairvoyance (which the curriculum defines as “seeing” events taking place far away), telepathy (defined as the ability to send messages from one person’s mind to another), precognition (defined as predicting events in the future), and psychokinesis (defined as moving objects with concentrated mental energy).

Students are told to conduct their own experiments and report their conclusions to the class. Will this information be scanned into the students’ computer profiles? How will the students’ work be graded? Perhaps that doesn’t matter any more since all students get A’s and B’s to preserve their self-esteem.

The federal Javits Gifted and Talented Education Act laid out the vision that the federal taxpayers should give children of “outstanding talent” some “services or activities not ordinarily provided by the schools.” Parents wonder if this is what Senator Jacob Javits had in mind when he sponsored the law.

## How do you Spell Millennium?

As we approach the year 2000, people are talking and writing about the start of the next millennium. But do they know how to spell it? Millennium has been spelled millennium for more than a millennium because the root words are the Latin *mille* (thousand) and *annus* (year). But the *Wall Street Journal* uncovered many who don’t know how to spell it today. The Millennium Society in Washington, D.C. gets scholarship applications addressed to the Melanium Society, the Millenneum Society, the

Millionian Society, the Millinial Society, and the Malanum Society. Scanning the Internet turned up the fact that millennium is spelled wrong at least a third of the time. Companies that don’t know how to spell their own name include: Millenium Futures in the World Trade Center, NYC, Millenium Products of Beverly Hills, Calif., Millenium Technologies of Burlington, Mass., Milenium Communications of Denver, Milenium Center of Winston-Salem, N.C., and Millenium College of Massage in Fort Dodge, Iowa.

## Book of the Month



**The Templeton Honor Rolls for Education in a Free Society, 1997,** John Templeton Foundation and Intercollegiate Studies Institute, 183 pps., \$3.95 paper.

Colleges and universities have drifted a long way from a traditional liberal arts curriculum—the interdependence of political freedom, a market economy, and the moral principles that sustain a free society. “Race, ethnicity, and gender have replaced Aristotle, Shakespeare, and Dante as the core curriculum at many of America’s colleges and universities,” says William E. Simon, a leading philanthropist and former Secretary of Treasury.

The Templeton Honor Roll Awards for Education in a Free Society is a program designed to recognize the best colleges and universities, departments and special programs, scholarly books, textbooks, and professors. Endowed by Sir John Templeton, an international investor and philanthropist, and chaired by Simon, 126 scholars and institutions were cited for Honor Roll Awards in May 1997, including Nobel Laureate Milton Friedman for the Lifetime Achievement Award, and Gertrude Himmelfarb, author of *The DeMoralization of Society*, for the Outstanding Contemporary Book Award.

In the struggle to restore American higher education to health, it is hoped that the book “will become a college guide that will send parents and students to the best possible institutions,” said Simon, chairman of the selection panel. “Second, we believe that parents, students, alumni, and donors — once they have accurate and reliable information — will vote with their checkbooks for the education that prepares young people for lives as productive and educated citizens.”

The Judeo-Christian Tradition on which America’s democratic institutions and free enterprise system are built “undergirded the wisdom of the Founding Fathers [and] have bequeathed to us a legacy of freedom,” writes Simon in the book’s foreword. “In turn, the American system of ordered liberty gave rise to an explosion of creativity and prosperity unprecedented in the history of the world. At the heart of these Honor Rolls is the conviction that new generations of students need a thorough grounding in the western tradition if we are to preserve our freedom and strive for social progress.” *The Templeton Honor Rolls*, which lists the 1997 awardees, may be ordered from the Intercollegiate Studies Institute. Send \$3.95 to ISI, P.O. Box 4431, Wilmington, DE 19807-0431 or call 1-800-526-7022 or e-mail templeton@isi.org.



# FOCUS: Comparing Assessments and Tests

*Text of Rep. Baldwin's speech presented at Goals 2000 Conference, Washington, D.C., February 12, 1997.*

**By Rep. Steven Baldwin**

When I became the chairman of the California State Assembly Education Committee last year, I was the first Republican to chair that committee in about 30 years. I quickly started to dig out documents from all the different education bureaucracies, and we have 12 in California. As a longtime conservative activist, I've always been very aware of what was going on in education, but I was shocked to see with my own eyes some of the internal documents I was able to obtain. I held hearings right away on many areas of interest, including Whole Language and the New Math.

When the Democrats regained control of the legislature, I was removed as chairman of education. But I continue to work hard on education issues in California because we lead (unfortunately) in Whole Language, New Math, and use of psychology in our schools. We are probably the leading state in fusing our medical establishment into our school system, and we are paying the price for it.

We are last in the country in reading scores. Excuse me, we're tied for last with Guam. We are nearly last in the country in math and we have a large percentage of students who cannot read or write by the time they get to college.

While 30% of the students entering college in Oregon, for example, must go through remedial education, in California it is 50%. That is, 50% of all students entering college do not have the basic knowledge of math or English and must go through a half year, and maybe a full year, of remediation courses in order to start their college courses.

As for assessments, California is infamous for an assessment test called the CLAS test. That test created a national controversy. A group headed by Carolyn Steinke, called Parents Involved in Education (PIE), generated literally tens of thousands of phone calls and letters to the Governor in opposition to the test. This issue dominated the media for weeks. Eventually, the Governor was forced to back down, temporarily anyway, from the use of the CLAS test, which was what the OBE (Outcome-Based Education) crowd calls a Performance-Based test.

Many parents don't understand that the reasons we test our children have changed. We used to test them to find out where they were in terms of academic progress. In some cases, we wanted to compare schools to see which were doing better than others. These are no longer the purposes of testing. Tests aren't called tests any more; the politically correct term is assessments.

What are the schools assessing? Well, they're not assessing academic performance. That's a very minor part of tests nowadays. In fact, the OBE crowd has circulated the myth that objective standardized tests, the norm-referenced tests, the measurable tests that we were used to, are no longer valid. Without a shred of evidence, the OBE crowd has rejected these tests, claiming that they do not test the student's progress, that they do not test "authentic knowledge," which is the new buzz word used in describing tests.

Performance-Based tests are supposedly "authentic" because they're "real." Yet, when I challenge these people to show me any evidence whatsoever that old-fashioned tests did not test the student's knowledge, they're unable to show me one research report of any kind that backs up their thesis that multiple-choice tests, for example, or norm-referenced tests, are invalid.

When I challenge them to show me how a Performance-Based test is somehow the magic wand that's going to help us assess the student's performance, they're unable to show me that at all. In fact, they openly admit that Performance tests are designed to drive curriculum, methodology, and teacher preparation. In other words, the OBE crowd believes that open-ended tests lead to open-ended curricula. A test that does not test for academic skills, but instead tests highly subjective items, will eventually lead to a curriculum that is highly subjective and open-ended.

Performance-Based tests are absolutely compatible with Whole Language and New Math, and with the abolition of grades and accountability in our schools. They are very much a part of the whole Outcome-Based Education movement.

A lot of people still don't understand what takes place in a Performance-Based test. Some of the activities are "hands-on tasks." They call them hands-on tasks when they ask the student to assemble what's in front of them: A couple of teachers sit around and grade how the student assembles something.

Portfolios are part of Performance-Based testing. Usually, a portfolio includes a self evaluation, where a student is asked to evaluate himself. Of course, when I was a kid, I would have evaluated myself with straight A's. That's a pretty dumb thing to ask kids to do.

Peer evaluation, when friends evaluate each other, is also part of the portfolio. I can just see kids saying, "We'll make a deal: I'll evaluate you in a favorable way and you do the same in return." So the portfolios include peer evaluations and self evaluation by the students.

Some actual portfolio documents that I have in my possession include the following: lists of student-selected goals, photographs of student's work,

poetry, reactions to group activities (whatever that means), explanations of political cartoons, and lists of books. The lists are supposed to show all the books the students have read. Students don't have to do papers about any of the books. They merely list the authors and the publishers, which supposedly demonstrates that they have read the books.

Other portfolio documents include holistic writing assignments. I don't know what that means. I've been in education for 10 years and I still can't understand half the terms used. Very few portfolio items are objective measurements. Other parts of the Performance test have to do with group activities; the group is graded rather than the individual.

Now let me quote from some of the actual ways that Performance tests are graded. This is all taken from actual test documents. Does a student participate in class discussions? Does the student share opinions? Does the student value other perspectives? Does the student respect other class members? What is the degree to which the writer's response reflects personal investment and expressions? Does the student work well in groups? This goes on and on and on, and it has very little to do with academic performance.

There are several obvious problems with Performance-Based tests, and some are very practical. College admission officers have told me they're having great difficulty in judging whether or not a student is ready for college work based on the results of Performance-Based tests because there's a complete lack of any objective measurements. They specifically cite peer evaluations and the group's collaborative exercises. They are very suspicious of these tests as a way of determining whether or not someone is ready for college work.

There are also some legal issues. Believe it or not, one of the federally funded regional laboratories, the North Central Regional Laboratory, recently published a paper detailing the susceptibility of Performance-Based tests to lawsuits by parents who claim their child was downgraded due to bias. It's clear that when you have so many subjective testing factors involved, it's easy for parents to file a lawsuit claiming that the teacher's personal bias was the reason their student was graded in a certain way.

It's harder to have grounds for a lawsuit if the test is objective. Apparently, lawsuits are springing up around the country as a result of Performance-Based tests. There are more practical reasons why Performance-Based tests are a failure. Supposedly, they are designed to help employers.

Yet most employers I've talked to about portfolios and Performance-Based tests tell me that they are too complex for them to understand; they don't have the time to read through a big portfolio of the student's work. They want to know

whether or not the student can read, write, compose a paragraph, and understand the rules of grammar. Instead, busy employers are given a stack of documents and asked to read through all this material to determine whether or not a person should be hired. It just won't work.

Let me give you some examples of what has happened around the country with Performance-Based tests. Vermont in 1993 was one of the pioneer states to use Performance-Based tests. The whole education establishment was excited about the Vermont portfolio test, the Performance-Based test, that went into effect there. A few years after it was instituted, it created a large amount of controversy and an outcry from parents.

Eventually, Vermont contracted with the Rand Institute to evaluate the test. Here's what the Rand Institute concluded: "The reliability of portfolio scoring was so low that most of the planned uses of performance data had to be abandoned. There is limited evidence from other programs that reliable scoring of writing portfolios is practical. Accountability was difficult to obtain. Our efforts to assess validity for the 1991-92 program was hindered by a variety of factors including the low reliability of scores." The panel of experts at the Rand Institute recommended a return to traditional tests.

Since that time, Vermont has partially backed away from Performance-Based tests and has put a multiple-choice test back into the package, but Performance tests are still a part of the package.

In Kentucky, the same thing happened. Again, the education establishment wildly applauded Kentucky for being on the cutting edge of education reform when its Outcome-Based Education package was passed. Part of the package was a Performance-Based test called CIRIS. Everyone was told that the students were doing great because the results from the CIRIS test, the Performance-Based test, showed dramatic improvements in academic performance by Kentucky students.

But then something happened. The NAEP (National Assessment of Educational Progress) scores came out, and, even though the NAEP test has some elements of Performance-Based testing, it is still a lot more academic-based than the tests I am describing. The NAEP scores showed that Kentucky scores had dropped. This made it clear that the CIRIS test was basically useless in determining where Kentucky students scored in academic performance.

*See Assessments, page 4*

RAND INSTITUTE EXPERTS RECOMMENDED THAT VERMONT RETURN TO TRADITIONAL TESTS.

## S.B. 168

An ACT relating to education; requiring public schools to comply with certain provisions of federal law governing the release and elicitation of certain information concerning pupils; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a parent or legal guardian of a pupil requests the education records of the pupil, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

2. If a parent or legal guardian of a pupil reviews the education records of the pupil and requests an amendment or other change to the education records, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

3. Except as otherwise provided in 20 U.S.C. § 1232g(b), a public school shall not release the education records of a pupil to a parent, agency or organization without the written consent of the parent or legal guardian of the pupil.

4. If a public school administers a program which includes a survey, analysis or evaluation that is designed to elicit the information described in 20 U.S.C. § 1232h, it must comply with the provisions of that section.

5. A right accorded to a parent or legal guardian of a pupil pursuant to the provisions of this section devolves upon the pupil on the date on which he attains the age of 18 years.

6. A public school shall, at least annually, provide to each pupil who is at

least 18 years of age and to a parent or legal guardian of each pupil who is not at least 18 years of age, written notice of his rights pursuant to this section.

7. The provisions of this section:

(a) Are intended to ensure that each public school complies with the provisions of 20 U.S.C. §§ 1232g and 1232h;

(b) Must, to the extent possible, be construed in a manner that is consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations adopted pursuant thereto;

(c) Apply to a public school regardless of whether the school receives money from the Federal Government; and

(d) Do not impair any right, obligation or prohibition established pursuant to chapter 432B of NRS.

8. The state board may adopt such regulations as are necessary to ensure that public schools comply with the provisions of this section.

9. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

**Section 2.** Notwithstanding the provisions of subsection 1 of NRS 354.599, each local government shall pay any additional expenses related to the provisions of this act from existing revenues of that local government.

**Section 3.** This act becomes effective on July 1, 1997.

## Parents' Rights

Continued from page 1

Kris Jensen, chairman of Nevada Concerned Citizens, was one of many parents whose rights have been violated by the schools. She attended a workshop on FERPA for teachers and counselors, conducted by LeRoy Rooker of the U.S. Department of Education, and later testified at the S.B. 168 hearings about remarks by teachers and counselors at the workshop such as, "We destroy those records all the time."

Similar complaints were repeated in testimony in both Senate and Assembly hearings. Jeanne Simons' son's counselor records were destroyed by school officials after she complied with a school district requirement that she obtain permission from her son for access to the records.

Mrs. Simons shared examples of other recent violations of parents' rights to gain access to student records, such as the parent in Nye County who was told she could not have copies of her daughter's records because "all student records are copyrighted." In Washoe County, a parent was told by a teacher who clutched the student's special education folder to her chest as the principal stood next to her, "you can't have these, they're confidential."

One parent gave copies of a survey used in a Washoe County High School for ten years to members of the legislative committees. The questions included, "Who lives in my house with me? Who provides my emotional support? My financial support? Medical concerns? I receive services from what

agencies?" (Choices were given.)

Many of these questions violate the Grassley Amendment, Protection of Pupil Rights, 20 U.S. Code § 1232h, which states, "No student shall be required . . . to submit to a survey, analysis, or evaluation, that reveals information concerning: political affiliations; mental and psychological problems potentially embarrassing to the student or his family; sex behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or income . . . without the prior consent of the . . . parent." Grassley also provides the right for parents to review all curricula.

S.B. 168 went into effect immediately upon passage. Legislators and parents will be monitoring the results to assure that parents' and students' rights are no longer routinely violated.

"While everyone recognizes that parental involvement in a child's education is key to the student's success," says Senator O'Connell, "there is no way you can involve parents when school officials prohibit them from having access to their own child's records. This bill will encourage parents to get involved with their children. It will require prior approval before intrusive personal questions can be asked on questionnaires." Senator O'Connell concluded, "Parents and children deserve to have their privacy protected."



## Assessments

Continued from page 3

As a result of the outcry from Kentucky parents, a panel of six nationally renowned testing experts was assembled in 1995. Their report accused CIRIS of misleading the public into believing that students were doing well. They said that CIRIS is seriously flawed and that open-ended tests such as CIRIS would not be a good way to measure student achievement, that scoring of portfolios remained too flawed for use in assessment, and that group work with other students and teachers undermined the validity of the test. The panel recommended a return to multiple-choice tests.

That same year, the CLAS test came out in California. Again, there was a mass outcry and lawsuits filed by parents. This same pattern has happened in state after state. The education establishment takes a step backwards, temporarily puts the test on hold, or perhaps keeps the Performance test but adds some traditional test questions. They do not care how many Performance-Based tests have generated failure and controversy. Performance-Based testing continues to be promoted by all elements of the education establishment, from the National Educa-

tion Association to the U.S. Department of Education to every state department of education to all the major think tanks and foundations and, more importantly, to the New Standards Project.

Marc Tucker is one of the co-founders of the New Standards Project, which is the nation's leading advocate of Performance-Based tests. He has had more impact and influence on education policy than any single individual I know of. The New Standards Project, a private organization, is a spinoff of the National Center for Education and the Economy (NCEE), which has been in the forefront of criticizing traditional tests and has long been emphasizing Performance-Based tests as a means of changing curriculum and methodology. This is openly admitted in NCEE documents, which state that the three P's of assessment are (1) performance tasks, (2) projects, and (3) portfolios. No mention is made of academic skills. NCEE has assumed the role of creating national standards to comply with national assessments because the Federal Government does not yet do exactly what NCEE wants.

NCEE has assumed the role of national clearinghouse for assessment tests and is under contract with over 20 states. NCEE's goal is to implement the same standards and the same kind of

performance assessments in every state through their contracts. NCEE was the contractee in the CLAS test in California, the IPASS test in Indiana, the Vermont assessment test, and the Kentucky assessment test. All these states had the National Standards Project as the main contractor to design the test. You would think that, with all the controversy and failure, these people would change their goals, but they have not. They've actually accelerated the number of states under contract with the New Standards Project. Their documents openly admit that their standards and Performance tests will be aligned with the National Council of Teachers of Mathematics and the National Council of Teachers of English. Those are the two major professional associations of math teachers and English teachers and, of course, those organizations are dominated by the New Math and Whole Language crowd. The alignment of assessments and standards with those two organizations tells you where the New Standards Project is heading.

Let me quote from the federal Office of Research and Education Improvement (OERI): "Performance assessment is part of a model of schooling which emphasizes a constructivist approach to teaching and learning [that's Whole Language and Whole Math] and

cooperative and collaborative learning [that's group learning]." The same document also states, "Performance tests will drive teachers to change their instructional practices to place greater emphasis upon high order cognitive skills."

That may sound good, but the Whole Language movement, which has destroyed American reading capabilities and put us almost last in the industrial world in that area, was also considered a move toward higher order thinking skills, as was the new math approach. Every time we hear about higher order thinking skills, we should recognize this is usually code for shifting to a methodology that undermines the teaching of basic academic skills, even after the failures of Performance-Based testing in so many states.

In California, we already suspect another test is coming up. We've already filed a public records act request because of leaks to my office about education bureaucrats working on another Performance-Based test in California. This will be one of the main battles because the testing area drives many parts of the Outcome-Based Education agenda.

One California school district document stated, "Assessment is the Trojan horse of restructuring." That statement probably summarizes what so-called school "reform" is all about.

