



Why Johnny Can't Fail

How the "floating standard" has destroyed public education

I confess. I am a grade-inflating teacher guilty of "social promotion." I have given passing grades to students who failed all of their tests, to students who refused to read their assignments, to students who were absent as often as not, to students who were not even functionally literate. I have turned a blind eye to cheating and outright plagiarism and have given A's and B's to students whose performance was at best mediocre. Like others of my ilk, I have sent students to higher grades, to higher education, and to the workplace unprepared for the demands that would be made of them.

I am, in short, a servant of the force that thwarts nearly every effort to reform American education. I am a servant of the floating standard.

It does not matter what changes we make in curricula. The floating standard shields the status quo and guarantees the reign of mediocrity. If standards are set high but students lack the skills or motivation to meet them, the standards will inevitably drop. If many students in a given class

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By Jerry Jesness

take part-time jobs, homework will be reduced. If drugs sweep through a school, lower standards will compensate for the lack of mental clarity. Americans want quality education, but when lower grades and higher failure rates reach their own children's classes, they rebel and schools relent. Americans hate public education because standards are low but love their local schools because their children perform so well there.

Schools have their own reasons to play along. Flexible standards mean fewer complaints. When parents are happy, there are fewer lawsuits; when students are happy, there are fewer discipline problems. What's more, schools that fail students who

ley. Since I was now an experienced teacher and was reasonably fluent in Spanish, I felt that my position would be stronger than it had been at my former school. Besides, at my interview my future principal spoke movingly about the need to push our students to their limits. In the first grading period I boldly flunked a number of students, including the daughter of an administrator of a local elementary school and a star fullback who was also the nephew of a school board member.

Shortly thereafter I was called in to meet with my principal and the aggrieved parents. Such was my naiveté that I actually bothered to bring evidence. I showed the elementary adminis-

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have not met the stated standards have the expensive and unpopular obligation to retain them.

In the short term, floating standards make everybody a winner. Students build self-esteem, parents gain peace of mind, and schools save money. When the payback comes, time and distance keep the student and the school well separated. Teachers who are willing to drop standards, especially those who manage to do so while boasting of raising them, win the enthusiastic support of students, parents, and administrators, while those who genuinely attempt to challenge their charges are harassed, proselytized, or purged.

The Initiation

I was introduced to the floating standard in 1979, while teaching for the Bureau of Indian Affairs on a reservation in western South Dakota. My predecessor had been forced to resign after failing nearly half his students. In his absence, the failing grades were changed and his students were promoted to the next grade. His former students and peers considered him a capable, if imprudent, instructor. It was because of him that my students were willing and able to read grade-appropriate novels, a rarity at BIA schools.

Even though I knew my predecessor's fate, I gave some failing grades for the first grading period. After a few warnings, however, I fell into line. There was no point in doing otherwise. The students already knew that failing grades would mysteriously change over the summer and that they would advance to the next grade. I opted for self-preservation.

A few years later I moved to Texas' lower Rio Grande Val-

trator her daughter's plagiarized book report and the book from which it had been copied, and I showed the fullback's father homework bearing his son's name but written in another person's handwriting. The parents offered weak apologies but maintained that I had not treated their children fairly.

My principal suddenly discovered a number of problems with my teaching. For the next few weeks he was in my class almost daily. Every spitball, every chattering student, every bit of graffiti was noted. When there were discipline problems, my superiors sided with the offending students. Teaching became impossible.

So I learned to turn a blind eye to cheating and plagiarism and to give students, especially athletes, extra credit for everything from reading orally in class to remembering to bring their pencils. In this way, I gained the cooperation of my students and the respect and support of my superiors. I gritted my teeth, toughed out the year, and sought employment elsewhere.

It wasn't until after my fifth year of teaching that I finally gave up and accepted that my only choices were either to accept the floating standard or to abandon public education. That year my assignment was to teach beginning English as a Second Language (ESL I) and Plan III (low-group) language arts. My principal was particularly adamant about having all the students pass. After issuing the first round of grades, I found myself in his office more often than my worst-behaved students. He informed me that, since our school offered "ability grouping," there was no reason for any student to fail.

He recommended a few grading techniques to help me help my students pass. All ESL students were to receive passing grades. We could promote even those who failed to learn English to the next grade without promoting them out of ESL I. In language arts, no test was to be graded below "50," even one that was turned in blank. Daily assignments were to be graded accord-

ing to the number of questions answered, even if all of the answers were wrong. If eight of 10 questions were answered, the grade was to be "80," regardless of the quality of the answers. Those who still were failing at the end of the grading period were to be offered the opportunity to do reports or projects for extra credit. My neighbor, another low-group teacher who was held up to me as a mentor, boasted that he left the week's spelling words on the blackboard during spelling tests and recommended that I do the same.

I pulled in my horns too late to save myself that year. When I sent students to the office for discipline, the referral forms were placed in my file as evidence that I could not handle my classes. Failing grades were taken as proof that I was not motivating my students. Even chronic truants and habitual drug abusers would presumably have been passing had I been doing a better job of teaching. Besides, my neighbor had the same sort of students as I, and their grades were fine.

The principal recommended that my contract not be renewed. My dismissal hearing was a lonely affair attended only by my superintendent, my principal, a stenographer, and me. No champion of high educational standards descended from his ivory tower to speak on my behalf. I pointed out that those students who eschewed drugs and attended class regularly were doing well. Some of my ESL students had learned enough English that year to function in regular academic classes, and many of my language arts students were beginning to write coherent essays. I offered student compositions and tests as proof and suggested that we compare my students' standardized test scores with those of other students in the same track. My arguments fell on deaf ears.

That job and its \$17,000 annual salary were hardly worth fighting for, so I left quietly. After a year as a salesperson and graduate student, however, I began to miss the classroom and decided to give teaching one more try. I returned to the district where I had given a failing grade to a star fullback. My superiors correctly assumed that I had learned my lesson and welcomed the return of the prodigal teacher. Just as Orwell's Winston Smith was finally able to win the victory over himself and love Big Brother, I was finally ready to embrace the floating standard.

In the ensuing seven years, only two of my students failed. My evaluations were "above expectations" twice and "clearly outstanding" five times. By my fifth year I had climbed to the top of the Texas teachers' career ladder and earned an annual bonus of \$3,300.

I really did become a better teacher after my rebirth, if only because I had gained the cooperation of my students and superiors. My classes became much better behaved after I quit trying to force students to learn more than they cared to. My superiors became more supportive, and I actually met with cooperation, not hostility, when I sent students to the office. I tried to be as honest as possible with my charges.

All of my students and any parents who bothered to visit my classroom or return my phone calls understood that grades above 80 honestly reflected performance, while those in the 70 range were fluffed up with extra credit. I explained to the parents of my immigrant students that here in the United States passing grades may be given for attendance and minimal effort and do not necessarily reflect mastery of the course material. Students who needed to be pushed lost out, but that was the price of harmony.

The Effective Schools movement of the early '90s gave the brief illusion that schools were ready for real change. In 1991 I was named head of the campus High Expectations Committee. We recommended that administrators stay out of the grading process and that teachers not be required to give evidence that failing students had been retaught and retested. We also suggested that students who complained that their grades were too low or that they were being unfairly retained should be required to prove that they had done the required work and mastered the required material.

Our recommendations disappeared over the summer. In their place was a plan to give high achievers pizza parties and letter jackets.

Why the Floating Standard?

Years ago there was a con game called the razzle-dazzle. Players threw marbles onto a numbered grid. The total corresponded to another number on a chart, where the winning numbers were very high or very low. Since there were many marbles, the odds of hitting such a total were infinitesimal. The operator could give the player the illusion that he was winning early in the game by

miscounting in the player's favor. When it appeared that the player was close to winning the jackpot, the operator began counting the numbers as they really were.

Like the razzle-dazzle man, schools have fooled their clients by miscounting in what appears to be the clients' favor. By giving high grades and class credit to anyone willing to occupy space in a classroom, schools create the illusion that their players—their students—are winning. Only after leaving school and facing work or college do the students discover that they have lost.

Knowledge is power, but a diploma is just a piece of paper. Our schools have undersold the former and oversold the latter. Most employers would rather hire

a 10th-grade dropout with a solid 10th-grade education than a high school graduate with only fifth-grade skills. Likewise, a dropout who later graduates from night school at age 21 will be better prepared for work and life than a student who graduates illiterate at 18. Many students and even parents fail to grasp this simple truth. For too many of them, a diploma is a sort of



philosopher's stone, an object that can magically guarantee one an annual income in excess of \$25,000—an object that is, furthermore, an entitlement owed to anyone willing to serve sufficient time in school.

Such students do not see teachers as mentors who help them strengthen their knowledge and skills. They see them as obstacles.

It should come as no surprise that grade inflation and course content reduction have become the norm. Grades are educational quality control, and passing grades “prove” that teacher, student, and school are successful; therefore, the “best” teachers are those who give the highest grades, and the “best” administrators are those who can convince their teachers to do so. In this bizarre system, it is better to teach 10 vocabulary words than 100. If a teacher assigns 10 words and the student learns eight, the student scores 80 on the exam and both teacher and student are successful. If the teacher teaches 100 words and the student learns 50, both student and teacher have failed, even though the second student has learned more than six times as much as the first.

Teachers have an abundance of curricular guides provided by textbook publishers, district committees, and state agencies. Although teachers are required to follow these guides, they are also expected to teach students “where they are at,” help them compensate for learning disabilities, modify lessons for various learning styles, reteach students who fail to master material in the allotted time, and so on. A teacher's worst nightmare is to be assigned a “regular” class in which most students' skills are several years below par.

Imagine that you are required to teach *Hamlet* to a group of students who are either unwilling or unable to read such a work. If you demand that your charges read and understand the play, most will fail and you will be blamed. If you drop *Hamlet* and convert the class into a remedial reading course, you will be out of compliance with the curriculum. If you complain that your students are not up to the mandated task, you will be labeled insensitive and uncaring.

Fear not: The floating standard will save you. If the students will not or cannot read the play, read it to them. If they will not sit still long enough to hear the whole play, consider an abridged or comic book version, or let them watch a movie. If they cannot pass a multiple-choice test, try true-or-false, or a fill-in-the-blank test that mirrors the previous day's study sheet. If they still have not passed, allow them to do an art project. They could make a model of the Globe Theater with popsicle sticks or draw a picture of a Danish prince, or Prince Charles, or even the artist formerly known as Prince. Those who lack artistic talent could make copies of Shakespearean sonnets with macaroni letters on construction paper. If all else fails, try group projects. That way you can give passing grades to all the students, even if only one in five produces anything.

Keep dropping the standard, and sooner or later everyone will

hit it. If anyone asks, you taught *Hamlet* in a nonconventional way, one that took into account your students' individual differences and needs.

Fixing the Floating Standard

For three decades, dismayed Americans have watched their children's test scores slip relative to those of children in other industrialized nations. Our leaders have responded with hollow excuses. *Too many American children live in poverty, they say.*

But so do many Koreans. *Many American children are raised in single-parent homes.* But so are many Swedes. *The United States is an ethnically diverse country.* But so is Singapore. The biggest lie is that we are the only nation in the world that seeks to educate children of all socioeconomic classes. That has not been true for decades.

The reality is simpler than that. Those other nations have fixed standards.

American schools offer fixed standards for their best and worst students, but not for the largest group, those in the middle. Advanced Placement tests are the same throughout the country. International Baccalaureate offers uniform curricula and standards to top-notch students in the United States and in English-language schools throughout the world. Like the Advanced Placement exams, SAT II exams test knowledge in certain subjects. A teacher who prepares students for these tests must teach the intended content of the course or face the embarrassment of having most of his students fail the final test. Likewise, students must learn the material or fail the test and forego course credit. No student, not even a star athlete, can negotiate a higher grade on an A.P. exam.

In my early teaching years, there were no fixed standards at the bottom. We had the Iowa Basic Test, the California Achievement Test, and the Comprehensive Test of Basic Skills, but the low-group classes did not take them very seriously. The *Zeitgeist* forgave disadvantaged students and those who taught them for poor scores.

That has changed in the past decade. Ever-increasing numbers of states have mandated that their students pass a basic skills test before graduating. In Texas, the euphemistically named Texas Assessment of Academic Skills (TAAS) is the standard. In order to prevent schools from ignoring any class of students, Texas wisely chose to monitor separately the test scores of all racial and economic groups. The state has demanded basic skills for all students, and the schools are delivering.

For those who seek to learn more than basics, however, the effect has been negative. Like other state-mandated minimum skills tests, the TAAS is helping to solve one problem while creating another: Basic skills are now so strongly stressed that academics suffer. Some conscientious English and reading teach-



ers complain that they have had to cut back on literature in order to cover TAAS skills. Teachers who once taught from novels now assign reams of single-page reading passages followed by multiple-choice questions. It should be obvious that a student who has read and analyzed the works of Charles Dickens or Mark Twain would be better able to determine the sequence of events or select the main idea of a paragraph than would a student who spent his academic year reading sample test passages. Unfortunately, not all educational leaders agree, so abundant skills practice, not serious study of literature, has become the norm in too many classes.

Here's how the system works at my school. Our fourth-graders have two 70-minute reading sessions daily. In one session, the children read short selections from books, but in the other they read sample TAAS passages; they are given the entire period to digest a one- or two-page passage and then answer the five to eight questions that follow. They are encouraged to read the passage, highlight key words, write a brief summary of each paragraph, read the answer choices, eliminate unreasonable answers, reread the answers, check for words in the answer choices that match words in the passages, answer the questions, reread, and recheck. One doubts that children taught to read in this excruciatingly slow manner are likely to become avid readers, but, then again, that's not the point of the class.

Similar problems exist in other disciplines. Some science and social studies teachers complain of being told to teach their lessons in the same format, with single-page passages followed by multiple-choice questions. Many Texas elementary math teachers complain that they are encouraged to take advantage of the

it is reasonable for schools to dedicate time to state and local history as well. On literature we cannot agree at all. Perhaps it would be good for black students to have the opportunity to read Wright, Ellison, Hughes, and Hurston before reading Steinbeck and Dickens, as it might be for students in New Mexico to read Anaya and Cather before Hemingway.

The French can agree that each of their graduates should be familiar with Proust and Molière. We Americans have no such consensus, so we either test basic skills or leave the choice of what to test up to the schools. The result is standards that are minimal, variable, or both.

The Voluntary Standard

Those who take Advanced Placement or International Baccalaureate tests submit to a voluntary outside standard. There is no reason that we cannot extend this option to other students as well. Textbook publishers, educators, and others could produce competing tests to be given at the end of certain courses. Schools could submit lists of works of literature read and historical eras studied to private testing companies and receive a test compiled from computer databases. These tests would free teachers from the pressure to adjust the content of their courses and would assure students and their parents that the standard for each course is fixed, not floating. If *Hamlet* is tested, then *Hamlet*, not popsicle-stick or macaroni art, will be taught.

Since the tests would be privately produced and their use

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TAAS' lack of a time limit by having children draw and count sticks rather than memorize math facts.

And the TAAS, of course, is not the only measure of student performance, although it has a monopoly on Texas educators' attention. My district's TAAS scores have risen steadily, but our SAT and ACT scores have remained abysmal. Across the state, SAT verbal scores are exactly the same as they were a decade ago. Our SAT math scores have risen a bit in that time, but are still in the bottom quintile. In some of the state's colleges, more incoming freshmen are put in remedial classes than not.

There's another problem with the notion of national standards. In a nation as large and diverse as ours, it's simply a mistake to require everyone to learn the exact same things. While there is a certain body of history that all Americans should know,

voluntary, we would not see the public resistance that we have had to national exams. Universities could decide which testing services were most reliable. Admissions preference would likely be given to students who have scored well on reputable tests, allowing the market to choose the survivors.

Parents who trust their schools should be free to place their children in classes without standardized final tests. Those who want an assurance that the course's material is actually being taught should be offered the guarantee that such tests would provide. Those who prefer a fixed standard to a floating one should have that option. ♦

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Establishment Pause

Religious freedom meets anti-discrimination law

By Steve France

Ever since Southern restaurateur Lester Maddox brandished ax handles in the mid-1960s to make the case against laws that prohibit private discrimination, few have had the stomach to question the burden such measures place on individual liberty, much less argue that they impinge on constitutional rights.

Texas Gov. George W. Bush, the leading contender for the Republican presidential nomination, is one of the last politicians one would expect to take on such an issue. But the soothing would-be savior of moderate Republicanism, whose preferred role has been as Pepto-Bismol to the dyspeptic right wing, is serving up a "religious freedom" bill that may sanction the sort of discrimination Maddox liked to dish out.

Not that he set out to do so. The Bush-sponsored Texas Religious Freedom Restoration Act (RFRA) doubtless was chosen as a mom-and-apple-pie substitute for such indigestible religious dishes as abortion. It was patterned on a federal law that passed Congress almost unanimously in 1993, only to be struck down by the U.S. Supreme Court on federalism grounds in 1997. The modest aim of RFRA is merely to "restore" the traditional legal standard for protection of religious liberty that existed before *Employment Division v. Smith*, a 1990 case in which the Supreme Court concluded that the First Amendment does not require states to accommodate the ritual use of peyote.

But RFRA, similar to legislation that has been approved or is being considered in

about 20 other states, would not merely create a religious exception to drug laws. It would establish a principle that could entitle religious landlords, employers, and service providers to ignore laws that bar discrimination against gays, lesbians, and other minorities if those laws conflict with religious doctrines.

This possibility has just begun to register at the political level in Austin, but both conservative and liberal legal experts see it as the clear message of a January decision by the U.S. Court of Appeals for the 9th Circuit. In *Thomas v. Anchorage Equal Rights Commission*, the court held that landlords may refuse on religious grounds to rent to unmarried couples, despite a state law protecting such couples from housing discrimination. The decision, which is binding in California and eight other states, applied the same test for religious liberty that the Bush bill mandates.

The curious thing is that Bush's RFRA is virtually identical to legislation that

the Clinton administration and liberals such as Sen. Ted Kennedy (D-Mass.) have strongly supported for several years. The 9th Circuit's decision has exposed the flaw in a political fantasy embraced by Bush, Kennedy, the Clinton White House, Sen. Orrin Hatch (R-Utah), and even, until recently, the American Civil Liberties Union. These strange bedfellows thought they could shield religious freedom from state interference without sacrificing any of their other priorities.

The legal problem boils down to two large questions: First, must the government show a "compelling interest" before it can enforce laws that place a "burden" on the free exercise of religion? (Bush's bill says yes.) Second, what counts as a burden, and which interests are compelling?

The first question has been a hot one since *Smith*, the 1990 peyote case. The Supreme Court said the answer was no, partly because the second question was too vague and subjective for judges to settle. The case involved two Oregon members of the Native American Church who were fired from their jobs as drug counselors after their peyote use was discovered and who were subsequently denied unemployment benefits because of their "misconduct." Writing for the 5-4 majority, Justice Antonin Scalia said Oregon did not have to make an exception to its drug laws for religious use of peyote, no matter how ancient the practice. As long as a law does not single out a particular religion for unfavorable treatment, he said, it does not run afoul of the First Amendment's Free Exercise Clause.

Despite this precedent, the 9th Circuit in *Thomas* found an ingenious way to require a religious exemption from a generally applicable law. In *Smith*, Scalia said the Court had applied a compelling interest test in earlier re-

