

TESTIMONY OF
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BEFORE THE U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION
REGARDING THE SPECIFICATIONS FOR TITLE II
YOUTH EDUCATION AND TRAINING
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I am Albert Shanker, President of the American Federation of Teachers, AFL-CIO, an organization of over 550,000 teachers, para-professionals and health care workers all of whom are directly concerned with the inability of our nation's youth to find meaningful work. The legislative proposals embodied in the specifications for the Youth Act of 1980 attempt to address an extremely complicated set of problems on which numerous well-intentioned people have widely diverging views. It is my view that the new direction charted by the Administration correctly attempts to re-emphasize education and the public school system as a major resource in helping unemployed and unemployable young people. I believe that choice makes sense. My remarks will also spell out in some detail what I believe to be the shortcomings of the proposed legislation. While I will concentrate on Title II, the Youth Education and Training section of the bill, I will also make references to Title I, Youth Employment and Training, because I believe there are major policy questions that involve both.

It is well-known that today large proportions of our young people are faced with unemployment. This is particularly true for urban disadvantaged youth, especially minorities. In 1978 the unemployment rate among 16-19 year olds was 26% in Chicago, 34% in

Detroit; 25.6% in Philadelphia and 25.5% in New York City. In the last quarter of 1979 teenage unemployment in New York City was 34.1% nearly 35% from the previous year.

We also know that the causes of this grim picture are multiple. An economy in a recession has generally high unemployment rates, and when unemployment is high, youth employment is always disproportionately higher. Current attempts to slow inflation through higher interest rates will add to this problem. At least some of today's high youth employment is caused by the fact that there are simply more youth, the sons and daughters of the post-war baby boom generation, who are faced with a labor market in which entry level jobs are shrinking. These causes are relevant and policies must be designed to address them. But, the most immediate task before us is to insure that whatever the economic situation; whatever the relationship between demographics and labor market characteristics, all youth possess the education and the skills that will enable them to compete for a job.

Despite what some may tell you, education is, and will continue to be a crucial factor in the ability of a young person to secure employment. Consider the following items:

*for men and women of all ages high school dropouts are 2 to 3 times as likely to be unemployed as high school graduates;

*employability and income are enhanced by every year of additional schooling, according to recent studies (Christopher Jencks, Who Gets Ahead);

*the tighter the job market, the more employers tend to screen job applicants in terms of a high school diploma;

*recent studies show that basic skills are the first priority of most employers in selecting applicants.

But, it is not enough to look only at crude facts that demonstrate the importance of education to employment. It is also essential to look at these facts in terms of projected trends and in terms of characteristics of the youth population we are trying to help. We know, for example, that the Bureau of Labor Statistics predicts that the demand for white collar workers who need skills will rise faster than the demand for unskilled workers. We also know that the American labor force is remarkably mobile and that the ability to change jobs successfully is enhanced by higher education skills. One study finds 36% of the adult working population either in work transition or anticipating one.

The question of how low-income, low-skilled uneducated youth will fare given this picture is easily answered--not very well. Three out of four low-income youth are below average in basic skills achievement. It is clear that education is what they need more than anything else.

It is also entirely appropriate for the federal government to give this group special attention. In fact, it is the non-college bound youth who have been most neglected by the federal government. Alice Rivlin, Director of the Congressional Budget Office, informs us that about half the federal funds that go to help 14 to 22 year olds reaches the fifth of that age group who go to college. She says that "the average federal expenditure on youth enrolled in post-secondary institutions is about twice as much per capita as that

spent on youth enrolled in high school." We also know that about 80% of our Title I dollars get spent in elementary schools, leaving junior high and high schools without special federal support.

I am in general agreement with the new emphasis of the Youth Education and Training title of the Youth Act of 1980 for the reasons already stated and I hope this Subcommittee will support its passage. I believe emphasis on basic skills and employability skills for junior high and high school students is correct. I endorse its targeting of resources to those school districts with the highest concentrations of disadvantaged, poor youth. The program's emphasis on the school as an integrated unit is consistent with what practical experience tells us and what research concludes. I welcome the bill's recognition of the importance of counseling and individualization. I also recognize that for some high school youth work experience acts as a motivator, sustaining their commitment to school when, without it, they might drop out. The bill's support for these types of activities is also to be commended.

Yet, despite all these pluses, the bill contains serious flaws to which I would like to draw this Subcommittee's attention. Explaining my objections necessitates some brief discussion of what the federal role has been with regard to education and my views on some destructive contradictions which I believe this bill will promote.

Historically, federal education funds have been granted to groups with special needs. This perspective was fundamental to the creation of the Elementary and Secondary Education Act and other programs that have followed it. In each case, it has been entirely

appropriate for the federal government to define specific priorities which its funds would serve. Money was granted on a take it or leave it basis. For the most part, it has been taken and often the states have picked up on these priorities, as well. In the case of compensatory education, nearly half of our states now fund programs modeled after Title I, before ESEA only one state had such a program.

A combination of federal legislation and court decisions have more recently begun to transform the federal government's role from that of initiator or catalyst into that of overseeing compliance with mandates. This is most clearly evident in the case of the Education for All Handicapped Children Act. It is also apparent in recent interpretations of the Civil Rights Act that involve withholding of federal education funds.

Within the last five years we have witnessed an additional twist in federal legislation which not only confuses the picture but is making of our federal educational policies, a curious set of Catch-22 contradictions. The last few years has seen a tightening of requirements that school programs observe federal mandates at the same time the Executive and Congress proposes inadequate funding to comply with these mandates. When school success becomes problematic, the federal response is to pass new legislation that channels funds to institutions outside the public school system. Rather than focusing efforts on seeing to it that federal mandates are successfully met, the federal government fosters the creation of non-public, non-accountable institutions which reap a windfall from the supposed shortcomings of the public schools. Shortcomings for

which the previous federal policies are partly responsible.

I believe that this charge can be fairly applied in the case of the existing Youth Employment and Demonstration Projects Act (YEDPA) and the Adult Education Act, both of which specifically encourage that some entity other than the public school system deliver educational services.

One store front remedial education operation that I am familiar with exemplifies some of these contradictions. The classes are segregated, and the building would not pass local building codes, much less meet the needs of handicapped youngsters. The young people receiving remedial education there must conform to a monthly point system. Youngsters get negative points if they fail to do their homework, come to school late, are disruptive or disobey various rules. Anyone who gets eight points in a month must leave the school. The drop-out or "push out" rate is 50%. Any public school that engaged in such practices would be in violation of the Civil Rights Act, the Rehabilitation Act, the Education for All Handicapped Children Act, and various Supreme Court decisions dealing with students' rights. This store-front school is funded by YEDPA.

I have digressed in this discussion for a reason. I am concerned that we design new legislation carefully. And, while the education legislation before you clearly does not involve mandates of the type referred to above, its design for public schools is so overburdened with redundant and unworkable governance mechanisms, program criteria and enforcement threats that those who decide to try to comply in return for funds cannot help but ask whether the

potential successes are worth the burdens and the risk.

And, if the public schools have difficulty complying-- what then? Under this legislation, private non-sectarian schools can move in and pick up the slack, using the very same funds that would have gone to the public schools. But these schools will not have to meet comparability and supplanting rules. And I believe that whatever prescriptions this bill sets up for comparable monitoring of private schools simply will not work. State and localities have no real leverage on the practices in private schools. Nor should they be expected to administer programs in them. This aspect of the proposed legislation embodies the very contradictions I have pointed out. It tightens demands on the public schools and at the same time offers to subsidize private schools that can deliberately evade them.

The burdens and risks lie in the administrative, governance and record keeping requirements which, in this bill, are very great. I do not believe that some of the specifics insisted on have merit. And, if I am right, not only will federal government have over-extended itself (a concern I have already warned about in the debate over legislation creating the Department of Education, which authored many of these provisions) but, it has made bad judgements that will have serious consequences. I would like to discuss this concern in terms of a number of these specifics.

Local School Site Councils: Education and Work Councils

Councils are to federal education legislation as pie and motherhood are to family life in America. While involvement may have its value, it is worth asking how real is the involvement and how

representative are those involved? What are the costs to those who participate, and would their time be better spent elsewhere? Even more important, the structures created in federal legislation should not undermine the authority of local school boards. I believe that the local school-site council provided for in this legislation does that, and I strongly urge you to delete it from the legislation.

Let me carry this argument further. Surely, such a proposal should have proven itself by successful experience before it is required in federal legislation. There is no evidence that school-site councils are a good idea or that they are in wide demand. In fact, what evidence we have, -- which is sketchy -- leads to negative conclusions. The council proposed in this bill has the right to approve or disapprove a school plan! Gallup polls of the public taken between 1969 and 1978 indicate that the overwhelming majority of the public opposes given duly constituted decision-making authority to ad hoc citizen committees. From 70 - 75% want this authority to remain with local school boards depending on what the particular issue is. AFT members in California, where school-site councils have advisory status, tell us that the councils have not accomplished much due to the low level of involvement and the unrepresentativeness of their members. A recent study done at Stanford University concludes that teachers, at least, feel their time is much better spent in classrooms than in council activity.

I think it is worth it for committee members to ask themselves just why this structure merits federal backing? Administration

officials have admitted to us that no particular constituency pressed for these councils. Somebody in the bureaucracy just thought they would be a good idea. In my view they will undermine effective management of programs and place added time burdens on principals and teachers, with results that are, at best, marginal.

If we must have councils it is better to have them at the district level and make them advisory. At least district councils are more likely to draw community leaders who can have an impact. But here again, there is reason to raise questions. First of all, there are already numerous councils attached to federal legislation that are supposed to be considering similar sets of problems. There are Title I Advisory Council, Private Industry Councils, Vocational Education Councils, Career Education Advisory Councils, CETA Manpower Planning Councils, CETA Youth Opportunities Councils and Economic Development Planning Councils. Council-mania is carried to its ultimate absurdity when we discover one option to the CETA Youth Opportunities Council which under certain circumstances can be substituted for the Education and Work Council.

It might be worth it for this Subcommittee to sponsor an inquiry sometime into exactly what happens to all these councils and how many of our precious federal dollars, which could be spent on programs already adequately monitored by local governments and local school boards, are being used to support them. In the meantime, if councils must be included in this legislation they should be at the district, not the school-site level, and they should be strictly advisory.

Accountability, Enforcement and Data Collection

The federal government has every right to know how its dollars are being spent and to require the collection of data that will help it make judgements. It even has a responsibility to do so. One of our criticisms of programs run under YEDPA up until now has been that they have not had to collect data that is comparable across programs. Without this it is impossible to make comparisons and value judgements. Decentralized decision-making is one thing, but failure to insist on the collection of similar data makes it impossible for us to evaluate the merits of what all the decision-making has created.

It is interesting to me that the education proposal before you and the employment and training proposals that will be part of the same legislation are totally inequitable when it comes to monitoring enforcement and the degree of program specificity demanded at the federal level (see attached chart). The drafters of this bill have clearly operated on the assumption that the public school system needs more watching than anybody else. This is an assumption to which I strongly object. One of the reasons public school critics are able to point up every shortcoming that comes along is precisely because public education is so carefully monitored. It is only fair that federal dollars going to others be tracked with equal vigor.

While I respect federal concerns for accountability, I also believe there are some aspects of this legislation which clearly go too far. It is not necessary, for example, that the federal government tell states that during the first year of a program they should look at absentee rates and the second and third years at drop-out rates and achievement gains. The Department of Education

does not possess all wisdom on precisely when certain indexes become relevant to judgements of success. Nor do I see why the enforcement provisions of the General Education Provisions Act relating to the suspension or withholding of payments to an LEA should be applied more stringently to programs funded under this legislation than those funded by any other. Discretion in the suspension of payments should be allowed here, as it is elsewhere.

The charge put to local education agencies to specifically conduct a school competition for funds and to specifically judge each school plan in terms of federally determined criteria is, in my view, carrying federal oversight too far. By demanding that records be kept on absenteeism, drop outs, and achievement in basic skills and employability skills, plenty is already being said about the purposes of the program and the standards by which success will be judged. It is simply ridiculous to put the federal government in the position of possibly cutting off federal funds for failure to meet school plan criteria like the following:

- *judgement of the quality of the school's efforts to determine the nature of the needs of its students and the relationship of the needs of the students to the characteristics of the school's plan.

- *judgement of the degree to which the school's proposed program uses all available resources, including other federal and state funds to achieve its objectives...

What this useless verbiage does it set up a situation where the Department of Education, through State Education Agencies, can make monitoring and enforcement decisions based on some unspecific process by which local districts make decisions. While it is entirely appropriate to insist on general goals, as reflected by the items on

on which data will be collected, this legislation goes beyond that in specifying precisely how those goals should be arrived at, such an intrusion is entirely inappropriate.

The procedure for school-by-school competition for funds is also a bad idea. I believe that most eligible schools will submit good plans. This means that an open competition will simply force LEA's and their superintendents to move to criteria other than merit in selective schools, thus ultimately turning the process into a demoralizing exercise for teachers and principals. A superintendent ought to be able to insure quality by disqualifying a highly ranked school that submits a poor plan, and perhaps he should have some discretionary dollars with which to reward an exceptional school of low rank, but the system ought to be as objective as possible and the best way to do that is to award school grants through primary reliance on ranking by poverty.

Private Schools

This legislation makes a marked departure from federal precedent in aid for private schools. It allows that services be "provided through direct grants from the LEA to nonsectarian private schools." Further, it allows that if a state of LEA simply as a "policy" of not funding such schools the Secretary of Education may bypass the state to do so. There is absolutely no need for these provisions. Parochial school students are adequately provided for here under the same services-to-students types of provisions as exist in other federal education legislation such as Title I of ESEA. The federal government has no business providing direct grants to storefront operations to provide educational services. That such grants will lead to creation of

"non-sectarian" schools that did not previously exist is assured by the language which exempts these enterprises from comparability and non-supplanting requirements. Such a provision will assure that these federal funds make up part of the operating costs of such schools. We strongly oppose this provision.

While these are my main concerns, there are a number of other potential problems with the legislation that the Subcommittee should consider carefully. I will simply enumerate them briefly here, but would be willing to amplify on any of them:

- * the option allowing LEA's to determine schools eligible for funding which have over 75% of their student body below the 25th percentile in basic skills achievement is problematic. The Congress has rejected this approach with Title I at the district level because using achievement cut-offs creates a negative incentive that encourages schools to maintain low scores in order to maintain eligibility.
- * it is necessary, and it unfairly raises expectation, to award twice as many planning grants as final grants. The flawed open competition mechanism is what encourages this. Because forward funding should enable advance determination of the number of schools to get grants, and reliance on objective ranking by poverty is preferable, by using these two indicators it should be possible to award a number of planning grants that more closely approximates the number of final grants.
- * the provision under which districts can use the CETA Youth Opportunities Council as its Education and Work Council creates a confused situation in terms of representation. The Education-Work Council model ought to be consistent for all districts.
- * supplement non-supplant and comparability requirement should definitely apply only to school level. While there should be guarantees of no reduction in existing amounts of state and local aid in individual schools, no attempt should be made to enforce these requirements with regard to individual pupils.
- * while schools and LEA's can be required to develop basic skills and employability records, in consultation with prime

sponsors and Private Industry Councils, these entities should not have veto power over this aspect of school programs.

* while PIC and LEA's should consult on which occupational skill areas should be emphasized in vocational education programs, such agreement should not be mandated. Education policy decisions are the responsibility of duly constituted school boards. The program must not short circuit that policy.

* the relationship between the targeted basic skills program monies and funds available under the Youth Employment and Training title's Education Cooperation Incentive Grants is not clear.

There are also some important issues on which the proposals are lacking. While the single-school approach may be a good one, by confining itself exclusively to that approach the legislation makes it very difficult for districts to set up special supplementary services that may involve a district-wide approach. There are no guarantees, for example, that school staffs will be adequately prepared to take on new responsibilities and get needed inservice support once planning money is used up. There is no likelihood that districts can build up district-wide contacts and clout that exists at the district level. And, if an alternative school were called for, how would it be set up when districts have no resources to use. It is unlikely that schools themselves will or can take such necessary initiatives. Now is there provision for any comprehensive outreach possibilities that will attract drop-outs back to school.

Finally, while the bill has its flaws, its general thrust presents us with real opportunities. The federal government has successfully taken the lead in answering the special needs of many groups in education. It is time to invest in our problem students

of junior high and high school age. These school years are, after all, the most difficult for many. They are also the years when failure is most difficult to bear and at the same time most telling in terms of future success. Why wait until students drop out before we reach them? By reaching them earlier we can save money later on.

This bill is a modest investment that will begin the effort to eliminate unemployment as a way of life for many of our young people. This bill deserves your support.

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ACCOUNTABILITY, AND ENFORCEMENT
AND
DATA COLLECTION

Federal Level

- 1) Criteria for individual school plans outlined in federal legislation
- 2) provisions in GEPA modified to remove discretion in the withholding of funds, i.e.: fund withholding becomes mandatory

State Level

- 1) State submits set of assurances to Secretary on intent to comply with the law.
- 2) State submits plan to Secretary of Education specifying provisions for monitoring and enforcement. These are legislatively designated to include:
 - a) specific numbers of site visits;
 - b) elements considered in monitoring;
 - c) provisions used in complying with enforcement provisions of GEPA in withholding or suspending funds;
 - d) division of responsibility between SEA and state vocational education agency, where applicable;
 - e) review and approval by governor.
- 3) SEA review (monitoring and enforcement) of LEA efforts with school programs.

Federal Level

- 1) Secretary of Labor will establish prime sponsor performance standards based on job placement, job retention, return to school, program management suitable to the purposes of various programs. These standards will be revised annually depending on changing performance. and knowledge.
- 2) Secretary of Labor may award incentive grants for special purpose objectives. Renewal of funding is conditional on "acceptable performance" and "attainment of agreed upon goals."

State Level

- 1) In instances where the state acts as a prime sponsor, the provisions listed below under prime sponsor are applicable.

- 4) SEA data collection from LEA's on:
 - a) absenteeism rates;
 - b) dropout rates;
 - c) achievement benchmarks specific timing suggested for when each type of data should be collected.
- 5) SEA corrective action required
- 6) State submits summary analysis of data to Secretary of Education.

Local Level

- 1) LEA must judge school plans according to federally designed criteria and performance standards relating to basic skills achievement, dropout rates, success in eliminating discrimination barriers to employment and the relationship of the school to private sector and prime sponsor. Specifics legislatively designated with regard to:
 - a) renewal of school funding;
 - b) the use of short-term or long-term goals;
 - c) insistence that a school reconsider its instructional program.
- 2) LEA must ensure school plans have major and sustaining effect on achievement, retention, and employment opportunities.
- 3) LEA must ensure compliance on
 - a) school selection
 - b) indentification of most needy students and provision of extra services to them including record-keeping of same;

Prime Sponsor Level

- 1) Programs must be "well-designed" and "well supervised" focusing on basic and occupational skills.
- 2) Provisions must:
 - a) establish locally developed benchmarks on progress and competencies;
 - b) establish performance standards on "in-puts" such as supervision;
 - c) assure a sequence of services in progression;
 - d) compile individual achievement records.

- c) maintenance of fiscal effort;
 - d) guarantee of school-level comparability on basic services;
 - e) guarantee of non-supplanting of special federal, state and local program funds;
 - f) that racial and linguistic composition of schools selected is reflective of district's needy student population.
- 4) Ensuring coordination with prime sponsors and private industry.