

Schools try to understand meaning of test scores

By CHRISTIANA WIENS

Free Press staff writer

Foundation Skills Testing at School District 57 is producing anything but standardized results as administrators struggle to understand why some grades came in a lot lower than the provincial average.

"The instrument is not perfect," says Norm Munroe, program manager for School District 57, who adds he doesn't like to compare the results. "We want to reflect on our own school associations and develop strategies for improvement."

The worst performing Grade 10 students in the district include Mackenzie Secondary (where 47 per cent of students did not meet provincial expectations in math) and Kelly Road Secondary (where 71 per cent of students did poorly on their writing tests while 32 per cent of students did not pass the provincial reading standard).

The most favourable results came from Duchess Park, D P Todd Secondary and Valemount Secondary where a very low per cent of students did not meet the provincial standard.

District wide, 22 per cent of Grade 10 students did not meet provincial reading standards, 44 per cent did not meet the standardized writing test and 32 per cent failed to live up to the province's math standard.

Mr. Munroe says the standardized writing tests may have been flawed because they asked students to write "first

drafts" and many of them may not have corrected their spelling or sentence grammar. District 57 students, by comparison, are trained to correct those things in their final product. "It needs to be clarified for them, it's a matter of ministry fine tuning in the marking as well - it needs to get a little more objective."

He says schools where results are out of line with teacher expectations, will be allowed to include other forms of test results when presenting individual grades to parents. He insists the tests are still very important and will only get more precise with repeated annual use.

Lack of standardization doesn't seem to matter whether students attended independent or public school.

Students at Cedars Christian School rated slightly better than the provincial average in almost all areas tested, but the principal there says results are arbitrary.

"What is an acceptable [standard] to some may not be acceptable to others," says Mike Hoyer. And he should

know. He was one of two teachers from Prince George who set the standards for Grade 7 students.

"Some administrators were telling students this is not important because it's not on their report card," he says, adding other principals were putting more emphasis on the testing.

And, adds Mr. Hoyer, because tests were taken at different times of the day, students would have had varied levels of alertness. "All these things weigh into it, you have to match pretty much everything," he says. "A lot of it is the attitude when the test was written."

The one area of concern for the school was Grade 7 math results where they failed to perform to the provincial standard.

"It's different for us," says Mr. Hoyer. "In the public schools not everyone was tested. In our school everyone, including students with learning difficulties, were tested."

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Is Your Reasonable Doubt Reasonable?

by Claire Bernstein

The jurors slumped over the table in the deliberation room.

"Come on, Thelma. We've been over this a million times.

It's clear to me and it's clear to everyone else. Vincent

Prattle killed that guy in the bar brawl and he meant it. That's murder." Fred, the foreman, tried to convince her.

The other jurors chimed in.

"Yeah, we want to go home already!"

"I'm sick of this lousy food, Thelma!"

Thelma held her ground. "I'm sorry for the inconvenience but I'm not convicting someone because you guys are tired. A person's freedom is at stake. That eyewitness wasn't convincing. I have a feeling Vincent didn't do it."

There was a collective groan.

"A feeling isn't enough!" barked Fred. "You have to have a reasonable doubt."

"Well, I think my doubt IS reasonable," Thelma said.

"How can it be reasonable if you don't have a reason for it?" Fred countered.

Juror 7 rubbed his tired eyes. "Let's ask the judge."

The judge instructed the jury. "A reasonable doubt is based on a logical reason. It's not mere speculation or a doubt based on sympathy conjured up in the mind of a timid juror to avoid responsibility."

Back in the jury room, Fred was ready to wrap things up.

"See, Thelma? You need a logical basis to your doubt. Don't be a timid juror."

"Who are you calling timid?" Thelma fumed.

"You heard the judge. It's tough to convict but we've got to be strong."

Thelma shook her head. "I don't know, I just don't know."

That afternoon, the foreman announced the verdict in the hushed courtroom.

"Guilty, Your Honour."

The defence lawyer called out to his client who was being ushered away in handcuffs. "Don't worry, Vincent. The judge made a big mistake.

We'll appeal."

In appeal court, the defence argued firmly. "Your Honour, the trial judge erred when he defined reasonable doubt. Jurors can have a reasonable doubt without having a logical reason for that doubt. It can be based on a gut feeling. My client's conviction must be overturned."

The prosecutors argued back. "Your Honour, the judge's definition was fine. We don't want juries acquitting for some speculative reason. Convicting an accused is not easy and we mustn't let jurors shy away from their responsibility."

Did the trial judge make a mistake about *reasonable doubt*? You! Be The Judge. Then see below for the court's decision.



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YOU BE THE JUDGE - DECISION

"The judge was wrong. I'm ordering a new trial," said Judge Mary. "Jurors don't need a logical reason for their doubt. Certain doubts, although reasonable, are simply incapable of articulation. For instance, there may be something about a witness' demeanor which leads a juror to conclude that he's not credible, without being able to say why. Also, the judge was wrong to refer to the timid juror. That implies that jurors who acquit are avoiding their responsibilities, while courageous jurors convict."

Today's column is based on a case from Ontario. If you have a similar problem, please contact Wilson, King & Company or another lawyer in your province. We are proud to bring you some of the current legal issues from across the country for discussion and debate. To provide compelling entertainment, we have fictionalized the names, the characters and the scenarios in the case. Any resemblance to real people is purely coincidental. In the interest of clarity and brevity, the legal issues in the case have been greatly reduced and simplified. Claire Bernstein is a lawyer and nationally syndicated columnist. Copyright 2000 Haika Enterprises. C25-1