

REGULATORY INFLUENCE ON A HONOLULU ADULT EDUCATION PROGRAM, 2003-2005: A CASE STUDY

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INTRODUCTION

This study traces how regulatory compliance precipitated an adult education institution's shift from open to managed enrollment. That shift was prompted by three administrative concerns derived from regulatory mandates: a requirement of data quality, a requirement of population coverage, and strong pressure for student promotion through the observed educational system. Richards and Lockhart (1996, p. 38) wrote: "Any language teaching program reflects both the culture of the institution... as well as collective decisions and beliefs of individual teachers." Regulatory compliance produced a tension between principles and funding, and this paper examines the impact on institutional culture that resulted at one case.

The adult education regulatory regime is demarcated as that which originated within the United States (US) federal Workforce Investment Act (WIA) (1998), is implemented through the US federal National Reporting Service (NRS), was revised by the No Child Left Behind Act (NCLB) (2001), and is delegated through the State of Hawaii Department of Education's (DOE) Community Education Section (CES) to the institution. Compliance is, in terms of local program activity, completion of NRS reporting requirements. The regulatory regime is notable because, to an unprecedented degree in the American federal context, it demands quantified data on the progress of those students it supports through a mechanism of standardized testing.

There are many aspects of compliance on which focus could be placed. For example one might focus on the resources consumed by tests, in results analysis, in insuring test security, or on compliance training and acculturation. However, for the purposes of this paper, compliance's impact on both student intake is focused on as a critical point in the transition of the school's culture and as an activity in which those other potential foci

intersect. It will be shown that regulatory compliance led ultimately to the adoption of an enrollment system that is in fact a modification of the institution's cultural value of access. That value of access manifested clearly during prior intake processes in that it had both rolling registration and open enrollment: students could enter at any point in the semester and select any class they wished. Regulatory compliance curtailed that latter aspect of access' manifestation.

The studied case is formally the English instructional component of the adult education program at the McKinley Community School for Adults (MCSA), in Honolulu, HI. The focused intake, or enrollment, system matches students with English as a Second Language (ESL) classes. However students in Adult Basic Education (ABE) and Adult Secondary Education (ASE, aka CBASE/GED) programs were also affected. The case is of interest because it is large, was the first institution in a system that predates Hawaii's US statehood, and is culturally diverse. The case was observed from Fall 2003 through Spring 2005, during which its transition from open to managed enrollment occurred.

LITERATURE REVIEW

Prior to the method description and narrative, the following sections detail the regulatory regime. The origination of the regulatory regime is given chronologically in Table 1, along with milestones in the case's own development. Table 1 is derived from a US Department of Education-maintained worldwide web page listing legislation affecting "Adult Education and Literacy and Career and Technical Education" (U.S. Department of Education, 2005). For the purposes of this study, the Carl D. Perkins Vocational and Technical Education Act (1998) is omitted from the source list; its primary benefit is to programs that are unlike the case. Additionally, reauthorization efforts for various aspects of the regulatory regime were underway during the observation period, however no portion of the regime was allowed to lapse, and neither was reauthorization of any part accomplished. Therefore reauthorization events are not included.

Table 1

Regulatory History

Date	Event
1945	Act 108, Territorial Legislature, forms HI Adult Education system
1946	The case opens.
1959	Hawaii becomes an American state.
1964	Title IIB, the Economic Opportunity Act, establishes the ABE program
1995	Congressional review of Adult Education begins in earnest
1996	The case receives a dedicated building.
1996-1997	Establishment of the National Reporting Service (NRS)
1998	Workforce Investment Act (WIA)
2001	No Child Left Behind Act (NCLB)

Adult Education in Hawaii

The case's Fall 2001 course catalog describes adult education's origins in Hawaii: "Act 108 of the 1945 Territorial Legislature... established the public school adult education program in Hawaii and assigned it as a responsibility of the Department of Education. The intent of Act 108 was to meet the needs of adults desiring educational assistance for a variety of personal, social, and cultural needs." Since that time, Hawaii's adult education system has remained in a recognizable form with a similar oversight structure and purpose, while the government that founded the system has been replaced. Although the transition to statehood was peaceful, Hawaii's adult education system has nonetheless proved more durable than its regulators.

During case observation Hawaii's state governance was codified in the Hawaii Revised Statutes (HRS) (2004). The HRS (2004) defines adult education under section 302A, "Education". Within section 302A (HRS, 2004), adult education is given access to public school campuses and other facilities as authorized by the Department of Education (DOE) (§302A-432). Additionally an advisory council overseeing adult and community education is provided for (§302A-434) and financing mechanisms are described (§302A-435). In practice, the State of Hawaii funds adult education based on the number of students at an institution (interview).

The HRS (2004, §302A-433) also contains a section titled “Scope of adult and community education programs offered” that allows for instruction in eight areas. The areas, in the order listed in the HRS (2004), are basic elementary education, advanced elementary education, secondary education, adult literacy education, homemaking and parent education, community education, naturalization training, and cultural opportunities.

Although each of those areas can be seen as occasionally overlapping with ESL instruction, two are described in the HRS (2004) in a manner directly connoting adult ESL instruction: basic elementary and adult literacy education. Basic elementary education is defined as “A foundation program in reading and speaking English, writing, and arithmetic for persons with no schooling or only primary grade training”. Adult literacy education is defined as “A basic program in reading and writing English, and arithmetic for persons who need to develop or improve their mastery of basic literacy skills in these areas for purposes of enhancing their personal, social, or employment lives” (HRS, 2004, §302A-433). These definitions name three of the four macro language skills and numeracy, with a primacy given to literacy. The given purposes are for personal, community, and workplace purposes. Those skills and purposes are recurrent threads throughout the regulatory regime and case.

The initial application of the regulatory regime to the case followed the timeline in Table 1. However the regime was truly applied in earnest following the Fall 2002 release of the Hawaii State Auditor’s *Audit of the Department of Education’s Adult Education Program*. This document unequivocally condemned the oversight of all adult education in HI, blaming both the DOE and school administrators of willful inaccuracies that corrupted fund disbursement and confounded auditing of the system. This critical stance is a fundamental feature of the regulatory regime at all levels, as shown below.

Although the auditor’s call to wrest control of adult education from the DOE and place it under the University of Hawaii system (Auditor, 2002, summary) was not followed, the report led to extreme changes throughout all of adult education in Hawaii, including the replacement of senior administration at the case. It is therefore with the Fall 2003 semester that our narrative begins, with the case under the control of new administration committed to compliance with the regulatory regime.

In general, the State of Hawaii approach to public education of all kinds during the observation period was one of critical review. For example, many issues of the DOE's newsletter, *Superintendent's Update*, led with articles involving critical review of its own services. One persistent theme was a focus on student assessment results: "State Assessment: more students reaching proficiency" (Aug. 19, 2004) and "More schools achieving Adequate Yearly Progress" (Oct 7, 2004) are example leading articles. Many issues of the Superintendent's Update led with news about oversight increases by the regulatory regime: "No Child Left Behind—2 years old and growing" (Jan. 8, 2004) , "Real education reform is moving in legislature" (Mar. 4, 2004), and "Summit to explore ways to 'reinvent our schools'" and "Report provides data-based look at our schools" (Mar. 18, 2004).

"Reinvention" soon became a buzzword as further Superintendent's Update issues provided leaders such as "Education Summit a 'Reinvention Convention'" (April 1, 2004), "Summer homework: How to transform schools" (June 10, 2004), and "Action begins on Act 51 'Reinvent' initiatives" (June 24, 2004). The DOE also disseminated a propaganda pamphlet for the "Reinventing Education Act of 2004". As an example of the rhetoric, the DOE's support for the act was cast as becoming "embarked on an extraordinary journey that will transform the way we operate our schools and offices." The "reinvention" itself appears to mean increased accountability. In a paragraph titled "Accountability" one reads that "Everyone in the Department of Education—teachers, principals, administrative and support staff—will be held to high, measurable standards, and will be responsible for achieving those standards". The pamphlet further presents accountability as one of "three key principles".

Federal Legislative Regime

The regulatory regime declares a set of mandatory guidelines for U.S. state adult education. Improved literacy, workforce preparation, and parenting skills are the recurring themes within that literature. At the federal level there are three main components: the Workforce Investment Act (WIA), National Reporting Service (NRS), and the No Child Left Behind Act (NCLB).

The critical stance of state oversight described above also appears at the federal level. For instance, the NRS describes the legislative climate producing the recent changes to the regulatory regime as one of sharp criticism of the status quo:

In 1995, the U.S. Congress considered eliminating adult education as a separate delivery system by integrating the program into a general system of workforce development. Strong and convincing data on the impact of adult education at the state and federal levels were demanded to demonstrate its importance as a separate education program. Similar demands were raised at the state level (NRS, 2001, p. 1)¹.

Reading the above, it is unquestionable that the case exists in a harsh climate rife with negative opinion. That climate spawned the regulatory regime. Although history may persuade one that legislators of a particular orthodoxy created the regulatory regime, it is believed that no unusual efforts were required to enact the regulatory regime but only a political majority applied to the customary levers of power. Further, support for the regulatory regime existed through federal administrations dominated by both major American political parties, indicating the depth of support.

Workforce Investment Act (WIA) (1998)

Title II of the WIA (1998), referred to as the Adult Education and Family Literacy Act (AEFLA, 1998), defines adult education as “services or instruction below the postsecondary level” for people who are 16 or older, are not candidates for secondary school and lack a diploma or its equivalent, lack the basic educational level to participate in society, and “are unable to speak, read, or write the English language” (WIA, 1998, §203).

The WIA (1998) defines the goals of adult education as assisting adults to become literate and to obtain the knowledge and skills necessary for employment and self-sufficiency. Additionally, it intends to help parents obtain the skills necessary to be full partners in their children’s educational development (NRS, 2001, p. 6; WIA, 1998, §202).

¹ The quoted source was revised in 2006. The 2001 edition is quoted throughout this paper because it was the governing document during case observation.

The focus on literacy, and personal, civic, and workplace English is similar to the goals of adult education in Hawaii, stated above.

Literacy is defined as “ability to read, write, and speak in English, compute and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.” (WIA, 1998, §203.12). This definition includes literacy both as a goal in itself and as a means to other goals. Additionally the definition is expansive in that it includes numeracy and critical thinking.

The importance of literacy is reaffirmed by the WIA’s requirement of literacy gain reporting (NRS, 2001, p. 38). The WIA requires state evaluation of local program performance and requires that states address the needs of specific subpopulations (NRS, 2001, p. 63). Those subpopulations are grouped by demographics and economic features. The WIA fashions these goals into requirements by tying state-to-local program funding and additional incentive grants to compliance with the act (NRS, 2001, p. 35).

National Reporting Service

The NRS was established to meet the accountability requirements for the adult education program described in AEFLA (1998) (NRS, 2005), it embodies the regulatory mandate of data accuracy. The NRS places its own birth in October 1997. However that event followed a consultation period prompted by state adult education directors, throughout 1996 (NRS, 2001, p. 1).

The NRS defines its purpose within a the regulatory regime as follows:

The NRS includes a set of measures identified by stakeholder groups as central for assessing the performance of the adult education program. The NRS also establishes uniform methodologies for these measures to increase data validity by helping to ensure consistency in collecting measures across states. The objective is to create a national database of information... (NRS, 2001, pp. 34-35).

The NRS is the primary locus of compliance with the regulatory regime for US adult education, therefore the following details the NRS in terms of the data it requires and its data collection model. The narrative will show that the NRS, through its data requirements and processes, defines educational processes despite its insistence otherwise.

As a data collection agency, the NRS defines adult education by the values allowed

for its program type variable. The variable, called Student Enrollment by Program, may have the following values: adult basic education (ABE), adult secondary education (ASE), ESL, family literacy, workplace literacy, programs for the homeless, correctional facility programs, and “any other medical or special institution” (NRS, 2001, p. 26). Of these, four are directly relevant to the case: ABE, ASE, ESL, and family literacy.

The ABE program is for adults lacking language skills or numeracy at a level necessary to function as citizen, family member, or worker. ASE is for adults with some literacy and life skills, but lacking a certificate of graduation or its equivalent from a secondary school. The ESL program is to help adults achieve English language competence. Family literacy programs are for parent-child or other cross-generational settings.

The regulatory regime’s interpretation of acceptable educational purposes can be discerned by considering the categories it provides for description of “Learner Reasons or Goals for Attending”, which are to be collected during intake (NRS, 2001, p. 24). A primary and secondary reason is collected from among the following options: obtain a job, retain current job, improve current job, earn a secondary school diploma or achieve a GED certificate, enter postsecondary education or job training, improve basic literacy skills, improve English skills, obtain citizenship skills, achieve work-based project learner goal, or other personal goal.

Compliance with NRS guidelines was initially proposed as voluntary. In August 1998, AEFLA made NRS compliance mandatory (NRS, 2001, p. 1). Given that the incetivization is a tying of compliance to funding, the NRS is a budget gatekeeper.

Despite the practical importance of compliance, the NRS makes great effort to give the appearance of choice. In a section titled “What the NRS is Not” (NRS, 2001, p. 36) one reads that the NRS “does not preclude collecting other measures or coding categories”, “using additional educational functioning levels”, and “does not specify the skill areas to teach or assess students.” Because NRS compliance is mandatory and also the primary funding source for adult education, and because funding for such additional measures is not discussed by the NRS (2001), I have used the label “appearance of choice”.

There are 23 measures that are collected through direct program reporting: achieved citizenship skills, age, contact hours, disability status, dislocated worker status, educational gain, entered employment, ethnicity, gender, involvement in community activities, involvement in children’s education, involvement in children’s literacy activities, low income status, labor force status, program enrollment type, public assistance status, reasons for attending (main and secondary), rural residency status, voting behavior (whether registered and voted, or not), work-based project learner achievement, whether a displaced homemaker, whether a single parent, and whether a learning disabled adult (NRS, 2001, p. 38). However, only one collected data point is relevant to the case’s shift to a managed enrollment system: educational gain.

Educational gain is “probably the most important single measure in the NRS” (NRS, 2001, p. 38) and is to be collected following guidelines set by the NRS (2001, pp. 13-19). Given its usage in the NRS (2001) guidelines, it is absolutely clear that the federal regulatory regime defines educational outcome using a single value, the gain score, on a single language skill.

Gain scores are to be derived from a “*standardized assessment procedure approved by the state*” (NRS, 2001, p. 40; italics in original). Further: “The NRS requires that local programs assess and place all students into an educational functioning level at intake and *at least one other time* during the program year.” (NRS, 2001, p. 40) (italics in the original). A paired equivalent form post-test (Brown & Hudson, 2002, pp. 162-163) is what is defined, despite claims such as: “The NRS does not specify a specific assessment or test” (NRS, 2001, p. 36). This is another example of the appearance of choice described in the literature review. The requirement of “all students” establishes the regulatory mandate of maximized population coverage.

The NRS names tests for which it has provided benchmarks relevant to NRS-defined language skill levels: the Comprehensive Adult Student Assessment System (CASAS), the Test of Adult Basic Education, the Adult Basic Learning Examination, the Adult Measure of Educational Skills, and the Basic English Skills Test (NRS, 2001, pp. 13-19). Although the NRS notes that other tests may be used (NRS, 2001, p. 36), in practice administrators consider it safest to treat these tests as an exclusive “basket” of acceptable tests (interview). The case used CASAS instruments and their administration and result

collation embody the heart of compliance at the case.

However, the gain score as point increase in scores between two tests is not precisely of interest to the NRS. Instead the NRS is interested in student promotion. For example, in its description of the data point (NRS, 2001, p. 19), the gain score is to be “reported as the total number of learners who complete a level during the program” along with the “number who continue in the program after completing a level, the number who fail to complete a level and leave the program and the number who remain in the same level are recorded...”

Further, during fall 2004 the regulatory regime communicated that the CASAS scaled score 245 constituted ESL completion, after which high school equivalency preparation is to be recommended for students (memo). Despite its own manuals, it appears that the NRS is interested in graduation, rather than within-level gain. Further evidence is provided by the US DOE’s (2006) report to Congress, which presents student level advancement as its primary statistic.

Educational level is measured using a set of level descriptors published by the NRS. As with testing, schools must use the NRS levels, but the NRS stresses that schools may also use others (NRS, 2001, p. 19). As an indication of the importance of the NRS leveling system to the case, its classes were named by their NRS level.

Two consistent NRS concerns are data coverage and accuracy. Data quality control is required to be formal, requires resources and hiring at the local level, and must be conducted in a “timely manner—according to a fixed, regular schedule” that includes state auditing (NRS, 2001, p. 55). NRS reporting is annual and states are to provide aggregate statistics and “a narrative report and a financial report detailing expenditures (NRS, 2001, pp. 63-64).” Financial expenses are not defined in the core measures above, despite their requirement here.

The NRS (2001, p. 33) describes an archetypal reporting cycle as being formed of intake, update, and follow-up phases. This paper focuses on modifications to the case’s intake process based on lessons learned during compliance efforts in the update and follow-up cycles.

No Child Left Behind Act (2001)

The No Child Left Behind Act (NCLB) was submitted to Congress by then President George Bush on January 23, 2001 (U.S. Department of Education, n.d. 1). The NCLB is in many ways emblematic of the regulatory regime: it focuses on tests, it is complicated, and it exerts more pressure than it claims to.

For an example of the latter, consider the scope of the act. It is clear that child education is foremost on the minds of federal and state level agents. The HI Department of Education website in general, its NCLB focused threads, and its general documentation tend to not discuss adult education relevant to the NCLB. Likewise, the federal Department of Education, in a one-page summary of the effect of the proposed 2006 budget on education, includes six words with the stem “read” and mentions the “English language” and NCLB twice each, but entirely omits mention of adult education (U.S. Department of Education Budget Service, 2005).

However, the NCLB impacts adult education by establishing an adult assessment regime with its mandate that:

For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act... [including] the Adult Education and Family Literacy Act... (NCLB, 2001, §1111).

Additionally there are 22 occurrences of the key phrase “adult education” occurring in the NCLB, 12 of which directly address AEFLA (1998) and coordination with the NCLB. Section 1076 of the NCLB (2001) further amends the WIA (1998) so that AEFLA (1998) adopts various definitions given within the NCLB (2001), a common means of tying legislation together. The federal Department of Education also lists NCLB on the worldwide web page that was cited as one source for Table 1, above, indicating that the overseeing government agency also considers NCLB relevant to adult education.

Complexity in Compliance

The distribution of the regulatory regime among different bodies in practice renders compliance an alphabet soup. The following table provides a summary of the acronyms actors encounter on a regular basis. Together these items form the practical basis of what is often referred to as “accountability”, “assessment”, and “standards”.

Table 2
Compliance Acronyms

Acronym	Name
AEFLA	Adult Education and Family Literacy Act
CASAS	Comprehensive Adult Student Assessment System
CES	Community Education Section
NCLB	No Child Left Behind Act
NRS	National Reporting Service
WIA	Workforce Investment Act

As further evidence of the growing importance of the terms “accountability”, “assessment”, and “standards”, each of the three terms was examined within the WIA (1998) and NCLB (2001). Available in Adobe portable document format (PDF), the acts were submitted to key word searches. The search method is a basic feature of the PDF viewing software. The selected keywords were “accountability”, “assessment”, and “standards”. As words returned in context by the search process, they were tallied and analyzed for context appropriateness by the author.

Within the WIA (1998) “accountability” appears 16 times including in collocations with “system” and “performance”. However the term occurs only three times in AEFLA (1998). “Assessment” appears 63 times in WIA (1998) but only four times in AEFLA (1998). “Standards” appears 253 times in WIA (1998) but 0 times in AEFLA. Regarding the WIA (1998), “accreditation” “assessment”, and “standards” are not clearly in the pedagogic schedule for adult education. However, in the NCLB (2001) “accountability” appears 78 times, “assessment” appears 400 times, and “standards” appears 393 times. The collocations of those terms also differ from WIA (1998): “academic assessment”

appears 58 times, “reading assessment” appears 18 times, “content standards” occurs 41 times, “academic standards” occurs 14 times, and “achievement standards” occurs 122 times.

In summary, the evolution of the regulatory regime presents the emergence of assessment, accountability, and standards as proxy terms for oversight trends. In practice, which can be summed as satisfaction of NRS requirements, compliance requires attention to data accuracy, maximized population coverage, and evidence of promotion. However, compliance is confounded by the complexity of the task and a lack of clarity in regulatory intent.

METHODOLOGY

Prior to providing the narrative, this section describes the basic form of the case and the sources of information that informed the narrative.

Participants

Three types of actor form the case: students, faculty, and staff. These actors collaborate to produce an educational program including adult basic education (ABE), citizenship, English as a second language (ESL), and high school equivalency (ASE) classes.

The courses that form the case are a subset of the instructional content provided by MCSA. MCSA also offers a large number of cultural and general interest courses, for example there are arts and craft classes such as Ikebana and ukulele, foreign language classes such as Japanese, and business classes such as computer literacy. However, the set of classes forming the case differ from the excluded courses in that for the former, attendance is offered free of charge; the classes themselves are closely monitored by the regulatory regime and other agencies (for example, high school certification boards and citizenship-agencies); registration at the case is on a rolling, or start-when-you-can, basis; and, measured in terms of student body, the case enjoys the overwhelming majority of students. In contrast, the latter set of courses are attended for a fee, are less strictly regulated, and do not have rolling registration but defined, limited registration periods.

Although the case's classes are a diverse group, they do have overlapping syllabi in that there is a near constant presence of English instruction. Both in descriptions given by the regulatory regime quoted above, and in terms of commonality among classes, the case is an English academy. In this definition, the success of the case can be measured in the degree to which instructional recipients enjoy the benefits of English fluency within the US.

Enrollment during the observation period fluctuated. Based on enrollment figures, Spring semester tended to have the most students while the Summer semester had the least. The following list gives the enrollment by semester of observation: Fall 2003, 2,831 students; Spring 2004, 1,970; Summer 2004, 804; Fall 2004, 1,504; and Spring 2005, 2,513.

In addition to its role in English training, the case also provides an important service as a point of contact between students and the larger government and community. For example the case serves as a locus for charity activities undertaken by the student community and provides a gateway through which to promote programs such as health awareness and tax requirements. These programs all serve to build community within the school.

During the observation, the faculty headcounts were: 82 ESL in Fall 2003; 38 ESL and 24 ABE in Spring 2004; 35 ESL in Summer 2004; 74 ESL and 20 ABE in Fall 2004; and 111 ESL and 21 ABE in Spring 2005. ABE course availability depended on state fund disbursement that fluctuated according to economic and political factors. For each semester there were also between four and six ASE courses, a minimum of two in morning and night, and another occasional pair during the afternoon. All instructional faculty were part time, hourly labor. Faculty shifts are morning and afternoon, with three-hour long classes Monday through Friday, and evening, with 2.5-hour long classes Monday through Thursday.

The case hired both full and part time staff. Three general types can be identified: administrative, logistical, and maintenance. Changes in logistical staff are also part of the narrative: eventually compliance data processing would consume two full time and one part time logistical position for each of the case's three shifts. Administrative staff included a Principal and a Vice Principal and Registrar. The Registrar and Vice Principal

divided the management of state and federal report preparation as well as well as overseeing the various instructional, intake, and data management processes.

Additionally there are technical and maintenance staff for both the physical plant and information technology infrastructures. IT staff duties include maintenance of the testing data system. In 2004 budget became available for security staff, who in practice each had experience in public school student counseling and who doubled as test center proctors.

The following table, quoted from Gammon (2004b), provides the aggregate background data collected on case students using the CASAS TopsPro information system, for a representative sample of students during the first semester of observation. Bold values represent the majority level for that feature. For greater detail, please refer to Gammon (2004b) who conducted a quantitative study of participation and retention within the case’s student population during the fall of 2003.

Table 3
Student Characteristics During Fall 2003

Factor	Level	Total	%
Gender	Female	437	0.7357
	Male	157	0.2643
Age	16-24	42	0.0707
	25-34	125	0.2104
	35-44	137	0.2306
	45-54	99	0.1667
	55-64	88	0.1481
	65+	103	0.1734
Native Language	Chinese	197	0.3316
	English	8	0.0135
	Farsi	1	0.0017
	Korean	159	0.2677
	Russian	3	0.0051
	Spanish	12	0.0202
	Tagalog	2	0.0034

Factor	Level	Total	%
	Vietnamese	45	0.0758
	Other	167	0.2811
Highest Grade Level ^a	0	12	0.0202
	1 – 6	45	0.0758
	7 -8	28	0.0471
	9 – 12	329	0.5539
	13 – 16	156	0.2626
	17 – 19	24	0.0404
Highest Diploma	None	132	0.2222
	GED	6	0.0101
	High School	232	0.3906
	Technical Certificate	22	0.0370
	AA/AS	45	0.0758
	Four-year College	106	0.1785
	Graduate Studies	17	0.0286
	Other	34	0.0572
Ed. Outside U.S.?	Yes	407	0.6852
Labor Status	Employed	149	25.1
	Unemployed	278	46.8
	Not seeking work	98	16.5
	Retired	69	11.6
Ethnicity ^b	Asian	560	0.9428
	Black	3	0.0051
	Filipino	2	0.0034
	Hispanic	19	0.0320
	Native Hawaiian or other Pacific Islander	8	0.0135
	White	25	0.0421

^aGrade level brackets based on divisions used in case's district.

Factor	Level	Total	%
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^bLabels as used on CASAS form.

Materials

There were many source materials available from within the case. In practice these materials served operational, propaganda, and training purposes.

Memos from or sanctioned by the administration to faculty are one rich source of information on official direction and rationale. There were also several memos that formed a consistent part of institutional operations. For example, each semester’s start would see the dissemination of “Operational Information” memos containing details such as schedule and attendance policies; “Faculty Bulletin” memos including faculty and staff assignments; and institutional calendars naming holidays, paydays, and other logistically essential dates including, eventually, CASAS administration. During structured interviews, the large amount of memos was noted as a primary means of change communication from the regulatory regime.

The school newsletter, Na Leo O MCSA, disseminates positive news regarding the case and can be considered as a guide to overt cultural values. For example this publication was used to showcase innovative activities and initiatives, accolade community members, and deliver in-service training.

“Waiver Day” materials form another group of documents about the case. Waiver Days are faculty-wide training sessions that yielded presentation notes, agendas, and attendee surveys. These documents display changes in procedure as well as methods of acculturating those changes.

Logistical forms were available that provide clear demonstration of what data the case collected, as well as how. These, coupled with published reports to regulatory agencies, form the majority of quantitative data. The majority of such forms are from the Comprehensive Adult Assessment System (CASAS) system.

CASAS English reading tests are the dominant assessment mode for the case. CASAS documentation includes manuals, the consortium’s web site, and correspondence with consortium technical staff. CASAS also markets the TopsPro information system, an electronic management information system for tracking NRS-required data that uses

entry, test, and update forms. For the case, the system represents the relational database system required by the NRS (2001, p. 34). These forms are penciled optical mark, or “Scantron”, forms, and their aggregate results are the crux of regulatory compliance.

Procedures

Finally, before beginning the narrative, the narrator’s relationship to the case bears elaboration. The author collected the data for this study, although CASAS test data entry work was prepared by the case’s dedicated staff. During observation the author worked with the case as a faculty member contributing to ongoing programs, as a teacher-researcher conducting classroom study, and as a hired consultant on issues related to assessment procedures and results interpretation.

Finally, the author acted as case-study researcher, which provides the context for the staff interviews throughout this paper. Senior administration were interviewed: the Accreditation Officer, Registrar, Vice Principal, and Principal. Given their similar levels of authority in compliance processes, and to protect their identities, all interviews are cited simply as *interview*.

NARRATIVE

This narrative describes the case by first outlining landmarks of its institutional culture. The final form of the case’s intake method is then described. Last, the evolution of that intake system is described as a response to the compliance requirements of data quality, population coverage, and educational gain.

Culture

The case’s core values are preparation for citizenship, parenthood, and work (life-long learning and life skills); access; community building, particularly diversity tolerance and comfort with self-identity; and efficiency. One administrative aspect of the case that also sets it apart is wholly voluntary attendance: unlike child public education, attendance is not compulsory, and unlike most post secondary training, neither graduation nor tuition

can be withheld as punishment. Students attend under motivation that does not originate within either the case or the regulatory regime.

Efficiency is perhaps the simplest of the case's institutional values in that it can be neatly defined as the avoidance of service duplication. This value is necessary as it is both a directive handed down from the regulatory regime and also requirement of budgetary realities (interviews); it is a reaction to external forces.

The case's Fall 2001 course catalog, in addition to the paragraph quoted in the literature review, contains the following mission statement:

Adult Education is concerned with life-long learning and programs are designed to accommodate the interests and changing need of individuals as they seek to expand their knowledge and improve their skills as parents, workers, citizens, and participating members of communities.

This statement is still present, verbatim, in the Spring 2005 catalog. One constant at the local, state, and federal levels is the value of English for citizenship, parenthood, and work.

Access appears to be the case's dominant value. The value of access is so embedded in the institution that it is an architectural feature. The case's initial open enrollment, continued rolling registration, and tuition-free admission policies all embody the value of access (interview). In interviews the value of access also contained a social justice dimension wherein the case provides an educational "second chance" for those lacking the full extent of public pre-adult education. For example, the school's newsletter (Spring 2004 Issue 2, pp. 1-2) interviewed the Registrar as a 40-year veteran of Hawaii adult education. In that interview, he described his adherence to the philosophy of Malcolm Knowles as "an unqualified positive regard for the student, and ability to empathize, and an authenticity" where instruction becomes a facilitation "whose objective is to recognize the diamond in the rough", and that must be predicated on the case being available for all students at the time they are ready to participate.

Although the case had to eventually concede open for managed enrollment, the value of access remained strong through the entire observation period. For example a Spring 2005 memo on attendance recording procedures concluded with the following affirmation of rolling registration: "Registration at MCSA has always been an 'open door' ongoing

process throughout the semester. Thank you for your cooperation and patience in accommodating these ‘late comers’ into your class.”

Diversity tolerance is another important feature of the case’s culture. Among the sources mentioned above is the school newsletter, which bears a Hawaiian language title and whose articles frequently promote diversity through spotlight student biographies and ethnic cuisine recipes. Multi-lingual staff are also cultivated, particularly for the intake process. Additionally, the case enjoys a strong student government organization that inculcates democratic values and provides a forum for students of various backgrounds to practice compromise.

However, the above focuses only on the values of the faculty and staff. Student values are also important, both in pedagogical theory and in the practical concern that student attendance is voluntary. One source of information about student goals can be found in a survey administered to 78 ESL-5 students from Spring 2004 through Fall 2004. The survey is intended to indicate student motivations for class attendance, as well as student self-assessment of skills. The survey was intended as a needs analysis tool for use within the first two calendar weeks (6-10 days depending on shift at the case).

A copy of the survey is provided in the appendix. The included instrument is that used during the summer and fall administrations. The survey changed slightly between the Spring and Summer 2004 administrations. Beginning with the summer administration, a question was added in the short answer section asking the respondent’s native language. Otherwise, the surveys remained identical except for the header naming their semester of usage. The modified questions are not recounted in the tables below.

The survey is a set of Likert and short answer items. The Likert items are grouped into five complexes. The first complex (items 1-3) asks about English use in the student environment. The second complex (items 4-7) queries English media the student would like to access. The third complex (items 8-11) questions which of the four basic language skills the student would like to practice. The fourth complex (items 12-17) questions various tasks and media within which the student can function in English. The fifth and final Likert complex (items 18-22) asks about which media a student enjoys using. The short answer items query demographic information and elicit a statement of intent for English study.

Tables 7 and 8 in the appendix provide descriptive statistics for the survey administrations in the aggregate and per cohort. The present section reviews the aggregate trends only. Tables 4 and 5 provide the mean, responding portion of the population (*n*), non-responding portion of the population (*n.r.*), and percentage of the total universe that the non-responding portion constitutes (*n.r.%*). The mean was calculated as the average of agree and disagree answers using a four-point scale weighted thus: each “1” response was weighted as 4, “2” was weighted as 3, “4” was weighted as 2, and “5” was weighted as 1. Standard deviations were not calculated because they would be meaningful only within complexes, but each complex represents too small a set of items for a standard deviation to be reliable.

The non-responding portion of the population was counted as those who did not mark an answer, or who chose “No Opinion”. During survey administration, each cohort was instructed in the meaning of the Likert system. However the surveys did place the “No Opinion” option in the center of the scale, increasing the potential for hedging by selecting a middle option as discussed in Brown (2001, p. 41).

Table 4
Aggregate Likert Results, First 3 Complexes

Items	Complex 1			Complex 2				Complex 3			
	1	2	3	4	5	6	7	8	9	10	11
Mean	2.82	2.95	2.27	3.56	3.65	3.63	3.62	3.83	3.80	3.75	3.75
<i>n</i>	55	56	58	72	72	70	69	75	72	73	71
<i>n.r.</i>	22	21	19	5	5	7	8	2	5	4	6
<i>n.r.%</i>	0.286	0.273	0.247	0.065	0.065	0.091	0.104	0.026	0.065	0.052	0.078

Regarding complex 1, the results show that students are most often exposed to English while at work and with friends. Students desired to use English in the following mediums, in order: television, newspapers, books, and then movies (complex 2). Regarding the four skills (complex 3), students wanted to improve their speaking and reading the most.

Table 5
Aggregate Likert Results, Last 2 Complexes

	Complex 4						Complex 5				
Items	12	13	14	15	16	17	18	19	20	21	22
Mean	3.24	2.63	2.68	2.60	2.65	2.70	3.36	3.30	3.40	2.99	3.12
<i>n</i>	60	61	58	60	58	61	66	61	68	59	66
<i>n.r.</i>	17	16	19	17	19	16	11	16	9	18	11
<i>n.r.%</i>	0.221	0.208	0.247	0.221	0.247	0.208	0.143	0.208	0.117	0.234	0.143

Complex four asked students to self-rate their abilities in the following areas, ordered by decreasing level of comfort: shop, watch television, read a book, listen to music, write a letter, and then read a newspaper. The fifth and final complex allowed students to rate English uses that they “like”, ordered by decreasing level of comfort: listening, speaking, reading, listening to music, and writing.

Responses to the final short answer item were coded to denote goals involving the four language skills as well as vocabulary and grammar. Speaking and listening were the most desired skills to be practiced. Grammar and vocabulary were the least mentioned language aspects, while writing and reading fell in the middle. The following table provides descriptive statistics for the results as coded.

Table 6

ESL-5 Motivation Short Answer Coded Result Means

Feature	Spring 2004	Summer 2004	Fall 2004	Aggregate Means
<i>n</i>	28	18	31	-
Grammar	0.18	0.17	0.13	0.16
Listening	0.68	0.39	0.39	0.49
Reading	0.25	0.33	0.19	0.26
Speaking	0.93	0.72	0.71	0.79
Vocabulary	0.25	0.22	0.06	0.18
Writing	0.32	0.22	0.32	0.29

Additionally, in a focus group session on testing, comments were solicited from ESL-5 students. Four students chose to not provide comments. The following quotations are the written responses that were provided, verbatim.

“I m sorry but I hate to take the test.”

“The test was very good because it shows alot of readings and comprehensive ever supejects that relate to finding jobs and helps to improve a lot of vocapularies. Also to know my rights about renting an apartment incase the landlord violates my constitutional rights by giving me a iviction notice for no reason. Or just because he doesn’t like who I am. The test is also talk about how to file income taxes, insuance, food preaparations, maps, how to save money in shopping.”

“Most part was easy. Some part was hard to me. I felt really tired.”

“I felt today’s test easier than that before, but of course it was too difficult for me.”

“It is our duty to show our English level to the government. To thanks to be given this opportunity to study English.”

“Don’t know the meaning of some word. Cause I study in Hong Kong and the test style is different”.

“the test, there alot of story or words that should be need consentration about.

Interesting but need more time to answer that.”

“I felt tired that test was tiring. Difficult.”

“Very hard. It’s not fit for me.”

“I don’t understand very well.”

Positive interests mentioned by students above include interaction with the government and landlords, which certainly fall within the regulatory regime’s goal of life skills preparation. However overall, students see tests as an imposition. Student dislike of testing would cause a persistent problem during observation of the case: student avoidance of tests.

A Typical Semester

The activities forming the case’s semester can be grouped into two large categories that are here labeled intake and intervention. During intake students are placed into classes and their data files are prepared for the coming intervention. Intervention includes instruction and the NRS-defined update phase. Intervention would likely be referred to by a student as “going to school”. A string of semesters at the case can be analyzed into repeating cycles of intake and intervention that overlap because of rolling registration.

At the start of observation, intake was relatively simple. Students registered, were given advice on level selection by staff and continuing students, made their choice, and enjoyed a largely at-will transfer privilege. By 2005 the case’s student intake process had been revised into the form shown in Figure 1. The horizontal swimlanes indicate where the intake activity occurs: either in the school’s front office or its dedicated testing center.

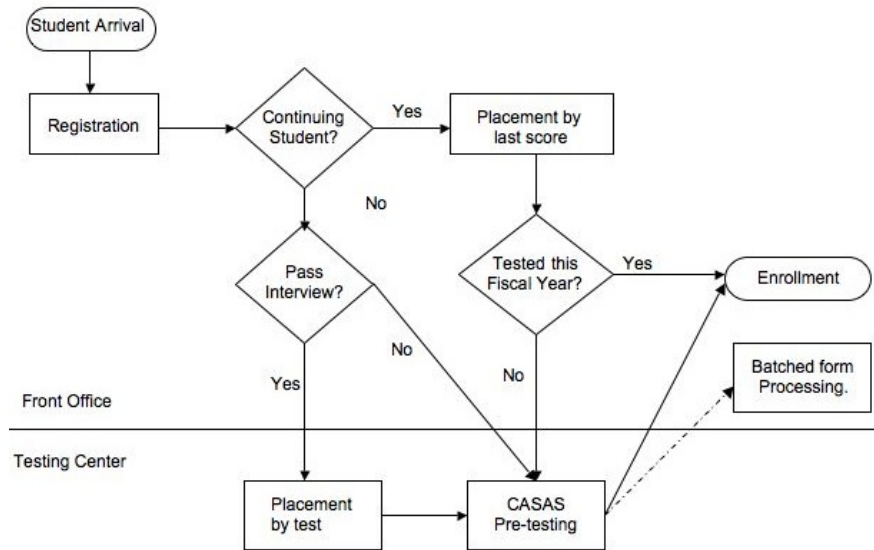


Figure 1. Student intake, 2005 Revised Form

Following Figure 1, intake begins with student arrival at the registration counter in the front office. There are 2 types of student during intake: new and continuing. A continuing student is defined as one having a record in the information system.

New students are given a brief oral interview by registration staff who are directed to enroll the student in either pre-literacy, ESL-1, or bilingual ESL-1 if a student cannot answer at least 3 of the six administered questions. The instrument elicits basic demographic data and conversational English. The questions ask a student's country of origin, how long they have been in the US, why they want to study, if they have native language literacy, what their occupation is, and how much education they have. If a new student passes the oral interview, they are then sent to the testing center for placement testing. The oral interview is a formalization of the prior intake system.

All intake CASAS form completion, the crux of NRS compliance labor in any phase, is conducted at the testing center. This location was chosen because staff there are specialized in assessment administration and also because attempts at completing background forms in the front office produced unacceptable delays. The testing center is an example of efficiency through centralization of a compartmentalized skill.

When this intake system was initiated, only new students were sent to the testing center, it was a placement center. But in response to pressure arising from the three regulatory mandates, ultimately all students are now sent to the testing center, which

administers placement tests, entry forms, and pretests. New students receive all three services. In contrast, continuing students are placed on the basis of their last CASAS score. However, if that score was not collected within the current fiscal year then such continuing students, referred to as lapsed students, are sent to the testing center to complete a CASAS entry form and pre-test. Continuing students with still-valid CASAS scores are sent to the testing center for collection of entry form data.

New students are placed using a 20-question multiple-choice reading test provided by the CASAS Consortium. Following testing the results are scored and, using a pre-determined scale, the student is placed in an ESL level. CASAS has placement tests available for all four language skills, however resource constraints including both funds and the time required to process the case's large volume of students resulted in adoption of the reading test only. The reading placement test administration averaged 20-30 minutes, followed by a 5-10 minute scoring and placement period. Scoring of the pre-test is conducted separately, in batches following the test sessions.

At a maximum, the placement testing added 40 minutes to a student's registration process. However in practice the actual amount of time added on the whole was probably slightly less than a half hour per student, as portions of placement may have occurred simultaneously for some students. For example, more than one student could be tested at a time.

Following the collection of the CASAS intake forms, the student returns to the registration counter with a placement certificate (preference in the queue is given to students coming from the testing center) and is enrolled in a class. If at any time the new student wishes counseling beyond that from placement testing staff, multilingual staff are available. Following intake, a student may attend class.

Placed students whose placement test scores were near cut points were allowed to transfer one level down or up, depending on which edge they scored near. During Summer 2004, the first semester of placement, there were 21 placed students who took advantage of their option to transfer. 17 went to a lower class. Four took a higher class.

When intake is completed, students are given a series of documents. These documents are a registration slip that is collected by the instructor, a class schedule, brief introductions to the basal curriculum (Sabbagh & Jenkins, 2002) and CASAS testing

requirements, a school map and campus rules, and a copy of the most recent Na Leo O MCSA.

It is important to observe that acculturation begins at intake. The student document packet propagandizes the assessment program, although in an honest analysis not all students will have the requisite literacy skills. The testing center also includes wall posters introducing the purpose of the testing and communicating proper form completion methods. Additionally the placement system required an optical character reader (NCS Pearson OpScan 4U), specialized forms (Pearson NCS form number 98255), software (Remark Classic OMR v. 2.5), and a desktop computer to drive the package (PC with Microsoft Windows 2000, on a cart and without network access).

Placement staff required training in testing methods, scanning and scoring, and placement procedures. Training requirements also extended to faculty and other staff, including acculturation of testing staff. For example the Summer 2005 “Faculty Bulletin” memos included a list of placement test proctors. A matriculation policy was promoted by explicitly correlating NRS levels and CASAS performance.

The case also has a faculty intake period. Faculty intake is important because it provides the training and acculturation necessary to operate in an intervention process dominated by regulatory compliance. Intake begins with formal notification of hiring, which is on a semesterly basis, followed by training. Training is compartmentalized into new faculty orientation for wholly new hires and a “waiver day” for whole-faculty training.

The term waiver day refers to the hiring arrangement; faculty are paid for attendance as their class requirement for that day has been waived. At these convocations new faculty are introduced, in-service training on topical issues is provided, administrative directives are distributed, and committee meetings are held. Waiver days are an essential community building activity as they are often the only way for case faculty from all shifts to meet each other.

Faculty intake disseminates cultural tropes such as accountability, assessment, and standards. Recurring topics are test administration tips and in-service training regarding the standards-practice interface. An example is a pre-registration memo that stated: “...Together we will be able to place our existing students in more appropriate ESL levels

where we will be able to serve their academic needs and interest. Furthermore, we will be able to report accurate growth of our students in our NRS report to the State and Federal agencies.”

Development of the System

Placement testing was begun in Summer 2004 because the Summer semester typically has the lowest enrollment. The placement test was formally piloted throughout the semester. Student score distributions were compared on the basis of placed and non-placed students, separated by program course level. The administration decided that placed student scores performed satisfactorily enough to warrant a larger pilot during the Fall 2004 semester. The Fall semester included an additional pilot because there was not a large enough per-level placed population to make a final decision based on the statistical evidence (average placed n per level = 16; average non-placed n per level = 52) (Gammon, 2004c). Continuing students were excused from the first round of placement testing because they were able to leave the program without direct repercussion (loss of tuition or diploma) and because they had already become accustomed to the prior regime.

During the development of the modified intake process, the process was communicated through memos. During Spring 2004, test processing staff began to be referred to as CASAS section of staff. The Spring 2005 Waiver Day agenda included a placement test update by the school’s Vice Principal. In Fall 2004, pre-registration became based entirely on CASAS scores. At this point open enrollment was effectively ended.

Initially the placement center was a classroom used during the 2-week intake period before intervention. Signage was daily taped to white boards in room. However placement testing was given its own room in Fall 2004. In Spring 2005 the placement center expanded into full testing center for all required CASAS (placement, pre-test, update makeups, entry form.)

The intake system described above began with placement testing. The placement testing program was initially instituted as a solution to a particular data quality problem involving test score bands elaborated below. However, gradually placement testing began to address other issues and additional activities accrued to the program. Placement

testing became a means for reducing the volume of student transfers during their first week of attendance. The intake process became a way to collect entry form data. The test center became a tool to counter test avoidance during intervention. The modified intake process became an important support to other logistical efforts, even if that development occurred in increments. The following section discusses these influences under the three regulatory mandates identified earlier: score quality, population coverage, and promotion.

Score Quality

Regarding this narrative, promoting score quality manifested as the matching of CASAS instruments to students during the semester. This was complicated by the form of the CASAS tests themselves. CASAS test forms are scored to bands that comprise a single spectrum. As a result, the lowest and highest possible scores on a test have lower confidence than other scores on the same test. The reliability of a CASAS instrument is contingent upon the skill level of the subject to whom it is administered.

To its credit, case administration leveraged resources for the task of understanding and using compliance output. Review of Fall 2003 semester data conducted after the post-test and through until the start of the next semester revealed that classes were de facto multi-level when measured with CASAS instruments. In terms of regulatory compliance this was problematic because it was cost prohibitive, financially and logistically, to distribute more than one level of test per class.

Use of score bands allows comparison of scores from different level CASAS tests. However the edges of each band, essentially a few possible score values at the upper and lower edges of the spectrum that an instrument can produce, are ambiguous scores, “estimated” in CASAS parlance (memo). These scores have low confidence intervals and indicate that the student should be tested with the next level’s instrument, whether higher or lower.

Because estimated scores are statistically suspect and can prompt the expense of retesting, it is necessary that students take tests on which they will not score near the band. In practice, banded tests presented the case with two options. One option is to allow courses with a diversity of ability, in essence multi-level classes, within which students are tested using a multiplicity of instruments, one for each ability band. The

other option is to control enrollment such that classes are produced where the students perform within the range of the same instrument. In the former, multiple instruments must be distributed within a class and student-instrument mapping must be closely monitored. In the latter scenario each class uses a limited, homogenized test set. Given the case's resource constrained environment, the latter scenario was required, although this ultimately prompted the shift to managed enrollment.

Hypothetically, the above situation should affect only students scoring in the lower band. At face value, it appears that shifting to a higher-level test could only cause flat or positive gains because a higher test's band wouldn't allow a lower score. However this was not the case, because the estimated score range is several points wide. Therefore students could take a higher level, more difficult test and receive a lower score. For example 17% of all Fall 2004 negative gain scores were caused in this manner, many of which were only a one-point drop.

Population Coverage

Increased coverage of the population was a consistent concern. The NRS wanted maximum population coverage while case administration wanted students to be “on board” with compliance. In contrast, students saw tests as a nuisance, and attendance was not mandatory. Students could perceive when testing time was coming—those stacks of tests in the administrative office, those forms in the teacher's hands—and would avoid the test. Hiding the test date from students was not possible and, in many stakeholder's minds, also not advisable. Additionally, rolling registration meant that students missed tests unintentionally. And yet, the problem of data coverage required a resolution. Therefore one administrative response was to begin aggressively acculturating the assessment regime within the case. For Fall 2003, only 52.7% of pre-tests could be paired with a posttest.

The problem prompted testing center collection of CASAS entry and pre-test data. By fall 2004 the placement testing room was also used for make-up CASAS update tests during intervention. This was the start of a more general testing center. Entry testing at the testing center began mid-semester spring 2005 to increase coverage. April 18, 2005 memo “It has been observed that a significant number of registered students (students

with an entry form) are circumventing the CASAS ‘pre-testing’ phase in the classroom.” As a result, all newly registered ESL students, except pre-literacy, are now given a pre-test immediately following placement testing. The intake procedure depicted in figure 1 was first disseminated among all staff at the same time.

Promotion

As noted in the literature review, ultimately the NRS is interested in promotion as an indicator of educational progress. This interpretation was demonstrated as an official school holding in the school newspaper’s (Spring 2004, Issue 2, p. 3) article “The advantages of looping”. This article began with the statement: “In accordance with federal and state guidelines that we institute a method of moving students from one level to the next, and in order to comply with MCSA’s accreditation requirements, MCSA will begin the practice of teacher *looping* in the fall of 2005” (italics in original).

At the case, one restraint on student promotion was the very sense of community fostered by the case. Students did not wish to change classes because of rapport with their teacher and classmates. The response was a system of looping teacher assignments; a sort of managed enrollment for faculty.

The program was formally described in the November 2004 issue of the school newspaper. The concept was first mentioned in a Fall 2003 memo that was intended to test the concept among faculty. The program met with faculty resistance and had to be gradually introduced. Looping was discussed at the Spring 2004 semester’s waiver day, which provided the first public forum for feedback on the concept. Faculty responses at that meeting expressed a desire to strike a balance between accommodating learner needs while affirming a commitment to challenging the case’s students.

Later during the Spring 2004 semester a memo titled “Movement Policy for Existing MCSA Students” was distributed. As detailed in that memo, students were to be considered for movement when they both scored near the edge of a CASAS band and their teacher identified the student as having “verbal and listening skills commensurate to the recommended level.” The memo set Fall 2004 as the first semester for counting of looping (e.g. first semester of movement would be Spring 2005). NRS level and CASAS band descriptors were included with the memo, to facilitate teacher recommendations.

DISCUSSION

In review, regulatory compliance caused the case to revise procedures against tendencies that can be interpreted as manifestations of the case's institutional culture. In particular, the case found itself having to transition from open to managed enrollment, thereby abbreviating its commitment to the value of access. That change was prompted by the regulatory concerns of score quality, population coverage, and student promotion.

In short, regulatory compliance is not a passive, unintrusive activity. In the case there was tension between state and federal requirements, between institutional and regulatory culture, and student goals and compliance requirements. There were training costs and other budgetary requirements. Navigating regulatory complexity and its often unclear intent required resources.

The narrative hopefully made clear the tension between institutional culture and compliance. This discussion turns from that issue to consider two factors that can exacerbate that tension: the resource costs of compliance and the approach taken by the regulatory regime that presented a uniform solution couched in the appearance of choice. Both of these factors abut the question of how educators can demonstrate their worth without interrupting their work.

Costs

Ultimately regulatory compliance concerns value. Regime propaganda casts compliance as value to the student. Regulators use the value unlocked by compliance, for example as budget grants, as both carrot and stick. Practitioners are concerned with the value of resources, with the costs of compliance and their effect on practice.



Figure 2. Test bank.



Figure 3. Test bank detail.

Figures 2 and 3 depict the case's analog test bank. These images illustrate an important aspect of compliance, its physical storage burden: 4 lockable file cabinets, or 16 drawers, or 16.5 square feet of floor space plus the costs of each drawer's contents. These physical artifacts are central to the cost of assessment. They are an intersection of test procurement, security, and administration and their associated costs.

Visible in figure 3, those drawer contents include test booklets, test forms, and audio media. A set of 10 copies of each of the ten CASAS Life and Work test booklets costs \$310 (CASAS, 2006, p. 24). A package of 100 CASAS entry and update forms costs \$48, as does a similar quantity of test answer forms (CASAS, 2006, p. 31). As described in the narrative, in preface to Table 3, the Spring 2005 student body consisted of 2,513 students.

There are also scanners, software applications, audio media players, paper and ink, and labor hours needed to administer and process the tests. Further, this is in addition to other essential functions of a large organization having its own physical plant including grounds maintenance, payroll, and transmitting and receiving materials. However, the present goal is not to provide a complete audit of compliance costs, but to establish that the costs are meaningful. It is also unfair to consider compliance efforts as pure costs, because school outcomes might benefit from compliance.

Unitary Approach

Another issue, often cited during structured interviews, is that compliance is implemented using a “one-size fits all approach” that educational programs must adapt to. For example, the case discovered a need to adapt curriculum to enhance test scores, through the relatively innocuous adoption of a professionally developed and correlated basal textbook series. The adoption of that series, *Stand Out!* (Sabbagh & Jenkins, 2002), is discussed in Gammon (2004a). However, the adoption did consume resources, for example each Waiver Day during observation included discussion of modifying curriculum based on test feedback. Although such modification was cast as needs analysis, it was still prompted by compliance efforts.

Increased needs analysis is a positive goal in many situations. However the point is that compliance requirements induced curriculum changes as well as the procedural changes discussed in the narrative. The difficulty is that regulatory literature, such as that from the NRS (2001), casts compliance as non-transformative by presenting a series of choices that, in this author’s opinion, are not genuine. For example, the NRS (2001, p. 36) also claims to provide room within the educational climate for other standards and goals. However the NRS’ protestations are naive given the ability of the regulatory regime to compel educational institutions through tight budgetary controls.

Another example of divergence between stated intent and practical outcome in the regulatory regime centers around the idea of workforce preparation. As stated in the literature review, regulatory guidelines consistently name workforce preparation and lifelong learning as educational purposes. However, although goals related to work improvement are included in the NRS dataset, NRS outcome measures do not allow for tracking concurrent education/employment achievement. In the NRS framework one studies, then one works. Another example regarding that single data point is the fact that the collection of employment achievement is described only in a footnote in the NRS guidelines (2001, p. 4), yet is given a prominent position in charts presented to the US Congress by the US DOE (2006).

Regulatory compliance also often involves testing the boundaries of student coercion. For example managed enrollment requires students to attend courses they themselves might not select. Although this is not intolerable in itself, observers must reflect on

whether compliance in the aggregate is tolerable or not. For example, one must question whether attempts to ensure complete records (paired test results) reflect a gain in students as stakeholders, or something more repressive. Often such attempts were described using verbs such as *catching*, *keeping*, and *stopping*.

Keeping materials clean and secure was also a recurrent problem. Students, so often given creative solving problems options in class, were suddenly not allowed to write on their reading materials, these also being test materials. Test booklets were found “damaged” as students filled their margins with translations, routes drawn on maps, and response options that were crossed out. Although one can’t help but be sympathetic to the administrator who has to afford increasing amounts of test materials along with all other expenses, an observer can quickly note that in many classes students were *taught* to write on articles they were reading.

Some faculty also agreed, contrary to test manuals, that students be allowed the same references they used in their daily life, while students considered sharing answers to be a reflexive activity. Given the prevalence of group-based learning in classrooms and the shared experiences of students as second-language users, this is not surprising. This problem recurred with the question of how to situate the test in the academic context. Waiver days frequently provided a forum for questions such as the following: Were students allowed to study test content? How can vocabulary be addressed if reviewing specific test questions is not allowed for reasons of test security?

Finally, one should consider whether NRS intake procedures are actually useful for classroom needs analysis. In particular, CASAS entry forms were not adequate for understanding the set of student native languages. In addition to a brief list of ethnicities, handwritten “other” responses could be collected. However, that method proved too expensive and error prone for practical use. The NRS ethnic categories were also insufficient; the Asian category (NRS, 2001, p. 21) was not granular enough to really describe the case’s population (c.f. Table 3 above). There also appears to be a disconnect between regulation and the language education profession in the omission of listening skills from regulatory documents, described in the literature review. However, some flexibility within the NRS system is provided in that actual educational institutions may pick in what areas they will assess students (NRS, 2001, p. 36).

CONCLUSION

Regulatory oversight can be a term with great merit. Education professionals should be able, even proud, to demonstrate the effectiveness of their methods. Regarding the described regulatory regime, interviewees all claimed that although the regime exerted pressure, it was an improvement over earlier regimes that were seen as too lax (interview). The introduction of a culture of standardized processes was also welcomed within the case. Additionally, the greater educational climate on Oahu justified increased oversight. During the study one of the island's prominent daily newspapers, the Honolulu Advertiser, reported on a prevalence of improper test coaching techniques that resulted in a full re-administration of NCLB-approved testing instruments in an entire district of child education institutions (Shapiro, 2005).

However, data collection required manipulation of the case such that it could yield the information being requested; reported data was not a costless byproduct of the semester. In particular, the CASAS band score format and NRS gain score reporting requirements had the greatest impact on processes.

Further questions for research could touch upon many aspects of the case, including a complete accounting of assessment costs. Additionally one might consider whether grouping of the observed population by level of ability is appropriate. One factor in the latter question involves demographics; the student population represents a diverse age range. Another factor involves resources, many educational programs provide multi-level classes as a way to overcome restricted budgets.

At face value the regulatory regime is laudable in that it has goals similar to the case. Accountability on its own is also a worthy goal in that oversight can decrease corruption, self-regulation had failed as noted by the auditor (2002), and new programs can learn from prior data. But the critical climate of the regulatory regime and the experience of the case suggest to this author that the regime's stated goals and its outcomes are mismatched. This is problematic even without indulging theories of legislative aggression towards adult education.

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Appendix

The following table provides descriptive statistics for the first 11 items on the ESL-5 student survey discussed in the narrative.

Table 7
Likert Responses, First 3 Complexes

Period	Items	Complex 1			Complex 2				Complex 3			
		1	2	3	4	5	6	7	8	9	10	11
Spring '04	Mean	3.57	3.32	1.78	3.62	3.65	3.71	3.74	3.96	3.88	3.88	3.88
	<i>n</i>	21	22	18	26	26	24	23	26	26	26	25
	<i>n.r.</i>	7	6	10	2	2	4	5	2	2	2	3
	<i>n.r.%</i>	0.250	0.214	0.357	0.071	0.071	0.143	0.179	0.071	0.071	0.071	0.107
Sum '04	Mean	3.00	3.29	2.89	3.65	3.71	3.76	3.53	3.83	3.82	3.76	3.76
	<i>n</i>	13	14	18	17	17	17	17	18	17	17	17
	<i>n.r.</i>	5	4	0	1	1	1	1	0	1	1	1
	<i>n.r.%</i>	0.278	0.222	0.000	0.056	0.056	0.056	0.056	0.000	0.056	0.056	0.056
Fall '04	Mean	1.90	2.25	2.14	3.41	3.59	3.41	3.59	3.71	3.69	3.60	3.62
	<i>n</i>	21	20	22	29	29	29	29	31	29	30	29
	<i>n.r.</i>	10	11	9	2	2	2	2	0	2	1	2
	<i>n.r.%</i>	0.323	0.355	0.290	0.065	0.065	0.065	0.065	0.000	0.065	0.032	0.065
Aggregate	Mean	2.82	2.95	2.27	3.56	3.65	3.63	3.62	3.83	3.80	3.75	3.75
	<i>n</i>	55	56	58	72	72	70	69	75	72	73	71
	<i>n.r.</i>	22	21	19	5	5	7	8	2	5	4	6
	<i>n.r.%</i>	0.286	0.273	0.247	0.065	0.065	0.091	0.104	0.026	0.065	0.052	0.078

The following table provides descriptive statistics for the last 11 items on the ESL-5 student survey discussed in the narrative.

Table 8

Likert Responses, Last 2 Complexes

Period	Item	Complex 4						Complex 5				
		12	13	14	15	16	17	18	19	20	21	22
Spring 04	Mean	3.38	2.57	2.50	2.39	2.40	2.74	3.46	3.36	3.48	3.18	3.18
	<i>n</i>	21	21	20	23	20	23	24	22	25	22	22
	<i>n.r.</i>	7	7	8	5	8	5	4	6	3	6	6
	<i>n.r.%</i>	0.250	0.250	0.286	0.179	0.286	0.179	0.143	0.214	0.107	0.214	0.214
Sum 04	Mean	3.47	3.00	3.00	2.93	3.00	2.93	3.43	3.54	3.56	3.14	3.44
	<i>n</i>	15	15	16	14	14	14	14	13	16	14	16
	<i>n.r.</i>	3	3	2	4	4	4	4	5	2	4	2
	<i>n.r.%</i>	0.167	0.167	0.111	0.222	0.222	0.222	0.222	0.278	0.111	0.222	0.111
Fall '04	Mean	2.88	2.32	2.55	2.48	2.54	2.42	3.18	3.00	3.15	2.65	2.75
	<i>n</i>	24	25	22	23	24	24	28	26	27	23	28
	<i>n.r.</i>	7	6	9	8	7	7	3	5	4	8	3
	<i>n.r.%</i>	0.226	0.194	0.290	0.258	0.226	0.226	0.097	0.161	0.129	0.258	0.097
Aggregate	Mean	3.24	2.63	2.68	2.60	2.65	2.70	3.36	3.30	3.40	2.99	3.12
	<i>n</i>	60	61	58	60	58	61	66	61	68	59	66
	<i>n.r.</i>	17	16	19	17	19	16	11	16	9	18	11
	<i>n.r.%</i>	0.221	0.208	0.247	0.221	0.247	0.208	0.143	0.208	0.117	0.234	0.143

The following attached instrument is the survey used to collect the responses in the above two tables, as described in the narrative.

Name: _____

Why take ESL?
Fall 2004

Please circle a number from 1 to 5, where one is “agree” and five is “disagree”. If you have no opinion, leave the question blank or circle 3. Please underline any word or phrase you do not understand. Note: English means the language, not the country.

STATEMENT	NO				
	AGREE		OPINION		DISAGREE
English is spoken at work.	5	4	3	2	1
My friends speak English.	5	4	3	2	1
My family speaks English.	5	4	3	2	1
I want to watch English movies.	5	4	3	2	1
I want to watch English television.	5	4	3	2	1
I want to read English newspapers.	5	4	3	2	1
I want to read English books.	5	4	3	2	1
I want to speak English better.	5	4	3	2	1
I want to read English better.	5	4	3	2	1
I want to improve my English listening.	5	4	3	2	1
I want to improve my English writing.	5	4	3	2	1
I can shop in English.	5	4	3	2	1
I can write a letter in English.	5	4	3	2	1
I can read an English book.	5	4	3	2	1
I can read an English newspaper.	5	4	3	2	1
I can listen to English music.	5	4	3	2	1
I can watch English television.	5	4	3	2	1
I like speaking English.	5	4	3	2	1
I like reading English.	5	4	3	2	1
I like listening to English.	5	4	3	2	1
I like writing English.	5	4	3	2	1
I like to listen to English music.	5	4	3	2	1

What country were you in during your education? _____

What is your native language? _____

What is your occupation? _____

What do you most want to learn about in this class?
