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The California High School Exit Exam (CAHSEE): The *Brown v. Board of Education* of Our Generation
By: Kevin L. Nichols, Education Editor

The Debate

Nearly every homo sapien in this country is aware that we are at war in the Middle East; however, unless you are a high school senior, few know about the war ravaging through California courts. Unlike the War in Iraq, where the result is unclear, the victor of this battle will determine who is entitled to receive a high school diploma. The California High School Exit Exam (CAHSEE) or more formerly known as Education Code §60850, was established in 1999 by the California Legislature with the goal of improving the overall quality of California public schools. The debate may appear to be centered around recent immigrants/English learners' right to a diploma; however, for the purpose of this discussion, the focus will be on the broader issues that effect the students who have not passed the exam.

Although there are numerous claims at issue in the *Valenzuela, et al. v. O'Connell, et al.* lawsuit, the plaintiffs (some students who have not passed the exit exam, their parents because they are minors, and their attorneys) claim that the CAHSEE violates their equal protection rights to an education and a diploma. They also argue that there is shortage of qualified, credentialed teachers in California and that the public school system does not adequately prepare all students for the exam. Moreover, plaintiffs assert that defendants (the State of California, the State Department of Education, the State Superintendent, etc.) failed to study alternatives to the exam that would allow students to display their competency in the given subject areas so that a standardized test was not the only determining factor in receiving a diploma, which was required pursuant to Education Code §60856. The State also budgeted \$20 million dollars for school districts to assist students who had difficulty passing the exam, yet, several school districts received none of this funding and those districts were mostly comprised of heavily populated low income Latino and African American students. Finally, plaintiffs state that the "diploma penalty" is too severe of a punishment for not passing an exam that the schools do not prepare their students for in the first place. Plaintiffs' goal is to get a preliminary injunction (a legal tactic that would suspend the implementation of "diploma penalty" for the Class of 2006) until the legal issues are resolved.

The defendants disagree. Defendants argue that the CAHSEE was designed to improve the value of a diploma, motivate all students by standardizing reading, writing, and math levels at a 10th grade level so that students will be better prepared for college and have better access to jobs. The State claims that there is no shortage of credentialed teachers. Furthermore, it has taken various steps to prepare students for the exam, for example: schools offers summer school geared towards passing the CAHSEE, as well as before/after school classes, free weekend preparation classes prepared by Kaplan and Princeton Review, and school administrators have reached out to students and in some cases conducted home visits to non-passing seniors. In addition, defendants contracted the Human Resources Research Organization (HumRRO) to study the impact of the CAHSEE on various demographic groups, which recommended to keep the "diploma penalty" as is. In a similar lawsuit involving the CAHSEE, known as the *Williams* case, the State commissioned WestEd to issue a report

studying alternatives to the CAHSEE for disabled students. Based on a number of factors, HumRRo and WestEd, the State decided against offering alternatives to the exam. The \$20 million dollars assistance was available until it was used up. There was no guarantee that every individual who had not passed the exam would have access to these funds. Lastly, nearly 90% of California high school seniors have passed the exam; therefore, the CAHSEE, theoretically, is achieving its goal. Defendants oppose preliminary injunction and would like to keep the “diploma penalty” in tact.

Plaintiffs argue that without a diploma, there is no motivation to study in school. Secondly, WestEd studied alternatives only pertaining to special education students; however, no study has been performed to study specifically the alternatives relating to mainstream students. Although the 90% passage rate would initially communicate success, the 10% that did not pass disproportionately represent tens of thousands of low income Latino and African Americans. Which begs the question, what then should the State be do to remedy this situation? By striking the “diploma penalty” the Class of 2006 would just be treated like all of the other 140 classes that have graduated prior to the CAHSEE, that received their diploma.

What This Means For High School Students

Standardized tests have inherently been a source of controversy. For many, they are seen as unfair, socially and economically biased, and the like. In contrast, they have been characterized as good indicators of achievement and a sufficient demonstration of mastery of basic knowledge and/or skills. Regardless of where one stands on the issue, if implemented, students will have to better prepare themselves to study and pass them. This may mean taking more initiative than is merely required in school. For example, if you have a math assignment that requires you to take a quiz at the end of the chapter and in addition, there is a practice quiz before the test, take the practice quiz. If the school provides after school instruction, tutoring, mentoring, etc. attend regularly. If there are non-profit organizations in your community that offer resources such as financial assistance, additional materials, quiet places to study, tutoring, etc., take advantage of them.

There is no dispute that Latino and African Americans predominately reside in urban, heavily populated areas throughout the country. Collectively, they do not perform as well as White and Asian students as a whole. With the eradication of Proposition 209 and Affirmative Action, it is far more difficult for urban Latino and African American youth to make it to college, let alone be successful other than in the entertainment and sport industries. Nevertheless, while lawyers fight for those that cannot fight for themselves, the youth are not excused from fighting for themselves as well. Become active. Organize. Take charge of your lives and your own destiny. No one else will.

Plaintiffs' preliminary injunction motion was granted in the Superior Court and overturned in the Court of Appeals. Now it is before the California Supreme Court.

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