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U. S. DISTRICT COURT
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARGARET T. ALLEN, et al.,)
)
Plaintiffs,)
)
BOARD OF TRUSTEES FOR ALABAMA)
STATE UNIVERSITY; et al.,)
Plaintiff-intervenors,)
)
vs.)
)
ALABAMA STATE BOARD OF)
EDUCATION, et al.,)
Defendants.)

C.A. No. 81-697-N

**STATUS REPORT ON IMPLEMENTATION OF A
TEST FOR PROSPECTIVE TEACHERS IN ALABAMA
PURSUANT TO THE PROVISIONS OF THE AMENDED
CONSENT DECREE OF JANUARY 5, 2000**

Come now the parties to Amended Consent Decree and submit the following status report regarding efforts to implement a test for prospective teachers in Alabama:

1. Counsel for the Alabama State Board of Education and the State Superintendent has drafted this document and gathered the supporting information from the Alabama Department of Education to document the efforts of the State parties in implementing a test for prospective teachers seeking certification in Alabama.

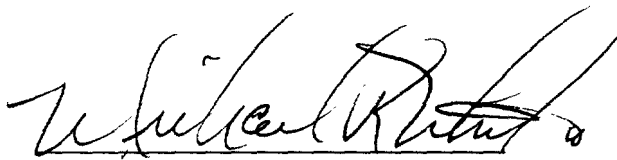
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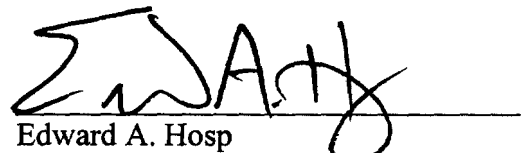
2. Attached to this document is the report of the Monitoring Committee as submitted to the State Department of Education on February 4, 2002. It contains appendices as provided to the State Department of Education in November of 2001 by the Monitoring Committee. At the request of the chair of the Monitoring Committee, the November attachments have been combined with the February 4, 2002 report of the Monitoring Committee for submission to the Court and the other parties. The February 4, 2002 report of the Monitoring Committee reflects the most recent activity of the Monitoring Committee and the State Department of Education as reported by the Monitoring Committee.
3. In addition to the Monitoring Committee's report, a comprehensive list of activities and tasks which have been completed by various staff within the State Department of Education is attached to this report. This six-page list covers many activities from March 9, 2001 through January 28, 2002. This attachment has been compiled by Dr. Barbara Larson who has been assigned responsibility by the State Superintendent for tracking and coordinating the activities related to a prospective teacher test within the Department. Dr. Richardson and other key members of the SDE staff involved in this project receive a weekly update from Dr. Larson on where certain activities stand and who is responsible for completion of the activity.
4. A review of this completed task list supports the thoroughness and cooperative relationship existing between the Department, the Monitoring Committee and the contractor we have engaged to bring a test online, Worldwide Interactive Network, Inc. (WIN).

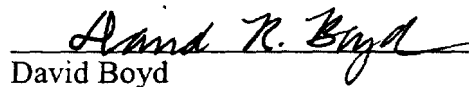
5. At the present time, WIN is proposing the use of an ACT product called Work Keys to meet our needs for tests in the area of reading, writing and math. The Work Keys instrument is being reviewed by validation studies as required under the Amended Consent Decree. The independent contractor for these studies is the Center for Business and Economic Development at Auburn University Montgomery. All of these activities are being conducted after approval of the Monitoring Committee. During the most recent meeting of the Monitoring Committee, the SDE staff, WIN and ACT during mid January 2002, discussions began on issues for remediation as well as other critical required activities in addition to those already underway. All of these efforts are designed to meet the goal of implementation of the test this year.
6. The Monitoring Committee will return to Montgomery on March 6, 2002 for another round of meetings with staff and contractors involved in these activities. Sufficient resources are committed to this effort to insure all requirements are met.
7. Counsel for the State Department of Education is working closely with the Monitoring Committee to provide them all information needed from all activities in this effort as requested. The effort to meet the expectations of the Monitoring Committee is a high priority for this office as assigned by the State Superintendent. Dr. Larson has greatly improved communication and facilitation of the requests for information by the members of the Monitoring Committee.
8. Counsel represents to this Court that every reasonable effort is underway to make implementation of the test for prospective teachers a reality. This reality will be accomplished with a clearly documented path of meeting the expectations of a

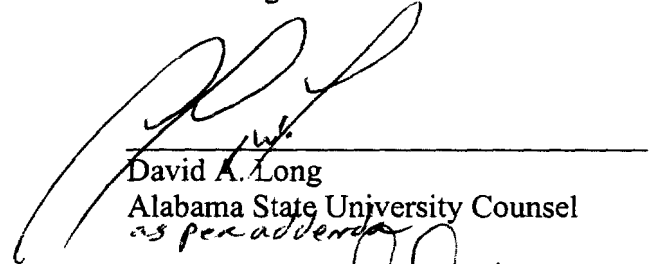
meaningful test, implemented within the appropriate requirements of the Amended Consent Decree and psychometric principles.

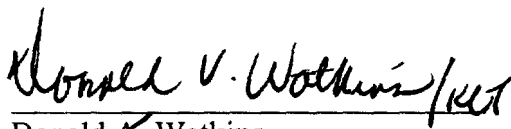
Respectfully submitted,

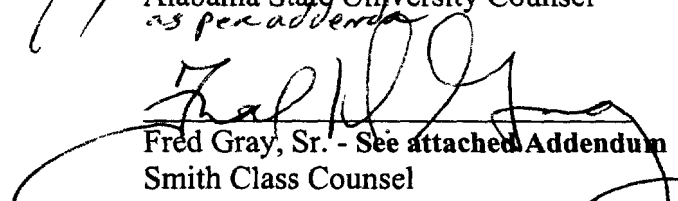

Michael R. White, ASB-0759-W68M
Deputy Attorney General and
General Counsel

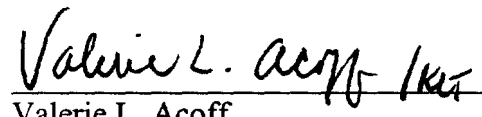

Edward A. Hosp
Legal Advisor to the Governor

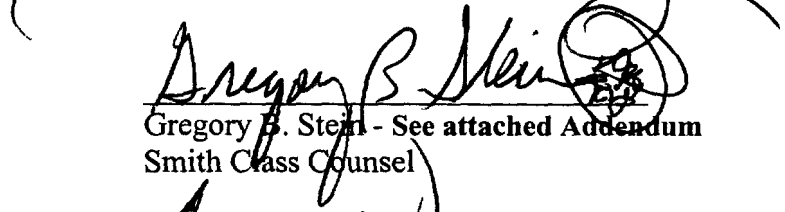

David Boyd

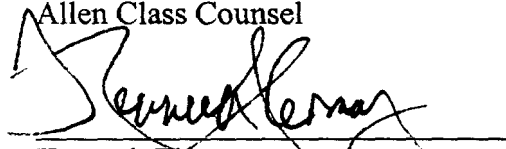

David A. Long
Alabama State University Counsel
as per addendum

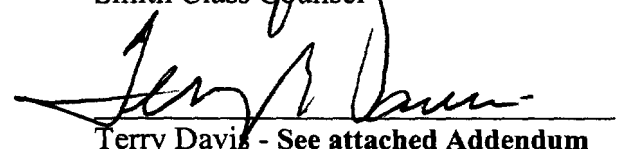

Donald V. Watkins
Allen Class Counsel


Fred Gray, Sr. - See attached Addendum
Smith Class Counsel


Valerie L. Acoff
Allen Class Counsel


Gregory B. Stein - See attached Addendum
Smith Class Counsel


Kenneth Thomas
Allen Class Counsel


Terry Davis - See attached Addendum
Smith Class Counsel

ADDRESS OF COUNSEL:
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Telephone: 334-242-1899

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following by U.S. Mail, postage prepaid on this 15th day of Feb., 2002.

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OF COUNSEL

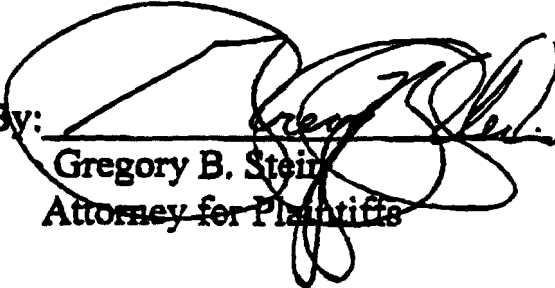
**ADDENDUM BY COUNSEL FOR ERIA P. SMITH AND
THE PLAINTIFF CLASS**

As stated in the status report, the document and attachments were prepared by counsel for defendant Alabama State Board of Education and Defendant Alabama Superintendent of Education. The document was shared with undersigned counsel for the first time on the morning of February 8, 2002. Undersigned counsel disagree with the statement appearing in paragraph 5 of page 2 of the status report, which reads: "All of these activities are being conducted after approval of the Monitoring Committee." Undersigned counsel understand that the Monitoring Committee was advised of all activities and had input and influence on most, but not all, activities. Counsel for Eria P. Smith and the class have no basis to disagree with the other assertions made in the status report. At the same time, undersigned counsel had little or no knowledge of these matters before today. Additionally, counsel for Eria P. Smith and the class made inquiries of defendants' counsel about the progress of the test development in December, 2001. See letters attached hereto, dated November 4 and 5, 2001. Those inquiries went unanswered, despite a follow up telephone call and faxed memorandum. See faxed memorandum dated December 18, 2001. With these qualifications, counsel for plaintiff Eria P. Smith and the class add their signatures to the above status report.

Respectfully submitted this 8~~4~~ day of February, 2002.

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Facsimile: (251) 432-7756

By: 
Gregory B. Stein
Attorney for Plaintiffs

Terry G. Davis
P.O. Box 230907
Montgomery, AL 36123-0907

December 4, 2001

Michael R. White, Esq.
Larry E. Craven, Esq.
Office of General Counsel
State Department of Education
P.O. Box 302101
Montgomery, AL 36130

RE: Barbara T. Allen, et al., v. Alabama State Board of Education, et al.;
Civil Action 81-T-697-N

Dear Mike and Larry:

Would you please tell me when your clients believe the planned teacher certification exam will be in place as a requisite for certification. I know they may not be able to provide a definite date, but I would like their best estimate. An email response will be fine.

Thank you, and if I don't talk to you, have a happy holiday season.

Best regards.

Sincerely,

Stein and Brewster


Gregory B. Stein

GBS;mg

Writer's E-mail
gstein@steinandbrewster.co

December 5, 2001

Michael R. White, Esq.
Larry E. Craven, Esq.
Office of General Counsel
State Department of Education
P.O. Box 302101
Montgomery, AL 36130

RE: Margaret T. Allen, et al., v. Alabama State Board of Education, et al.;
Civil Action 81-T-697-N

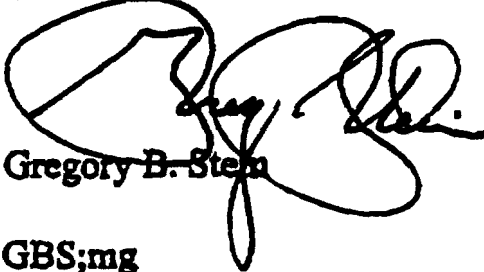
Dear Mike and Larry:

I understand that the Monitoring Committee has just completed its first annual report. I assume that will be served on all counsel of record. In any event, please send it to me as soon as practicable.

Best regards.

Sincerely,

Stein and Brewster



Gregory B. Stein

GBS;mg

Gregory B. Stein
Henry Brewster

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Mobile, Alabama 36633-1051

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FAX MEMORANDUM

To: Mike White
Larry Craven
Of: General Counsel, State Board of Education
Fax: 1-334-242-0982

FACSIMILE TELECOPIER NO:

From: Greg Stein
Client/Matter: Allen v. Alabama State Board of Education
Date: December 18, 2001

NUMBER OF PAGES INCLUDING COVER SHEET: 1

Dear Mike and Larry,

I just tried to call you. I sent you a couple of letters last week asking you two things. First, when do you think the new certification test will be in place as a component of certification? Secondly, what is the status of the Monitoring Committee's first annual report, which I understand the Committee just completed?

Please call me regarding these things.

Best regards.

Greg Stein



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Teacher Testing Tasks That Have Been Completed March 9, 2001 - Present

TASK	COMPLETION DATE
A contract with WIN was signed, effective December 15, 2000 - December 15, 2005.	March 9, 2001
A draft Request For Proposal for the independent contractor for the validity studies was sent to the Monitoring Committee for their review.	May 11, 2001
An Executive Summary of the design of the validation studies to be completed by WIN and ACT and a copy of the letter of agreement between WIN and ACT were sent to the Monitoring Committee.	May 14, 2001
The task analysis sessions with subject-matter expert groups for Phase I of the Job Profiling Process, conducted by WIN and ACT, and overseen by the SDE, were begun.	May 21, 2001
The tasks analysis sessions with subject-matter expert groups for Phase I of the Job Profiling Process, conducted by WIN and ACT, and overseen by the SDE, were completed.	May 24, 2001
Letters to WIN and the Monitoring Committee to introduce Dr. Barbara Larson and define her role in the teacher testing program were sent.	May 25, 2001
A letter from the State Superintendent was sent to WIN to request (1) additional information concerning Phase I (Task Analysis) of the Job Profiling Process, (2) reports on the planned operation for Phase II (Survey) and Phase III (Skill Analysis) of the Job Profiling Process, and (3) a report on the proposed design of the Curricular and Instructional Validity Study, as a follow up to the June 29, 2001, meeting.	July 5, 2001
A student notice of the impending teacher testing program was sent to the deans and chairpersons of education for dissemination and posting. All recipients have returned completed forms verifying that the notices were posted.	July 6, 2001
A memorandum was sent to the deans and chairpersons of education to introduce Dr. Barbara Larson and define her role in the teacher testing program and to provide pertinent information, including a notice to students for posting.	July 6, 2001
A planning meeting was held with WIN and ACT to discuss progress and plan for future activities.	July 10, 2001
A meeting was held with the AUM Center for Business and Economic Development to discuss the scope of work for the independent studies	July 24, 2001
Information was collected on the articulation agreement concerning general studies coursework to study its relevance for the curriculum validity study.	July 26, 2001
A Preliminary Report for the Methodology and Results of Phase I (Task Analysis) of the Job Profiling Process was received from WIN. The report included the additional information requested by State Superintendent in his letter of July 5, 2001.	August 4, 2001
The Preliminary Report for the Methodology and Results of Phase I (Task Analysis) of the Job Profiling Process received from WIN was sent to the Monitoring Committee.	August 9, 2001
TASK	COMPLETION DATE
Members of the SDE prospective teacher testing team, WIN, the Monitoring Committee, and the independent contractor met on August 14, 2001, to discuss the scope of work	August 14, 2001

for the independent validation study, the reports for Phases I and II of the Job Profiling Process, and the scope of work for the Curricular and Instructional Curricular Validity Study.

A Preliminary Report for the Methodology of Phase II (Survey) of the Job Profiling Process was distributed by WIN.	August 14, 2001
Additional information was received about the procedures used by the ACT Industrial/Organizational Psychologists for reporting the criticality ratings in Phase I of the Job Profiling Process. This information was included in the Phase I methodology report.	August 14, 2001
The SDE teacher testing team met to discuss progress and activities.	August 15, 2001
Additional information was provided to the independent contractor, as requested in the August 14, 2001, meeting.	August 16, 2001
Dr. Turner and Dr. Larson met with the AUM Center for Business and Economic Development to discuss the scope of work for the independent studies	August 22, 2001
A letter from the State Superintendent was sent to WIN to request additional information requested by the Monitoring Committee at the August 14, 2001, meeting, regarding the Job Profiling Process summaries.	August 24, 2001
Preliminary materials and information available in the department (e.g., PEPE and teacher certification data for first-year teachers) were provided to the independent contractor for the independent empirically-based criterion-related validity study.	August 31, 2001
Surveys were sent to current Alabama teachers for Phase II of the Job Profiling Process, conducted by WIN and ACT, and overseen by the SDE.	September 14, 2001
Additional information received about the procedures used by the ACT by the Industrial/Organizational Psychologists for reporting the criticality ratings in Phase I (Task Analysis) of the Job Profiling Process.	September 17, 2001
Additional information was received from WIN and ACT about the qualifications of the ACT Industrial/Organizational Psychologists who developed the initial task list for Phase I of the Job Profiling Process.	September 21, 2001
Additional information was received from WIN and ACT about the procedures used by the ACT Industrial/Organizational Psychologists for developing the initial task list for Phase I of the Job Profiling Process. This information was included in the Phase II methodology report received on September 21, 2001.	September 21, 2001
A Preliminary Report for the Methodology of Phase III (Skill Analysis) of the Job Profiling Process was received from WIN.	September 22, 2001
An updated Preliminary Report for the Methodology and Results of Phase II (Survey) of the Job Profiling Process was received from WIN.	September 26, 2001
The updated Preliminary Report for the Methodology and Results of Phase II (Survey) of the Job Profiling Process received from WIN was sent to the Monitoring Committee.	September 26, 2001

TASK

COMPLETION DATE

Additional information received from WIN and ACT about the procedures used by the ACT Industrial/Organizational Psychologists for developing the initial task list for Phase I of the Job Profiling Process. This information was included in the Phase I methodology report.	September 27, 2001
Additional information received from WIN and ACT about the ACT Industrial/Organizational Psychologists who developed the initial task list for Phase I of the Job Profiling Process was sent to the Monitoring Committee.	September 27, 2001

Additional information received on August 14, 2001, about the procedures used by the ACT Industrial/Organizational Psychologists for reporting the criticality ratings in Phase I of the Job Profiling Process was sent to the Monitoring Committee.	September 28, 2001
The State Superintendent sent a letter to WIN requesting that an ACT representative attend future meetings.	October 1, 2001
Dr. Larson spoke at ALACTE (the deans' group) and COPE (the teacher certification officers' group) in response to their requests for an update on the prospective teacher test activities.	October 16, 2001
An overview of the proposed curricular and instructional validity study was distributed by WIN.	October 17, 2001
Members of the SDE prospective teacher testing team, WIN and ACT representatives, the Monitoring Committee members, and the independent contractor met to discuss the proposal for the independent validation study, the reports for Phases I, II, and III of the Job Profiling Process, and the overview of the Curricular and Instructional Curricular Validity Study.	October 17, 2001
A description of how ACT will use live items in Phase III (Skill Analysis) of the Job Profiling Process was received.	October 26, 2001
The processing of the surveys that were returned by current Alabama teachers for Phase II of the Job Profiling Process, conducted by WIN and ACT, was completed on October 29, 2001.	October 29, 2001
ACT completed the data analysis for the surveys that the schools returned in Phase II of the Job Profiling Process.	October 29, 2001
Members of the SDE prospective teacher testing team met to discuss progress on the prospective teacher testing program.	October 31, 2001
Dr. Turner and Dr. Larson worked with WIN to prepare for Phase III (Judgmental Standard-Setting) of the Job Profiling Process.	November 2, 2001
The skill analysis sessions with subject-matter expert groups were begun for Phase III of the Job Profiling Process, conducted by WIN and ACT, and overseen by the SDE.	November 7, 2001
The skill analysis sessions with subject-matter experts were completed for Phase III of the Job Profiling Process, conducted by WIN and ACT, and overseen by the SDE.	November 16, 2001
Feedback was received from WIN/ACT regarding the Monitoring Committee's question concerning a follow up survey of the Phase I (Task Analysis) participants.	November 21, 2001
TASK	COMPLETION DATE
WIN/ACT's response regarding the Monitoring Committee's question about sending a follow up survey of the Phase I (Task Analysis) participants was sent to the Monitoring Committee.	November 21, 2001
Received feedback from the Monitoring Committee concerning WIN/ACT's response regarding the Monitoring Committee's question about sending a follow up survey of the Phase I (Task Analysis) participants.	November 21, 2001
The description of how ACT will use live items in Phase III (Skill Analysis) of Job Profiling Process was sent to the Monitoring Committee.	November 29, 2001
Feedback was received from the Monitoring Committee regarding ACT's description of how live items will be used in Phase III (Skill Analysis) of the Job Profiling Process.	December 3, 2001
A webcast and conference call was held by ACT for the purpose of sharing information and collaborating on validation studies. Participants were several SDE staff members, AUM independent contractor representatives, a Monitoring Committee member, WIN, and several industrial/organizational psychologists from ACT.	December 10, 2001

A letter was sent to the Monitoring Committee regarding their concerns expressed in a November 29, 2001, memorandum. December 12, 2001

A contract was developed and sent to AUM to conduct the independent validation Studies based on their proposal. December 27, 2001

The empirical bias review results were received from WIN and ACT. January 8, 2002

The empirical bias review results were sent to the Monitoring Committee. January 9, 2002

The Curricular and Instructional Validity Study design was sent to the Monitoring Committee. January 9, 2002

The University of Kansas

Center for Educational
Testing and Evaluation

Memo to: Judge Myron Thompson

From: Monitoring Committee, Alabama Initial Teacher Testing Initiative
Drs. John Poggio (Chair, University of Kansas), William Deaton (West
Virginia University), and Joseph Pedulla (Boston College)

Date: November 27, 2001/February 4, 2002

RE: Report to the Court as per the Allen et al. Amended Consent Decree

Preface: This report was written and transmitted to the ASDE and their attorneys in late November. Facing holidays, continuing MC/ASDE meetings, and the press of ongoing activities with the Teacher Testing initiative, the report is only now being disseminated. This report has been modified to give consideration to and alert the Court to events and activities that have occurred since the November submission.

Honorable Judge Thompson,

As called for in the amended consent decree in the Allen et al. litigation that was agreed to in September 1999, the Monitoring Committee (MC) is to file a report with the Court annually. The MC was appointed in November 1999 concurrent with the announcement that the ASDE would seek to implement an initial teacher licensing a prospective teacher test requiring demonstration of basic skills in mathematics, writing and reading. Professor John Poggio from the University of Kansas, by vote of the MC members, serves as chair of the MC. This MC report is later than specified in the consent decree, since there was little to report until this past spring and summer. There has now been sufficient activity on which to report making the annual fall schedule for reporting necessary and useful. We are at a juncture where most of the processes to be followed in the teacher-testing program have been agreed to and some of these procedures have occurred. What follows is a summary of events, the overall reflections and judgment of the Monitoring Committee, and copies of the reports we have prepared and filed with the Alabama State Department of Education (ASDE).

Monitoring Committee Activities

For a long period, the MC was not involved in any activities with regard to the consent decree. In April 2000, the MC was notified that a Request for Proposals (RFP) soliciting an initial teacher-testing initiative had been prepared and distributed (in November and December 1999) inviting testing firms to submit proposals for a basic skills test (reading, mathematics and writing skill competencies) to be used for initial teacher certification in Alabama. Given this course of events, the MC did not have input to the RFPs specifications. As it turned out the ASDE received only one response to the RFP (in February 2000). Worldwide International Networking (WIN) in Kingston, TN, a curriculum development group, submitted a proposal to use one of American College Testing's (ACT) off-the-shelf assessments (Work Keys) as the basic skills test for certifying future Alabama teachers. The Work Keys reading and mathematics tests are traditional multiple-choice examinations; the writing portion requires the examinee to prepare an essay that is then scored by ACT trained raters. Work Keys is a standardized test that evaluates learned knowledge and skills in a variety of areas and has been available to employers in a variety of employment settings for job screening or advancement. Heretofore Work Keys has never been used as a basic skills test for certifying prospective teachers.

Under WIN's proposal, ACT is to be involved in various phases of the test validation and standard setting process. The first formal involvement of the MC was through an invitation by the ASDE in June 2000 to read and comment on the WIN proposal. A copy of the MC's reaction to the original WIN proposal is attached for your reference (Appendix A). While we found merit in the proposal, we also raised some important questions about it. Pursuant to our initial report of findings (August 2000), WIN/ACT then submitted a supplemental response to augment their original proposal. The MC was provided with a copy of the supplement to the WIN proposal in September 2000, and we submitted a reaction in early October 2000. This follow-up report offered the ASDE our advice, judgments and a few cautions. A copy of that report is attached in Appendix B for your consideration.

After a period, in February 2001 the MC was asked to review the prospective WIN contract, drafted by ASDE and its representatives, for services associated with initial certification of future teachers. We provided our reactions and suggestions to the draft contract document in February 2001 (see Attachment C). The MC was notified in April 2001 that ASDE had entered into a contractual agreement with WIN/ACT. None of our suggestions regarding the proposed contract

were adopted in the final contract language (February 2001). We did acknowledge in our response reviewing the contract language that insofar as the contract was a legal document, our suggestions, thoughts and comments might not be relevant to that specific document.

Beyond written communications and phone conversations, the MC did have the opportunity to make a trip to Montgomery to visit with ASDE personnel, attend an ASDE Board meeting, and make an initial contact with WIN/ACT (March 2000). After that visit, the MC has met separately on one occasion to discuss its role, responsibilities and relationships, and to discuss the initial WIN proposal (July 2000). More recently, we have traveled three times to Montgomery (June 2001 and August 2001) including a third trip planned originally for September 2001 but then rescheduled (due to the tragic events in New York and Washington, DC) for October 2001, to discuss specifics regarding the design, implementation and conduct of the assorted validation and assessment tasks. The meetings to date have been productive and essential in our opinion.

On a related matter, the amended consent decree calls for a portion of the test validation to be carried out by an independent contractor (a group other than the developer/officer of the test — in this case WIN/ACT). The task of identifying a vendor, establishing the scope of work, agreeing to specific tasks and methodologies, etc., were considered and addressed first in June (see Appendix D for MC's suggestions regarding the ASDE solicitation for an independent contractor) and continuing to the October 2001 meetings. A draft proposal for independent cutscore, validation and logical review for bias and offensiveness by the likely independent contractor (AUM) has been received (November 2001) and comments and reactions by the MC provided (November 2001). See Appendix E for this MC report.

The entire project is going forward on a schedule that is acceptable to the ASDE. The ASDE would like to be able to have all phases and aspects of validation work completed so that candidates for the Alabama prospective teacher test would be assessed in writing, reading and mathematics as early as May 2002, but no later than September/October 2002. The present schedule of activities makes meeting the later dates of implementation reasonably probable, though not a certainty. However, we have found that inability to meet deadlines in providing necessary information to the MC was becoming somewhat a pattern with this program though of late this has improved considerably. Unless timelines are met and documents prepared on schedule from here on out, the MC has serious concerns about the reasonableness of meeting even the latest dates for implementation of the timeline.

Reflections

In any large-scale enterprise such as this, one can expect a period when some things do not happen quite as planned or preferred. Early in this process, through no deliberate act we can identify, the MC received information after key events and decisions had already been made (e.g., preparation of the RFP, receipt of proposals, contract documents, etc.). Our input was some times not solicited in a timely enough manner for us to provide reactions prior to decisions being made by the ASDE. We were relegated to reacting to what had already occurred, often well after the fact. Again, of late this pattern has changed considerably. Contact and sharing of information is now timely and input we provide is taken under consideration. With hindsight, and realizing that perfection is a goal, we nevertheless believe that the course of action and decisions to date generally have been acceptable and adequate. We have expressed to the ASDE our desire to be brought into conversations and decisions early on; we now believe they and we are in contact that is more regular and involved jointly in discussing issues in a timely manner.

We continue to observe, as was expressed in reports we filed with the ASDE, that ACT is a responsible organization capable of doing a professional job. We have seen evidence, as we had alerted the ASDE, that more direct contact and involvement by testing and measurement experts at ACT would benefit and strengthen the testing program and aid in the quality of the investigations planned for validity and standard setting. This advice is now being heeded. We continue to believe that an in-state, independent contractor is an asset to this project, and at this writing it is all but assured that an in-state vendor will provide competent work on those elements of validation and cutscore determination to be conducted as specified in the amended consent decree. The MC is involved in and participating with the prospective contractor addressing plans and procedures for this work.

We must also note the following. At our request, the MC was given the opportunity to review recently a "live" form of the Work Keys instrument. We acknowledge we are not subject matter experts, but from our review of the tests in the three cognate areas of Reading, Writing and Mathematics, we can anticipate there could be difficulty with one or more of the tests meeting job relatedness criteria when reviewed and formally evaluated by practicing teachers and higher

education trainer SMEs. We offer this observation in the form of an alert and have shared our sentiment with ASDE and their counsel.

Good intentions or a sound plan are not sufficient for assuring success of a large-scale prospective teacher-testing program. The MC cannot assure at this time that a viable, feasible, job appropriate and valid assessment will result from the research, study and evaluation efforts planned and now getting underway. What we can assure is that the procedures being crafted and adopted with regard to the test will afford a fair evaluation of the proposed Work Keys assessment. Work Keys' appropriateness and fairness as a basic skills test for initial certification of Alabama educators will be adequately evaluated given the processes being discussed and put in place to date. Lastly, the compensating provisions for those who fail the test (grade point average and remedial study options) specified in the amended consent decree have not been addressed adequately to date. Work will need to begin in these areas very soon.

We would be happy to provide greater detail if desired. If the court would like to discuss the progress of the testing program or any aspect of the MC's work, we would certainly make ourselves available. We plan on providing a second progress report to the Court as all the validation work nears completion (late summer 2002).

Postscript and Update (time period from December 2001 through January 2002)

Much has occurred and been accomplished over the past two months. As a second year Monitoring Committee report is not expected until fall 2002, we shall use this delayed transmission of our first report to note briefly recent significant activities. First, communication between the MC, the ASDE, attorneys, and the contractors has been frequent, and up to our expectations. Solicitation of the MC's input has been timely, comprehensive and complete. Opportunities to meet and discuss issues have met our expectations to the fullest, and meetings have been useful and productive.

Second, it is now clear, given the deliberate approach to necessary tasks and validation activities, that implementation of a teacher-testing exit requirement (if the Work Keys assessments are validated), as per the amended Consent Decree, cannot occur before Fall, 2002. All contractors are now in place and work is proceeding as planned. We find that all duties and tasks are occurring as per agreements.

To conclude, Work Keys validation processes are now in place. All features dictated by the consent decree are either in place or being addressed. Though some data gathering questionnaires are still to be finalized, we anticipate no major issues in completing these tasks. Overall, in large

measure what remains is the gathering and analyses of all data before any judgment can be made as to the suitability of the Work Keys tests for the intended purpose.

Over the next month, the components of the amended consent decree dealing with the use of grade point average and remediation courses for students failing the test are to be addressed. We anticipate that by the end of August, 2002, we will know if the Work Keys tests are viable for use in initial teacher certification in Alabama as per conditions of the amended Allen consent decree.

EXHIBITS NOT SCANNED