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Selling "Dream Insurance" : The Standardized Test-preparation Industry's Search for Legitimacy, 1946-1989

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SELLING “DREAM INSURANCE”: THE STANDARDIZED TEST-PREPARATION
INDUSTRY’S SEARCH FOR LEGITIMACY, 1946-1989

by

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B.A. University of Central Florida, 2006

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ABSTRACT

This thesis analyzes the origins, growth, and legitimization of the standardized test preparation (“test-prep”) industry from the late 1940s to the end of the 1980s. In particular, this thesis focuses on the development of Stanley H. Kaplan Education Centers, Ltd. (“Kaplan”) and The Princeton Review (“TPR”), and how these companies were most conducive in making the test-prep industry and standardized test-preparation itself socially acceptable. The standardized test most frequently discussed in this thesis is the Scholastic Aptitude Test (“SAT”), especially after its development came under the control of Educational Testing Service (“ETS”), but due attention is also given to the American College Testing Program (“ACT”).

This thesis argues that certain test-prep companies gained legitimacy by successfully manipulating the interstices of American business and education, and brokered legitimacy through the rhetorical devices in their advertising. However, the legitimacy for the industry at-large was gained by default as neither the American government nor the American public could conclusively demonstrate that the industry conducted wholesale fraud. The thesis also argues that standardized test manufacturers were forced to engage in a cat-and-mouse game of pseudo-antagonism and adaptation with the test-prep industry once truth-in-testing laws prescribed transparent operations in standardized testing. These developments affect the current state of American standardized testing, its fluctuating but ubiquitous presence in the college admissions process, and the perpetuation of the test-prep industry decades after its origins.

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TABLE OF CONTENTS

LIST OF ACRONYMS/ABBREVIATIONS	vi
INTRODUCTION: ACADEMIC RATIONALITY	1
Establishing Focus	8
Scoping the Literature	14
Establishing Direction	19
CHAPTER ONE: STANLEY KAPLAN, EDUCATIONAL TESTING SERVICE, AND THE ART OF ADVERTISING, 1946-1975	25
A Numbers Game	29
The Transition From the College Board to Educational Testing Service	35
Scoping the Competition	44
Selling Dream Insurance	53
Conclusion	62
CHAPTER TWO: LEGITIMACY BY DEFAULT: THE TEST-PREP INDUSTRY’S ACQUISITION OF ACCEPTIBILITY, 1962-1979	64
The College Board and Its Discontent	65
Wising Up, Dumbing Down, and Aiming For the Middle	71
Push the Button, Win a Prize	80
Stumbling Toward Acceptability	86
More For Less: The Creation of the Department of Education	94
Truth in Testing	98
Conclusion	101
CHAPTER THREE: EVERYBODY INTO THE POOL: THE EXPANSION OF THE TEST-PREP INDUSTRY, 1980-1989	103
The More Things Change... ..	105
John Katzman, Clever Advertising, and the Limits of Copyright	112
Association, Acquisition, and the Money Game	121
Playing the Fool	127
Conclusion	132

CONCLUSION: FINAL REMARKS AND CONSIDERATIONS FOR FUTURE RESEARCH.....	135
APPENDIX: THE COURSE OF THE TEST-PREP INDUSTRY, 1990-2010	139
REFERENCES	146

LIST OF ACRONYMS/ABBREVIATIONS

ACT	Formerly American College Testing Program
CEEB	College Entrance Examination Board (or “College Board”)
ETS	Educational Testing Service
GRE	Graduate Record Examination
Kaplan	Formerly Stanley H. Kaplan Educational Centers
SAT	Formerly Scholastic Aptitude Test
TPR	The Princeton Review

INTRODUCTION: ACADEMIC RATIONALITY

Proper education is a touchy subject in American society. The sheer vagueness of the concept prompts constant argument over what a solid education needs to encompass, how such education ought to be structured, and why existing structures need to be reformed. A cynical question lies beneath: who will—and who will not or cannot—benefit from such change? At its core, this debate bandies between the discordant perceptions of education as a consumable good and education as a necessary service; how does education reconcile itself amidst shifting societal, political, economic, and cultural agendas? More so, how do our constructs of proper education dictate our ideas on the relationship between youth, adolescence, and adulthood?¹

Currently, the debate over proper education revolves around the vast growth of for-profit post-secondary education. With increased fervor, for-profit institutes such as the University of Phoenix, DeVry, and Kaplan University are gaining educational accreditation, sometimes

¹ No footnote can accurately cover the breadth of solid scholarship on American education, even if one cordons the list to research on Progressive and post-Progressive education in the United States. However, if one wishes to read some texts on this topic, please see: Burton J. Bledstein, *The Culture of Professionalism: The Middle Class and the Development of Higher Education in America* (New York: W. W. Norton & Company, 1976); Jo Ann, Boydston, ed., *John Dewey: The Later Works, 1925-1953*, vol. 1 (Carbondale, IL: Southern Illinois University Press, 1981); Lawrence Cremin, *The Transformation of the School: Progressivism in American Education, 1876-1957* (New York: Vintage Books, 1961); Raymond E. Callahan, *Education and the Cult of Efficiency: A Study of the Social Forces that Have Shaped the Administration of the Public Schools* (Chicago: University of Chicago Press, 1962); Abraham Flexner, *The American College: A Criticism* (New York: The Century Company, 1908); Susan J. Matt, "Children's Envy and the Emergence of the Modern Consumer Ethic," *Journal of Social History* 36, no. 2 (Winter 2002): 283-302, <http://www.jstor.org/stable/3790111> (accessed April 1, 2010); Mark R. Nemec, *Ivory Towers and Nationalist Minds: Universities, Leadership, and the Development of the American State* (Ann Arbor: University of Michigan Press, 2006); John Parringer, *John Dewey and the Paradox of Liberal Reform* (Albany: State University of New York Press, 1990); and Julie A. Reuben, "Beyond Politics: Community Civics and the Redefinition of Citizenship in the Progressive Era," *History of Education Quarterly* 37, no. 4 (Winter 1997): 399-420, <http://www.jstor.org/stable/369872> (accessed April 1, 2010).

through the acquisition of schools with standing credentials.² In turn, more Americans are seeking an education at these institutions. At the turn of this century, for-profit and proprietary institutions conferred slightly more than 20,000 baccalaureate degrees, accounting for merely 1.6% of all BA degrees awarded for that year.³ By the 2008-2009 academic year, enrollment at “[the ten] largest publicly traded for-profit higher-education companies” had been calculated to surpass 1,160,000 students.⁴ When adjusted to include Kaplan University (which is technically a subsidiary), these figures exceed 1,250,000. Although figures for school enrollment by no means equate to figures for degrees conferred, one may infer that students are far more likely than ever to seek an education at a proprietary institution.

The author Anya Kamenetz asserts that for-profit and proprietary institutions are revolutionizing the concept of American higher education much like agricultural and engineering-focused land-grant colleges did two centuries prior. Further, “[t]he same kinds of controversies [...over disrupting...] the classical curriculum” are erupting as scholars and

² Goldie Blumenstyk, “Expanding Its Reach in Higher Education, Kaplan Buys Chain of Commercial Colleges,” *Chronicle of Higher Education* online edition, July 7, 2010, <http://chronicle.com/article/Expanding-Its-Reach-in-Higher/10526/> (accessed October 25, 2010); Goldie Blumenstyk, “Kaplan Moves Beyond Test Preparation With Purchases of For-Profit Colleges,” *Chronicle of Higher Education* online edition, February 15, 2002, <http://chronicle.com/article/Kaplan-Moves-Beyond-Test/4253> (accessed October 25, 2010). The breadth of writing—scholarly, journalistic, and otherwise—on for-profit education has also become quite expansive since the turn of the century. One useful source for news and commentary on for-profit education is digital archive of the online version of *The Chronicle of Higher Education* (<http://chronicle.com>).

³ David W. Breneman, Brian Pusser, and Sarah E. Turner, “The Contemporary of For-Profit Higher Education: Mapping the Competitive Market,” in *Earnings from Learning: The Rise of For-Profit Universities*, eds. David W. Breneman, Brian Pusser, and Sarah E. Turner (Albany: State University of New York Press, 2006), 8.

⁴ Goldie Blumenstyk and Andrea Fuller, “Enrollment Growth at 10 For-Profit Colleges, 2008-9,” *Chronicle of Higher Education* online edition, February 7, 2010, <http://www.chronicle.com/article/Chart-Enrollment-Growth-at-top-10/64024/> (accessed 24 May, 2010). Five of these companies—Apollo, DeVry, Educational Management Corporation, ITT, and Strayer—experienced over 400% growth in enrollment between the 1997-1998 and 2008-2009 academic years. See: “Major For-Profit Higher-Education Companies,” *Chronicle of Higher Education* online edition, January 23, 1998, <http://chronicle.com/article/Major-For-Profit/99346> (accessed 25 October, 2010).

theorists question the educational ethics of for-profit universities.⁵ But, simply comparing past to present obscures the broader issue at hand: the messily intimate interaction between business and education throughout American history. The arenas of business and education are fixed in neither size nor scope, and so one cannot presume that the area of interaction between these two fields has set constraints on its degree or depth. In turn, certain companies, industries, pedagogical trends, social phenomena, governmental interventions, and cultural trends have continuously redrawn this hazy borderline of acceptable and unacceptable interaction between business and education. Hence, it may be worthwhile to discuss how this space of acceptable interaction waxes and wanes. By what processes are businesses allowed to undertake educational goods and services, and by what processes are educational institutions allowed to engage with the free market? What allowed the for-profit sector of education to become so massive?

The clearest tangible predecessor to contemporary for-profit education is the American standardized test preparation (or “test-prep”) industry, particularly the field of SAT coaching. As Goldie Blumenstyk noted in an obituary essay on test-prep magnate Stanley Kaplan, the businessman “establish[ed] (for better or for worse) that there was money to be made in a business tied so closely to an essential element of the nonprofit academic mission.”⁶ Yet, this prompts a key question: If the test-prep industry created space within the American educational environment for business-oriented and for-profit enterprises, then what granted the test-prep

⁵ Anya Kamenetz, interviewed in “Kaplan University: A For-Profit Take on Education,” *All Things Considered*, National Public Radio, broadcast May 6, 2010; transcript available through NPR’s webpage for the broadcast story <http://www.npr.org/templates/story/story.php?storyId=126564748> (accessed May 31, 2010). For another look at Ms. Kamenetz’s views in an NPR story, please see: “The Allure of For-Profit Universities Grows,” *All Things Considered*, National Public Radio, broadcast 13 March, 2010; transcript available through NPR’s webpage for the broadcast story <http://www.npr.org/templates/story/story.php?storyId=124655777> (accessed October 25, 2010).

⁶ Goldie Blumenstyk, “Analysis: The Legacy of a Test-Prep Entrepreneur,” *Chronicle of Higher Education* online edition, August 25, 2009, <http://chronicle.com/article/Analysis-The-Legacy-of-a-T/48174/> (accessed May 18, 2010).

industry its own space within this field? That is, what gave test-prep companies a sense of legitimacy, and more so, what allowed these companies to broker this sense of legitimacy to other for-profit enterprises in the American educational sector?

Obviously, the test-prep industry's operational legitimacy is generated by the industry to which it is dependent: the standardized testing industry. Standardized testing is so ubiquitous a component in contemporary American education that one may have trouble perceiving an educational environment without it. This is especially true for the SAT (formerly "Scholastic Aptitude Test"). The exam has been administered to college hopefuls since 1926, initially as a supplement to the College Entrance Examination Board's battery of admission tests.⁷ However, the examination did not begin to become an ever-present facet of young Americans' lives for another two decades. In 1947, the College Entrance Examination Board (or "College Board") collaborated with the Carnegie Institute in order to form the nonprofit Educational Testing Service (or "ETS"), which would be responsible for the versions of the SAT taken by the majority of college-hopeful Americans in the second half of the twentieth century.⁸ In turn, the test-prep industry did not truly take off until well after ETS gained predominant oversight of the development, manufacture, and administration of the SAT.

On the surface, it might be difficult to discern if the test-prep industry ever had a sense of legitimacy beyond this reason for being. Nonetheless, the purpose of this thesis is to analyze the

⁷ Mildred Adams, "Eager Rush of Students Swamps Colleges," *New York Times*, September 26, 1926: XX5, accessed and catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=docview/103663520?accountid=10003> (last accessed March 14, 2011) Do note that the term "SAT" is no longer an acronym for "Scholastic Aptitude Test," and simply refers to the exam itself; see: Rebecca Zwick, "Higher Education Admission Testing," in *Educational Measurement*, 4th ed., ed. By Robert L. Berman (Westport, CT: Praeger, 2006): 648.

⁸ Allan Nairn and associates, *The Reign of ETS: The Corporation that Makes Up Minds*, (Washington, D.C.: Ralph Nader, 1980), 1-5.

test-prep industry's search for and acquisition of legitimacy, and the aftereffects of this endeavor. The essay will maintain that, in order to establish legitimacy, the test-prep industry had to re-orient the relationship between higher education, consumption, and adolescence in American society. In turn, this thesis will seek to explain *how* the test-prep industry brokered a sense of legitimacy within American education as well as American business, and *why* the industry was successful in doing so.

This essay shall also make three interrelated arguments. First, the test-prep industry established business legitimacy by generating and selling the notion of “dream insurance.”⁹ These companies, most notably Stanley H. Kaplan Educational Centers (or “Kaplan”), used advertising and rhetoric that merged the realistic and the fantastic in order to convince student-customers that their aspirations need not be pipe dreams.¹⁰ Test-coaches engaged in a rhetoric that eschewed business itself, and instead achieved financial success by arguing that one's performance on a standardized aptitude test was indeed alterable through concerted training.¹¹

⁹ “Display Ad 61,” *New York Times*, January 24, 1970: 14; found and catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/118700807?accountid=10003> (accessed November 1, 2010).

¹⁰ The term “student-consumer” (or “student consumer”)—which implies that a student, as a consumer of educational goods and services in a system with relatively little federalized and centralized regimentation, ought to be considered and protected similar to those consumers in the broader free market—is not novel to this essay. Sociologist David Riesman provides cornerstone scholarship and commentary on this concept. Please see: David Riesman, *On Higher Education: The Academic Enterprise in an Era of Rising Student Consumerism* (San Francisco: Jossey-Bass Publishers, 1981): 105-161. For several historical examples of the term—and a glimpse into its evolution, please see: “The Profession: Reports and Opinion,” *American Sociological Review* 24, no. 1 (February 1959): 87-112, <http://www.jstor.org/stable/2089588> (accessed November 1, 2010); Harvey J. Goodfriend, “Viewpoint: The University as a Public Utility,” *Change* 5, no. 2 (March 1973): 9, 61-62, <http://www.jstor.org/stable/40161682> (accessed November 3, 2010); David Halliburton, “Education's Entrepreneurs,” *Change* 10, no. 10 (November 1978): 18-21, <http://www.jsotr.org/stable/40177168> (accessed November 3, 2010); and Gary M. Armstrong, Martin N. Gurol, and Frederick A. Russ, “Detecting and Correcting Deceptive Advertising,” *Journal of Consumer Research* 6, no. 3 (December 1979): 237-246, <http://www.jstor.org/stable/2488984> (accessed November 1, 2010).

¹¹ Please see: W.V. Slack and D. Porter, “The Scholastic Aptitude Test: A Critical Appraisal,” *Harvard Educational Review* 50, no. 2 (Spring 1980): 154-175; and R. A. Weitzman, “The Prediction of College Achievement by the Scholastic Aptitude Test and the High School Record,” *Journal of Educational Measurement* 19, no. 2 (Autumn 1982): 179-191, <http://www.jstor.org/stable/1434572> (accessed June 10, 2010).

The path of one's adolescence need not have dictated the path of one's adulthood, and by purchasing a prep course, one had the chance to alter or undo years of educational neglect. American adolescents with "quality" high course grades but middling-to-low test scores could demonstrate that they were indeed not overachieving beyond their natural aptitude. This notion was in sharp contrast to the beliefs of ETS and the College Board, which maintained that standardized testing was a fair measure of aptitude, and that students' natural abilities could be easily measured and nurtured along a series of metrics. That is, if standardized testing was designed to better help "a student [...] take from classroom instruction what is suited to his needs," then the path of one's adulthood could be easily molded by the standardized exams from one's adolescence.¹²

Secondly, the test-prep industry brokered legitimacy through several channels during the 1960s and 1970s. The first channel was in the legal arena—most notably, New York's Truth-in-Testing legislation, and the Federal Trade Commission's investigation of the test-prep industry. The second channel was largely cultural, as the American public began to reconsider the validity of standardized testing, as well as the concepts of aptitude and intelligence. The final channel was American education at-large. Several experiments in pedagogy during the late 1960's and early 1970's challenged the limitations to overt business influence and interaction in primary and secondary education. Meanwhile, the creation of the Department of Education in the late 1970s sought to put an expansive corral around the flock of American educational practices. The net result of this brokerage is that the test-prep industry became acceptable by default. The industry at-large was deemed legitimate because it was not conclusively illegitimate.

¹² Robert Glaser, "Adapting the Elementary School Curriculum to Individual Performance," in *Proceedings of the 1967 Invitational Conference on Testing Problems* (Princeton: Educational Testing Service, 1968), 4.

Finally, truth-in-testing legislation changed the relationship between the test-prep industry and ETS considerably during the 1980s. Both sides began to engage in pseudo-antagonism and symbiotic adaptation. Although the test-prep industry existed because of the standardized tests manufactured by ETS and other companies, test-makers would have been operating haphazardly had they readily accepted such indirect competition. Following truth-in-testing legislation, ETS repeatedly felt compelled to alter the structure of its examinations when it thought that these tests had become too trainable.¹³ Further, ETS took litigious measures when certain test-prep companies provided their clientele with material decidedly too similar to actual standardized test question. Test-prep companies were thus prompted to alter their techniques in order to remain viable sources of standardized test preparation as well as avoid copyright infringement prosecution.

The forced transparency of standardized testing allowed student-customers to place higher demands upon the test-prep industry, but also allowed the industry to expand rapidly. In this sense, both ETS and the test prep industry had to operate with mutual beneficence in the 1980s. The more that standardized tests became prerequisites for post-secondary studies or particular fields of employment, the more the test-prep industry's potential clientele base grew. Conversely, the more people who purchased some form of test-prep, the more potential profits for ETS, as those who felt more confident to take a standardized test were more likely to actually take, or retake, it.

¹³ See: "Next Year's Revised S.A.T. Is Here, and Already Students (and Parents) are Jittery," *New York Times*, June 9, 1993: B7, ProQuest Historical Newspapers: *The New York Times* (1851-2007) <http://ezproxy.lib.ucf.edu/login?url=/docview/109145336?accountid=10003> (accessed March 1, 2010); Anthony DePalma, "Byting the S.A.T.," *New York Times*, April 7, 1991: EDUC23, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/108627151?accountid=10003> (accessed March 3, 2010); and "S.A.T. Schedule Will Be Reduced Beginning Jan. 1" *New York Times*, October 10, 1979: B3, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/123970732?accountid=10003> (last accessed March 14, 2011).

Establishing Focus

Whatever validity these arguments have would be jeopardized if certain terms were left overly plastic and key concepts treated anachronistically. A distinction ought to be made about what “test-prep industry” will entail within this thesis. Although the publishing arm and publishing history of the test-prep industry will be discussed throughout the thesis, a greater focus will be placed on those proprietary enterprises that provide classroom or, perhaps more aptly, classroom-like instruction to clientele seeking improved performance on standardized postsecondary entrance exams.

More concretely, Stanley H. Kaplan Educational Centers (“Kaplan”) and The Princeton Review (“TPR”) will receive the bulk of attention. No other companies in the test-prep industry have received as much public visibility and scrutiny. Kaplan began as a semi-professional operation in the late 1930’s by Stanley H. Kaplan, a Brooklyn resident seeking a form of employment after being rejected from medical school. Although Kaplan initially prepped students for the New York State Regent’s Exam, he would find financial success in SAT coaching once the exam became widely-used by American colleges and universities.¹⁴ By the 1980’s, the company was the self-professed “world’s leading test prep organization,” constantly adding new branches of the business across the country.¹⁵ Meanwhile, John Katzman founded The Princeton Review in the early 1980’s. Like Kaplan over four decades earlier, Katzman was a

¹⁴ Alix M. Freedman, “Stanley Kaplan, Teacher of Testing,” *New York Times*, September 20, 1981: F8, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/121677446?accountid=10003> (last accessed March 14, 2011). See also: Stanley Kaplan and Anne Farris, *Test Pilot: How I Broke Testing Barriers for Millions of Students and Caused a Sonic Boom in the Business of Education* (New York: Simon & Schuster, 2001), 26-31.

¹⁵ Display Advertisement, *Barnard Bulletin*, April 16, 1986: 12, *The Barnard Bulletin Digital Archives*, <http://www.barnard.edu/archives/bulletin.htm> (accessed March 15, 2010). This link appears to be defunct, and it seems that Barnard’s extensive digitized archives must be accessed through the URL <http://barnardcollege.newspaperarchive.com/> (accessed March 14, 2011).

young New York City resident who parlayed a cottage tutoring business into a wildly profitable enterprise. Unlike Kaplan, Katzman did not have to wait for the SAT to take hold, and so his business was geared toward SAT coaching from its inception.¹⁶

Obviously, the qualification of “standardized test manufacturers” or “test-makers” is equally important. “Test-makers” will be largely referent to Educational Testing Service (“ETS”) and the College Entrance Examination Board (“CEEB” or “College Board”). These entities were responsible for the ubiquity of the SAT in the college admissions process during the latter half of the twentieth century. Chapter Two will also include a discussion of the American College Testing Program (“ACT”). Developed in the late 1950’s, the ACT would become formidable (perhaps necessary) competition for the SAT in the testing industry.¹⁷

Furthermore, it is essential albeit difficult to set parameters for the concept of legitimacy. For the sake of this thesis, legitimacy shall be discussed in educational and legal terms. A definition pertinent to this study will be forged from other scholars’ standards for educational and legal legitimacy. Stephen J. Thornton provides the most straightforward definition of educational legitimacy. He argues that subjects and concepts gain legitimacy when “they [come] to be broadly considered and accepted in American education.”¹⁸ Yet, Thornton also posits that it is the content of a subject, rather than the methods and theory used within a field, that tends to

¹⁶ Gene I. Maeroff, “2 Coaching Concerns Barred From Using S.A.T. Materials,” *New York Times*, August 2, 1985: A1, B4, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/111181556?accountid=10003> (last accessed March 14, 2011).

¹⁷ Rebecca Zwick, *Fair Game?: The Use of Standardized Admissions Tests in Higher Education*. (New York: Routledge Farmer, 2002), 11-13; George H. Hanford, *Life With the SAT: Assessing Our Young People and Our Times* (New York: College Entrance Examination Board: 1991), 15-21.

¹⁸ Stephen J. Thornton, “Legitimacy in the Social Sciences Curriculum,” in *Education Across A Century, the Centennial Volume: One Hundredth Yearbook of the National Society of the Study of Education*, vol 1., ed. Lyn Corno (Chicago: University of Chicago Press, 2001), 185.

grant a subject public legitimacy. A similarly clear definition of educational legitimacy is found in Lawrence Levine's study of canons in American academia. Levine posits that educational trends gain legitimacy when put into action: "teaching subjects in schools and colleges gives them cultural legitimacy"; the volatility of the educational canon, however, tends to be ignored.¹⁹

Meanwhile, legal scholar Richard Fallon discusses the legitimacy of the United States Constitution by first arguing that the notion of legitimacy is itself multifaceted. He asserts that "legitimacy invites appeal to three distinct kinds of criteria that in turn support three concepts of legitimacy: legal, sociological, and moral."²⁰ In this sense, legitimacy is itself reflexive. When one challenges the constitutionality of an action or statute, one is really alleging that the unconstitutional item is illegal, socially aberrant, or immoral. In turn, the spectra of legality, social acquiescence, and morality individually define legitimacy, and so an action or statute may be of mixed and variant legitimacies.

This essay addresses legitimacy along several lines in order to fulfill its purpose. It must consider whether the test-prep industry gained public legitimacy primarily through the material covered in test-prep courses (i.e., question types, math review, grammar review, and vocabulary practice), or instead through the strategies and techniques developed for effective standardized test-taking. Did test-prep gain legitimacy in a fashion akin to subjects and fields in the American educational canon? In turn, the thesis must consider if the volatility of test-prep's methods and media were ignored once it became a legitimized educational practice. As the test-prep industry

¹⁹ Lawrence W. Levine, *The Opening of the American Mind: Canons, Culture, and History* (Boston: Beacon Press, 1996), 98. The author maintains that the denial of the educational canon's flux was particularly evident among academic figureheads during the late nineteenth and early twentieth century who initially disagreed with widespread shifts in higher education.

²⁰ Richard H. Fallon, Jr., "Legitimacy and the Constitution," *Harvard Law Review* 118, no. 6 (April 2005): 1790, <http://www.jstor.org/stable/4093285> (accessed May 5, 2010).

and the entire for-profit education sector has been involved in several federal court cases, this essay should determine if the judicial opinions and verdicts from those cases illustrate a multifaceted scheme of legitimacy.

Fourthly, the terms “youth,” “adolescence,” and “teenage” should be clarified, particularly when they are placed within the frames of business and enterprise. As Joseph Kett illustrates in his monograph *Rites of Passage*, most pre-industrial Western societies had a rather broad perception of youth. Once children no longer needed constant maternal supervision, they entered a broad patch of life that Kett deems “semidependance,” in which individuals provided monetary succor through labor in order to lessen their familial economic burden.²¹ In turn, the duration of a youth’s education was considerably longer than that of contemporary standards, but seasonal work obligations often forced youth to routinely forgo their studies for several-month stretches, or to cease their education after the most rudimentary levels. An individual, or more appropriately, a male was generally considered an adult once he became a full member of his vocational community, often leading to a hazy border between youth and adulthood during the early American republic.²² Hence, Kett’s research shows that American society has defined life-stages, and in turn education, in economic terms since the nation’s earlier eras.

The concept of adolescence emerged with industrialization, and has moved beyond G. Stanley Hall’s claim that the life stage is “a new birth [...] suggestive of some ancient period of storm and stress.”²³ With this, adolescence is regarded as a natural process because it is merged

²¹ Joseph F. Kett, *Rites of Passage: Adolescence in America, 1790 to Present* (New York: Basic Books, 1977), 29.

²² Kett, *Rites of Passage*, 14-37.

²³ G. Stanley Hall, “From *Adolescence*” (excerpt), in *The Critical Middle School Reader*, eds. Enora R. Brown and Kenneth J. Saltman, (New York: Routledge, 2005), 23.

with pubescence. Kett maintains that Hall and other key early advocates for psychological approaches to youth tended to meld their notions of adolescence with their “positivistic preference[s] for studying religious affections.”²⁴ That is, Hall spoke of adolescents as though he were speaking of those who found God through redemption. Kett’s suspicions are affirmed by Kent Baxter, who maintains that adolescence was an element of discourse invented in order to provide a moral bridge “by which [children] could become adults.”²⁵ If Nancy Lesko is to be believed, pervasive Western conceptions of adolescence have societal credence because adolescence is portrayed as a scientific—and thus, natural—phenomenon. (Conversely, those societies and cultures which lack an analogous construct of adolescence are seen as unnatural, backwards, or perverse.)²⁶

Meanwhile, the concept of “teenage” adds another dimension to social construction. As Sarah Chinn quips in her study of *fin de siècle* immigrant adolescents, “[a]dolescent stropiness has always been, after all, inextricable from the marketplace.”²⁷ Adolescents have been socially and historically imbued with insouciance, caprice, and melodrama; teenagers have been socially and historically defined as adolescents who exhibit such emotions through consumption. Although Jon Savage and Grace Palladino disagree over the evolution of the concept of teenage, both authors concur that teenage is inseparable from capitalism; Savage notes the term

²⁴ Kett, *Rites of Passage*, 204.

²⁵ Kent Baxter, *The Modern Age: Turn-of-the-Century American Culture and the Invention of Adolescence*, (Tuscaloosa: University of Alabama Press, 2008), 9.

²⁶ Nancy Lesko, “Denaturalizing Adolescence: The Politics of Contemporary Representations,” in *The Critical Middle School Reader*, eds. Enora R. Brown and Kenneth J. Saltman (London: Routledge, 2005), 87-102.

²⁷ Sarah E. Chinn, *Inventing Modern Adolescence: The Children of Immigrants in Turn-of-the-Century America* (New Brunswick, NJ: Rutgers University Press, 2009), 2.

crystallized by the end of the Second World War to define “the adolescent consumer.”²⁸ The economic nature for concepts of youth in American society means that businesses and industries may have the ability to alter such concepts over time.

Finally, this essay needs a brief remark about the study of intelligence. As Anna Ciaciolo and Robert Sternberg explain, intelligence is historically discussed through “metaphors to help [...] conceptualize intelligent metaphor.”²⁹ The authors maintain that psychologists have discussed intelligence through seven broad tropes since the 1800s; intelligence has been related in “geographic, computational, biological, epistemological, sociological, anthropological, and system[ic]” terms.³⁰ Spurred by the anthropological interpretation of intelligence, Paul Michael Privateer maintains intelligence, as applied in any arena, is simply a Eurocentric power mechanism. As intelligence has so thoroughly “shap[ed] social epistemologies and hierarchies of power,” its arbiters are able to remain in the dominant position of a social power dynamic without this imbalance seeming perverse; the dominant perception of intelligence is applied through science so as to seem natural.³¹ This literature on intelligence and intelligence testing indicates that there is a disconnect between what facets of intelligence are innate, what facets are nurtured, how these facets operate, and to what broader societal purpose the awareness of

²⁸ Jon Savage, *Teenage: The Prehistory of Youth Culture, 1875-1945* (London: Penguin, 2007), 465. See also: Grace Palladino, *Teenagers: An American History* (New York: Basic Books, 1996), xi-116.

²⁹ Anna T. Cianciolo and Robert J. Sternberg, *Intelligence: A Brief History* (Oxford and Malden, MA: Blackwell Publishing, 2004), 1.

³⁰ *Ibid.*

³¹ Paul Michael Privateer, *Inventing Intelligence: A Social History of Smart* (Oxford and Malden, MA: Blackwell Publishing, 2006), 2. See also: John White, *Intelligence, Destiny, and Education: The Ideological Roots of Intelligence Testing* (New York: Routledge, 2006).

intelligence serves.³² Such discrepancies may be what truly draw the history of the test-prep industry into the mainstream history of American education.

Scoping the Literature

The historical research devoted to the test-prep industry is rather scant, and predominately subsumed within scholarship focused on the SAT, which is ironically a topic with a seemingly limitless scope of literature. However, there is enough research pertaining to the test-prep industry that one can say that there is a literature that exhibits several general trends. Research and scholarship on the test-prep industry can be broken into two broad (but clearly discernable) camps: scholarship on American standardized testing during the twentieth century that considers the test-prep industry intermittently throughout a broader narrative; and scientific studies which seek to gauge the level of improvement in students' performances on standardized tests after receiving some form of test-prep.

The first camp, in which the test-prep industry is discussed in relation to the bigger story of the SAT and standardized testing in general, is best characterized by the work of three authors: Nicholas Lemann, Rebecca Zwick, and Allan Nairn. Lemann's seminal text *The Big Test* frames the SAT as the byproduct of an Episcopalianism-influenced push by certain

³² For brevity's sake, this thesis cannot go into too great detail over the literature of intelligence and intelligence testing. If one wishes to peek into historiographical trends in the description of intelligence in psychology, education, and American society, see: John Neu, "One Hundred Sixth Critical Bibliography of the History of Science and its Cultural Influences, *Isis* 72, no. 5 (1981): 5-19, 21-248, <http://www.jstor.org/stable/230495> (accessed September 8, 2010); James T. Sanders, "Marxist Criticisms of IQ: A Defense of Jensen," *Canadian Journal of Education* 10, no. 4 (Autumn 1985): 402-414, <http://www.jstor.org/stable/149840> (accessed September 4, 2010); Jonathan Harwood, "Review: The IQ in History," *Social Studies of Science* 13, no. 3 (August 1983): 465-477, <http://www.jstor.org/stable/284800> (accessed September 8, 2010); and Ronald H. Spector, "Review: Does Intelligence Make Any Difference?" *Reviews in American History* 14, no. 3 (September 1986): 449-454, <http://www.jstor.org/stable/2702623> (accessed September 8, 2010).

academics “to reform—literally re-form” the way that the American educational system fostered an elite class following the Second World War.³³ Lemann argues that the meritocratic ideal established by those individuals responsible for the promulgation of the SAT and other standardized exams was an ersatz form of egalitarianism. Rather, these exams were designed to create a new American elite through psychometric principles.

Lemann’s depiction of the test-prep industry is overall favorable, particularly for Stanley Kaplan. The author stresses that Kaplan’s appreciation for the opportunities provided by standardized testing, as well as his own educational credentials, were lost on the College Board and ETS. Neither institution accepted the notion that somebody who admired the SAT or any other standardized test would dare devise techniques from which students could improve their score. Lemann argues that “the passage of [New York State’s] truth-in testing law” in the late 1970s was the key broker for the test-prep industry’s sense of legitimacy.³⁴ Although this essay argues that other factors played equally crucial roles in establishing a broader acceptance for test-prep, it will not neglect the evident role of truth-in-testing legislation in this process.

Rebecca Zwick, while taking a more reserved tenor than Lemann, does not refrain from criticizing the American standardized testing apparatus. However, in her text *Fair Game?*, the author also maintains that previous analyses and polemics against test manufacturers “[were] based on fuzzy and incomplete notions.”³⁵ That is, the dissatisfaction certain Americans find

³³ Nicolas Lemann, *The Big Test: The Secret History of American Meritocracy* (New York: Farrar, Straus, and Giroux, 1999), 9.

³⁴ Lemann, *The Big Test*, 227.

³⁵ Rebecca Zwick, *Fair Game? : The Use of Standardized Admission Tests in Higher Education* (New York: Routledge Flamer, 2002), 13; 1-13. For more of Zwick’s research, see: Rebecca Zwick, “Higher Education Admission Testing,” in *Educational Measurement, 4th ed*, ed. By Robert L. Berman (Westport, CT: Praeger, 2006): 647-679; Rebecca Zwick, “Is the SAT a ‘Wealth Test?’ The Link between Educational Achievement and Socioeconomic Status,” in *Rethinking the SAT: The Future of Standardized Testing in University Admissions*, ed.

with the standardized testing system stems from a widespread ignorance of its basic infrastructure and agenda. Zwick devotes a chapter of this text to the widespread, complicated, and mis-analyzed test-prep industry. However, Zwick is less receptive toward the industry than Lemann as she places coaching on the same spectrum as cheating.³⁶ While Zwick does refer to instances of test-coaching (and cheating) on British and Chinese entrance exams prior to the twentieth century, she neglects the American test-prep industry prior to the mid-1970s.³⁷ In turn, Zwick argues that the Federal Trade Commission's investigation of the test-prep industry did not provide test-coaching the legitimacy it had sought. This thesis shall argue to the contrary. Nonetheless, Zwick does stress "that the duration, focus, and quality of coaching" makes any study of the industry an inherently difficult endeavor.³⁸ Hence, this essay shall attempt to embrace the multifaceted nature of the industry while also biasing its attention toward nationally-known companies for the sake of narrative continuity and intra-industrial comparison.

Perhaps the most well-known polemic against Educational Testing Service and standardized testing in general is Allan Nairn's *The Reign of ETS*. Mentored by Ralph Nader, Nairn spares no vitriol for the nonprofit agency, and smears the test-prep industry in the process.

Rebecca Zwick (New York: RoutledgeFarmer, 2004), 203-216. Another pertinent essay also worth reading in *Rethinking the SAT* are: Ida Lawrence, Gretchen Rigol, Tom Van Essen, and Carol Jackson, "A Historical Perspective on the Content of the SAT," in *Rethinking the SAT*, ed. Rebecca Zwick (New York: Routledge Farmer, 2004), 57-74.

³⁶ Zwick, *Fair Game?*, 160. Ironically, Zwick refers to Lemann's indexing of test-prep in *The Big Test*. In the same paragraph, Zwick also refers to a *New Republic* article by *Newsweek* editor Joshua Hammer; without accusing Hammer of behaving without journalistic integrity, one must note that the Washington Post Company owned both *Newsweek* and Kaplan, while Hammer (in the quote used by Zwick) was referring to The Princeton Review, a direct and formidable competitor of Kaplan by the late 1980s.

³⁷ Zwick, *Fair Game?*, 159-178.

³⁸ Zwick, *Fair Game?*, 162.

The author regards coaching schools as “a respectable form of cheating.”³⁹ Test-prep entrepreneur Robert Scheller is quoted as having taken advantage of ETS’s registration policies in order to sit for the SAT and memorize examination questions; customers benefitted from the disreputable actions of others without feeling that they themselves have crossed ethical bounds. To Nairn, whose research helped fuel the push for truth-in-testing legislation, coaching schools profited from selling the bounty of their outright theft at a premium price, thereby reinforcing the relationship between a student’s SAT scores and his or her family’s income.⁴⁰

In this sense, Nairn’s consideration of the test-prep industry is used as documentary evidence that unethical or, at least, unsavory practices stemmed from ETS and the broader standardized testing apparatus. This argument continues in far more recent works, albeit increasingly divorced from Nairn’s original indictments against standardized testing. Written in 2010, Michael Riccards’s slim narrative on the history of the College Board devotes a single paragraph to the test-prep industry, which is dismissed as an institution of the well-to-do that profited from selling “skills or ‘tricks’” for mastering any standardized test.⁴¹ However, Riccards keenly refers to test-prep as a “cottage industry,” a framework worth minding in this thesis.⁴²

The focus of the second camp of research is not so much recalling the history of test-prep as determining test-coaching’s degree of usefulness on the SAT and other entrance exams. What complicates the trends in this section of literature is the relationship between certain scientists

³⁹ Allan Nairn and associates, *The Reign of ETS: The Corporation that Makes Up Minds* (Washington, D.C.: Ralph Nader, 1980), 97; 82-102.

⁴⁰ Nairn, *The Reign of ETS*, 98-99.

⁴¹ Michael P. Riccards, *The College Board and American Higher Education* (Madison: Farleigh Dickinson University Press, 2010), 75.

⁴² *Ibid.*

and the standardized testing industry. The College Board and ETS frequently funded research on standardized test validity and coachability. Two sources illustrate this issue wonderfully. The first, *The Effect of Coaching on Scholastic Aptitude Test Scores*, contains the findings from seven College Board-funded studies which uphold the notion that the SAT was not coachable. These studies, which were conducted in the 1950s and early 1960s, as well as the pamphlet's introductory official statement give a clear indication of test manufacturers' early disdain of test-prep.⁴³ The second, *Abstracts from the Research and Development Report Series, 1963-1981*, contains digests for ETS studies on standardized testing in that eighteen-year period. Many of these studies concerned the SAT, and several investigated the exam's level of coachability.⁴⁴

Not all research on the SAT's degree of coachability had the College Board or ETS's approval, but one must not presume that these are without their own complications. Warner Slack and Douglas Porter's seminal 1980 essay for the *Harvard Educational Review*, in which the authors condemn the College Board and ETS for perpetuating misperceptions of the SAT, was itself a meta-analysis.⁴⁵ That is, Slack and Porter derived their findings and criticism from the statistically synthesized results from previous studies on SAT coaching. The discretion of

⁴³ College Entrance Examination Board, *Effects on Coaching on Scholastic Aptitude Test Scores* (New York: College Entrance Examination Board, 1965).

⁴⁴ Patricia K. Hendel, ed., *Abstracts from the Research and Development Report Series, 1963-1981* (New York: College Entrance Examination Board, 1982).

⁴⁵ Warner V. Slack and Douglas Porter, "The Scholastic Aptitude Test: A Critical Appraisal," *Harvard Educational Review* 50, no. 2 (May 1980): 154-175. See also: Warner Slack and Douglas Porter, "Training, Validity, and the Issue of Aptitude: A Reply to Jackson," *Harvard Educational Review* 50, no. 3 (August 1980): 392-401. For more contemporary, and less rhetorically encumbered, scholarship see: Derek C. Briggs, "Evaluating SAT Coaching: Gains, Effects and Self-Selection," in *Rethinking the SAT: The Future of Standardized Testing in University Admissions*, ed. Rebecca Zwick (New York: RoutledgeFarmer, 2004), 217-233; and Derek C. Briggs, "SAT Coaching, Bias and Causal Inference," Ph.D. dissertation (Berkeley: University of California, 2002), accessible via ProQuest Dissertations and Thesis (PQDT) database, <http://search.proquest.com/docview/304800665?accountid=10003>.

researchers in selecting what studies go into a meta-analysis may lead to a fundamental bias in the results of a meta-analysis.

Establishing Direction

The following discussion of the test-prep industry's acquisition of legitimacy shall be broken into three chapters and a conclusion. The first chapter will focus on the test-prep industry between 1946 and 1975, and how the test-prep industry slowly developed a sense of legitimacy through advertising. In particular, this chapter will discuss the growth of Stanley H. Kaplan Educational Centers, how its advertising was markedly different than its competition, and why these differences may have helped the industry at-large develop greater legitimacy. Meanwhile, the chapter will also discuss the origins and development of Educational Testing Service, and how certain facets of this non-profit may have inadvertently fostered an educational environment beneficial to the growth of the test-prep industry.

Chapter One's analysis of the style and evolution of the advertising used by Kaplan and other contemporaneous test-prep companies will serve four key functions. First, these advertisements will help show the relationship between Kaplan's public projection and the company's self-perception as a "poor man's private school," as well as the differences between Kaplan's self-portrayal and that of its competition.⁴⁶ Secondly, indicating when and where Kaplan and its competition placed advertisements will determine the extent that direct advertisement influenced the growth and overt presence of the industry. Thirdly, this analysis

⁴⁶ Patricia Sullivan, "Test-Preparation Pioneer Built the 'Poor Man's Private School,'" *Washington Post*, August 25, 2009: B5, text available via ProQuest's *The Washington Post* database, <http://ezproxy.lib.ucf.edu/login?url=/docview/410314873?accountid=10003> (last accessed March 14, 2011).

will show what information these ads omitted, particularly in terms of pricing and preparatory content. Finally, these advertisements can be a useful source for deconstruction. Analyzing the language and imagery used within these ads will show how Kaplan and its ilk engaged readers (and potential clientele) in a rhetoric that merged the realistic and the fantastic; an SAT prep course was portrayed not as a commodity, but rather as “dream insurance.”⁴⁷

The second chapter will analyze how the test-prep industry brokered legitimacy through several arenas during the 1960s and 1970s. The first arena was the business world, best illustrated with the Federal Trade Commission Bureau of Consumer Protection’s investigation of “test-coaching.”⁴⁸ The resultant FTC report was an investigation of certain portions of the test-prep industry, and whether they were abiding by legitimate business practices. The second arena, exemplified by the Nairn Report and New York State’s truth-in-testing legislation, was the cultural debate over the validity of standardized aptitude tests. Both test manufacturers and the test-prep industry garnered public distrust. Contradictory concepts of aptitude were used by test-makers and test-coachers, leading to public confusion (and dismay) over what standardized tests measured, whether they had any relevance to collegiate success, whether coaching produced genuine improvement in test scores, and if coaching gave undue advantage to those who could afford test-prep.

But, this chapter will also show that the test-prep industry accrued legitimacy through channels in which it had little if any direct involvement. Certain trends and experiments in

⁴⁷ “Display Ad 61,” *New York Times*, January 24, 1970: 14; found and catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/118700807?accountid=10003> (accessed November 1, 2010).

⁴⁸ Federal Trade Commission, Bureau of Consumer Protection, *Effects of Coaching on Standardized Admission Examinations: Revised Statistical Analyses of Data Gathered by Boston Regional Office of the Federal Trade Commission* (Washington, D.C.: Government Printing Office, 1979), 1-40.

American education at-large during the 1960s and 1970s, such as performance contracting and school voucher programs, aided in giving the test-prep industry greater legitimacy by directly addressing "the [demand] of education consumers" in public schooling.⁴⁹ Proponents maintained that education, while a necessity, was subject to the same market conditions as other vital goods and services, and that the boundaries of acceptable overt interaction between business and education ought to be expanded.⁵⁰ Meanwhile, the creation of the Department of Education in the late 1970s also allowed the test-prep industry to claim a greater sense of legitimacy. The Carter Administration's push for a separate cabinet-level education department led to a relatively neutered bureaucratic apparatus that lacked any genuine ability to proscribe educational practices that had already been deemed acceptable and legal. The net effect of the developments in all of these channels during the 1960s and 1970s was that the test-prep industry gained legitimacy by default. The industry was acceptable because no party had been able to conclusively prove the industry was wholly unacceptable.

The third chapter will discuss the expansion of the test-prep industry during the 1980s. Following truth-in-testing legislation, the relationship between test-manufacturers and the test-prep industry shifted. Both parties began to engage in pseudo-antagonism and symbiotic adaptation. That is, test-makers and test-prep companies both behaved in ways that seemed to threaten the operational integrity of the other side, but actually compelled both parties to adapt in ways that, directly or indirectly, benefitted all involved in standardized testing.

⁴⁹ Cornelius Joseph Golden, Jr., "Education Vouchers: The Fruit of the *Lemon Tree*," *Stanford Law Review* 24, no. 4 (April 1972): 687, <http://www.jstor.org/stable/1227819> (accessed March 10, 2010). See also: Christopher Jencks, "Is the public school obsolete?" *The Public Interest* 2 (Winter 1966): 19.

⁵⁰ "Reading, writing, and profit," *Business Week*, 4 October, 1969: 104.

Most notably, the test-prep industry developed a broader competitive field. The industry's balance of power altered dramatically after John Katzman founded The Princeton Review (or "TPR") in 1981. TPR gained clientele with its staunchly antipathetic view toward the SAT and its alleged capabilities, claiming that a student's performance on a standardized exam was solely indicative of their ability to perform well on such tests.⁵¹ This view, as seen in Katzman's statements to the media as well as TPR's print advertisements, was markedly distinct from that of TPR's largest competitor at the time, Kaplan.⁵² Hence, standardized test-manufacturers were forced to contend with additional test-prep companies that provided multiple ways to systematically approach the test, and had differing strategies to court clientele. How else could the College Board respond but to enter the field itself?

But, the growth of The Princeton Review also caused the relationship between standardized test-manufacturers and the test-prep industry to take a decidedly litigious bent in the 1980s. This is illustrated by the 1986 U.S. District Court for New Jersey case (and its subsequent appeal to the Third Circuit) *ETS vs. John Katzman and The Princeton Review, Inc.*, in which the nonprofit sued The Princeton Review and its president for copyright infringement.⁵³ Meanwhile, Kaplan's actions during the 1980s demonstrate that the test-prep industry also achieved a sense

⁵¹ Jonathan Rowe, "Preparing for the SAT," *Christian Science Monitor*, September 19, 1986: Ideas 21; microfilm.

⁵² Several keen examples of The Princeton Review's print advertising can be seen in its display ads in *The New York Times* on September 8, 1981: C5; February 12, 1985: C11; January 26, 1986: WC24; February 8, 1987: WC29; and September 13, 1987: CN37; all accessed and available from ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes/advanced?accountid=10003&language=En>.

⁵³ *Educational Testing Service v. John Katzman and The Princeton Review, Inc.*, 626 F. Supp. 527, 1985 U.S. Dist. LEXIS 16749; *Educational Testing Service v. Katzman, et al.*, 1986 U.S. Dist. Lexis 28094; *Educational Testing Service v. John Katzman and The Princeton Review*, 631 F. Supp. 550, 1986 U.S. Dist. LEXIS 27305; and *Educational Testing Services v. John Katzman, The Princeton Review, Inc., Robert S. Sche[ll]er and PreTest Review, Inc.*, 793 F. 2d 533, 1986 U.S. App. LEXIS 26296: 230 U.S.P.Q. (BNA) 156. The judicial opinions for all of these cases, and almost all other court cases discussed in this thesis, were accessed through LexisNexis Academic: <http://www.lexisnexis.com/hottopics/lnacademic/>.

of legitimacy by proxy. The company, which by then had become a highly profitable nationwide corporation, was acquired by The Washington Post Company in 1985.⁵⁴ Kaplan's transition from a successful, tightly-knit independent corporation to a highly-profitable subsidiary of a media parent company may have spurred further shifts in the relationship between ETS and the test-prep industry. The net effect of the developments within the test-prep industry during the 1980s was a sense of permanence. Too many parties, including the test-makers, had a vested interest in the industry. No company within the industry held a business or an ideological quasi-monopoly, and the forced transparency of standardized testing guaranteed that the industry could quickly adapt to whatever changes standardized test-makers made to their exams.

The thesis will conclude with final remarks about the research, a reconsideration of how the development of the test-prep industry relates to the current state and crises in American education at-large, and most importantly, a discussion of possible directions for future historical studies on the test-prep industry. Following that, the appendix contains an overview of the test-prep industry during the 1990s and 2000s. Ultimately, any discussion of for-profit pursuits in American education, whatever their manifestations, is inherently politically charged. Conservative groups such as the Cato Institute laud proprietary endeavors as effective alternatives to the bloated and "stagnant public school system," and claim that these "edupreneurs" demonstrate the government's ineffective and illegitimate claim to serve public welfare.⁵⁵ Meanwhile, liberal commentators look at corporate interference in educational content, such as the secondary school science material developed by BPAmerica, as a means to

⁵⁴ Phillip H. Wiggins, "Washington Post to Buy Tutoring Centers Chain," *New York Times*, 21 November, 1984; D5, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/122418342?accountid=10003> (last accessed March 14, 2011).

⁵⁵ Carrie Lips, "'Edupreneurs': A Survey of For-Profit Education," Policy Analysis no. 386 (Washington, D.C.: Cato Institute, 2000) 14; 1.

“defund the public sector [...as well as] redefine the public schools as sources for private profit.”⁵⁶ In a sense, the intersection of business and education becomes politicized, or rather, becomes publicly controversial, when it becomes visible. It is easy to ignore that which we cannot see or give a name. If anything, this essay shall be a discussion of this invisibility, and how American society has dealt with it.

⁵⁶ Kenneth J. Saltman and Robin Truth Goodman, “Rivers of Fire: Amoco’s iMPACT on Education and Other Corporate Incursions,” in *The Critical Middle School Reader*, eds. Enora R. Brown and Kenneth J. Saltman (New York: Routledge, 2005), 203.

CHAPTER ONE: STANLEY KAPLAN, EDUCATIONAL TESTING SERVICE, AND THE ART OF ADVERTISING, 1946-1975

I'll never forget my introduction to the SAT. It was 1946. I was at the home of a high school junior named Elizabeth, who lived near Coney Island, to help her with intermediate algebra. As we sat down at her kitchen table, she said, "Mr. Kaplan, I need to take an important test. It's called the SAT. Can you help me?" [...] I looked at the sample questions, and a broad smile stretched across my face. It was love at first sight.

--Stanley H. Kaplan⁵⁷

According to the self-styled lore found in his autobiography *Test Pilot*, Stanley H. Kaplan opened an independent tutoring business in his parents' home in 1938 following his rejection from medical school. Stanley H. Kaplan Educational Center later became the largest standardized test-preparation ("test-prep") business in the nation. As seen by the above quote, the Scholastic Aptitude Test ("SAT") was not the impetus of Kaplan's business. Founded in the Flatbush neighborhood of Brooklyn, Kaplan originally specialized in preparation for the New York State Regents Exam. As the proprietor noted, "scoring well on the Regents was the surest ticket for middle-class public school kids to go to college."⁵⁸ Yet, test-prep for the SAT would become Kaplan's mainstay, earning his business a reputation (or infamy) in the process.

⁵⁷ Stanley H. Kaplan and Anne Farris, *Test Pilot: How I Broke Testing Barriers for Millions of Students and Caused a Sonic Boom in the Business of Education* (New York: Simon & Schuster, 2001), 30.

⁵⁸ Kaplan, *Test Pilot*, 28.

As the author Nicholas Lemann notes, Kaplan built a loyal customer base in his native Brooklyn during the business's early years of operation, taking in clientele from the central and southern portions of the heavily-populated borough. The entrepreneur's initial clientele typically consisted of working- and middle-class Jewish high-schoolers in Brooklyn, mainly third-generation Americans.⁵⁹ These customers had educational experiences similar to Kaplan's, and the entrepreneur saw his company as a way to help counteract the prevailing anti-Semitism in higher education that he himself had endured in the 1930s. Being "lower-middle-class, Jewish, [and] public-school-educated," Kaplan saw standardized tests, and in turn test-prep, as a way to create a fairer system of admissions in higher education.⁶⁰

Due to this admiration for standardized testing, the businessman believed that the courses offered at Stanley H. Kaplan Education Center served as a "poor man's private school."⁶¹ While the upfront cost of a Kaplan SAT prep course may have seemed steep, the alleged result of a significantly improved performance on college entrance exams would have placed a student on seeming parity with one who had paid far more to receive an elite private education. Educational disparities that one could not control (e.g., household wealth and purchasing power) could be leveled off through a prep course. College admissions would thus be more equitable.

⁵⁹ Nicholas Lemann, *The Big Test: The Secret History of American Meritocracy* (New York: Farrar, Straus, and Giroux, 1999), 111.

⁶⁰ Lemann, *The Big Test*, 110. See also: Kaplan, *Test Pilot*, 25. Lemann's consideration of the relationship between Jewish immigrants in New York and their budding educational pursuits in the early twentieth century may not be as deep as some would hope. Considering the main focus of Lemann's text, this is not necessarily a giant oversight on his part. But, those who wish to find a more detailed account of the history of Jews in New York City's higher education in the generations prior to Kaplan's should see: Sherry Gorelick, *City College and the Jewish Poor: Education in New York, 1880-1924* (New Brunswick, NJ: Rutgers University Press, 1981).

⁶¹ Patricia Sullivan, "Test-Preparation Pioneer Built the 'Poor Man's Private School,'" *Washington Post*, August 25, 2009: B5, text available via ProQuest's *The Washington Post* database, <http://ezproxy.lib.ucf.edu/login?url=/docview/410314873?accountid=10003> (last accessed March 14, 2011).

Soon after Kaplan's fateful meeting with Elizabeth, he offered his first preparatory course for the SAT. The course, which "consisted of four-hour weekly classes lasting sixteen weeks," cost \$128.⁶² When adjusted for inflation, the \$128 spent on Kaplan's first SAT prep course in 1946 would be equivalent to spending over \$1430 on the same product in 2010.⁶³ Moreover, this fee for SAT coaching was for each individual student. For example, had five students enrolled in Kaplan's first SAT prep course, then each student would have paid \$128 for the same sixty-four hours of instruction and instructional material. Kaplan would have thus made \$640, or ten dollars per hour, for the same sixty-four hours of teaching. The entrepreneur claimed that he had 200 clients for SAT coaching within his first year of offering the service.⁶⁴ Were all of these clients to have been enrolled in Kaplan's SAT prep course, then Kaplan would have netted \$25,600 solely off of this facet of his business within its first year.

This figure—128 dollars for 64 hours of SAT-prep instruction—gains better meaning when placed within the context of national income standards for the time. The American median income in 1947 was \$2,685, and by 1950, this figure had risen to \$2,990.⁶⁵ An average American family during this four-year span would have had to contribute between 4.28% and 4.77% of its yearly income in order to afford a Kaplan SAT prep course, had the opportunity been available nationwide. Yet, when one segregates median income levels by race, a stark contrast emerges. Between 1947 and 1950, white American families' median income grew from \$3,157 to \$3,445,

⁶² Kaplan, *Test Pilot*, 33.

⁶³ United States Department of Labor Bureau of Labor Statistics, "CPI Inflation Calculator," in "Databases, Tables & Calculators by Subject," United States Department of Labor Bureau of Labor Statistics website, http://www.bls.gov/data/inflation_calculator.htm. (last accessed March 14, 2011).

⁶⁴ Kaplan, *Test Pilot*, 33.

⁶⁵ United States Department of Commerce, Bureau of the Census, "Table 7: Families and Unrelated Individuals by Total Money Income in 1947 to 1972," *Current Population Reports Series P-60, no. 90: Consumer Income* (Washington, D.C.: United States Government Printing Office, 1973), 31.

but nonwhite American families' median income rose from \$1,614 to \$1,869.⁶⁶ Whereas the average white family would have only had to contribute between 3.72% and 4.05% of its income in order to afford Kaplan's first SAT prep course, the average nonwhite family would have had to contribute between 6.85% and 7.93% of its annual income to do so.

However, any discussion of the test-prep industry's early decades cannot focus on Stanley Kaplan alone, nor can it discuss Kaplan or other such businesses without broader historical context. This chapter will thus first discuss the demographics for New York City and State during the late 1930s, 1940s, and 1950s in order to gauge the social and economic atmosphere of the area during the early years of Kaplan's business. Then, the chapter will discuss the development and first decade of Educational Testing Service ("ETS") in order to explain the preponderance of standardized testing during the 1950s, illustrate the company's early position against test-prep, and show the fascinations shared by both ETS and test-prep companies. Finally, this chapter will analyze the print advertising of test-prep companies from the 1950s, 1960s, and 1970s. This will show how, and in which publications, these businesses courted the public, which test-prep goods were advertised, where companies tended to advertise, what rhetorical and linguistic devices these companies used, and why certain companies such as Kaplan found greater success in the print advertising medium.

⁶⁶ United States Department of Commerce, Bureau of the Census, "Table 8: Families and Unrelated Individuals by Total Money Income in 1947 to 1972, by Race of Head" *Current Population Reports, Series P-60, no.90: Consumer Income* (Washington, D.C.: United States Government Printing Office, 1973), 32.

A Numbers Game

Any analysis of Kaplan's early entrepreneurial approaches and initial SAT course costs would be unfair if solely based on national figures as one cannot presume the demographics for New York State, much less New York City, were in lockstep with the rest of the nation. Instead, it would be more prudent to explore the demographics for Brooklyn, New York City and New York State during the 1930s and 1940s in order to better understand atmosphere of the borough when Mr. Kaplan decided to begin his business. Following that, it would make sense to compare Kaplan and his chosen profession against other New Yorkers working in education in 1940. This comparison will help better determine if Kaplan was truly anomalous or part of a broader trend in educational proprietorship.

In 1940, Kings County, which is coterminous with the Borough of Brooklyn, had 2,698,285 residents, of whom nearly 96% were white.⁶⁷ Kings was the most populous county in New York at the time, and a highly racially homogeneous one as well. (But, ironically, only four of the state's sixty-one other counties were less homogeneous.) More telling are the county's educational statistics. In 1940, 77.4 percent of Brooklyn's residents over age twenty-five had completed "5 or more grades" of schooling.⁶⁸ Although this figure was high for the decade in relation to other areas of the nation, Kings County had the second-lowest such figure in New York State. Only Rockland County had proportionally fewer residents who completed primary-level education. In turn, fewer than one in five adult residents of Brooklyn had a high-school

⁶⁷ United States Department of Commerce, Bureau of the Census, "Table 3: Selected Data for all Counties: NM (Sandoval Co.) – NY (Yates Co.), items 85-101," *County and City Data Book 1949: A Statistical Abstract Supplement* (Washington, D.C.: United States Government Printing Office, 1950), 229.

⁶⁸ *Ibid.*

education. The median level of educational attainment in Kings County was 8.5 years of schooling, a figure slightly lower than that for the other four boroughs of New York City.⁶⁹

Figures from the 1940 United States Census illustrate that Kaplan did not start his career at the most economically opportune moment. As Kaplan was embarking upon entrepreneurship, the rest of the United States was creaking out the Great Depression. Of New York City's 6,102,747 residents in 1940 above the age of 14, only 3,474,760 were counted as members of the labor force. In turn, only 2,839,366—or roughly 81.74 percent—of those residents in the labor force were actually employed. The figure augments to a slightly less grim 84.7 percent when one factors in those residents employed in “public emergency work.”⁷⁰ Even if one attempted to mitigate the severity of the employment figures by focusing on those for men only, the results do not grow substantially. Of the 2,424,740 men in New York City's labor force in 1940 (out of 2,989,576 men above age fourteen at the time), 1,964,346 were employed in non-emergency circumstances, a figure barely greater than 81 percent. Such figures were indicative of a broader, thirty-year decline in the relationship between working-age males in New York City and those in the labor force.⁷¹

⁶⁹ United States Department of Commerce, Bureau of the Census, “Table 5: Selected Data for Cities Having 25,000 Inhabitants of More in 1940: MS (Jackson – NY (Rochester), items 275-292” *County and City Data Book 1949: A Statistical Abstract Supplement*, (Washington, D.C.: United States Government Printing Office, 1950), 363.

⁷⁰ United States Department of Commerce, Bureau of the Census, “Table 1: Employment Status of the Population, by Sex, for [New York] State, Urban and the Rural, and for cities of 100,000 or more, 1940,” *Sixteenth Census of the United States: 1940—Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 347.

⁷¹ United States Department of Commerce, Bureau of the Census, “Table 2: Persons 14 Years old and over in the labor force, 1940, and gainful workers 14 years old and over, 1900 to 1930 by sex, for the state, and cities of 100,000 or more,” *Sixteenth Census of the United States: 1940 – Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: U.S. Government Printing Office, 1943): 347. In 1910, roughly 90.0 percent of New York City 1,738,620 males 14 years and older were in the labor force. While this figure declined by nearly two-tenths of a percent in 1920, by 1930 this figure declined to 86.9 percent (2,324,296 of the 2,674,840 New York City males above 14 years of age were members of the labor force).

These labor figures are not mitigated unless the level of employment for the teenaged is taken into consideration. In 1940, there were 720,252 individuals aged fourteen to nineteen, of whom only 207,219 (or roughly 28.8 percent) were members of the labor force. Of these 207,219 young men and women, slightly more than 79 percent were eighteen or nineteen years of age. Conversely, of the 233,658 males between fourteen and seventeen years of age in New York City in 1940, only 22,917 were in the labor force. Only 9,012 of these young men were actually employed at the time.⁷² Overall, the 43,281 employable minors (those between ages fourteen and seventeen) comprised only 9.8 percent of all males and 8.7 of all females aged 14-17 in the city that year.⁷³ These figures are comparable to those for New York State in 1940. The 76,284 employable minors in the labor force that year comprised only 10 percent of all males and 7.5 percent of all females in this age group statewide.

Such figures indicate that Stanley Kaplan entered his tutoring business when those under eighteen years of age were more disinclined (or discouraged) to seek employment, a supposition which is strengthened when figures for employed minors of New York City and State in 1940 are compared to analogous figures for previous decades. In 1930, roughly one-fifth of the state's 841,331 youth aged fourteen to seventeen were in the labor force. For New York City, the figure was closer to one-quarter; 110,552 of the city's 456,860 employable minors were in the labor force. The statistics for New York City in 1920 are even higher: 46 percent of all boys and 41.6

⁷² United States Department of Commerce, Bureau of the Census, "Table 5: Employment Status of the Population, by Age and Sex, for the State, and for Cities of 100,000 or more: 1940," *Sixteenth Census of the United States: 1940—Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 352.

⁷³ United States Department of Commerce, Bureau of the Census, "Table 7: Children 14 to 17 Years of Age in the Labor Force, 1940, and Gainfully Occupied Children, 14 to 17 Years of Age, 1930 and 1920, by sex, for the State, and for cities of 100,000 or more," *Sixteenth Census of the United States: 1940—Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 352.

percent of all girls aged fourteen to seventeen were in the labor force.⁷⁴ Stanley Kaplan came of age in New York City as increased emphasis was placed on secondary education, and entered into his business as broad economic factors forced many youth to delay entry into the labor force. Hence, Kaplan benefitted from a broader potential clientele for his tutoring business than previously possible.

Correspondingly, Kaplan's business began as an increasing proportion of older adolescents were staying in school. By 1930, an overwhelming majority of 14 and 15 year-old youth in Kings County were remaining in school. However, the idea that 16 and 17 year-olds would stay school did not become similarly commonplace until after 1940. (Even so, the rate of 16 and 17 year-olds attending school significantly trailed that of their slightly younger adolescent counterparts.)⁷⁵ Nonetheless, Kaplan began his tutoring business when an increased number of older adolescents were compelled or required to complete their secondary education. This trend continued as Kaplan began SAT test-coaching several years later.

But was Kaplan's decision to devise techniques for upwardly-mobile, mostly-white Brooklyn youth with discretionary family income to master the Scholastic Aptitude Test truly anomalous? Indeed, one can find scant evidence in *New York Times* advertisements from the

⁷⁴ United States Department of Commerce, Bureau of the Census, "Table 7: Children aged 14 to 17 in the labor force, 1940, and gainfully occupied children aged 14 to 17, 1930 and 1920, by sex, for the state, and for cities of 100,000 or more," *Sixteenth Century of the United States: 1940—Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 356.

⁷⁵ University of Virginia, Geospatial and Statistical Data Center, Historical Census Browser, <http://fisher.lib.virginia.edu/collections/stats/histcensus/index.html> (last accessed January 31, 2011). Census data was accessed for Kings County—and, for comparison, the other New York City boroughs of New York, Bronx, Queens, and Richmond counties—from the 1930, 1940, and 1950 U.S. Censuses for the following statistical categories: "Persons 14-15 years of age," "Persons 16-17 years of age," "Persons 14 and 15 years of age attending school," and "Persons 16 and 17 years of age attending school." (The names of these categories vary slightly from census to census, but indicate the same measurement taken.)

1930s and 1940s of individuals soliciting their coaching services for the College Board exams.⁷⁶ But none of these ads made any reference to the SAT itself, indicating that the aptitude test may not have been seen by many as a viable exam to coach, given that aptitude was viewed as a rather immutable facet of intelligence. Or, perhaps, the SAT was seen as a far less pressing concern to college hopefuls in comparison to other subject-based College Board entrance exams.

But, New York City and State's 1940 figures for educational workers suggest that Kaplan's business may have been part of a broader trend in educational entrepreneurship. (Kaplan did receive a Master's degree in education in 1940, but he never worked in a traditional school.⁷⁷) According to the 1940 Census, 52,259 men and 93,190 women were employed as teachers of some sort in New York State. Unlike subsequent censuses, the figures only make distinctions for art teachers, college professors, and music teachers; the other 102,422 individuals are simply listed as "Teachers, n.e.c. [not elsewhere classified]."⁷⁸ Unsurprisingly, the majority of teachers for the state, regardless of classification, resided in New York City. In 1940, the city

⁷⁶ To see several of these solicitations, please see: "Classified Ad 2," *New York Times*, April 6, 1932: 37; "Display Ad 233," *New York Times*, May 1, 1938: 197; "Display Ad 158," *New York Times*, May 29, 1938: 150; "Classified Ad 449," *New York Times*, January 28, 1940: RE25; "Classified Ad 311," *New York Times*, February 18, 1940: RE15; and "Classified Ad 27," *New York Times*, December 5, 1948: R24; all advertisements found and catalogued as such on ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com/1005701/advanced?accountid=10003&language=En> (accessed February 1, 2001).

⁷⁷ Johnathan J. Leddecky, "Horatio Alger, with Chutzpah," *Harvard Crimson*, December 4, 1978; available via *Harvard Crimson's* digital archive, <http://www.thecrimson.com/article/1978/12/4/horatio-alger-with-chutzpah-pits-late> (accessed 28 January, 2011). See also: Kaplan, *Test Pilot*, 26.

⁷⁸ United States Department of Commerce, Bureau of the Census, "Table 10: Occupation of Employed Persons (except on emergency work) and of expected workers seeking work, by sex, for the state, urban and rural: 1940," *Sixteenth Century of the United States: 1940—Population*, vol. III: *The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 360.

was home to 47,232 teachers without specific classification, 16,991 of whom residing in Brooklyn. More “n.e.c” teachers lived in Brooklyn than in any of the other four boroughs.⁷⁹

Although the specification “n.e.c.” could merely refer to those working in a school system, i.e., primary and secondary school teachers, certain census figures for these teachers indicate that the classification may have been broader, thus including entrepreneurs such as Stanley Kaplan. The enumerated “n.e.c.” teachers in New York City in 1940 include instances of precocity, with two hundred sixty-six “n.e.c.” teachers were nineteen years of age or younger.⁸⁰ More telling are the income distribution levels for “n.e.c.” teachers in New York State. The broadest swath of teachers reported incomes for 1940 between \$1,600 and \$4,999 dollars, a range with as equivalent purchasing power as \$24,934.63 to \$77,905.13 in 2010 terms.⁸¹ However, among all “n.e.c.” teachers in New York State, fully 19,528 reported incomes of less than \$600; this would be equivalent to reporting an income of less than \$9,350.49 in 2010.

Finally, the classification of education jobs in New York City by type was broad enough to merit Kaplan and his contemporaries’ inclusion. The 1940 census lists 73,839 individuals in

⁷⁹ United States Department of Commerce, Bureau of the Census, “Table 10a: Occupation of Employed Persons (except on emergency work) and of expected workers seeking work, by sex, for New York city, by borough: 1940,” *Sixteenth Century of the United States: 1940—Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 363, 365.

⁸⁰ United States Department of Commerce, Bureau of the Census, “Table 13: Race and Age of Employed Persons (except on Public Emergency Work) and of Expected Workers seeking work, by occupation and sex, for the state and for cities with populations greater than 100,000,” *Sixteenth Century of the United States: 1940—Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 397, 401.

⁸¹ “CPI Inflation Calculator,” in “Databases & Tools,” Bureau of Labor Statistics website, http://www.bls.gov/data/inflation_calculator.htm. For the sake of clarity, the 1940 census figures group all incomes between \$3,000 and \$4,999 as a single income range; adjusted for inflation, this would be equivalent to an income range of \$46,752.43 to \$77,905.13 in 2010 terms. Other incomes in the \$1600-\$4,999 range are not placed by the census in as broad categories.

New York City as working in “educational services.”⁸² Within this group, 50,110 are classified as “professional and semi-professional workers”; 608 as “proprietors, managers, and officials”; and 5,906 as “clerical, sales, and kindred workers.”⁸³ While it would be foolish not to infer that a great deal of these professional categories do not fit within the public and private education apparatuses (e.g., principals and superintendents as “officials,” or secretaries and paraprofessionals as “clerical” workers), it would also be hasty to ignore the possibility that some of those who provided “educational services” did not necessarily work in primary or secondary education. The evidence suggests that while Kaplan may have been an unusually early proponent of test-prep for the SAT, he was not the only person who found profit in education outside of the schoolhouse.

The Transition From the College Board to Educational Testing Service

As Stanley Kaplan’s SAT-coaching was becoming a popular option for students throughout Kings County and the New York City metropolitan area, the SAT was gaining additional custodial oversight. The history of the SAT as well as the transition of its development from the College Entrance Examination Board (or “College Board”) to Educational Testing Service (or “ETS”) in the late 1940’s have been well-documented elsewhere, particularly by those in the standardized testing industry.⁸⁴ Following World War Two, certain extra-

⁸² United States Department of Commerce, Bureau of the Census, “Table 20: Major Occupation Group of Employed Persons (excluding on emergency work), by industry and sex, for the state, and for cities of 250,000 or more: 1940,” *Sixteenth Century of the United States: 1940—Population, vol. III: The Labor Force: Occupation, Industry, Employment, and Income* (Washington, D.C.: United States Government Printing Office, 1943), 491.

⁸³ *Ibid.*

⁸⁴ College Board-sponsored examples include: John A. Valentine, *The College Board and the School Curriculum: A History of the College Board’s Influence on the Substance and Standards of American Education, 1900-1980* (New York: College Entrance Examination Board, 1987), 45-59; Frank Bowles, *The Refounding of the*

governmental bodies felt that standardized testing no longer proved adequate in its current state. A 1946 investigative committee funded by the Carnegie Foundation for the Advancement of Teaching, and headed by Harvard President J. B. Conant, determined that none of the extant organizations that developed and administered educational tests “[were] strong enough or well-to-do enough to support the development of testing as it should be developed.”⁸⁵

The committee’s recommendation was simple: merge. The new organization spawned from this merger, Educational Testing Service, would become the primary source for test research and development in American education and government. The agencies that did combine, most notably the College Board, were to retain figurehead statuses. Hence, Henry Chauncey and William Turnbull, who were appointed the top positions at ETS upon its inception, also maintained their respective executive positions at the College Board. Confusion arose over how these dual duties, which came without commensurate salaries, would be accorded full and proper attention. These men simplified the matter by resigning from their positions at the College Board in early 1948.

Fortunately, the thoughts of Henry Chauncey and other Education Testing Service officials are documented in ETS’s *Annual Report(s) to the Board of Trustees*. Chauncey indicated in the first *Annual Report* that the initial research conducted by ETS would have three

College Board, 1948-1963: An Informal Commentary and Selected Papers (New York: College Entrance Examination Board, 1967), 1-22; and George H. Hanford, *Life with the SAT: Assessing Our Young People and Our Times* (New York: College Entrance Examination Board, 1991), 7-26. See also: Michael P. Riccards, *The College Board and American Higher Education* (Madison: Farleigh Dickinson University Press, 2010), 9-11, 39-72; and Allan Nairn and associates, *The Reign of ETS: The Corporation that Makes up Minds* (Washington, D.C.: Ralph Nader, 1980), 161-196.

⁸⁵ Bowles, *The Refounding of the College Board*, 5. The role of College Board President was eventually filled by Bowles, who would hold the position for fifteen years.

foci: developing a broader catalog of aptitude tests; creating “measures of important aspects of personality”; and manufacturing tests which could easily make “observations of behavior.”⁸⁶

ETS did not exceed the ethical and operational boundaries its parent companies had set as it simply had the financial and infrastructural means to carry out precedent ambitions. If the SAT was initially regarded as a “psychological or intelligence test,” and if the first executives of ETS were originally from the College Board, then one may reason that subsequent versions of the SAT retained the original aims and intentions for the exam.⁸⁷

Certain facets of the SAT, its initial years of oversight and development under ETS, and ETS itself ought to be discussed more thoroughly in order to illustrate how they fostered an environment conducive for the growth of the test-prep industry. One such facet is the structure of the SAT after the College Board ceded to ETS the task of developing the exam. Compared to its initial two decades of existence, the Scholastic Aptitude Test had a far more stable format during its first two decades under Educational Testing Service’s guardianship. Between 1948 and 1951, every version of the exam consisted of the same question types: antonym questions with six answer choices (reduced to five in 1952); analogy questions in which one must select the second pair of words; reading comprehension questions based off of passages; sentence completion

⁸⁶ Henry Chauncey, Educational Testing Service, *Annual Report to Board of Trustees, 1948-49* (Princeton: Educational Testing Services, 1949), 9. Educational Testing Service published an *Annual Report* for each 12-month fiscal year, the exception being being the initial 1948-1949 *Annual Report*, which included ETS’s operations for all of calendar year 1948 as well as fiscal year 1948-1949. The *Annual Reports* discussed in this chapter were acquired via Interlibrary Loan from the University of South Florida (<http://usf.catalog.fcla.edu/sf.jsp>), and were bound in two volumes: *Annual Reports* for fiscal years 1948-1949 to 1952-1953; and *Annual Reports* for fiscal years 1953-1954 to 1957-1958. Citations, however, will be referrant to each individual report.

⁸⁷ “21,700 IN COLLEGE TESTS: Board to Examine Students in 350 Cities Here and Abroad,” *New York Times*, June 16, 1926: 24. For other *Times* references to the SAT as a psychological or intelligence exam, see also: Mildred Adams, “EAGER RUSH OF STUDENTS SWAMPS COLLEGES,” *New York Times*, September 26, 1926: XX5; “TESTS FOR 16,000 STUDENTS: Tomorrow the College Entrance Board Begins Its Annual Examinations,” *New York Times*, June 16, 1935: X9. All articles in this note can be found and are catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com/1005701/advanced?accountid=10003&language=En> (accessed February 1, 2001).

questions; and mathematical word problems with five answer choices. Save the addition of data sufficiency questions to the mathematical section in 1959, this combination of question types remained unchanged until 1969.⁸⁸

Within this time period, however, the Scholastic Aptitude Test was, in the parlance of ETS, accorded reduced speededness. That is, students had relatively more time to spend per question. Just prior to ETS's acquisition of SAT development, a student was accorded an average of thirty-five seconds per verbal question, and sixty seconds per mathematics question. By the end of the 1960s, these figures rose to fifty and seventy-five seconds per question, respectively.⁸⁹ Students were not necessarily granted more time. Sixty fewer questions were asked on the 1969 SAT than on the 1947 SAT, with only a ten minute reduction in overall exam duration. Nonetheless, the test's reduced speededness, consistent question formats, and stable scoring scale would provide favorable conditions for SAT-coaching. Aware that the format of the exam was not wildly volatile from year to year, test-prep entrepreneurs had an easier time developing preparatory material from the scant fragments of information ETS willingly divulged to the general public.

That said, one should also consider when and how Educational Testing Service had discussed test-prep in its early years of operation, particularly in regards to the SAT. The validity of intelligence and aptitude testing was called into question during the early 1950's when the English "Eleven-Plus" secondary school placement exams had been demonstrated to be highly

⁸⁸ Thomas F. Donlon and William H. Angoff, "The Scholastic Aptitude Test," in *The College Board Admissions Testing Program: A technical report on research and development activities relating to the Scholastic Aptitude Test & Achievement Tests*, ed. William H. Angoff (New York: College Entrance Examination Board, 1971), 17, 21.

⁸⁹ Donlon and Angoff, "The Scholastic Aptitude Test," 20. It is worth noting that the calculations used by the authors to determine the relative speededness of the SAT-verbal may be somewhat faulty, as they do not account for the time students would spend on reading comprehension passages.

vulnerable to coaching.⁹⁰ In this sense, ETS was not immune from self-scrutiny. By its third year of operation, ETS had already expressed an interest in figuring out the Scholastic Aptitude Test's degree of coachability. The 1950-51 *Annual Report* notes that "Dr. Henry S. Dyer of Harvard" had begun working in collaboration with ETS in order to determine the SAT's susceptibility to focused instruction.⁹¹ The report stresses that such a study had the aim of protecting the "consumers' of the tests."⁹²

Rather than consider the possible inherent flaws of aptitude testing, Chauncey remarked that "it [would be] manifestly undesirable to permit any applicant to gain an unwarranted advantage over others."⁹³ Hence, an aptitude test and its manufacturers were above reproach, while those who trained and were trained for better performances such tests were always culpable. More importantly, this statement indicates Chauncey's refusal to accept gains made in aptitude tests through coaching as genuine displays of aptitude. That is, there were no skills that one could accumulate through coaching that would be seen as verbal or quantitative aptitude. With this, Chauncey distinguished between teaching and coaching without truly defining either.

Given ETS' implied defense of its test-development practices and the SAT's structural integrity, one ought to also consider the importance of the SAT to ETS relative to other examinations created and administered by the agency. While the SAT retained its popularity after ETS took over the test's construction, it was not the preponderant component of the

⁹⁰ Henry Chauncey, Educational Testing Service, *Annual Report to the Board of Trustees, 1951-1952* (Princeton: Educational Testing Service, 1952), 24-25.

⁹¹ Henry Chauncey, Educational Testing Service, *Annual Report to the Board of Trustees, 1950-51* (Princeton: Educational Testing Service, 1951), 56.

⁹² Chauncey, ETS, *Annual Report, 1950-51*, 57.

⁹³ Chauncey, ETS *Annual Report, 1951-52*, 28.

nonprofit's initial operations. Between 1 January, 1948, and 30 June, 1949, 145,563 candidates sat for 303,064 College Board achievement and aptitude tests.⁹⁴ However, the SAT candidates during ETS's first eighteen months of operations accounted for only 19 percent of all ETS examination candidates, and slightly more than 16 percent of all examinations scored.

The remaining candidates tested by ETS were not all collegiate hopefuls, nor were they all aiming for admission into graduate or professional school. ETS also used its psychometric know-how to develop series of exams for the United States Federal Government. The nonprofit's *Annual Report* for the 1949-50 fiscal year notes that ETS developed entrance exams for the United States Naval, Military, and Coast Guard Academies, as well as material for those seeking to enter foreign service.⁹⁵ Two fiscal years later, the company developed selection tests for the Naval Reserve Officer Training Program and the United States Merchant Marine Cadet Corps; ETS also developed a "Mechanical Aptitude and Tool Relationships Test" for the Navy.⁹⁶ Perhaps most important was ETS's development of the Selective Service College Qualification Test during the 1950-1951 fiscal year. Chauncey remarked that this draft-deferment examination helped fulfill the "crucial need for optimal manpower utilization."⁹⁷ The American government needed ETS to fill roles in the sphere of defense, just as ETS needed the American government to give the company a sense of legitimacy.

⁹⁴ Henry Chauncey, Educational Testing Service, *Annual Report to the Board of Trustees, 1948-49* (Princeton: Educational Testing Service, 1949), 20-22; Henry Chauncey, Educational Testing Service, *Annual Report to the Board of Trustees, 1949-50* (Princeton: Educational Testing Service, 1950), 43.

⁹⁵ Chauncey, ETS, *Annual Report, 1949-50*, 60-65.

⁹⁶ Chauncey, ETS, *Annual Report, 1951-52*, 78; 70-78.

⁹⁷ Chauncey, ETS, *Annual Report, 1950-51*: 9; 7-9

This codependence between the American federal government and Educational Testing Service, and ETS's clout and rapid growth in its early years of operation, may have stemmed from an initial lack of federal bureaucratic oversight. Prior to 1953, the United States Federal Government lacked a Cabinet-level officer who dealt with education. Although the government had a Commissioner of Education under the Federal Security Agency, this position lacked the guarantee of sustained direct contact with the president. This lack of executive oversight changed when President Eisenhower used the Reorganization Act of 1949 in order to create the Department of Health, Education, and Welfare (HEW) in early 1953.⁹⁸ Eisenhower's rationale for the creation of the Department of Health, Education, and Welfare indicates that the president sought a slimmer, more thrift-minded executive bureaucracy.⁹⁹ Hence, any business or organization that could provide services particular to one of the three components of HEW may have been regarded favorably. However, the gap in time between the creation of ETS and the establishment of HEW may have allowed the nonprofit agency greater leeway in its overarching endeavors once bureaucratic infrastructure was finally created several years later.

Thirdly, one must consider how ETS interacted with the business world during its early years, and how standardized tests factored into this interaction. From its inception, ETS sought to integrate corporate philanthropy with educational assessment. One early example was the

⁹⁸ "[Item] 28: Special Message to the Congress Transmitting Reorganization Plan 1 of 1953 Creating the Department of Health, Education, and Welfare: March 12, 1953," *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1953; Containing the Public Messages, Speeches, and Statements of the President, January 20 to December 31, 1953* (Washington, D.C.: United States Government Printing Office, 1960), 96. Eisenhower did credit for creating HEW; in a message to the Congress, Eisenhower noted that Presidents Harding and Hoover had both offered similar proposals. In turn, the Franklin Roosevelt administration created the Federal Security Agency in order to provide bureaucratic oversight to all three of these concerns; congress, however, had forbidden the alteration of the executive bureaucracy with the Reorganization Act of 1939.

⁹⁹ "[Item] 28: Special Message to the Congress Transmitting Reorganization Plan 1 of 1953 Creating the Department of Health, Education, and Welfare: March 12, 1953," *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1953; Containing the Public Messages, Speeches, and Statements of the President, January 20 to December 31, 1953* (Washington, D.C.: United States Government Printing Office, 1960), 96.

aborted Pepsi-Cola Scholarship program. Although “lack of funds” cut this program short, the Pepsi-Cola Scholarship Program sought to provide 120 students with “four-year scholarships covering nearly all of their college expenses,” an unprecedented level of direct corporate educational philanthropy.¹⁰⁰ Novelty aside, the failed endeavor set the precedent for corporations cooperating with ETS in order to create scholarship programs. During the 1950-51 fiscal year, ETS secured a partnership with Ford Motor Company. Ford used SAT scores as part of its process in selecting seventy children of Ford employees to receive full college scholarships.¹⁰¹ More salient was the implication of such massive programs: business shall reward you for your natural talents. In turn, these early programs, which would lead to the National Merit Scholarship Program, allowed space for business to openly and acceptably interact with education through standardized testing.

Finally, both ETS and certain elements of the test-prep industry shared a fascination for emerging media and their pedagogical potential. Beginning with the 1951-1952 *Annual Report*, Chauncey began a several-year campaign to revolutionize elementary and secondary education (particularly science, English, and mathematics) through novel media. He opined:

(...) it is very doubtful that even the most capable elementary teacher can do as uniformly good a job—from day to day and from one subject-matter area to another—as can be done by a series of expertly-prepared instructional films.¹⁰²

Bound to this sentiment was Chauncey’s fascination with the emerging medium of television. In the 1952-53 *Annual Report*, Chauncey explains that educational television programs could become a vital asset in primary and secondary schooling, but that the new

¹⁰⁰ Chauncey, ETS, *Annual Report*, 1948-49, 27.

¹⁰¹ Chauncey, ETS, *Annual Report*, 1950-51, 60.

¹⁰² Chauncey, ETS, *Annual Report*, 1951-52, 18.

technology required the support of scientists and other specialists who would be willing to produce series of educational programming. Chauncey justified his opinions by equating the potential benefits of educational television to those already seen with educational film. The executive remarked that “suitable instructional films are more effective than poor instructors and at least as effective as the average instructor,” and television, if harnessed properly, should be no different.¹⁰³ In subsequent years, Chauncey would marvel over the use of closed-circuit and open-circuit educational television programs being conducted in cities and school systems across the country. With television, a teacher would not become redundant, but rather somehow serve as a “constructing architect.”¹⁰⁴ The ineffable quintessence of teaching could be better used to guide much larger students to success along standardized lines.

Just as ETS took a liking to the latest in technology, Stanley Kaplan consistently incorporated new technology and media into his test-preparation programs in order to increase students’ performances on standardized exams. Kaplan’s “long-term relationship with the tape recorder,” began in the late 1940s, when he began to record sessions with clients on a Sound Mirror tape recorder.¹⁰⁵ Students could then come back to Kaplan’s office prior to their next session in order to review material already covered. Kaplan would segue his early adoption of tape recording to create a series of taped material called “Test-N-Tapes,” and these “topical review tapes” would become a mainstay of his company.¹⁰⁶ By offering students an array of taped review and auxiliary material, the company presented the image of customization for its

¹⁰³ Henry Chauncey, Educational Testing Service, *Annual Report to the Board of Trustees, 1952-53* (Princeton: Educational Testing Service, 1953), 18; 16-18.

¹⁰⁴ Chauncey, ETS, *Annual Report, 1952-53*, 19; 19-20. See also: Henry Chauncey, Educational Testing Service, *Annual Report to the Board of Trustees, 1955-56* (Princeton: Educational Testing Service, 1956), 15-19.

¹⁰⁵ Kaplan, *Test Pilot*, 28.

¹⁰⁶ Kaplan, *Test Pilot*, 42.

clientele. While clients only had a certain number of Test-N-Tapes at their disposal, the sheer quantity was great enough to compel students to focus more strategically on particular concepts and topics, hence giving customers the feeling that their test-prep was equally comprehensive and suited to their needs.

Scoping the Competition

However useful Kaplan's series of tapes may have been or seemed for its clients, the study aid in itself does not explain how the company attracted its customers. In general, the novel methods and media used by test-prep companies to coach their clientele do not inherently explain how these companies sparked consumer interest nor how they portrayed their services as legitimate and beneficial. In order to understand how early test-prep companies cultivated consumer bases, fashioned self-images, and portrayed their products, it is necessary to analyze these companies' print advertisements from the mid-twentieth century.

Doing so first requires a little grounding in advertising theory, particularly the works of Judith Williamson and Roland Barthes. Williamson contends that advertising is a form of communication, unbridled from any particular medium, that "sells us the idea that we are 'free' to 'choose' *between* things."¹⁰⁷ That is, advertising allows its audience to believe that consumption is a matter of genuine personal desire—and that these purchases are a genuine reflection of social standing. Further, by "transforming the language of objects to that of people,

¹⁰⁷ Judith Williamson, "...But I know what I like: the function of 'art' in advertising," in *The Communication Theory Reader*, ed. Paul Colby (London: Routledge, 1996), 396 (emphasis in original).

and vice versa,” advertising gives consumers the ability to connect who they are (and will be) with what they purchase.¹⁰⁸

Meanwhile, the theorist Roland Barthes considers advertisements through a linguistic frame. In the essay “Rhetoric of the Image,” Barthes deconstructs a French pasta print advertisement in order to contend that these commercial “images [...] produce true systems of signs and not merely simple agglutinations of symbols.”¹⁰⁹ That is, the imagery found in advertisements does not directly relate to reality, but creates an evocative self-contained depiction of reality. This imagery is parallel to what is real, but also remains within its own self-contained world. One is addressed as a reader and as a consumer as an ad speaks to both one’s senses and one’s wishes.¹¹⁰ However, if advertisements address individuals’ multiple senses of self, then the actual message of an advertisement may go beyond the simple plea to buy a certain product. Indeed, Barthes asserts that advertisements convey to the reader “three messages: a linguistic message, a coded iconic message, and a non-coded iconic message.”¹¹¹

In this sense, advertisements for test-prep companies tapped into Barthes’s notion of multiple coding and Williamson’s belief in the illusion of choice. Further, test-prep companies shared a common coded language in their advertising. Herein lies the leap: Within these ads, the phrases “SAT,” “Scholastic Aptitude Test,” and “College Boards” were used as connotative images rather than just terms for the exam for which the company offered preparatory services.

¹⁰⁸ Judith Williamson, “Meaning and ideology,” in *Studying Culture: An Introductory Reader*, eds. Ann Gray and Jim McGuigan (London: Arnold, 1993), 88.

¹⁰⁹ Roland Barthes, “Rhetoric of the Image,” in *Image-Music-Text: Roland Barthes*, ed. Stephen Heath (New York: Hill and Wang, 1977), 32.

¹¹⁰ Barthes, “Rhetoric of the Image,” 42.

¹¹¹ Barthes, “Rhetoric of the Image,” 36.

That is, references to the SAT in test-prep companies' ads were partially disassociated from the actual process of taking the SAT in order to create the allure of test-prep. By viewing these phrases and other imagery in test-prep companies' ads, student-consumers and their parents were not forced to face the stark reality of college-entrance aptitude tests, but rather were drawn into the fantasy of life with a college degree.

Given the chapter's opening, one might presume that Stanley H. Kaplan Educational Centers would be the most reasonable company with which to begin an analysis of test-prep adverts. However, there is one considerable caveat, as the company eschewed direct advertising until the late 1960s. Stanley Kaplan found print advertising distasteful, and claimed that most of his company's early business was gained through word-of-mouth notoriety. The decision to advertise after three decades of entrepreneurship was largely reactionary:

Other professionals such as doctors and lawyers were now advertising. And my competitors, while still smaller than Kaplan, were now advertising. [...] Every Sunday we placed an ad in the education section of *The New York Times* because it gave us credibility in the serious academic world.¹¹²

So, if other test-prep companies in New York City were advertising years before Kaplan, then it would be sensible to first discuss those competitors' print advertisements, in particular those placed in the *New York Times* during the 1950s and 1960s. Doing so will establish precedence for test-prep advertising, as well as clarify what may have made Kaplan's advertising distinct from its competition.

Perhaps the most notorious test-prep instructors, and Kaplan's biggest direct competition, in New York City during the 1950s and 1960s were Samuel C. Brownstein and Mitchel Weiner. Stanley Kaplan had become acquainted with the pair through his work as an editor for Manny

¹¹² Kaplan, *Test Pilot*, 82.

Barron, namesake of the Barron's publishing company. Weiner and Brownstein had collaborated to write the landmark test-prep guide *Barron's How to Prepare for College Entrance Examinations*.¹¹³ The duo offered SAT-prep classes through the business College Entrance Tutoring Service. This company's ads routinely appeared in the *Times*' education section in the late 1950s and early 1960s, and never failed to tout Brownstein and Wiener's writing credentials. Although the business was located at 1813 East 26th Street in south-central Brooklyn, Brownstein and Weiner routinely held weekend morning classes "at the Statler Hilton" Hotel in Manhattan.¹¹⁴ Classes were also held on weekday nights in the boroughs of Queens and Brooklyn. These 30-hour courses were originally advertised for the price of fifty dollars, but by 1964, the fee had risen to sixty dollars.

When adjusted for inflation, the \$60 price for the Brownstein-Weiner prep course would be equivalent to roughly \$420 in 2010.¹¹⁵ Less anachronistically, the price was less than one percent of the median income of \$6,569 for American families in 1964, and about four-fifths of one percent of the \$7230 median income that year for families in the Northeast.¹¹⁶ On the surface, such relative affordability was reflective of the "substantial increase in real purchasing

¹¹³ Kaplan, *Test Pilot*, 44.

¹¹⁴ "Classified Ad 95," *New York Times*, August 26, 1962: 156; "Display Ad 173," *New York Times*, September 27, 1964: E9. For more examples of ads for Brownstein and Weiner's services, please see: "Classified Ad 80," *New York Times*, September 1, 1957: 104; "Display Ad 185," *New York Times*, January 11, 1959: E8; "Display Ad 159," *New York Times*, January 18, 1959: E11; "Display Ad 188," *New York Times*, March 6, 1960: E8; and "Display Ad 120," *New York Times*, September 4, 1960: 124. All ads cited in this note can be found and are catalogued as such in ProQuest Historical Newspapers: *The New York Times*, <http://search.proquest.com/1005701/advanced?accountid=10003&language=En> (accessed February 1, 2001).

¹¹⁵ "CPI Inflation Calculator," in "Databases & Tools," Bureau of Labor Statistics website, http://www.bls.gov/data/inflation_calculator.htm (last accessed March 14, 2011).

¹¹⁶ United States Department of Commerce, Bureau of the Census, *Current Population Reports, Series P-60, no. 47: Income in 1964 of Families and Persons in the United States* (Washington D.C.: United States Government Printing Office, 1965), 4, 5. New York State is placed by the U.S. Bureau of the Census in the Middle Atlantic division of the Northeast; please see "Census Regions and Divisions of the United States," U.S. Census Bureau Website, http://www.census.gov/geo/www/us_regdiv.pdf (accessed January 30, 2011).

power” for Americans between 1947 and 1964.¹¹⁷ Incomes during this period consistently outpaced the rate of inflation.

But, stark disparities emerge when accounting for race and education. Although the median nonwhite family income jumped 11 percent between 1963 and 1964, this figure—\$3839—was only 56 percent of the median white income for that year.¹¹⁸ The Brownstein-Weiner course would have thus been one-and one-half percent of the median American nonwhite family income. Conversely, families “headed by college graduates” had a median income of \$10,600 in 1964, thus earning on average 47 percent more than those families headed by high school graduates, and double of those families led by workers without high school diplomas.¹¹⁹ By printing the price of its test-prep course, College Entrance Tutoring Service knowingly advertised to an audience for whom \$60 would have been a relatively trivial fee, and for whom Brownstein and Weiner’s book would have been regarded as an inferior alternative.

Certain preparatory schools also placed advertisements in the *New York Times*’ Education section. These schools, such as Sadie Brown’s Collegiate Institute, offered general education courses with credits one could assumedly apply to certain other colleges in the metropolitan area. As seen in an ad from 1 June, 1969, Sadie Brown’s Collegiate Institute also provided the “educational extra[of p]reparation for the Scholastic Aptitude Test.”¹²⁰ An advertisement

¹¹⁷ Bureau of the Census, *Income in 1964 of Families and Persons in the United States*, 2.

¹¹⁸ Bureau of the Census, *Income in 1964 of Persons and Families in the United States*, 1, 5. Actually, 1964 was one of the least disparate years between 1947 and 1964 for the relationship between median white and nonwhite family incomes; only 1952 had a relationship more favorable to nonwhite families, with a ratio of .57.

¹¹⁹ Bureau of the Census, *Income in 1964 of Persons and Families in the United States*, 6.

¹²⁰ “Display Ad 190,” *New York Times*, June 1, 1969: E9. For facsimile ads from Sadie Brown’s Collegiate institute, see also: “Display Ad 274,” *New York Times*, June 22, 1969; “Display Ad 244,” *New York Times*, May 4, 1969: E11; and “Display Ad 121,” *New York Times*, December 21, 1969; E13. All ads cited in this note—as well as all subsequent ads within this section of the chapter, can be found and are catalogued as written at ProQuest

specifically geared for Sadie Brown's Collegiate Institute SAT prep class was printed in the *Times* nearly six months later. While the ad omits pricing information, it insists that the course, which was scheduled to meet for ten Saturday mornings from January to March, 1970, would be taught by "outstanding instructors [using] new teaching techniques."¹²¹

Meanwhile, the Gilbert School, a day school located at 341 Bridge Street in northeast Brooklyn, also courted students through the promise of SAT prep in its *Times* advertisement. The school's ad asserted that "Preparation for [the] College Entrance Board Examination is Part of [Gilbert's] High School Program"; a rigorous curriculum alone could no longer be seen as the guarantor of a strong SAT score.¹²² Similarly, the Rhodes School of 11 West 54th Street, Manhattan, frequently advertised its SAT-prep courses, while nearly-identical courses were offered by The Highland School of Jamaica Estates, Queens. For fifty dollars, a student was able to attend ten Saturday morning classes at either school; each course used "model tests [and] oral drills."¹²³

While the vast majority of test-prep company's ads used unmemorable imagery, some used provocative ad copy, most notably the advertisements for College Skills Center of 1234 Broadway, Manhattan. The company offered courses not only in the city proper, but also in Great Neck and White Plains, two New York inner suburbs. Under the direction of Jack Yourman and Allan Sack, the proprietary school had a ten-week course in "basic study [and]

Historical Newspapers: *The New York Times* (1851-2007),
<http://search.proquest.com/1005701/advanced?accountid=10003&language=En> (accessed February 1, 2001).

¹²¹ "Display Ad 153," *New York Times*, November 30, 1969; E10.

¹²² "Display Ad 173," *New York Times*, September 27, 1964; E9.

¹²³ "Display Ad 185," *New York Times*, January 11, 1959; E8; "Display Ad 159," *New York Times*, January 18, 1959; E11. See also: "Display Ad 185," *New York Times*, February 14, 1960; E6; and "Display Ad 188," *New York Times*, March 6, 1960; E8.

reading skills.”¹²⁴ The preparatory services offered were not directly related to the actual material on the examination. The copy from a *Times* ad for the company stressed how crucial such preparation is:

The crucial Scholastic Aptitude Test is not a test of achievement. [...] It is a test of ability to reason from facts given. It is a thinking-power test, against time. [...] But how prepare? [*sic*] Cramming won't help; coaching with pat answers won't. WHAT WILL HELP IS SCIENTIFIC TRAINING IN READING AND STUDY SKILLS [...] ¹²⁵

In turn, bookstores also used provocative copy in their advertisements when selling test-prep material. Aldine Book Shop of White Plains, New York, purchased ad space in the *Times* in order to promote its collection of Barron's preparatory guides. Before listing the store's holdings, which included Brownstein and Weiner's College Boards prep guides, the ad copy attempted to goad those students who may have held disdain toward standardized testing. The copy posited, “Ever wonder why some students, even poorer ones, manage to get the breaks?”¹²⁶ By acknowledging that college entrance exams may not truly measure a student's actual capabilities, the ad was better able to sell the Barron's line of test guides. For less than four dollars (with twenty cents for shipping), a student could purchase such titles as *Barron's How to Prepare for the PSAT*, *How to Prepare for College Entrance Examinations*, *Barron's Vocabulary Builder*, and *You Can Win a Scholarship*. In turn, the student-consumer was left feeling that these books, “concisely written by men who have spent their lives counseling and teaching,” would truly fix the injustice of standardized tests.¹²⁷

¹²⁴ “Display Ad 185,” *New York Times*, January 11, 1959; E8.

¹²⁵ “Display Ad 185,” *New York Times*, January 11, 1959; E8 (emphasis in original).

¹²⁶ “Display Ad 7,” *New York Times*, November 27, 1965; 8.

¹²⁷ *Ibid.*

Barron's itself also used provocative language to push its own line of publications. The hook for one of Barron's *New York Times* ads asked, "Can an average high-school senior find happiness as a college freshman?"¹²⁸ The inferred answer is simple: Yes, so long as said senior mailed several dollars to Barron's book repository in Woodbury, Long Island, in exchange for several prep books. Other publishing houses relied on bravado rather than provocation. Arco Publishing Company, headquartered at 480 Lexington Avenue, Manhattan, asserted in one ad for the *Times* that its "pre-eminence in Civil Service and Educational Preparation Books [had] never been seriously challenged."¹²⁹ For less than a dollar, a student could purchase Arco's *Practice for Scholastic Aptitude Tests* and use the 2000 questions within the prep-book alleged to improve one's performance on the exam.

This element of frugality went beyond those test-prep advertisements just shilling books. One 1966 *Times* ad pushed Key Facts, a series of prepackaged flashcards for SAT preparation. For seventy-five cents (eighty-five if ordered by mail from Dell Distributing, Inc.), a student could "test himself [...using] actual questions from past exams."¹³⁰ How these past math and verbal SAT questions were acquired was not specified. Some proprietary prep schools offered lecture series on SAT prep for lower prices than their SAT prep courses. For only twenty-five dollars, both of a child's parents would receive admission to Student Skills Center's "College Clinic," where they would listen to a guest speaker from the College Board.¹³¹ Customers had

¹²⁸ "Display Ad 565," *New York Times*, October 31, 1965; BR81.

¹²⁹ "Display Ad 199," *New York Times*, February 2, 1964; BR12. See also: "Display Ad 1079," *New York Times*, September 8, 1963; BR39.

¹³⁰ "Display Ad 147," *New York Times*, December 12, 1966: 59.

¹³¹ "Display Ad 188," *New York Times*, March 6, 1960: E8.

their choice of attending the series at either Topsy's Restaurant in Forest Hills, Queens, or Cooky's Restaurant in Hempstead, Long Island.

Those who had a bit more money to devote to test prep, but also held reservations toward attending lecture series in a restaurant, still had an option with the Honor Scholastic Development Course. For \$39.95 (comparable to spending \$285 in 2010), parents could purchase an Honor Push-Button Teaching Machine for their college hopeful. Using "the latest educational method[...of] programmed instruction," the device used a series of scrolls designed to provide SAT prep through self-paced study.¹³² By merely pushing buttons, a student could allegedly improve his study skills as well as augment his verbal and mathematical capabilities.

The above pages were not designed to be a catalogue of tedium, but rather an illustration of those proprietary schools and other test-prep business that advertised in the *New York Times* prior to Kaplan. The advertisements not only demonstrate that the test-prep market had become a multifaceted and highly competitive arena by the late sixties, but also illustrate the growing open acceptance of such preparatory measures. In turn, the pricing in these advertisements shows that the idea of SAT prep was not necessarily confined to certain socioeconomic lines. This is not to say that those teenagers who could only afford to prepare for the exam by purchasing a book from Barron's or Arco, or running to the corner store to buy a packet of Key Facts, had an equitable opportunity to those youth who attended a Brownstein-Weiner or College Skills Center course. However, the opportunity to prepare, as cordoned by one's socioeconomic status, allowed the feeling that they were in greater control of their own destiny. For a negotiable price,

¹³² "Display Ad 1363," *New York Times*, November 17, 1963; BR24.

the SAT could become a more and more familiar beast. After a peculiar start, Kaplan would capitalize upon selling this sentiment of familiarization in its own advertising.

Selling Dream Insurance

It seems that Kaplan's first appearance in the *New York Times*' education section had the company aligned with the provocative style of its competitors. In a series of nineteen ads that ran in the *Times* between September, 1967, and February, 1968, The National Scholastic Aptitude Training Institute ("NSATI") promoted its SAT prep courses. The ads indicate a degree of collaboration between NSATI and Kaplan. The "hook," printed in capitalized, bolded, sans-serif font, was designed to shock readers: "82% OF ALL APPLICANTS ARE DENIED ADMISSION TO THE COLLEGES OF THEIR INITIAL CHOICE!"¹³³ Beneath this hook lies a black-and-white picture of students checking in for the SAT. Below this, a guilt-laden plea: "Since those without a college education face a limited potential, don't you really owe it to your son or daughter to provide the very best preparation for the forthcoming College Board

¹³³ "Classified Ad 92," *New York Times*, September 17, 1967: E9. For examples of this ad hook, see also: "Display Ad 147," *New York Times*, September 18, 1967: 73; "Display Ad 98," *New York Times*, September 20, 1967: 30; "Display Ad 254," *New York Times*, October 2, 1967: 70; "Display Ad 117," *New York Times*, October 3, 1967: 32; "Display Ad 117," *New York Times*, October 4, 1967: 34; and "Display Ad 213," *New York Times*, October 6, 1967: 37; "Display Ad," *New York Times*, January 7, 1968: SM61; "Display Ad 78," *New York Times*, January 9, 1968: 39; "Display Ad 66," *New York Times*, January 10, 1968: 40; and "Display Ad," *New York Times*, January 12, 1968: 71. For other ads from the National Scholastic Aptitude Training Institute (many of which show a connection to Stanley H. Kaplan Educational Centers), please see: "Classified Ad 108," *New York Times*, June 18, 1967: 162; "Display Ad 118," *New York Times*, October 4, 1967: 34; "Display Ad 119," *New York Times*, November 16, 1967: 38; "Classified Ad 119," *New York Times*, November 19, 1967: 214; "Display Ad 305," *New York Times*, November 20, 1967: 94; "Display Ad 252," *New York Times*, November 21, 1967: 73; "Display Ad 214," *New York Times*, February 11, 1968: E8; "Display Ad 85," *New York Times*, February 12, 1968: 53; "Display Ad 115," *New York Times*, February 14, 1968: 94; and "Display Ad 66," *New York Times*, February 15, 1968: 33. All ads cited in this note were found and are catalogued as such in the database ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes?accountid=10003> (all accessed November 1, 2010). Emphasis is in all originals.

examinations?”¹³⁴ The message was melodramatic but clear, implying that the children in the photo, and the reader’s own children, may be embarking upon years of disappointment should they perform poorly on the SAT.

Upon first glance, the ads seem to show oddly little interaction between NSATI and Kaplan. NSATI offered demonstrations and SAT prep courses in all boroughs and New York City metropolitan areas except Brooklyn. Interested parties living in Kings County were directed to visit Kaplan’s office at 1675 East 16th Street. This could be mistakenly interpreted as territorial respect, that NSATI referred interested Brooklynites to Kaplan in order to secure market preponderance elsewhere in a clean quid-pro-quo. Yet, in the middle of the ads’ copy, the company reassured readers that all of its SAT coaches used the “renowned Stanley H. Kaplan curriculum that has shown proven results for 20 years for more than 25,000 graduates.”¹³⁵ While this ad copy helps show how much influence Kaplan had in SAT prep in New York City up to that point, it does not clear up the level of interaction and similarity between the two companies.

What further muddled the relationship between Kaplan and National Scholastic Aptitude Training Institute was a *Times* ad from 25 June, 1967. The classified did not cater to students or their parents, but rather hopeful entrepreneurs. Touting “the most exciting franchise offer in years,” the ad solicited the opportunity to become a NSATI franchisee in a major metropolitan area.¹³⁶ A franchisee need not even be an educator in order to run an NSATI branch. Although the advertisement did not indicate that the company (based in Hackensack, New Jersey) relied on Kaplan’s techniques, franchising of any sort ran counter to Kaplan’s method of expansion during

¹³⁴ “Classified Ad 92,” *New York Times*, September 17, 1967: E9.

¹³⁵ “Classified Ad 108,” *New York Times*, June 18, 1967:162.

¹³⁶ “Classified Ad 54,” *New York Times*, June 25, 1967: F34.

the late 1960s and early 1970s. Kaplan instead hired independent contractors to run his business's branches "because [he] wanted complete control over the quality of the courses."¹³⁷ What arises is a kink in Kaplan's tale. An entrepreneur staunchly opposed to opening his own business to franchising granted a different franchise-oriented company the right to use, at the very least, his own reputation.

Stanley H. Kaplan Educational Center's first independent advertisements were far less bombastic than those for NSATI. The first one for the *New York Times* appears to have been in the 24 August, 1969, edition of the paper, at the bottom center of the Education section's advertisement page. Rather than goad or shock, the ad's hook was a simple imperative statement: "ENROLL NOW for SAT Preparation at the STANLEY H. KAPLAN EDUCATIONAL CENTER."¹³⁸ Though the ad was small, its text was spare and easily grasped, and compared to other educational ads on the page, it was nearly minimalist. The ad's tail, "Tutoring and Guidance Since 1938," attempts to instill a sense of legitimacy through longevity. Surely a company that had business for thirty years could be trusted to provide credible services.¹³⁹ The Kaplan logo, an owl perched atop an open book, was the only image in the ad. (This insignia was created by an agency specifically for advertisements.¹⁴⁰) By using a logo with no overt references to standardized tests, and instead relying on the owl and book as symbolic references to knowledge and education, Kaplan was able to distance itself from the immediate purpose of its business and place it within a broader context of education.

¹³⁷ Kaplan, *Test Pilot*, 87.

¹³⁸ "Display Ad 143," *New York Times*, August 24, 1969: E6; found and catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/118599840?accountid=10003> (accessed November 1, 2010). Emphasis in original.

¹³⁹ *Ibid.*

¹⁴⁰ Kaplan, *Test Pilot*, 82.

Some of Kaplan's ads, such as the one placed in the *Times* on 24 January, 1970, were far more ornate. Its hook, "Dream Insurance," was typeset in all-caps black sans-serif font, and placed over an impressionistic ink drawing of two faces peering through a tilting path toward a majestic sunlit horizon.¹⁴¹ The ad copy began by asserting, "Dreams, yes...delusions, no!" Yet, the ad also played upon ambiguity. For example, the ad stressed that SAT scores were not the primary factor in admissions, yet then remarked that poor SAT scores would likely warrant rejection. The ad detailed Stanley Kaplan's innovative instructional approach, included an endorsement from *Seventeen* magazine, and even mused that students traveled cross-country to attend a Kaplan course—but then stated that the company made "no empty promises, no absolute guarantees."¹⁴² To this end, the company fueled its aura of "dream insurance" by daring the reader *not* to consider test-prep. If "[a] college education can help [one's] dreams come true," and college admission hinged on decent-enough SAT scores, then one would have been foolish not to secure the only unsound link between high school and college through a Kaplan course.¹⁴³

But, Kaplan did not focus all of its advertising energy toward the *Times*. As seen by Kaplan's advertising in *The Barnard Bulletin*, the company also courted those who lived near the company's flagship office. Barnard, a women's college in Manhattan, frequently ran advertisements for Kaplan in its college newspaper during the early 1970s. Given the readership demographics for the *Bulletin*, Kaplan tailored its advertisements to promote its test-prep services for post-baccalaureate entrance exams. Some ads, such as one published in the *Bulletin*

¹⁴¹ "Display Ad 61," *New York Times*, January 24, 1970: 14; found and catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/118700807?accountid=10003> (accessed November 1, 2010).

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

on 20 September, 1973, touted that a client's "[l]esson schedule [could] be tailored to meet individual needs," with prep courses ranging in duration from one week to one year.¹⁴⁴ The ad also emphasized "Special Compact Courses during Weekends," perhaps to attract clientele who are generally consumed with schoolwork or work during the week.¹⁴⁵ The word "special" designated that one was not forced to accommodate prep into their life, but rather that Kaplan had keenly found a way to provide thorough test prep amidst a busy schedule.

Kaplan soon expanded its advertising to smaller publications in the New England and Middle States regions, particularly in college papers. Between 1971 and 1974, Stanley H. Kaplan Educational Center placed no fewer than forty-four advertisements in *The Cornell Daily Sun*. The weekday publication was the official paper for Cornell University of Ithaca, New York, a town that lacked an actual Stanley H. Kaplan Educational Center during this spate of advertising. The earliest among these ads, printed between 4 February and 11 May, 1971, employed a simple, but evocative hook: "Your Future Awaits the Test."¹⁴⁶ That fall, after the newspaper's summer hiatus, the hook was replaced with a marquee of various standardized tests. Rather than lure a customer in with a catchy saying, the company thought it would be more attractive to display all

¹⁴⁴ Display Ad, *Barnard Bulletin*, September 20, 1973: 3; Display Ad, *Barnard Bulletin*, January 31, 1974: 8; both available at Barnard College Archives: *The Barnard Bulletin* Digital Archives, <http://www.barnard.edu/archives/bulletin.htm> (accessed May 15, 2010). This link appears to be defunct, and it seems that Barnard's digitized archives must be accessed through the URL <http://barnardcollege.newspaperarchive.com/> (accessed March 14, 2011). For other Kaplan ads placed in the *Bulletin* during this time, please see: Display Ad, *Barnard Bulletin*, February 17, 1971: 7; Display Ad, *Barnard Bulletin*, February 24, 1971: 3; both accessed through Barnard College Archives: *The Barnard Bulletin* Digital Archives, <http://www.barnard.edu/archives/bulletin.htm> (accessed 15 May, 2010).

¹⁴⁵ Display Ad, *Barnard Bulletin*, September 20, 1973: 3; Barnard College Archives: *The Barnard Bulletin* Digital Archives, <http://www.barnard.edu/archives/bulletin.htm> (accessed May 15, 2010). Again, to now access the *Barnard Bulletin* digitized archives, one should go to <http://barnardcollege.newspaperarchive.com/>

¹⁴⁶ *Cornell Daily Sun* 87, No. 70 (February 4, 1971): 3; *Cornell Daily Sun* 87, No. 74 (February 10, 1971): 12; *Cornell Daily Sun* 87, No. 79 (February 17, 1971): 3; *Cornell Daily Sun* 87, No. 101 (March 22, 1971): 11; *Cornell Daily Sun* 87, No. 107 (April 6, 1971): 17; *Cornell Daily Sun* 87, No. 132 (May 11, 1971): 5.; all accessed and available at The *Cornell Daily Sun* Keith R. Johnson '56 Digital Archive, <http://cdsun.library.cornell.edu/cgi-bin/newscornell> (last accessed March 14, 2011).

of the tests for which the company offered preparation. This is not to say that these advertisements were mere blocks of unappealing text. Rather, the company constantly employed insignias in each of their ads in order to convey a sense of credibility with the viewer. Every Kaplan ad printed in the *Sun* during this three-year stretch ended with the motto “The Tutoring School with the Nationwide Reputation.”¹⁴⁷ By using the term “tutoring school,” the company was able to distance itself from less reputable proprietary institutions and coaching schools.

The ads found in the *Sun* also illustrate Kaplan’s quick rate of expansion. The company’s first advertisement in the paper noted that Stanley H. Kaplan Educational Center, Ltd. had offices “in Boston[,], Philadelphia[,], Washington[,], and] Detroit.”¹⁴⁸ Seven months later, this list grew, listing Los Angeles and Miami as locations where Kaplan operated.¹⁴⁹ A year after that, the ads began to state that the company held “Branches in Major Cities in [the] U.S.A.”¹⁵⁰ In less than two years, the company had expanded at such a rate that listing all of its major-city locations in a small ad would have been unreasonable.

Kaplan’s pattern of printing advertisements in cities far from its actual centers is also illustrated in the archives of *The Columbia Missourian*. In a thirteen-month period between September 1974, and October 1975, the company placed forty-six advertisements in the *Missourian*. Yet, the closest city to Columbia in which Kaplan offered classes was St. Louis, over one hundred miles to the east of Columbia. Further, the first four months of advertisements

¹⁴⁷ *Ibid.*

¹⁴⁸ *Cornell Daily Sun* 87, No. 70 (February 4, 1971): 3, available and accessed at The *Cornell Daily Sun* Keith R. Johnson ’56 Digital Archive, <http://cdsun.library.cornell.edu/cgi-bin/newscornell> (accessed June 8, 2010).

¹⁴⁹ *Cornell Daily Sun* 88, No. 8 (September 13, 1971): 8, accessed and available at The *Cornell Daily Sun* Keith R. Johnson ’56 Digital Archive, <http://cdsun.library.cornell.edu/cgi-bin/newscornell> (accessed June 8, 2010).

¹⁵⁰ *Cornell Daily Sun* 89, No. 15 (September 19, 1972): 6, accessed and available at The *Cornell Daily Sun* Keith R. Johnson ’56 Digital Archive, <http://cdsun.library.cornell.edu/cgi-bin/newscornell> (accessed June 8, 2010).

do not list a Missouri phone number that one could call for information. Interested readers had to contact the center at “2050 W. Devon, [in] Chicago,” some several hours to the northeast.¹⁵¹

Kaplan’s ads for the *Missourian* all follow the same basic template. Similar to those found in the *Cornell Daily Sun*, the ads in the *Missourian* displayed a marquee of standardized tests and their respective dates of administration. A thick black triangular border reminiscent of a quilted edge framed these ads. This sentiment was heightened when extra detailing was added to the border’s corners beginning in January 1975. This set of advertisements attracted readers through the same earnest but highly vague hook: “There is a difference!!!”¹⁵²

Despite this evidence of Kaplan’s growth, one would be hasty to claim that the test-prep industry existed solely within the New York City metropolitan area until Stanley Kaplan decided to expand his operations. As seen with the advertisements placed in the Pittsburgh publications *The Jewish Chronicle* and *The Jewish Criterion*, the industry bloomed in other areas independent of Kaplan’s presence. The Pittsburgh Teachers Tutoring Service, located at 122 South Whitfield Street, advertised in the *Criterion* in 1959 that it offered “group instruction [for the] college boards.”¹⁵³ In turn, Pittsburgh’s Point Park Junior College placed advertisements in the

¹⁵¹ *Columbia Missourian*, September 8, 1974: 8; *Columbia Missourian*, September 15, 1974: 18; *Columbia Missourian*, September 22, 1974: 16; *Columbia Missourian*, September 29, 1974: 35; *Columbia Missourian*, October 13, 1974: 38; *Columbia Missourian*, October 20, 1974: 23; *Columbia Missourian*, October 27, 1974: 44; and *Columbia Missourian*, November 3, 1974: 17. For examples of ads from the *Missourian* that direct readers to call the St. Louis office, see: *Columbia Missourian*, January 12, 1975: 27; *Columbia Missourian*, February 16, 1975: 32; *Columbia Missourian*, March 30, 1975: 48; and *Columbia Missourian*, April 6, 1975: 18. All ads in this note were accessed and are available from the *Columbia Missourian*: 1929, 1966-1975 digitized archives, within “Newspapers” in “Collections” of The Missouri Digital Heritage Initiative, in the website for Missouri Secretary of State Robin Carnahan, <http://www.sos.mo.gov/mdh/> (accessed July 15, 2010).

¹⁵² *Ibid.* Emphasis in originals.

¹⁵³ *The Jewish Criterion*, 134, no. 3 (April 24, 1959): 16; *The Jewish Criterion*, 134, no. 11 (June 19, 1959): 7; both accessed from and available through The Pittsburgh Jewish Newspaper Project, part of the website for Carnegie Mellon University Libraries (Pittsburgh, PA), <http://pjn.library.cmu.edu/> (accessed July 12, 2010).

Chronicle for “summer reading and study courses” geared partially toward improved performance on the College Board exams.¹⁵⁴

The listings continue. College Skills Center, housed within Pittsburgh’s Clark Building, advertised its test-prep services in the *Chronicle*. Students were advised to cut out and mail in a slip in order to receive information on how College Skills Center’s courses could help one “[a]ttain complete readiness for [one’s] College Boards.”¹⁵⁵ The Pittsburgh Academy of 836 Fourth Street also implored interested readers to request information through a coupon. The company advertised that it offered a “[c]oncentrated program in English, vocabulary, [and] mathematics” for students preparing for the SAT.¹⁵⁶ Meanwhile, The Laboratory School, located within Pittsburgh’s Maxon Towers, touted its College Boards Prep in an ad for the *Chronicle*; students would improve through “technologically implemented student learning.”¹⁵⁷ Tedium aside, the point is clear as all of these businesses operated and advertised in Pittsburgh prior to Kaplan, Ltd.’s expansion into the area.

However, these advertisements do illustrate a crucial difference between Pittsburgh’s original test prep companies and Kaplan, Ltd. Whereas Kaplan provided standardized test preparation geared toward the particular exam that a customer had planned on taking, Pittsburgh’s original test prep companies typically offered preparatory services broad enough to

¹⁵⁴ *The Jewish Chronicle* 1, no. 12 (May 25, 1962): 2; this and other *Chronicle* advertisements cited were accessed from and available through The Pittsburgh Jewish Newspaper Project, part of the website for Carnegie Mellon University Libraries (Pittsburgh, PA), <http://pjn.library.cmu.edu/> (accessed July 12, 2010).

¹⁵⁵ *The Jewish Chronicle* 4, no. 24 (August 13, 1965): 8; Carnegie Mellon University Libraries’ Pittsburgh Jewish Newspaper Project, <http://pjn.library.cmu.edu/> (accessed July 12, 2010).

¹⁵⁶ *The Jewish Chronicle* 5, no. 27 (September 2, 1966): 15; Carnegie Mellon University Libraries’ Pittsburgh Jewish Newspaper Project, <http://pjn.library.cmu.edu/> (accessed July 12, 2010).

¹⁵⁷ *The Jewish Chronicle* 9, no. 39 (November 19, 1970): 6; Carnegie Mellon University Libraries’ Pittsburgh Jewish Newspaper Project, <http://pjn.library.cmu.edu/> (accessed July 12, 2010).

be applied to areas outside of standardized testing. Point Park Junior College's preparatory course was primarily a speed-reading course, with emphasis placed on vocabulary skills and study habits. The Laboratory School, which held a license from the Pennsylvania "State Board of Private Academic Schools," also focused on building students' skills in communication.¹⁵⁸ Meanwhile, The Pittsburgh Academy and The Pittsburgh Teachers Tutoring Service both offered tutoring in all subject areas, particularly for remedial instruction. Although the College Skills Center was the most adamant among these companies in advertising its test prep services, the company was primarily geared toward courses in general skills that would prove useful once one entered college; it was just as wont to advertise to adolescents as to adults.

While the test prep industry began to alter its style of direct advertisement, the College Board was itself using print media to advertise certain services to college admissions officers. As seen with an ad found in a late 1973 issue of *College Board Review*, the agency sought to gain clientele for its Student Search Service. For only "7¢ a name [and a] basic participation fee [of] \$100," colleges that were members of the College Board could request mailing information for high school juniors and seniors who fit certain economic, academic, or ethnic characteristics.¹⁵⁹ For example, with an initial payment of \$200, a college affiliated with the Board could participate in Student Search Service and receive contact information for 1,428 high school students who possessed desired criteria, and an initial \$1000 could buy information on 12,857 students. Such information would be delivered "on mailing labels, on punched cards, or on magnetic tape."¹⁶⁰ To reinforce the notion of encouraging the manufacture of collegiate diversity,

¹⁵⁸ *The Jewish Chronicle* 9, no. 39 (November 19, 1970): 6; Carnegie Mellon University Libraries' Pittsburgh Jewish Newspaper Project, <http://pjn.library.cmu.edu/> (accessed July 12, 2010).

¹⁵⁹ Display Ad, *College Board Review* 90 (Winter 1973-74): 27.

¹⁶⁰ *Ibid.*

the ad's copy contours around a sketch of a multicultural assortment of youth. The only direct connection to academics is the sketch of a presumably-white male clutching a slide-rule in the drawing's foreground. In a sense, the CEEB sought to sell "dream insurance" to its own members; for a reasonable processing fee, and considerable faith in the SAT, any college could use the Student Search Service to solicit and craft the ideal entering class.

Conclusion

Clearly, the operational legitimacy of the test-prep industry depends upon the presence of standardized testing. As seen through Educational Testing Service's first decade of *Annual Reports*, however, the presence of standardized testing was itself insufficient cause to spark the test-prep industry's growth. Rather, the rapid *prevalence* of standardized testing, largely under the auspices of ETS, created an environment suitable for test-prep companies to flourish. In turn, ETS's foray into corporate-sponsored scholarships provided a precedent for accepted direct interaction between higher education, business, and adolescence. Educational Testing Service's fascination with new technology and emerging media was correspondent with the test-prep industry's use of technology and media in its own services.

Meanwhile, the test-prep industry, particularly in New York City, benefitted from a demographic shift. Fewer adolescents were leaving secondary school before graduating, and fewer employable minors were active in the work force. Although the test-prep industry may have relied more heavily on indirect and word-of-mouth advertising than on direct print advertising, the very presence of print advertisements for test companies in the early years of the industry provided a foundation for that industry's accumulation of legitimacy. Simply put, direct

advertising took test-prep companies from clandestine operations to openly acknowledged businesses. Kaplan, the most notable of the test prep companies, used evocative imagery and language to distinguish itself from its competitors. Once Kaplan began to expand its operations beyond the New York City metropolitan area, the company was quick to advertise its services. However, some advertising decisions defy common sense unless placed in the context of adamant rapid expansion. In turn, viewing publications from other major urban areas, notably Pittsburgh, demonstrates that test-prep, particularly for the SAT, was not endemic to New York City prior to Kaplan and other test-prep companies' expansion outside of that metropolitan area.

If Kaplan's ads kept mum on pricing, it was because these adverts were designed to cater to two distinct sets of consumers: those who were savvy on private tutoring and test-coaching, and were well-aware of its cost; and those who desired to change their social status through post-secondary education, were aware of the existent customer base with disposable income, but may have been disillusioned or discouraged if presented with the cost of a prep course—or more metaphorically, the “hurdle” between their current state and their ambitions.

CHAPTER TWO: LEGITIMACY BY DEFAULT: THE TEST-PREP INDUSTRY'S ACQUISITION OF ACCEPTIBILITY, 1962-1979

“How well do the S.A.T.’s perform their intended function of predicting college grades? It depends on the college, but on the whole, in the purely statistical sense, they do so no better than a man’s weight indicates his height.”

--Banesh Hoffman¹⁶¹

In 1965, the debate over test-coaching seemed to be settled. At least, the College Board seemed to believe so when it published *Effects of Coaching on Scholastic Aptitude Test Scores*. Intended for “secondary school administrators, teachers, and counselors,” the booklet was designed to inform readers over the preponderant scientific evidence against test-coaching.¹⁶² To the dismay of all who believed that SAT scores could be augmented with concerted effort, the College Board’s pamphlet contained the results of seven studies that proved otherwise: coaching could never raise SAT scores beyond statistically insignificant levels.

Indeed, the booklet was as much a dismissal of test-coaching as it was an open query on why SAT coaching had grown without any proof of its effectiveness. The memorandum included with the booklet—written by College Board President Richard Pearson—was no less adamant about what was to blame for the growth of test-coaching, namely anything but the College

¹⁶¹ Banesh Hoffman, “The College Boards Fail the Test,” *New York Times*, October 24, 1965: SM142, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/117026655?accountid=10003> (last accessed March 10, 2011).

¹⁶² College Entrance Examination Board, *Effects on Coaching on Scholastic Aptitude Test Scores* (New York: College Entrance Examination Board, 1965), 4. See also: Kaplan, *Test Pilot*, 66-67, for the businessman’s thoughts on the pamphlet.

Board.¹⁶³ As far the College Board was concerned, the organization itself could not be blamed for the rise of test-coaching (despite test-coaching's operational dependence upon the structure of standardized testing), but it was obliged to prevent hardworking students and concerned parents from committing the grievous sin of purchasing an SAT prep course.

Yet, *Effects of Coaching on Scholastic Aptitude Test Scores* ultimately did not settle any debates over the legitimacy or ethicality of test-coaching. Between the early 1960s and late 1970s, the American educational system at-large underwent several crucial alterations. Some—such as the Federal Trade Commission's investigation of Stanley H. Kaplan Educational Centers, as well as New York State's Truth-in-Testing legislation—had a direct and obvious bearing on the test prep industry. Others, such as the creation of the Department of Education, the advent of performance contracting, and the Supreme Court Case *Lemon v. Kurtzman*, had an indirect but no less important role in establishing the legal, ethical, and pedagogical boundaries of the legitimacy of the test-prep industry. Ironically, by the end of the 1970s, the test-prep industry attained legitimacy by default. The shifts in American education during the preceding two decades had made the industry largely acceptable because it was not wholly unacceptable. In order to describe these shifts, the official position of the College Board toward coaching at the beginning of this period should be further discussed.

The College Board and Its Discontent

Another glance at *Effects of Coaching on Scholastic Aptitude Test Scores* will better illustrate the rhetoric used by the College Board in its opposition to test-coaching. The authors of

¹⁶³ College Entrance Examination Board, *Effects on Coaching*, memorandum. "College Entrance Examination Board" will be referred to by its acronym "CEEB" for the remainder of its text's notes.

the pamphlet repeatedly denied the culpability of the College Board in fostering an educational environment prone to SAT prep. Rather, the media was deemed responsible for accepting advertisements from coaching schools, while parents were charged with being too ignorant when demanding that educators should reprioritize their efforts. Principals and superintendents were faulted for acquiescing to parents' demands for SAT review, and test coaches were labeled as foolish for thinking that their SAT prep produced genuine results. The organization's trustees went so far as to downplay the actual importance of the SAT in their official statement. If the SAT was "merely supplementary to the school record" in a student's college application, then high-schoolers ought to give little worry over the outcome of their SAT scores.¹⁶⁴

Crucial to the College Board's argument was its clever definition of two key terms: "coaching" and "aptitude." The writers of the booklet defined coaching as "a variety of methods used in attempting to increase in a relatively short time students' mastery of the particular skills, concepts, and reasoning abilities tested by the SAT."¹⁶⁵ Such a definition has the appearance of specificity, yet both "variety of methods" and "relatively short time" are vague enough terms to warrant considerable confusion through their inherent ambiguity. The College Board distinguished between legitimate teaching and dubious coaching by each job's level of direct reference to the SAT itself without ever setting an actual threshold.

Likewise, the booklet's writers denied that aptitude was "fixed and impervious to influence," and instead defined it as "abilities that seem to grow slowly and stubbornly [...] at home and at school over the years, but not responding [sic] to hasty attempts to relive a young

¹⁶⁴ CEEB, *Effects on Coaching*, 7, 8.

¹⁶⁵ CEEB, *Effects of Coaching*, 4.

lifetime.”¹⁶⁶ The College Board’s defense of this definition resides in the phrase “slowly and stubbornly,” indicating that the capacity to succeed in higher education, or to succeed in general, could not be augmented overnight. This sentiment suggests that the intellectual molding of children is not only a slow process, but also nearly set by the time an adolescent reaches the end of their secondary schooling. In this vein, the capacity for collegiate education was built off of the aptitude accumulated in one’s youth, but such capacity was also referent to knowledge different than what one would accrue in college.

However, the College Board’s disapproval of test-coaching rested on the assertion that SAT scores naturally tended to rise between students’ junior and senior years of high school. Hence, the College Board simultaneously maintained that the aptitude of a student was impervious to concentrated instructional efforts, but that the several month period between a typical student’s first and second sitting for the SAT (generally including a summer holiday without schooling) somehow accorded most students enough growth for statistically significant or practical changes in their SAT scores. The agency resolved this contradiction by deducing that any gains made by students on their SAT scores after test-coaching could not be attributed to test-coaching because these gains became statistically insignificant when one factored out the average gain made by students on the SAT between their junior and senior years. Given that the average gains made by students on successive attempts at the SAT could well have been a composite of very high gains and considerable losses, those children who raised their SAT scores considerably after test-prep may have been able to do so without coaching.¹⁶⁷

¹⁶⁶ CEEB, *Effects of Coaching*, 9.

¹⁶⁷ CEEB, *Effects of Coaching*, 7-11.

Following the trustees' official statement, *Effects of Coaching* presents summaries for seven studies designed to prove the uselessness of test-coaching, albeit with convoluted methodology and heady reasoning. The first report discussed, Henry Dyer's 1953 study on the effect of coaching on SAT performance for boys at a college preparatory school, illustrates the Board's ideas on what actions constitute coaching. During the seven months between the baseline-test and post-test, Dyer's experimental subjects were accorded only six hours of verbal coaching and four hours of mathematical coaching, for which "neither instructors nor students were given answers to" the ten-to-thirty minute coaching lessons.¹⁶⁸

Instead, Dyer and the College Board presumed that one ought to be able to use logical reasoning to solve SAT questions (e.g., analogy or geometry questions) because it should be the same logical reasoning one is taught in school and experiences in society. Hence, coaching methods would be useless because they only reiterated the same logical reasoning patterns seen at home and in school. Ironically, Dyer assumed that children from sub-standard schools or less-affluent homes would not benefit from coaching either, as there simply was not enough time to correct sixteen to eighteen years of ignorance. Dyer's conclusion is affirmed regardless of the findings. The cart supported the horse. Unsurprisingly, the boys of School X achieved average gains on their SAT-Verbal score only 4.6 points higher than the gains made by their peers at School Y. Although the SAT-Mathematics scores of coached students who weren't enrolled in a math course rose on average 29.2 points higher than those scores of similar un-coached students, Dyer still deemed coaching to generate statistically insignificant results.¹⁶⁹

¹⁶⁸ CEEB, *Effects of Coaching*, 12; 11-12.

¹⁶⁹ CEEB, *Effects of Coaching*, 11-12.

These findings are followed (and reaffirmed) by a summary for John French's 1955 study on the impact of test-coaching on the SAT scores of children from public schools. Like Dyer, French employed a curious framework for coaching. The 126 Massachusetts seniors in the study who received verbal coaching were provided with "an average of 90 minutes [with] the school's special 500-word vocabulary list," permission to briefly view an easily-accessible publication not designed for the SAT, and one and one-half hours of access to facsimile SAT-Verbal questions sometime in the seven-month gap between the study's pre-test and post-test.¹⁷⁰ The 188 other Massachusetts students in the experimental group were given "[twenty] special assignments" of facsimile SAT-Math and SAT-Verbal items designed by ETS.¹⁷¹ The average gains made by both coached groups were declared statistically insignificant when compared to those made by a control group from Michigan on respective post-tests.

However, these findings also illustrate the College Board's rather broad view on the statistical significance of SAT scores. French based his findings off of "the standard error of measurement" for the SAT, or, the expected sway for any given individual's performance on the SAT were they to repeatedly take the examination.¹⁷² The writers of *Effects of Coaching* noted that the SAT-Verbal and SAT-Math had standard errors of measurement of 32 and 34 points, respectively. Students with average results on the SAT could earn scores dozens of points higher or lower on subsequent administrations of the exam yet not make statistically significant changes, despite what students, parents, teachers, or admissions officers may have believed. Further, the report suggested the belief that such a broad standard error of measurement did not

¹⁷⁰ CEEB, *Effects of Coaching*, 14.

¹⁷¹ CEEB, *Effects of Coaching*, 14.

¹⁷² CEEB, *Effects of Coaching*, 16.

necessarily penalize students who may have had an “off” day, or unfavorably rewarded students who eked out a performance just over a college’s tacit cutoff point for applicants.

The seven studies in the pamphlet, the most recent of which conducted in 1962, served as the rhetorical and scientific basis for College Board’s disdain toward test-coaching. Yet, *Effects of Coaching* was by no means the College Board or ETS’s final edict on the horrors of test-prep during the 1960s and 1970s. Coffman and Neun’s 1966 study concluded that coaching students with speed-reading techniques did not improve SAT-Verbal scores as the college freshman used in the experiment showed no significant aggregate improvement. Roberts and Oppenheim’s 1966 investigation of the PSAT’s coachability concluded that socioeconomically disadvantaged youths would not benefit from, and could harmed by, test-coaching. Meanwhile, a 1979 study by Alderman and Powers determined that students coached for the SAT-Verbal section typically answered only one more question correctly than un-coached students.¹⁷³ The College Board continuously felt compelled to demonstrate that its distrust of test-coaching was rooted in its faith in psychometric evidence and not the urge to maintain business viability.

However, *Effects of Coaching on Scholastic Aptitude Test Scores* did not silence those who had had qualms with the SAT, most notable of whom being the mathematician Banesh Hoffman. Hoffman argued that the state of standardized testing was “not only dangerous but in a profound sense unscientific.”¹⁷⁴ Psychometricians manipulated statistics in order to claim that questions were well-written and answers were logically sound. The design of standardized tests

¹⁷³ Patricia K. Hendel, ed., *Abstracts from the Research and Development Report Series, 1963-1981: College Board Report 82-1* (New York: College Entrance Examination Board, 1982), 1, 11, 31. For other research abstracts on the SAT’s un-coachability, as well as score stability, degree of bias, and equitability with other standardized exams, see: Hendel, *Abstracts*, 1-3, 8-9, 13, 16-17, 21-22, 25, 27-29, 31, 34.

¹⁷⁴ Banesh Hoffman, “Psychometric Scientism,” *Phi Delta Kappan* 48, no. 8 (April 1967): 381, <http://www.jstor.org/stable/20371858> (last accessed March 10, 2011).

rewarded those who shallowly applied knowledge, and penalized students who noticed the nuance and ambiguity within many exam questions. In turn, the attempt to measure intelligence through multiple-choice standardized tests was an anti-intellectual exercise in quantifying intangible qualities. In Hoffman's view, other versions of multiple-choice standardized testing, such as the Westinghouse Science Talent Search, made an "incredible mockery of sense and science" in the aim to reduce the potential number of high-scoring test-takers.¹⁷⁵ Yet, Hoffman's ire may be seen as part of a broader academic scrutiny on the limits of standardized testing, as well as the capabilities of the test-taking audience.

Wising Up, Dumbing Down, and Aiming For the Middle

Though many psychometricians denied the effectiveness of test-coaching, some began to accept during the 1960s and 1970s the possibility that performances on aptitude and achievement tests could be swayed by individuals' respective reactions to the composition of the tests themselves. Researchers embarked upon qualifying and quantifying "test-wiseness," or, the ability to manipulate "the characteristics and formats of the test and/or the test taking situation to receive a high score."¹⁷⁶ The touchstone for much research on test-wiseness is a 1965 article composed by Jason Millman, Carol Bishop, and Robert Ebel (himself a former researcher for

¹⁷⁵ Hoffman, "Psychometric Scientism," 384. See also: Hoffman, "The College Boards Fail the Test," *New York Times*, October, 25, 1965: SM52, 142, 144, 146, 148. Hoffman's allegation that a superficial level of thought was needed to perform to the College Board's liking on the SAT-Verbal section is similar to the National Council of the Teachers of English. In 1974, the NCTE declared that the SAT "ignore[d] the findings of linguistic science by implying that a single American dialect is the desirable more of written expression for all students[; t]his addition evaluate[d] the students' ability to choose a form arbitrarily identified as correct." See: NCTE Headquarters Staff, "For the Members: Convention Wrap-Up," *The English Journal* 64, no. 2 (February 1975): 30, <http://www.jstor.org/stable/815512> (last accessed March 10, 2011).

¹⁷⁶ Jason Millman, Carol H. Bishop, and Robert L. Ebel, "An Analysis of Test-Wiseness," *Educational and Psychological Measurement* 25, no. 3 (Autumn 1965): 707.

ETS), who argued that a student's level of test-wiseness was "logically independent of the [student's] knowledge of the subject matter."¹⁷⁷ Students who had a middling grasp on an exam's content could still fare well if they could use the exam's format to their advantage.

Millman, Bishop, and Ebel were unable to discern whether test-wiseness was a teachable concept or a broader aptitude innate to a person. However, the researchers did qualify two types of test-wiseness. Some aspects, such as pacing strategies, guessing techniques, and deductive reasoning, were found to operate "independent of test construction or test purpose."¹⁷⁸ Others elements of test-wiseness, such as recognizing recurrent patterns in erroneous answer choices, or thinking only as sophisticatedly as the design of the exam, relied on the particular design of an exam. Since these techniques allowed many students to perform better on exams than their knowledge of the material examined ought to have warranted, the researchers believed that test-wiseness needed further investigation in order to determine how to reduce tests' vulnerability to test-wiseness. Rather than reward savvy and recognize sophisticated thinking as a facet of intelligence in its own right, certain psychometricians and educational psychologists of the 1960s saw test-wiseness as an impediment to actually measuring students' aptitudes.

Concerns rose as several studies attempted to determine if test-wiseness could be taught to students and then successfully applied to examinations. In a 1968 study for the *American Educational Research Journal*, Leonard Kreit compared the IQ test scores of two groups of Indiana third-graders: those who were administered an IQ test "at the beginning and end of the

¹⁷⁷ Millman, Bishop, and Ebel, "An Analysis of Test-Wiseness," 707.

¹⁷⁸ Millman, Bishop, and Ebel, "An Analysis of Test-Wiseness," 711.

school year,” and those who were administered several IQ tests throughout the school year.¹⁷⁹ Kreit’s results were inconclusive. While the experimental group did retain augmented IQ scores through their final examination, the control also improved their IQ test scores on the end-of-year exam, thus rendering the experimental group’s level of improvement less than statistically significant. However, a study published in the Winter, 1970, edition of *The Journal of Educational Measurement* lent credence to the notion that test-wiseness was trainable and retainable. The authors of the study subjected two groups of high school seniors to one of “[t]wo programmed texts” that taught elimination and guessing strategies for multiple-choice tests.¹⁸⁰ Each experimental group served as the other’s respective control. After testing both groups the day following and two weeks after their instruction with the 40-minute programmed tests, the researchers concluded that elements of test-wiseness could be coached and retained.

Yet, as more psychometricians and educational psychologists became keen to the concept of test-wiseness, American youth became increasingly unable to perform well on the SAT. Peaking in the 1962-63 academic year with a combined score of 980, the average SAT score had declined to 951 by the end of the 1960s.¹⁸¹ In turn, SAT scores were declining for the yearly pool of students who took the examination in the spring of their junior year of high school and then retook the exam in the winter of their senior year. Quite often, students sat for the exam in March or May, and did so once again December or January. The average improvement for these

¹⁷⁹ Leonard H. Kreit, “The Effects of Test-Taking Practice on Pupil Test Performance,” *American Educational Research Journal* 5, no. 4 (November 1968): 617, <http://www.jstor.org/stable/11620027> (last accessed March 10, 2011).

¹⁸⁰ Malcolm J. Slatker, Roger A. Koehler, and Sandra H. Hampton, “Learning Test-Wiseness by Programmed Texts,” *Journal of Educational Measurement* 7, no. 4 (Winter 1970): 248, <http://www.jstor.org/stable/1434467> (last accessed March 10, 2011).

¹⁸¹ Gene R. Hawes, “The Decline of the SATs,” *Change* 4, no. 9 (November 1972): 17, <http://www.jstor.org/stable/40161589> (last accessed March 10, 2011).

candidates declined considerably between 1962 and 1968.¹⁸² Each year, students were performing more poorly than their predecessors, and were making less significant improvements in their SAT scores when retaking the exam. When pressed for an explanation, researchers could only surmise that “students [tended] to repeat the test regardless of their initial score.”¹⁸³ If more students retook the SAT, then the chance of significant aggregate levels of improvement between tests diminished. By the mid-1970s, SAT candidates were exhibiting not only poorer aggregate average performance, but also increasingly infrequent exceptional scores. In 1975, only 15 percent of test takers received section scores above 600, a decline of three percent in as many years.¹⁸⁴

By the mid-1970s, the College Board began to hunt for what was responsible for the protracted SAT score decline. Just as in *Effects of Coaching*, the only suspect ruled out by the College Board was the SAT itself. In a brief essay for *The English Journal*, the College Board’s executive director asserted that “the SAT score scale [had] continued to have highly consistent meaning,” and that examinees’ aggregate performances were truly responsible for the cause for the decline.¹⁸⁵ This sentiment was reaffirmed in 1977, when both ETS and the College Board organized an advisory panel to determine the roots of the continued decline in SAT scores. The findings were subsequently published as the report *On Further Examination*. The panel declared

¹⁸² Thomas F. Donlon and William H. Angoff, “Table 2.20: Seven-year summary of change in SAT-verbal scores from March or May of the junior year to December or January of the senior year,” and “Table 2.21: Seven-year summary of change in SAT-mathematical scores from March or May of the junior year to December or January of the senior year,” in *The College Board Admissions Testing Program: A technical report on research and development activities relating to the Scholastic Aptitude Test and Achievement Tests*, ed. William H. Angoff (New York: College Entrance Examination Board, 1971), 43, 44.

¹⁸³ Donlon and Angoff, *College Board Admissions Testing Program*, 42.

¹⁸⁴ Richard Hagan, “Newsnotes,” *Phi Delta Kappan* 58, no. 2 (October 1976): 221, <http://www.jstor.org/stable/20298520> (last accessed March 10, 2011).

¹⁸⁵ William H. Angoff, “Viewpoint: Why the SAT Scores Are Going Down,” *The English Journal* 64, no. 3 (March 1975): 10, <http://www.jstor.org/stable/815043> (last accessed March 10, 2011).

that the factor most responsible for the SAT-score decline was the “change in the composition of the student group taking the test,” or in less guilt terms, poor and minority students.¹⁸⁶ With rhetorical plodding, the panel validated this claim by arguing that the SAT itself was an unfaltering assessment of aptitude, and that its ability to predict students’ college marks was stable.¹⁸⁷ If all test-takers’ scores were referent to a scoring scale left untouched since the early 1940s, then one could not blame the decline on the structure of SAT scores. However arbitrary a 1340 or 870 score may have been, the numbers had consistent meaning.

However, the panel contradicted itself two paragraphs later by admitting that “an ‘upward drift’ of between 8 and 12 points in the scaling of the scores” occurred between 1963 and 1973.¹⁸⁸ If SAT performances routinely registered nearly a dozen points higher in 1973 than they would have a decade prior, then such variance casts doubt on the focus of statistical significance with the scores. That is, if the range of eight to twelve scaled points was statistically insignificant within the scaled score range of the SAT, then making note of this variance was without merit unless its omission would have placed the overall score decline within statistical significance. Yet, the report reaffirmed that any disproportionate faith placed in aptitude tests during the college admissions process was the fault of admissions officers and not the College Board.

Rather, the panel for *On Further Examination* deduced that the protracted decline in SAT scores was symptomatic of decaying American educational standards. The panel lamented the expanse of college-going students “with barely a speaking acquaintance with the English

¹⁸⁶ College Entrance Examination Board, *On Further Examination: Report of the Advisory Panel on the Scholastic Aptitude Test Score Decline* (New York: College Entrance Examination Board, 1977), 1.

¹⁸⁷ CEEB, *On Further Examination*, 8.

¹⁸⁸ CEEB, *On Further Examination*, 9.

language and no writing facility at all.”¹⁸⁹ In turn, the Board blamed the decreased correlation between SAT scores and first-year college grades not on the exam’s diminished relevance, but on grade inflation. That is, the exam had not gotten harder, but education had become simpler. Further, the panel expressed grave concerns about how SAT scores may have been negatively influenced by the role of “tape recorders, films[,] film strips, television[...] and the like” in the modern pedagogical process.¹⁹⁰ This was ironic given that the first president of ETS marveled over the educational possibilities of such media. Nonetheless, the point was clear. The educational structure of America had writ large loosened its standards beyond acceptable standards, and test prep was but one of many factors.

Psychometric pride aside, why would the College Board and ETS be so persistent in affirming their standardized tests’ stability and un-coachability? As Edward Fiske noted in his journalistic work for the *New York Times*, one cannot ignore the demographic shift of college students during the 1960s; “the number of persons in college soared from 3,582,700 to 7,920,000” between 1960 and 1970.¹⁹¹ In turn, the value of standardized tests and entrance exams grew because they were a more convenient way to discern who among the increasingly broader pool of college hopefuls were truly capable of tackling higher education. One may surmise that the value of test prep also grew due to this massive growth of the college-bound and college-hopeful populations. If more people sought to attend college, more people may have sought a way to distinguish themselves through impressive test scores.

¹⁸⁹ CEEB, *On Further Examination*, 1.

¹⁹⁰ CEEB, *On Further Examination*, 11.

¹⁹¹ Edward B. Fiske, “Finding Fault with the Testers,” *New York Times* November, 18, 1979: SM40., ProQuest Historical Newspaper: *The New York Times* (1951-2007), <http://ezproxy.lib.ucf.edu/login?url=docview/123914201?accountid=10003> (last accessed March 10, 2011).

Demographics for New York City show that labor responsibilities for adolescents were considerably lower by the beginning of the 1970s than they had been in previous decades. Of the 740,627 city residents between sixteen and nineteen years of age in 1970, only 261,067 were members of the labor force, and 236,029 of them were actively and non-militarily employed at the time. The figures for younger legally employable minors were far lower, as merely 27,678 of the city's 412,437 fourteen- and fifteen-year old residents were in the labor force. Of those 24,211 fourteen- and fifteen-year olds in the city who were actively employed in 1970, only 7,023 (less than two percent of all city youth in that age group) were working full-time.¹⁹² Although one cannot ignore instances of minors employed outside the formal economic sector, one may reason that adolescents had a diminished obligation to be a source of income for their family. (Or, perhaps, employers saw little incentive in employing younger minors beyond part-time status.)

The advent of the American College Testing Program (ACT) may have also spurred the College Board and ETS to be persistent in claiming their exams' un-coachability. Developed by E.F. Lundquist and Ted McCarrell, both of the State University of Iowa, the ACT was crafted to "evaluate intellectual capacities in English, mathematics, social studies, and the natural sciences," thus ostensibly seeking to measure more skills than the SAT did.¹⁹³ In turn, the ACT catered to those American colleges and universities that felt neglected by the College Board and ETS. Most of these institutions were in the western, northwestern, and midwestern United States,

¹⁹² United States Department of Commerce, Bureau of the Census, "Table 164: Employment Status by Race, Sex, & Age: 1970," *1970 Census of Population vol 1: Characteristics of the Population, part 34: New York, sect. 2* (Washington, D.C.: United States Government Printing Office, 1973), 843.

¹⁹³ "New Testing Plans for Colleges Set," *New York Times*, September 9., 1959: L19, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=docview/114658717?accountid=10003> (last accessed March 10, 2011).

and felt that the College Board examinations only reinforced elitism from and through northeastern schools.

The development of the ACT also occurred when Americans were consumed with “the search for ‘education for survival.’”¹⁹⁴ The 36,399,802 American youths in primary and secondary schools at the turn of the 1960s could not be wrongly lulled through poor education into accepting a position subservient to the Soviet Union. Like the College Board and ETS, the ACT program also kept tabs on its test-takers’ initial college marks. Unlike the arbiters of the SAT, the directors of the ACT placed great emphasis on using such information to see if the high school curricula of test-takers had adequately prepared them for collegiate-level work.¹⁹⁵ Lindquist did not see the ACT as a test that would mimic the SAT in either style or purpose. Instead of “‘skimming the cream off the top,’” the ACT was designed to “delet[e] the least qualified from the bottom.”¹⁹⁶ If the exam’s purpose was to merely discount those students who showed a lack of adequate collegiate-level capabilities, then the exam shifted the purpose of taking standardized entrance tests. The aim was no longer pursuing the most prestigious institutions, but rather demonstrating that one would be a good fit at some college, somewhere.

In its first year alone, the ACT attracted a considerable number of examination candidates. According to the *New York Times*, “125,604 college applicants took part in the

¹⁹⁴ Fred M. Hechinger, “Education in Review: 1959 Was the Biggest Year—In Students, Money, and in Seeking New Solutions,” *New York Times*, December 27, 1959: E9, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/114632859?accountid=10003> (last accessed March 10, 2011).

¹⁹⁵ “College Testing Program Started,” *Science* 130, no. 3387 (November 27, 1959): 1456, <http://www.jstor.org/stable/1757519> (last accessed March 10, 2011).

¹⁹⁶ “New Testing Plans for Colleges Set,” *New York Times*, September 9, 1959: L19.

program” during the 1959-1960 academic year.¹⁹⁷ However, a 1961 study conducted by Frank Peters and Eugenia Plog may have dispelled some of the test’s early accolades. The researchers studied the efficacy of the ACT as a substitute for Ohio State University’s series of mathematics and English entry-placement exams. Peters and Plog noted that the ACT, when taken as a whole, was slightly more effective than the precedent Ohio State Psychological Examination, but that the scores from the ACT’s subtests tended to prompt student placement in too-simple English and math courses.¹⁹⁸

Even if researchers found early imperfections in the ACT’s capabilities, the examination still created more mainstream space into which the test-prep industry could wriggle. As Stanley Kaplan noted in his autobiography, the ACT had made those in charge of the College Board and ETS nervous, as the organizations could have lost their authority had the exam initially become popular in regions that were traditionally SAT-strongholds.¹⁹⁹ However, the ACT first gained strength outside of the eastern United States, thus increasing the possibility of any college-hopeful student of having to take a standardized entrance exam.²⁰⁰ Although the original purpose of the ACT was to winnow out only those seemingly deficient in college-level aptitude, Peters and Plog’s study indicate that universities were willing to use ACT results to cordon students by

¹⁹⁷ “College Test Plan is Rated a Success,” *New York Times* 31 May, 1960: L17, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=docview/114975139?accountid=10003> (last accessed March 10, 2011).

¹⁹⁸ Frank R. Peters and Eugenia L. Plog, “The Effectiveness of the ACT for Selection and Placement at the Ohio State University,” *Educational Research Bulletin* 40, no. 9 (December 13, 1961): 232-241, 252, <http://www.jstor.org/stable/1474858> (last accessed March 10, 2011).

¹⁹⁹ Kaplan, *Test Pilot*, 49.

²⁰⁰ See: Lemann, *Big Test*, 102-108. Lemann indicates that standardized testing as a whole gained more popularity and stability when both ETS and ACT sought to have a preponderant over standardized testing in California. This still supports the notion that test-prep became more viable as an industry, as standardized testing became a genuinely nationwide practice in higher education—one dominated by several (but never more than several) testing companies, thus making it easier to develop preparatory material for a broader market.

their different entry-level capabilities: the standardized test also became the placement exam. This may have potentially created a broader test-prep market. Students could use coaching not only to get in, but also to better secure more advanced classes, and in turn, a timelier graduation.

Push the Button, Win a Prize

Test-prep entrepreneurs did not benefit solely from a broadened standardized testing field. The industry also became more acceptable due to pedagogical and judicial developments in the American educational system at-large. One educational phenomenon during the late 1960s and early 1970s that may have affected the American public's later opinions of the test-prep industry was performance contracting. Developed by the Office of Economic Opportunity, performance contracting "involve[d] payment of incentives to students, teachers, and private educational contractors, depending on improvements in student performance."²⁰¹ The organization allotted grant money to businesses and corporations that designed accelerated learning programs for children who had considerably deficient reading and mathematics skills. Such programs were premised on developing students' skills through the use of "teaching machines," proto-computer devices programmed with tutorials that doled out instruction at the student's own pace of learning.²⁰² When students showed progress in their studies, they were

²⁰¹ Jack Rosenthal, "O.E.O. to Test Plan to Aid Education," *New York Times* May 15, 1970: C9, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=docview/118835936?accountid=10003> (last accessed March 10, 2011).

²⁰² Rosenthal, "O.E.O. to Test Plan to Aid Education"; "Reading writing, and profit," *Business Week*, October 4, 1969: 104.

then given rewards, ranging from trinkets to spare change to electronic goods, depending on the rate and level of a student's improvement.²⁰³

However, proponents of these programs maintained that "[r]egardless of the variety of methods, materials, and approaches [...] the single most important factor contributing to the success of a [performance contracting] reading program is the *teacher*."²⁰⁴ This sentiment parallels the beliefs espoused by Chauncey in ETS's early *Annual Reports*. Educational Testing Service stressed that teaching contained a certain irreducible, ineffable element, one that could not be replaced by any set of educational programming or testing. Performance contractors felt likewise. Conversely, test prep could be defined as something besides teaching simply *because* its aims could be fully defined. If all the components of standardized test preparation could be fully defined through its methods, then it did not depend upon the mysterious and un-categorical aspect of a good teacher, and thus, was illegitimate.

The first instance of performance contracting occurred in Texarkana, Arkansas, when the city's school district hired Dorsett Educational Systems to improve the basic skills of students "who had been identified as being two years or more behind grade level."²⁰⁵ Using a series of film strips, Dorsett sought to improve each student's mastery of basic skills by one grade level within 80 instructional hours. For every student who met this guideline, Dorsett was compensated \$80, while accelerated and retarded rates of improvement were inversely

²⁰³ Joseph Lelyveld, "Company Teaches 'Slow Pupils for Profit,'" *New York Times*, May 24, 1970: 62, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=docview/118940086?accountid=10003> (last accessed March 10, 2011).

²⁰⁴ Jerry D. Reynolds, "Performance Contracting...Proceed With Caution," *The English Journal* 60, no. 1 (January 1971): 106, <http://www.jstor.org/stable/813350> (last accessed March 10, 2011). Emphasis in original.

²⁰⁵ Carol Ascher, "Performance Contracting: A Forgotten Experiment in School Privatization," *Phi Delta Kappan* 77, no. 9 (May 1996): 616, <http://www.jstor.org/stable/20405659> (last accessed March 10, 2011).

compensated.²⁰⁶ The practice of performance contracting soon gained luster, and by the fall of 1970, the Office of Economic Opportunity had allocated \$6.5 million for performance contracting programs in twenty school districts.²⁰⁷ That same year, the school board of Gary, Indiana entered a direct, four-year arrangement with Behavioral Research Laboratory, albeit without funding from the O.E.O. nor clear contractual stipulations. To the dismay of the Gary's teachers' union, Behavioral Research Laboratories would act as "manage[r of] Banneker Elementary," a school that had found to be poorly administered and underperforming by the Indiana Board of Education.²⁰⁸

Ironically, businesses that entered into performance contracting arrangements with school districts often had to produce results superior to those that had been made by the school systems in order to receive monetary re-compensation or profit. Most performance contracts arrangements stipulated that businesses would not recoup their expenditures for students who did not display a rate of learning quicker than what they had achieved in school. These programs typically had to "improve students' performance in reading and mathematics by 1.6 grades in order to break even," even though the average student enrolled in a performance contract program accelerated at less than one-third this rate during an academic year of traditional schooling.²⁰⁹ Hence, in order to be seen as suitable alternatives or supplements for traditional

²⁰⁶ Lelyveld, "Company Teaches 'Slow' Pupils For Profit."

²⁰⁷ Joan Cook, "Business-Run Schools: Companies' Profits Linked to Students' Progress," *New York Times*, November 29, 1970: F3, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/118990338?accountid=10003> (last accessed March 12, 2011).

²⁰⁸ James A. Mecklenburger and John A. Wilson, "The Performance Contract in Gary," *Phi Delta Kappan* 52, no. 7 (March 1971): 406, <http://www.jstor.org/stable/20372936> (last accessed March 12, 2011).

²⁰⁹ Jack Rosenthal, "U.S. Plans Test of the Teaching of Pupils by Private Contractors," *New York Times*, July 15, 1970: 18, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/118793929?accountid=10003> (last accessed March 12, 2011). See also: Jack Rosenthal, "New Ways of Teaching on Trial," *New York Times* 24 April, 1971: L35, ProQuest Historical

education, performance contractors had to generate results superior to what schools had been capable of producing.

As quickly as performance contracting had gained acceptability across the country, the theory lost its appeal just as quickly, especially after an investigation of Dorsett's Texarkana program revealed "that students had been, in advance, taught the answers to test questions."²¹⁰ By early 1972, the Office of Economic Opportunity deemed its experiment with performance contracting wholly unsuccessful.²¹¹ The public distrust of performance contractors, and similarly, test-prep companies, was rooted in a sense of fraud: educational programs and practices feel fraudulent when they only serve their own extant purposes. Dorsett became regarded as fraudulent because students were allegedly coached for post-course examination that determined the level of compensation the company would receive. This public disapproval was similar to the public dismissal of test-prep companies as little more than "cram schools," where students were force-fed questions.

The burden of proof found in performance contracting profit margins had an analogue in the burden of proof for the test-prep industry. For ETS, and in turn, the American public, the test-prep industry could not claim success any time a student who had purchased a prep course performed well on a standardized test. Rather, these parties would grant test-prep companies credence only when students' scores surpassed not only a threshold of statistical significance, but

Newspapers: *The New York Times* (1851-2007),
<http://ezproxy.lib.ucf.edu/login?url=/docview/119138616?accountid=10003> (last accessed March 12, 2011).

²¹⁰ Jack Rosenthal, "Performance Contracts Lose Luster," *New York Times* 10 January, 1972: E25, ProQuest Historical Newspapers: *The New York Times* (1851-2007),
<http://ezproxy.lib.ucf.edu/login?url=/docview/119423143?accountid=10003> (last accessed March 12, 2011). .

²¹¹ Jack Rosenthal, "Learning-Plan Test Is Called A Failure," *New York Times* 1 February, 1972: A1, A30, ProQuest Historical Newspapers: *The New York Times* (1851-2007),
<http://ezproxy.lib.ucf.edu/login?url=/docview/119396042?accountid=10003> (last accessed March 12, 2011).

also the level of improvement arbitrarily deemed attributable to additional schooling and mental maturation. Akin to performance contracting, test-prep companies had to surpass traditional measures of test readiness in order to be seen as legitimate educational devices.

Federal judicial rulings also created space for the test-prep industry during this time period, especially in the United States Supreme Court case *Lemon v. Kurtzman*. Originating in the U.S District Court of Eastern Pennsylvania, the case dealt with the constitutionality of funding the secular aspects of sectarian nonpublic education with state gambling taxes.²¹² Nine parties filed suit against State Superintendant Donald Kurtzman as well as the heads of several sectarian private schools, maintaining that the Pennsylvania Nonpublic School Aid Act breached the separation of church and state. Further, the plaintiffs alleged that state law “perpetuate[d] and promote[d] segregation” because of the inherent discriminatory nature of nonpublic education, religious or otherwise.²¹³ The Court, led by Chief Justice Warren Burger, found in favor of the plaintiffs in June, 1971. As Cornelius Golden noted, the Court found actions taken through the Pennsylvania Nonpublic School Aid Act created “excessive entanglement [between church and State...] in the aggregate but perhaps not individually.”²¹⁴ The case did bounce back to the Supreme Court the following year after the East Pennsylvania District Court “permitted [Pennsylvania] to reimburse nonpublic sectarian schools for services provided before [the

²¹² “Toward a Uniform Valuation of the Religion Guarantees,” *The Yale Law Journal* 80, no. 1 (November, 1970): 105-106, *supra* 125, <http://www.jstor.org/stable/795097> (last accessed March 12, 2011).

²¹³ “State Aid to Nonpublic Schools Challenged in Pennsylvania Suit,” *New York Times* 8 June, 1969: L52, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/118482772?accountid=10003> (last accessed March 12, 2011).

²¹⁴ Cornelius Joseph Golden, Jr., “Educational Vouchers: The Fruit of the *Lemon* Tree,” *Stanford Law Review* 24, no. 4 (April 1972): 697, <http://www.jstor.org/stable/1227819> (last accessed March 12, 2011).

Supreme Court's] decision in *Lemon I.*"²¹⁵ The Supreme Court upheld the District Court's ruling, citing precedence on nonretroactive activity.

If *Lemon* placed a thicker barrier between religious education and state and federal governmental funding, then the Court's decision may have also allowed nonpublic educational institutions and enterprises greater pedagogical leeway. As Golden noted in his discussion of *Lemon*'s relationship to school vouchers, education is not a constitutionally-guaranteed right—but rather, a facet of everyday life that could be considered a “fundamental interest.”²¹⁶ This point may be used to consider the relationship between government and all nonpublic education during the 1970s. While the precedent case *Everson v. Board of Education* “demonstrated the permeability of the wall” between church and state in the context of education, *Lemon v. Kurtzman* established that this wall was not overly porous.²¹⁷ Given that the federal government could give neither preferential nor prejudicial treatment toward nonpublic education, sectarian or otherwise, then *Lemon* only helped strengthen the libertarian principles of nonpublic education and educational principles.

Corollary to *Lemon*, the advent of school voucher programs prompted educational theorists and critics to argue over the ethicality and constitutionality of charter school programs. These nascent debates centered on what the reasonable boundaries were for “the [demand] of

²¹⁵ *Lemon et al v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al* 411 U.S. 192 (1973), 194, 193-198; LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 12, 2011).

²¹⁶ Golden, Jr., “Educational Vouchers,” 705.

²¹⁷ Golden, Jr., “Educational Vouchers,” 693. For a slightly different interpretation of *Everson v. Board of Education*, please see: Gary G. Lynch, “Private Colleges, State Aid, and the Establishment Clause,” *Duke Law Journal* 1975, no. 4 (September 1975): 978-980, <http://www.jstor.org/stable/1372089> (last accessed March 12, 2011). Lynch places a greater emphasis on the indirect nature of aid (i.e., bus fare) found in the *Everson* case. He explains that church-state interaction in the arena of education was found permissible so long as it was clearly indirect and led to no direct advantages to sectarian education.

education consumers.”²¹⁸ The viability of school voucher programs rested on the belief that education, while a necessity, was subject to the same market conditions as other vital goods and services. In a voucher system, educational “proprietors—public and private[...]—would compete for the custom of buyers (parents) all of whom have been made substantially equal in their power to purchase admission”²¹⁹ A school’s tuition would be variable, respective to a family’s income, with poorer families paying more nominal fees and richer families contributing heftier sums.

John Coons and Stephen Sugarman, who collaborated to draft the Family Choice in Education Act (FCEA), believed that voucher programs would help “purge public education of discrimination against poor districts and poor people.”²²⁰ The men argued that school districts had become illegitimate units of educational oversight because they could not guarantee parity of either educational quality or opportunity. Like *Lemon*, school voucher programs created space for the test-prep industry within American education. If the extant educational system unsuitably prepared broad patches of American youth for the working world or higher education, then the test-prep industry served as part of a broad spectrum of alternative approaches, or at least a suitable stop-gap, for those who could afford such measures.

Stumbling Toward Acceptability

Perhaps the biggest hurdle for test-prep companies to clear was the Federal Trade Commission’s (FTC’s) investigation of the industry during the late 1970s. Given the vast

²¹⁸ Golden, Jr., “Educational Vouchers,” 687.

²¹⁹ John E. Coons and Stephen D. Sugarman, with Charles S. Benson, “Family Choice in Education: A Model State System for Vouchers,” *California Law Review* 59, no. 2 (March 1971): 330-331, <http://www.jstor.org/stable/3479643> (last accessed March 12, 2011).

²²⁰ Coons and Sugarman, “Family Choice in Education,” 327.

expansion of the college-going and college-hopeful populations during the previous two decades, as well as the spectacular claims that certain test-prep companies made about their ability to raise test scores, the FTC felt it necessary to probe into the \$60-million industry to assess its ethicality and legality. Although plans to investigate the test-prep industry were first announced in late 1976, the commission's report would not be finished for another two and a-half years. The results, however, would directly alter the relationship between standardized test manufacturers, test-coaches, and the American public.²²¹

With its investigation, the FTC's Bureau of Consumer Protection sought to "estimate statistically the impact of commercial coaching on SAT scores."²²² However, the Bureau explicitly stressed in the introduction of its report that the investigation could not be categorized as experimental as there was no un-coached control group to which the students of the coaching schools under investigation would be compared. Although more statistically- and scientifically-sound results may have been attained by arranging a control group, the Bureau expressed in its report that such actions would have been financially and ethically unsound. The Bureau felt that they could not "[deny] access to commercial coaching to students who want[ed] it."²²³ Should coaching have proven effective, parents may have been incensed over a policy that hobbled their children's chances on the SAT. Investigators for the Bureau analyzed the records of "three

²²¹ "Trade Commission to Investigate Coaching for College-Entry Tests," *New York Times*, November 3, 1976: 33, ProQuest Historical Newspapers: *The New York Times* (1951-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/122936680?accountid=10003> (last accessed March 12, 2011); Fred M. Hechinger, "About Education: Coaching Courses Studied by F.T.C.," *New York Times* 19 Dec., 1978: C5, ProQuest Historical Newspapers: *The New York Times* (1951-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/123550495?accountid=10003> (last accessed March 12, 2011).

²²² Federal Trade Commission Bureau of Consumer Protection, "Effects of Coaching on Standardized Admission Examinations" (Washington, D.C.: Federal Trade Commission, 1979), 1. "Federal Trade Commission Bureau of Consumer Protection" will henceforth be referred to in the notes as "FTC."

²²³ FTC, "Effects of Coaching," 3.

coaching schools in the New York metropolitan area” for the academic years between 1974 and 1977.²²⁴ The investigators soon dropped one of these programs from its investigation due to its overly-small clientele pool. The customer information for the two remaining schools was corroborated against ETS and College Board files for all SAT candidates who resided in the same postal-code hubs as the majority of the coaching schools’ clientele.

However, the companies under investigation were not initially eager to relinquish their clienteles’ personal information, which led to arbitration in the United States District Court for the State of Massachusetts. In *Federal Trade Commission v. Stanley H. Kaplan Educational Center, Ltd., et al*, the FTC petitioned the court to have Kaplan comply with a *subpoena duces tecum*.²²⁵ Presiding judge D.J. Tauro deferred in part to the decision made by the Supreme Court in *FCC v. Schreiber*. Tauro noted that *Schreiber* set the precedent that “courts should not substitute their judgment for that of regulatory agencies more familiar with the industries they are charged with regulating.”²²⁶ Hence, the court would not honor Kaplan and others’ request because the FTC had a better understanding of what would be necessary for a thorough and valid investigation.

Once obtained, the files of these SAT-prep course clients were then referenced against ETS’s list of SAT candidates from the New York metropolitan area for the three academic years under question. Coaching school files that lacked corroboration in ETS’s files were disregarded.

²²⁴ FTC, “Effects of Coaching,” 4.

²²⁵ *Federal Trade Commission v. Stanley H. Kaplan Educational Ltd., Et Al*, 433 F. Supp. 989 (1977), 990; LexisNexis Academic, <http://www.lexisnexis.com/us/lnacademic> (last accessed March 12, 2011). According to the dictionary of legal terms found at the University of Pittsburgh’s online legal news-site *The Jurist*, a subpoena duces tecum is “a court order commanding a witness to bring certain documents or records to court.” This dictionary may be found at <http://jurist.law.pitt.edu/dictionary.htm> (accessed 14 August, 2010).

²²⁶ *Federal Trade Commission v. Stanley H. Kaplan Educational Ltd., Et Al*, 433 F. Supp. 989 (1977), 993 .

From this process, the Bureau identified 1,568 coached students. This pool was further winnowed to roughly 1,000; coached students who never took the SAT, took it outside the New York City metropolitan area, or took the ACT instead were discounted.²²⁷ Meanwhile, the Bureau randomly selected the SAT-score records for 2,500 un-coached students from ETS's files; this latter group served as the non-experimental control.

The investigators also sought to clarify any preexisting discrepancies between the control and experimental groups by comparing their respective responses on the Student Demographic Questionnaire (SDQ), which was administered during each examination date for the SAT and “voluntarily completed by [...] students.”²²⁸ Investigators determined that students who attended a coaching school tended to have higher course marks and PSAT scores than their un-coached peers. Coached students were more often than not “A” students in their English and math courses, while un-coached students were more often than not “B” students in these same subjects. The income figures between the two groups present a starker difference. Over two-fifths of the coached students came from families whose parental incomes exceeded \$30,000 per year, a figure which, if adjusted for inflation for the years between 1974 and 1978, would have an income equivalency range of \$100,322 to \$132,691 in 2010. Meanwhile, nearly one-half of the un-coached students came from households with incomes less than \$18,000 per year. When this figure is similarly adjusted for inflation, it gives an income equivalency range of \$60,199 to \$79,614 in 2010.²²⁹

²²⁷ FTC, “Effects of Coaching,” 5.

²²⁸ FTC, “Effects of Coaching,” 6.

²²⁹ FTC, “Effects of Coaching,” 8-11; United States Department of Labor Bureau of Labor Statistics’ CPI Inflation Calculator, http://www.bls.gov/data/inflation_calculator.htm (last accessed February 25, 2011).

Investigators employed multiple regression analyses in order to best gauge the genuine impact of coaching on test scores. This statistical technique was preferred to others because it allowed the “ability to analyze the impact of one variable on another variable while [... holding constant] the effects of several other factors.”²³⁰ Given the sheer variance within the SAT candidacy in any given exam administration, the Bureau found it necessary to program their analyses to account for gender, income, high school marks, class rank, high school type, PSAT scores, and distance between PSAT and SAT sittings. Hence, the effect of test-prep on test performance could not be easily accused of being unfairly augmented or mitigated.

The Bureau determined “that coaching was effective at one of the two schools.”²³¹ Stanley H Kaplan Educational Centers produced, on average, a fifty-point increase in customers’ composite SAT scores. However, this figure is somewhat misleading as the average rates of improvement attributable to coaching among the four different testing dates used in the study varied from 35.1 points to 71 points. When confidence intervals were considered, the rate of improvement attributable to Kaplan’s coaching ranged from 31 to 67 points, and among individual test dates, confidence intervals ranged from 2 points to 96 points. The other coaching school under investigation, Test-preparation Center, Inc., had drearier results. On average, students coached by Test-preparation Center had a mere 3.6-point improvement on their composite SAT scores, and their performances on the verbal section tended to slightly decline.²³²

A perusal of Test-preparation Center’s advertisements in the *New York Times* reveals a fundamental difference between their and Kaplan’s operations. Bizarre interaction with the

²³⁰ FTC, “Effects of Coaching,” 3.

²³¹ FTC, “Effects of Coaching,” ii.

²³² FTC, “Effects of Coaching,” 18-22.

NSATI aside, Kaplan refused to operate without preponderant control over its material. Stanley Kaplan went so far as to hand-pick new center managers during the early expansion of his business in order to ensure that every office outside of New York City operated according to his standards²³³. However, as seen in a 1975 ad in the *New York Times*, the Bronx-based Test-preparation Center did not necessarily engage in such tight-knit management:

PART TIME [:] Hi profit biz oppty [sic] created by & for educators. Administer and educational program in your community. Contact TEST-PREPARATION CENTERS, Inc., 3701 Henry Hudson Pkwy, Suite 'D', Riverdale, N.Y. [:] 212-796-1076²³⁴

For a “low investment,” one could manage a Test-preparation Centers branch.²³⁵ The company also directly courted teachers in the classifieds section of the *Times*. Test-preparation Center offered math teachers fifteen dollars per hour for part-time after-school work on Wednesday afternoons. For one 105-minute class, a teacher could earn \$26.25—a figure with the same purchasing power as \$106.37 in 2010.²³⁶ Although the company openly advertising the wages it would pay its employees, it did not use its advertisements to specify how much its SAT-

²³³ Kaplan, *Test Pilot*, 79, 77-85.

²³⁴ “Classified Ad 714,” *New York Times*, March 16, 1975: E13, catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes?accountid=10003> (last accessed January 20, 2011). Emphases in original.

²³⁵ “Classified Ad 97,” *New York Times*, April 30, 1978: F41; and “Classified Ad 152,” *New York Times*, May 7, 1978: F47; both catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes?accountid=10003> (last accessed January 20, 2011). Emphasis in originals.

²³⁶ “Classified Ad 357,” *New York Times*, October 10, 1975; U.S. Dept. of Labor Bureau of Labor Statistics, http://www.bls.gov/data/inflation_calculator.htm See also: “Classified Ad 302,” *New York Times*, September 12, 1976: E11; and “Classified Ad 436,” *New York Times*, August 21, 1977: E12. 72. All ads cited in this note are catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes?accountid=10003> (last accessed January 20, 2011).

prep and speed-reading courses cost. Readers were only told that there would be a “DISCOUNT for Early Registration.”²³⁷

Yet, the Bureau heavily mitigated its findings in the report’s second half. The investigators were insistent on demonstrating the fallacy in “concluding that School A [Kaplan] ‘works’ and School B [Test-preparation] does not.”²³⁸ The ability to diminish the findings depended upon the adherence to a buzzword of objective standardized testing, “underachievement.” According to the investigators, if students did poorly on the SAT “given their demographics and other personal characteristics” before being coached, then coaching may not have caused genuine improvement.²³⁹ More bluntly, if a coaching school led students to live up to expectations, then such improvement was not from genuine coaching. Such students were led to coaching through self-selection, i.e., recognizing the range of their alleged capabilities, rather than the desire to attain outstanding SAT scores.

Had the Bureau unequivocally reported that certain coaching schools could consistently produce genuine improvement in students’ SAT scores, then Educational Testing Service might have been in an unenviable position. However, ETS may have been partially responsible for the tone of the Bureau’s final product. R. Jeffrey Smith alleged that the Federal Trade Commission was “[h]arrassed by [ETS] and nervous about a document lending credence to a suspect

²³⁷ “Classified Ad 340,” *New York Times*, September 14, 1975: E10; “Classified Ad 619” *New York Times* January 18, 1976: E10 (emphasis in originals). See also: “Classified As 301,” *New York Times*, September 19, 1976: E8. Ads in this note are catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes?accountid=10003> (last accessed January 20, 2011)

²³⁸ FTC, “Effects of Coaching,” 22.

²³⁹ FTC, “Effects of Coaching,” 23.

industry.”²⁴⁰ The FTC decided to release the document only after a considerable delay and with several pointed caveats—and following the resignation of Arthur Levine, who oversaw the investigation.²⁴¹ When questioned, Consumer Affairs staffers remarked that the findings did not “provide enough information to question the legitimacy of standardized tests themselves”; the study lacked a scientifically genuine control group of students, and thus could not be trusted beyond a minimal degree.²⁴²

Yet the FTC’s findings—however tepid—were enough for the test-prep industry to claim a quantum of legitimacy. Following the report, Stanley Kaplan used rhetorical deference to give his company extra credibility. By asserting that “‘cram courses do not help,’” Kaplan distanced his company from its competition, but also implied to the public that the test-prep industry should not be seen as a cohort of enterprises with a shared agenda or product, but merely a broad spectrum of companies dependent upon the continued use of standardized exams.²⁴³ Although the FTC study sought to determine if the test-prep industry had engaged in consumer fraud, the results may have ironically spurred some justification for certain test-prep companies to demand high prices for their goods. Whereas Test-preparation Center charged \$75 for its SAT prep course, Kaplan charged \$250.²⁴⁴ Even factoring in the number of hours spent in direct classroom

²⁴⁰ R. Jeffrey Smith, “Test Coaching Dispute Lingers,” in “‘Truth-in-Testing’ Attracts Diverse Support,” *Science* 205, no. 4411 (September 14, 1979): 1114 (sidebar), <http://www.jstor.org/stable/1748042> (last accessed March 13, 2011).

²⁴¹ Larry Kramer, “FTC Sees Cram Courses as Helpful,” *Washington Post*, March 28, 1979: D7, available via LexisNexis Academic <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed January 20, 2011).

²⁴² “Cram Courses May Lift Aptitude Test Scores of Some, Study Finds,” *Wall Street Journal*, May 30, 1979; 10; microfilm.

²⁴³ Kramer, “FTC Sees Cram Courses as Helpful.”

²⁴⁴ Larry Kramer, “Test Results Affected by Cram Courses; FTC Says Cram Courses May Help,” *Washington Post*, May 30, 1979: E1; available via LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed January 20, 2011).

instruction, a client would have paid \$3.125 per hour of instruction at Test-preparation Center versus \$6.25 per hour at Kaplan. This per-hour cost comparison may seem somewhat misleading because, as noted earlier, Kaplan had devised dozens of hours of supplemental audio material students could use while at a Kaplan center. But, the use of such material was optional, as a client could use as much or as little of Kaplan's Test-n-Tape system as he or she desired.

Regardless, the FTC report may have reinforced and popularized Kaplan's method of operation; one paid considerably more for test-prep not for what one is required to do in a prep course, but for the myriad possible ways one could prep using a company's materials. If a student were to customize and fully use the supplementary material, then Kaplan and its analogues could reinforce the claim that they were engaging in long-term, multidimensional coaching, and that such holistic learning did not come cheaply. Conversely, clients who ignored the various additional materials could be dismissed as careless students and thoughtless consumers, since the company's numerous provisions mitigated that company's burden in guaranteeing significant test score improvement.

More For Less: The Creation of the Department of Education

The test-prep industry's acquisition of legitimacy also had a bureaucratic tether: the creation of the Department of Education. Prior to 1979, the Department of Health, Education, and Welfare (HEW) was the executive bureaucratic apparatus responsible for the oversight of American education. President Carter found the department unsuitable and unsustainable for this purpose. Although Carter had pledged during his presidential campaign to create a Department of Education, he waited until his 1978 State of the Union address to Congress to publicly re-

approach the idea of restructuring the executive Cabinet. Amplified attention to the creation of a separate department for education did not develop until October, 1978, when Carter personally, and unsuccessfully, urged Speaker of the House Tip O'Neill to rally support for the passage of the House version of the Department of Education Origin Act.²⁴⁵

In the 1979 State of the Union address, Carter's educational agenda included a reassurance to the American public that the proposed Cabinet addition would not lead to federal dicta on the nature of American education. To Carter, the proposed department would instead serve as a "responsive and reliable partner with states, localities, and private institutions."²⁴⁶ The government would not usurp power away from the traditional arbiters of pedagogical direction. Indeed, the president hoped that a department for education would "keep the Federal Government out of the administration and the decision-making involving public education."²⁴⁷ To this end, Carter repeatedly argued during the summer of 1979 that an extra apparatus for education was needed in order to slim down the executive bureaucracy as well as reduce federal involvement in the direction American education. Over two and-a-half years into his term Carter's aims materialized when the House approved the Department of Education Organization Act during the last week of September, 1979. The Senate's version of the bill cleared conference scrutiny at the same time.

²⁴⁵ "The President's News Conference of October 10, 1978," *Public Papers of the Presidents of the United States: Jimmy Carter, 1978, book 2: July 1 - December 31, 1978*, (Washington, D.C.: United States Government Printing Office, 1979), 1749.

²⁴⁶ "The State of the Union: Annual Message to the Congress," *Public Papers of the Presidents of the United States: Jimmy Carter, 1979, book 1: January 1 - June 22, 1979* (Washington, D.C.: United States Government Printing Office, 1980), 127.

²⁴⁷ "Interview with the Press: Remarks and Question and Answer session with Editors and News Directors (March 11, 1979)," *Public Papers of the Presidents of the United States: Jimmy Carter 1979, book 1: January 1 - June 22, 1979* (Washington, D.C.: United States Government Printing Office, 1980), 849.

Public Law 96-88, signed by Carter on 17 October, 1979, attempted to retain the limited scope that the president sought for the new department. Within the law's introductory findings, the 96th Congress stated that "parents have the primary responsibility for the education of their children, and states, localities, and private institutions have the primary responsibility for supporting that role."²⁴⁸ If parents are the arbiters of education, then their actions are limited solely by the legality of those educational institutions they choose their children to attend, and not necessarily by the quality of the resultant education. In turn, if private institutions served a role in the execution of parents' educational demands, then education was rendered similar to a commodity subject to oversight. Education was legitimate so long as it was not legally illegitimate.

As stated in the law's next clause, the preponderance of governmental authority over education rested in state governments, which in turn granted that authority to school systems and superintendents. Given the assumed legality and legitimacy of each state's educational system, as well each state's local school systems' varying interpretations of statutes, the new department was left with the broad roles of "management and coordination of Federal education programs."²⁴⁹ In turn, Congress maintained that communities and localities, as the purest sources of educational direction and policy, included a variety of educational locations. That is, education was not merely limited to the school, but also "libraries, museums, [...] the workplace, [...] and the home."²⁵⁰ If the provision of a child's education and molding had supplemental

²⁴⁸ Public Law 96-88, "Department of Education Organization Act," 96th Congress, 1st Session (S. 210), 17th October, 1979: §101, cl. 3.; law accessed via Readex *U.S. Congressional Serial Set*, <http://infoweb.newsbank.com.ezproxy.lib.ucf.edu> (last accessed February 1, 2011).

²⁴⁹ Public Law 96-88, §101, part 7.

²⁵⁰ Public Law 96-88, §101, part 5.

elements in the community, then these elements were also largely outside the jurisdiction of the Department of Education. The department could not place restrictions on these extracurricular environments of learning, whatever the nature of this learning may be, unless it was in violation of federal law. Nor could the department obstruct the use of new technologies or pedagogical theories, unless they denied equal opportunity in learning.

Put simply, the department was given a broad mission with a short leash. The law mandated that the new department was to engender “the general welfare of the United States” through education, but not “the authority of the Federal Government over education.”²⁵¹ As stated in Section 103, (b) of the law, both the Secretary and Department of Education were bound to accept curricular content, “library resources, textbooks, or other instructional materials by any educational institution or school system,” save those in violation of federal law.²⁵² Decisions over proprietary education could not be easily addressed with the new department’s organization. Public Law 96-88 created six assistant secretary positions for the department, each with the responsibility to oversee a specific facet of education: primary and secondary education; post-secondary education; “vocational and adult education”; “special education and rehabilitation service”; “educational research and improvement;” and civil rights.²⁵³ Contrary to Carter’s promises, there was no assistant secretary position for private education. Hence, the legality—and, in turn, educational legitimacy—of proprietary educational establishments and enterprises depended upon the decisions of other federal departments and the legislative branch.

²⁵¹ Public Law 96-88, §102, part 3a.

²⁵² Public Law 96-88, §103, part b.

²⁵³ Public Law 96-88, §202, part b, cl. 1.

With this, the Department of Education did not have the authority to deem the test-prep industry legitimate or illegitimate. That judgment call could only come from the Federal Trade Commission. As heavily mitigated as the final version of the FTC's Bureau of Consumer Affairs investigation of the test-prep industry was, the report never clearly gave clear support or disapproval of the industry's practices or existence. In short, the industry's legal and educational legitimacy was granted by default. The FTC could not prove beyond doubt, nor truly beyond skepticism, that all elements of the test-prep industry behaved unethically. The provisions of Public Law 96-88 compelled the Department of Education to defer to precedent federal decisions and local educational customs. The industry was acceptable because it was not unacceptable.

Truth in Testing

At the end of the 1970s, the American public had grown weary of the clandestine operations of standardized test makers, in particular, those of ETS. Foremost among the crusaders against standardized testing were Ralph Nader and Allan Nairn. Nader alleged that higher education was viewed as a symbolic rather than a substantive goal. The symbolic goal of college education was empty because the intangible and overarching skills one ought to have learned in higher education were not applied to societal uplift. With this, Nader became the mentor of one "Allan Nairn of Princeton University," who formed a Public Interest Research Group (PIRG) in order to investigate the practices of ETS.²⁵⁴

The polemic tome that spawned from Nairn and his PIRG's investigation, *The Reign of ETS*, was a sharp rebuke of ETS's impenetrable secrecy and seeming incompetence. Nairn's ire

²⁵⁴ Ralph Nader, "Student Power 101," *Change* 11, no. 8 (November-December, 1979): 49, <http://www.jstor.org/stable/40163315> (last accessed March 13, 2011).

stemmed from ETS's alleged unethical corporate behavior. Nairn charged that the organization was "supposedly a nonprofit enterprise [...] operating under the rules of disclosure of a private company."²⁵⁵ Nairn was also highly critical of the test-prep industry. The report deemed test-coaching as little more than "a respectable form of cheating."²⁵⁶ For Nairn, the test-prep industry was at best a parasitic offshoot of the entire standardized testing apparatus.

In May, 1979, the New York State legislature decided to force the standardized testing industry to operate with transparency by passing truth-in-testing legislation. In mid-June, the State Senate passed a resolution requiring full disclosure of each student's responses on a standardized exam, as well as the correct answers, no more than thirty days after the particular exam's administration.²⁵⁷ Following the law's passage in July, the notion of truth-in-testing gained federal legislative appeal. Democratic federal Representatives Sam Gibbons and Ted Weiss both offered bills that would have extended New York State's truth-in-testing legislation nationwide. Weiss's bill went so far as to require that standardized test makers' scoring and calculation procedures "be placed in the public domain."²⁵⁸

²⁵⁵ Allan Nairn, qtd. in Edward B. Fiske, "Scholastic Testing Industry Facing Regulation by State," *New York Times*, July 5, 1979: D6, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?=docview/120802820?accountid=10003> (last accessed March 13, 2011). See also: Shawn G. Kennedy, "Albany Bill Challenging Secrecy in Testing," *New York Times* 27 May, 1979: 35, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?=docview/120819445?accountid=10003> (last accessed March 13, 2011).

²⁵⁶ Allan Nairn, *The Reign of ETS: The Corporation that Makes up Minds* (Ralph Nader: 1980), 97. See also: Allen Nairn and Ronald Brownstein, "Are Truth-In-Testing Laws a Fraud? No!" *Phi Delta Kappan* 61, no. 3 (November 1979): 189-191, <http://www.jstor.org/stable/20385390> (last accessed March 13, 2011). Nairn and Brownstein maintained that the SAT was a crucial component of college admissions because it provided universities a clear cutoff point; the alleged objectivity of the SAT allowed colleges to hone their admit pool in a seemingly rational, emotionless fashion; the onus of denial for rejection was passed back to students for their low SAT scores.

²⁵⁷ Ari L. Goldman, "State Senate Approves Measure to Let Students See Their Aptitude Tests," *New York Times*, June 15, 1979: B2, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?=docview/120812001?accountid=10003> (last accessed March 13, 2011).

²⁵⁸ David H. Florio, "Congress Watch," *Educational Researcher* 8, no. 8 (September 1979): 13, <http://www.jstor.org/stable/1175593> (accessed March 13, 2011). To see the proposed legislation, see: Congress,

The College Board did not mince words. In the opening editorial for the Fall, 1979, edition of *The College Board Review*, Jack Arbolino chided those responsible for New York State's truth-in-testing legislation. The editor remarked:

Laws, like tests, should never promise more than they can deliver. And, lawmakers might well remember that in the field of education, governmental regulations are dangerous[; ...] well-meaning laypeople and zealous lawmakers [can] disrupt or cripple an organization.²⁵⁹

With this, Arbolino not only accused champions of truth-in-testing legislation of being ignorant of what constituted sound educational practices, but also hinted that the Carter administration's creation of the Department of Education was itself a foolhardy endeavor. In turn, *The College Board Review* was eager to publish the opinions of those educators who had likewise negative appraisals of truth-in-testing legislation, including educational historian Diane Ravitch. A known advocate of the use of the Scholastic Aptitude Tests as part of the college application process, Ravitch likened truth-in-testing legislation to "consumer fraud" that would unnecessarily increase testing costs for "student-consumer[s]."²⁶⁰

With this, the test-makers played a game of brinksmanship with New York State.

Claiming that the disclosure of students' performances as well as each exam's correct answers

House, Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor, *Truth in Testing Act of 1979; The Educational Testing Act of 1979: Hearings on H.R. 3546 and H.R. 4949*, 96th Cong., 1st sess., July 21, August 1, September 12, September 24, and October 10-11, 1979: 1-22.

²⁵⁹ Jack Arbolino, "Notes," *The College Board Review* 113 (Fall, 1979): 1. For a clearer idea of the ACT's operators' opposition to truth-in-testing legislation, see: Edward B. Fiske, "College Entrance 'Truth in Testing' Effort Assailed," *New York Times*, September 11, 1979: A17, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?=&docview/120699611?accountid=10003> (last accessed March 13, 2011). In the article, the ACT's director, Philip Rever, is noted saying that the idea that truth-in-testing legislation would help socioeconomically disadvantaged students would be "the most fanciful and wishful thinking."

²⁶⁰ Diane Ravitch, quoted in "Commentaries on Testing Legislation and the Nader Report," *The College Board Review* 117 (Fall 1980): A13. For more of Ravitch's opinions on the Scholastic Aptitude Test and on truth-in-testing legislation, see also: Diane Ravitch, "The College Boards," *New York Times* 4 May 1975: 12-13, 51, 54-55; Diane Ravitch, "The Law on Tests is Bad," *The New York Times*, 15 Aug., 1979: A23; and, Diane Ravitch, "Are Truth-in-Testing Laws a Fraud? Yes!," *The Phi Delta Kappan* 61, no. 3 (Nov., 1979): 189-190, <http://www.jstor.org/stable/20385389> (last accessed March 13, 2011).

would be cost-prohibitive, several standardized test manufacturers threatened to cease operations in New York State at the end of the year. Others, such as the ETS, insinuated that New Yorkers would be subject to stiffer test prices and fewer testing windows as industry transparency would require consumer sacrifice. (In the 1978-1979 fiscal year, ETS earned \$US 94.2 million in revenues.)²⁶¹ By the very end of 1979, ETS and the College Board made an about-face. On 29 December, the heads of both companies, along with those of several other testing companies, released a joint statement indicating their concurrence “that students should be able to examine the questions and answers on the [SAT] and other examinations.”²⁶² New York high school students were able to take the SAT and receive full disclosure on their performance, for \$14.65, a fee seventy-seven percent higher than that for test candidates in the rest of the nation.²⁶³

Conclusion

Truth-in-testing legislation should have been the death knell of the test-prep industry.

Standardized test makers could have been hobbled to the point of impotence, rendering test-prep

²⁶¹ Edward B. Fiske, “Student Testing Unit’s Expansion Stirs Debate,” *New York Times*, November 14, 1979: A1, A11; Edward B. Fiske, “Colleges May Lose 20 Entrance Exams,” *New York Times*, October 8, 1979: A1, B4; Edward B. Fiske, “Student Questions and Answers On ‘Truth in Testing’ Provisions,” *New York Times*, October 10, 1979: A1, B3; and “S.A.T. Schedule Will Be Reduced Beginning Jan. 1” *New York Times*, October 10, 1979: B3. Not all test manufacturers were as critical of truth-in-testing legislation as ETS, the College Board and the AAMC were. The Law School Admissions Council, which designed the LSAT, merely applied truth-in-testing standards across the country. Please see: Dena Kleiman, “‘Truth in Testing Law’ Faces Legality Test,” *New York Times*, November 9, 1979: B3. Articles in this note can be found at ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes?accountid=10003>.

²⁶² Edward B. Fiske, “5 Exam Groups Ease Opposition To Law on Tests,” *New York Times*, December 30, 1979: A1, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/123872048?accountid=10003> (last accessed March 13, 2011).

²⁶³ Dan Hulbert, “Q. and A. on ‘Truth in Testing,’” *New York Times*, January 6, 1980: EDUC1, 20, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/121164344?accountid=10003> (last accessed March 13, 2011). Those New York high school students who did not want full disclosure on their SAT performance still had to pay \$10 to take the exam, which Hulbert notes included “a \$1.75 surcharge above the regular \$8.25 fee” for other American high schoolers taking the SAT.

needless. Indeed, some proponents of testing transparency alleged that New York's laws would cause "tutoring service [to] be less successful in helping students 'buy' higher scores."²⁶⁴ In a sense, it is not surprising that the test-prep magnate Stanley Kaplan would run into the arms of ETS amidst the torrent of Nader, Nairn, LaValle and other reformists. Despite criticism to the contrary, Kaplan asserted that he had "witnessed how admissions tests opened doors for underachievers, late bloomers, and minorities."²⁶⁵

In a 1968 essay that discussed the racially discriminatory aspects of standardized testing, the editors of the *Columbia Law Review* remarked, "Science operates on the null hypothesis—that until proved there exists no relation between two variables. [...] Furthermore, the law affirmatively assumes equality."²⁶⁶ Education, in practice and principle, sits in the intersection of these two arenas, and thus, any facet of education that is to attain a sense of social acceptability, including test-prep, had to not run afoul of either scientific or legal criteria. Yet, scientific and legal burdens of proof do have permeable areas. Something that has not been clearly scientifically proven is not necessarily disproven, just as something that is not expressly and overtly permitted by law isn't necessarily illegal. It is in these areas—this defaulted acceptability—where the test-prep industry flourished in the 1960s and 1970s.

²⁶⁴ Shawn G. Kennedy, "Albany Bill Challenging Secrecy in Testing," *New York Times*, May 27, 1979: 35, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?=docview/120819445?accountid=10003> (last accessed March 13, 2011).

²⁶⁵ Kaplan, *Test Pilot*, 118. See also: Lemann, *The Big Test*, 227.

²⁶⁶ "Legal Implications of the Use of Standardized Ability Tests in Employment and Education," *Columbia Law Review* 68, no. 4 (April 1968): 695, <http://www.jstor.org/stable/1120918> (last accessed March 14, 2011).

CHAPTER THREE: EVERYBODY INTO THE POOL: THE EXPANSION OF THE TEST-PREP INDUSTRY, 1980-1989

Witnessing this **insolent** command, I had to use all my stores of discipline to **quash** a surge of **antipathy** toward him. *What a baby.* But my mood **modulated** as I gauged the hurt look on his face. Was I being insensitive here? [...H]e had enough reasons to resent Luke already. Besides, maybe it was sweet in some way that he was so jealous over me. Right?²⁶⁷

Peruse any well-stocked chain bookstore, and one will find shelves, or perhaps even an entire section, devoted to test-prep material. Glossy covers shimmer under fluorescent lighting, enchanting all those who seek assistance with standardized entrance exams. The companies that produce such material, Kaplan, Barron's, Arco, The Princeton Review, even the College Board, offer practice tests, strategies, techniques, and drills, often for less than fifty dollars. Some guarantee improvement, while others provide supplementary information on the college application process and proper study habits.

Some study aids, such as the above-quoted *Head Over Heels*, which is part of Spark Notes' line of preparatory material, take a less direct approach to SAT study. The book is instead meta-referential. The protagonist Francesca falls in love with her classmate Luke as he helps her prepare for the SAT. Along the way, readers engrossed with Francesca's personal and academic ordeals are also supposed to become better acquainted with vocabulary found on the SAT. College-level vocabulary is bolded within the text and succinctly defined at the bottom

²⁶⁷ Ryan Nerz, *Head Over Heels* (New York: Spark Publishing, 2004), 47. All emphases in original.

margin of each page. At moments, the subtext of the novel is the text itself. One character, a teacher named Ms. Cloister, states, “The most bankable skill you could have in our media-driven society is to be **articulate**. [...] Which is to say, those who express themselves best get the best jobs.”²⁶⁸ Since this opinion is shrouded in the stentorian musings of a character, the reader does not feel chided, but rather congratulated for being a diligent student and savvy consumer.

The publication of texts such as *Head Over Heels* raises key questions: How did the American test-prep industry become so prominent? So commonplace? One would be hasty to claim that the test-prep industry’s search for legitimacy ended with the developments of the late 1970s. Rather, in order to show how test-prep became accepted as a culturally mainstream practice, this chapter shall look at the rapid expansion of the industry during the 1980s. Following the Federal Trade Commission’s investigation of test-prep companies, as well as the spread of truth-in-testing legislation beyond New York State, the world of test-prep would undergo several key alterations. Kaplan, the largest test-prep company, became a subsidiary of the Washington Post Company and a financial success for both entities. The Princeton Review quickly became a formidable competitor for Kaplan, and attracted ETS’s ire in the process. The industry at-large would expand into emerging media, while new factions, including the College Board itself, attempted to broaden the market for test-prep.

²⁶⁸ Nerz, 3 (emphasis in original). Not all SAT-gearred pieces of fiction released by test-prep companies are original works. Some, such as Kaplan’s line of *SAT Score-Raising Classics*, are merely works of American and British literature reedited to seemingly better suit studying for the SAT. In Kaplan’s editions, the original text of the work appears on right-handed pages, with any ostensibly SAT-level word printed in boldface; these words are then defined on the opposing page. For a couple examples, please see: Nathaniel Hawthorne, *The Scarlet Letter—A Kaplan SAT Score-Raising Classic*, revised ed., eds. Jennifer Farthing and Caryn Yilmaz (New York: Kaplan Publishing, 2006); and Edgar Allan Poe, *The Tales of Edgar Allan Poe – A Kaplan SAT Score-Raising Classic*, revised ed., ed. Helena Santini (New York: Simon & Shuster, 2004).

By the end of the decade, both the test-prep industry and standardized test manufacturers were engaged in a cycle of pseudo-antagonism and symbiotic adaptation. Both parties behaved in ways that, on the surface, should have threatened the vitality and operational integrity of the other side. Actually, these maneuvers only further guaranteed that test-prep, and logically, standardized testing, would grow in market size and profits. This pseudo-antagonism between test-makers and test-coaches relied heavily on the reinvigorated debate on the social value, or in some eyes, scourge, of the test-prep industry and of standardized testing itself.

The More Things Change...

The Federal Trade Commission's tepid findings did not quell the debate between supporters and opponents of the test-prep industry. Rather, the public academic debate over the ethical and educational legitimacy of the test-prep industry, as well as the SAT, was reignited during the early 1980s. This new bandy between psychometricians and their discontents began in the May, 1980, issue of the *Harvard Educational Review*, in which Warner Slack and Douglas Porter delivered a damning criticism of ETS and the SAT. Using meta-analytical statistical techniques, Slack and Porter alleged that the SAT was indeed coachable, and that ETS's claims to the contrary were reprehensibly damaging to the self-worth of many American youth. Were the test impervious to coaching, then the notion that the scores from a three-hour exam "accurately reflected [a student's] aptitude" would still be a gross distortion of the test's genuine capabilities as well as a dangerous misuse of the concept of aptitude.²⁶⁹ Even if ETS did not

²⁶⁹ Warner V. Slack and Douglas Porter, "The Scholastic Aptitude Test: A Critical Appraisal," *Harvard Educational Review* 50, no. 3 (August 1980): 155, 169.

believe that one's mental aptitude was innate and fixed, the nonprofit did not overtly do anything to dispel such a belief among the American public.²⁷⁰

Slack and Porter also accused ETS and the College Board of sweeping aside the results of certain studies "supported in part by [grants] from the College Board" that had demonstrated the considerably positive effects of coaching on SAT scores.²⁷¹ In particular, the authors cited J.E. Marron's 1965 study, in which subjects had improved their overall SAT scores by an average of 137 points after several months of coaching. In addition, Slack and Porter discussed Nathaniel Pallone's 1961 study on test coaching, in which the twelfth-graders who participated in the "six-week, 90-minute-per-day course" improved their SAT-Verbal scores by nearly 100 points.²⁷² Pallone's study was instead later used by ETS as a straw man in a subsequent study.²⁷³

Such criticism did not sit lightly with ETS head Rex Jackson. In the subsequent issue of *Harvard Educational Review*, he dismissed Slack and Porter's criticisms as little more than "a pastiche of familiar charges" premised on specious evidence.²⁷⁴ Jackson noted that Slack and Porter's argument relied on overly extreme definition of aptitude not used by ETS, and that any

²⁷⁰ Slack and Porter, "The Scholastic Aptitude Test: A Critical Appraisal," 169.

²⁷¹ Slack and Porter, "The Scholastic Aptitude Test: A Critical Appraisal," 159.

²⁷² Slack and Porter, "The Scholastic Aptitude Test: A Critical Appraisal," 158. As the authors note, Pallone's coaching program for the SAT-Mathematics section produced similar results.

²⁷³ Slack and Porter, "The Scholastic Aptitude Test: A Critical Appraisal," 159. Rather than recreate Pallone's experiment, researchers "gave the SAT to freshman college students before and after a speed-reading course"; the authors used the results to conclude that Pallone's results had diminished significance. As Slack and Porter note, Pallone's study never included speed-reading or college students in his study. Regarding the re-classification of the Pallone study by Jackson as a long-term endeavor, the authors note that the amount of coaching received by students in the Pallone experiment was barely greater than the amount of coaching provided in a 1979 ETS study that had been deemed a short-term endeavor. Slack and Porter mused that "Jackson seems to suggest that 17 minutes provides that basis for differential[ation]"; see: Warner V. Slack and Douglas Porter, "Training, Validity, and the Issue of Aptitude: A Reply to Jackson," *Harvard Educational Review* 50, no. 4 (November, 1980): 393.

²⁷⁴ Rex Jackson, "The Scholastic Aptitude Test: A Response to Slack and Porter's 'Critical Appraisal,'" *Harvard Educational Review* 50, no. 4 (November, 1980): 382.

reasonable person should have understood that the SAT did not measure one's ultimate mental capabilities. Slack and Porter countered in the same issue that grasping for nuance with the term was irrelevant: "[t]he word 'aptitude' implies 'unchanging abilities' that are believed to be 'innate.'"²⁷⁵ Students who had little time or wherewithal to understand the finer semantic dimensions of "aptitude" would take their respective test scores at face value as clear portraits of their intellectual limits. Based on this skewed portrayal, students would then spend their adult lives perceptually bound by these artificial constraints on their capabilities.

Rex Jackson was not the only ETS figure to challenge Slack and Porter's claims during the early 1980's. Samuel Messick and Ann Jungeblut's article for the March, 1981, edition of *Psychological Bulletin* attempted to discredit those studies cited in Slack and Porter's defense of test coaching. According to the psychometricians, any attempt to legitimize test-prep via previous research was unreasonable because the extant literature "was methodologically flawed in various and divergent ways."²⁷⁶ Most studies that validated test-coaching either lacked control groups or relied upon unscientifically-constructed control groups. More importantly, the results of most studies on test-prep were truly inconclusive because interested parties refused to set parameters on what exactly constituted test-coaching. As Messick and Jungeblut argued, the studies by Marron, Pallone, and others that upheld test-coaching relied on instructional practices so extensive as to be often interchangeable with actual classroom instruction, and as such, would be without any merit were students provided with a rigorous high school education.²⁷⁷

²⁷⁵ Slack and Porter, "A Reply to Jackson," 399. Slack and Porter also provided a stringent definition of "aptitude" used by ETS researchers in order to allege that Jackson's understanding of his own company's view of the concept was faulty.

²⁷⁶ Samuel Messick and Ann Jungeblut, "Time and Method in Coaching for the SAT," *Psychological Bulletin* 89, no. 2 (March 1981): 193.

²⁷⁷ Messick and Jungeblut, "Time and Method in Coaching for the SAT," 191, 204-216.

This academic fascination with the future of standardized testing, and by extension, test-prep, continued when the periodical *American Psychologist* devoted its October, 1981, edition to the subject. The guest editors for the issue were convinced that continued public discourse over standardized testing “[would] have lasting benefits” for American society.²⁷⁸ Psychologist Anne Anastasi contributed an article on test-coaching to the issue. Anastasi reaffirmed that test-prep had become an irrefutably vague concept, and that the confusion found in debates over test-prep was correspondent to the “pseudodistinctions” made by the American public about the many standardized tests used for educational and employment purposes.²⁷⁹ In turn, Anastasi insinuated that the College Board’s recurrent disdain for the test-prep industry had a more refined logic in the advent of truth-in-testing legislation. Despite the College Board’s aim to diminish students’ test-wiseness by publishing its own line of preparatory material (discussed below), public schools and private enterprises that offered test-prep services only helped “reintroduce the very individual differences in narrowly defined test-taking skills.”²⁸⁰ That is, those who championed test-coaching as a way to combat the alleged unfairness of standardized testing were now causing inequity in the newly-transparent testing environment.

Unconvinced of the College Board’s transformation, Slack and Porter again confronted the creators of the SAT in a 1982 *New York Times*-organized roundtable discussion. The editorial panel resolved little. Although Slack badgered College Board President George Hanford into

²⁷⁸ Robert Glaser and Lloyd Bond, “Introduction: Testing: Concepts, Policy, Practice, and Research,” *American Psychologist* 36, no. 10 (October 1981): 997. This issue of *American Psychologist* also has an exemplary analysis on the history of standardized testing and its broader social significance. Please see: Walt Haney, “Validity, Vaudeville, and Values: A Short History of Social Concerns Over Standardized Testing,” *American Psychologist* 36, no. 10 (October 1981): 1021-1034.

²⁷⁹ Anne Anastasi, “Coaching, Test Sophistication, and Developed Abilities,” *American Psychologist* 36, no. 10 (October 1981): 1086.

²⁸⁰ Anastai, “Coaching, Test Sophistication, and Developed Abilities,” 1089.

stating that the SAT was not designed to measure or suggest one's innate mental faculties, disagreements over the test's alleged cultural bias and predictive capabilities remained unsettled. Further, Hanford refused to define coaching any further than "drill in a short period of time," even after Slack accused the College Board of "fraud in science" by selectively publicizing studies which purported that test-prep produced negligible gains.²⁸¹ Like ETS's Rex Jackson two years prior, Hanford insisted that any studies with findings to the contrary had serious methodological flaws.

Amidst this academic back-and-forth, the United States Department of Education began to challenge the curricular trend toward teaching for specific tests. In a 1982 booklet for the federal department's National Institute of Education, Nancy Borkow sought to challenge the educational policy direction of "modifying [school] curriculums to emphasize the basics" for the sake of raising standardized test scores.²⁸² The protracted decline of SAT scores, as well as those of other aptitude and achievement tests, spurred many American secondary schools and school systems to reformat their curricula. Reading and mathematics had taken precedence over other subjects, which were themselves reoriented toward reading and mathematics instruction, e.g., reading-through-science and reading-through-history. Borkow noted that average SAT scores for male and female test-takers in both subjects continued to decline in the 1980s, several years after the educational reemphasis on basics began. Although the average SAT scores for 1981 "[had]

²⁸¹ Margot Slade, "A Roundtable: Scoring the S.A.T.," *New York Times*, October 24, 1982: E22, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/121892434?accountid=10003> (last accessed March 12, 2011).

²⁸² Nancy Borkow, National Institute of Education, "Analysis of Test Score Trends: Implications for Secondary School Policy—A Caution to Secondary School Administrators" (Washington, D.C.: United States Department of Education, 1982), 1.

remained stable with the 1980 results,” it was unclear at the time of publication whether the trend had reached a genuine nadir or merely stalled.²⁸³

Borkow maintained that this test-based curricular shift would create “a too-narrow focus on basics” in American secondary education.²⁸⁴ As high schools sought to ensure that all students grasped rudimentary mathematical and verbal concepts, fewer students became able to exhibit mastery at more advanced levels; American high school students were stuck at the lower orders of intellectual engagement. In turn, Borkow forecasted a dire irony for children introduced to basics-based education in primary school. Although children would benefit from mastering rudimentary concepts in primary schooling, the back-to-basics focus in secondary schools would deny these students the opportunity to study advanced concepts later in their requisite education, thus “render[ing] the high school diploma essentially valueless.”²⁸⁵

Unsurprisingly, ETS concurred with Borkow’s assessment; Donald Powers and Donald Alderman’s 1983 study for the *Journal of Educational Measurement* concluded that attempts to perform better on the SAT through familiarization with the test’s structure were fruitless. The authors maintained that the “test familiarization booklet [...] *Taking the SAT*,” which had been distributed to SAT candidates since late 1978, produced no substantial increase in scores.²⁸⁶ Despite including “a full-length sample test and answers to questions,” the booklet only had a

²⁸³ Borkow, “Analysis of Test Score Trends,” 3.

²⁸⁴ Borkow, “Analysis of Test Score Trends,” 8.

²⁸⁵ *Ibid.*

²⁸⁶ Donald E. Powers, and Donald L. Alderman, “Effects of Test Familiarization on SAT Performance,” *Journal of Educational Measurement* 20, no. 1 (Spring 1983): 72, <http://www.jstor.org/stable/1434942> (last accessed March 12, 2011).

slightly positive influence on mathematics scores.²⁸⁷ Rather, the only improvement of genuine statistical significance was students' level of confidence. The message was clear. If clear and thorough familiarization with the SAT made students feel more comfortable without leading to significant increases in scores, then the test was well-written and the test-makers were behaving fairly. Therefore, coaching was a sham.²⁸⁸

On the surface, the continued debate over test-prep, its parameters, and its usefulness ought to have hobbled the industry. The incredibly broad spectrum of practices that researchers, psychometricians, critics, and entrepreneurs regarded as SAT-coaching should have bred widespread consumer distrust. Instead, this vagueness and lack of consensus kept the industry afloat. If those parties with a vested interest in test-coaching could not concur on what it constituted, even in a broad sense, then claims that the industry profited from illegitimate practices were difficult to sustain. Rather, what remained sustained was the principle of legitimacy by default. Test-prep entrepreneurs could market their goods and engage in practices so long as they were not blatantly illegal. However, as will be seen with the actions of John Katzman and The Princeton Review, some test-prep enterprises purposely operated in the hinterlands of ethicality and legality in the 1980s, and became highly-profitable from doing so.

²⁸⁷ *Ibid.*

²⁸⁸ Powers and Alderman, "Effects of Test Familiarization," 76-77. The debate over test coaching's effectiveness—and, more importantly, the methods used to measure test coaching's effectiveness—did not end in 1983. Please see: Betsy Jane Becker, "Coaching for the Scholastic Aptitude Test: Further Synthesis and Appraisal," *Review of Educational Research* 60, no. 3 (Autumn 1990): 373-417, <http://www.jstor.org/stable/1170759> (last accessed March 12, 2011).

John Katzman, Clever Advertising, and the Limits of Copyright

The test-prep industry's acquisition of legitimacy during the 1980s also depended upon the development of formidable competition. During this decade, more test-prep companies gained national notoriety, and none more so than The Princeton Review ("TPR"). Founded in New York City in 1981 by John Katzman, The Princeton Review held an openly antipathetic view toward the SAT: one's results reflected nothing except one's ability to take that particular exam.²⁸⁹ But, for "between \$500 and \$600," students could learn from TPR how to outwit the structure of the SAT in order to attain a higher score.²⁹⁰ Both Katzman and his associate Adam Robinson had experience in the test-prep industry prior to The Princeton Review. Katzman had worked at Bob Scheller's test-coaching school, the content of which having been developed by Robinson.²⁹¹

Glibly cynical, The Princeton Review's advertisements had a tenor and rhetoric starkly different than those of other test-prep companies. This style was noticeable even in TPR's earliest ads. One such ad, printed in the *New York Times* in August and September of 1981, sought to hook readers with the remark: "Some people have an Uncle on the Admissions Board...and some people have The Princeton Review."²⁹² While the ad copy was quick to note

²⁸⁹ See: Lemann, *Big Test*, 228. Lemann likens Katzman to Allan Nairn in regards to their social background and rebellion against its fondness for standardized testing. However, this comparison does not fully consider that Nairn's polemic was against ubiquity of both standardized testing and ETS itself, whereas Katzman sought a profit from the perceived weaknesses of the SAT and other such exams.

²⁹⁰ Jonathan Rowe, "Preparing for the SAT," *Christian Science Monitor*, September 19, 1986: Ideas 21; microfilm. According to the United States Department of Labor Bureau of Labor Statistics' CPI Inflation Calculator (found at http://www.bls.gov/data/inflation_calculator.htm), the price range cited by the *Christian Science Monitor* has equivalent purchasing power to a range of roughly \$994.58 to \$1193.49 in 2010.

²⁹¹ David Owen, "Adam and John say put your pencil down; The SAT is easier that you: a) fear; b) think; c) guess; d) all of the above," *Rolling Stone* 444 (March 28, 1985): 74, 77; microfilm.

²⁹² "Display Ad 1349," *New York Times*, August 30, 1981: Survey of Continuing Education, 30; "Classified Ad 128," *New York Times*, September 1, 1981: C5; "Classified Ad 126," *New York Times*, September 6, 1981: E8;

that TPR classes were taught “by a staff of Ivy League alumni and undergraduates” using the latest in computer technology, it was mum on how much the eight-week SAT-prep course actually cost.²⁹³ Despite having the money to pay for boutique test coaching, and the luck to live in the greater New York City metropolitan area, students and parents were subtextually complimented in these ads for not being from an older order of established money and power. The nouveau riche and stridently bourgeois still had to earn their respective slots on admissions lists.²⁹⁴

The Princeton Review’s advertisements were also openly critical of its competition, particularly Stanley H. Kaplan Educational Centers. A series of TPR ads printed in 1985 triumphantly declared “WE SCORE MORE!”²⁹⁵ This exclamation was set below a slanted bar

all catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes/advanced?accountid=10003&language=En> (all last accessed December 7, 2010). For similar early ads from TPR, please see: “Classified Ad 19,” *New York Times*, September 8, 1981: C5; and “Display Ad 754,” *New York Times*, September 13, 1981: E9; both catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes/advanced?accountid=10003&language=En> (both last accessed December 7, 2010).

²⁹³ *Ibid.*

²⁹⁴ For examples of TPR ads with a similar sensibility, please see: “Display Ad 569,” *New York Times*, May 18, 1986: WC25; “Display Ad 628,” *New York Times*, May 18, 1986: CN27; and “Display Ad 557,” *New York Times*, June 8, 1986: CN26; all catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes/advanced?accountid=10003&language=En> (all last accessed December 7, 2010). These ads assert that “[i]f people have told you that you can’t significantly increase your SAT score [...] THEY LIED!” (Emphasis in originals.) This exclamation is placed in the top third of the advert, between two cartoons: on the right, a white student carrying books while curiously regarding the ad’s hook; and on the left, an older white man in a three-piece suit, with folded arms and an upturned nose. This styling suggests (besides perhaps the race of most of the business’s clientele) that TPR sought to present itself as a company in opposition to an older order of academic and social elite.

²⁹⁵ “Display Ad 35,” *New York Times*, February 12, 1985: C11; “Display Ad 388,” *New York Times*, February 17, 1985: WC30; “Display Ad 468,” *New York Times*, June 2, 1985: WC16; “Display Ad 379,” *New York Times*, August 18, 1985: ES64; “Display Ad 547,” *New York Times*, August 25, 1985: CN16; “Display Ad 526,” *New York Times*, August 25, 1985: WC21; “Display Ad 299,” *New York Times*, September 1, 1985: CN19; “Display Ad 277,” *New York Times*, September 1, 1985: WC17; “Display Ad 595,” *New York Times*, September 8, 1985: WC25; all catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes/advanced?accountid=10003&language=En> (all last accessed December 7, 2010); emphasis in originals.

graph that showed the alleged improvement in students' SAT scores after various methods of coaching and preparation. Kaplan's bar for 50 points of improvement was dwarfed by the bar for The Princeton Review's 150, which expanded beyond the graph frame itself. Indeed, parents in Greater Metropolitan New York, Los Angeles, Boston, Chicago, and Atlanta were promised a "repeat [of a TPR] course at no additional cost" if their children could not improve their SAT scores by at least 120 points.²⁹⁶

A later ad for The Princeton Review in the 24 August, 1988, edition of the *Wall Street Journal*, was less cordial toward Kaplan. In bolded, all-capitalized, sans-serif font, the hook of the double-column ad quipped, "If You Can't Afford The Princeton Review, Stanley Kaplan Is An Acceptable Compromise."²⁹⁷ The ad copy wryly mocked those who purchased an inferior, understaffed, and outdated Kaplan SAT prep course for the sake of frugality. The company's logo, a thick upward arrow, was paired with the slogan "The nemesis of standardized testing."²⁹⁸ Hence, the ad generated appeal by signaling to the reader that The Princeton Review stood in direct opposition to not only its competition, namely Kaplan, but also the testing industry itself.

Another ad for The Princeton Review, placed in the 25 February, 1988, edition of the *Wall Street Journal*'s "Leisure & Arts" section, employed several clever techniques at once. The ad's hook, "Not everyone tests well," was placed above a series of six comically drawn figures,

²⁹⁶ "Display Ad 379," *New York Times*, August 18, 1985: ES64; catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com.ezproxy.lib.ucf.edu/hnpnewyorktimes/advanced?accountid=10003&language=En> (last accessed December 7, 2010).

²⁹⁷ Display Ad, *Wall Street Journal*, August 24, 1988: 10; microfilm. For a reprint of this ad, please see: Display Ad, *Wall Street Journal*, September 14, 1988: 8; microfilm.

²⁹⁸ *Ibid.*

which were meant to illustrate the evolution from chimp to modern man.²⁹⁹ Each of these six figures was sequentially labeled “Week 1” to “Week 6,” suggesting that TPR could help any student become a “highly evolved” test-taker. Furthermore, the ad’s copy included snippet endorsements from both *Rolling Stone* and *The Christian Science Monitor*, perhaps in an attempt to lend credibility while playing to the sensibilities of both youth and parents.

However, the testimonial in this advertisement attributed to *Rolling Stone* was somewhat misleading. The blurb stated:

Rolling Stone reports, “Princeton Review Students are being admitted to college that wouldn’t have considered them before...When you raise a kid’s score 200 or 300 points, ...you change his whole outlook about himself.”³⁰⁰

While these phrases are attributable to an article for the 28 March, 1985, issue for *Rolling Stone*, the second sentence was not written by the piece’s author, David Owen. Rather, this portion of the blurb was from a quote by Katzman himself as the second ellipses in this blurb simply erased “he says” from Owen’s writing.³⁰¹ Given Owen’s highly positive portrayal of The Princeton Review, the company need not have resorted to specious quotations.

Further complicating Katzman’s clever manipulation of his company’s notoriety was the widespread success of his book *Cracking the SAT*. The 1986 bestseller was praised by

²⁹⁹ Display Ad, *Wall Street Journal*, February 23, 1988: 10; microfilm.

³⁰⁰ *Ibid.* See also: *Educational Testing Service v. John Katzman and The Princeton Review*, 631 F. Supp. 550 (1986) 551, note 1; available via LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed February 15, 2011). Judge Maryanne Trump Barry noted that another advertisement for The Princeton Review may have given the false impression that the company, and not Katzman’s work experience in the test prep industry, had dated back to 1977.

³⁰¹ Display Ad, *Wall Street Journal*, February 23, 1988: 10; microfilm. See also, Owen, “Adam and John say put your pencil down,” 80. Owen’s fondness for The Princeton Review has been discussed elsewhere; see: Gerald W. Bracey, “Review: ETS as Big Brother: An Essay-Review,” *Phi Delta Kappan* 67, no. 1 (September 1985): 75-79; <http://www.jstor.org/stable/20387537> (last accessed March 12, 2011).

editorialists for “exposing the gimmicks and flaws of [... the] SAT.”³⁰² For ten dollars, any student could learn how to manipulate the mechanics and structure of the SAT to their own benefit. By the mid-1980s, Katzman was not a businessman in the fringes of the test-prep industry, but rather a quickly-ascendant figure who would use relatively controversial behavior to his company’s advantage.

However, Katzman’s braggadocio and business practices occasionally crossed into unethical and illegal behavior, leading to a series of lawsuits and appeals between Katzman and Educational Testing Service during the mid-1980s. The findings in these cases further entrenched the test-prep industry in a cat-and-mouse game with standardized test manufacturers over the legality of certain business practices. These legal actions began in August, 1985, when ETS filed a civil action against both Katzman and The Princeton Review in the United States District Court for New Jersey. ETS wanted to forbid the test-prep company from using several hundred “confidential test questions” allegedly pilfered by Katzman and his employees for TPR clients.³⁰³ Katzman and TPR were believed to have coached their clientele with “facsimile” versions of SAT-Math, SAT-Verbal, and other College Board test questions, causing nearly 300 “secure” test questions slated for use in the 1985 versions of the SAT to be discontinued.³⁰⁴ As

³⁰² Michael Kinsey, “‘SATs Are a) Flawed[;] b) Comical[;] c) Both of the Above,’” *Wall Street Journal*, September 4, 1986: 27; microfilm.

³⁰³ *Educational Testing Service v. John Katzman and The Princeton Review, Inc.*, 626 F. Supp. 527 (1985), 528, available via LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed February 15, 2011).

³⁰⁴ *Educational Testing Service v. John Katzman, The Princeton Review, Inc., Robert S. Scheller, and Pretest Review, Inc.; John Katzman and The Princeton Review, Inc., Appellants*, 793 F.2d 533 (1986), 536, available via LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed February 15, 2011). See also: *Educational Testing Service v. John Katzman and the Princeton Review* 631 F.Supp 550 (1986), 551; available via LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011). As Judge Maryanne Trump Barry explains in that decision, “The SAT and the Achievement Tests are copyrighted by ETS and, pursuant to 37 C.F.R. § 202.20, are secured tests which are only viewed by the public during the administration

noted by Judge Clarkson Fisher in his opinion for *Educational Testing Service v. John Katzman and The Princeton Review, Inc.*, this theft likely constituted not only a violation of copyright law but also an “irreparable injury” to the integrity of ETS’s standardized exams.³⁰⁵ Fisher found in ETS’s favor, and granted a preliminary injunction in August, 1985.

However, the case summary for the preliminary injunction, as well as those for the formal injunction and its appeal, indicates that ETS had previously sought to settle with Katzman for his theft of this test material. In 1982, while The Princeton Review was a sole proprietorship, Katzman came under the possession of “certain Math and English Composition Achievement Tests,” and distributed material from these exams to his clientele prior to their official use by ETS.³⁰⁶ Katzman refused to reveal how he attained the material, but reached an accord with ETS the next year with the following terms:

to return all copies of the purloined tests, to refrain from copying or distributing any ETS copyrighted or copyrightable materials or registering for or attending any test administered by ETS unless it was for bona fide purposes, and to notify ETS if any unlawfully obtained ETS tests came into [his] possession and provide ETS with information as to their source.³⁰⁷

When this stolen material resurfaced in TPR’s preparatory material two years later, ETS sought an enjoined injunction. Educational Testing Service supplemented its accusation of betrayal by

of those tests to registered examinees.” Any use of these questions by an outside party prior to ETS’s formal release of the questions would thus entail not only copyright infringement but also outright theft.

³⁰⁵ *Educational Testing Service v. John Katzman and The Princeton Review, Inc.*, 626 F. Supp. 527 (1985), 528.

³⁰⁶ *Educational Testing Service v. John Katzman and The Princeton Review*, 631 F. Supp. 550, (1986), 551, available via LexisNexis Academic, <http://www.lexisnexis.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed February 15, 2011).

³⁰⁷ *Educational Testing Service v. John Katzman, The Princeton Review, Inc., Robert S. Scheller, and Pretest Review, Inc.*, 793 F.2d 533 (1986), 536

documenting the various occasions after the agreement in which Katzman had registered to take the SAT himself, as well as attempted to order ETS materials.³⁰⁸

Judge Maryanne Trump Barry, also of the District Court of New Jersey, re-approached the lawsuit the following spring. She had to discern if ETS's pursuit of an injunction against Katzman, his company, and his associates was valid based on the grounds of territoriality and corporate accountability. That is, Barry needed to decide whether Katzman's actions made him prone to New Jersey law despite being a New York resident, and whether Katzman was responsible for The Princeton Review's actions following the company's incorporation in 1984. The judge deduced that "Katzman [was] amenable to suit in New Jersey," and that his 1983 arrangement with ETS was a valid precedent to establish his contacts in the state, despite its correlative relationship to the case at hand.³⁰⁹ Katzman's counterclaims were largely denied, and ETS's injunction was upheld.

The case was subsequently brought to the United States Third Circuit Court of Appeals. Judge Dolores Sloviter, writing on behalf of the appellate court, upheld the notion that Katzman's actions were unjustifiable, regardless of the alleged misdeeds of ETS. Indeed, Sloviter regarded any educational benefits of The Princeton Review as far too minimal to consider the copyright breach as fair use on academic grounds.³¹⁰ Yet, Sloviter declared that a large portion of the injunction was too broad. Given that the prohibition of "'adapting' ETS' materials may [have encompassed] permissible use of ETS' material," Katzman and TPR were

³⁰⁸ *Educational Testing Service v. John Katzman and The Princeton Review*, 631 F. Supp. 550 (1986), 558.

³⁰⁹ *Educational Testing Service v. John Katzman and The Princeton Review*, 631 F. Supp. 550 (1986), 561. Barry's opinion on Katzman's motion to dismiss provides a highly-detailed but well-written interpretation of minimum contacts analysis.

³¹⁰ *Educational Testing Services v. John Katzman, The Princeton Review, Inc., Robert S. Scheller and PreTest Review, Inc.*; *John Katzman and The Princeton Review, Inc., Appellants*, 793 F.2d 533 (1986), 543.

unduly prevented by the injunction from potential legitimate business practices.³¹¹ Amendments aside, the injunction held, and Katzman and his company were still amenable to trial for copyright infringement.

According to Zena Woldeyesus, the Third Circuit's ruling against Katzman and The Princeton Review set a dangerous precedent for the standards of fair market practices. Woldeyesus notes that as for-profit enterprises, The Princeton Review and other "similar indirect competitors" were seen as unfair threats to ETS's non-profit operations.³¹² Yet, ETS's non-profit designation was itself flimsy, as it was more realistically a quasi-monopolistic enterprise with for-profit subsidiaries. Hence, litigious measures taken by a non-profit such as ETS against indirect competition could help shield the non-profit from public scrutiny of its own practices.

Further, Woldeyesus maintains that the Third Circuit's decision on the "facsimile" versions of SAT questions set up a slippery standard for intellectual property law. More specifically, the extension of a copyright from a compilation to "the individual material within th[at] compilation," particularly when the individual questions tested common knowledge and largely lacked the element of originality and creative effort necessary to gain copyrights on their own merit, gave unnecessary power to those with the monetary means to defend the breadth of

³¹¹ *Educational Testing Services v. John Katzman, The Princeton Review, Inc., Robert S. Scheller and PreTest Review, Inc.*; *John Katzman and The Princeton Review, Inc., Appellants*, 793 F.2d 533 (1986), 545.

³¹² Zena Woldeyesus, "Don't Waste Your Time or Money on Another One of Those SAT Review Classes: The Third Circuit's Skew of the Copyright Laws," *Quinnipiac Law Review* 23 (2004): 328, LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011). For more legal scholarship that cites ETS's actions against Katzman and TPR in order to consider the role of copyright in standardized tests, please see: Robert A. Kreiss, "Copyright Fair Use of Standardized Tests," *Rutgers Law Review* 48 (Summer, 1996): 1043-1103, available via LexisNexis Academic <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 1, 2011). Although the article focuses squarely on the case *College Board v. Pataki*, Kreiss provides a detailed explanation of the shifting standards in "fair use" standards—and in turn, the increasingly important element of commercialization of unpublished copyright works such as standardized tests—following a revision to copyright law in the late 1970s.

their copyrights.³¹³ The Third Circuit’s decision allowed ETS (and, in turn, whatever party with enough money) to copyright algebraic concepts, grammar principles, and other utterances that were seemingly guaranteed to be outside the scope of copyright.³¹⁴

The convoluted nature of ETS’s legal battle with Katzman and TPR exposed the necessary element of artifice within the test-prep industry. Following Woldeyesus’s logic, the material found on the SAT was largely within the realm of common knowledge and largely outside the realm of individual-item copyright, and thus only had the element of originality when viewed in its entirety.³¹⁵ Conversely, following the Third Circuit’s logic, the common knowledge or factual material tested by standardized exams did not negate the copyrightable nature of the question forms or language used to ask questions. That is, standardized test questions may have been copyrightable for how they asked rather than what they asked, and thus did not run afoul of “the principle of merger between the idea and expression.”³¹⁶ In either instance, the legal and business legitimacy of test-prep companies could not rest in their preparatory material’s verisimilitude to standardized test material. Instead, the packaging of their preparatory material was most important.

The Princeton Review and Kaztman’s actions demonstrated that the legitimacy of the test-prep industry during the 1980s hinged upon companies displaying distinguishable attitudes

³¹³ Woldeyesus, “Don’t Waste Your Time or Money,” 338.

³¹⁴ Woldeyesus, “Don’t Waste Your Time or Money,” 348. To Woldeyesus’s credit, the reduction of the injunction did not necessarily minimize ETS’s ability to claim authority (and ownership) over the expression of common knowledge or the interrogative techniques in measuring intellectual capabilities.

³¹⁵ Woldeyesus, “Don’t Waste Your Time or Money,” 355.

³¹⁶ *Educational Testing Services v. John Katzman, The Princeton Review, Inc., Robert S. Schiller and PreTest Review, Inc.*; *John Katzman and The Princeton Review, Inc., Appellants* 793 F.2d 533 (1986), 539. Judge Sloviter explains the merger principle by writing: “When the idea and the expression of the idea coincide, then the expression will not be protected in order to prevent creation of a monopoly on the underlying ‘art.’” She did so to explain the portion of Katzman’s appeal on the grounds of merger principle was invalid.

toward the SAT and standardized testing in general. Unlike Kaplan's largely positive appraisal of the SAT, The Princeton Review publicly held it in contempt, so much so that Katzman would later liken the exam to "a cancer."³¹⁷ Indeed, Katzman claimed that his legal defeat was actually a victory as the two years and hundreds of thousands of dollars ETS invested in its lawsuit only led to a reward of "\$52,000 in damages" and massive growth in The Princeton Review's business.³¹⁸ Taken at face value, Katzman's statements were absurd. Only the most foolish or zealous businessmen would want to destroy the industry on which their enterprise was based. However, publicly sharing a disdain for the exam with one's key demographic was shrewd, as allowing clients to believe that their choice in test-prep was genuinely different would create handsome profits for Katzman and his company.

Association, Acquisition, and the Money Game

The previous chapter showed that the test-prep industry did not always acquire legitimacy through its own direct actions during the 1960s and 1970s. However, in the 1980s, certain test-

³¹⁷ Tony Schwartz, "The Test Under Stress," *New York Times*, January 10, 1999: Magazine 33, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/110087775?accountid=10003> (last accessed March 13, 2011). Katzman's vitriol toward the test did not necessarily grow with time. In the above cited *Rolling Stone* article, Katzman dismissed the SAT as "bullshit"; see: Owen, "Adam and John Say Put Your Pencil Down," 80. Coincidentally, Katzman's epithet for the SAT in Owen's article became a heavily insinuated motif in a series of TPR ads printed in early 1986. For several examples printed in the *New York Times*, please see: "Display Ad 415," *New York Times*, January 19, 1986: CN21; "Display Ad 391," *New York Times*, January 19, 1986: WC23; "Display Ad 465," *New York Times*, January 26, 1986: CN20; "Display Ad 443," *New York Times*, January 26, 1986: WC24; "Display Ad 402," *New York Times*, February 2, 1986: CN23; "Display Ad 377," *New York Times*, February 2, 1986: WC20; "Display Ad 438," *New York Times*, February 9, 1986: WC22; "Display Ad 449," *New York Times*, February 16, 1986: CN22; and "Display Ad 425," *New York Times*, February 16, 1986: WC22; all catalogued as such in ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://search.proquest.com/ezproxy.lib.ucf.edu/hnpnewyorktimes?accountid=10003> (accessed 7 December, 2010).

³¹⁸ Lee Mitgang, "Educational Testing Service Wins Copyright Victory Over Coaching Firm," *Associated Press Wire*, December 23, 1987: AM cycle, LexisNexis Academic <http://www.lexisnexis.com/ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed December 1, 2010).

prep companies gained legitimacy through their association with and acquisition by other non-educational corporations. In November, 1984, the Washington Post Company entered into an “agreement in principle” to purchase Kaplan.³¹⁹ In exchange for Kaplan, Inc. becoming a subsidiary of the media company, Stanley Kaplan would retain his position as CEO for an additional 10 years following the purchase. Richard D. Simmons, who was the president of Washington Post Company at the time, indicated a desire to broaden Kaplan’s scope and reach. Simmons was eager to bring Kaplan to overseas markets as well as expand its domestic clientele, particularly for SAT prep. Despite the \$35 million Kaplan earned from its preparatory services in 1984, the company had reached “only a small percentage” of high school students who took the SAT in the previous year.³²⁰

In the company’s initial several years as a subsidiary, Kaplan remained a relatively minor entity, especially in comparison to Washington Post Company’s flagship newspaper and *Newsweek* magazine. During the 1980’s, Kaplan was categorized as part of Washington Post Company’s “Other Businesses,” which included “a database publisher[]and cellular telephone operations in Miami.”³²¹ These motley holdings provided only six percent of Washington Post Company’s revenues in 1987. In the same fiscal year, these companies generated roughly US \$8.56 million in revenues. While this was a considerable improvement from the roughly US

³¹⁹David Vise. “Post to Buy Educational Prep Firm,” *Washington Post*, November 21, 1984: C1; microfilm.

³²⁰Vise, “Post to Buy Educational Prep Firm,” C2. See also: Kaplan, *Test Pilot*, 141; Lemann, *Big Test*, 227.

³²¹ “Washington Post Profits Fall; Revenue Up,” *The Washington Post* 4 February, 1987: G03, ProQuest *The Washington Post* (pre-1997 Fulltext) database, <http://ezproxy.lib.ucf.edu/login?url=/docview/306861257?accountid=10003> (last accessed March 13, 2011). See also: Washington Post Company, *1987 Annual Report to Stockholders* (Washington, D.C.: Washington Post Company, 1988), hardcopy pp. 4, 14; available via LexisNexis Academic <http://www.lexisnexis.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011).

\$919,000 in losses in 1986, this figure was a mere three percent of Washington Post Company's income that year.³²²

However, the Washington Post Company's annual reports to stockholders during the late 1980s illustrate how profitable the newspaper magnate and the test-prep company would become for each other. Between the time of its acquisition and the end of the decade, Kaplan's revenues "ha[d] increased nearly [eighty] percent."³²³ Corollary, the company's clientele base grew under the supervision of Washington Post Company. In 1987 alone, Kaplan had over 100,000 customers, a figure that increased by twenty percent in the following two years.

Kaplan also expanded its physical presence under the auspices of Washington Post Company. The company opened centers "in Stamford, Connecticut; Lawrence, Kansas; Bethesda, Maryland; and Grand Rapids, Michigan" in 1987.³²⁴ The following year, four more permanent offices were opened "in Bryn Mawr, Pennsylvania[;] Norfolk, Virginia[;] and Boca Raton and Jacksonville, Florida."³²⁵ By the end of the 1980s, Kaplan operated in 137 locations, having expanded to "Monmouth County and Cherry Hill, New Jersey; Lincoln, Nebraska; Spokane, Washington; and Colorado Springs, Colorado."³²⁶ Kaplan and in turn, the test-prep industry, was no longer confined to major metropolitan areas of the country as Kaplan was

³²² Washington Post Company, January 3, 1988 Form 10-K (filed March 31, 1988): hardcopy p.1, available via LexisNexis Academic <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011).

³²³ Washington Post Company, *1989 Annual Report to Stockholders* (Washington, D.C.: Washington Post Company, 1990), hardcopy p. 22; available via LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011).

³²⁴ Washington Post Company, *1987 Annual Report to Stockholders*, hardcopy p. 14.

³²⁵ Washington Post Company, *1988 Annual Report to Stockholders* (Washington, D.C.: Washington Post Company, 1989), hardcopy p. 18; available via LexisNexis Academic, <http://www.lexisnexus.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011).

³²⁶ Washington Post Company, *1989 Annual Report to Stockholders*, hardcopy p. 22.

spreading into commuting communities and secondary cities across the country. The industry was more legitimate because its premium goods were no longer foreign or unattainable to those outside of major urban areas.

When discussing the physical spread of the test-prep industry during the 1980s, it may also be useful to consider how American income levels changed throughout the decade. In 1980, the median American household income was \$17,710, roughly double of what it had been (\$8,734) ten years prior; mean American household income levels also increased in a similarly proportional manner.³²⁷ However, the rate of inflation was so steady during the 1970s that Americans possessed less purchasing power in the early 1980s than at any time in the previous decade.³²⁸ That said, the rate of inflation affected different families in different fashions. Nonwhites continued to earn drastically less money than their white counterparts. In 1978, the median income for white households was \$15,660, whereas African-American households had a median income of \$9,411. By 1982, that gap had increased as white households had a median income of \$21,117, while African-American households had a median income of \$11,968.³²⁹

³²⁷ U.S. Dept. of Commerce, Bureau of the Census, "Table 2: Households, by Total Money Income in 1967 to 1983, (in Current Dollars), Race, and Spanish Origin of Householder," *Current Population Reports, Series P-60, No. 146: Money Income of Households, Families, and Persons in the United States: 1983* (Washington, D.C.: United States Government Printing Office, 1985), 8.

³²⁸ U.S. Dept. of Commerce, Bureau of the Census, "Table 3: Households, by Total Money Income in 1967 to 1983 (in Constant Dollars), Race, and Spanish Origin of Householder," *Current Population Reports, Series P-60, No. 146: Money Income of Households, Families, and Persons in the United States: 1983* (Washington, D.C.: United States Government Printing Office, 1985), 9.

³²⁹ U.S. Dept. of Commerce, Bureau of the Census, "Table 3: Race and Hispanic Origin of Householder—Median Income of Households: 1967 to 1988," *Current Population Reports, Series P-60, no. 167: Trends in Income, by Selected Characteristics, 1947 to 1988* (Washington, D.C.: United States Government Printing Office, 1990), 9. The ratio of black household income to white household income between 1978 and 1982 had decreased from 0.601 to 0.567. As seen with previous aforementioned figures, this is not outside the typical range of ratios of Black American to White American incomes, but given the rate of inflation during the 1970s and early 1980s, it may be argued that the decrease had a more severe impact than other periods with similar decreases.

The difference in income levels based on educational attainment was equally stark. While the average high school dropout earned \$17,469 in 1983 (down from \$17,517 the year prior), the typical high school graduate earned \$24,506. Meanwhile, college graduates had a median income of \$37,467—over fifty percent greater than that for high school graduates. This figure was a considerable increase from their median income of \$35,778 in 1982. However, a baccalaureate degree itself was not the sole educational means for Americans to receive a higher income; Americans who had attended college but did not receive a four-year degree had an average income of \$29,097 in 1983.³³⁰ That same year, the income-gap between those who had a high school diploma and those who had attended, but did not graduate from, university widened to \$4,591, up from \$3,606 the year prior.³³¹

Such discrepancies continued throughout the rest of the 1980s. In 1987 American households headed by a high-school graduate had a median income of \$25,190, which was nearly \$800 lower than the median income for all American households that year. Meanwhile, those households headed by an individual with some undergraduate college education had a median income of \$30,435. (Households led by a college graduate had a median income of \$43,073.)³³² This income gap between those with some college and those without any college

³³⁰ U.S. Dept. of Commerce, Bureau of the Census, “Table 13: Selected Characteristics of Families—Number of Families and Median Income in 1983 and 1982 of All Families and Families with Householders Working Year Round Full Time, by Race and Spanish Origin of Householder,” *Current Population Reports, Series P-60, no. 146: Money Income of Households, Families, and Persons in the United States: 1983* (Washington, D.C.: U.S. Government Printing Office, 1985) 35.

³³¹ U.S. Dept. of Commerce, Bureau of the Census, *Current Population Reports, Series P-60, no. 165: Earnings of Married Couple Families: 1987* (Washington, D.C.: U.S. Government Printing Office, 1989), 5.

³³² U.S. Dept. of Commerce, Bureau of the Census, “Table 1: Selected Characteristics of Households—Number of Households and Median Income in 1987 and 1986,” *Current Population Reports, Series P-60, no. 162: Money Income of Households, Families, and Persons in the United States: 1987* (Washington, D.C.: U.S. Government Printing Office, 1989), 9. The discrepancy in median incomes for American households led by individuals with only a high school education and for American households in general increased to slightly more than \$1800 by 1989. See: U.S. Dept. of Commerce, Bureau of the Census, “Table 2: Selected Characteristics of Households—Households, by Total Money Income in 1989,” *Current Population Reports, Series P-60, no. 172:*

was present even when accounting for race and ethnicity. White and Hispanic households headed by those with one to three years of college education had median income levels roughly 18.6 percent higher in 1987 than their respective counterpart households led by individuals with only a high school diploma. For African-American households that year, the difference was nearly 23.4 percent.³³³ This gap also remained considerable when factored by gender. Between 1987 and 1989, male “year-round, full-time workers” with some undergraduate college education earned at least 15.8 percent more than those with only a full high school education.³³⁴ The difference was at least 19.8 percent when accounting for all males in the workforce. For females, the minimum gaps in the same period were 20.5 percent for full-time workers, and 36.4 percent for the female workforce in general.

At the end of the 1980s, over 15.8 million American households were led by individuals with some undergraduate education. Although more American households were headed by individuals with high school diplomas alone (over 31.2 million) or baccalaureate degrees (roughly 20.4 million), this demographic group was a sizeable component of all American

Money Income of Households, Families, and Persons in the United States: 1988 and 1989 (Washington, D.C.: U.S. Government Printing Office, 1991), 14.

³³³ U.S. Dept. of Commerce, Bureau of the Census, “Table 4: Summary Measures of Characteristics and Income in 1987—Selected Characteristics of Households, by Race and Hispanic Origin of Householder,” *Current Population Reports, Series P-60, no. 162: Money Income of Households, Families, and Persons in the United States: 1987* (Washington, D.C.: U.S. Government Printing Office, 1989): 17, 19, 21. The roughly 28.6 million white households in 1987 led by individuals with only high school diplomas had a median income of \$30,065, whereas the roughly 13.5 million white households that year led by individuals with one to three years of college education had a median income of \$35,646. For Hispanic families in 1987, the breakdown of median incomes was: \$26,443 for the roughly 1.55 million households led by individuals with only high school diplomas, and \$31,367 for the 723,000 households led by individuals with one to three years of college education. For African-American families in 1987: \$21,139 for the roughly 3.56 million households led by individuals with only high school diplomas, and \$26,078 for the roughly 1.56 million households led by individuals with one to three years of college education.

³³⁴ U.S. Dept. of Commerce, Bureau of the Census, “Table 24: Median Income of Persons, by Selected Characteristics: 1989, 1988, and 1987,” *Current Population Reports: Series P-60, no. 172, Money Income of Households, Families, and Persons in the United States: 1988 and 1989* (Washington, D.C.: U.S. Government Printing Office, 1991): 102, 100-103.

households.³³⁵ The presence of an income gap between high school graduates and college attendants, coupled with growth of major test-prep enterprises outside of primary urban areas, may have reinforced the pragmatic uses of both the SAT and the test-prep industry. If one was more likely to make more money by completing some college, and if one's opportunity to attend college was greater than ever, then the burden of a degree itself may have been lessened. Simultaneously, prep was more available than before, in an increasingly broader price range albeit of varying quality. A 1984 report by the New York State Consumer Protection Board revealed that the courses run by test-prep companies operating within the state had "tuitions [ranging from] \$35 to \$1,008."³³⁶ In a sense, the primary wage concern for the broader pool of SAT candidates was no longer even getting a degree from the college or university that was the best fit for them. It was merely getting some college, any college, under their belt. Test-prep of any type could be a relatively inexpensive means to this end.

Playing the Fool

The expansion of the test-prep industry was further complicated by the College Board's decision to produce its own line of test-prep materials in the late 1970s and early 1980s. The original version of the College Board's preparatory material, *4 SATs*, was a direct consequence of truth-in-testing legislation. The popularity of this publication led to more extensive editions,

³³⁵ U.S. Dept. of Commerce, Bureau of the Census, "Table 2: Selected Characteristics of Households—Households by Total Money Income in 1989," *Current Population Reports, Series P-60, no. 172: Money Income of Households, Families, and Persons in the United States: 1988 and 1989* (Washington, D.C.: U.S. Government Printing Office, 1991), 14. There were approximately 88,226,000 American households in 1989.

³³⁶ Lisa Belkin, "SAT courses help students make the grade," *Chicago Tribune*, November 1, 1984: Tempo 6; microfilm.

leading to the commercially-sold publication *10 SATs* in 1983.³³⁷ “[F]or about \$9,” a student could acquaint himself with the SAT through previously-used versions of the exam.³³⁸ As David Owen implied in an article on test-prep material, most SAT guides and tutorials on the market at that time were evidently ill-suited for preparing students for the actual exam. Many guides, such as those produced by Gruber and Arco, either mangled the logical structure of question types or contained “bizarrely superfluous” vocabulary lists and reference guides with little relevance to the SAT itself.³³⁹

The College Board’s decision to release previously-used SATs may be seen as the organization’s successful attempt to remain viable after truth-in-testing legislation had forced the standardized testing industry to operate with unprecedented transparency. In turn, the decision to commercially publish obsolete material allowed the College Board to maintain the appearance that truth-in-testing legislation would not hobble the quantity or quality of its testing content. The implication was clear. The College Board could dispose of old tests because it would always be able to outmaneuver its indirect competition. At the very least, ETS and the College Board always had the option of altering the structure and content of the exam if the material was found to be too trainable.

However, to be surprised that the publication of actual SATs by its own creators did not hobble the test-prep industry is to ignore the complicated relationship between those who make the test and those who coach for the test. The publication *10 SATs* could only prompt test-prep

³³⁷ David Owen, “SAT Coaching Guides: Do They Work?,” *Washington Post*, August 12, 1984: ER5; microfilm. Owen notes that *10 SATs* was published by Scribner Book Companies, Inc.

³³⁸ Mark J. Sherman, “The College Board Joins Publishers of S.A.T. ‘Cram’ Books,” *New York Times*, January 8, 1984: EW14, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/122382949?accountid=10003> (last accessed March 13, 2011).

³³⁹ Owen, “SAT Coaching Guides: Do They Work?”.

companies to align their preparatory material more closely with that which was actually tested on the SAT in order to remain credible. One could also argue that the affordability of The Princeton Review's *Cracking the SAT* stemmed partially from the low price of the College Board's own publication. Further, if ETS and the College Board still retained the right to revise the structure and content of the SAT, then the test-prep companies may have served as trustworthy, or at least tolerated, guides through the evolution of the exam. Meanwhile, the injunction against Katzman and TPR kept an undefined check on test-prep companies from adapting material too-close in resemblance to the College Board's published material.

Given the continued decline of SAT scores following New York State's truth-in-testing legislation, the College Board also may have well understood that the aggregate national SAT scores for students were not vulnerable to coaching, and that the market pressures as well as debates over pedagogical theory would prevent test-prep from ever truly making a severe impact on national SAT score trends. The College Board adhered to this mindset even when SAT scores finally began to improve. In 1982, national average SAT scores rose for the "first time in 19 years," up three points from the previous year's figures.³⁴⁰ The average combined math and verbal scores for American students had inched up to 893 points, but this figure was eighty-seven points lower than the national SAT average score for 1963, when students' performance levels on the exam began to erode. The College Board's denial of test-prep's impact on national SAT scores may have allowed the organization to better rationalize that their own study guide was merely a familiarization device and thus had no genuine impact on scores.³⁴¹

³⁴⁰ Gene I. Maeroff, "S.A.T. Scores Rise for First Time in 2 Decades," *New York Times*, September 22, 1982: A1, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/122023951?accountid=10003> (last accessed March 13, 2011).

³⁴¹ Sherman, "The College Board Joins Publishers of S.A.T. 'Cram' Books."

The College Board's ambiguous arrival to the test-prep industry was in sharp contrast to the National Association of Secondary School Principals' blatant entry into the market in 1982. The nonprofit organization designed their SAT-prep program to be used in the classroom, integrated within extant curricula. Given that the organization's program was intended to be used over "20 weeks [...for] 40 minutes a day," one could surmise that the NASSP had hoped to create semester-long courses of SAT-prep strictly designed around their own software.³⁴² In turn, by creating "not only workbooks and teachers' manuals but [also] six videotapes and three computer programs," the NASSP sought to cater to schools with varying levels of media.³⁴³ Regardless of the version of NASSP-designed SAT-prep that a school administrator decided to provide to his or her school, "the program would cost about \$1500."³⁴⁴ Several hundred students could receive long-term SAT coaching at a lesser cost than five students independently enrolling in a prep course at Kaplan.

The NASSP's test-prep ambitions were part of a broader expansion by the industry into computer media. As seen by Harcourt Brace Jovanovich's program *Computer S.A.T.*, the original test-prep material for the medium was not particularly intuitive, nor entirely computerized. Consumers of *Computer S.A.T.* spent \$70 (over \$150 in 2010 dollars) for a program that offered little innovation beyond the ability to fill in "the answer blanks [that appeared] on the computer

³⁴² Lisa Belkin, "Cramming by Computer: New Approaches to SAT's," *New York Times*, November 13, 1983: EDUC 3, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/122116194?accountid=10003> (last accessed March 13, 2011).

³⁴³ Fred M. Hechinger, "About Education: Mystery Vanishing from College Test," *New York Times*, October 5, 1982: C7, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/121955088?accountid=10003> (last accessed March 13, 2011).

³⁴⁴ Michael deCourcy Hinds, "Educators' Group Introduces a New S.A.T. Study Program," *New York Times*, September 8, 1982: A20, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/121972921?accountid=10003> (last accessed March 13, 2011).

screen.”³⁴⁵ By the mid-1980’s, certain computer-based SAT-prep programs offered greater customization. Barron’s software provided students “a comprehensive 10-week program, a two-week cram session, [and] a two-day panic mode.”³⁴⁶ Nonetheless, early consumers of test-prep computer software may have been willing to sacrifice preparatory capabilities for convenience and novelty.

The ability of educational organizations such as the NASSP to sponsor SAT-prep programs as well as the industry’s widespread fascination with computer media would have been far less possible had the College Board been less coy with its intentions for commercially publishing *10 SATs*. If the test-makers were more adamant about the direct preparatory benefits of using obsolete SATs, then test-prep companies may have been rendered obsolete. Given the College Board’s decades-long stance and lingering dubiousness over test-coaching, such an outcome would have been highly unlikely, and may have tarnished the organization’s credibility. Conversely, truth-in-testing legislation compelled test-prep companies to produce preparatory material with seemingly greater relevance to the actual SAT in order to remain credible and profitable, or at least to embrace new media in order to deflect criticism. These actions compelled the College Board to redesign the test whenever necessary. In a sense, both the test-makers and the test-coachers now held genuine leverage against each other. Rather than use such leverage too forcefully, each side chose to engage symbiotically by the late 1980s, thus generating maximum profits for all involved.

³⁴⁵ Erik Sandberg-Diment, “Personal Computers: Machine as S.A.T. Instructor,” *New York Times*, April 26, 1983: C3, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/122253418?accountid=10003> (last accessed March 13, 2011); Bureau of Labor Statistics CPI Inflation Calculator, http://www.bls.gov/data/inflation_calculator.htm.

³⁴⁶ Peter H. Lewis, “Peripherals: Help With the S.A.T.’s,” *New York Times*, October 28, 1986: C6, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/111033234?accountid=10003> (last accessed March 13, 2011)..

Conclusion

During the 1980s, the test-makers and test coaches had to engage with each other in a rhetoric that was at least nominally antagonistic. To have done otherwise would have jeopardized the integrity of either side. Despite this façade of competition, standardized test manufacturers had ensnared themselves in a codependent relationship with the test-prep industry. To this end, the decisions of the Third Circuit in the *ETS v. Katzman* cases should not be viewed as dangerous precedents for copyright law, but rather the means to compel further interdependency between test-makers and test-coaches. Test-prep companies had to ensure that their coaching material was distinct enough from the actual SAT as well as competing companies' material in order to avoid copyright infringement. However, the College Board's increasingly enigmatic position on test-coaching, reinforced with the commercial publication of obsolete versions of the SAT, gave the test-prep industry greater leeway in developing methodologies and techniques that could convince their target audience that test-prep would divine the seemingly ineffable metrics of the SAT.

With this, it may be argued that the test-prep industry had heretofore relied on potential. That is, the threat that test-prep had posed to standardized testing during the 1960s and 1970s had been little more than the potential havoc that test coaching *may* have had on the SAT and other facets of psychometry. Until the early 1980s, test-prep had not been available to enough students in enough capacities that acquisition of a test-prep company seemed like a sound business venture, particularly for corporations with little, if any, connection to standardized testing or education.

While one must acknowledge Nairn's argument that standardized testing, and by extension test-prep, reinforced and broadened socioeconomic gaps, one must also acknowledge that the test-prep industry had broadened to such a point in the 1980s that test-prep was available to different socioeconomic groups. More fairly, Nairn's analysis did not portend the unwillingness for any party to define what test-prep truly entailed. Instead, it may be more reasonable to surmise that a broad spectrum of preparatory material was available for a wide array of price points, and the truly socioeconomically discriminatory element to this was business was the alleged quality and thoroughness of the preparatory material certain audiences could afford,

If Alderman and Power's 1983 study lends any insight into ETS's opinion about test coaching, then it does show the nonprofit's stance was quite simple: test coaching, regardless of who supplies it, does not genuinely improve scores. Given the rulings in *ETS v. Katzman*, the threat of test-prep to standardized testing's integrity was no longer based on how well a student improved on a standardized exam, but rather the preparatory material's degree of similarity to ETS's own copyrighted material. So long as test-prep materials, courses, books, and computer programs did not cross the threshold of copyright infringement, ETS would not genuinely care about said coaching's efficacy.

In short: by the early 1980's, ETS realized that while it could not eliminate "[t]he \$60-million-a-year test-aid industry," it could keep a leash on the industry's public perception.³⁴⁷ If ETS and the College Board willingly gave candidates practice material for the SAT, then it came with both implicit and reported messages that such measures did not affect the integrity of the

³⁴⁷ Eric Zorn, "With college future at stake, studying for the SAT can pay," *Chicago Tribune*, September 29, 1981: Tempo 1; microfilm.

exam; consumers could get the perception that any such prep was a waste of time. Those who could only afford prep books or other relatively inexpensive forms of test-prep could more easily disregard The Princeton Review, Kaplan, and other prep companies as a waste of money. Why spend hundreds of dollars being pampered and coddled through one's SAT prep when several dollars' worth of self-directed practice with a book would suffice? Meanwhile, those who could afford more expensive versions of test-prep could believe their purchases were more genuine.

CONCLUSION: FINAL REMARKS AND CONSIDERATIONS FOR FUTURE RESEARCH

Invariably, a historical essay must reckon with its audience a greater point. It must give a suitable answer to “So?” Hopefully, this essay has clearly addressed the more narrow lines of relevance. The test-prep industry found acceptability by burrowing into the intersection of business and education. Certain test-prep companies brokered legitimacy through the rhetorical devices in their advertising. The legitimacy for the industry at-large was gained by default as neither the American government nor the American public could conclusively demonstrate that the industry conducted wholesale fraud. The standardized test manufacturers were forced to engage in a cat-and-mouse game of pseudo-antagonism and adaptation with the test-prep industry once truth-in-testing laws prescribed transparent operations in standardized testing. Such developments affect the current state of American standardized testing, its fluctuating but ubiquitous presence in the college admissions process, and the perpetuation of the test-prep industry decades after its origins.

Ideally, broader links of relevance have also been shown through this research. Most simply: when we acknowledge the intersections of business and education, we are better able to understand how the notion of a “proper education” is created, and in turn, how we relate education to the broader pursuit of a “proper” life. When practices that were once considered unacceptable such as paying for coaching on standardized admission exams become routine, it is crucial to apply historical scrutiny: “How” and “why did this happen?” The downside to living in

a highly ahistorical society is the tendency for Americans to believe that what *is* today has always *been*. Lesko's argument on the naturalization of adolescence can be applied to contemporary American culture and society at large.³⁴⁸

Obviously, the research conducted for this thesis can be drawn upon for further, better historical work on the test-prep industry. Other scholars might wish to explore this topic along different lines. Most glaringly, this thesis largely sidesteps the relationship between standardized testing and civil rights in American education during the 1960s, 1970s, and 1980s. While this decision was largely in deference research already conducted and squarely focused on this topic, future research must address the relationship of race and the test-prep industry more forthrightly. Another suitable avenue may involve determining the industry's place in the broader field of proprietary and extracurricular education. Future research may include analysis of the roles and structures of earlier private instructional and educational businesses, and if they influenced how test-prep enterprises later developed. More broadly, future researchers may want to incorporate the history of the test-prep industry more fully into the history of the informal sector of American education.

This topic may be better suited for the field of urban history. In particular, urban historians may wish to explore the relationship between American suburbanization and the spread of test-prep enterprises throughout the country. Historians of New York City may find it worthwhile to trace the spread of test-prep companies throughout the boroughs and broader metropolitan area in order to determine how the industry grew within the city. Corollary to this, sociologists and cultural anthropologists who have a fascination with New York City may

³⁴⁸ Nancy Lesko, "Denaturalizing Adolescence: The Politics of Contemporary Representations," in *The Critical Middle School Reader*, eds. Enora R. Brown and Kenneth J. Saltman (London: Routledge, 2005), 87-102.

consider tracing the relationship between neighborhoods' socioeconomic levels and the preponderance of test-prep proprietorships, public schools, and private schools within each respective neighborhood. Such a project could also be reasonable for those urban areas with a long history of test-prep or college preparatory enterprises.

Clearly, this topic would benefit from the work of those historians with expertise in the history of advertising and print media, particularly with small- to mid-circulation newspapers. A great deal of the research conducted for this essay would not have been possible had it not been for the work of those individuals determined to digitize and digitally archive mid-century newspapers--including advertisements. Once the archives of American mid-century publications are more fully digitized, future researchers can determine when the test-prep industry appeared in certain American communities, how these businesses advertised, if competition was quick or slow to develop, and whether companies employed novel advertising techniques, imagery, or rhetoric.

Hopefully, this thesis has demonstrated that the test-prep industry is more than a bizarre side note in the broader story of American education. Rather, it could be said that the practices of test-prep companies have served as the seam between approaches to American education during the twentieth century and those of the past decade. To this end, the test-prep industry is now legitimate because it is inextricable. These companies are too entwined in the daily flow of American education to be excised without considerable consequence to the contemporary structure of education in this country.

With this, to portray the test-prep industry writ large as the means for relatively affluent youth to secure entry into acclaimed postsecondary institutions and, thus, secure their lifestyle and socioeconomic power is to personify the actions of the entire industry by those of a select

number of businesses. Yes, the longevity of the industry has depended upon a consumer base with discretionary income even in the case of relatively inexpensive trade paperback study guides, as well as a social climate that regards postsecondary education as an increasingly indispensable milestone in contemporary life. However, the sustainability of the industry, regardless of various entities' business strategies or operating mantras, has been rooted in the understanding that standardized testing and entrance examinations have a limit to their quantitative and psychometric capabilities, and that standardized testing is itself too entrenched in contemporary American education to be winnowed away in any substantial fashion during the near future. As long as concerns about the ethicality, comprehensiveness, and applications of standardized testing are addressed by working within educational structures dependant upon standardized testing and entrance exams, the test-prep industry (and its many offspring) will continue to thrive.

APPENDIX: THE COURSE OF THE TEST-PREP INDUSTRY, 1990-2010

Of course, the test-prep industry did not suddenly stop evolving at the end of the 1980s. To that end, the timeline of this thesis may seem somewhat arbitrary. Why not end the story in 1992, or 1999, or 2010? Hopefully, what has become apparent throughout this essay is that, between the late 1940s and late 1980s, the test-prep industry at-large acquired and generated enough legitimacy to ensure that future actions of individual enterprises would not jeopardize the stability of the entire industry. Nonetheless, the industry at-large did exhibit certain trends and undergo several changes in the past two decades.

The cycle of pseudo-antagonism and symbiotic adaptation between standardized test manufacturers and test-prep companies continued well into the 1990s and new century. Following another decline in national average composite SAT scores in 1991, the College Board and ETS made considerable alterations to the SAT in the mid-1990s. Beginning in 1994, test-takers were granted the use of calculators, and were provided a set of questions for which they had to “figure out the answer instead of having [a] list of options.”³⁴⁹ A decade later, the test-makers incorporated a mandatory essay as part of a new writing and grammar component to the exam.³⁵⁰ Despite claims to the contrary by various test-prep companies, the College Board asserted that these revisions to the SAT made the exam considerably less coachable. In turn, both

³⁴⁹ Anthony DePalma, “Revisions Adopted in College Entrance Tests,” *New York Times*, November 1, 1990: A24, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/108470377?accountid=10003> (last accessed March 13, 2011).. See also: Karen De Witt, “Verbal Scores Hit New Low in Scholastic Aptitude Tests,” *New York Times*, August 27, 1991: A1, A20, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/108712301?accountid=10003> (last accessed March 13, 2011).

³⁵⁰ Charles McGrath, “Writing for the Test,” *New York Times*, November 7, 2004: Magazine 24-27, 33; ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/92749253?accountid=10003> (last accessed March 13, 2011).

ETS and the College Board continued to publish research that alleged the relative inefficacy of SAT prep courses.³⁵¹

Yet, many test-prep companies were not fearful of these alterations, per se. John Katzman, who openly mocked the new SAT essay as an exercise in “earnest, long-winded, and predictable” writing, was not concerned with structural changes to the SATs so much as the continued heavy use of major standardized entrance exams in the American educational system.³⁵² This sentiment can be found in TPR’s 2000 S-1 filing for the Securities and Exchange Commission, in which the company announced its intentions to publicly trade a portion of its common stock through NASDAQ. Detailing the many ways that investing with The Princeton Review could be a hazard for potential shareholders, the report cautions that, “[i]f the use of standardized tests declines or falls out of favor with educational institutions or state and local governments,” then The Princeton Review may be rendered a relatively baseless enterprise.³⁵³ However, the S-1 report does not indicate a fear over actual changes to the SAT, ACT, or other tests. TPR assumed any version of these exams would be flawed enough to be trainable to its clientele, and thus, remain profitable for the company.

³⁵¹ For examples of pertinent College Board and Educational Testing Service research during this time, please see: College Board Office of Research and Development, “Research Notes: Coaching and the SAT I (RN-06),” (New York: The College Board, 1999); College Board Office of Research, “Research Notes: Common Sense About Score Differences and Test Validity (RN-01),” (New York: The College Board, 1997); Donald E. Powers, “Preparing for the SAT I: Reasoning Test—An Update (College Board Report No. 98-5),” (New York: The College Board, 1998); Donald E. Powers and Donald A. Rock, “Effects of Coaching on SAT I: Reasoning Scores (College Board Report No. 98-6),” (New York: The College Board, 1998); and Donald E. Powers and Susan T. Wilson, “Passage Dependence of the New SAT Reading Comprehension Questions (College Board Report No. 93-3/ETS RR No. 93-60),” (New York: College Entrance Examination Board, 1993). All of these reports, along with dozens others, are also easily accessible and well-housed at the official College Board website at <http://professionals.collegeboard.com/data-reports-research/cb> (last accessed March 13, 2011).

³⁵² John Katzman, Andy Lutz, and Eric Olson, “Would Shakespeare Get into Swarthmore?” *Atlantic Monthly* 293, no. 2 (March 2004): 98.

³⁵³ The Princeton Review, Inc., August 15, 2000 Form S-1 (filed August 15, 2000), hardcopy p. 12; via U.S. Securities and Exchange Commission EDGAR Database, <http://www.sec.gov/Archives/edgar/data/1113668/000095012300007738/s-1.txt> (last accessed March 13, 2011).

However, The Princeton Review's S-1 report, along with the Washington Post Company's SEC filings from the same time period, show that certain test-prep enterprises had intentions of encroaching upon other educational pursuits. By 1999, TPR had expanded into "high-end college admissions counseling" through its branch Princeton Review 121, as well as "academic assessment, remediation, and enrichment services to children in grades three through eight" through its subscription-based website Homeroom.com.³⁵⁴ Meanwhile, Kaplan segued into providing higher education itself by founding Concord University School of Law in 1998. Customers could now attend "the nation's first school [to offer] a juris doctor degree earned wholly online."³⁵⁵ Two years later, Kaplan acquired Quest Education Corporation. By purchasing an already-accredited network of post-secondary institutions, Kaplan could grant degrees in "healthcare, business, information technology, and fashion and design" while becoming eligible to receive federal student aid funds, thus allowing the Washington Post Company a generous but precarious source of revenue.³⁵⁶

Ironically, as the test-prep industry branched into other educational markets, standardized test manufacturers dallied with profitable arrangements. The nonprofit ETS entered into a ten-year contract with the for-profit Sylvan Learning Systems ("Sylvan") in 1993. Sylvan would serve as "the exclusive provider of computerized tests developed by the Educational Testing

³⁵⁴ The Princeton Review, Inc., August 15, 2000 Form S-1 (filed August 15, 2000), hardcopy pp. 38, 6; via U.S. Securities and Exchange Commission EDGAR Database, <http://www.sec.gov/Archives/edgar/data/1113668/000095012300007738/s-1.txt> (last accessed March 13, 2011).

³⁵⁵ The Washington Post Company, January 3, 1999 Form 10-K, (filed March 26, 1999), hardcopy p.13; via U.S. Securities and Exchange Commission EDGAR Database, <http://www.sec.gov/Archives/edgar/data/104889/0000950133-99-000908.txt> (last accessed March 13, 2011).

³⁵⁶ The Washington Post Company, December 31, 2000 Form 10-K (filed March 23, 2001), hardcopy p.17; via U.S. Securities and Exchange Commission EDGAR database, <http://www.sec.gov/Archives/edgar/data/104889/000095013301001017/w46916e10-k.txt> (last accessed March 13, 2011). See also: "Company Notes," *New York Times*, June 28, 2000: C4, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/91339666?accountid=10003> (last accessed March 13, 2011).

Service,” thus allowing ETS to better segue into providing computerized versions of its standardized entrance and certification exams.³⁵⁷ However, Sylvan’s own pattern of acquisitions in the five-year period following its arrangement with ETS spurred the competing non-profit ACT, Inc. (formerly the American College Testing Program) to file a series of suits. ACT accused Sylvan of monopolistic behavior in the field of computer-based standardized testing.³⁵⁸

ACT’s actions were not anomalous: the relationship between and among test-makers and test-prep enterprises continued to maintain its litigious tint in the 1990s and new century. Most notable was ETS’s lawsuit against Kaplan. The test-maker accused the test-prep company of fraud and malicious intent after Kaplan sent a group of employees to identify weaknesses in ETS’s computerized version of the Graduate Record Exam (“GRE”).³⁵⁹ In addition, Kaplan found itself in suit with the Ronkin Educational Group. Ronkin, which controlled the College Bound chain of tutoring centers in South Florida, sued Kaplan for unfair business practices after College Bound was forced to declare bankruptcy.³⁶⁰ The former owners of College Bound, George and Janet Ronkin, were later convicted of securities fraud.³⁶¹

³⁵⁷ John Nordheimer and Douglas Frantz, “Testing Giant Exceeds Roots, Drawing Business Rivals’ Ire,” *New York Times* 30 September, 1997: A24, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/109804242?accountid=10003> (last accessed March 13, 2011). See also: Marcia Vickers, “Hate Exams? Here’s a Chance to Profit From Them,” *New York Times* 5 October, 1997: BU4, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/109719195?accountid=10003> (last accessed March 13, 2011).

³⁵⁸ See: *ACT, Inc. v. Sylvan Learning Systems, Inc.*, 1999 U.S. Dist. LEXIS 7055 (D.C. Eastern Pennsylvania, 1999); *ACT, Inc. v. Sylvan Learning Systems, Inc.*, 104 F. Supp. 2d 1096, 1999 U.S. Dist. LEXIS 21879 (D.C., Northern District of Iowa, Cedar Rapids Division, 1999); and *ACT, Inc. v. Sylvan Learning Systems, Inc.*, 296 F 3d 657; 2002 U.C. App. LEXIS 13905 (A.C. Eighth Circuit, 2002); all available via LexisNexis Academic, <http://www.lexisnexis.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011).

³⁵⁹ *Educational Testing Service v. Stanley H. Kaplan Educ. Ctr.*, 965 F. Supp. 731 (U.S.D.C. Maryland, 1997), available via LexisNexis Academic <http://www.lexisnexis.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011).

³⁶⁰ *Joseph del Raso v. Stanley H. Kaplan Educational Center, Ltd., and the Washington Post Company*, 1995 U.S. Dist. Lexis 1738, Civil Action No. 94-2629 (D.C. Eastern Pennsylvania, 1995). See also: Gail DeGeorge, “Is College Bound for Real? The SEC Wants to Know,” *Business Week*, February 10, 1992: 33; Leslie A. Williams,

The advent of the Internet placed Kaplan increasingly at odds with its main competitor. Both Kaplan and The Princeton Review were embroiled in a lengthy battle of attrition over the rights to certain Internet domain names. TPR had purchased domain names that Kaplan alleged consumers would more reasonably associate with its own company, such as www.kaplan.com, in order to redirect Internet traffic to the Princeton Review website.³⁶² The dispute was taken to a New York State arbitration panel, which “ruled that Princeton had to relinquish the [Internet] address to Kaplan.”³⁶³ The Princeton Review and John Katzman were also embroiled in a dispute with former TPR associate Adam Robinson, who alleged that the company continued to profit from Robinson’s work on TPR’s commercially published test-prep books without giving Robinson due compensation in the several years following his formal disassociation with the company. Given Robinson’s failure to establish that clear copyright infringement had occurred, as well as his inability to demonstrate why a federal court would have subject matter jurisdiction over such a dispute, Robinson’s multimillion-dollar suit, and appeal four years later, were dismissed.³⁶⁴

“Kaplan: Ronkin Sale Off; Test Unit Seeks Another Buyer,” *Sun Sentinel*, September 10, 1992; Diana B. Henriques, “A Slide into Oblivion for College Bound,” *New York Times*, May 3, 1992; Diana B. Henriques, “An Oasis Rich in Shady Operators,” *New York Times*, October 4, 1992; and “College Bound Bankruptcy,” *New York Times*, April 30, 1992: D4.

³⁶¹ See: “College Bound’s Founders to Plead Guilty,” *New York Times*, June 22, 1995: D19, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/109506933?accountid=10003> (last accessed March 13, 2011); “Prison for Ex-Chief of College Bound,” *New York Times*, June 11, 1996: D8, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/109539909?accountid=10003> (last accessed March 13, 2011).

³⁶² Stuart Ugelow, “Address for Success: Internet Name Game,” *Washington Post*, August 11, 1994: A1; microfilm.

³⁶³ Peter H. Lewis, “A Cyberspace Name Game: Fighting Words on Internet,” *New York Times* 6 October, 1994: D5, ProQuest Historical Newspapers: *The New York Times* (1851-2007), <http://ezproxy.lib.ucf.edu/login?url=/docview/109406275?accountid=10003> (last accessed March 13, 2011).

³⁶⁴ *Adam Robinson v. The Princeton Review, Inc. and John Katzman*, 1996 U.S. Dist LEXIS 16931, 96 Civ. 4859 (LAK) (U.S.D.C. Southern District of New York, 1996). See also: *Robinson v. The Princeton Review, Inc.*,

Monetarily speaking, the expansion and growth of the test-prep industry during the past two decades has been downright staggering, and increasingly premised on services outside of test-prep's original milieu. Of the nearly \$4.57 billion of the Washington Post Company's reported revenue for its 2009 fiscal year, almost \$2.64 billion came from Kaplan. However, over 58 percent of Kaplan's revenue stemmed from its online university, law school, and Higher Education Campuses. Kaplan's Higher Education division generated over three times as much revenue in 2009 as its Test-preparation division. Curiously, "approximately 83%, of total Kaplan Higher Education revenues, and 49% of Kaplan, Inc. revenues," or over one quarter of the Washington Post Company's entire revenues for 2009, came from federal student loans and grants.³⁶⁵ While The Princeton Review was not nearly as entangled in the ethicality of profiting from federal student assistance, the company did branch into postsecondary education with its late 2009, \$176.2 million purchase of Penn Foster Education Group, which "provides accredited, career-focused, online degree and vocational programs to more than 200,000 students" globally.³⁶⁶

271 A.D. 2d 936; 714 N.Y.S.2d 620; 2000 N.Y. Div. LEXIS 4697(S.C. New York, Appellate Division, First Department); both available via LexisNexis Academic, <http://www.lexisnexis.com.ezproxy.lib.ucf.edu/hottopics/lnacademic/> (last accessed March 13, 2011).

³⁶⁵ Washington Post Company, January 3, 2010 Form 10-K (filed March 2, 2010), hardcopy p 2; pp. 1-55; via U.S. Securities and Exchange Commission EDGAR Database, http://www.sec.gov/Archives/edgar/data/104889/000119312510045806/d10k.htm - mda39598_6 (last accessed March 13, 2011).

³⁶⁶ The Princeton Review, Inc., December 31, 2009 Form 10-K (filed March 15, 2010), hardcopy p. 3; via U.S. Securities and Exchange Commission EDGAR Database, <http://www.sec.gov/Archives/edgar/data/1113668/000119312510057174/d10k.htm> (last accessed March 13, 2011).

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