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HELPING STUDENTS IN THE MIDDLE

What Average Students Can Achieve When Standards Are High and Stakes Are Clear

ONE-AND-a-half years ago, the AFT published *What College-Bound Students Abroad Are Expected To Know about Biology*, a book full of translated exams taken and passed by students abroad (France, Germany, Japan, and England/Wales) who intend to go to college. We chose biology as an example because it is the most frequently taken science subject in high school; exams in other subjects are of comparable difficulty. From an American perspective, the rigor of these exams is nothing short of stunning. What was even more striking was the high percentage of students in the countries surveyed who were able to rise to the level demanded by the exams. From 25 percent to 35 percent of each of these nation's youth

What Secondary Students Abroad Are Expected To Know was published this past summer by the American Federation of Teachers. The principal researchers and writers were Dawn Krusemark, senior associate with the AFT Educational Issues Department, and Andrew Forsaith, formerly a consultant with the AFT. This article—an adaptation from the book—was prepared by Ruth Wattenberg, deputy director of the AFT Educational Issues Department.

reached the standards implied by these exams.¹ In contrast, only 4 percent of American students took and passed Advanced Placement exams, which is the closest comparison we have; and there is little reason to believe that many more American students are performing at the AP level.

This finding was more graphic than previous reports about low achievement, because the actual exams taken by foreign students were shown. But it was totally consistent with abundant data showing that the achievement of U.S. students is not what it should be—and certainly not up

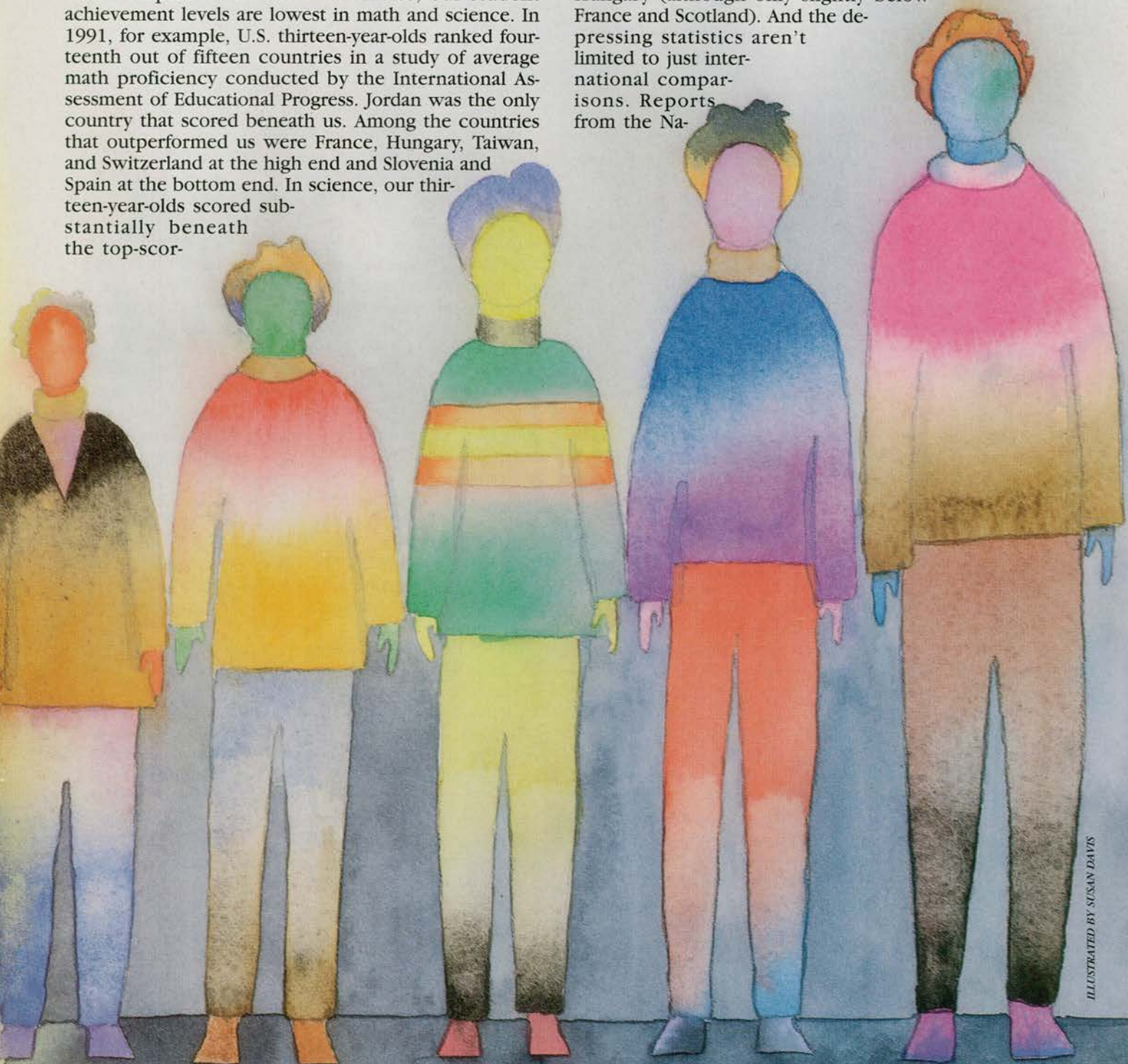
¹ These students didn't necessarily pass the exam in biology, but passed, depending on the country, up to five different subject exams of comparable rigor.



to the standard set by their peers abroad.

As compared with other countries, our student achievement levels are lowest in math and science. In 1991, for example, U.S. thirteen-year-olds ranked fourteenth out of fifteen countries in a study of average math proficiency conducted by the International Assessment of Educational Progress. Jordan was the only country that scored beneath us. Among the countries that outperformed us were France, Hungary, Taiwan, and Switzerland at the high end and Slovenia and Spain at the bottom end. In science, our thirteen-year-olds scored substantially beneath the top-scor-

ing countries—Korea, Taiwan, Switzerland, and Hungary (although only slightly below France and Scotland). And the depressing statistics aren't limited to just international comparisons. Reports from the Na-



tional Assessment of Educational Progress (NAEP) have repeatedly shown that our students—however they may compare to students elsewhere—aren't learning what they need to. According to NAEP's 1992 *Writing Report Card*, for example, the great preponderance of eighth- and twelfth-graders wrote essays that were judged only "minimally developed." Only 3 percent of students were able to write persuasive letters or essays that were "elaborated" or "extensively elaborated," as opposed to "developed" or "minimally developed." NAEP reports in reading, history, geography, math, and science all report that only small numbers of students reach highly proficient levels and far too few reach even a proficient level.

SOME CRITICS have tried to downplay the significance of the international comparisons of student achievement by claiming that these reports only reflect the performance of each nation's top students. These skeptics have argued that these other educational systems are fundamentally elitist and that, while they may educate their top students well, they neglect their lower-achieving students. If only researchers would compare the achievement of *average* students, the argument goes, they would find that the U.S. does a better job than other systems. This would be a rather damning critique of foreign educational systems, if true. And, if not true—if these systems produced strong educational achievement among their average students—that, too, would be very important to know because we have, in this country, a persistent problem trying to provide a good education to our average students. Our schools frequently offer gifted and talented programs and special programs for low-achievers, but our average-achievers often just drift along, lost in the nameless middle, with sagging interest in their schoolwork and little motivation to do their best. In order to consider this issue head-on, the AFT devoted the second book in its "Defining World-Class Standards" series to a review of the exams taken and passed by average-achieving students in several foreign countries. This new volume, released last summer, is entitled *What Secondary Students Abroad Are Expected To Know: Gateway Exams Taken by Average-Achieving Students*. In the pages that follow, we show representative excerpts from these exams.

We selected France, Germany, and Scotland, three countries whose students have performed well in a variety of international comparisons. In each of these countries, ninth- or tenth-grade students typically demonstrate—usually on an exam²—what they have learned in their schooling to date. Plus, it is possible in each of these countries to isolate the exams taken and passed by the middle-achieving third of the nation's students—not those students likely to graduate from a four-year academic university and not the nation's lowest-achieving students, but the students in the middle. These exams provide us with a fascinating handle on what average students in each of these countries know and are able to do as they complete lower secondary school.

2 In Germany, each state decides whether its students have to demonstrate their achievement on a standardized exam or through classroom exams.

Each of these exams is a "gateway" exam with "stakes" attached to it. That is, students' performance on these exams substantially determines the further education and training options that will be open to them (although in most cases, students' classwork and teacher recommendations are also important factors). For France, we include the *brevet de college* exams. These exams are taken at the end of ninth grade by students who want to earn the lower secondary school diploma, the *brevet de college*. To earn this diploma, students must receive satisfactory grades in a wide range of academic courses, in addition to performing well on the *brevet* exams. While the *brevet* diploma is not formally required, it is the traditional prerequisite for entering a highly academic secondary school program. More than 80 percent of French youth take the *brevet* exams, and 75 percent of these test-takers earn the diploma. In other words, more than 60 percent of the age cohort earn the *brevet de college*. This figure includes both the roughly one-third of the cohort that will eventually enter university and the middle-achieving third of French youth.³

For Germany, we included the exam taken by students in the state of Baden-Württemberg at the end of tenth grade to earn a *realschule* certificate. The *realschule* is one of three major types of German secondary schools; it enrolls most average-achieving students. In addition to the *realschule* program, which enrolls a plurality of German students, other students attend the *gymnasium*, which prepares the most accomplished secondary students to attend university; or the *hauptschule*, which is more vocationally oriented than either of the other schools. While all *realschule* students across Germany aren't required to pass a standardized exam of the sort shown here (it depends on state law), they must reach a level of achievement comparable to that exemplified by this exam in order to earn a *realschule* certificate. In addition, to earn the certificate, students must achieve passing grades in all of their subjects, which generally include: German, math, English, religious studies, geography, physics, chemistry, biology, sports, music, and an elective in a second foreign language, industrial arts, or home economics. The *realschule* certificate is earned by 44 percent of German youth; another 25 percent, those who complete the *gymnasium*, exceed the standard represented by this exam.

In Scotland, all tenth graders take a series of "Standard Grade Exams" (SGE). Students can choose to take them at three different levels of difficulty. From most to least difficult, the three levels are called "Credit," "General," and "Foundation." To encourage students to reach as high as they can, students can take exams at two levels, and only their top passing score will count. While students can select which subjects they will take their SGEs in, virtually all take exams in English, math, a science, and a foreign language—all of which have evolved into an "understood mandate." In *What*

3 While all French students study the same national curriculum, the *brevet* exam is developed locally, by each of twenty-eight regional districts, known as *academies*. This particular *brevet* was developed by the *academie* of Caen. A variety of mechanisms ensure that the rigor of all the *brevets* are comparable.

There is no reason to believe that our average students are innately less intelligent than those of France, Germany, or Scotland.

Secondary Students Abroad Are Expected To Know, we show excerpts from the General Level Standard Grade Exams in English, math, and biology. Depending on the subject, the proportion of Scottish youth that passes either a General level or the higher Credit level exam ranges from 63 percent to 85 percent.

In addition to showing the foreign exams, we wanted to provide some fair look at the performance of the comparable range of U.S. students. In the U.S., of course, we don't have any "gateway" exams that all or most students take. What could we look at? While there is nothing that provides a perfect comparison, the best available rough equivalent is, surprisingly, the GED test—the 5-subject academic test battery taken by high school dropouts who want to earn a high school equivalency diploma. While a high school equivalency degree is widely regarded as representing an achievement level below that reached by recipients of a traditional diploma, the fact is otherwise. The GED is designed and "normed" so that one-quarter of graduating high school seniors would fail the test, meaning that they would score below a 40 (on a scale of 20 to 80). Moreover, the GED is also normed so that the middle two-thirds of graduating high school seniors would score between 40 and 60⁴. After factoring out the 11 percent of students who drop out of high school, this means that about 59 percent of our youth would score between 40 and 60 on this test—roughly the same as the proportion of French, German, and Scottish youth who take and pass much more rigorous tests. In addition, remember that in France, Germany, and Scotland, roughly two-thirds of youth take and pass the tests shown here after ninth and tenth grades. For the U.S., the GED represents a level met by roughly two-thirds of our youth after twelfth grade—two to three years later.

While the level of the GED exams seems very low compared with the other exams shown here, we shouldn't be surprised. NAEP data, such as that cited earlier, indicate that most U.S. students function at a level below "proficient." Also as noted earlier, the international data suggest that our students are performing at levels significantly below their peers abroad.

WHAT WE found when we looked at these exams refutes the skeptics—and suggests that with a different system of education, our average students

could learn far more than they now typically do. What we found is that the middle-achieving third of ninth- and tenth-graders in France, Germany, and Scotland reach a level of achievement—in math, their native language, foreign language, and other subjects—that far exceeds what American students have achieved by that grade.

Take, for example, writing. There is only one essay question in the whole GED exam. As part of the Writing Skills test, students are given forty-five minutes to write a two-hundred-word statement agreeing or disagreeing with a given proposition. In contrast, on their French language test, French students are expected to spend roughly one-and-a-half hours developing an essay. The essay that we reprinted in our report, which received a good grade (24.5 points out of 30), is 550 words—two-and-a-half times as long as the GED essay—and is quite articulate. Plus, French students must write a history/geography essay (for which they are given about one hour) on such topics as "The Causes of the First World War." In Germany, students have two hours to write an essay for their German language test. The essay shown in our report earned only an average grade (4 and 4.5 on a scale of 6, with 1 the top), but it is nonetheless decently written and is about 580 words in length. Plus, German students must write a 120-word essay—nearly the length of the GED essay—in *English*, for their required English language exam. Unfortunately, Scottish confidentiality rules prevent showing a Scottish essay; but their English exam requires that students spend one hour and fifteen minutes writing one.

The differences in math and other subjects are also considerable. With these exams, the achievement differences between our students and those abroad that are normally expressed as dry statistics are suddenly real and palpable. This is no longer an abstraction. We can see concretely the kind of math and writing tasks that average students abroad routinely handle—and that ours don't. You can see for yourself the difference in achievement level in the excerpts from various exams in the pages that follow.

WHY?

There is no reason to believe that our average students are innately less intelligent than those of France, Germany, or Scotland. Unless we believe that American youth, en masse, have been struck with some blight that has substantially lowered their IQ, there is every reason to believe that if two-thirds of young people in those countries can master this material, two-thirds of our students ought to be capable of doing so also. But clearly, for some reason or collection of reasons, our students are not learning nearly as much as they should—or as much as they could. Why is this? And is there anything we can do about it?

There is no single, simple explanation for why our students are faring so poorly relative to their peers. There are some commonly offered explanations that surely contribute to this situation—and others that don't. One rationalization often made that doesn't

⁴ A score of 40 is earned by answering 35 percent to 40 percent of the questions right. A score of 60 is earned by getting about 90 percent of the questions correct.

hold up is that we are such a multicultural country, while the European countries are so homogeneous. In fact, both Germany and France are now home to substantial (and growing) minority and immigrant populations.

Another reason often given to explain the achievement difference is that in most of Europe (and Japan), funding for education is much more equitably distributed than it is in this country. But while this fact could begin to explain some of the particularly low achievement that persists in some of our most impoverished school districts, it doesn't do much to explain why the huge middle third of American students—many of whom, compared with their counterparts abroad, are in reasonably well-financed school districts—are doing so poorly.

What, then, does inspire, enable, and produce such impressive academic achievement among these average European students? For one, European students spend a much greater proportion of their school time devoted to academic subjects and much more of their after-school time doing homework. For another, teachers in Europe (and most of Asia) spend disproportionately less time in class with students and disproportionately more time preparing their lessons and working with their colleagues to improve their teaching skills and subject knowledge and to refine their lessons and approaches and share them with each other.

But there is something more fundamental that underlies these factors. Each of these foreign systems is framed by three critical and related elements: a common curriculum for all students, spanning many years; standardized externally-set assessments that measure whether students are reaching defined standards of achievement; and explicit rewards for reaching these standards. Students throughout these educational systems—either countrywide or by region or state—study the same curriculum, take the same exams, are judged by the same standards, and are rewarded for meeting those standards by the nation's colleges, universities, vocational training programs, and employers.

According to John Bishop (see "The Power of External Standards," *American Educator*, Fall 1995), when schools require that students pass externally-set exams to graduate, taxpayers, parents, teachers, and students all concentrate their efforts on the goal of academic achievement. In particular, according to research Bishop has conducted in Canada, the U.S., and other countries, when serious, real-life stakes exist for students, the following effects can be seen: More homework is given—and completed; less time is spent watching TV; the proportion of students taking demanding courses goes up; parents spend more time talking to their children about what they are learning in school; teachers focus more on academic goals and cover more difficult material; they also take more university courses in the subject matter they teach; schools have more high-quality science laboratories and schedule extra hours of science and math instruction. In other words, the entire system works to push aside a variety of distractions and focus in on one overriding priority: helping all students achieve the most they are capable of.

A plea from parents or teachers to work hard in school because it will pay off a decade down the road will not peel students away from such attractive distractions as dating and football.

A COMMON CURRICULUM FOR ALL, SPANNING MANY YEARS

In each of the countries we looked at, students study the same curriculum throughout primary school and usually through lower secondary school. There is no tracking during these grades, wherein some students judged more or less able receive a different curriculum than their peers. The common curriculum provides all students with a solid foundation in the core academic subjects of native language, history, geography, civics, math, and science. In France, the common curriculum continues through seventh grade for all students and through ninth grade for all but about 10 percent of students.⁵ In Germany, the curriculum varies somewhat from state to state but is common for all students within a state through at least fourth grade; and, in most states, the curriculum remains substantially common through sixth grade. In Scotland, all students study the same curriculum through eighth grade and a largely common curriculum through tenth grade. (The difference is that in ninth and tenth grades, while students must all take the same array of subjects, they may opt for different courses within the same subject.)

In stark contrast, the United States has no national curriculum, and only a handful of states specify in much detail what children should learn in school. As a result, what students learn varies from state to state, district to district, and even school to school and classroom to classroom. And not only are there wide differences in the content taught, but also the expectations that students are held to vary enormously across schools. A U.S. Department of Education study found that students with comparable math knowledge earned A's if they attended schools with large numbers of poor students and D's if they attended more affluent schools, suggesting that the standards against which American students are judged vary greatly, depending

⁵ These 10 percent take a curriculum that consists two-thirds of academic subjects and one-third of project-oriented classes designed to expose them to such career areas as engineering and business.

on where they happen to live and go to school.

The absence of national or state-level curricula in the United States can be explained in part by a traditional American belief in local control of schools. Similar concerns about local autonomy are present in the European systems; but they have been accommodated to varying degrees. For example, in Germany all decisions about the curriculum are made by the individual states, not the federal government. However, the states have collectively established general standards for *realschule* certificates and *abitur* exams across the country, thus assuring that all students are taught comparable material and held to comparable expectations.

Despite some allowances for local autonomy, the three European systems we examined have come down decisively in favor of a common curriculum for a large portion of a child's schooling because of the significant benefits that accrue to student achievement. In developing their curricula, these systems have had to contemplate what students ought to learn and what they are capable of learning—a process essential to establishing high expectations for students.

Once established, the existence of a single common standard also eliminates much of the downward pressure on educational rigor inherent in education systems like the United States'. Without common content and expectations, education naturally falls to the lowest common denominator. Students complain they should not be expected to work any harder than their schoolmates in other classrooms. States and districts put their own image at a disadvantage when they set higher standards than other states and as a result risk lower test scores. Textbook publishers, faced with a wide array of state and local curricula, develop products with bland, nonrigorous content to satisfy a varied market. These problems are absent in the three European systems; all actors in the system aim for a single high standard.

In addition, a common curriculum allows students to receive consistent, coordinated instruction as they progress from grade to grade or move from school to

school. Teachers need not spend the first several weeks of the school year reviewing material because they know that all their students will have learned the same material the previous year. This holds true not only of students who were in different classrooms in the same school in the previous grade, but also for students who have transferred from out of town. In the U.S., an estimated one-fifth of all school-age children move from school to school within a state each year; in high poverty schools, the number rises to a staggering one-third. These students often arrive at their new schools either ahead of or behind their classmates; this impedes their progress and creates additional burdens for their teachers. A common curriculum eliminates these transition problems, since all students regardless of location learn the same subject matter.

A common curriculum yields other benefits as well. It provides guidance to publishers of textbooks and other instructional materials and helps to focus teacher training and professional development activities. It also fosters greater collegiality among teachers within a school by giving them common instructional goals. Since all are teaching the same material, they can draw upon each other's ideas and experiences to make themselves more effective in the classroom.

Finally, one of the most important benefits of a common curriculum is that it allows education systems to administer examinations at the state or national level that can assess how well all students are learning. By attaching consequences to performance on these exams, education systems can create powerful incentives for students to work hard and excel in school. It is these incentives, combined with a common curriculum and assessments, that contribute greatly to the broad-based academic achievement present in the three European countries.

INCENTIVES FOR ALL STUDENTS TO EXCEL

Teenagers are not known for their long-term perspective; delayed gratification is not their instinctive operating principle. A plea from parents or teachers to work hard in school because it will pay off a decade down the road will not peel students away from such attractive distractions as dating and football. And in the U.S., a more immediate plea to students that they must do well in school in order to graduate from high school or go to college is not credible. The current reality in most American high schools (and we see this clearly in the level of the GED tests) is that students can graduate without studying or learning much. If they come to school regularly and don't cause trouble, they will, in many schools, earn passing grades and a high school diploma. In a handful of states, students have to pass a test in order to graduate, but these are almost always minimum competency tests that simply require students to be literate and numerate. In addition, virtually every state offers only a single diploma; regardless of whether students take the toughest or easiest courses; whether they received A's or D's; whether they passed difficult exams or not, they will all receive the same one-size-fits-all diploma. Effort and

ORDER THE FULL REPORT

The full 165-page report described in this article offers a comprehensive look at what's expected of average-achieving students in France, Germany, and Scotland and includes a profile of each country's education system, including its school-to-work transition program, plus lengthy excerpts from the exams given to students at the ninth- or tenth-grade level. A comparative look at the U.S. GED is also included. Entitled *What Secondary Students Abroad Are Expected To Know*, the volume is \$15 for a single copy; orders of five or more cost \$12 each. Shipping and handling costs are included. Prepaid orders only. Please make checks payable to AMERICAN FEDERATION OF TEACHERS and send to Defining World-Class Standards Books, AFT Order Dept., 555 New Jersey Avenue., N.W., Washington, DC 20001. Ask for Item No. 251.

achievement are not recognized on the diploma. And, since the diploma doesn't certify any uniform, reliable, respectable level of performance, it's not a very valuable currency.

Employers both respond to this situation—and make it worse. Since a high school diploma doesn't provide them with much information, few ever ask to see it. In addition, few sought-after employers will hire a recent high school graduate, not even those students who have worked hard and done well in high school. According to the 1990 report, "America's Choice: High Skills, Low Wages," the typical high school graduate won't find a long-term job in the regular labor market until age twenty-three or twenty-four. The cumulative result of all of this is that non-college-bound students have few incentives to work hard in school. The situation is not much different for students headed toward college. Except for the most selective colleges in the nation, mediocre high school grades are sufficient to gain admission. In fact, the achievement levels of students who go to college are so low that 91 percent of colleges now offer remedial education programs.

Students know all of this very well. As a result, they rationally calculate that exerting themselves to do well in school is not a necessary, worthwhile investment of time and energy. So, students mainly choose to take easy courses, not hard ones. They don't do very much homework (According to NAEP, only 30 percent of twelfth-graders do two or more hours of homework a night.) And, not surprisingly, as we see on the GED test and in other data, they don't master challenging material. This is not surprising because learning complex material is hard, time-consuming, not always fun, and takes time away from socializing and football.

The lack of student enthusiasm for their studies has a debilitating snowball effect: Even the most talented, exuberant teachers are hard-pressed to be enthusiastic and energetic when they are facing a classful of students who have little interest in learning. In a recent poll of AFT teachers, 59 percent of them listed "lack of student motivation" as one of the top three problems that they faced, along with student discipline and lack of parental involvement. Likewise, lifeless classes like these are not likely to inspire borderline students to become more interested in their studies.

There are some students who are self-motivated; perhaps their parents or a special teacher instilled in them a genuine love for learning. Perhaps an inquisitive mind is just part of their make-up. These students will survive and succeed academically despite the lack of external incentives. But they are the minority. Most students—particularly our average students who find school a little harder and little less naturally interesting—will not excel academically in this environment. They will make—and are making—a rational calculation to slide through high school with as little exertion as possible.

European students are faced with a far different calculus. In each of these countries, whether students are headed for university, job training programs, apprenticeships, or employment, their performance in high school will directly affect their post-high school options. To enter a university, German students must take a demanding curriculum at the *gymnasium* and then

pass a very rigorous series of exams known as the *abitur*. *Realschule* students—the middle group—must reach a clearly defined level of performance in their coursework—and in states like Baden Württemberg, they must demonstrate that performance on exams—to earn the *realschule* certificate. In turn, the *realschule* certificate gives students access to advanced technical education and improves their chances of being hired for prestigious apprenticeships. *Hauptschule* students, too, must earn school completion certificates in order to enter most vocational schools and apprenticeships. Similar certificate systems operate in France and Scotland. In each of these countries, while students spend their early years—usually through ninth or tenth grade—studying and mastering a common curriculum, the upper secondary school offers various educational programs. Roughly speaking, and this varies from country to country, one program is a highly rigorous academic one that leads to university entrance; another, still highly academic, opens the door to further technical and vocational training; and a third includes a mix of academic and technical training and/or apprenticeship opportunities. Each program leads to the earning of a particular high school certificate.

These high school certificates serve as effective incentives because each one is meaningful and useful; each one opens up a set of opportunities for the student who has earned it. They are passports either to a university or to quality training programs, which in turn give students the opportunity to earn meaningful post-secondary technical certificates. All of these certificates are valuable in that they are based on specific, known standards. Higher education institutions, job training and apprenticeship programs, and employers know that students who possess these certificates have mastered a known body of material and have the self-discipline and work habits to complete a rigorous program.

Thus all students, not only those at the top, are motivated to work hard because they see a direct relationship between their performance in school and the options that will be available to them after they complete their compulsory education. If these countries' educational systems required high academic standards and rigorous examinations only for students wishing to pursue a university education, a large portion of students would be left with little incentive to do well in school. Instead, all students have within their grasp the opportunity to work hard and in return earn a meaningful, valuable certificate.

THE EDUCATION systems in the three European countries we examined do differentiate between students headed for university and those headed for jobs and technical training more formally than we do in the United States. But the reality is that most American students self-select themselves into substantially different high school programs, with the few students bound for selective colleges taking advanced math and science courses; other college-bound students taking algebra and geometry; and the lower-achieving students taking something akin to consumer math. The difference between here and Europe is that virtually all

In the three countries we studied, all students—not only those at the top—are motivated to work hard because they see a direct relationship between their performance in school and the options that will be available to them after they complete their compulsory education.

of our students—in each of these three informal “tracks”—are exerting themselves less than their counterparts abroad, and most are ending high school without the skills and knowledge they need to succeed at work and in life.

It is important to note that, contrary to many myths, in none of these countries are any students consigned to a strictly vocational program during secondary school. Whatever secondary school program students enter, academic education continues throughout their secondary school years. In each country, students must continue to take courses such as language, history, and mathematics even as they train for a specific occupation. For example, in France, half of the coursework of students preparing for vocational certificates consists of academic subjects including French, math, history/geography, science, arts, and sports.

Furthermore, students in these countries are not pigeonholed into one single occupation immediately upon entering the academic or vocational stream. In Germany, a broad array of professions remains open to students in all secondary programs at least until the end of full-time compulsory education at grade ten. Also, in each country, students in upper secondary school may pursue certificates in general occupational areas, thereby delaying a choice of a specific profession. In France and Scotland, students may work toward multiple certifications at the same time.

There is a risk with explicit, differentiated instructional programs that students who are late bloomers will find themselves in the wrong educational program. The European countries have taken a number of measures to minimize such problems. For example,

while students are encouraged to pursue a particular program, those who want to take a more advanced academic program are able to do so. In this sense no one is involuntarily tracked into a less demanding academic program. Further, by establishing bridges between the academic tracks at various points in the education system, students are able to move to a higher (or lower) level depending on their ability and demonstrated achievement. In Germany, for example, a significant number (14 percent) of high-achieving *baupflichtschule* students will move up to *realschule* after ninth grade, and 3 to 10 percent of *realschule* students (depending on the state) will enter the upper secondary *gymnasium* and prepare for the *abitur*. Likewise, French students who earn vocational certificates may transfer into upper secondary programs in which they can earn academic certificates and access to certain higher education institutions.

An important fact to keep in mind about the European exams is that because their content is closely aligned with the classroom curriculum, students can improve their performance by studying hard in school. By contrast, the SAT and ACT, the two standardized exams widely used for college entrance in the United States, are completely divorced from students' everyday coursework. They serve more to differentiate students according to aptitude than to reward mastery of any academic content. Thus American students arguably have less control over their performance on exams important to their future than do European students.

The result of this incentive system is that European students have a reason to work hard, to exert themselves, to engage in the difficult, exhausting, often unpleasant (though often exhilarating) work of learning. The payoff for their hard work is evident in the data cited up front: these students know a lot. For them personally, these academic accomplishments mean lives that are intellectually richer. It means they are more capable of participating effectively in the civic life of their communities and nations. It means that they are more able to function productively and compete successfully in a workplace that requires ever-new and changing skills. For their countries, it means that instead of having many eighteen- to twenty-five-year-olds living on the economic and social margins of society, they are productively employed, preparing to start families, and able to participate fully in society. Of course, done poorly, a system that offers students differentiated educational programs in high school can exacerbate existing differences in educational opportunity and achievement. But, done properly—with a common, rich curriculum for all through a substantial portion of high school; “second chances”; bridges between programs; a rigorous high school curriculum in all programs; and valuable credentials for all—such a system provides the foundation we need to provide our middle-achieving students the inspiration they must have to acquire the education they need—and deserve.

We invite you to judge for yourself, as you see in the following pages what typical, average ninth and tenth-graders can achieve under systems designed to elicit the best from all.

Sample Questions from the French *Brevet de Collège*

AT THE completion of the 9th grade, French students can earn the lower secondary diploma, the *brevet de collège*. To do so, they must earn satisfactory grades in a wide range of academic courses and perform well on *brevet* examinations based on the national curriculum in French, mathematics, and history/geography. More than 80 percent of French students take the *brevet* exams, and 75 percent of those test takers earn the diploma. In other words, more than 60 percent of the age cohort earn the *brevet de collège*. Following are sample questions from the math and history sections of a typical *brevet de collège* exam.

Mathematics

■
$$A = \frac{\frac{3}{5} - \frac{1}{4}}{1 + \frac{2}{5}}$$

Find the value of A. Give your answer in the simplest fraction possible.

■
$$B = \frac{12 \times 10^{-9} \times 5 \times (10^2)^3}{24 \times 10^{-2}}$$

Find the value of B. Give your answer in the form of $A10^P$ where A and P are integers. Simplify as much as possible.

■
$$C = \sqrt{300} - 3\sqrt{12} + 4 - 2\sqrt{3}$$

Express C in the form of $a + b\sqrt{c}$, with a, b and c all being positive integers.

■ Factor

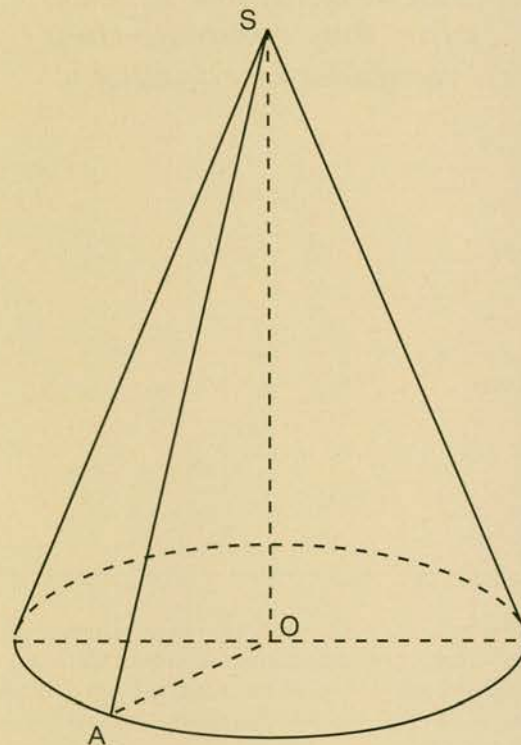
$$D = (3x - 4)(x - 3) - (3x - 4)^2$$

■ Expand

$$E = (2x + 3)^2 - 2(x + 4)(x + 3)$$

■ In a given rectangle, the width is equal to one-third the length. Calculate the dimensions of this rectangle knowing that the area is equal to 216.75 cm^2 .

■ A merchant sells for only 360 francs a wind-breaker whose marked price was 450 francs. Calculate the percentage of the reduction from the original price.



■ The cone represented has a height of 9 cm. (That is, $SO = 9$ cm.) The base has a radius of 3 cm. (That is, $OA = 3$ cm.)

- Calculate the exact value of line segment SA.
- Determine the angle ASO rounded to the nearest degree.
- Calculate the volume of the cone. The value should be rounded to the nearest cm^3 .

REMINDER: The volume V of a cone height h and base area B is:

$$V = \frac{B \times h}{3}$$

- Construct a triangle ABC such that $AB = 6$ cm, $BC = 5$ cm and $CA = 7$ cm. Construct the trapezoid ABCD such that (AB) is parallel to (CD); and $CD = 8$ cm; Let AC and BD intersect at O.
- Calculate $\frac{OC}{OA}$

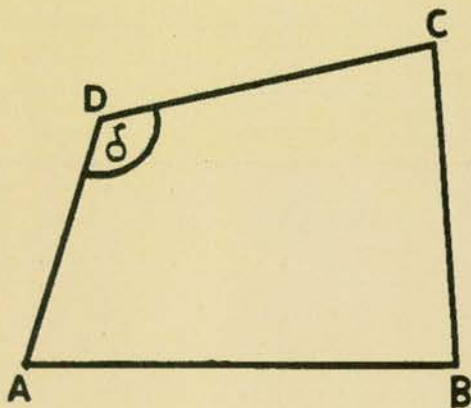
Sample Questions from a German *Realschule* Exam

THE *REALSCHULE* is the middle track in the German education system. It serves students considered to be of average ability as well as higher-ability students not interested in university studies. *Realschule* graduates qualify for the more prestigious apprenticeships and are entitled to attend upper-level technical secondary schools and eventually enter technical colleges (but not universities) after they graduate. About 44 percent of German students earn the *realschule* certificate. Another 25 percent exceed the *realschule* standard by graduating from the more academically-demanding *gymnasium* schools. While some variation occurs among the different German states, or *länder*, *realschule* students are typically required to take a curriculum consisting of German, English, mathematics, science (physics, biology, and chemistry), history/civics, geography, religion, sports, and art/music. In addition to requiring that students perform satisfactorily in this course work, seven of the sixteen German states require their *realschule* students to pass a state-administered exam at the end of the 10th grade. Below are representative questions from a 1994 *realschule* exam.

Mathematics

Working aids: Formulas, drawing instruments, and electronic pocket calculators (non-programmable!) used in classrooms are permitted.

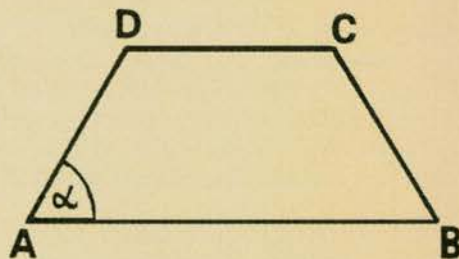
- The following is true for the quadrilateral ABCD below:



$$\begin{aligned} \overline{AB} &= BD = 13.2 \text{ cm} \\ \overline{AD} &= 8.1 \text{ cm} \\ \delta &= 121.0^\circ \\ A &= 90.0 \text{ cm}^2 \text{ (area of the quadrilateral)} \end{aligned}$$

Calculate the perimeter (P) of the quadrilateral.

- In the isosceles trapezoid below, where



$$\begin{aligned} \overline{AB} &= 10.0 \text{ cm and} \\ \overline{CD} &= 6.0 \text{ cm,} \end{aligned}$$

the angle α is variable.

Demonstrate that area A can be calculated using the formula

$$A = 16 \cdot \tan \alpha \text{ (cm}^2\text{)}$$

as a function of α .

Tabulate the values for A as a function of α in increments of 10° for $10^\circ \leq \alpha \leq 80^\circ$ and represent this relationship on Cartesian coordinates (right axis α : $10^\circ \triangleq 1.5 \text{ cm}$; upward ordinate axis A : $10 \text{ cm}^2 \triangleq 1 \text{ cm}$).

Derive the value of α for $A = 40 \text{ cm}^2$ from the sketch (label clearly).

- A municipal government calculates the following fees for water and sewage:

Base price per year	29.00 DM
Usage price per m^3 water	3.00 DM
Value Added Tax (on base price and usage costs)	7%
Sewage per m^3	3.79 DM

(amounts of water and sewage are the same)

No Value Added Tax is calculated for sewage.

- a) The Binder family's annual usage is 196 m^3 .
What is the total bill?
The base price is what percent of the total bill?
If the total bill is 8.2% greater than that of the previous year, how high was the bill last year?
- b) Demonstrate that the total bill y , depending on water usage x , can be calculated according to the formula:

$$y = 7x + 31.03$$

Graph this relationship on Cartesian coordinates with $0 \leq x \leq 80 [\text{m}^3]$. Let usage be on the right horizontal axis with $10 \text{ m}^3 \triangleq 1 \text{ cm}$; let the total bill be on the vertical axis with $100 \text{ DM} \triangleq 1 \text{ cm}$.

Calculate from the sketch (label clearly) usage for a total amount calculated for the bill of 450.00 DM.



Foreign Language (English)

[Editor's Note: Remember these are German 10th graders being tested on their knowledge of the English language.]

- c) The Sauter family has a bill of 927.03 DM. Calculate water usage in m³.
After an increase in fees, prices for water and sewage increase; the price for sewage is now 20% more than the usage price per m³ of water.
A total bill of 1,047.99 DM results from the same water usage.
Now what is the sewage price per m³?

- a) A merchant calculates the prices for CD players as follows:

Business expenses: 28% of the wholesale price
Profit: 24% of the merchant's total cost

Value Added Tax: 15% of the retail price

The wholesale price of a CD player is 465.68 DM.

Calculate the final price (include Value Added Tax).

- What is the profit in DM?
- By what percent does the profit exceed the business expenses?
- By what percent is the wholesale price less than the final price?

- b) The final price for a pair of speakers is 1,790.00 DM.

The merchant has the following base calculation:

Business expenses: 1/4 of the wholesale price
Profit: 200.00 DM

- Calculate the wholesale price.
- An in-house change in operations decreases the amount of business expenses by 5 percent.
- What is the profit in DM now (given the same final price)?

The final price of a video camera is 2,990.00 DM.

- Business expenses amount to 30% of the wholesale price; profit should be 60% of business expenses.
- What is the wholesale price of the video camera?

- c) The final price of a camera is 999.00 DM. This is 172.5% of the wholesale price.
The percentage of business expenses is about 5 percent more than the percentage of profit.
Calculate the percentages for both business expenses and profit.

- Adjective or adverb? Write down the correct forms.

1. The child watched her new pet. (happy)
2. There is no answer to that question. (certain)
3. The job was found, but it turned out to be (hard, easy)

- Write down the correct forms of the verbs given in brackets.

1. David Goode, seventeen years old, has a girlfriend. He and Julie (to meet) fifteen months ago at their local Catholic Church, and
2. they (to go) out ever since.
3. David (to have) plenty of jobs already.
4. But now he (to work) in a movie theater, taking tickets and sweeping the floor.
5. He (to spend) only part of the money on dances and drinks.
6. The rest (to save).
7. It (to help) to pay his college education after leaving high school.

- Make one sentence out of two and write it down. Use ing-forms.

1. Senior citizens feel stronger and more energetic today. They don't want to give up their jobs.
2. A lot of American teenagers work for money. They are more independent from their parents.

- Translate the following text into German.

Family life has not only changed in America over the last few decades. The people of the young generation don't see home life in the same way as their parents did. In fact, the women of former generations accepted that their part in life was to do the housework and to look after the children while the husbands went to work to earn money.

The modern trend—a radical change from former ideas—is that if a woman has spent a long time training for a career, she wants to continue that career after she has married and had children.

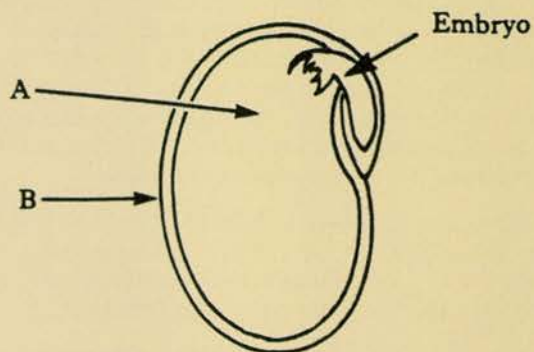
Can a marriage really work if both parents have full-time jobs? This may depend on money and problems could arise if the parents don't earn enough money to pay for someone to take care of the children and to do the housework.

Sample Questions from the 1993 Scottish Standard Grade Exam (General Level)

AT THE end of 10th grade, almost all Scottish students take and pass a battery of external exams—usually in English, math, science, and a foreign language—known as the Standard Grade Exams. The exams are offered at three levels of difficulty: Credit (the most advanced), General, and Foundation (the least advanced), with students, in cooperation with their teachers, determining which of these exams they will take. Below are representative excerpts from the 1993 General level exam in biology—the science exam that the middle range of students most often choose to take—and from the 1993 General level exam in mathematics. Thirty-three percent of all Scottish students took Standard Grade biology exams at some level, with 39% of those students passing the General level exam and 48% passing the more rigorous Credit level exam. An estimated 67% of the cohort will pass the Credit or General level in one or more of the science subjects. Ninety-eight percent of Scottish students took a math Standard Grade Exam in 1993 and of those, 37 percent passed the General level of the exam, while an additional 27 percent passed the more difficult Credit level exam. Again, keep in mind that these are taken at the end of the 10th grade.

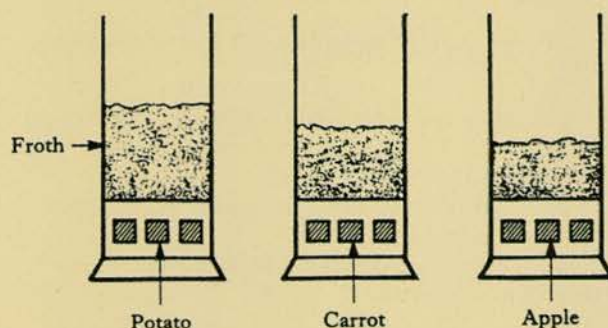
Biology

■ a) The diagram below shows a section through a bean seed.



- Name the part labelled A. _____
- Describe the function of the part labelled B.
- Why do many flowers have brightly coloured petals?

■ Groups of pupils investigated catalase activity in different plant tissues. Catalase is an enzyme found in living cells; it breaks down hydrogen peroxide into water and oxygen. The apparatus was set up as shown in the diagram below.



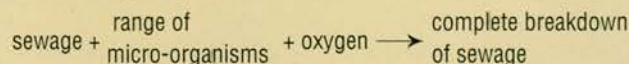
The cubes of plant tissue were of equal size. Each measuring cylinder contained 10 cm³ of hydrogen peroxide solution. The depth of the froth was used as a measure of the volume of oxygen produced.

- Describe a suitable control for this investigation.
- Catalase activity is greater in potato than in apple or carrot.

Select two features of the experimental set up which allow this conclusion to be drawn.

- Predict the effect on the results if the same size of potato had been cut into smaller cubes.

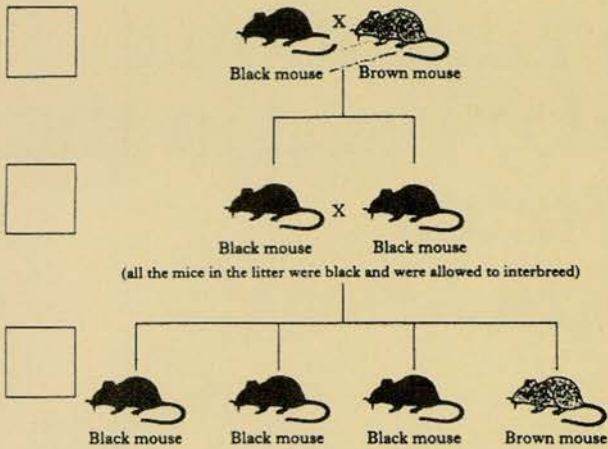
■ The diagram below represents part of a sewage treatment process.



- Describe how the oxygen required by micro-organisms is provided.
- Explain why a range of micro-organisms is essential for the complete breakdown of sewage.
- Name **one** disease which may be spread by untreated sewage.

■ Coat colour in mice is genetically controlled.

BOXES



i) Complete the boxes to identify each of the generations in the above crosses.

ii) Draw a circle around any mouse in the diagram that fits the description "true-breeding."

iii) State which coat colour is recessive in mice.

Mathematics

In this paper good thinking is looked for as well as correct answers. Your working gives an indication of your thinking so show your working clearly.

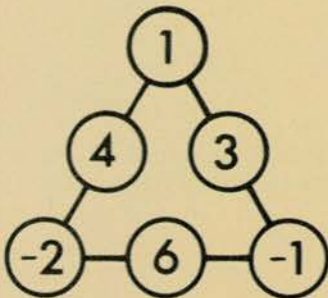
[Editor's Note: Students are provided with basic geometric formulas.]

■ Two garages are selling the same model of car for the same price. One garage asks for a £500 deposit and 12 equal payments of £750. The other garage asks for a £1100 deposit and 24 equal payments.

How much should each payment be?

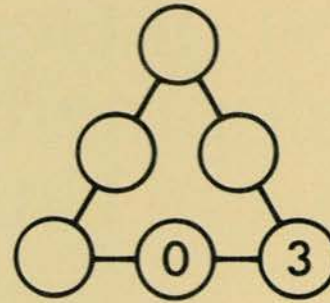
■ Write 3^5 as a whole number.

■ The diagram shows a Magic Triangle. It is "magic" because the total of the numbers along each of the three sides is the same.



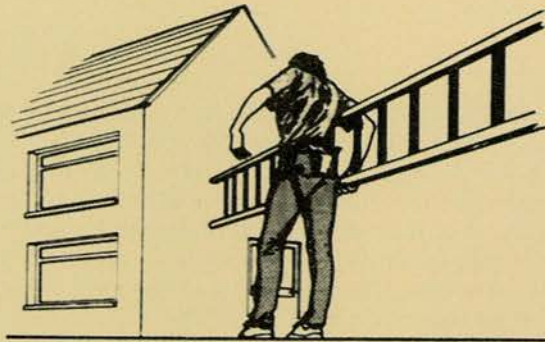
- What is the total for one side of this triangle?
- Use the numbers -2, -1, 1 and 2 to complete

the magic triangle below, where the total for each side is 2.



■ Chris needs to use a ladder to put up a television aerial on the wall of the house.

The ladder is 5 metres long and has to reach 4.8



metres up the wall. For safety, the angle between the ladder and the ground should be between 71° and 76° . The ground is horizontal.

Can Chris use this ladder safely? You must give a reason for your answer.

■ A satellite travels in a circular orbit round the earth once every $2\frac{1}{2}$ hours. The satellite is 2900 kilometres above the earth's surface. The earth has a radius of 6400 kilometres.


- What is the radius of the orbit of the satellite?
- Calculate the speed of the satellite.



■ After a test, a teacher worked out the average mark for her class of 10 pupils. It was 81%. One of the pupils scored only 27%, which was much less than any of the other marks. The teacher decided to work out a new average, leaving out the lowest mark.

What was the new average?





Sample Questions from the 1993 Test of General Educational Development (GED) Used in the United States

(Official Practice Test)

THE UNITED STATES, of course, has nothing exactly comparable to the exams taken by the French, German, and Scottish students. We have no official national curriculum, no official national exams, and no linked system of state-level exams that would reveal what students nationwide, particularly average-achieving students, learn by age 15 or 16—or, for that matter, what they learn by any age. The SAT and ACT, which are required by most colleges for admission, are designed to assess students' general *aptitude*, not their *performance* in school. Moreover, these tests are taken almost exclusively by college-bound students.

The exam in the U.S. that best captures the achievement level of students who are not necessarily planning to attend college is the General Educational Development test, or GED—the 5-subject academic test battery taken by high school dropouts who want to earn a high school equivalency diploma. Most people assume the GED is set at a level much below that reached by traditional high school graduates, but actually the GED is designed and “normed” so that one-quarter of graduating high school seniors would fail the test (a score of below 40 on a scale of 20 to 80) and the middle two-thirds would get between 35 percent and about 90 percent of the questions correct (a score between 40 and 60). In addition, remember, the GED is normed to reflect 12th grade performance, while the exams from Germany, France, and Scotland are taken at the end of either 9th or 10th grade.

Mathematics

[Editor's Note: Students are provided with a list of basic geometric formulas, including the Pythagorean relationship, plus formulas to find the mean, simple interest, and a few other basic operations.]

■ In 5 rounds of golf, a player shot scores of 82, 77, 85, 76, and 75. What was the player's average score for the 5 rounds?

- (1) 79
- (2) 77

- (3) 75
- (4) 74
- (5) 71

■ When the cost of mailing a letter was 25 cents for the first ounce and 20 cents for each additional ounce, what was the cost of mailing a 10-ounce letter?

- (1) \$.95
- (2) \$1.80
- (3) \$2.00
- (4) \$2.05
- (5) \$2.25

■ Ted's paycheck shows a gross income of \$450 and deductions of \$90. The \$90 in deductions is what percent of Ted's gross income?

- (1) 2%
- (2) 20%
- (3) 30%
- (4) 40%
- (5) 80%

■ With one game left in the season, a football team has gained 1227 yards. The league record is 1303 yards. What is the fewest number of yards the team must make in the last game to break the league record?

- (1) 24
- (2) 77
- (3) 84
- (4) 86
- (5) 124

■ A rectangular room measures 3 meters by 4.5 meters. In square meters, what is the area of this room?

- (1) 1.5
- (2) 7.5
- (3) 13.5
- (4) 14.0
- (5) 15.0



■ Books are placed on library shelves in order according to their decimal numbers from **LEAST** to **GREATEST**. A list of 5 books and their numbers is shown below.

Book A	404.6
Book B	401.09
Book C	400.1
Book D	400.14
Book E	401.2

Which of the following represents the correct order in which these books should be placed on a shelf in the library?

- (1) C,D,B,E,A
- (2) C,D,E,B,A
- (3) C,E,D,A,B
- (4) D,C,E,A,B
- (5) D,C,E,B,A

■ When walking, Rich takes an average of 105 steps per minute. Which of the following expressions represents the number of steps he takes each hour?

- (1) $105/60$
- (2) $60/105$
- (3) $20/60$
- (4) 20×60
- (5) 105×60

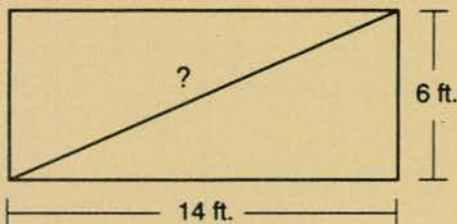
■ Which of the following is equivalent to 2^3 ?

- (1) 23
- (2) 3^2
- (3) 8
- (4) 6
- (5) 5

■ A man weighs 53 pounds more than his wife. If their total weight is 313 pounds, how many pounds does the man weigh?

- (1) 130
- (2) 160
- (3) 173
- (4) 183
- (5) 236

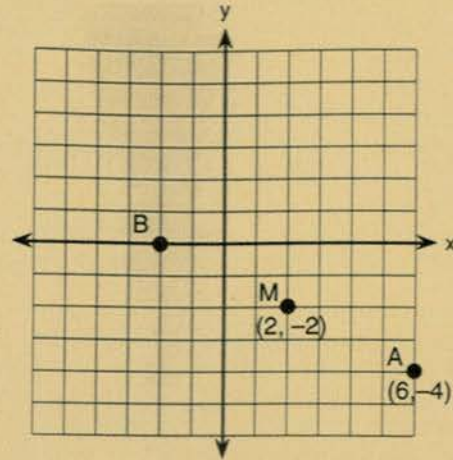
■ A carpenter needs to brace a garage door by nailing a board diagonally across it, as shown in the diagram below. Which of the following expressions represents the length, in feet, of the board needed to reach from corner to corner?



- (1) $6 + 14$
- (2) $\sqrt{6^2 + 14^2}$
- (3) $\sqrt{6 + 14}$
- (4) $\sqrt{6^2 + 14^2}$
- (5) $6^2 + 14^2$

■ Point M is the midpoint between point A and point B. Which of the following represents point B shown on the graph below?

- (1) (10,-2)
- (2) (-2,0)
- (3) (-2,-2)
- (4) (10,-6)
- (5) (8,-6)



Social Studies

■ There are many sources of air pollution: automobiles, home heating, industry, and thermoelectric power stations. Automobiles produce about half of our air pollution. Automobiles release large quantities of carbon dioxide, hydrocarbons, and nitrous oxide into the air. These pollutants reduce life expectancy, increase the threat of respiratory disease, and may even create dangerous climate changes.

According to the information, which one of the following would reduce air pollution?

- (1) eliminating car exhaust fumes
- (2) widening highways
- (3) increasing the size of cars
- (4) depending on oil for home heating
- (5) decreasing research on solar and hydroelectric power

■ Which one of the following is an example of cooperation within a group?

- (1) each member of a golf team trying to drive a ball farthest
- (2) members of a band playing at a community festival
- (3) an expert cook participating in a baking contest
- (4) a job applicant achieving a high score on the civil service examination
- (5) two citizens running for mayor of their city

■ "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are

(Continued on next page)



instituted among Men, deriving their just powers from the consent of the governed."

Which of the following laws goes against the principles stated above?

- (1) In 1857, the Supreme Court ruled that Congress could not outlaw slavery in U.S. territories.
- (2) In 1870, the Fifteenth Amendment outlawed the practice of denying the right to vote because of race, color, or previous conditions of servitude.
- (3) In 1920, the Nineteenth Amendment proclaimed women's right to vote.
- (4) In 1964, the Civil Rights Act outlawed racial discrimination in employment and public accommodations.
- (5) In 1971, the Twenty-sixth Amendment extended the right to vote to 18-year-old citizens.

■ The Federal Reserve's main weapon against inflation is its power to change interest rates. The Federal Reserve raises interest rates so that people will cut back their borrowing, rather than pay too much in interest. With less credit being used, consumers might not buy as much, and prices would not rise.

Therefore, the Federal Reserve's decision to increase interest rates will most likely

- (1) increase sales of cars and major appliances
- (2) decrease the number of homes built
- (3) encourage borrowing
- (4) discourage savings
- (5) encourage government spending

Science

■ Plants and animals appear to follow a cycle or biological rhythm in their daily lives. An example is the intertidal fiddler crab. The crabs emerge from their burrows as soon as the tide recedes, but moments before the water returns, they hurry back to their underground safety, where they will stay until the next low tide.

Based on the information given, how is a biological rhythm best defined?

- (1) an activity that occurs in an irregular pattern
- (2) a change in culture which reduces natural selection
- (3) natural biological methods used to control populations
- (4) an activity that repeats itself in time with the environment
- (5) an activity that occurs only once in an animal's life span

■ Evaporation is a cooling process. Water absorbs heat when it changes from a liquid to a gas.

A man at the beach on a hot day drinks a cold soda, puts on sunscreen, and then goes swimming. Later, he dries himself with a towel, spreads the wet towel on the sand, and sits under his beach umbrella.

Which action is linked to evaporation?

- (1) spreading the towel on the sand
- (2) drinking a cold soda
- (3) swimming
- (4) putting on sunscreen
- (5) sitting under the beach umbrella

■ Spacecraft have been sent to probe for the presence of life on other planets. As yet, there is no evidence that life exists outside of our planet. Which of the following would **LEAST** likely be considered in assessing whether it is possible for life to exist on a particular planet?

- (1) the presence of an atmosphere
- (2) the gases located at the planet's surface
- (3) the presence of lakes or streams composed of water
- (4) the amount of heat on the surface
- (5) the amount of time it takes for the planet to revolve around the Sun

■ Chemical equilibrium is reached when the rates of forward and reverse reactions in a reaction mixture have become equal. A catalyst is a substance that increases the speed of the chemical reaction so that equilibrium is reached quicker. However, the catalyst is not altered chemically.

Which of the following observations would prove that a metal was serving as a catalyst in a chemical reaction?

- After the metal was added to the reaction mixture,
- (1) the reaction rate slowed, but a greater amount of the product was obtained
 - (2) the reaction rate increased and nearly 100% of the metal was recovered unchanged after equilibrium was reached
 - (3) the product of the reaction was bonded to the metal
 - (4) one of the reactants was changed chemically
 - (5) the reaction slowed but still produced the same amount of product

■ To avoid capture, animals exhibit a variety of behaviors to confuse predators. One important method is to make the body look as large and powerful as possible.

Which of the following would follow this pattern to confuse a predator?

- (1) fish traveling in pairs
- (2) fish traveling in schools
- (3) fish traveling alone
- (4) fish hiding under rocks
- (5) fish changing colors

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A TEACHER FIGHTS BACK

*When the school administration
failed to protect her,
a teacher turned to the law—and won.*

BY PHILIP TALIAFERRO, III
AND LUCINDA C. SHIROONI

WHAT CAN a teacher do when one of her students constantly disrupts the class and even threatens her? She can try to get the principal to back her up and discipline the student. But teachers have often found that the administration is disinclined to crack down on disruptive students. When a teacher sends a student to the office, he will be "counseled"; perhaps he will be given a detention (and perhaps show up to serve it); his parents may be called in to talk about the problem. But if the student persists in misbehaving, chances are good that the teacher will be on her own.

Cook v. Bray is the case of a teacher who took back her classroom—and protected herself—by invoking the law when the school administration failed to give her the support she needed. It is not the first case in which a teacher has brought criminal charges against a student who was threatening and harassing her, but it is the first case in which a teacher sued a student for money damages. By taking her case to a jury, Frances Cook asked her community if the conduct of Andy Bray, her student, was acceptable. The jury unanimously said that his conduct was outrageous, and to prove it, awarded Cook \$25,000 in punitive damages that cannot be discharged in bankruptcy.

The case shows teachers in Fran Cook's situation that they do not have to put up and shut up. But, more than that, it shows those in charge of making and enforcing school disciplinary codes that ordinary people think students should be held to the same rules of de-

cent behavior as anyone else. They should not be allowed to ride roughshod over the rights of other students or teachers.

Fran Cook, who is white, taught Spanish at Campbell County High School in Alexandria, Kentucky, for seventeen years. Campbell County High School is a rural school. The student body is almost entirely white. Andy Bray, who is white, is the youngest of five children. He grew up on his family's farm and received all of his education in the public school system in Campbell County. Bray earned mostly A's and B's from his teachers. However, his behavior was erratic. Although he was well behaved and reserved in some classes, in others he was insubordinate, disrupted class, and fought with other students.

'A good, Christian boy'

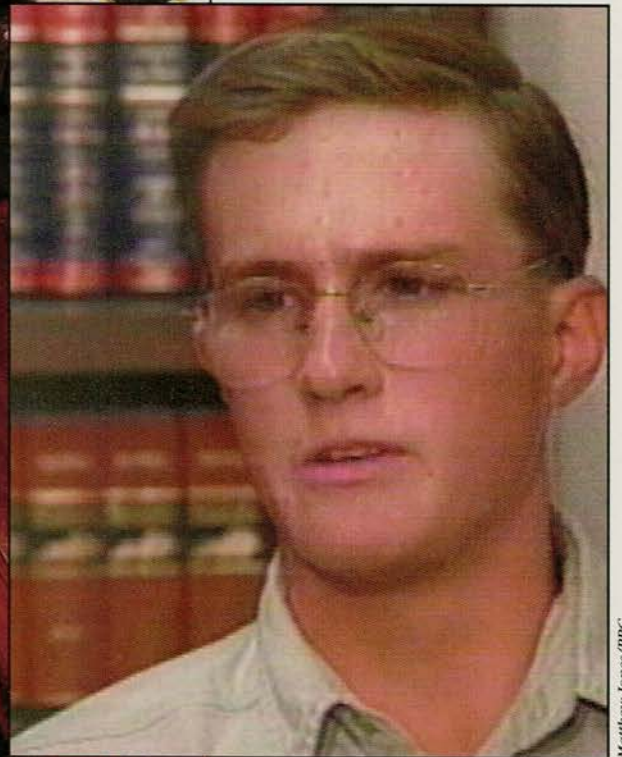
Bray was in Fran Cook's Spanish class as a freshman and sophomore, and she never had any trouble with him those first two years. But from the beginning of his junior year, Andy Bray was different. He began the 1993-94 school year by constantly disrupting class. He talked out loud while Cook was teaching and while students were supposed to be working quietly at their desks. He yelled obscenities at Cook and other students (e.g., "fuck," "bitch," and "shit") and talked about "niggers." Cook, an experienced teacher, used every strategy she had learned during her twenty-four years of teaching. She ordered Bray to be quiet and assigned him extra work. She tried to reason with him, wrote him notes, and moved him to different seats. In October, Cook called Bray's mother and told her how he was acting. Cook asked Mrs. Bray if Andy could be involved in drugs because he was so different from the year before. Mrs. Bray was horrified by this suggestion. She refused even to believe that her son, whom she

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Bruce Crippen

Fran Cook (seated), a veteran Campbell County, Kentucky, Spanish teacher, drew the line on classroom conduct and won. Flanking Cook are her attorneys, Philip Taliaferro, III, left, and Lucinda C. Shi-rooni, right. Inset: student Andy Bray, found guilty of "outrageous" conduct and fined \$25,000 in punitive damages by a unanimous jury.



Matthew Jones/PPG

called a good, Christian boy, was disruptive. However, she promised to talk to him.

Mrs. Bray's conversation with her son did nothing to improve his behavior. Quite the contrary. The day after Cook's phone call, Bray came to class in a rage, and from that moment on, his conduct got steadily worse. In late October, he told a fellow student that he knew where Cook lived and she was going to get a Halloween surprise; her house was egged. The administration was aware of the problems Cook was having with Bray because she spoke frequently to the assistant principal about him. In November, Cook sent Bray to the assistant principal for a conference. Perhaps Bray got a talking to, but he was never kept after school or disciplined in any way. Cook was on her own, and Bray continued his campaign of disruption and intimidation.

'Kill the Cook!'

In January, when Cook taught the Spanish word *matar*; meaning to kill, Spanish vocabulary became one of Bray's tools. Soon after learning the word, Bray blurted out during class, in Spanish: "I am going to kill you, Mrs. Cook." After that, Bray used *matar* at every opportunity in Cook's class. He would begin his sentences with "I am going to kill..." then paused dramatically to look at the redheaded Cook and say, "woman," "redhead," or "teacher." Bray talked about how women should be slapped around and kept in their place. Another student remembers Bray saying that if men couldn't dominate women by telling them what to do, that they could dominate them physically. Bray bragged about killing stray cats and dogs on his farm. He also talked repeatedly about hanging "niggers" and said that they should all be sent back to Africa.

Bray pretended this was all a joke. Though some of his classmates thought he was funny, many resented the way he constantly disrupted class. Of course Cook was forced to spend a lot of her time and energy in class trying to control Bray, so no one in the class learned much Spanish that year. Although she tried to convince herself that Bray was only an attention-seeker, Cook became increasingly fearful. She sent Bray to the office. She continued to discuss his conduct with the assistant principal, who called his mother again. Finally, Cook forbade Bray to use the word *matar*. But Bray was inventive. As part of an assignment, he composed a skit that included the lines, "This food is terrible. I'm going to have to kill the cook."

During the spring semester, Cook heard of other "jokes" Bray was playing that suggested he might be out of control. Bray bragged about threatening a high school football player with a knife outside of school. (The student testified in court that he was "definitely scared" by Bray and his knife "because I knew I was in danger—very grave danger.") Cook also learned that Bray had grabbed the wrist of a female student and told her that he was going to slit it with a razor. She, too, later testified that she was frightened because "I didn't know if he was serious or not. I couldn't tell."

Bray had violent outbursts of temper in Cook's class; he broke pencils and pens and slammed books and doors. He told Cook that he hated her. One day, after

fighting with another student in the hallway, Bray, who was in an obvious rage, demanded of Cook, "Have you ever been so mad you wanted to kill somebody?"

When Cook again complained about Bray to the assistant principal, the administrator made the pitifully inadequate suggestion that Cook take Bray aside and talk to him. When Cook did this and asked Bray why he kept saying he wanted to kill her, Bray looked her in the eyes and said, very seriously, "Probably because I do." Cook asked Bray why, and he responded that he would have to give it some thought.

Horrified by this encounter, Cook went again to the assistant principal, who responded this time by calling Bray's mother. The assistant principal told Mrs. Bray that her son had repeatedly threatened to kill Cook and that this behavior had to stop. But Mrs. Bray was still unwilling to believe these things were true. On May 6, 1994, after Cook had again sent Andy Bray out of class for being disruptive, the assistant principal asked his mother to come in for a conference.

The conference seemed to be a success. For the first time, the seriousness of what he had been doing apparently got through to Andy Bray. He did not deny threatening Fran Cook's life. He apologized and promised to do better. Mrs. Bray expressed surprise that Cook was a "pretty nice person after all." Cook believed that Bray's threats and disruption would stop. But it was immediately apparent that Bray's contrition was all on the surface. For the few remaining weeks of the school year, Bray continued his hostile and violent behavior in Cook's class, including a threat to follow her on a trip to Spain that June and make her life a "living hell."

This did not happen, and after Cook had some time to recover, she began to look forward to a new school year. Bray would not be in her Spanish class, so she would be free from his threats and disruption and able to focus on teaching Spanish to students who wanted to learn. Unfortunately, her ordeal was not over.

Forty Minutes of Detention

On the opening day of school, Bray appeared in Cook's class and ran out again at the first bell. The next week, Cook retrieved a letter from a student in her class that had been written by Andy Bray. The letter read:

I send to you my disciples, Felipe and Andres, with hopes that you will continue the work that I struggled so hard to begin. I am aware that they can never be what I was, but with your help, they can still drive Senorita Cocina over the edge. You have some wonderfully skilled people among you like Nathan and Andres, who can drive the fiery red-head into cussing fits of rage. Even I and the Great Chuck never accomplished that. With Chuck and I both gone, people like Nate and Andy must pick up the slack. I am afraid now that I am gone, the class will no longer be disruptive and may even begin to do their homework. This cannot be permitted to happen. From this day forward, if the person sitting next to you is being quiet or doing their homework, cuss them out in Spanish and cause a huge disruption. *To frighten teacher, speak each day about different methods of murder.* [italics added] Do not

trust Felipe. He attempted to intercept and destroy this letter. He wants to pay attention and do his homework. *You can still drive Cocina crazy without Felipe.* [italics added] DO ALL THIS IN REMEMBRANCE OF ME.

Fran Cook was horrified by the letter. It was clear that Andy Bray's reign of terror was not over, and Cook began to fear for her life. But she hoped the administration would finally step in and discipline Bray. Cook turned the letter over to the principal and assistant principal, hoping that Bray would be suspended or even expelled. The response was forty minutes of detention for Andy Bray.

Cook felt utterly alone and abandoned. The school administration obviously had no intention of providing the support she needed. Out of desperation and a sense that her life was in danger, she called her college friend, attorney Phil Taliaferro, late that night. The next day, Cook filed a civil lawsuit asking for punitive damages and a restraining order. Cook also filed criminal charges against Bray in juvenile court for "terroristic threatening." If the school administration would not protect Cook and force Bray to take responsibility for his actions, she would appeal to the courts.

The lawsuit was front-page news. And shortly after the newspapers, radio, and television reported it, the school administration finally sprang into action. It started expulsion proceedings against Andy Bray. But before they could be carried out, Bray withdrew from school and finished his courses by correspondence. He graduated in June 1994 with a diploma from Campbell County High School.

A Community Speaks

Juvenile court proceedings are confidential and all records are sealed. However, Bray testified in the civil trial, which took place in August 1995, that his punishment in juvenile court was a few hours of community service. Judge Leonard Kopowski's restraining order, which forbids Bray from coming within 100 feet of Cook, remains in effect.

However, the jury verdict in the civil lawsuit was unlike the previous taps on the wrist that Bray had received. The jury brought him face to face with the seriousness of his conduct by meting out a real and lasting punishment. The forty minutes of detention had meant nothing to Bray. Neither did the proceedings to suspend or expel him from high school: He was able to graduate and plans to attend college. He lost nothing as a result of the juvenile court case: The proceedings are sealed, no employer will ever know about his criminal history. But because of the civil lawsuit, Andy Bray had to face a jury and his behavior became public knowledge.

Bray's lawyer tried to portray Bray as a mischievous "Dennis the Menace," but the twelve members of the community who made up the jury did not buy that. They found that Bray's conduct was "intentional," "outrageous" and "exceeded the bounds of common decency." They awarded Cook \$8,700 in damages to reimburse her for medical bills and emotional pain and suffering. The jury also awarded Cook \$25,000 in punitive damages, finding that Bray's actions were "oppressive" and "malicious." Bray cannot escape the punitive

damage award through bankruptcy. His wages are subject to garnishment until the judgment is paid in full.

Andy Bray has never apologized to Fran Cook or admitted that his conduct was wrong. In a press conference held after Cook filed her lawsuit, Bray said that writing the letter was "foolish" and a "mistake," and he regretted that it had been "taken so far out of context." When asked why he had directed this conduct toward Cook, Bray testified that there was no particular reason why he chose her; he could have picked out any teacher. Bray testified that he was just joking and that he never intended to hurt anyone. Although he admitted most of his conduct, he denied threatening to kill Cook. Bray has appealed the judgment.

Does the verdict in *Cook v. Bray* mean that the courts will now be the preferred venue for settling student disciplinary problems? Not at all. An editorial in *The Cincinnati Enquirer* (August 28, 1995) spells out the implications of the case very clearly:

Running to court is not the solution to every disruptive student. But this was no ordinary case of tossing spit balls. The lesson here is that school officials must stop wimping out to classroom bullies.... Bray ended his ugly note with a twisted corruption of Jesus' words: 'Do all this in remembrance of me.' Maybe other classroom bullies will remember him now.

Brad Butler, retired chairman of the board of Proctor and Gamble, a long-time trustee of the Committee for Economic Development, and a long-time supporter of the public schools, made this comment after the jury verdict.¹ It articulates the way in which a permissive attitude toward the Andy Brays in our schools hurts everybody:

It is the responsibility of society to provide an opportunity for children to learn. It is the responsibility of children to take advantage of that opportunity. And if the children are too young or unwilling to do so, it is the responsibility of their parents to see that they do.

When a disruptive student takes control of a classroom, he is depriving the rest of the students of their right to learn. It is therefore the responsibility of the schools to prevent a disruptive minority from depriving the majority of their inherent right to an education.

The focus of American education on providing every opportunity for the "problem" student has come at a very dear price. The students who want to learn have paid that price. The teachers—who must neglect the serious students in order to attend to the disruptive ones—have paid that price. (This is the greatest frustration of teaching.) And the whole country has paid that price by having workers who are at a severe disadvantage in global economic competition. For the root of the education systems in both Germany and Japan is discipline; and their schools

(Continued on page 48)

¹Erna and Brad Butler consulted on this case, together with former teachers Diana Taliaferro and Robert W. Carran.

ELEMENTS OF AN EFFECTIVE DISCIPLINE STRATEGY

SCHOOLS MUST be safe and orderly. In poll after poll, parents, teachers, and school staff say that this is their highest priority for the schools. Educators know that other efforts to improve schools will not be effective without an orderly and safe learning environment.

In a disorderly school, the opportunity to learn is severely compromised. Teachers cannot teach, children cannot concentrate, and precious classroom time is forever lost. If disorder and disrespectful behavior are tolerated—make no mistake—they will spread. What one student is allowed to get away with, another will soon try. Over time, almost imperceptibly, expectations of what constitutes acceptable behavior get redefined. We gradually tolerate more and more, until what once was unthinkable becomes the new norm.

Children in special need of a teacher's attention are particularly hurt by the time lost to disruption and disorder. Teachers and other school staff may recognize that a student is in desperate need of some special academic help or a few words of encouragement. But a disruptive environment may make it impossible to find the proper time or place to meet this need. When disorder prohibits this type of exchange from taking place, students seeking help may turn in less positive directions and become unruly influences themselves or drop out of the system entirely.

A school discipline code that is fairly and consistently enforced is essential to a safe and orderly school

This document was developed by the staff of the American Federation of Teachers as a component of the Lessons for Life campaign, a national AFT-led effort to raise standards of behavior and academic performance.

environment. Further, the school staff should be well versed in effective classroom management techniques. While these elements may not entirely reverse the effect that an increasingly violent and chaotic society has on children, without them schools cannot become the safe havens that parents want and students and school staff need if learning is to take place.

CLASSROOM MANAGEMENT

A teacher who has mastered classroom management skills keeps students constructively engaged and learning from the moment they enter the room until the time they leave. A good classroom manager carefully plans everything that occurs in the classroom from the seating arrangement to instructions for children who finish planned activities early. To the untrained eye, this teacher's classroom management skills may appear to be more art than science, leaving the impression that effective classroom management is instinctive rather than a learned craft. Indeed, because many of these skills have become second nature to them, experienced teachers may be almost unaware of the many skills they use to keep their classrooms organized and functioning smoothly. However, effective classroom management can be taught and, with time and effort, teachers can become more effective classroom managers.

Unfortunately, most university teacher education programs devote little time to training prospective teachers in classroom management. Teachers entering the classroom without effective classroom management skills often develop defensive behaviors as a reaction to the disruptive behavior of students, which leads to ineffective teaching.

The AFT offers school employees extensive training in classroom management through the Educational Research and Dissemination (ER&D) program. This is among the most well received of all the professional development programs offered by the AFT. The techniques taught in the ER&D classroom management and group management modules are thoroughly researched and field tested. They work. However, the number of teachers the AFT has been able to reach through this training is small compared to the demand. Colleges of Education must make this type of training a requirement for all prospective teachers, and school districts should begin to offer classroom management training to current staff. However, even the most effective classroom management practices will be less effective if they are not practiced in the context of a districtwide discipline policy.

DISCIPLINE CODES AND POLICIES

Most school districts have adopted some type of discipline policy. In some cases, the district policy spells out unacceptable behaviors and consequences for infractions of the rules. In other cases, the districtwide policy only requires individual schools to establish a discipline code.

Effective discipline codes include the following:

Encourage parent, community, and staff support through a range of measures, beginning with their involvement in the creation of the code.

Staff, parent, and community representatives, and students where appropriate, should serve on the committee developing the code. Before adoption, the code should be shared as broadly as possible; any input received must be seriously considered.

Parents should get periodic reports on the code to promote continued support. All of the groups and individuals who participated in building the code should receive such reports detailing the number and severity of violations reported and their disposition. Initial reports may show an alarming number of incidents that were previously not being addressed. Effective implementation of the code will show these numbers dropping over time. Encouraging honesty in reporting is the first step in getting the situation under control and establishing credibility with the public. This level of reporting may be opposed by some administrators who are accustomed to putting the best public face on their schools. The United Federation of Teachers developed and implemented a comprehensive incident reporting system to get a handle on the seriousness of the school violence and safety problem in New York City. In situations where the school district is not willing to develop such a reporting system, local school employee unions can provide a much-needed service through adoption of such systems.

The code itself should specify methods to keep parents involved with the discipline of their children. The

Corpus Christi, Texas, code, for example, requires parental notification of even the most minor infraction. Such extensive notification of parents may be time consuming initially. However, harnessing the efforts of concerned parents will ultimately minimize the need for additional referrals. Simplistic solutions to parental involvement, such as sending notes home to parents, are unlikely to have an impact on the child's behavior. The district must ensure that necessary supports are in place to promote quality contacts. Phones in classrooms to allow teachers to call parents and additional school staff to make parental contacts may be necessary to engage parents fully in the discipline of their children.

Use clear, concise language with specific examples of all behaviors that will result in disciplinary action and the specific punishments that will be administered for infractions of the rules.

Clear, concise language is essential if the public is to understand and support a discipline code. Brief, clear codes also enable teachers and other school staff who are responsible for enforcement to act swiftly and with authority without having to refer to lengthy legalistic documents. Some discipline codes are up to 100 pages in length, making them unapproachable and too cumbersome to enforce. If school district attorneys believe that a code needs to be lengthy and packed with legalese, there must be an accompanying document that summarizes the code in understandable language.

Codes can also err through lack of specificity, leaving more questions unanswered than resolved. These vague policies may refer to the responsibilities of students in such general terms that school staff must constantly interpret the vague generalities. Such codes frequently do not refer to any specific punishments.

Example of language that is too vague and without specific punishments:

"Students have a responsibility to conduct themselves properly on school grounds, school buses, at bus stops, at any school-related activity and in the classroom so as not to interfere with the right of another student to learn."

Ann Arbor Statement of Student Rights and Responsibilities (Michigan)

To provide the needed specificity, a good code must list specific prohibited activities and the punishments that will be administered for each infraction.

Examples of specific language citing specific violations and appropriate punishment:

Behavior—

"Minor damage of school property."

Consequence—

"Student conference, parent conference, detention, restitution, loss of privileges."

Corpus Christi Standards of Conduct (Texas)

Include consequences for even minor misbehaviors and require more severe sanctions for repeated minor offenses.

Research shows that rude and disruptive behavior, when allowed to continue unchecked, leads to more serious—and sometimes violent—incidents. In far too many districts, rudeness toward school staff and among students has become so prevalent that many school staff believe the situation is irreversible. For this reason, some districts have emphasized “zero tolerance” for the most severe violations but have not addressed the many minor disruptions that occur. In many schools, there are few consequences for kids who are “only” disorderly. To recapture an orderly environment in the schools, districts must confront the entire spectrum of misbehaviors.

Some codes do address minor infractions but do not require more severe sanctions for students who are repeat minor offenders. This leads to a situation in which a student who has only one minor violation is punished in the same manner as a student who has committed the same offense on numerous occasions and continues to commit the same act. This type of system violates the sense of fairness of most people and is not an effective way to curtail minor misbehavior.

The Jefferson County, Colorado, code provides a good example of how to deal with chronic minor offenders through a specific section titled “Discipline of Habitually Disruptive Students.” The policy defines a “Habitually Disruptive Student” as one who “has caused a disruption while at school or on school grounds, at a school-sanctioned activity or event or while being transported in a school-approved vehicle more than five times during one school year.” A “Remedial Discipline Plan” is drawn up for students after their third disruption. The code calls for expulsion of the student after his or her sixth offense.

Categorize offenses from minor to the most severe, with a series of punishments matching the severity of the offenses.

Codes that are organized in this manner are easy to comprehend and administer. They make it easy at a glance to see the range of penalties that may extend from loss of privileges to expulsion and the types of misbehaviors that warrant these punishments. When the punishment fits the crime, educators are more likely to ensure that the code is rigorously enforced. Also, students will accept the code as fair if they believe that the sanctions are appropriate.

Guarantee prompt removal of dangerous and chronically disruptive students from the educational environment. Provide appropriate alternative placements for these students.

School staff must have the authority to remove from the classroom those students who threaten the safety or interfere with the education of other students. This

type of authority is generally guaranteed through the union contract rather than the discipline code. A few good examples follow:

“A teacher shall have the right to remove from class pupils exhibiting disruptive behavior. Disruptive behavior includes the use of violence, force, coercion, threat, harassment, insubordination or repeated acts of misbehavior causing the disruption or obstruction of the educational process, including activities affecting teachers while in the course of their employment.”

Cincinnati Federation of Teachers Contract
(Ohio)

“A teacher may suspend a pupil from class when the grossness of the offense, the persistence of the misbehavior, or the disruptive effect of the violation makes the continued presence of the pupil in the classroom intolerable.”

Hammond Teachers’ Federation Contract
(Indiana)

“The teacher shall have the authority to remove a seriously disruptive student from the classroom.”

United Teachers of Dade Contract
(Florida)

Students should not be returned to the class until the teacher is assured that appropriate measures as specified in the discipline code have been carried out. Language that requires this communication with the teacher does not just provide much-needed assurance and support but also a much-needed lever to ensure that busy administrators take the time necessary to enforce the discipline code.

For those students removed from the traditional education setting, alternative placements must be made available. While the cost of providing such alternative placements and the development of effective programs for such students is often daunting, this is an element of an effective discipline environment that must not be neglected. Violent and disruptive students must not be allowed to dash the educational opportunity of other students.

ENFORCEMENT OF THE CODE

Once a well-written code—supported by the school staff, parents, and community—is in place, the stage is set for effective enforcement of the code. Unfortunately, many schools and districts fall down on this essential element, and the code becomes a useless document rather than a tool to improve school climate. Effective enforcement of a code requires:

Backing of the school board:

The school board should formally adopt the district policy or approve individual school policies. School board members who waffle when tough discipline decisions come to the board for final action also erode the enforcement environment. Without firm support

from the top of a district, the message to students will be much less effective.

Consistent application everywhere and to everyone in the school system:

From the classroom to the central office and from the playground to the school bus, enforcement of the code must be uniform. For this reason, a district-wide policy is generally more effective than asking individual schools to each pass their own policy. Supplements or amplifications of the code at specific sites can address unique circumstances at particular schools.

The New York City Code encourages universal enforcement with the following preamble:

"These standards of conduct apply to prohibited actions of students during school hours, before and after school while on school property, while traveling on vehicles funded by the Board of Education, at all school-sponsored events and on other than school property when such conduct can be demonstrated to negatively affect the educational process or endanger the health, safety, morals, or welfare of the school community."

What is more difficult than applying the code everywhere in the district is applying the code equally to everyone in the district. Federal laws mandate some restrictions on sanctions that can apply to disabled students. It is vital, both to prevent lawsuits based on disparity of treatment and to deal effectively with special education students, that to the extent possible disabled students be treated the same as all other students. School officials should not shy away from applying the code as fully as possible to disabled students. The federal restrictions are not absolute, and for the most part, the full range of sanctions that apply to non-disabled students will apply to students with disabilities. Exceptions only emerge when it is recommended that special education students be removed from school for extended periods of time or when it is determined that the misbehavior is a manifestation of the student's disability.

Because of the complexities involved in applying discipline procedures to special education students, schools should provide a separate document detailing the process to be used with them. Elizabeth Truly, senior counsel of the New York State United Teachers, has developed three helpful charts detailing in an easy-to-read format the minimum standards required by federal law, court rulings, and agency interpretations of IDEA and Section 504 of the Rehabilitation Act. Districts should adopt similar charts that would incorporate any additional school district requirements. The AFT and other education organizations are actively lobbying Congress to amend portions of federal statutes to expedite the discipline of special education students and assure educational opportunity for all students, including those with disabilities.

Authorization and encouragement to all employees to enforce the code:

Effective discipline begins on the school bus and in the hallways. Bus drivers, custodians, food service workers, and school secretaries are just as essential as teachers and classroom paraprofessionals in establishing a schoolwide environment conducive to learning. All employees should receive training and support in the enforcement of the code. School officials must make it clear to students that all school employees have the authority and support of the administration in fair and consistent application of the code.

Many teacher contracts recognize the need for administrators to support teachers in enforcing the code. Language such as the following is common:

"The District recognizes its responsibility to give all reasonable support and assistance to teachers with respect to the maintenance of control and discipline in the classroom."

San Francisco Teacher Contract
(California)

"Recognizing also that the teacher's authority in his/her classroom is undermined when pupils discover that he/she has little or no administrative backing in discipline, teachers shall receive the full support of the principal and central administration of actions taken by them pertaining to discipline, provided they..."

United Teachers of New Orleans Contract
(Louisiana)

Despite the presence of such language, many teachers are still given the subtle but firm message from administrators that employees should deal with discipline problems alone. The teacher who frequently contacts administrators for assistance in discipline enforcement may find administrative support eroding. These types of attitudes must be changed if a discipline code is to be effective.

A review of contracts for school support staff indicates a lack of language supporting or encouraging these employees to enforce discipline codes. Because the active support of school secretaries, custodians, bus drivers, and paraprofessionals is necessary for effective enforcement of a discipline policy, negotiating such contractual protections for them is vital.

Resources provided to promote rigorous enforcement of the code:

Training for school staff and administrators may be necessary. During the early stages of implementation, when students will be testing the resolve of the school, additional building-level administrators or other staff supports may be necessary. To conserve resources, districts with severe behavior problems may want to phase in the implementation over a period of time. This will allow them to apply additional resources to individual schools that are undergoing the initial implementation phase, then move these resources to other locations that would begin the implementation phase later. □

SWIMMING AGAINST THE MAINSTREAM

BY PETE IDSTEIN

ON MY last day as an elementary school principal, two of my best teachers gave me a going-away present. They meant it as a gag gift to be disposed of as good riddance to bad memories. But they were mistaken. I could no sooner throw away their gift than I could keep from writing about the aggravation, frustration, and lost education that it represented. The gift was personal, but the problem belongs to us all.

My "present" came housed in a box that had originally contained 500 envelopes but now contained only three thick folders. These folders were bulging with the documentation that had been required for us to navigate one student through the shoals of a special education bureaucracy to a higher level of service.

Moving this student to a "more restrictive environment" took almost nine months, hundreds of hours of work, and thousands of dollars to achieve. If the district had hired an aide to do nothing but teach this one child, it might have saved money.

As significant as the financial cost was, it remains secondary to the hours of instruction that were stolen from the other 31 students in the classroom. If we accept the relationship between time-on-task and student learning that is posited by the literature on effective teaching, then this lost instructional time translates directly into education that was stolen from these other youngsters. Most of them were neither special education students nor gifted students; they were the usual mix of children who form the bulk of our student population and who stand without advocate in the political arenas of education.

The claims I make here come from 15 years as a public school administrator, the last five of which were

spent as a building principal. In addition, I have spoken with colleagues across the nation about the issue. And while they have not been unanimous in their agreement, the overwhelming majority have echoed my concern and encouraged me to write about the matter.

Let me first say that my argument is not with the spirit of the federal law that is now known as the Individuals with Disabilities Education Act (IDEA). It may not even be with the letter of the law. My problem no doubt lies in the cumbersome implementation of a law that has magnified the concept of due process to the point that it overshadows other school-based concerns, such as instruction and learning.

I believe that the majority of students who are mainstreamed under the IDEA are properly placed and are benefiting greatly from that placement. I further believe that the need to protect these children from an instructionally segregated environment is genuine and has been addressed through this legislation. The concept of "least restrictive environment," however, has created a gate through which students generally move in one direction only. Trying to move a student to a *more* restrictive environment clearly involves swimming against the mainstream.

Critics will be quick to point out that there is no provision in the law that prohibits movement of a student to a more restrictive environment. True as this may be, it doesn't make swimming against the mainstream any easier. Let's look at why one such move cost my school and district so much time, effort, and money.

Ronald Doe was a second-grader with above-average intelligence as measured by the Wechsler Intelligence Scale for Children. However, his behavior was severe enough to warrant placement in a Level 1 special education classroom at the start of the year. Our Level 1 classrooms represented a true mainstreaming situation. One-third of the students in these classrooms had been identified as needing special education, and two-thirds of the students were from the general popula-

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CASE STUDY
No. E-99275E1

REGULATIONS
No. 707125E4-43

HEARING:
A GUIDE FOR PARENTS
AND EDUCATORS

DOCUMENTED
INTERVENTIONS

RULES
PROCEDURES
FOR BEHAVIORAL
CONTRACTS

PROCEDURES FOR
BEHAVIORAL CONTRACTS

RULES

MULTI-DISCIPLINARY
TEAM MEETINGS

REQUIREMENTS

tion, including top students. The case for Ronald's placement had been made the previous year at a cost in time and money similar to that incurred in the current saga.

Less than a month into the school year, Ronald started exhibiting behaviors that made him stand out from all the other students in the classroom. At first it was only the intensity of his behavior that was salient. He would scream, throw furniture, talk to himself, and hit other children with unmatched fervor. The classroom discipline plan called for consequences for each of these behaviors, and they were administered unemotionally by two exceptional teachers.

As this behavior developed, both of the teachers and their instructional aide watched Ronald closely in a heroic effort to catch him being good. When they did, they heaped praise and sometimes tangible rewards upon him. While he obviously enjoyed this positive attention, it did not suffice to maintain the good behavior, despite the fact that he was being reinforced almost continuously. It was as if there were another mechanism at work in his brain, saying, "I'll see your systematic efforts at behavior control and raise you random responses." We ended up enforcing the classroom discipline plan more as a model for the other children in the classroom than in the hope of changing Ronald's behavior.

As principal, I was called in almost daily to remove Ronald from the room to protect the other children. One of the three adults in the classroom was usually

forced to deal with Ronald on an individual basis. Simple arithmetic would indicate that the mean instructional time per student was significantly affected by this fact alone. Add in the time it took for the teachers to keep a daily log of his behavior, write an individual behavioral contract, and meet with his mother and me to agree on appropriate rewards and punishments, and the loss of instructional time was even greater.

ONE OF the most frustrating features of this process was that we had to take each step in its prescribed sequence. It wasn't enough simply to be reinforcing, because we *might* just be missing the "proper" reinforcer. So we found ourselves charting beginning behavior, establishing consequences, removing consequences, establishing other consequences, and so on. Indeed, sometimes it seemed we did these things as much for the purposes of "building a case" as for modifying Ronald's behavior. I realize that saying such things will raise the hackles of many special education supervisors and professors of special education. My response is to ask, "How many classroom teachers see this as an honest statement of the reality they and their principals face daily?"

Ronald was duly unimpressed with the best-laid plans of Skinner's mice and men. He proceeded to escalate his assault on the instructional environment in predictable fashion. It continually amazed me how limited the repertoire of available disruptive behaviors is. As I talked to my friends and colleagues about Ronald's

DUAL STANDARD OF DISCIPLINE NEEDS TO BE CHANGED

In Washington, D.C., Congress is now working on reauthorization of the Individuals with Disabilities Education Act (IDEA), the current version of the twenty-year-old special education law for students with disabilities.

IDEA is an important law protecting the rights of disabled students; however, there are fundamental problems with IDEA that must be addressed. One is its impact on discipline and safety within schools. IDEA has created a dual standard of discipline: one for students with disabilities and another for non-disabled students. The result is that, too often, schools are not able to effectively discipline disabled students who are dangerous or disruptive. This double standard, along with a rush to full "inclusion"—the placement of disabled students in regular classrooms regardless of the nature of their disabilities—undermines classroom teaching and learning. If students feel that they cannot be disciplined for bringing drugs to school, assaulting others, or disrupting class, some

will take advantage of the situation. The result is missed opportunities for learning by all students. Teachers and paraprofessionals cannot help students learn in an environment that is not safe and orderly.

The American Federation of Teachers is pressing Congress to remove from IDEA the double standard for discipline. No group of students should have a license to misbehave in school. However, members of Congress are not necessarily knowledgeable about the day-to-day reality of what happens in schools. In particular, they do not understand the seriousness of the behavioral problems that result from IDEA's double standard. The only way they will come to an understanding is if they hear from their constituents who work in the schools. On this issue you are the expert; you know what happens in your classroom or school. You can tell your representatives in Congress what you have seen to be the consequences of a double standard of discipline.

Please take the time to call or

write your senators and representative in Congress. Tell them in your own words what it means in your classroom or school to have different disciplinary standards for different students. Let them know that teachers and classroom paraprofessionals often cannot do their jobs because of the double standard and that Congress must allow educators and schools the authority to take effective action when any student is dangerous or disruptive. The AFT has installed an 800 number for you to call the U.S. Capitol switchboard and be connected with your congressional representatives. That number is 800-238-1727. Or, you can write to them, by name, at the U.S. House of Representatives, Washington, D.C. 20515 or U.S. Senate, Washington, D.C. 20510. Please call or write today. Also, encourage your colleagues to do the same. Most people do not realize that members of Congress like to hear from their constituents and listen very carefully to what they say.

—AFT DEPARTMENT OF LEGISLATION

conduct, they said such things as, "Oh yes, we see that, too. By the way, has he started licking other students' faces yet?" He had.

He had also rolled around on the floor, thereby delaying recess or lunch. He had eaten paste, paper clips, staples, and various other binding materials and had repeatedly stabbed himself in the arm with pencils. He had alternated between screaming and laughing raucously. In general, he pushed every button he could think of to make his teachers push the button on the wall that would summon me to come to the rescue.

When I removed him from his classroom, I would isolate him in the conference room next to my office, if it was available. If not there, I would place him in the speech room; if not there, then the *bench*. He did not seem to like to be isolated in these ways and would cry and moan and eventually fall asleep. Yet his behavior did not change. I kept Ronald in supervised isolation only long enough to locate his mother, who lacked a home phone, and let her know that I was bringing him home.

I could continue this account, detailing how his teachers and I visited his home on several occasions in an effort to make him feel good about himself or how we provided transportation for his mother to make it easier for her to attend meetings with teachers. Food and gifts were provided anonymously during the holidays, and I even delivered a full set of the *World Book Encyclopedia* to his home for Christmas, compliments of our *World Book* sales representative. In short, we went *more than* a few extra miles in an effort to help Ronald fit in and feel a part of school.

During this same period, we met weekly with the "Student Success Committee" in our building and implemented the committee's suggestions, many of which I have reported above. The day arrived, however, when we said, "Enough is enough." We felt that the time had come to seek a higher level of service for Ronald.

The first step in this process was to take the case to the Multi-Disciplinary Team (MDT) in our building. This team was made up of the school psychologist, the educational diagnostician, the speech therapist, the classroom teachers involved, and me. A student's parents or guardians are also invited to MDT meetings.

At a typical MDT meeting, the teachers present their reasons for requesting a higher level of service, including the documentation of their efforts in the classroom. I add comments regarding my role with the child and relate what has gone on between the home and the school in an effort to help the child. The members of the MDT then suggest interventions to be tried in the classroom before proceeding. Typically, two such interventions, along with baseline data and sufficient time to determine their effectiveness, are to follow the MDT meeting. Time can sometimes be saved when the suggested interventions have already been tried and documented through the efforts of our school's Student Success Committee.

The next step, if approved by the MDT, is to take the case to the school district's Individual Placement Review Decision (IPRD) committee. This committee includes several school psychologists, speech pathologists, educational diagnosticians, cluster coordinators,

the director of special services, and, occasionally, the principals of the sending and receiving schools. Parents or guardians are invited and often attend, and they may also bring formal representation. There is frequently more than one such meeting.

At these meetings documentation and motives are questioned, and parents, who are often opposed to having their children moved to another building, have a chance to make their case. After the technical issues of compliance with federal law have been resolved, the issue of developing parental support for the proposed move is addressed. This typically involves a full-scale campaign that includes arranging for the parents to visit the new school, meet with teachers and the principal, and observe classes in session.

All of this is done to obtain the parents' permission to let us provide more resources for their child. Our track record with students who have been moved to more restrictive environments has been exceptional. Every student who was so moved during my five-year tenure as principal settled into his or her new academic environment after a very short period of adjustment and coped extremely well in the new setting. The academic performance of these students improved — and, in several instances, they were moved back into Level 1 settings within a year or two.

Despite this track record, most parents remain resistant to a move. And unless the parent consents, the child cannot be moved without going to court. While it may have happened, I know of no case in which our district was willing to go to court under these circumstances.

In Ronald's case, these procedures took even longer than usual because his mother missed meetings and charged us with incompetence, neglect, and racism. In general, we found our progress thwarted at every turn. However, we persisted, and his mother finally did visit the new school in question. She found that it was a humane place, peopled by happy children, caring teachers, and sensitive administrators. It was also well-staffed with psychologists and other support personnel. In general, she found it to be everything we had been telling her it would be.

Once Ronald's mother granted permission for the move, we had to update the psychological and educational testing that had been done on Ronald, and this further testing was also delayed pending his mother's permission. The final obstacle involved transportation arrangements. Since Ronald did not live in the attendance area served by the new school, a special bus had to be dispatched to pick him up at home and return him after school.

Given the time taken from teachers, principals, psychologists, educational diagnosticians, speech pathologists, the director of special services, and the transportation division over the nine months it took to obtain this placement, it is not difficult to see how the cost of this move mounted. Readers might think that, in order to make my point, I chose the most difficult, cumbersome, and time-consuming case in our files. But the unfortunate truth is that Ronald's case was *typical*. It was not our most difficult or our most time-con-

(Continued on page 46)

HARRY WU: FREE TO FIGHT ANOTHER DAY

Human rights campaigner Harry Wu appears in video footage of his "trial" shown on Chinese TV Thursday Aug. 24, 1995. Bowing to international pressure, Chinese authorities expelled him from the country, rather than have him serve out the fifteen-year sentence he received for "spying" and stealing "state secrets."

AS A TWENTY-THREE-YEAR-OLD geology student, Harry Wu was more interested in his studies and his girlfriend and playing baseball than he was in ideology. But he couldn't escape the suffocating tentacles of the political system that controlled his country. Accused of lacking sufficient revolutionary ardor, he was arrested in 1960 by the Chinese Communist authorities and —although never formally charged or tried—he spent the next nineteen years in prison labor camps. Starved, beaten, humiliated, half-frozen, forced to work grinding twelve- to sixteen-hour days under hazardous conditions and to participate in endless rounds of "thought reform" sessions and self-criticism "struggle" meetings, he somehow survived.

Millions of others didn't, and Harry Wu never forgot them. He eventually was able to make his way to the United States in 1985 and became a U.S. citizen in 1994. But the faces of those left behind continued to haunt him. In his 1994 memoir, *Bitter Winds*, he describes the impulse that would define his life's work:

At different times during my years as a prisoner, the thought had returned that someday I would tell people what happened behind the walls of China's labor-reform camps. Partly for that reason I practiced the complicated strategies of elephant chess in my mind and took care to store facts, speeches, and scenes in my memory. When other inmates beat me severely at the Cultural Revolution Struggle meeting, I reached up to shield my head from injury. After my squadmates pried me loose from the stones and timbers of a coal mine collapse, my first impulse was to test my ability to think and speak. I had learned not to care if they hurt my body, but I had to keep my mind intact so that I could remember.

My travels in 1991, when I returned to China to film the

AP PHOTO

判处有期徒刑



徒刑十三年。附加驱逐出境

conditions within the labor camps, fulfilled part of a consuming mission. Even though I had found safety in the United States, I had never found rest. Always I recalled the faces I had left behind. Always I worried that while I had escaped, the labor reform system continued to operate, day by day, year by year, largely unnoticed, unchallenged, and therefore unchanged. I felt urgently the responsibility not just to disclose but to publicize the truth about the Communist Party's mechanisms of control, whatever the risk to me, whatever the discomfort of telling my story. Each time I revisited my past, I hoped it would be the last time, but I had decided that my experiences belonged not only to me and not only to China's history. They belonged to humanity.

It is difficult to fully comprehend the courage, selflessness, and tenacity that must have been required for Mr. Wu to risk being sent back to the labor camps that had already stolen nineteen years of his life. But risk it he did. After coming to the United States, he made several undercover trips back to China to research and document the widespread existence of the *laogai* system—China's forced-labor prison camps. The term *laogai* means "reform through labor." He founded the Laogai Research Foundation and in 1992 published *Laogai: The Chinese Gulag*, the most thorough description that exists of the *laogai* system. Beginning on page 37, we have included an article adapted from that book; it explains the ideological base, the purpose, the operation, and the reach of the *laogai* system. The photos that accompany the article were taken by Harry Wu during a clandestine mission to China in April 1994. They are published here for the first time.

The Laogai Research Foundation has now documented the existence of approximately eleven hundred "reform through labor" camps in China, with up to 10 million prisoners. And as Harry Wu testified before a congressional hearing in April: "Our list does not include detention centers or military and secret prisons. Nor is it a complete list of *laogai* camps. We are learning of others every month." The word *laogai*, according to the latest edition of the Foundation's *Laogai Handbook*, "connotes fear in the heart and mind of the average Chinese. Almost everyone is related to or knows someone who has served a lengthy sentence in a *laogai* camp. Millions know people who simply disappeared into the camps, never to be heard from again."

The *laogai* is both a mechanism for political suppression and a system of economic production. As Burnie Bond of the AFL-CIO International Affairs Department has testified, "Only China is known to operate an extensive industrial network based on forced labor and to export its products throughout the world—including to the United States.... Goods produced in these facilities constitute a significant proportion of China's national output—estimated at over half of all its vulcanized rubber, one third of all its tea, one quarter of its asbestos production, one fifth of its mercury, tens of thousands of tons of cast steel pipe, hundreds of millions of kilograms of grain, and vast quantities of coal, cloth, grapes, machinery, clothing, and many, many other products."

In his speeches and writings, Mr. Wu has made it clear that the *laogai* punishes not only its Chinese vic-

tims but also American workers whose jobs are lost or wages are lowered because they cannot possibly compete with the products made by slave labor. The AFL-CIO has urged the U.S. government to take steps to rigorously enforce the U.S. Tariff Act of 1930, which makes it illegal to import products made by forced labor. Jeff Fiedler, secretary-treasurer of the AFL-CIO Food and Allied Service Trades Department, estimates that "upwards of half of all Chinese exports to the United States of rubber and rubber-related products are illegal." The American labor movement has also condemned corporations that do business with the *laogai* system, either by importing products made by slave labor or by supplying component parts or materials to the *laogai* factories, farms, and mines.

This past June, Harry Wu, now age 58, was arrested by Chinese authorities as he attempted to enter China at a remote border crossing with Kazakhstan. An international outcry forced his release two months later, on August 24, but not before he was required to stand "trial." He received a sentence of fifteen years in prison for "spying" and stealing "state secrets," but—bowing to international pressure—the Chinese authorities expelled him from the country rather than have him serve out the sentence.

No one worked harder for his release than did the American labor movement. Deserving of particular credit is Jeff Fiedler, who in addition to being secretary-treasurer of the AFL-CIO Food and Allied Service Trades Department, is also the co-director of the Laogai Research Foundation and a long-time friend and supporter of Mr. Wu's. And so in October, Mr. Wu traveled to New York City to be received by a jubilant AFL-CIO convention and, in return, to express his gratitude and solidarity. His remarks appear on the adjacent page.

A new edition of *Laogai: The Chinese Gulag* is due to be released sometime this year by Westview Press. In the preface to the new edition, Mr. Wu reports that, since the publication of the first edition of his book, the only thing that has changed about the *laogai* system is the term the Chinese government uses to refer to it. Wanting to give the impression that the *laogai* is simply a prison system no different from any other country's, Chinese authorities have eliminated the word "laogai" and any mention of "reform through labor" and replaced it with the word meaning "prison." Tragically, this word play will not alter the conditions under which millions of innocent Chinese citizens continue to suffer.

The International Affairs Department of the American Federation of Teachers has gathered together several articles and other documents related to the Chinese democracy movement. To receive the AFT's "Democracy in China" packet write: International Affairs Department, American Federation of Teachers, 555 New Jersey Ave., N.W., Washington, DC 20001-2079, Attn: Democracy in China. Send email requests to: iadaft@aol.com

—EDITOR

“I was saved by the efforts of many people. But no other people were more important than those in the American labor movement.”

**Harry Wu's Address
to the AFL-CIO Convention
October 1995, New York City**

I THANK YOU for the honor you show me today by inviting me to speak to this great convention. It is great to be alive and it is wonderful to be free again.

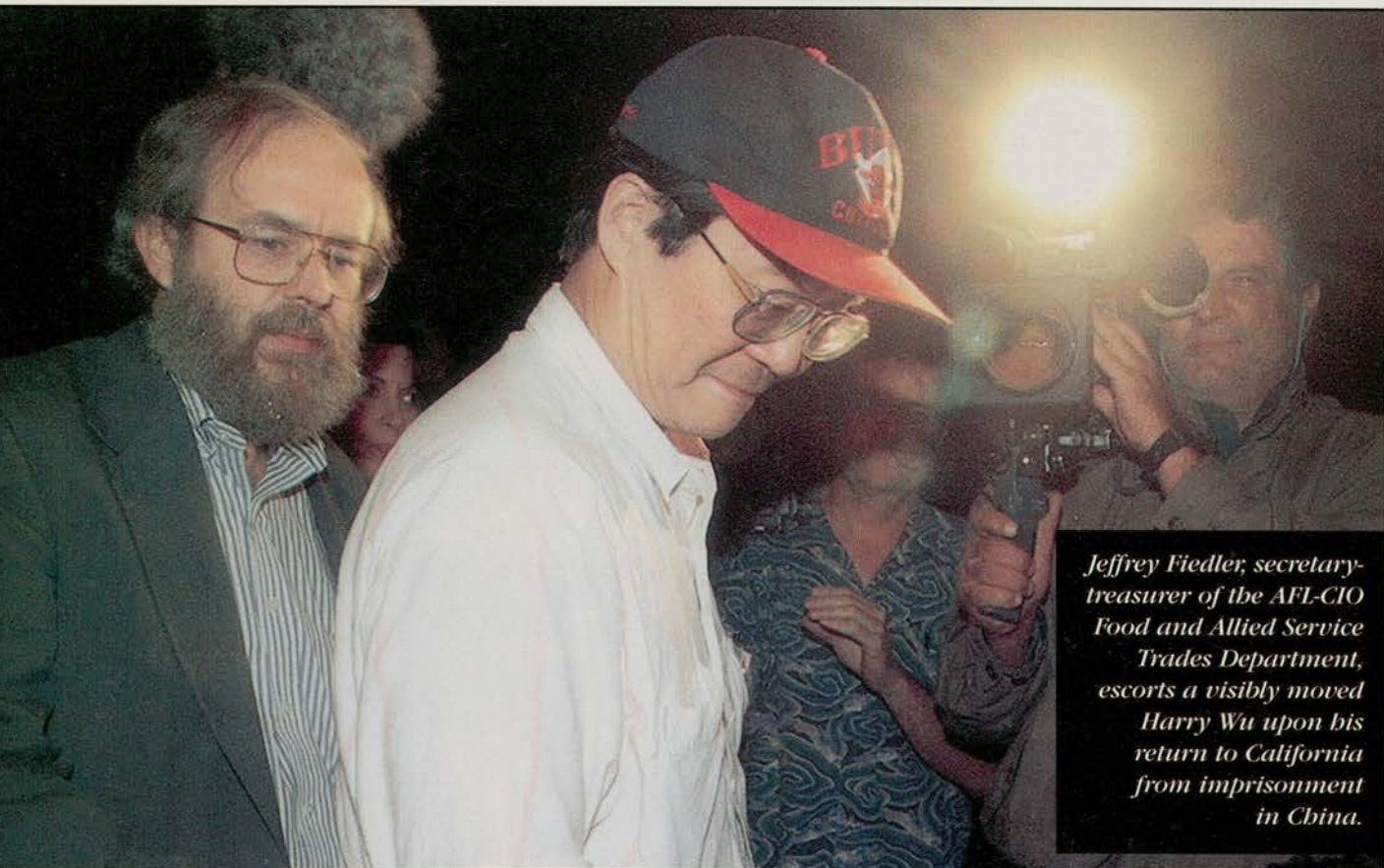
There were moments this summer when I thought the Chinese government might have executed me, when I knew they wouldn't but that they might send me back to the Chinese forced labor camps. And you should understand, I have crossed the line between life and death several times. So, I no longer fear about death.

The idea of returning to Chinese *laogai* camps, forced labor camps, frightened me. I knew I could survive just like I survived for nineteen longer years. But I knew it would be half a life. I also knew I would have

to return myself into the animal again in order to survive. But I was saved. I was saved by the efforts of many people. But no other people were more important than those in the American labor movement.

My friends in the labor movement dropped everything. They worked day and night. They organized and ran an international campaign to free me from Washington to San Francisco, from Sydney to Paris. From the bottom of my heart, my wife and I want to thank you all.

Now I am a criminal again. I was charged with stealing state secrets and passing them on to hostile foreign organizations like CBS and the BBC and the U.S. Congress.



Jeffrey Fiedler, secretary-treasurer of the AFL-CIO Food and Allied Service Trades Department, escorts a visibly moved Harry Wu upon his return to California from imprisonment in China.

SAN FRANCISCO CHRONICLE / LIZ HAFALLA

My trial lasted only four hours. You know, in 1960, when I was sentenced to *laogai* for life, I had no trial. So, I guess I should be happy that China has made some kind of progress.

During my interrogation, the police general accused me of being a union spy. So, all of you are my boss.

But I told him I did not know unions have spies.

If he had accused me of being a friend of the American labor movement, I would have confessed.

I have had many jobs in my life. I was a coal miner, I was a chemical worker, and I was a farm worker. I did all of those jobs as a political prisoner who was forced to labor in a Chinese forced labor camp.

My back was broken in a coal mine accident. The Chinese government may have broken my back, but they also convinced me that I could not turn my back on the millions of nameless and faceless people suffering today in this *laogai*.

The *laogai* is the most extensive gulag in the world today. More than 8 million people suffer incredible cruelty. To give you an idea, there are thousands of prisoners today mining asbestos by hand in a forced labor camp in Sichuan Province. No matter what their sentence is, these prisoners are effectively condemned to death—a slow, lingering, horrible death.

This system was created by and continues to be run by the Chinese government and its Communist Party. The strange thing in China today is that no one believes in communism any longer. Communism is being replaced by a dangerous form of nationalism, which may soon border on fascism.

No country will be more important to American workers than China in the next century. Not only is it the largest country in the world, it is the country that American business seems to love the most.

Every union in this room is affected by China. Every leader of the American labor movement should be deeply concerned that no free unions exist in China today. I'm certain American companies love this. I know of no American company that protests the recent arrest of Zhou Quo-Jiang, who was thrown into the forced labor camp without a trial after he designed and planned to distribute a T-shirt that had the words on it—"Workers' Rights and Collective Bargaining."

I know of no American company that will raise the issue of workers' rights, forced labor, religious persecution, or political freedom with the Chinese government. They are only interested in money. They are only interested in trade.

This June I was a victim of trade. The remote border crossing I chose had a computer, but last year it did not. In that computer was my name. This was either bad luck or progress, depending on your point of view.

At different times during my detention I was guarded by dozens of secret police, and all of them carried Motorola cellular telephones.

Trade with America certainly has helped the Chinese police. The Chinese government has grown to depend on American companies to help them politically. They know the companies will help them. But what does this mean for the workers?

What is happening at Boeing today could be common in the future, and it is the result of both American

and Chinese foreign policy. Boeing led the fight in the Congress to separate human rights from Most Favored Nation status for China.

What did it do for them? The Chinese government repays their efforts by blackmailing them. The Chinese say you must sell them your technology in order to sell them airplanes. So what happens to the members of the Machinists Union? When Boeing sells its technology to China, the high-paying jobs are lost.

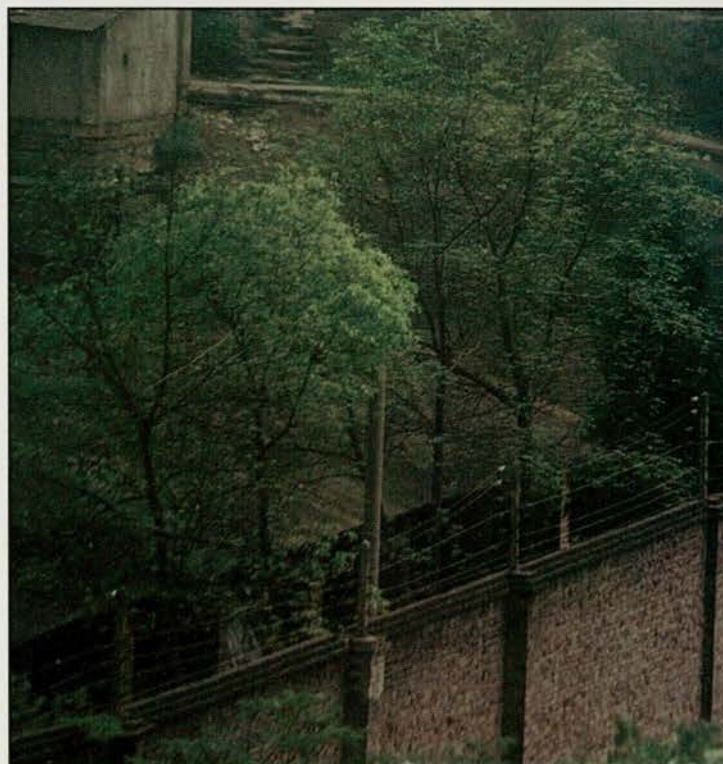
The strike of Boeing members is really a strike against the Chinese government. It is a strike against the Chinese military that use these technologies. It is a strike against all those in America who would lead China to undermine American policy. It is strike that the American labor movement must wage. I stand with you in the struggle.

The Machinists Union has also been the victim of the *laogai*. The Machinists Union in Buffalo once made a chain hoist. The company then developed an agreement with the Dachang No. 4 prison to make the hoist. For fourteen years this American company had prisoners making its products and selling them to all of the world.

I took pictures of this labor camp and exposed the ugly truths, but it was too late. Union members lost their jobs, and I was convicted of stealing state secrets.

Forced labor products continue to come into the United States. The *laogai* continues to exist, continues to destroy millions of people and create fear in more than a billion more. It keeps an autocratic government alive.

I thank you deeply, thank you for your help in the past. We must stand together in the future, for our work is only beginning. Together we can end forced labor in China. Together we can end the *laogai*. Thank you. [Standing Ovation] □



FORCED LABOR IN CHINA

BY HARRY WU

THE IDEOLOGICAL BASE

THE ESTABLISHMENT of the Labor Reform Camp system in the People's Republic of China (PRC) is based on the following three policies: "Labor Reform" (*laogai*), "Reeducation-Through-Labor" (*laojiao*), and "Forced-Job-Placement" (*jiuye*). Soviet legal experts cooperated during the process of drafting these policies. They are in fact translations from the Soviet Union's 1933 codes on labor camps.

The Chinese Government's regulations state: "... In order to punish all counter-revolutionaries and other criminals, they are forced to reform themselves by engaging in hard labor ..." The real purpose can be seen from the following: (1) Resolution of the 4th National Public Security Assembly, September 17, 1951: "... forcing prisoners to engage in hard labor is an important means of eliminating counter-revolutionaries ... this type of work is politically and economically extremely meaningful;" (2) Comments made by China's first Public Security Ministry Chief, Luo Ruiqing, in

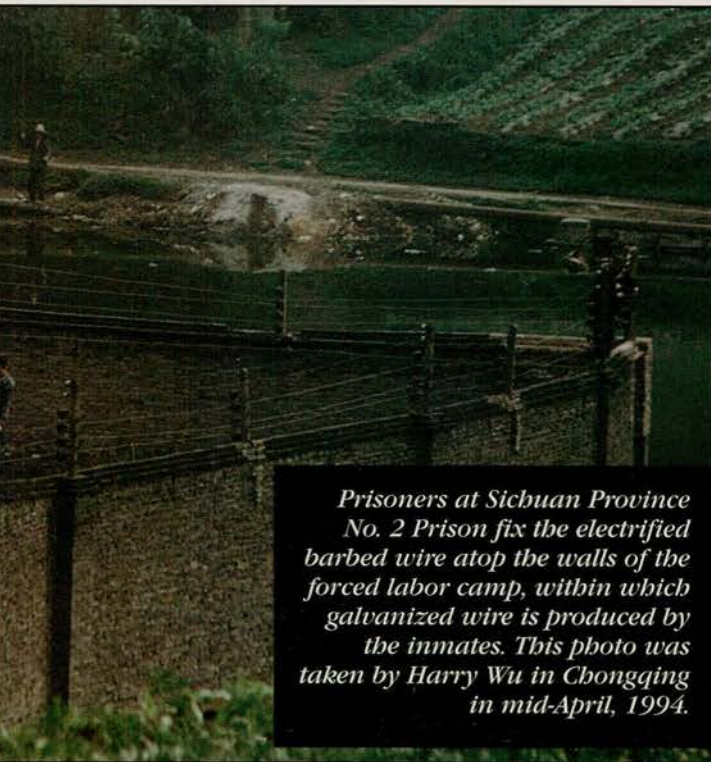
1954: "... the process of labor reform of criminals ... is essentially an effective method of purging and eliminating all criminals ... Labor reform production ... directly aids in the development of the nation's economy ... it is a dependable source of wealth."

The "Source of Wealth"

The Labor Reform Camps, generally called *laogaidui* in mainland China, consist of six parts: detention centers, prisons, labor reform disciplinary production camps, juvenile offenders camps, reeducation-through-labor camps, and forced-job-placement camps. The *laogaidui* are distinctly different from Soviet camps in their conception of "thought reform through forced labor." In China, the *laogaidui* are economic enterprises. Products of their forced labor are sold in domestic as well as foreign markets and have become an indispensable component of the national economy. For instance, one-third of the national production of tea in China is from the labor reform camps. In scope, numbers of camps and prisoners, degree of cruelty, and violation of human rights, the *laogaidui* have surpassed their Soviet model.

Who Is There?

Three types of persons are found in the Labor Reform Camps of China: convicted prisoners who are subject to labor reform: *laogai*; prisoners subject to reeducation-through-labor: *laojiao*; and people required to live and work in the camps even after expiration of their sentences. The latter are the *jiuye*: those in forced-job-placement.



Prisoners at Sichuan Province No. 2 Prison fix the electrified barbed wire atop the walls of the forced labor camp, within which galvanized wire is produced by the inmates. This photo was taken by Harry Wu in Chongqing in mid-April, 1994.

This article first appeared in the October 1990 issue of The Bulletin, published by the Department of International Affairs of the AFL-CIO. It was adapted from a manuscript by Harry Wu that was later published in 1992 by Westview Press, entitled Laogai: The Chinese Gulag. A new edition of the book is scheduled to be released sometime this year. Mr. Wu's work and that of the Laogai Research Foundation is continuous, and this article has not been updated to reflect their more current information. Some camps may have been merged, moved, or dismantled; and the numbers of prisoners in any particular camp are constantly changing. However, the basic features of the laogai system remain as described herein.

Categories of Detention

The Labor Reform Camp system in China includes a number of institutions with different names: Labor Reform Camps (LRC, the term which covers them all); Labor Reform Discipline Production Detachments (LRD); Reeducation-Through-Labor Camps (RTL); Juvenile Offender Disciplinary Camps (JOD); Forced-Job-Placements Camps (FJP).

The nomenclature hides the reality. Except in name, for example, there is no basic difference between prisons and labor reform disciplinary production camps (LRD). According to internal Communist documents, 13 percent of criminals are confined to prisons and 87 percent to LRD. One of the basic Chinese judicial documents states that "prisons will house criminals sentenced to death, but who have a two years reprieve, counter-revolutionaries with life-terms or terms of over five years, common criminals sentenced to terms of over ten years, and special cases including spies, foreign criminals, criminals with knowledge of classified material, and female criminals."

Detention Centers

According to the "Act of the People's Republic of China for Reform Through Labor" of 1954, Chapter 2, Article 8, "Detention centers shall be [used] primarily for confining in custody offenders whose cases have not been adjudicated. Criminals who have been sentenced to imprisonment of two years or less, and whom it is inconvenient to send to Reform Through Labor discipline groups for execution of sentence, may be held in detention centers." This suggests a vast number of short-term prisoners held in such centers, since Article 11 of the same Act states that every level of the Communist Party of China, from the Central Committee through the provinces to the counties and cities, has its own detention center.

Organizing The Work Force

Prisoners are organized vertically along military lines into squadrons, companies, battalions, detachments, and brigades. The detachments vary greatly in size. Large detachments include Beijing Municipality's Qinghe Farm, Xinjiang Region's Koryile Labor Reform Detachment, and Qinghai Province's No. 2 Labor Reform Detachment. Each has a population of combined criminal and political prisoners and forced-job-placement personnel ranging from 50,000 to 80,000 people.

The Size Of The System

On the basis of various reports and personal experience, the author has gathered information over ten years on approximately 1,000 camps (including names, locations, population, and production information). Nationwide there are approximately 4,000 to 6,000 Labor Reform Camps in China. Taking a conservative view, the author estimates that over the past forty years some 50 million people have been sentenced to *laogaidui*. Further, approximately 16 to 20 million people are still confined in these camps.

Three types of "personnel" can be integrated into a camp. For example, in the 1960's, Beijing Municipality's Tuanhe Farm consisted of three battalions and a

few auxiliary companies. Among these, No. 1 battalion held about 2,500 *laogai* prisoners. No. 2 battalion was comprised of some 3,000 *jiuye* personnel. Additionally, the same battalion held one company of 500 *laojiao* prisoners. No. 3 battalion housed some 1,500 juvenile offenders.

PURPOSES

COMMUNIST PARTY regulations state: "... Reeducation-Through-Labor is a method of dealing with internal contradictions among the people ... [its] highest level is administrative disciplinary action." Another document claims these are not criminal proceedings. The Communist Party can use *laojiao* to deprive any person of his freedom if they perceive him as uncooperative. They can subject him to forced slave labor, without the complication of any judicial procedure.

The purpose of the Forced-Job-Placement policy is stated: "... To fully implement labor reform policies and ensure public security." The Communist Party is very clear on at least one point: It is absolutely impossible for them to trust those who have been sent to labor reform and reeducation through labor camps. Those people are probably even more dangerous to the regime than before they were arrested. Since these people have a clearer understanding of the true nature of the dictatorship, their opposition to the regime may well have been strengthened. These people are the *jiuye*, and while they are technically no longer prisoners, they also are not free to return to their homes and take up their former lives.

"Trusties" By Compulsion

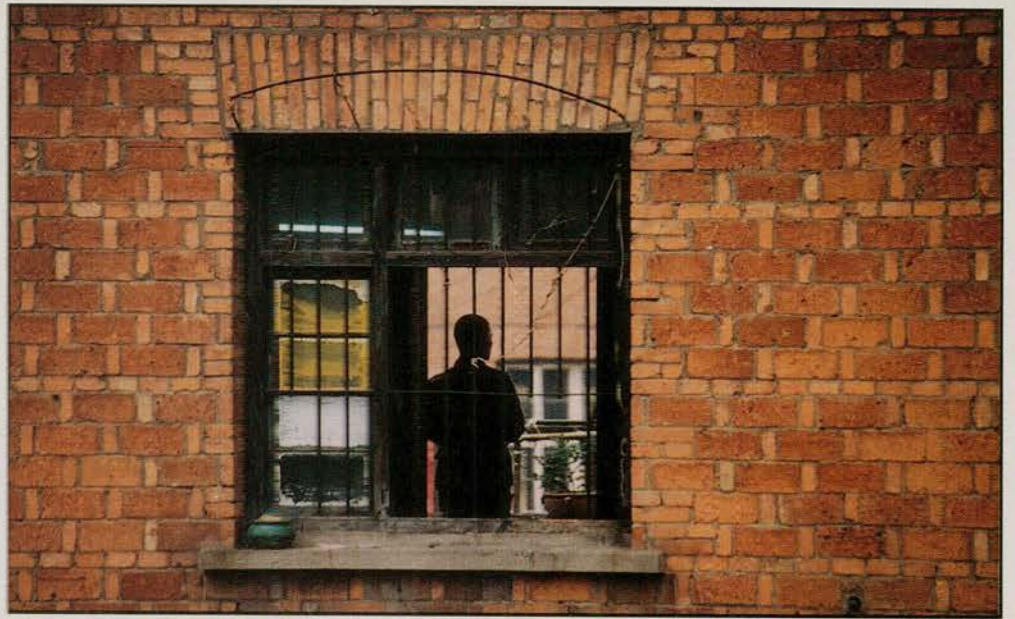
With the *laogaidui* it is necessary, from a managerial and disciplinary point of view, to have a group of people who have been prisoners, and are familiar with criminals, to serve as agents for the Public Security police in the management of production, daily life, and political control. The *jiuye* serve this purpose.

In the *laogaidui* system a popular saying was, "there is an end to *laogai* or *laojiao*; *jiuye* is forever." Of all the prisoners who had served their entire term before 1980, between 80 to 90 percent were subjected to forced-job-placement. Only a few special convicts such as the former Emperor Pu Yi or a Party member's family, were not subjected to *jiuye* in the camps.

The Forced Colonists

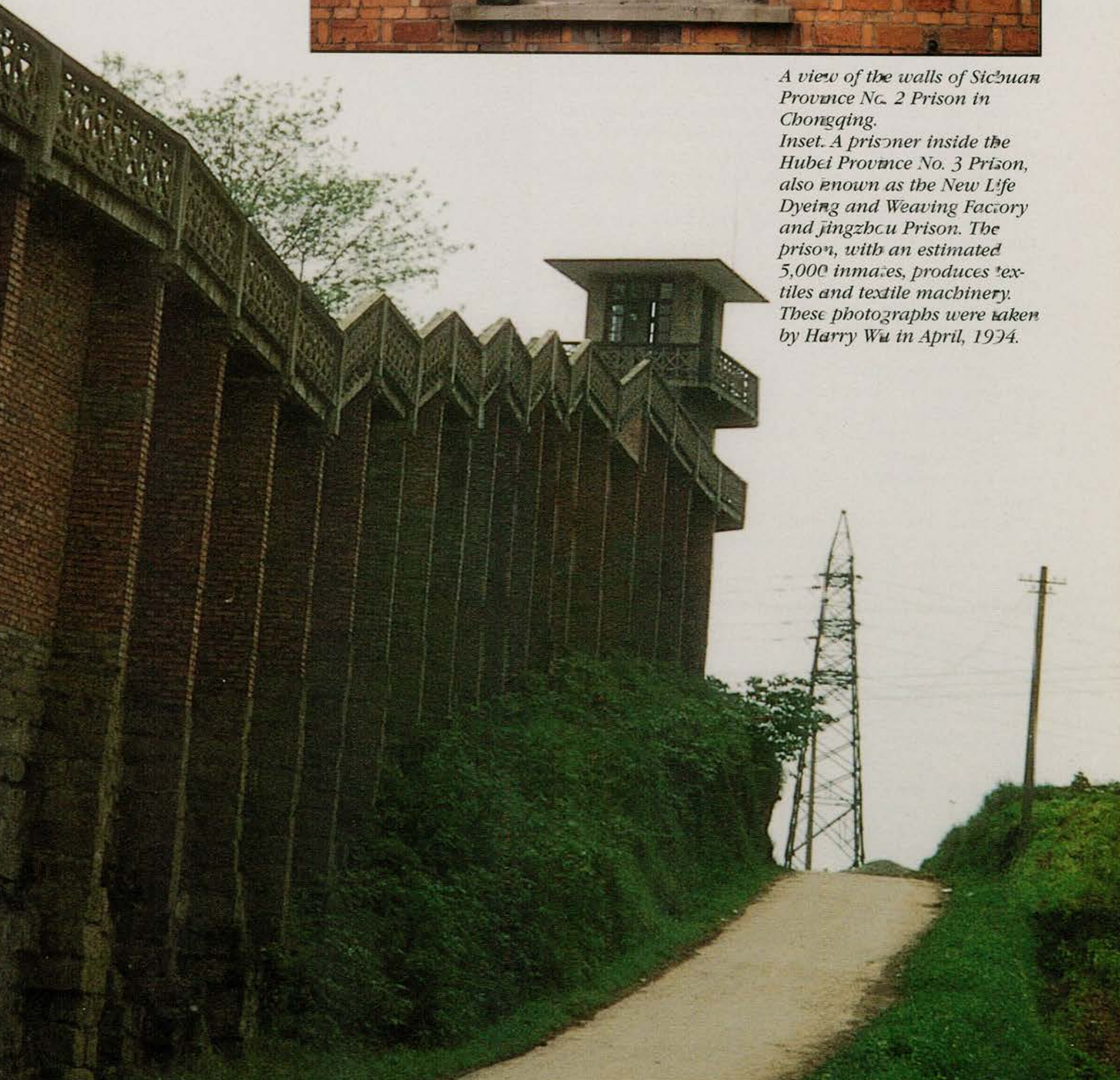
Some Labor Reform Camps originally located in isolated and underdeveloped regions, such as the Xinjiang Autonomous Region (China's westernmost province, with an important Turkic population), Heilongjiang Province (northern Manchuria), Qinghai Province (abutting both Xizang—Tibet—and Xinjiang), and the north of Jiangsu Province (coastal area north of Shanghai and south of Qingdao), were moved to new locations after the original sites were opened up to cultivation. However, only prisoners undergoing Labor Reform and Reeducation-Through-Labor were relocated. Those who had completed their sentences were not allowed to leave. These Forced-Job-Placement personnel and their families—the *jiuye*—were forced to stay and work at the original labor reform sites.

The sites were thus transformed into immigration



A view of the walls of Sichuan Province No. 2 Prison in Chongqing.

Inset. A prisoner inside the Hubei Province No. 3 Prison, also known as the New Life Dyeing and Weaving Factory and Jingzhu Prison. The prison, with an estimated 5,000 inmates, produces textiles and textile machinery. These photographs were taken by Harry Wu in April, 1934.



settlements, and their occupants into colonists. The settlements were no longer controlled by the Public Security or the Justice Ministry, but by the local governments. However, their organization and management still differ from those of ordinary enterprises. These "quasi-labor-reform camps" abound.

"Thought Reform"

The purpose of "thought reform" is to change a person's consciousness, his political views, religious beliefs, and moral values. This thought reform is compulsory and executed in a violent manner. Thought reform includes the following:

(1) A prisoner has to acknowledge his crimes and faults. He then submits these in writing to his superior and agrees to submit to the law. This is the beginning of reform and is the first lesson learned upon entering prison. This consciousness must be present through the process of reform.

(2) The prisoner must expose treachery and show allegiance to the Government at all times. Prisoners should expose any behavior or comments that might disturb political order, harm Communist leaders, or undermine socialism. In the *laogaidui* there is no concept of false incrimination. Policies encourage informing and betrayal among prisoners.

(3) There will be a redemption of sin through bitter toil.

(4) All forms of political education embrace Deng Xiaoping's "Four Cardinal Principles."

Pressuring The Recalcitrant

The Communist Party has many types of pressure to exert on the prisoners:

(1) If a prisoner denies his crimes and resists reform, he is put into a "study class" or "training team" until he is willing to accept reform. This may include torture. After he admits his crimes and accepts reform he is then allowed to engage in labor production.

(2) The quality of a prisoner's labor output is often seen as an indicator of whether or not he has truly reformed.

(3) Each type of work and every prisoner has a daily quota which must be met; otherwise, one is guilty of "not following directions," or of having a "lazy labor attitude."

(4) Prisoners' food is rationed. It can be immediately cut off or reduced by the police.

(5) Some measures are designed to force prisoners to labor. Examples include revoking the prisoner's letter-writing privileges and visiting rights, solitary confinement, torture, and calling meetings to criticize wrong behavior or wrong thinking.

At right: Prisoners line up for a headcount at the end of a workday at Zhejiang No. 2 Prison, also known as the Qianjiang Tool Factory, located on the outskirts of Lijiang town. Adjoining Zhejiang No. 4 Prison, the Qianjiang factory manufactures "Diamond" brand hand-tools, which are imported into the U.S. by a trading company in Houston, Texas.

Inset: A prison guard leaves his watchtower at Jingzhou Prison (Hubei Province No. 3 Prison). These photos were taken by Harry Wu in April, 1994.





(6) A few measures are available to merely persuade prisoners to labor: an increase in the food rations; a reduction in sentence; increasing the monthly living allowance. (Prisoners in China are not paid for their labor, but still must pay for anything other than food. Most prisoners, though not all, receive the allowance, its size depending on performance. For good performance the allowance may be the equivalent of U.S.\$1.10 monthly, or 70 U.S. cents monthly for poor performance, which may be withheld for evident resistance).

AN ESSENTIAL COMPONENT OF THE ECONOMY

THE REGULATIONS further state: "Criminals showing any of the [negative] behavior described ... may be issued warnings, given disciplinary notices, confined, or otherwise punished, depending upon the severity of the infraction." The Communist regime has been very successful in utilizing prisoners to control other prisoners and manage labor production. Every year the *laogaidui* is strengthened by a never-ending source of dependable labor drawn from the society. These people engage in ceaseless slave labor until they fall ill or die. The labor reform enterprises have inevitably developed into an essential component of the economy of the People's Republic of China.

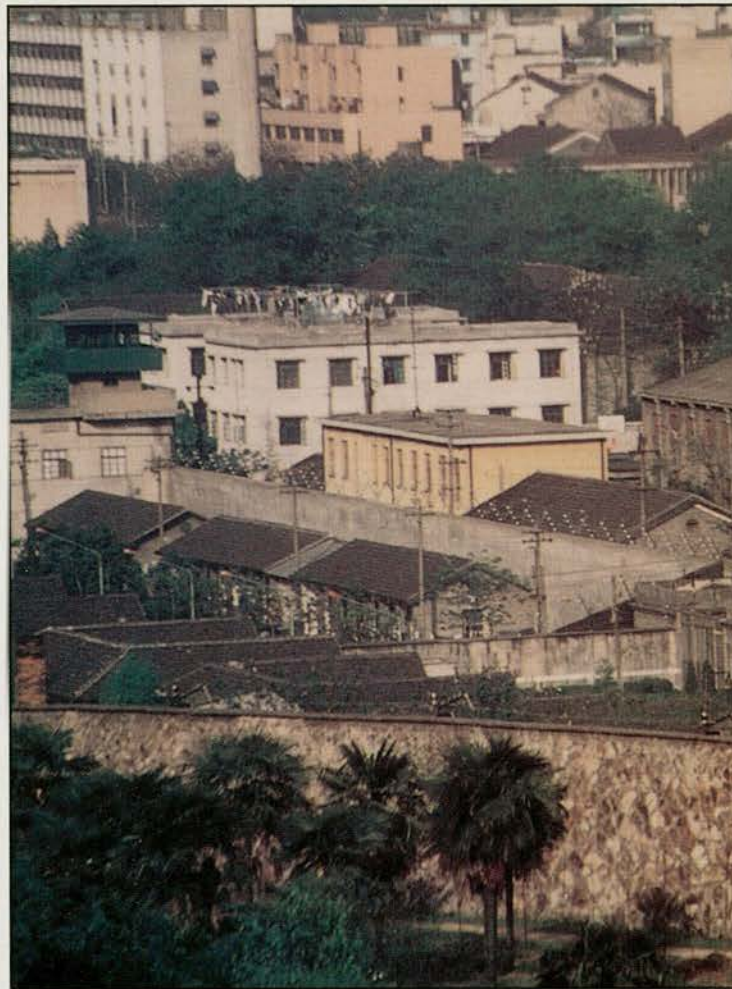
The Units Of Production

The Labor Reform Camps have two names. Within the Public Security and Legislative Bureaus, they are known as No. 1 Prison, No. 2 Labor Reform Detachment, or the 14th Reeducation-Through-Labor Camp. But they are known to the general public by production unit names, determined by their type of production, such as Qinghe Farm, Wangzhuang Coal Mine, or Xingsheng Textile Factory. The Labor Reform Camps have an army of low-paid, obedient, forced, highly efficient laborers who play a very important role in the Communist Party's "Socialist Construction." The Communist Government refers to Labor Reform Enterprises (LRE) as "Special State-run Enterprises." Just like any commercial enterprise, they have full-scale departments for production planning, financial planning, and are under the central direction of the Bureau of Production.

A "Development" Policy

In the past forty years, Labor Reform Production has become a major force in developing such projects as water conservation, road building, wasteland development, mining, construction, and other labor intensive projects. Further, the LRE were instrumental in developing handicraft industries and in increasing the mechanization and automation of all types of heavy and light industry.

Never before has there been a nation with a prison system so extensive that it pervades all aspects of national production, has had such careful planning and organization, composes such an integral part of a nation's economic and productive system. The following statistics are illustrative of the extent of this system:



A view into a large export-oriented forced labor camp (Zhejiang No. 2 Prison), also known as the Qianjiang Tool Factory, located on the outskirts of Ligping town. Adjoining Zhejiang No. 4 Prison, the Qianjiang factory manufactures "Diamond" brand handtools, which are imported into the U.S. by a trading company in Houston, Texas. This photo was taken by Harry Wu in late April, 1994.

1983 STATISTICS:

LRE INDUSTRIAL products total over 200 items. Products include lead, zinc, tin, gold, copper, mercury, coal, iron, sulphur, phosphorous, automobiles, machine tools, electronic components and instruments, chemical products, recycled rubber, cotton cloth, fans, shoes, and ceramic products. LRE's also supply over 20 types of agricultural products including soybeans, tea, fruits, rice, wheat, oil products, and corn. In 1983, LRE's nationally produced over 12 million tons of coal, 6,000 various machine tools and over 6,000 agricultural irrigation pumps. Additionally, 16,000 tons of zinc, 200 tons of mercury ($\frac{1}{5}$ of the total national production), 25,000 tons of asbestos ($\frac{1}{4}$ of the total national production), over 16,000 tons of cast steel pipes, over 500 million kilograms of tea ($\frac{1}{3}$ of total national production) were produced.



LRE PRODUCTION VALUE:

JIANGSU PROVINCE, 1985: 247 million yuan, net profit 30 million yuan. Fujian Province, 1987: total production value 42.5 million yuan, an increase of 33.7% over the previous year. Hubei Province, 1983-86: the Xinsheng Dye Factory (Ginzhou Prison) had an overall production value of 62.23 million yuan; its products are already sold in some foreign countries and have earned U.S. \$8.49 million.

A Policy of "Growth"

Deputy Minister of Justice Jin Jian on December 7, 1988, noted that, "... in the past 5 years ... (LRE) expanded or newly constructed mid-and-small-scale production units number over 700 ... last year the net value of fixed capital was 1.5 times that of 1983, and total production value was 56% greater than in 1983."

1953-1983:

During these thirty years, the total revenues earned from Labor Reform Camps reached 13 billion yuan. The Communist Party acknowledges that these revenues greatly defray the cost of running the LRC; indeed, not a cent of Government money, even for prisoners' allowances or public security cadres' salaries, is spent on the Labor Reform Camps.

Encouraging "Foreign Trade"

The breadth and utility of these resources was illustrated in a recent Chinese solicitation of business in

WINTER 1995-96

Sweden. On July 8, 1990, the president of the Brussels-based company Chinter-Belgium, Charles Chi (of Chinese extraction), wrote to Sweden's Volvo Auto Corporation that his firm represented the Chinese Bureau of Labor Reform of Criminals in all coastal provinces of China. Having heard that Volvo wanted to establish factories in Asia he volunteered that the Bureaus could provide existing factories for rent. Or he could arrange for them to rent land. Additionally, "they can provide large numbers of criminals who already have received basic technical training as very cheap laborers on a lease basis...." A Volvo spokesman in Gothenburg, Sweden, said the deal did not fit in with Swedish ideas of business ethics, adding that the overtones of slave labor were revolting and that Volvo had no plans to set up shop in China.

Political Prisoners

The Communist regime has persistently denied the existence of political prisoners. However, the Government admits the existence of "counter-revolutionaries" (those who protest or who particularly disagree with the Communist Party). "Counter-revolutionary crime" is obviously a political concept; it therefore follows that "counter-revolutionary criminals" are political prisoners. In the past forty years, over 20 to 30 million people have been thrown into *laogaidui* for various political reasons.

Political prisoners can be roughly classed into four categories: (1) landlord and rich peasant counter-revolutionaries; (2) historical counter-revolutionaries; (3) active counter-revolutionaries—which includes free trade unionists; (4) anti-party, anti-socialist elements and ideological reactionaries.

The proportion of "counter-revolutionaries" in the *laogaidui* has declined from 90% in the 1950's to 10% in the 1980's.

THE TIANANMEN CRACKDOWN

IN JUNE 1989 the Chinese Government, after turning the armies loose on the students and the workers in Tiananmen Square, issued a number of statements minimizing the extent of the crackdown. On October 17, 1989, the Ministry of Justice praised a number of National Ministry of Justice Collectives as being "Outstanding in Preventing Chaos and Controlling Violence;" the list included fifty-two work units, thirty of which were Labor Reform Camps. Obviously, these thirty *laogaidui* held many students and protesters involved in the Tiananmen Square democracy movement. The units listed show that the crackdown extended all over the country.

THE CHINESE COMMUNIST "ACHIEVEMENT"

THE CHINESE Government segregates people into classes and political categories. They take away their freedom and rights as well as destroying their bodies. They turn them into tools of production by putting them into a large-scale centrally planned labor force. It forces them to engage in slave labor production—the "achievement" of an authoritarian Communist regime that is historically unprecedented. □

PROFESSOR WU'S study* includes a listing of some 1,000 Labor Reform Camps and their locations. The majority, he cautions, have been located, but the locations of a certain number can only be classified as "uncertain" at this moment, and need further research.

The map at right displays the number of Labor Reform Camps in each province of China. Again, Professor Wu cautions that in certain provinces, autonomous regions, and directly ruled municipalities, such as Guangdong Province, Shanxi Province, and Beijing Municipality, where communications are more frequent and information is easier to obtain, the numbers are close to the actual figures. For more isolated areas, such as Henan, Sichuan, Hebei, and Qinghai Provinces, and the Xinjiang Autonomous Region, the figures stated on the map are smaller than the actual figures.

Professor Wu's lists of Labor Reform Camps in each province involve the difficulty of the practice of double nomenclature; i.e., the Labor Reform Camp names—such as Jianyang Labor Reform Detachment, Shanghai No. 2 Labor Reform Brigade, Beijing No. 1 prison, Mojiang Reeducation Through Labor Camp—"internal" names used by the Public Security and Justice authorities only; and the enterprise name, for "external" use, such as Qinghe Farm, Hunan Heavy Truck Plant, or Wangzhung Coal Mine. Professor Wu's lists, on which the map's figures are based, sometimes used the "internal," sometimes the "external," names.

The list for Shaanxi Province offers examples of these various problems (the "internal" names in the list are abbreviated as follow: LRC = Labor Reform Camp; LRD = Labor Reform Discipline Production Detachment; RTL = Reeducation Through Labor Camp; JOD = Juvenile Offender Discipline Camp; FJP = Forced Job Placement Camp, i.e., the *jiuye*).

Name of LRC	Location
Hankou LRD	Xixiang County
Hanzhong RTL	Hanzhong City
Baoji Construction Brigade	Baoji City
Baoji RTL	Baoji City
Yanchang LRD	Yanchang County
Huayin LRD	Huayin County
Weinan Prison	Unknown
Provincial Prison No. 1	Xi'an City
Yulin LRD	Yulin County
Yan'an LRD	Yan'an City
Tongchuan Copper Mine	Tongchuan City
Tongchuan RTL	Tongchuan City
Xianyang RTL	Xianyang City
Shaanxi Boiler Factory (Provincial Prison No. 2)	Unknown
Provincial Prison No. 3	Hanzhong City
Shangzhenzi Farm (LRD No. 9)	Huangling County
Luyang RTL	Unknown
Provincial LRD No. 1	Unknown

**Editor's note: The information shown on this map reflected Mr. Wu's research at the time of the publication of Laogai: The Chinese Gulag in 1992. His research into the forced labor camp system in China continues, and this map has not been updated to reflect that more current information. The Laogai Research Foundation, for example, has now documented the existence of approximately eleven hundred "reform through labor" camps in China. Because of the obvious difficulties in gathering information, these eleven hundred known camps reflect only a partial listing.*



SWIMMING AGAINST THE MAINSTREAM

(Continued from page 31)

suming or our most frustrating case. And in its very representativeness lies the real problem. No amount of explication on my part can ever do justice to the frustration, sense of abandonment, and feeling of demoralization that such cases bring to teachers.

IN THE CASE described here, the teachers and the paraprofessional involved were, indeed, the best and the brightest. They were extremely competent, dedicated, conscientious, warm, loving, and caring people who wanted nothing more than to practice their profession and help the children in their charge to learn and to grow. Their efforts were rewarded with nothing less than a full-scale attack on the orderly educational environment that they sought to establish in their classrooms. Their calls for help were answered with as cumbersome a bureaucracy as has been mustered in the history of educational bureaucracies.

Please understand that I do believe that the students who are protected by this bureaucracy have every right to that protection. But the other students in our classrooms have rights too. They have the right to a safe, orderly classroom. They have the right to a teacher's attention when *they* need help. They have the right to a teacher who is fresh and energetic enough to plan for *them*. They have a right to a teacher who feels respected and supported.

The issues involved here are not simple. Certainly

there are cases in which a teacher does not have the skill to handle an individual child or group of children. Such children may, indeed, be misplaced in more restrictive environments, when a different teacher or a different setting in the mainstream would best meet their needs. When such students are placed in more restrictive settings, it is a tragedy that can and should be corrected. It seems that we could certainly shift some of the resources consumed by the long and cumbersome identification process to a more careful monitoring of students in more restrictive settings for the purposes of moving them back into the mainstream *when appropriate*.

We also have to acknowledge and confront the racial issue inherent in discussions such as these. Minority students *are* disproportionately represented in special education classrooms, and we must muster the integrity and the courage to confront such issues squarely and to seek answers.

Above all, we have to let our teachers know that we understand and appreciate the incredible pressure that they feel when forced to work with students who remain impervious to their best efforts. We also have to let the parents of students in the general population know that we are at least *equally* concerned about the education of *their* children and that we are taking *their* needs into consideration as we try to devise classroom structures and design classroom strategies. If this means that we must sometimes swim against the mainstream, then so be it. □

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A TEACHER FIGHTS BACK (Continued from page 23)

educate the children who want to be educated.

In 1995, we see our country dissolving before our very eyes. Nowhere is that breakdown more apparent than in the public schools. We feel powerless to stop the deterioration. But we are not powerless. We must use our individual and community talents to take back our country.

When Fran Cook came to us with her case, we were eager to take it because she had been so badly wronged. But there was more to it. The breakdown of values that may destroy our country is nowhere more apparent than in the public schools. We allow it to continue and even accelerate because we believe we are powerless. But we are not powerless if we use our individual and community talents, resources, and energies.

Fran Cook's students can't take back the year of Spanish they lost while Andy Bray disrupted the class and made Cook's life miserable. But the civil case has garnered the attention and publicity that juvenile court proceedings never could and has sent a message to students, parents, teachers, and administrators everywhere. That message is that Americans must no longer tolerate threats against teachers and disruptions in classrooms that prevent other students from learning. Americans must refuse to put up with schools where rules are not enforced and students are not held accountable for their actions. The Campbell County jury made clear where they stood. It's up to people all over the country to stand up and help teachers and administrators restore standards of decent behavior in all our schools.

* * *

Note: Frances Cook and her lawyers will use any money they receive from this case to establish a trust fund, which will be administered by AFT. The fund will provide legal services for other teachers who need help with the kind of problem Cook faced. □

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