Vouchers in the courts

James E. Ryan provides a balanced and comprehensive description of the next round in the legal fight over vouchers ("The Neutrality Principle," Feature, Fall 2003). State constitutional provisions serve as the most immediate impediment to voucher programs that include religious schools. The assumption had long been that state courts are free to interpret their constitutions differently from the federal provisions, even if those interpretations diverge from federal holdings.

Zelman arguably undermines this presumption by intimating that there is no longer any justification for treating religious schools differently from their secular counterparts in indirect funding programs. However, one point that is missing from Ryan’s otherwise comprehensive article is how a conservative court would reconcile its federalist inclinations with a holding that states cannot provide a “more spacious” conception of church-state separation. Only if the Establishment Clause represents both the floor and the ceiling of church-state relationships should states be barred from alternative approaches. A holding that states must march in lock-step with the federal experiment would have implications for other federalism issues, a point likely to be on the minds of the justices.

As Ryan notes, the most popular line of attack on these comprehensive state provisions is that they are based on the much-maligned Blaine amendment of 1876. Pro-funding groups argue that the federal Blaine amendment—which sought to prohibit public funding of sectarian schools—was nothing more than an exercise in Catholic bigotry. Because many state provisions were modeled after the failed amendment, the argument goes, they too are suspect in origin and effect.

Ryan’s historical argument fails in two respects. First, the Blaine amendment was the capstone of a much larger controversy over the future of American public education. Funding of sectarian schools was only one aspect of the controversy, and anti-Catholicism a subset thereof. While anti-Catholicism and opposition to parochial school funding motivated many Blaine amendment supporters, other people were motivated by a variety of concerns, not the least of which was whether there should be a federal role in education. Second, many state constitutional provisions were enacted for reasons that had nothing to do with anti-Catholicism. Several midwestern states enacted their constitutions with provisions preventing the funding of religious schools before the rise of organized nativism and long before the Blaine amendment. A recent review of the state constitutional conventions in Oregon (1857) and Washington (1889) for an amicus brief in Locke v. Davey revealed no evidence of anti-Catholic animus. As Ryan correctly concludes, the road to challenging these state provisions may be long and arduous, requiring a state-by-state review.

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The SAT

I was one of the two psychometricians on the panel that advised the College Board on the issue of whether the SAT scores of disabled students who take the test with accommodations should be “flagged” (see Miriam Kurtzig Freedman, “Disabling the SAT,” Feature, Fall 2003). In my opinion, the decision to end the practice of flagging was the right one.

Standard testing conditions are problematic for many people with disabilities. This is why the College Board grants testing accommodations, such as extended time to finish the test. However, many people with disabilities do not want others to know about their disability. The practice of flagging SAT scores essentially informs college-admissions officers that the applicant has a disability. The opportunity for bias against the student is obvious.

There are two arguments in favor of flagging. The first is that providing an accommodation may give students with disabilities an unfair advantage. The second is that scores from accommodated test administrations are less valid than scores from standard administrations.

As Freedman argues, the current version of the Standards for Educational and Psychological Testing can be interpreted to support the practice of flagging when information on the comparability of scores across standard and nonstandard test administrations is lacking. However, these standards also state: “If a modification is provided for which there is no reasonable basis for believing that the modification would affect score comparability, there is no need for a flag.” Furthermore, the Standards are silent on the issue of where to draw the line between “comparability” and “noncomparability.”

The College Board has sponsored more research on the effects of testing accommodations than any other organization in the world. The findings for the SAT show that students with disabilities perform much better when given accommodations such as extended time. Meanwhile, students without disabilities score only a little better when given an accommodation. The only evidence in support of “noncomparability” was for male students with learning disabilities who had extended time. Their first-year college GPAs were lower than the SAT predicted. However, this finding did not
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Miriam Kurtzig Freedman responds:
I thank Stephen Sireci for his thoughtful letter. Nevertheless, I am not prepared to assume that college-admissions officers will be biased against applicants with disabilities. Neither the panel that voted to end flagging nor the College Board has presented any evidence to support this assumption.

Sireci writes that the only evidence of noncomparability is the “relatively small effect noted just for learning-disabled males” and concludes that this could not support the continued practice of flagging. Yet when the panel’s two psychometricians asked themselves the key question—Are the scores from standard and nonstandard administrations of the test comparable?—one answered, “No,” and Sireci answered, “Not sure.” We still have no “reasonable basis” to believe the scores are comparable. Thus the College Board’s decision to end flagging is difficult to reconcile with the evidence and the panel’s own deliberations.

Licensing leaders
Frederick M. Hess seems obsessed with the need to establish a “deregulation” route to identify and prepare school leaders (“Lifting the Barrier,” Forum, Fall 2003). His model seems to suggest that just about anyone with a master’s degree, preferably in business administration, can provide leadership to schools and districts. This is truly a flawed concept in that a business executive, while having the requisite management and financial skills, has basically no knowledge of the learning process, adolescent psychology, curricular programs, and instructional strategies. Schools need leaders of instruction who have a broad repertoire of pedagogical skills that have been built through extensive school-based experiences.

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University-based programs in educational administration have been far too unselective in whom they admit and "train" for leadership roles. Those same programs, it should be pointed out, are too often undercapitalized and are expected to generate credit hours without many of the resources needed to foster quality programs. I agree that far too many programs in educational administration are disconnected from the real world of education practice. One simple illustration is the absence, in many programs, of any substantive work on assessment and accountability and of helping administrators learn how, in Marc Tucker's words, to "recognize the elements of sound standards-based classroom organization and practice."

Frederick Hess, however, sounds like far too many critics who suggest that the free-market approach is the answer. It seems so right to suggest that if you deregulate credentialing for administrators, they (the bright, the better educated, and the managerially savvy) will come. The authors even have anecdotal evidence to prove their point from places like Seattle and San Diego. But basing public policy on a broad deregulatory idea ignores the important difference between the education of our children and other public pursuits. Deregulation of such things as the telephone industry has brought more options, but has also engendered lots of problems. The consequences of broad deregulation of education are potentially more deleterious and far-reaching than may be evidenced in other public- and private-sector endeavors. I am convinced that the byproduct of deregulation via the Hess route will be further mediocrity with instances of excellence, which we already have.

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Frederick M. Hess responds: Neither I nor any responsible reformer imagines that private-sector candidates are saviors or in possession of unique skills. The point is only that they ought to be judged on their ability and not blocked out by statutes or regulations. Gerald Tirozzi asserts the continued need for traditional courses in educational administration, despite the absence of evidence that these courses teach useful or necessary skills. He acknowledges the promise of performance-based licensure, but then calls for a continued regime of mandatory coursework. Such required seat time, of course, is the antithesis of licensure based on how well administrators serve children.

If we agree that educational administration programs don't provide the leaders we need, and if three decades of reform haven't made much difference, why is Thomas Lasley so confident that minor adjustments in
courses or programs will produce substantial change? If potential new applicants are less suited to school leadership positions than current leaders or are likely to “do harm,” why does Lasley presume that they will be hired over conventional candidates? If he believes that district hiring officials are unwilling or unable to gauge ability, then we have identified a need for much more fundamental change in educational administration.

Teacher pay

Richard Vedder points out that teachers are not paid as badly as everyone thinks (“Comparable Worth,” Forum, Summer 2003). Unions like to use measures of annual salary, while Vedder suggests that hourly wages provide a more accurate gauge of teachers’ pay. But neither is a very good unit of measure.

Teachers commonly work many more hours than the official time they spend in school because they typically prepare for class, grade exams, and perform other tasks outside the formally defined school day. In my experience, most teachers work as much as other professionals, about 50 hours per week. The best unit is the number of contractual work days, which for teachers is typically about 182 days per year. The work year for most workers is 238 days. In other words, a teacher’s annual salary is based on about 76 percent of a standard work year. Thus a teacher’s salary of $45,000 translates into a full-year salary of $59,000.

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The Asian-white gap

Jens Ludwig (“The Great Unknown,” Check the Facts, Summer 2003) raises a number of important questions about the U.S. Department of Education’s study of the black-white test-score gap. But he ignores entirely the fact that their analysis and virtually all other studies on this matter are limited by the fact that the test scores of African-Americans were measured only against whites. Asian-Americans are a smaller minority than blacks, but outperform both whites and blacks in school. Asians should be included in the data to ascertain why this group has such a great academic advantage; one reason is perhaps their tight-knit traditional family structure.

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