

REPORT OF THE

JOINT SUBCOMMITTEE STUDYING THE IMPACT OF

MINIMUM COMPETENCY TESTING ON THE HANDICAPPED

TO

THE GOVERNOR

AND

THE GENERAL ASSEMBLY OF VIRGINIA



SENATE DOCUMENT NO. 28

COMMONWEALTH OF VIRGINIA
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**Report of the
Joint Subcommittee Studying the Impact of
Minimum Competency Testing on the Handicapped
To
The Governor and the General Assembly of Virginia
Richmond, Virginia
January, 1982**

To: Honorable Charles S. Robb, Governor of Virginia
and
The General Assembly of Virginia

The 1981 General Assembly approved Senate Joint Resolution No. 150, which requested the Education and Health Committee of the Senate and the Education Committee of the House of Delegates to establish a joint subcommittee to study the impact of minimum competency testing on the handicapped. Senate Joint Resolution No. 150 is as follows:

SENATE JOINT RESOLUTION NO. 150

Requesting the Education and Health Committee of the Senate and the Education Committee of the House of Delegates to establish a joint subcommittee to study the impact of minimum competency testing on handicapped children.

Agreed to by the Senate, February 6, 1981

Agreed to by the House of Delegates, February 21, 1981

WHEREAS, there is tremendous concern regarding the lack of student proficiency in the basic skills; and

WHEREAS, to address this problem, the Standards of Quality were amended to require that students pass a proficiency or competency test as a prerequisite to receiving a high school diploma; and

WHEREAS, competency testing programs raise serious legal and policy questions; and

WHEREAS, there is the potential that such programs may contribute to an increase in student proficiency in basic skills; and

WHEREAS, such programs also have potential to discriminate against certain classes of students; and

WHEREAS, the handicapped have such unique and differing needs that no uniform approach for all handicapped children is viable; and

WHEREAS, federal and State law require that the handicapped be provided a "free" and "appropriate" education and that such education be provided in the "least restrictive environment" for each student; and

WHEREAS, competency testing of handicapped students presents special difficulties; and

WHEREAS, it is desirable that any assessment of proficiency of such students be consistent with the individualized educational program that is required for each student; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Education and Health Committee of the Senate and the Education Committee of the House of Delegates are requested to establish a joint subcommittee to study the impact of minimum competency testing on handicapped students, and any other related areas which it deems appropriate to address.

The joint subcommittee shall consist of eight members, three to be appointed by the Chairman of the Education and Health Committee of the Senate from the membership thereof, and five to be appointed by the Chairman of the Education Committee of the House of Delegates from the membership thereof.

The joint subcommittee is requested to submit its recommendations to the 1982 Session of the General Assembly.

The cost of the study shall not exceed \$5,300.

The members of the joint subcommittee were: Senators Adelard L. Brault of Fairfax; Elmon T. Gray of Waverly; and Elliot S. Schewel of Lynchburg; Delegates James H. Dillard II of Fairfax; Joan S. Jones of Lynchburg; Benjamin J. Lambert III of Richmond; Dorothy S. McDiarmid of Vienna; and Mary Sue Terry of Stuart. Senator Adelard L. Brault served as chairman of the joint subcommittee.

Minimum Competency Testing: A Legislative History

1978

The Constitution of Virginia, Article VIII, Section 2, requires that the Board of Education determine and prescribe the Standards of Quality, subject to revision only by the General Assembly. In 1978, the Standards of Quality were revised by the legislature to require that:

“The awarding of a high school diploma shall be based upon achievement. In order to receive a high school diploma from an accredited secondary school after January 1, 1981, students shall earn the number of credits prescribed by the Board of Education and attain minimum competencies prescribed by the Board. Attainment of such competencies shall be demonstrated by means of a test prescribed by the Board.”

During the interim in 1978, the Department of Education contracted to have an instrument to test reading and mathematics developed. A trial run of the Graduation Competency Test was administered to tenth-grade students in all school divisions. Tenth grade students were chosen to take the test to determine their weaknesses as this class was to be the first class affected by the new law. This class was selected because three years was considered adequate notice for the students. Public notice of the impending law was undertaken by the Department of Education, e.g., superintendents' memos to parents, and memoranda to the PTA, VEA, VSBA, print and broadcast media.

Preliminary results of the new testing program indicated that a significant number of minority students failed the tests. Controversy arose concerning the Department's refusal to release the test to the public, which terminated in a court suit and, finally, release of the test.

1979

During the 1979 session of the General Assembly, two bills were introduced (1) to require that the Graduation Competency Test be prepared by the Board of Education (HB 1568), and (2) to allow local school divisions to prescribe minimum competencies and tests within guidelines adopted by the Board (HB 1725). Many other concerns were raised during the committee meetings, subcommittee discussions, and public hearings on these measures and on the issue of competency testing. Of particular concern to legislators and the public was the need for educational accountability, the appropriateness of requiring a graduation competency test in light of pending litigation regarding the legitimacy of such tests, i.e., Debra P. v. Turlington, and the absence of a mechanism responsive to the unique needs of minorities and the handicapped. In briefings with the Senate Education and Health Committee and the House Education Committee regarding the preliminary results of the test, the Department of Education assured the committees that these problems would be addressed as they proceeded with the implementation of the test program.

The House Education Committee determined that further study was needed before it could take any action on House Bills 1568 and 1725; therefore, these bills were passed by indefinitely. Given the grave concerns of the committee regarding the test requirement, Delegate William P. Robinson, Sr., of Norfolk, moved that the committee study the issue of competency testing, including HB 1568 and HB 1725, during the interim of the 1979 session. The motion, duly adopted, is as follows:

Motion

That the House Education Committee study the various issues and concerns that have been raised concerning the competency test for high school graduation required by Standard 9-C of the Standards of Quality for the several school divisions, including:

1. The purchase of the test or the preparation of the test by the Board of Education or by local school boards.
2. The release of the test contents to the public.
3. The test results and the factors in and causes of these results.
4. Any other issues about the test that the Committee deems advisable to consider.
5. That the chairman of the Committee appoint a subcommittee of seven to pursue the study in greater intensity and scope.

Pursuant to the adoption of the motion, Delegate W. L. Lemmon, committee chairman, appointed a subcommittee to study minimum competency testing. The members were: Delegates William P. Robinson, Sr. of Norfolk; Lewis P. Fickett, Jr. of Fredericksburg; J. Paul Councill, Jr. of Franklin; Alexander B. McMurtrie, Jr. of Midlothian; Joan S. Jones of Lynchburg; Ray L. Garland of Roanoke; Mary Sue Terry of Stuart; and Kenneth R. Plum of Reston. Delegate William P. Robinson, Sr. served as chairman.

The subcommittee received testimony from parents, educational associations, educational journalists, and nationally known experts in the areas of evaluation and measurement and education law. Overwhelmingly, individuals who addressed the subcommittee expressed concern that the Commonwealth had not adequately prepared for the implementation of the law or given appropriate attention to the problems presented by competency testing. Concern was voiced that the State was following a trend, "jumping on a bandwagon," before determining where it was going, especially given the problems of other states after enactment of such legislation.

The subcommittee probed the areas of concern intensely, and worked diligently to address and resolve the problems identified by many as crucial to the judicious application of the law. However, the subcommittee's work was not completed due to the chairman's illness.

1980

In 1980, Senate Joint Resolution No. 93 and House Joint Resolution No. 115 were introduced. Senate Joint Resolution 93 requested the Department of Education to study the impact of competency testing on students with learning disabilities. However, the Senate Education and Health Committee did not report the resolution with the understanding that the Department intended to study the problem and that the resolution was, therefore, unnecessary. To date, the Department has not yet reported the results of its study to the committee or the General Assembly.

House Joint Resolution No. 115 requested that a joint subcommittee of the House Education Committee and Senate Education and Health Committee study all aspects of requiring students to pass the minimum competency test in order to receive a diploma and whether promotion should be based on achievement. Members of this subcommittee were: Delegates James H. Dillard, II of Fairfax; George W. Grayson of Williamsburg; Robison B. James of Richmond; Alexander B. McMurtrie, Jr. of Midlothian; Senators Edward M. Holland of Arlington and Elliot S. Schewel of Lynchburg. Dr. S. John Davis, Superintendent of Public Instruction, was also appointed to the subcommittee. Delegate McMurtrie served as chairman.

This subcommittee, too, received testimony from interested citizens and the Department of Education; however, it did not undertake an in-depth study of the problems encountered with competency testing.

The subcommittee was apprised of Virginia's experience with competency testing and some of the issues involved with competency testing by the Department. In addition, the subcommittee was informed that the Board of Education had approved a Standards of Learning Program in which learner objectives for grades K-12 would be identified and upon which instruction would be based.

Such instruction would assist students in developing skills and acquiring the knowledge needed to pass the competency tests as they provide specific criteria for performance. These learner objectives would incorporate the objectives now included in the Basic Learning Skills Program (K-6) as well as the objectives of the minimum competency program. As tests' skills would be a part of this instructional program, student weaknesses could be detected early and be remediated from grade to grade. In this way, attainment of competencies now purportedly measured by the graduation competency tests could be monitored early and mastery certified as it occurred.

The joint subcommittee submitted its report to the 1981 General Assembly. It recommended that policies or regulations requiring grade-to-grade promotion based upon the passage of competency tests not be instituted at that time. It recommended further that the General Assembly review and study the effects of the new Standards of Learning Program implemented by the Department of Education. The subcommittee's recommendation was based upon its belief that the new Standards of Learning Program would contribute greatly to the detection of student weaknesses and provide earlier intervention, thereby making remediation more effective. Given sufficient time for implementation, experience, and proper administration, the Standards of Learning Program could reduce the number of students failing the competency tests.

1981

In 1981, two measures pertaining to competency tests were introduced. They were Senate Bill 751 and Senate Joint Resolution No. 150. Senate Bill 751 amended the Standards of Quality as follows:

In order to receive an I.E.P. diploma from a public high school, a special education student, for whom the test, provided hereafter, is inappropriate as determined by regulations promulgated by the Board of Education, shall earn the units of credit prescribed by the Board of Education.

Attainment of reading and mathematics competencies established under Standard 1-C shall be demonstrated by means of tests prescribed by the Board of Education except for special education students for whom the test is inappropriate as determined by the regulations promulgated by the Board. Attainment of competencies in other areas established under Standard 1-C shall be demonstrated to the satisfaction of local authorities through performance-related assessment as part of the instructional program, such as observation, evaluation of students' records, appraisal of students' success in completing specified activities, various other means apart from formalized testing, or through a test if preferred by a locality.

This law was an emergency measure and became effective immediately upon the Governor's signature.

As previously stated, Senate Joint Resolution No. 150 requested the Senate Education and Health Committee and the House Education Committee to study the impact of competency testing on the handicapped. Because the minimum competency test for high school graduation was included in the Standards of Quality, Senate Joint Resolution 150 was incorporated into the Standards of Quality study which was approved by the Joint Rules Committee. The chairmen of the Senate Education and Health and House Education Committees agreed to appoint the members of the Subcommittee created by Senate Joint Resolution 150 to the Joint Subcommittee on the Standards of Quality. The Joint Subcommittee on the Standards of Quality determined at its organizational meeting on May 19, 1981, that the joint subcommittee created pursuant to Senate Joint Resolution 150 would serve as one of its two subcommittees.

In conducting the study, the joint subcommittee thought it advisable to consider three pertinent areas: (1) education issues, (2) legal issues, and (3) impact of competency tests on the handicapped.

Education Issues

Minimum competency testing is the result of the "accountability movement" in education. At its core, the debate over minimum competency testing concerns matters of educational philosophy. Proponents view competency testing as an external measure to enforce school district accountability, while opponents express greater confidence in teachers to provide quality education, doubt concerning the validity of minimum competency tests and a fear that the effect of such tests on curriculum content will be detrimental because teachers will "teach to the tests." Proponents and opponents also differ on the optimal amount of local or state control of education.¹

Though there is agreement on the need to evaluate student progress and academic achievement, the reliability and validity of minimum competency testing must be considered. According to the American Psychological Association Standards:

Questions of validity are questions of what may properly be inferred from a test score. The many types of validity questions can, for convenience, be reduced to two: what can be inferred about what is being measured by the test and what can be inferred about other behavior?

Two kinds of content validity, curricular and instructional validity, are of particular relevance to competency testing. Curricular validity is a measure of how well test items represent the objectives of the curriculum. An analysis of curricular validity would require comparison of the test objectives with the school's course objectives. Instructional validity is a measure of whether or not the school district's stated objectives were translated into topics actually taught in the classroom. While a measure of curricular validity is a measure of the theoretical validity of the competency test as an instrument to assess the success of students, instructional validity is a measure of whether the schools are providing students with instruction in the knowledge and skills measured by the test.

In implementing competency testing, the state has to choose whether to use (1) statewide or locally developed tests, and (2) criterion-referenced or norm-referenced tests.

A statewide test provides uniformity for students moving from one school district to another within the state. The disadvantage of a statewide test is that it cannot be tailored to the diverse instruction and curricula that are offered in local divisions. It will take a number of years for curricula and instruction to adapt themselves to the test.

This in turn raises the question of whether tests should lead or follow curriculum, and whether teachers should "teach to the test." Differences between local divisions in basic skill instruction, and between the test and instruction, are especially acute for competency tests designed to measure adult-life skills. Thus statewide tests are inherently vulnerable to a charge of insufficient match between what the test measures and what the students have been taught. Locally developed tests, on the other hand, can be tailored to local curriculum and instruction, but designing a reliable and valid test that meets professional psychometric standards is frequently beyond the expertise and the budget of the local school divisions.

Many educators question whether current educational and psychometric technology is sophisticated enough to produce a sound competency testing program. Others debate the respective advantages and disadvantages of criterion-referenced versus norm-referenced tests. Although criterion-referenced tests are preferred by experts for competency testing programs, most of the competency tests are norm-referenced tests.

Summary of Educational Issues:

Some of the arguments put forth in favor of the testing by educators and the public are that:

1. It is a greater injustice to allow individuals to enter the world of work or leave the public school system without the basic skills to survive than it is to require passing a minimum competency test in order to receive a diploma.
2. The meaning of the diploma is at question. The school system has a responsibility to certify or guarantee the skills of those to whom it awards diplomas. This is an accountability argument, i.e., that the public schools must face up to the job of providing students with certain basic skills.
3. The effects of the tests will be more positive than negative as remediation efforts will be initiated. Further, that the threat of withholding the diploma will motivate individuals to gain the requisite skills.

Some of the arguments against the use of minimum competency testing as a criterion for awarding diplomas are that:

1. Certain questionable assumptions must be accepted, such as that life-coping skills are amenable to definition. What skills are necessary to cope with modern life? If life-coping skills

can be identified as reading, writing and mathematics, what level of achievement is necessary to enable the individual to cope with life?

2. Coping skills cannot be ascertained through the use of a pen and paper test. That the science of psychometrics has not yet developed the technology to test individuals' competence in various areas with precision. Many experts feel that only performance tests can be used to evaluate an individual's ability to perform.

Perhaps the most critical education issues surrounding minimum competency testing are the difficult operational problems. Should the school system solicit wide community input in formulating the tests in order to eliminate possible test bias and delete questions requiring coerced belief? What skills should the school system test? Where should the cut-off scores be set? What mechanism should be provided for handicapped and minority students to overcome the effects of unequal educational opportunity? How can remedial instruction for students who have failed the tests be designed to prevent racial regrouping if the tests have a disproportionate impact on minorities? These questions and many others have created heated controversy among experts, legislators and laymen.

Legal Issues

The legality of a testing program will depend more on the use of the test results than on the mere fact of the test. Using the test results as the primary basis for any decision that will cause serious harm to a student raises the following legal questions. Who is responsible for that injury and is there sufficient justification for causing that injury?

Competency tests can be used in ways that cause no injury to a student. For example, competency tests could be used to determine the general level of student performance in basic skills on a statewide or district level; to identify basic skill areas in an instructional program that need more emphasis; or to diagnose areas in which an individual student needs specific help.

On the other hand, competency tests can be used to make decisions that have potential for grave injury, for example, tracking, grade promotion, or denial of a high school diploma. Diploma denial causes the greatest potential injury to an individual student, and therefore raises the most serious legal questions. "When a program talks about labeling someone as a particular type and such a label could remain with him for the remainder of his life, the margin of error must be almost nil."

Competency testing programs which are used as the basis for denial of diplomas raise several issues under the Fourteenth Amendment of the Constitution.

1. Procedural due process - That inadequate notice was given of a requirement which results in irreparable harm by depriving individuals of an interest in life, liberty or property.

2. Substantive due process - That the State has applied arbitrary or capricious actions which have resulted in depriving individuals of an interest in life, liberty or property.

3. Equal protection - That the State has engaged in activities the purpose of which was to discriminate against a discrete class of individuals and bears no rational relationship to any legitimate state interest.

Further, an equal protection argument is possible under the Equal Educational Opportunity Act of 1976 and Title VI of the Civil Rights Act of 1964. Handicapped students deprived of diplomas because of failing the test could raise all of the Fourteenth Amendment arguments as well as equal protection issues under the Equal Educational Opportunity Act of 1976 and Section 504 of the Rehabilitation Act of 1973.

The questions raised by competency testing programs that are related to the legal issues are:

1. Procedural due process - Was adequate notice given to the students that passing a test would be required for awarding the diploma? Was there time for the students to acquire the skills on which they would be tested? Was there time for the teachers to revise their instructional materials to include the skills necessary to pass the test? Was there time for special education teachers and/or other specialists to include the skills necessary to pass the test in the individualized

educational programs of handicapped students? Was three years before the end of a twelve-year school career sufficient notice for the students? Although "some kind of hearing" is usually a requirement of procedural due process, a hearing requirement upon the failure of competency tests is not likely.

2. Substantive due process - Has the concept of competency testing been validated? Is the test, at present, a vague and subjective measure of arbitrarily established standards? Can the test's skill levels be defined. e.g. as 8th grade basic skills, 9th grade basic skills, ability to read a newspaper or balance a check book? How have these standards been established? Are they valid or capricious? Were the students taught these skills or is the test requirement arbitrary and capricious because the curriculum does not contain these skills?

3. Equal protection - Does the greater number of minority failures indicate a disproportionate impact on minorities and denial of equal protection? Are competency tests rationally related to a legitimate state purpose? Does the test perpetuate the "vestiges" of past discrimination?

Although the burden of proof in the 14th Amendment equal protection argument is heavy and placed on the plaintiff, there may easily be valid equal protection arguments under Title VI or the EEOA. These arguments require a showing of disproportionate racial impact. Under Section 504 of the Rehabilitation Act, a similar showing of "effect" and denials of the benefits of federally funded programs to handicapped students could be used to cut off all or part of a state's federal funds.

In view of Virginia's Constitutional requirement for free public education and the compulsory school attendance law, the student's right to a public school education has to be recognized as a property interest protected by the due process clause. Further, in the recent Circuit Court opinion, Debra P. v. Turlington , the expectation of receiving a diploma was said to constitute a property right.

In education matters, courts have been historically reluctant to review academic performance and tests have been classified as within the realm of professional judgment of academic performance. The subjective nature of determinations of academic quality and performance has led the courts to defer to the experts' judgments. Procedural safeguards do not usually run to the student dismissed for academic reasons as cited in Board of Curators of the University of Missouri v. Horowitz , 435 U.S. 78 (1978). For these reasons, hearings on the test failures are unlikely.

Issues directly related to minimum competency testing and the handicapped

The use of minimum competency testing as basis for denial of a diploma raises complex issues in regard to handicapped students. Some questions which must be considered are:

1. Should the handicapped students be exempted from the requirement of taking and passing the test in order to receive a diploma?
2. Should individual determinations of whether it is appropriate to require the handicapped student to take and pass the test be made?
3. Should the state award differential diplomas? If so, what standards should be established for the award of such diplomas?
4. Should special assessment procedures and/or accommodations be provided for handicapped students? Should the State modify the test, the procedures for taking the test or provide a different method of assessment (for example, performance assessment rather than pen-and-pencil tests) for handicapped students?
5. How would such special procedures and/or accommodations affect the validity of the tests?
6. Would special procedures and accommodations for the handicapped undermine the accountability provided by the tests in the eyes of the public?
7. What role should the individualized educational program play in the preparation of handicapped students for the minimum competency tests?

8. What policy problems and equity issues are raised by the award of differential diplomas?

9. How should remedial programs be provided to the handicapped students who fail the tests? Under what circumstances should such remedial programs which are focused on handicapped students, be provided.

10. What are the implications if only handicapped students are allowed exceptions or exemptions and other borderline students or groups of students are denied these opportunities?

Virginia has not approached all of these issues as the competency testing program has only been in effect for one year. The legislature and the Board of Education have come to grips with some of the questions, however, and resolved them, at least for the time, as follows:

At the present time, special education students are individually assessed to determine whether it is "appropriate" for them to take the test. If it is determined that it is "inappropriate" for the student to take the tests, he may qualify for an "I.E.P." diploma after completing the units of credit required by the Board of Education for graduation. However, handicapped students are not exempted from taking the tests and are required to pass the tests in order to receive a standard diploma. In the proposed Standards of Quality, handicapped students who either elect not to take the tests or are unable to pass the tests may earn a special diploma by completing the units of credit required by the Board of Education for graduation and their individualized educational programs. Handicapped students must be given the opportunity to take the tests if they desire.

Special guidelines on accommodations for handicapped students have been issued by the Board of Education. These accommodations include such procedures as allowing the use of Braille for certain students, oral tests for certain students, different time periods and a number of other special procedures. Differentiated tests or test scores have not been considered necessary as it is the opinion of the education experts that the difficulty of the tests is such that almost all students at the eleventh grade level should be able to pass. This opinion has been substantiated by the statistics for this first year of implementation of the minimum competency testing program. The effect of the special procedures and accommodations for the handicapped on the validity of the tests and the public perception of the accountability role of the tests has not been significant. Most experts in Virginia appear to believe that the accommodations do not in any way affect the validity of the tests for handicapped students and that the role of the tests as instruments of accountability has been strengthened by allowing individuals to take the tests in the manner most likely to demonstrate a true measure of their skills.

The interaction of the individualized educational program and the minimum competency testing program has not been clarified; however, it appears that most special education teachers are including the skills required to pass the tests in the I.E.P. if such skills are appropriate for the child. Remedial programs for handicapped students who have failed the tests do not appear to be widespread; however, some consideration appears to be given by many teachers in the revising of the I.E.P. to including those skills in which the student is deficient.

As yet, we have not faced the policy problems and equity issues raised by the award of differential diplomas. Some discussions have taken place of the possible inequity of allowing special considerations for only handicapped students; however, the results of the testing program in this first year would indicate that only a couple of school divisions have potential problems (See Appendix B). Further, the Standards of Quality proposed for this biennium contain strong emphasis on encouraging the student who fails the MCT to return and take the test, hopefully, to pass the test and thereby receive the standard diploma.

Findings of the Joint Subcommittee

Statistics (Appendix B) provided by the Department of Education indicate that the statewide minimum competency testing program has not had discriminating effects on minorities or the handicapped. Department officials reported that for the 1980-81 school year, at the end of the eleventh grade, ninety percent of black students had passed the competency test. Of handicapped students taking the test during the same period, twenty-five percent (25%) were awarded an I.E.P. diploma, fifteen percent (15%) were awarded certificates, and sixty percent (60%) were awarded a standard diploma. A few school divisions appeared to have more troublesome statistics (See

Appendix B).

The joint subcommittee was concerned about the thirty-three 1981 students who received no recognition upon leaving the public schools. It was determined that one-third of these students were now employed; two students re-enrolled in school; several of them graduated in summer school during the 1980-81 school year; several have arranged to re-take the minimum competency test in March, 1982; and only one student who failed is believed to be handicapped. Local school officials attributed his failure to their inability to persuade the parents of his special needs.

It should be noted that though minimum competency testing has not had a statewide adverse affect upon minorities and the handicapped in this State, data provided by the Department indicates that there are "pockets" within the State in which the risk of challenge to the minimum competency testing program is greater. The Joint Subcommittee indicated its hope that the Department of Education would monitor these "pockets" and expressed its gratification over the encouraging results of this first year of implementatin.

Recommendations

The Joint Subcommittee believes that all students who complete the units of credit prescribed by the Board of Education for graduation and who do not pass the minimum competency tests should receive some form of recognition. Such recognition would also reduce the possibility of litigation concerning the minimum competency testing program. The joint subcommittee therefore recommends that Standard 1 D of the Standards of Quality for 1982-84 be amended to require that all students who have completed a prescribed course of study as defined by the Board, but have not passed the minimum competency test shall receive a certificate. Such students shall be encouraged to retake and pass the test in order to receive a diploma, if they have completed the units of credit required by the Board of Education for graduation. All students who have earned the units of credit required by the Board of Education and who, if identified as handicapped, have completed an individualized education program, but have not passed the minimum competency test, shall receive a special diploma.

Conclusion

The joint subcommittee's recommendations have been incorporated in the Standards of Quality as prescribed by the Board of Education and revised by the Joint Subcommittee on the Standards of Quality. (See Appendix A)

The joint subcommittee expresses appreciation of the continued cooperation and assistance of the Department of Education and all other individuals who provided information to the subcommittee during the course of its work.

Respectfully submitted,

Adelard L. Brault, Chairman
Dorothy S. McDiarmid, Vice Chairman
James H. Dillard, II
Elmon T. Gray
Joan S. Jones
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Footnotes

1. Paul Thurston and Ernest R. House, "The NIE Adversary Hearing on Minimum Competency Hearing", 63 Phi Delta Kappan 2, 88 (October 1981).
2. *Merriken v. Crissman*, 364 F.Supp. 913, 920 (E.D. Pa. 1973), in Merle Steven McClung, "Competency Testing Programs: Legal and Educational Issues", 47 Fordham Law Review 651, 660 (April 1979).

APPENDIX A

SUGGESTED LEGISLATION

A BILL to prescribe the standards of quality for the several school divisions for the 1982-1984 biennium and to repeal Chapter 667 of the Acts of Assembly of 1980 and Chapter 553 of the Acts of Assembly of 1981, relating to the standards of quality for the several school divisions for the 1980-1982 biennium.

Whereas, Section 2 of Article VIII of the Constitution of Virginia provides that standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly; and

Whereas, the goals of public education in Virginia are to aid each pupil, consistent with his or her abilities and educational needs, to:

1. Develop competence in the basic learning skills;
2. Progress on the basis of achievement;
3. Qualify for further education and/or employment;
4. Develop ethical standards of behavior and participate in society as a responsible family member and citizen;
5. Develop a positive and realistic concept of self and others;
6. Enhance the beauty of the environment;
7. Respond to aesthetic experiences through the arts;
8. Practice sound habits of living and personal health; and

Whereas, the Board of Education has prescribed such standards for the 1982-1984 biennium; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The standards of quality for the school divisions in the Commonwealth for the 1982-1984 biennium shall be:*

Standard 1. Basic Skills

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to master certain basic skills necessary for success in school and for a productive life in the years beyond. Therefore, each school division shall give the highest priority to developing basic skills to the best of each student's ability. There shall be concentrated effort in the primary grades (kindergarten through grade three) and intermediate grades (four through six). Remedial work shall begin for low-achieving students at all grade levels upon identification of their needs.

B. The program of instruction in primary and intermediate grades in each school division shall include the minimum skills objectives in reading, communications (with emphasis on writing, grammar, listening and speaking), and mathematical skills which are appropriate for each child and which should be achieved or exceeded in the primary and intermediate grades.

C. The program of instruction in grades 7 through 12 shall assist students in developing at least minimum competence in the following areas:

1. *Reading, writing, and speaking;*

2. Mathematical concepts and computations;

3. Essential skills and concepts of citizenship, including knowledge of history and government, necessary for responsible participation in American society and within the world community;

4. Knowledge and skills needed to qualify for further education and/or employment.

Special emphasis shall be given to instructional activities which improve the reading, writing, speaking, and mathematical skills of students.

D. 1. To receive a standard diploma from a public high school, a student shall earn the units of credit prescribed by the Board of Education and attain minimum competence in the areas established under Standard 1-C. Attainment of reading and mathematics competencies established under Standard 1-C shall be demonstrated by means of tests prescribed by the Board of Education. Attainment of competencies in the other areas established under Standard 1-C shall be demonstrated to the satisfaction of local authorities through performance-related assessment.

2. To receive a special diploma from a public high school, a student shall be identified as handicapped, complete the units of credit prescribed by the Board of Education, and complete the requirements of the individualized educational program. Handicapped students shall always have the opportunity to take competency tests.

3. To receive a certificate, a student shall complete a prescribed course of study as defined by the local school board. However, all students who have earned the units of credit required by the Board of Education and have not passed the competency test shall be encouraged to retake and pass the minimum competency test in order to receive a diploma.

4. On exiting from the public schools, all students who have received the units of credit required by the Board of Education or who, if identified as handicapped, have completed an individualized educational program, but have not qualified for a diploma under sections 1 and 2 above, shall receive a certificate.

Standard 2. Testing and Measurement

A. Each school division shall provide the classroom teacher with methods to assess the progress of individual students in attaining basic skills. For grades 1 through 6 such assessment shall include, at least annually, criterion-referenced tests developed or approved by the Department of Education to measure the progress of each student toward achieving the educational objectives established under Standard 1-B.

B. Each school division shall administer annually normative tests prescribed and provided by the Board of Education to assess the educational progress of students at selected grade levels.

C. Each school division shall administer competency tests prescribed and provided by the Board of Education to those students desiring to earn a standard diploma. The tests shall be designed to measure minimum competence in reading and mathematics established under Standard 1-C.

[The rest of the Standards of Quality were not included here as they were not relevant to this study. See House Bill 145 for text of remaining Standards.]

Appendix B

Report of Graduates

Spring 1981

Source:

Department of Education

TABLE 1
TYPE OF DIPLOMA/CERTIFICATE
SPRING OF 1981

Division	Total Graduates	Type of Diploma/Certificate											
		Regular			%	IEP Diploma			%	Certificate			%
		Number		Total		Number		Total		Number		Total	
		White	Other		White	Other	White		Other				
Accomack	329	157	167	324	98.5	0	0	0	0	0	5	5	1.5
Albemarle	675	572	97	669	99.1	1	3	4	.6	1	1	2	.3
Alleghany	235	227	6	233	99.1	2	0	2	.9	0	0	0	0
Amelia	79	35	40	76	96.2	2	1	3	3.8	0	0	0	0
Amherst	350	243	106	349	99.7	0	0	0	0	0	1	1	.3
Appomattox	174	128	36	164	94.3	1	2	3	1.7	1	6	7	4.0
Arlington	987	782	191	973	98.6	5	6	11	1.1	1	2	3	.3
Augusta	778	729	36	765	98.3	8	0	8	1.0	2	3	5	.6
Bath	74	67	2	69	93.2	0	0	0	0	3	2	5	6.8
Bedford	494	446	42	488	98.8	3	3	6	1.2	0	0	0	0
Bland	97	96	0	96	99.0	1	0	1	1.0	0	0	0	0
Botetourt	328	307	18	325	99.1	3	0	3	.9	0	0	0	0
Brunswick	138	37	99	136	98.6	0	0	0	0	0	2	2	1.4
Buchanan	424	418	0	418	98.6	2	0	2	.5	4	0	4	.9
Buckingham	145	67	76	143	98.6	0	2	2	1.4	0	0	0	0
Campbell	642	527	113	640	99.7	0	1	1	.2	1	0	1	.2
Caroline	224	89	130	219	97.8	0	3	3	1.3	0	2	2	.9
Carroll	293	293	0	293	100.0	0	0	0	0	0	0	0	0
Charles City	79	3	76	79	100.0	0	0	0	0	0	0	0	0
Charlotte	138	83	45	128	92.8	0	0	0	0	2	8	10	7.2
Chesterfield	2,023	1,881	128	2,009	99.3	0	0	0	0	8	6	14	.7
Clarke	139	116	20	136	97.8	0	2	2	1.4	0	1	1	.7
Craig	48	47	1	48	100.0	0	0	0	0	0	0	0	0
Culpeper	279	213	64	277	99.3	0	2	2	.7	0	0	0	0
Cumberland	68	37	30	67	98.5	0	1	1	1.5	0	0	0	0
Dickenson	234	178	54	232	99.1	2	0	2	.9	0	0	0	0
Dinwiddie	273	135	132	267	97.8	0	5	5	1.8	0	1	1	.4
Essex	112	48	56	104	92.9	1	7	8	7.11	0	0	0	0
Fairfax	10,223	9,331	880	10,211	99.9	8	0	8	.1	4	0	4	0
Fauquier	485	404	78	482	99.4	1	2	3	.6	0	0	0	0
Floyd	147	140	4	144	98.0	3	0	3	2.0	0	0	0	0

TYPE OF DIPLOMA/CERTIFICATE
SPRING OF 1981

Division	Total Graduates		Type of Diploma/Certificate										
			Regular			IEP Diploma				Certificate			
			Number		%	Number		%	Number		%		
			White	Other		White	Other		White	Other		Total	
Fluvanna	132	79	42	121	91.7	1	1	2	1.55	4	5	9	6.8
Franklin	389	323	58	381	97.9	0	0	0	0	7	1	8	2.1
Frederick	452	445	5	450	99.6	2	0	2	.4	0	0	0	0
Giles	235	221	5	226	96.2	8	1	9	3.8	0	0	0	0
Gloucester	263	208	50	258	98.1	0	0	0	0	0	5	5	1.9
Goochland	100	43	53	96	96.0	1	2	3	3.0	0	1	1	1.0
Grayson	88	85	1	86	97.7	2	0	2	2.3	0	0	0	0
Greene	83	74	9	83	100.0	0	0	0	0	0	0	0	0
Greensville	153	49	58	107	69.9	0	3	3	2.0	2	41	43	28.1
Halifax	469	265	195	460	98.1	0	9	9	1.9	0	0	0	0
Hanover	729	628	97	725	99.5	0	0	0	0	2	2	4	.5
Henrico	2,301	1,860	360	2,220	96.5	0	0	0	0	63	18	81	3.5
Henry	640	1,923	378	632	98.8	4	4	8	1.3	0	0	0	0
Highland	44	41	0	41	93.2	3	0	3	6.8	0	0	0	0
Isle of Wight	213	81	124	205	96.2	0	0	0	0	1	7	8	3.8
King George	142	92	46	138	97.2	1	1	2	1.4	1	1	2	1.4
King & Queen	51	9	40	49	96.1	0	0	0	0	0	2	2	3.9
King William	87	31	51	82	94.3	0	0	0	0	1	4	5	5.7
Lancaster	145	96	49	145	100.0	0	0	0	0	0	0	0	0
Lee	278	273	3	276	99.3	2	0	2	.7	0	0	0	0
Loudoun	864	792	67	859	99.4	2	2	4	.5	0	1	1	.1
Louisa	187	118	69	187	100.0	0	0	0	0	0	0	0	0
Lunenburg	110	52	55	107	97.3	0	0	0	0	0	3	3	2.7
Madison	146	102	41	143	97.9	0	0	0	0	0	3	3	2.1
Mathews	88	64	22	86	97.7	0	2	2	2.3	0	0	0	0
Mecklenburg	322	163	152	315	97.8	0	7	7	2.2	0	0	0	0
Middlesex	109	67	42	109	100.0	0	0	0	0	0	0	0	0
Montgomery	512	472	30	502	98.0	10	0	10	2.0	0	0	0	0
Nelson	148	118	30	148	100.0	0	0	0	0	0	0	0	0
New Kent	102	60	42	102	100.0	0	0	0	0	0	0	0	0
Northampton	171	52	116	168	98.2	0	0	0	0	0	3	3	1.8
Northumberland	109	60	49	109	100.0	0	0	0	0	0	0	0	0
Nottoway	140	66	68	134	95.7	1	5	6	4.3	0	0	0	0

TYPE OF DIPLOMA/CERTIFICATE
SPRING OF 1981

Division	Total		Type of Diploma/Certificate										
	Graduates		Regular			IEP Diploma				Certificate			
			Number		%	Number			%	Number		%	
			White	Other	Total	White	Other	Total		White	Other	Total	
Orange	262	188	62	250	95.4	8	4	12	4.6	0	0	0	0
Page	213	206	7	213	100.0	0	0	0	0	0	0	0	0
Patrick	234	208	24	232	99.1	1	0	1	.4	1	0	1	.4
Pittsylvania	803	487	298	785	97.8	1	13	14	1.7	1	3	4	.5
Powhatan	138	114	24	138	100.0	0	0	0	0	0	0	0	0
Prince Edward	100	16	83	99	99.0	0	0	0	0	0	1	1	1.0
Prince George	338	246	84	330	97.6	0	0	0	0	0	8	8	2.4
Prince William	2,175	1,959	190	2,149	98.8	2	1	4	.02	11	11	22	1.0
Pulaski	417	379	30	409	98.1	4	2	6	1.4	2	0	2	.5
Rappahannock	73	68	5	73	100.0	0	0	0	0	0	0	0	0
Richmond	91	55	36	91	100.0	0	0	0	0	0	0	0	0
Roanoke	1,400	1,333	42	1,375	98.2	19	6	25	1.8	0	0	0	0
Rockbridge	292	264	19	283	96.9	0	0	0	0	8	1	9	3.1
Rockingham	614	589	17	606	98.7	4	0	4	.7	3	1	4	.7
Russell	298	286	6	292	98.0	6	0	6	2.0	0	0	0	0
Scott	295	292	3	295	100.0	0	0	0	0	0	0	0	0
Shenandoah	359	343	12	355	98.9	0	0	0	0	3	1	4	1.1
Smyth	410	401	8	409	99.8	1	0	1	.2	0	0	0	0
Southampton	129	44	77	121	93.8	0	0	0	0	1	7	8	6.2
Spotsylvania	410	337	69	406	99.0	0	0	0	0	2	2	4	1.0
Stafford	573	529	41	570	99.5	1	0	1	.2	0	2	2	.3
Surry	80	4	75	79	98.8	0	0	0	0	0	1	1	1.3
Sussex	190	27	153	180	94.7	0	7	7	3.7	0	3	3	1.6
Tazewell	619	591	22	613	99.0	5	0	5	.8	0	1	1	.2
Warren	249	223	23	246	98.8	2	0	2	.8	0	1	1	.4
Washington	479	457	17	474	99.0	5	0	5	1.0	0	0	0	0
Westmoreland	162	72	90	162	100.0	0	0	0	0	0	0	0	0
Wise	425	410	9	419	98.6	6	0	6	1.4	0	0	0	0
Wythe	300	263	14	277	92.3	0	0	0	0	20	3	23	7.7
York	643	517	122	639	99.4	0	0	0	0	0	4	4	.6
Alexandria	642	370	262	632	98.4	1	8	9	1.4	1	0	1	.2
Bristol	217	196	17	213	98.2	1	2	3	1.4	0	1	1	.5

TYPE OF DIPLOMA/CERTIFICATE
SPRING OF 1981

Division	Total Graduates		Type of Diploma/Certificate										
			Regular			IEP Diploma				Certificate			
	Number			%	Number			%	Number			%	
	White	Other	Total		White	Other	Total		White	Other	Total		
Buena Vista	84	81	2	83	98.8	1	0	1	1.2	0	0	0	0
Charlottesville	301	224	74	298	99.0	0	2	2	.7	1	0	1	.3
Chesapeake	1,635	1,093	518	1,611	98.5	0	0	0	0	4	20	24	1.8
Clifton Forge	64	49	12	61	95.3	1	2	3	4.7	0	0	0	0
Colonial Heights	247	244	3	247	100.0	0	0	0	0	0	0	0	0
Covington	112	101	9	110	98.2	0	2	2	1.8	0	0	0	0
Danville	472	312	153	465	98.5	3	2	5	1.1	1	1	2	.4
Falls Church	123	114	9	123	100.0	0	0	0	0	0	0	0	0
Franklin City	136	78	56	134	98.5	0	0	0	0	0	2	2	1.5
Fredericksburg	143	95	43	138	96.5	1	2	3	2.1	1	1	2	1.4
Galax	83	76	6	82	98.8	0	0	0	0	0	1	1	1.2
Hampton	1,817	1,117	678	1,795	98.8	0	0	0	0	10	12	22	1.2
Harrisonburg	188	172	6	178	94.7	0	1	1	.5	7	2	9	4.8
Hopewell	314	242	65	307	97.8	0	0	0	0	1	6	7	2.2
Lynchburg	631	473	151	624	98.9	5	2	7	1.1	0	0	0	0
Manassas	187	174	11	185	98.9	2	0	2	1.1	0	0	0	0
Manassas Park	85	84	1	85	100.0	0	0	0	0	0	0	0	0
Martinsville	263	175	84	259	98.5	0	3	3	1.1	0	1	1	.4
Newport News	1,614	1,023	579	1,602	99.3	0	2	2	.1	1	9	10	.6
Norfolk	1,670	698	942	1,640	98.2	5	25	30	1.8	0	0	0	0
Norton	31	27	4	31	100.0	0	0	0	0	0	0	0	0
Petersburg	530	149	372	521	98.3	0	7	7	1.3	0	2	2	.4
Poquoson	206	204	2	206	100.0	0	0	0	0	0	0	0	0
Portsmouth	781	346	435	781	100.0	0	0	0	0	0	0	0	0
Radford	115	105	10	115	100.0	0	0	0	0	0	0	0	0
Richmond City	1,176	184	962	1,146	97.4	3	13	16	1.4	3	11	14	1.2
Roanoke City	761	527	214	741	97.4	7	10	17	2.2	1	2	3	.4
Staunton	231	196	29	225	97.4	0	0	0	0	3	3	6	2.6
Suffolk	520	197	305	502	96.5	0	0	0	0	4	14	18	3.5
Virginia Beach	3,308	2,896	366	3,262	98.6	0	0	0	0	30	16	46	1.4
Waynesboro	207	186	20	206	99.5	0	1	1	.5	0	0	0	0
Williamsburg	310	198	102	300	96.8	0	0	0	0	1	9	10	3.2
Winchester	223	202	16	218	97.8	2	2	4	1.8	1	0	1	.4

TYPE OF DIPLOMA/CERTIFICATE
SPRING OF 1981

Division	Total Graduates	Type of Diploma/Certificate											
		Regular				IEP Diploma				Certificate			
		Number			%	Number			%	Number			%
		White	Other	Total		White	Other	Total		White	Other	Total	
Cape Charles	13	6	7	13	100.0	0	0	0	0	0	0	0	0
Colonial Beach	36	29	7	36	100.0	0	0	0	0	0	0	0	0
Fries	43	43	0	43	100.0	0	0	0	0	0	0	0	0
West Point	48	42	5	47	97.9	0	0	0	0	1	0	1	2.1
State Totals	63,054	49,041	13,108	62,149	98.6	178	196	374	.6	231	300	531	.8

Department of Education
Office of Planning & Evaluation
December 4, 1981

TABLE 2
SPECIAL EDUCATION GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma				IEP Diploma				Certificate			
		Number			Percent	Number			Percent	Number			Percent
		White	Other	Total		White	Other	Total		White	Other	Total	
Accomack	2	0	0	0	0	0	0	0	0	0	2	2	100.0
Albemarle	23	13	5	18	78.3	1	3	4	17.4	1	0	1	4.3
Alleghany	4	2	0	2	50.0	2	0	2	50.0	0	0	0	0
Amelia	3	0	0	0	0	2	1	3	100.0	0	0	0	0
Amherst	7	5	2	7	100.0	0	0	0	0	0	0	0	0
Appomattox	11	3	1	4	36.4	1	2	3	27.2	0	4	4	36.4
Arlington	39	17	11	28	71.8	5	6	11	28.2	0	0	0	0
Augusta	15	6	1	7	46.7	8	0	8	53.3	0	0	0	0
Bath	9	6	0	6	66.7	0	0	0	0	1	2	3	33.3
Bedford	11	5	0	5	45.5	3	3	6	54.5	0	0	0	0
Bland	5	4	0	4	80.0	1	0	1	20.0	0	0	0	0
Botetourt	9	6	0	6	66.7	3	0	3	33.3	0	0	0	0
Brunswick	0	0	0	0	0	0	0	0	0	0	0	0	0
Buchanan	2	0	0	0	0	2	0	2	100.0	0	0	0	0
Buckingham	3	1	0	1	33.3	0	2	2	66.7	0	0	0	0
Campbell	12	6	4	10	83.4	0	1	1	8.3	1	0	1	8.3
Caroline	5	2	0	2	40.0	0	3	3	60.0	0	0	0	0
Carroll	8	8	0	8	100.0	0	0	0	0	0	0	0	0
Charles City	0	0	0	0	0	0	0	0	0	0	0	0	0
Charlotte	5	0	0	0	0	0	0	0	0	2	3	5	100.0
Chesterfield	59	41	7	48	81.4	0	0	0	0	5	6	11	18.6
Clarke	3	1	0	1	33.3	0	2	2	66.7	0	0	0	0
Craig	0	0	0	0	0	0	0	0	0	0	0	0	0
Culpeper	2	0	0	0	0	0	2	2	100.0	0	0	0	0
Cumberland	1	0	0	0	0	0	1	1	100.0	0	0	0	0
Dickenson	3	1	0	1	33.3	2	0	2	66.7	0	0	0	0
Dinwiddie	6	1	0	1	16.7	0	5	5	83.3	0	0	0	0
Essex	8	0	0	0	0	1	7	8	100.0	0	0	0	0
Fairfax	312	277	23	300	96.2	8	0	8	2.6	4	0	4	1.2
Fauquier	7	2	2	4	57.1	1	2	3	42.9	0	0	0	0
Floyd	11	8	0	8	72.7	3	0	3	27.3	0	0	0	0
Fluvanna	7	2	3	5	71.4	1	1	2	28.6	0	0	0	0
Franklin	5	5	0	5	100.0	0	0	0	0	0	0	0	0

SPECIAL EDUCATION GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma				IEP Diploma				Certificate			
		Number			Percent	Number			Percent	Number			Percent
		White	Other	Total		White	Other	Total		White	Other	Total	
Frederick	9	4	1	5	55.6	2	0	2	22.2	2	0	2	22.2
Giles	15	5	1	6	40.0	8	1	9	60.0	0	0	0	0
Gloucester	3	1	2	3	100.0	0	0	0	0	0	0	0	0
Goochland	9	1	5	6	66.7	1	2	3	33.3	0	0	0	0
Grayson	4	2	0	2	50.0	2	0	2	50.0	0	0	0	0
Greene	0	0	0	0	0	0	0	0	0	0	0	0	0
Greensville	10	1	0	1	10.0	0	3	3	30.0	0	6	6	60.0
Halifax	10	1	0	1	10.0	0	9	9	90.0	0	0	0	0
Hanover	11	6	1	7	63.6	0	0	0	0	2	2	4	36.4
Henrico	80	37	4	41	51.3	0	0	0	0	25	14	39	48.7
Henry	16	4	4	8	50.0	4	4	8	50.0	0	0	0	0
Highland	4	1	0	1	25.0	3	0	3	75.0	0	0	0	0
Isle of Wight	8	1	0	1	12.5	0	0	0	0	0	7	7	87.5
King George	6	0	3	3	50.0	1	1	2	33.3	0	1	1	16.7
King & Queen	2	0	0	0	0	0	0	0	0	0	2	2	100.0
King William	1	1	0	1	100.0	0	0	0	0	0	0	0	0
Lancaster	1	1	0	1	100.0	0	0	0	0	0	0	0	0
Lee	17	14	1	15	88.2	2	0	2	11.8	0	0	0	0
Loudoun	22	15	3	18	81.8	2	2	4	18.2	0	0	0	0
Louisa	1	0	1	1	100.0	0	0	0	0	0	0	0	0
Lunenburg	0	0	0	0	0	0	0	0	0	0	0	0	0
Madison	2	2	0	2	100.0	0	0	0	0	0	0	0	0
Mathews	2	0	0	0	0	0	2	2	100.0	0	0	0	0
Mecklenburg	11	1	3	4	36.4	0	7	7	63.6	0	0	0	0
Middlesex	0	0	0	0	0	0	0	0	0	0	0	0	0
Montgomery	19	9	0	9	47.4	10	0	10	52.6	0	0	0	0
Nelson	1	0	1	1	100.0	0	0	0	0	0	0	0	0
New Kent	5	1	4	5	100.0	0	0	0	0	0	0	0	0
Northampton	1	0	0	0	0	0	0	0	0	0	1	1	100.0
Northumberland	1	1	0	1	100.0	0	0	0	0	0	0	0	0
Nottoway	6	0	0	0	0	1	5	6	100.0	0	0	0	0
Orange	14	1	1	2	14.3	1	6	12	85.7	0	0	0	0
Page	0	0	0	0	0	0	0	0	0	0	0	0	0
Patrick	4	3	0	3	75.0	1	0	1	25.0	0	0	0	0
Pittsylvania	17	1	1	2	11.8	1	13	14	82.3	0	1	1	5.9

SPECIAL EDUCATION GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma			IEP Diploma				Certificate				
		Number		Percent	Number			Percent	Number			Percent	
		White	Other		White	Other	Total		White	Other	Total		
Powhatan	5	3	2	5	100.0	0	0	0	0	0	0	0	0
Prince Edward	1	0	1	1	100.0	0	0	0	0	0	0	0	0
Prince George	14	4	2	6	42.9	0	0	0	0	0	8	8	57.1
Prince William	10	0	0	0	0	3	1	4	40.0	3	3	6	60.0
Pulaski	10	4	0	4	40.0	4	2	6	60.0	0	0	0	0
Rappahannock	1	0	1	1	100.0	0	0	0	0	0	0	0	0
Richmond	0	0	0	0	0	0	0	0	0	0	0	0	0
Roanoke	53	28	0	28	52.8	19	6	25	47.2	0	0	0	0
Rockbridge	8	7	1	8	100.0	0	0	0	0	0	0	0	0
Rockingham	10	1	1	2	20.0	4	0	4	40.0	3	1	4	40.0
Russell	13	6	1	7	53.8	6	0	6	46.2	0	0	0	0
Scott	10	10	0	10	100.0	0	0	0	0	0	0	0	0
Shenandoah	2	0	0	0	0	0	0	0	0	1	1	2	100.0
Smyth	5	4	0	4	80.0	1	0	1	20.0	0	0	0	0
Southampton	0	0	0	0	0	0	0	0	0	0	0	0	0
Spotsylvania	4	0	0	0	0	0	0	0	0	2	2	4	100.0
Stafford	5	3	1	4	80.0	1	0	1	20.0	0	0	0	0
Surry	0	0	0	0	0	0	0	0	0	0	0	0	0
Sussex	17	0	10	10	58.8	0	7	7	41.2	0	0	0	0
Tazewell	5	0	0	0	0	5	0	5	100.0	0	0	0	0
Warren	2	0	0	0	0	2	0	2	100.0	0	0	0	0
Washington	5	0	0	0	0	5	0	5	100.0	0	0	0	0
Westmoreland	0	0	0	0	0	0	0	0	0	0	0	0	0
Wise	15	8	1	9	60.0	6	0	6	40.0	0	0	0	0
Wythe	2	2	0	2	100.0	0	0	0	0	0	0	0	0
York	8	7	1	8	100.0	0	0	0	0	0	0	0	0
Alexandria	18	3	5	8	44.4	1	8	9	50.0	1	0	1	5.6
Bristol	3	0	0	0	0	1	2	3	100.0	0	0	0	0
Buena Vista	2	1	0	1	50.0	1	0	1	50.0	0	0	0	0
Charlottesville	5	1	1	2	40.0	0	2	2	40.0	1	0	1	20.0
Chesapeake	20	0	0	0	0	0	0	0	0	4	16	20	100.0
Clifton Forge	7	4	0	4	57.1	1	2	3	42.9	0	0	0	0
Colonial Heights	4	4	0	4	100.0	0	0	0	0	0	0	0	0
Covington	3	1	0	1	33.3	0	2	2	66.7	0	0	0	0

SPECIAL EDUCATION GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma				IEP Diploma				Certificate			
		Number			Percent	Number			Percent	Number			Percent
		White	Other	Total		White	Other	Total		White	Other	Total	
Danville	12	3	4	7	58.3	3	2	5	41.7	0	0	0	0
Falls Church	12	11	1	12	100.0	0	0	0	0	0	0	0	0
Franklin	1	1	0	1	100.0	0	0	0	0	0	0	0	0
Fredericksburg	4	0	0	0	0	1	2	3	75.0	0	1	1	25.0
Galax	6	5	1	6	100.0	0	0	0	0	0	0	0	0
Hampton	21	5	5	10	47.6	0	0	0	0	7	4	11	52.4
Harrisonburg	9	2	0	2	22.2	0	1	1	11.1	4	2	6	66.7
Hopewell	15	5	3	8	53.3	0	0	0	0	1	6	7	46.7
Lynchburg	7	0	0	0	0	5	2	7	100.0	0	0	0	0
Manassas	4	2	0	2	50.0	2	0	2	50.0	0	0	0	0
Manassas Park	2	2	0	2	100.0	0	0	0	0	0	0	0	0
Martinsville	4	0	1	1	25.0	0	3	3	75.0	0	0	0	0
Newport News	21	5	4	9	42.9	0	2	2	9.5	1	9	10	47.6
Norfolk	33	1	2	3	9.1	5	25	30	90.9	0	0	0	0
Norton	0	0	0	0	0	0	0	0	0	0	0	0	0
Petersburg	13	0	6	6	46.2	0	7	7	53.8	0	0	0	0
Poquoson	8	8	0	8	100.0	0	0	0	0	0	0	0	0
Portsmouth	1	1	0	1	100.0	0	0	0	0	0	0	0	0
Radford	7	7	0	7	100.0	0	0	0	0	0	0	0	0
Richmond	28	1	11	12	42.9	3	13	16	57.1	0	0	0	0
Roanoke	34	11	6	17	50.0	7	10	17	50.0	0	0	0	0
Staunton	0	0	0	0	0	0	0	0	0	0	0	0	0
Suffolk	17	0	0	0	0	0	0	0	0	3	14	17	100.0
Virginia Beach	45	14	1	15	33.3	0	0	0	0	15	15	30	66.7
Waynesboro	3	2	0	2	66.7	0	1	1	33.3	0	0	0	0
Williamsburg	13	4	2	6	46.2	0	0	0	0	1	6	7	53.8
Winchester	4	0	0	0	0	2	2	4	100.0	0	0	0	0
Cape Charles	0	0	0	0	0	0	0	0	0	0	0	0	0
Colonial Beach	1	1	0	1	100.0	0	0	0	0	0	0	0	0
Fries	0	0	0	0	0	0	0	0	0	0	0	0	0
West Point	0	0	0	0	0	0	0	0	0	0	0	0	0
State Total	1,501	728	170	898	59.8	178	196	374	24.9	90	139	229	15.3

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Office of Planning & Evaluation
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TABLE 3
MINORITY GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma		IEP Diploma		Certificate			
		Number	%	Number	%	Handicapped Number	Non-Handicapped Number	Total	
								Number	%
Accomack	172	167	97	0	0	2	3	5	3
Albemarle	101	97	96	3	3	0	1	1	1
Alleghany	6	6	100	0	0	0	0	0	0
Amelia	42	41	98	1	2	0	0	0	0
Amherst	107	106	99	0	0	0	1	1	1
Appomattox	44	36	82	2	5	4	2	6	14
Arlington	199	191	96	6	3	0	2	2	1
Augusta	39	36	92	0	0	0	3	3	8
Bath	4	2	50	0	0	2	0	2	50
Bedford	45	42	93	3	7	0	0	0	0
Bland	0	0	0	0	0	0	0	0	0
Botetourt	18	18	100	0	0	0	0	0	0
Brunswick	101	99	98	0	0	0	2	2	2
Buchanan	0	0	0	0	0	0	0	0	0
Buckingham	78	76	97	2	3	0	0	0	0
Campbell	114	113	99	1	1	0	0	0	0
Caroline	135	130	96	3	2	0	2	2	1
Carroll	0	0	0	0	0	0	0	0	0
Charles City	76	76	100	0	0	0	0	0	0
Charlotte	53	45	85	0	0	3	5	8	15
Chesterfield	134	128	96	0	0	6	0	6	4
Clarke	23	20	87	2	9	0	1	1	4
Craig	1	1	100	0	0	0	0	0	0
Culpeper	66	64	97	2	3	0	0	0	0
Cumberland	31	30	97	1	3	0	0	0	0
Dickenson	54	54	100	0	0	0	0	0	0
Dinwiddie	138	132	96	5	4	0	1	1	1
Essex	63	56	89	7	11	0	0	0	0
Fairfax	880	880	100	0	0	0	0	0	0
Fauquier	80	78	98	2	3	0	0	0	0
Floyd	4	4	100	0	0	0	0	0	0
Fluvanna	48	42	88	1	2	0	5	5	10
Franklin	59	58	98	0	0	0	1	1	2

MINORITY GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma		IEP Diploma		Certificate		Total	
		Number	%	Number	%	Handicapped Number	Non-Handicapped Number	Number	%
Frederick	5	5	100	0	0	0	0	0	0
Giles	6	5	83	1	17	0	0	0	0
Gloucester	55	50	91	0	0	0	5	5	9
Goochland	56	53	95	2	4	0	1	1	2
Grayson	1	1	100	0	0	0	0	0	0
Greene	9	9	100	0	0	0	0	0	0
Greensville	102	58	57	3	3	6	35	41	40
Halifax	204	195	96	9	4	0	0	0	0
Hanover	99	97	98	0	0	2	0	2	2
Henrico	378	360	95	0	0	14	4	18	5
Henry	156	152	97	4	3	0	0	0	0
Highland	0	0	0	0	0	0	0	0	0
Isle of Wight	131	124	95	0	0	7	0	7	5
King George	48	46	96	1	2	1	0	1	2
King & Queen	42	40	95	0	0	2	0	2	5
King William	55	51	93	0	0	0	4	4	7
Lancaster	49	49	100	0	0	0	0	0	0
Lee	3	3	100	0	0	0	0	0	0
Loudoun	70	67	96	2	3	0	1	1	1
Louisa	69	69	100	0	0	0	0	0	0
Lunenburg	58	55	95	0	0	0	3	3	5
Madison	44	41	93	0	0	0	3	3	7
Mathews	24	22	92	2	8	0	0	0	0
Mecklenburg	159	152	96	7	4	0	0	0	0
Middlesex	42	42	100	0	0	0	0	0	0
Montgomery	30	30	100	0	0	0	0	0	0
Nelson	30	30	100	0	0	0	0	0	0
New Kent	42	42	100	0	0	0	0	0	0
Northampton	119	116	97	0	0	1	2	3	3
Northumberland	49	49	100	0	0	0	0	0	0
Nottoway	73	68	93	5	7	0	0	0	0
Orange	66	62	94	4	6	0	0	0	0
Page	7	7	100	0	0	0	0	0	0
Patrick	24	24	100	0	0	0	0	0	0
Pittsylvania	314	298	95	13	4	1	2	3	1

MINORITY GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma		IEP Diploma		Certificate			
		Number	%	Number	%	Handicapped Number	Non-Handicapped Number	Total	
								Number	%
Powhatan	24	24	100	0	0	0	0	0	0
Prince Edward	84	83	99	0	0	0	1	1	1
Prince George	92	84	91	0	0	8	0	8	9
Prince William	202	190	94	1	0	2	9	11	5
Pulaski	32	30	94	2	6	0	0	0	0
Rappahannock	5	5	100	0	0	0	0	0	0
Richmond	36	36	100	0	0	0	0	0	0
Roanoke	48	42	88	6	13	0	0	0	0
Rockbridge	20	19	95	0	0	0	1	1	5
Rockingham	18	17	94	0	0	1	0	1	6
Russell	6	6	100	0	0	0	0	0	0
Scott	3	3	100	0	0	0	0	0	0
Shenandoah	13	12	92	0	0	1	0	1	8
Smyth	8	8	100	0	0	0	0	0	0
Southampton	84	77	92	0	0	0	7	7	8
Spotsylvania	71	69	97	0	0	1	1	2	3
Stafford	43	41	95	0	0	0	2	2	5
Surry	76	75	99	0	0	0	1	1	1
Sussex	163	153	94	7	4	0	3	3	2
Tazewell	23	22	96	0	0	0	1	1	4
Warren	24	23	96	0	0	0	1	1	4
Washington	17	17	100	0	0	0	0	0	0
Westmoreland	90	90	100	0	0	0	0	0	0
Wise	9	9	100	0	0	0	0	0	0
Wythe	17	14	82	0	0	0	3	3	18
York	126	122	97	0	0	0	4	4	3
Alexandria	270	262	97	8	3	0	0	0	0
Bristol	20	17	85	2	10	0	1	1	5
Buena Vista	2	2	100	0	0	0	0	0	0
Charlottesville	76	74	97	2	0	0	0	0	0
Chesapeake	538	518	96	0	0	16	4	20	4
Clifton Forge	14	12	86	2	14	0	0	0	0
Colonial Heights	0	0	0	0	0	0	0	0	0
Covington	11	9	82	2	18	0	0	0	0

MINORITY GRADUATES
SPRING OF 1981

Division	Total	Regular Diploma		IEP Diploma		Certificate		Total	
		Number	%	Number	%	Handicapped Number	Non-Handicapped Number	Number	%
Danville	156	153	98	2	1	0	1	1	1
Falls Church	6	6	100	0	0	0	0	0	0
Franklin	58	56	97	0	0	0	2	2	3
Fredericksburg	46	43	93	2	4	1	0	1	2
Galax	7	6	86	0	0	0	1	1	14
Hampton	690	678	98	0	0	4	8	12	2
Harrisonburg	9	6	67	1	11	2	0	2	22
Hopewell	71	65	92	0	0	6	0	6	8
Lynchburg	153	151	99	2	1	0	0	0	0
Manassas	11	11	100	0	0	0	0	0	0
Mansasas Park	1	1	100	0	0	0	0	0	0
Martinsville	88	84	95	3	3	0	1	1	1
Newport News	590	579	98	2	0	9	0	9	2
Norfolk	967	942	97	25	3	0	0	0	0
Norton	4	4	100	0	0	0	0	0	0
Petersburg	381	372	98	7	2	0	2	2	1
Poquoson	0	0	0	0	0	0	0	0	0
Portsmouth	435	435	100	0	0	0	0	0	0
Radford	10	10	100	0	0	0	0	0	0
Richmond	986	962	98	13	1	0	11	11	1
Roanoke	226	214	95	10	4	0	2	2	1
Staunton	31	28	90	0	0	0	3	3	10
Suffolk	319	305	96	0	0	14	0	14	4
Virginia Beach	382	366	96	0	0	15	1	16	4
Waynesboro	21	20	95	1	5	0	0	0	0
Williamsburg	111	102	92	0	0	6	3	9	8
Winchester	18	16	89	2	11	0	0	0	0
Cape Charles	7	7	100	0	0	0	0	0	0
Colonial Beach	7	7	100	0	0	0	0	0	0
Fries	0	0	0	0	0	0	0	0	0
West Point	5	5	100	0	0	0	0	0	0
State Totals	13604	13108	96	196	1	139	161	300	2

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TABLE 4
STUDENTS COMPLETING REQUIRED UNITS BUT NOT PASSING GRADUATION COMPETENCY TEST
SPRING OF 1981

Division	Total	Certificate				No Recognition			
		White	Other	Total Number	%	White	Other	Total Number	%
Accomack	1	0	0	0	0	0	1	1	100
Albemarle	1	0	1	1	100	0	0	0	0
Amherst	1	0	1	1	100	0	0	0	0
Appomattox	3	1	2	3	100	0	0	0	0
Arlington	3	0	1	1	33	2	0	2	67
Augusta	2	0	2	2	100	0	0	0	0
Buchanan	4	4	0	4	100	0	0	0	0
Buckingham	1	0	0	0	0	0	1	1	100
Caroline	2	0	2	2	100	0	0	0	0
Chesterfield	1	0	0	0	0	0	1	1	100
Clarke	1	0	1	1	100	0	0	0	0
Dinwiddie	1	0	1	1	100	0	0	0	0
Essex	1	0	0	0	0	0	1	1	100
Fairfax	4	0	0	0	0	2	2	4	100
Franklin	1	1	0	1	100	0	0	0	0
Gloucester	2	0	2	2	100	0	0	0	0
Goochland	1	0	1	1	100	0	0	0	0
Hanover	1	0	0	0	0	1	0	1	100
Isle of Wight	2	1	0	1	50	0	1	1	50
King George	2	0	0	0	0	1	1	2	100
Loudoun	1	0	1	1	100	0	0	0	0
Patrick	1	1	0	1	100	0	0	0	0
Pittsylvania	3	1	2	3	100	0	0	0	0
Prince William	1	0	0	0	0	0	1	1	100
Pulaski	2	2	0	2	100	0	0	0	0
Roanoke	1	0	0	0	0	0	1	1	100
Rockbridge	7	6	1	7	100	0	0	0	0
Stafford	2	0	2	2	100	0	0	0	0
Sussex	3	0	3	3	100	0	0	0	0
Tazewell	1	0	1	1	100	0	0	0	0
Warren	1	0	1	1	100	0	0	0	0
Chesapeake	2	0	0	0	0	0	2	2	100
Danville	2	1	1	2	100	0	0	0	0

TABLE 4
STUDENTS COMPLETING REQUIRED UNITS BUT NOT PASSING GRADUATION COMPETENCY TEST
SPRING OF 1981

Division	Total	Certificate				No Recognition			
		White	Other	Number	%	White	Other	Number	%
Galax	1	0	1	1	100	0	0	0	0
Martinsville	1	0	1	1	100	0	0	0	0
Newport News	4	0	0	0	0	0	4	4	100
Norfolk	1	0	0	0	0	0	1	1	100
Petersburg	2	0	2	2	100	0	0	0	0
Richmond	8	0	0	0	0	0	8	8	100
Roanoke	2	1	1	2	100	0	0	0	0
Suffolk	1	0	0	0	0	0	1	1	100
Williamsburg	3	0	3	3	100	0	0	0	0
Winchester	1	1	0	1	100	0	0	0	0
State Totals	87	20	34	54	62	6	27	33	38

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TABLE 5

Awarded Standard Units of Credit to Handicapped Students*

Standard Credit awarded for instruction provided by:

	<u>YES</u>	<u>NO</u>	<u>NO RESPONSE</u>
Regular Class Teachers	98	4	2
Special Education Resource Teachers	79	19	6
Special Education Self-Contained Class Teachers	74	18	7

*104 of 132 divisions providing high school programs for handicapped students.

141 School localities

136 Divisions (single, joint)

132 Divisions providing high school special education programs on a single
or cooperative basis

TABLE 6

Types of Diplomas/Certificates Awarded to Handicapped Students*

Academic Diploma	1
Advanced Diploma	1
Standard/Regular Diploma	74
General Diploma	2
Special Diploma	2
Standard/Regular Diploma--"I.E.P." Notation	4
Alternative Education Diploma	1
I.E.P. Diploma	60
Vocational Diploma	1
I.E.P. Certificate	1
Special Services Certificate	2
Special Education Certificate	2
Alternative Education Certificate	1
Certificate of Completion	26
Certificate of Achievement	3
Certificate of Attendance	16
Certificate of Attendance--"I.E.P." Notation	1
Certificate of IEP Completion	1
Certificate of Recognition	2
Three Year Certificate	1
Certificate Diploma	1

*Report of 99 of 126 administrators responsible for the 132 local district special education programs.

APPENDIX C

**Summary Statements of
Mr. Merle Steven McClung
former Director of the Centers
for Law and Education
Education Commission of the States**

**Dr. William Spady
Senior Research Sociologist
National Institute of Education
U.S. Department of Education**

**Dr. Robert Stoltz
Vice Chancellor for Academic Affairs
Western Carolina University**

**before the
House Education Subcommittee on
Minimum Competency Testing
Public Hearing**

September 5, 1979

Annandale, Virginia

Summary of Comments

Merle Steven McClung

I. Mr. McClung stated that the similarities between Virginia's testing program and the Florida testing program indicate that legal difficulties could arise in Virginia. The Florida program has generated the only federal court case which can be used as a guide. Mr. McClung questioned the adequacy of the notice given to the students in Virginia. He felt that not enough time/warning was given to the students or teachers of the requirement for successful completion of the test for receiving a high school diploma.

II. The lack of adequate notice is based on the legal principle of due process of law as guaranteed by the 14th Amendment of the Constitution. Mr. McClung noted that in Debra P. v. Turlington , the federal district court held that the notice, which was three years, was inadequate.

III. He stated that the Florida case involved a recognized Constitutional prohibition against carrying forward the effects of past discrimination because, in Florida, a disproportionate number of minorities were injured by the requirement. The plaintiffs in Debra P. were black students, many of whom had entered public schools at a time when a dual school system was still being operated. The dual school system provided unequal opportunities which were reflected by the number of minorities failing the test. The test, therefore, perpetuates the effects of past discrimination creating a dual injury, that is, unequal educational opportunity followed by denial of the diploma.

IV. The equal opportunity argument is based on the 14th Amendment of the Constitution as well as the Equal Educational Opportunities Act of 1974 and Title VI of the Civil Rights Act of 1964.

V. Mr. McClung pointed out a possible problem in that the skills tested by the Virginia test might not match the curriculum. He stated that many competency tests measure skills that the schools have never taught. Tests that are mismatched to the school's educational program are said to lack instructional validity.

Summary of Comments

Dr. William Spady

A. A tremendous difference exists between competency based educational programs and minimum competency programs. These two are mutually exclusive, i.e., if a school system has a competency based educational program, there will be no necessity for a minimum competency testing program. Conversely, after implementation of a minimum competency testing program, the likelihood of having operational competency based educational programs becomes less.

B. Two fundamentally different concepts of educational opportunity have guided our educational system:

1. ~~access~~—an opportunity to attend, that is to spend time in school.
2. access to achievement—that is to master useful skills.

The competency testing program focuses on the second definition, e.g. is the diploma a reward for time spent in the institution or is the diploma evidence of accomplishment?

C. The problem is that the minimum competency testing program attempts to superimpose the second definition of equal opportunity, access to accomplishment, over the first definition of equal opportunity, access to spend requisite time in school. Phrased another way, the system of twelve magic years has not been altered, but a requirement for accomplishment has been established.

D. A competency based educational program provides for a binding of the instructional program and the evaluation of performance on a flexible basis. Absolute time for achievement of certain goals are not established. Standards of achievement are established, but the time in which they are accomplished differs according to the individual's ability.

E. School systems perform four major functions:

1. Custody control of the students;
2. Acculturation or socialization (the hidden curriculum);
3. Instruction (the official curriculum); and
4. Certification.

Under the last function, a number of subfunctions are subsumed. Among the most important of these subfunctions is the selection function. Society labels individuals as deserving and not deserving. The diploma is a symbol which is used for many kinds of selection, i.e. access to higher education and jobs. Within the certification function, there arises the question of how credit is awarded and to whom. Awarding credit on the basis of the Carnegie unit is awarding credit on the basis of time rather than achievement. One of the reasons for the minimum competency testing program is this awarding of certification on the basis of time. The ground rules for credit should be adjusted to reflect accomplishment.

F. A system in which time spent equals meeting minimal expectations is a system in which standards are referenced against vague criteria. Criteria are not specified in a clear, concise way. Minimum Competency Testing is an effort to establish specific standards. The problem is that the Minimum Competency Test is a norm-referenced test with a magical passing score.

Basically the testing program is an attempt to provide accountability and to improve instruction. The questions are: Does the test provide accountability? Does the test improve instruction?

To encapsulate Dr. Spady's address:

G. He advocates mastery training rather than Minimum Competency Testing. This mastery training concept would provide an instructional structure to allow the student to move at his own pace and accomplish his goals. Mastery learning is based on the assumption that all individuals can meet the standards. This is a criteria referenced system rather than a norm referenced system as is Minimum Competency Testing. A minimum competency testing program, on the other hand, assumes

that a set time is necessary to acquire life coping skills which can be evaluated by a written test.

Summary of Comments

Dr. Robert Stoltz

1. Dr. Stoltz drew a comparison between what is happening in assessing student competence at the high school level and the efforts to assess the competence of teachers and those who wish to become certified to teach.

A. Both issues involve a "pipeline problem" in that one filter or mechanism for eliminating individuals is used; i.e., the competency testing program for diplomas and professional tests. Are these tests, Dr. Stoltz questions, remedies for flaws inherent in the system?

B. Dr. Stoltz cited as an example those who go to less selective institutions in which teacher preparation may be less comprehensive. Products of these institutions may not perform as well as their counterparts from more selective institutions on competency tests.

2. Dr. Stoltz sees competency testing as the "Educational equivalent of Proposition 13" at the high school level.

A. The public is dissatisfied with current educational products. The public is looking for a single, simple inexpensive solution which appears to be able to bring everything back into line.

B. The public and the legislature must understand that the role of competency testing must be limited. "Competency results are more an illustration of the screening than an indictment of schools, teachers, etc...." As an example, he stated that the dropout rate in Carolina is high and does not necessarily reflect on schools, but is rather a reflection of societal conditions.

C. Dr. Stoltz felt the public has been asking for educational systems to "specify some goals to give us assurance that certain fundamentals are being accomplished."

3. Dr. Stoltz suggested that children be allowed to take the competency tests whenever they reach the level of skills it purports to evaluate. If some children can pass the test in the 6th grade, he questioned the necessity of retesting them in the 11th grade.

Appendix D

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