It was early morning of the second day of the Clarification Hearings in Washington, D.C. I was seated in front of the makeup table cluttered with bottles, tins, and brushes of all sorts, my new TV-compatible suit and blue shirt carefully protected by a bib. As the makeup artist was applying a brown fluid to my face (and undoubtedly wishing she had the skills of a plastic surgeon), Bob Ebel happened by the door. Seeing Bob, the incongruity of the situation hit me. How did I and a number of my colleagues in the next room waiting their turn in front of the lightbulb-studded mirror, get involved in this alien world? While I had my doubts from the beginning, Bob’s appearance triggered the realization that 11 months earlier, when I agreed to serve as team leader for the negative side in the Clarification Hearings on Minimum Competency Testing (MCT), I really had no idea what I had let myself in for. I was again brought up short about the implications of the whole process and my part in it two weeks ago after viewing.
along with students and colleagues here at Boston College, the edited version of
the hearings on public television. In what follows I have attempted to describe my
reactions and feelings, both positive and negative, to various aspects of the process
leading up to the hearings, the hearing itself, and the final TV product developed
by Maryland Public Broadcasting (MPB).

I will not get into the specifics of either case except where it might illustrate a
more general point about the process itself. This paper does not rehash the pros or
cons of MCT. Interested readers can find the outline of both cases in the Phi Delta
Kappan, October 1981 issue, and the tapes of the full 24 hours of hearings and the
three hour edited version are readily available.

Instead of specifics about MCT, I will concentrate on the strengths and
weaknesses — as I see them — of the clarification process itself — as I experienced
it. Further, in a more general sense, I have set down my reflections about the
strengths and weaknesses of using a modified judicial evaluation model at the
national level to illuminate and clarify education issues.

The Model

We employed a modified version of the adversary of judicial evaluation model
(JEM). The principal modification was the elimination of a jury or panel whose
purpose was to hand down a decision or make recommendations about the object
being evaluated. There were very good reasons for this deletion. By eliminating a
“verdict” or a set of recommendations, NIE avoided the unpleasantness and
controversy that would have certainly followed on a federally sponsored panel
declaring one side or the other the “winner,” or promulgating a set of recom-
mendations on how to structure a MCT program. If the verdict or recommenda-
tions favored the negative side, it would have surely unleashed a raft of criticism
and complaints about unwarranted federal intervention in state programs. If the
pro side was the beneficiary, then NIE would have had to deal with the enmity of
those advocacy groups opposed to MCT. By eliminating the panel or jury component
from the Clarification Hearing process, NIE avoided this no-win situation. “Winning”
or “losing” was left to the eyes of the beholders: de gustibus non est desputandum.

This modification, made in August, took on added significance after the
November election. The Clarification Hearing mode was viewed as an acceptable,
nonintrusive federal presence in education; it provided information to state and
local policymakers which they could use or ignore as they saw fit.

From the beginning, NIE insisted that we were engaged in a clarification
process; our task was to illuminate the issues surrounding MCT. Winning and
competition between the teams were not to be part of the process leading to the
hearing. Therefore, one of my main criterion in evaluating the clarification hearing
model is the extent to which I feel it effectively and efficiently clarifies and
illuminates issues.