

*White House Initiative on Educational Excellence
for Hispanic Americans*

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September 16, 1999, Thursday, PM cycle

SECTION: Washington Dateline

LENGTH: 613 words

HEADLINE: Education panel says use of English-only tests unfair to students

BYLINE: By ANIETTA McQUEEN, AP Education Writer

DATELINE: WASHINGTON

BODY:

As more Hispanic children enter the nation's schools, educators debate whether they could be hard hit by high-stakes English-only tests.

A presidential panel on Hispanic education says such tests, often used to move children ahead or graduate them, may violate the rights of millions of Hispanic children. Others still say any accommodations could cheat them out of a fair assessment of their abilities.

"State education leaders have compromised the future of Hispanic students by making high stakes decisions based on inaccurate and inadequate information," said the report by the **President's Advisory Commission** on Educational Excellence for Hispanic Americans, released on Wednesday. It urged the **Education Department** to investigate.

The **Education Department** is currently investigating two cases related to testing and language ability, said Rodger Murphey, a spokesman for the civil rights branch. Murphey said he could not discuss the cases, in Nevada and in Texas, or disclose the filing parties.

About 20 percent of the 5,000 cases filed each year specifically relate to laws that prohibit racial discrimination against students, he said. A 1974 Supreme Court ruling in essence includes language ability in that ban by requiring schools to provide help for students with limited English.

However, opponents of bilingual education argue that accommodating children on high-stakes tests will hurt them in the long run.

"You want to make sure kids don't graduate with a degree that they can't even read," said Jorge Amselle, the vice president for education of the Center for Equal Opportunity, a Washington group that opposes bilingual education and affirmative action. "The purpose of education in the United States is to prepare students to survive and succeed in this society and that requires mastery in English.

"To say that a student should be able to do math and science and read and write in English is simply a matter of accountability, not a matter of discrimination," Amselle added.

There is no one national measure of how well a schoolchild is learning. Nearly every state has developed its own achievement tests to gauge progress in core subjects such as math and reading - and the tests vary.

The presidential panel said current state approaches to students who are not native English speakers are too vague for tests that are often tied to a child's promotion or graduation. Currently, 19 states require students to pass tests before they receive high school diplomas; seven more plan to follow suit by 2003.

The Hispanic education panel, which was created in 1990 by President Bush, issued its first report in 1992. The group is charged with bolstering Hispanics' participation in federal education programs and targeting ways to eliminate educational gaps.

Educating the nation's 3.4 million Hispanic children properly is more important than ever, the group says, as such students' enrollment grows but their achievement does not.

In 10 states, the number of children who are not native English speakers more than doubled from the 1992-93 to 1996-97 school years. And 70 percent of those children are Hispanic.

But in learning, Hispanic children are slipping behind. Young Hispanic children perform half as well as their native-English-speaking peers. Hispanic high school students drop out at double the rate of non-Hispanics.

Even well-to-do families will produce dropouts if English is not learned, the panel said.

The panel praised states such as Oregon, which offers its 4,000 Hispanic students tests in English and Spanish; the tests are matched carefully and questions that cannot be matched in both languages are dropped.

LANGUAGE: ENGLISH

LOAD-DATE: September 16, 1999



Search: General News;president's advisory commission, education

To narrow this search, please enter a word or phrase:



Example: House of Representatives

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Los Angeles Times

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September 16, 1999, Thursday, Home Edition

SECTION: Part A; Page 3; Metro Desk

LENGTH: 785 words

HEADLINE: CALIFORNIA AND THE WEST;
INQUIRY INTO ENGLISH-ONLY TESTS ORDERED;
EDUCATION: PRESIDENTIAL PANEL SAYS USE OF SUCH EXAMS FOR CHILDREN WITH
LIMITED PROFICIENCY IN THE LANGUAGE MAY VIOLATE THEIR CIVIL RIGHTS. IT
CALLS FOR A PROBE.

BYLINE: RICHARD T. COOPER, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

In a report likely to add to controversies already swirling around California schools, a presidential advisory commission said Wednesday that making children with limited English skills take tests written only in English and using the results to decide such pivotal questions as promotion or graduation may violate their civil rights.

The commission called on the U.S. Department of **Education**, which is charged with enforcing federal civil rights laws as they apply to schools, to investigate such uses of so-called English-only tests.

"State **education** leaders have compromised the future of Latino students by making high-stakes decisions based on inaccurate and inadequate information," said the report by the **President's Advisory Commission** on Educational Excellence for Hispanic Americans.

The **Education** Department reacted cautiously to the latest news from what has become treacherous territory in both policy and political terms because it is part of the larger realm of bilingual **education**.

"We appreciate the attention to this area," department spokesman Rodger Murphey said. "We will look at this report, as well as the body of information we collect, as we plan our . . . activities."

Murphey said the department's Office of Civil Rights Compliance has previously investigated and pursued cases involving the testing of students with limited English skills and is developing cases in Texas and Nevada. He declined to provide details on the pending investigations.

The issue of English-only tests for students with limited proficiency in the language is particularly sensitive in California. More Latino children with limited English proficiency are enrolled in schools here than in any other state. And standardized tests, many of them English-only, are likely to play important roles in new educational policies that are being formulated.

Under a new policy mandating an end to social promotion, for example, school districts are in the process of developing criteria to be applied to students in the second, third, fourth, fifth and eighth grades. English-only tests are likely to be part of such criteria.

Testing also will play a role in the state's new accountability system for rating the performance of individual districts, though final decisions on exactly how such data will be used have not been made.

State Supt. of Public Instruction Delaine Eastin said she agrees that using English-only tests is "a serious problem for children who have been in school a short period of time." She favors giving such tests to students with limited English proficiency only after they have attended U.S. schools at least two years.

"Some rule of reasonableness should apply," she said, calling use of English-only tests with children new to the language "ham-handed."

But she said that, as a result of the controversy over bilingual **education**, "right now California is confused. A lot of people in Sacramento are like deer in the headlights."

Assemblywoman Carole Migden (D-San Francisco) is the author of a bill on Gov. Gray Davis' desk that would limit the use of English-only tests in measuring school districts' performance.

"Testing scholastic aptitude in English when students haven't had a chance to learn the language in which the test is written is unfair," she said.

Critics of bilingual **education**, on the other hand, argue that children with limited English skills will suffer in the long term if they are permitted to continue learning and being tested in their native languages.

In Washington, the Center for Equal Opportunity, headed by former Ronald Reagan administration official Linda Chavez, has been among the leading critics of using bilingual strategies for Spanish-speaking students.

"You want to make sure kids don't graduate with a degree that they can't even read," Jorge Amselle, the center's vice president for **education**, told Associated Press. "The purpose of **education** in the United States is to prepare students to survive and succeed in this society, and that requires mastery in English."

Echoing that view, the panel said that even children with limited English who are not troubled by poverty will fail to succeed in school if they do not learn English.

Under a 1974 U.S. Supreme Court ruling, schools are required to provide assistance to students with limited English skills. But the extent of that assistance and its duration remain matters of dispute.

The **Education** Department investigates language issues under Title VI of the 1964 Civil Rights Act, which forbids discrimination on the basis of race, color or national origin.

*

Times staff writer Richard Lee Colvin in Los Angeles contributed to this story.

LANGUAGE: English

LOAD-DATE: September 16, 1999

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September 16, 1999 Thursday, CHICAGO SPORTS FINAL EDITION

SECTION: NEWS; Pg. 24; ZONE: N

LENGTH: 442 words

HEADLINE: ENGLISH-ONLY SCHOOL TESTS CHALLENGED;
HISPANIC RIGHTS MAY BE VIOLATED BY CRITERIA FOR PROMOTION, PANEL SAYS

BYLINE: Associated Press.

DATELINE: WASHINGTON

BODY:

English-only tests that determine whether a student moves ahead or graduates might violate millions of Hispanic children's rights, a presidential panel said Wednesday. It urged the **Education Department** to investigate.

"State **education** leaders have compromised the future of Hispanic students by making high-stakes decisions based on inaccurate and inadequate information," said the report by the **President's Advisory Commission** on Educational Excellence for Hispanic Americans.

The **Education Department** does investigate such cases, said Rodger Murphey, a spokesman for the civil rights branch. About 20 percent of the 5,000 cases filed each year specifically relate to laws that prohibit racial discrimination against students, he said.

The department is currently investigating two cases related to testing and language ability, in Nevada and in Texas. Murphey said he could not discuss the cases or disclose the parties.

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However, opponents of bilingual **education** argue that accommodating children on high-stakes tests hurts them in the long run.

"You want to make sure kids don't graduate with a degree that they can't even read," said Jorge Amselle, the vice president for **education** of the Center for Equal Opportunity, a Washington group that opposes bilingual **education** and affirmative action. "The purpose of **education** in the United States is to prepare students to survive and succeed in this society, and that requires mastery in English.

"To say that a student should be able to do math and science and read and write in English is simply a matter of accountability, not a matter of discrimination."

There is no one national measure of how well a child is learning. Nearly every state has its own achievement tests to gauge progress in core subjects such as math and reading, and the tests vary.

The presidential panel said state approaches to students who are not native English speakers are too vague for tests that are often tied to a child's promotion or graduation.

"Nevertheless, the resulting data are often used to hold students accountable for their own success, rather than the educators," said the report by the Hispanic **education** panel, which was created in

1990 by President George Bush. The group, which issued its first report in 1992, is charged with bolstering Hispanics' participation in federal education programs and with finding ways to eliminate educational gaps.

Hispanics are expected to be the nation's largest minority group by 2010.

FEDERAL GROUP REPORT ISSUE MINORITY HISPANIC EDUCATION

LANGUAGE: ENGLISH

LOAD-DATE: September 16, 1999



Search: General News;president's advisory commission, education

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September 16, 1999, Thursday

SECTION: NEWS Pg. A-7

LENGTH: 667 words

HEADLINE: Panel says tests hurt Hispanic students; English-only format faulted as narrow

SOURCE: ASSOCIATED PRESS

BYLINE: Anjetta McQueen

DATELINE: WASHINGTON

BODY:

WASHINGTON -- English-only tests that determine whether a student moves ahead or even graduates may violate millions of Hispanic children's rights, a presidential panel said yesterday. It urged the **Education Department** to investigate.

"State **education** leaders have compromised the future of Hispanic students by making high-stakes decisions based on inaccurate and inadequate information," said the report by the **President's Advisory Commission** on Educational Excellence for Hispanic Americans.

The **Education Department** does investigate such cases, said Rodger Murphey, a spokesman for the civil rights branch. About 20 percent of the 5,000 cases filed each year specifically relate to laws that prohibit racial discrimination against students, he said.

The department is currently investigating two cases related to testing and language ability, in Nevada and Texas. Murphey said he could not discuss the cases or disclose the parties.

In California, educators are creating a high school exit exam, which should be ready in about three years. Plans are for the test to be given in English only.

Rosalia Salinas, director of curriculum, instruction and assessment for the San Diego Office of **Education**, believes that if these tests are to accurately reflect student knowledge, they should not be limited to English.

"It's important for us to also have a way of measuring the actual knowledge a student might have in areas such as mathematics and science and that the language issue not be the sole determinant of whether or not that student has knowledge," she said.

A 1974 Supreme Court ruling requires schools to provide help for students with limited English.

However, opponents of bilingual **education** argue that accommodating children on high-stakes tests will hurt them in the long run.

"You want to make sure kids don't graduate with a degree that they can't even read," said Jorge Amselle, the vice president for **education** of the Center for Equal Opportunity, a Washington group that opposes bilingual **education** and affirmative action. "The purpose of **education** in the United

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"Nevertheless, the resulting data often are used to hold students accountable for their own success, rather than the educators," said the report by the Hispanic education panel, which was created in 1990 by President Bush. The group, which issued its first report in 1992, is charged with bolstering Hispanics' participation in federal education programs and targeting ways to eliminate educational gaps.

Educating the nation's 3.4 million Hispanic children properly is more important than ever before, the group says, as such students' enrollment grows but their achievement does not.

Hispanics will become the nation's largest minority group by 2010. In 10 states, the number of children who are not native English speakers more than doubled from the 1992-93 to 1996-97 school years. And 70 percent of those children are Hispanic.

But in learning, Hispanic children are slipping behind. Young Hispanic children perform half as well as their native-English-speaking peers. Hispanic high school students drop out at double the rate of non-Hispanics.

LANGUAGE: ENGLISH

LOAD-DATE: September 17, 1999



Search: General News;president's advisory commission, education

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September 20, 1999, Monday , FINAL

SECTION: EDITORIAL, Pg. A9

LENGTH: 392 words

HEADLINE: FOR ALL STUDENTS, THE KEY IS ENGLISH

BODY: A presidential panel is woefully shortsighted to conclude that Hispanic students' rights are being violated when they're required to take tests in English to qualify for a high school diploma.

The **President's Advisory Commission** on Educational Excellence for Hispanic Americans has reported that Hispanic students' future has been compromised by requiring them to demonstrate enough English fluency to take tests in English.

Quite the contrary. There should be no confusion on this point: What surely compromises a Hispanic student's future is failing to teach that student to function in English.

As Jorge Amselle, vice president for **education** of the Washington-based Center for Equal Opportunity, put it, "The purpose of **education** in the United States is to prepare students to survive and succeed in this society and that requires mastery in English. To say that a student should be able to do math and science and read and write in English is simply a matter of accountability, not a matter of discrimination."

Insisting on accountability by educators to teach Hispanic students English is the best thing that could happen to them. They have every right to expect to have been educated to function in English when they graduate from high school. To excuse them from English-speaking requirements is nothing short of fraud.

Nevertheless, the misguided panel members want the U.S. Department of **Education** to investigate whether Hispanic students' civil rights have been violated by requiring them to take tests in English.

The panel would have been wiser to insist the department investigate cases where students' civil rights had been compromised because they were not required to learn English.

The department already is investigating two cases of alleged civil rights violations related to testing and language ability in Nevada and Texas. And more such complaints can be expected as the nation, like this state, moves to require students to demonstrate competence in core academic subjects before they are certified as having mastered high school subjects.

Such complaints also are to be expected in this state, which has a rapidly growing Hispanic population. Nationally, Hispanics will become the nation's largest minority by 2010.

The sooner this matter is resolved to require Hispanic students to learn English, the better.

NOTES:
Editorials

LANGUAGE: ENGLISH

TYPE: EDITORIAL

LOAD-DATE: September 21, 1999

Copyright 1999 The Seattle Times Company
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September 16, 1999, Thursday Final Edition

SECTION: NEWS; Pg. A8; ACROSS THE NATION

LENGTH: 759 words

HEADLINE: NATIONAL-SECURITY PANEL SEES TERROR FOR DECADES TO COME

BODY:

WASHINGTON - Americans are feeling increasingly secure, but they shouldn't, says an independent panel set up by the Pentagon.

Citing dangers ranging from "mass disruption" by attacks on information systems to "mass destruction" from nuclear weapons in the hands of terrorists, the U.S. Commission on National Security/21st Century paints a frightening picture of the next quarter-century.

"Americans will become increasingly vulnerable to hostile attack on our homeland, and our military superiority will not entirely protect us," said the commission, headed by former Sens. Warren Rudman, R-N.H., and Gary Hart, D-Colo.

At a news conference releasing the first of three planned reports, Rudman cited "the spreading ability of terrorists to strike Americans at home and abroad."

Panel members said America needs to restructure forces to meet 21st-century challenges, a topic the panel will continue to address. It will propose a national strategy next year and offer final recommendations to achieve national safety to the next president in 2001.

Presidential panel assails use of English-only testing

WASHINGTON - A presidential advisory commission said yesterday that making children with limited English skills take tests written only in English and using the results to decide such pivotal questions as promotion or graduation may violate their civil rights.

"State education leaders have compromised the future of Latino students by making high-stakes decisions based on inaccurate and inadequate information," said the report by the **President's Advisory Commission** on Educational Excellence for Hispanic Americans.

The commission called on the U.S. Department of **Education**, which is charged with enforcing federal civil-rights laws as they apply to schools, to investigate such uses of so-called English-only tests.

FCC enhances 911 service, OKs GPS use for cell phones

WASHINGTON - A new way of linking satellites and cell phones in an emergency received a big boost yesterday from the Federal Communications Commission.

By a 5-0 vote, the commission allowed introduction of cell phones that use Global Positioning System (GPS) satellites to flash their location to 911 operators.

About 70,000 callers a day use cell phones to reach 911, but many don't know their exact location.

Vice president goes on attack against rise of cyberstalking

SAN DIEGO - State and federal laws should be stiffened to outlaw online stalking, according to a new U.S. Justice Department report that warns the practice is on the rise.

"Cyberstalking is a very serious new problem confronting us in the information age," said Vice President Al Gore, who requested the report in February and released it today.

"Cyberspace should be a place for learning and exploration, not a place for fear," he said at a meeting with victims of online stalking and their family members.

Two-thirds of states have no laws that cover stalking on the Internet or through other electronic communications means, the report found.

Medicare expenses to soar for patients who use HMOs

WASHINGTON - Millions of Medicare beneficiaries enrolled in health-maintenance organizations will be forced to pay much more for their health care next year, particularly for prescription drugs and visits to doctors' offices.

The higher charges - in some cases tripling the cost for retirees to visit a doctor and setting strict caps on prescription benefits - were disclosed yesterday by the Health Care Financing Administration, which runs Medicare. They seem sure to set off a new round of debate about medical costs, the role of HMOs and the way society should pay for the health care of an aging population. The higher costs possibly could increase political support for President Clinton's proposal to offer drug benefits under Medicare.

Although HMOs have been warning that benefits were likely to be trimmed in 2000, the size and scope of the increases were unanticipated.

Drugs OK'd to fight cancer, help kidney transplantation

WASHINGTON - The Food and Drug Administration approved two new drugs, one for breast-cancer patients whose tumors have spread to the lymph nodes and one to help prevent kidney-transplant rejection.

Ellence, known chemically as epirubicin, was approved today for treatment of node-positive, early-stage breast cancer.

Yesterday, the FDA approved Raparnune, calling it an important addition to the immunosuppressants available for kidney transplants.

LANGUAGE: ENGLISH

LOAD-DATE: September 18, 1999



Search: General News:president's advisory commission, education

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September 16, 1999, THURSDAY, FIRST EDITION

SECTION: NEWS, Pg A4

LENGTH: 420 words

HEADLINE: HISPANIC STUDENTS HURT BY ENGLISH TESTS, PANEL SAYS

BYLINE: The Associated Press

DATELINE: WASHINGTON

BODY:

English-only tests that determine whether a student moves ahead or even graduates might violate the rights of millions of Hispanic children, a presidential panel said Wednesday in urging the **Education Department** to investigate.

"State **education** leaders have compromised the future of Hispanic students by making high-stakes decisions based on inaccurate and inadequate information," said the report by the **President's Advisory Commission** on Educational Excellence for Hispanic Americans.

The **Education Department** does investigate such cases, said Rodger Murphey, a spokesman for the civil rights branch. About 20 percent of the 5,000 cases filed each year specifically deal with laws that prohibit such discrimination, he said.

The department is investigating two cases in Nevada and Texas related to testing and language ability. Murphey said he could not discuss the cases or disclose the parties.

A 1974 Supreme Court ruling requires schools to provide help for students who speak limited English. Opponents of bilingual **education** argue that accommodating children on high-stakes tests will hurt them in the long run.

"You want to make sure kids don't graduate with a degree that they can't even read," said Jorge Amselle, vice president for **education** of the Center for Equal Opportunity, a Washington group that opposes bilingual **education** and affirmative action. "The purpose of **education** in the United States is to prepare students to survive and succeed in this society, and that requires mastery in English."

But the presidential panel said state approaches to students who are not native English speakers are too vague for tests that are often tied to a child's promotion or graduation. Currently, 19 states require students to pass tests before they receive high school diplomas; seven more plan to follow suit by 2003.

"Nevertheless the resulting data are often used to hold students accountable for their own success, rather than the educators," said the report by the **Hispanic education** panel, created in 1990 by President Bush.

Hispanics will become the nation's largest minority by 2010. In 10 states, the number of children who are not native English speakers more than doubled from the 1992-93 to 1996-97 school years; 70 percent of those are Hispanic.

But in **education**, Hispanic children are slipping behind. Young Hispanic children perform half as

well as their native-English-speaking peers. Hispanic high school students drop out at double the rate of non-Hispanics.

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Search: General News;president's advisory commission, education

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Milwaukee Journal Sentinel

September 16, 1999, Thursday Final

SECTION: News Pg. 7

LENGTH: 115 words

HEADLINE: Panel chides states for English-only tests

SOURCE: Journal Sentinel wire reports

DATELINE: Washington

BODY:

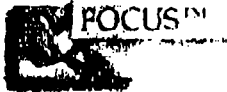
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"State **education** leaders have compromised the future of Latino students by making high-stakes decisions based on inaccurate and inadequate information," said the report by the **President's Advisory Commission** on Educational Excellence for Hispanic Americans.

Milwaukee Public Schools requires students to pass an English-only test before graduating.

LOAD-DATE: September 17, 1999



Search: General News;president's advisory commission, education

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Example: House of Representatives

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September 16, 1999, THURSDAY; ALL EDITIONS

SECTION: NEWS; Pg. A13

LENGTH: 292 words

HEADLINE: ENGLISH-ONLY TESTS UNFAIR TO STUDENTS, PANEL FINDS

COLUMN: AROUND THE NATION

SOURCE: Wire services

BYLINE: FROM NEWS SERVICE REPORTS

DATELINE: WASHINGTON

BODY:

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"Nevertheless the resulting data are often used to hold students accountable for their own success, rather than the educators," said the

report by the Hispanic education panel.

LANGUAGE: English

LOAD-DATE: September 16, 1999



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The Ledger (Lakeland, FL)

September 19, 1999, Sunday

SECTION: News; Pg. A14

LENGTH: 585 words

HEADLINE: STATES REACT TO TESTING BIAS AGAINST HISPANIC STUDENTS

BYLINE: CATHERINE HOLLINGSWORTH Ledger Washington Bureau

BODY:

WASHINGTON -- Faced with steady increases in Hispanic student enrollment due to the Latino population boom, many states are seeking an academic system that better suits Spanish speakers, with an emphasis on bias-free tests.

Between 1992 and 1997, the number of Latino students still not fluent in English more than doubled in Alabama, Florida, North Carolina, South Carolina, Tennessee and a few western states, according to government data compiled by the **White House Initiative on Educational Excellence for Hispanic-Americans**.

By 2050, one in four school-age children will be Hispanic, Census Bureau projections show. At that rate, schools across the country are bound to be faced with the challenges of educating Latinos, many of whom are enrolled below grade level, have high drop-out rates and low literacy levels.

The Latino population boom in general may be a wake-up call for some school districts.

"If it's not really having some impact now, it will. So they best be paying attention," said Sonia Hernandez, a member of the commission and co-author of a recent report on test bias against Hispanics.

Testing can be a major challenge for schools because of language and cultural barriers, the White House report said.

The report released Wednesday found that too often Hispanic students are made to take tests they do not understand, and alternative tests are not always available.

Only a few states are making progress in this area of eliminating test bias, with Texas and other Southern states leading the way.

"There are states that we believe are making a good-faith effort to retain Spanish-speaking students," Hernandez said.

North Carolina and Texas have closed the gap between the state exam scores of minorities and the rest of the student population. Alabama and Texas give non-English speakers multiple opportunities to pass high-stakes tests required for promotion or graduation.

Oregon created a Spanish version of its state test, and Minnesota developed a pre-test to determine whether limited English speaking students are ready for standardized tests.

But overall, states could do a better job of educating Hispanics, the commission said. It plans to conduct a state-by-state analysis of states' efforts in the coming months.

"In Alabama, we face the challenge of finding teachers who are bilingual," said Dianne Courtney, a specialist in federal education programs at the Alabama Department of Education.

There are only enough resources to offer bilingual instruction during summer school, she said. The state also is hard pressed to find college education programs that certify teachers in bilingual education.

Shortage of funding for language programs is yet another challenge facing school districts with growing Hispanic enrollment.

The North Carolina Legislature for the first time last year provided funding for English-language programs. These programs, which provide tutoring in English and help students with study skills, previously had been funded solely through federal and local sources.

"We're finally having recognition from the state that these students should get a level playing field," said John Wilson, executive director of the North Carolina Association of Educators. "The state never really had addressed this issue."

The difference now is lawmakers are paying attention to the changing demographics, Wilson said. "You can see that the numbers are driving people to make better decisions about individuals," he said.

LANGUAGE: ENGLISH

LOAD-DATE: September 20, 1999



Search: General News;white house initiative on educational excellence for hispanic...

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Example: House of Representatives

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September 22, 1999

Hispanic Students Left Out By High-Stakes Tests, Panel Concludes

By Mary Ann Zehr

Washington

Hispanic students are not being tested properly, nor are their scores on standardized tests being used for the right purposes, a presidential advisory panel concluded last week.

Members of the President's Advisory Commission on Educational Excellence for Hispanic Americans said that while they wholly support the drive for standards-based school reform, they are not happy with how the educational needs of Hispanic students are being addressed within the movement.

FOR INFORMATION
"A Report to the Nation: Policies and Issues on Testing Hispanic Students in the United States" is available free from the White House Initiative on Educational Excellence for Hispanic Americans by calling (202) 401-1411.

"The assessment dialogue that has been going on in this country has not sufficiently included the Hispanic community," Ana M. "Cha" Guzman, the vice president of Austin Community College in Texas and the chairwoman of the commission, said at a press conference here last week. "If our children are not being tested [properly], they will be left out."



Ana M. "Cha"
Guzman

The 22-member commission, which was appointed by President Clinton in 1994, published its conclusions in "A Report to the Nation: Policies and Issues on Testing Hispanic Students in the United States." The 97-page report calls on the Department of Education's office for civil rights to look on a state-by-state basis into possible discriminatory practices in the testing of Hispanics.

Commission members speaking at the press conference emphasized what they see as a need for developing better tests for assessing Hispanic students, particularly those with limited proficiency in English. In addition, they said, test scores should be used to hold schools accountable for providing an adequate education to Hispanic students.

Until those issues are resolved, Hispanics' test scores should not be used to keep them from being promoted or from graduating, commissioners argued.

"The high stakes have to be on the schools and school districts and not on children," Ms. Guzman said.

Kenji Hakuta, a professor of education at Stanford University, agreed with the commission's main recommendations.

"It's not appropriate to have the high stakes applied to students until the problems can be addressed," he said.

Mr. Hakuta noted that nearly half of the nation's Hispanic students are considered not proficient in English, and that about 75 percent of students who fall under that category are in high-poverty schools.

Lawsuit in Texas

But Kati Haycock, the director of the Washington-based Education Trust, which aims to improve the academic achievement of minority and disadvantaged students, disagreed with the panel's view that individual students shouldn't be held accountable for their test scores.

"It's a little overly simplistic to say schools can be held accountable without high stakes for the kids," she said. "At the high school level, if there are no incentives for students to work hard and meet standards and do well on a test, they won't."

Ms. Haycock agreed with the commission, however, that state and national testing authorities have no excuse for not having developed better tests to assess students who are learning English.

"The need for better exams has been clear for at least a decade," she said. "There's clearly a need to put some big money fast into developing decent assessments for Spanish-speaking kids."

The report is being released at the same time that the debate over standardized testing of minority students is heating up.

A lawsuit challenging the Texas Assessment of Academic Skills was expected to go to trial this week in the U.S. District Court in San Antonio.

In the suit, *GI Forum, et al. v. Texas Education Agency, et al.*, the Mexican American Legal Defense and Educational Fund has taken the lead in claiming that the state's use of the TAAS as a graduation requirement discriminates against Hispanic and African-American students. The rationale is that minorities haven't received an education in Texas equal to that of other students.

"The main goal would be to stop the use of the exit test for getting a

high school diploma," said Alicia Maldonado, the senior director of communications and public policy for MALDEF. "If you're testing kids on certain kinds of information, they need to be getting that instruction. We say they're not."

EDUCATION DAILY

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Riley Pushes AP Courses, Smaller High Schools

Education Secretary Richard Riley on Wednesday mapped out a plan to reform education for adolescents, calling for increased access to demanding classes, smaller high schools and greater parent involvement.

"Every high school in America should be offering Advanced Placement (AP) or other advanced courses in the core subjects within the next two years," Riley said yesterday in an address before the National Press Club, his sixth straight year of addressing journalists there.

"I remain deeply concerned that we continue to shortchange many of our young people," Riley said, "particularly our minority young people, by not even giving them the opportunity to stretch their minds."

He lamented that 49 percent of the nation's high schools offer AP courses (only 10 percent of all students take such courses), but noted that President Clinton has proposed to spend an added \$20 million on AP test fees in fiscal 2000.

Schools, Classes: 'Size Matters'

The Clinton administration, since the April 20 mass murder at Columbine High School, has promoted smaller high schools and smaller classes not only as a method of improving instruction, but also of interacting more personally with adolescents and preventing violence.

Riley yesterday asked high school educators to "give students a connection. That's hard to do when we are building high schools the size of shopping malls. Size matters."

The National Association of Secondary School Principals (NASSP), Riley noted, published a study recommending that students learn best in high schools with no more than 600 students. Acknowledging budget realities that make schools of 2,500 students more economical, Riley called for "schools-within-schools ...

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High-Stakes Testing Hurts Latino Students, Group Says

In the push to set higher standards, states and school districts should avoid discriminatory testing practices that hurt Hispanics and other students learning English, says a White House advisory panel for Hispanic-Americans.

Nearly 20 states have adopted high-stakes tests as a sole measure to determine whether students advance to the next grade or graduate high school, said the President's Advisory Commission on Educational Excellence for Hispanic-Americans, established by President Clinton in 1994.

But in a report released yesterday, the panel said it wants states and districts to focus reforms on improving schools—instead of taking measures against students who don't pass high stakes tests by ending social promotion and withholding diplomas.

In addition, the group called for the creation of "linguistically and culturally appropriate" tests it said would help Hispanic students meet standards.

"The standards-based movement is the first opportunity we've had in years to bring our children up to par," said Erlinda Archuleta, a

(more on p. 4)

Riley Pushes AP Courses, Smaller High Schools (Cont.)

and mak[ing] sure that every high school student has an adviser for all four years."

He said he would support plans in Congress that would promote the hiring of counselors in schools; President Clinton wants schools to counsel all children who are suspended or expelled (ED, June 2).

Language Excellence

Breaking new ground, Riley also proposed to require every high school graduate to demonstrate fluency in a foreign language.

"We should begin teaching foreign languages in our elementary schools, and then in middle schools and high schools," he said.

Without proposing to test students in foreign tongues, Riley did endorse exit exams for high school graduates, proposing that high schools run review courses—similar to legal courses offered to people taking a state bar exam—that would help students prepare for high stakes tests.

To promote this focus on tougher academics and foreign languages, Riley proposed that parents stop allowing their teenagers to work 20 hours each week in part-time jobs, saying research shows that such labor harms kids' academic performance.

Life After High School

Gerald Tirozzi, now NASSP executive director and until recently the Education Department's K-12 policy chief, welcomed Riley's focus.

"We just have to attack the status quo," Tirozzi said. "We have to reform American high schools, and it can't be piecemeal."

In a statement, NASSP urged that districts stop "warehousing" students in overcrowded, alienating schools that lack mentoring services and high standards.

Riley had picked up on this theme, calling for schools to experiment with a reform promoted as part of the High School That Works program, which is supported by the Southern Regional Education Board in 500 Southern high schools. Freshmen in the program, with help from their parents and an adviser, write a six year plan that addresses high school academics and life after graduation.

"The young people," Riley said, "get the message that they have new and high horizons, and that going to high school has a higher purpose."

Patricia McNeil, the Labor Department's assistant secretary for employment and training, endorsed such six-year planning as an effective reform for students who are not bound for college, but headed into the workforce instead. And she stressed that AP courses, as recommended by Riley, can be critical even to children in vocational education tracks.

"Every kid needs to be prepared for college, whether they go or not," McNeil said. "They need to be prepared ... Employers give that message loud and clear." —William J. Cahir

Resources

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Aspen Publishers, Inc.

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House Oversight Panel Blasts AmeriCorps, Again

Despite plans to change its management and accounting systems, accountability problems persist for the agency charged with overseeing the AmeriCorps program, which recruits 17- to 24-year olds for national service.

In a hearing Tuesday before the House Education and the Workforce Oversight and Investigations Subcommittee, lawmakers questioned the chairman of the Corporation for National Service, Bob Rogers, about a slew of internal audits that have unveiled numerous examples of AmeriCorps volunteers receiving work credit for inappropriate activities.

"The corporation is not only failing to root out waste and fraud on its own," said Rep. Peter Hoekstra, R-Mich., the subcommittee's chairman. "It is failing to pursue collections on fraud identified by the Inspector general."

AmeriCorps, started in 1993 by President Clinton, gives high school students vouchers—worth up to \$4,725—that can be used to pay for college, job training or student loans in exchange for one year of volunteer work that provide a tangible benefit for the community. AmeriCorps prohibits the credits from going toward any paid job or political activity.

However, since its inception, the program—currently funded at \$428.5 million—has had numerous problems accounting for its funding on the state and local levels, drawing criticism from Republicans in Congress.

Decentralized Structure

At the hearing, Rogers said that past mismanagement can be explained by the peculiar structure of the program.

Two-thirds of AmeriCorps funding goes to state commissions, which in turn send the money to local AmeriCorps projects. As a result, the Corporation for National Service does not directly oversee individual projects.

"The Terre Haute matter is an excellent example of how the challenges of a devolved and decentralized structure manifest themselves," he said.

Rogers was referring to a recent report in the *Terre Haute Tribune Star* that found Indiana

students receiving AmeriCorps credits for anything from singing in a church choir to holding jobs at a summer camp.

Although Rogers insisted that the Indiana program is an isolated example of mismanagement, testimony from Luise Jordan, the inspector general for the Corporation for National Service, indicates that the kinds of problems in Terre Haute persist at other sites as well.

Jordan sharply disagreed with Rogers, and told the congressional panel that the lack of a direct contractual relationship does not relieve the corporation from oversight responsibilities. In a recent audit of 40 AmeriCorps sites, her office found:

- Participants on the corporation's database did not correspond to the membership rosters at some sites;
- Program officers were unaware of prohibited activities in the AmeriCorps legislation at seven sites; and
- Not all sites had a process to review education award certificates.

One of the IG's audits even revealed that a participant received work credit for a job at McDonald's.

To correct accountability problems, the Corporation for National Service plans to unveil a Web-based accounting system that will eliminate the error-prone paper filing method it uses today to account for hours logged in the program.

It has also recently implemented a new financial records system to make records more accessible to outside auditors.

While Jordan testified that she had no evidence the oversight problems would be corrected by recent management changes the corporation is in the process of implementing, Rogers was more optimistic.

"I believe we are making progress," Rogers said. "There is still a long way to go, but this is a good year for it." —Eli J. Lake

High-Stakes Testing Hurts Latino Students (Cont. from p. 1)

member of the panel. "But our students are being tested in English, for which many do not have the fluency."

Good And Bad Testing

While advocating testing policies it deems fairer, the panel called for ensuring that more Hispanic and minority-language students are included in tests. Often, English language learners are exempted from testing.

"If our children are not tested, they will be left out," said Ana Guzman, chairwoman of the panel and vice president at Austin Community College in Cedar Park, Texas. "Resources go to who is held accountable."

The panel outlined several practices it said harm Hispanic students and students learning English, including: requiring English-only tests for high stakes decisions; providing inadequate support to achieve high standards; and using tests not aligned to school curricula.

The group also recommended several courses of action for states and districts, including testing in Spanish, special accommodations on tests for students still learning English, and efforts to ensure that schools which teach large populations of those students have qualified teachers and equitable resources.

Delaying Accountability?

On the surface, the panel's findings would seem to be in conflict with the Clinton administration's push to get schools to adopt higher standards and end social promotion.

But Mike Cohen, a senior adviser to Education Secretary Richard Riley, said the administration has always supported "valid and reliable" tests, inclusion of all students in testing, and testing in a diagnostic fashion to help improve schools. "To do this in a sound way, there ought to be multiple measures [besides tests]," he said.

He also pointed to a recently released Education Department guidebook that advises schools to end social promotion only after providing tutoring and other services to help students meet standards, a phase-in that could take up to five years (ED, July 1).

But Jorge Aniselle, vice president of the Center

for Equal Opportunity, a group that opposes minority preferences, defended high-stakes decisions as a method of forcing schools and students to improve. "How are we going to end social promotion without high-stakes decisions on tests?" he asked. "You can't have it both ways."

He also frowned on testing students on some subjects in native languages while they learn English. "Tests in English should be mandatory because that's the standard," he said. "All [native-language tests] will do is delay the acquisition of English." (more)

Test Snafu Ruins Summer For New York City Kids

Thousands of New York City public school students were improperly required to attend summer school as a result of scoring glitches on a high-stakes test, the city schools chancellor admitted Tuesday.

As part of New York's get-tough policies to end social promotion, 35,000 students attended summer school this year after getting low scores on a spring achievement test. But a mistake made by test publisher CTB/McGraw Hill may have improperly compelled up to 3,000 students to attend summer school.

CTB/McGraw Hill said the mistake affected scores in other districts, but those districts didn't use the test in a high-stakes capacity.

Testing critics argue that the snafu is another reason why high-stakes testing is unfair. In fact, test publishers recommend against high-stakes policies and say districts should weigh other factors besides test scores in determining promotions, such as class work and teacher judgments.

A similar error occurred recently with California's state assessment, the Stanford 9 Achievement Test. Test publisher Harcourt Education Management improperly classified 300,000 English-proficient students as students still learning English, resulting in vastly inflated scores for English learners (ED, July 1).

—Jonathan Fox

High-Stakes Testing Hurts Latino Students, Group Says (Cont.)

The presidential group's findings echo complaints embodied in a lawsuit filed in October 1997 by the Mexican American Legal Defense and Educational Fund (MALDEF), a Latino civil rights group, against the Texas Education Agency.

In Texas, students must pass the three-part Texas Assessment of Academic Skills (TAAS) exit exam to graduate with no exceptions.

Suing on behalf of seven students who flunked the test, MALDEF alleges it discriminates against minorities because the state doesn't provide all students an equal opportunity in education, while many schools don't teach all the material on the test. The case goes to trial Sept. 20.

Texas officials deny that the exam is discriminatory, and say test items are vigorously screened and field-tested for bias. (Members of the presidential panel said they want the Education Department's Office for Civil Rights,

which enforces civil rights laws pertaining to education, to conduct similar inquiries.)

Opinions Vary On Texas

But not all Hispanic advocates agree that Texas is failing its minority students. Many educators praise the state for its requirement that schools raise standards for students in aggregate as well as groups of students divided by race, ethnicity and income status.

"Of any state that's doing a lot of things right, it's Texas," said Sonia Hernandez, California's deputy state education chief and member of the panel, who nonetheless disapproves of the state's high-stakes graduation exam.

"Educational Standards, Assessment and Accountability: A New Civil Rights Frontier" is available from the White House Initiative on Educational Excellence for Hispanic-Americans, 400 Maryland Ave. SW, Washington, DC 20202; (202)401-1411; or on the Internet at www.ed.gov/offices/OIIA/Hispanic.

—Jonathan Fox

Treasury, ED Launch Student Loan Debt Ad Campaign

In conjunction with the Education Department, the U.S. Treasury has unveiled a new advertising campaign aimed at getting delinquent student loan borrowers to pay off their debts.

The ads will start on local radio stations this month in Austin, Texas, encouraging delinquent debtors to call a toll-free number—1-800-IWILLPAY—or access the Web site www.1800iwillpay.com. Austin was chosen because of its large student population, among other things.

In the ad, a voiceover relays the message: "We believed in you and gave you a government student loan to help make your dreams possible." The ad later says ED and the Treasury are "here to work with you no matter how far behind you might be."

Dean Blamacl, who heads the project for the Treasury, says the advertisement was designed to send two messages: "One is to inform the public of the government's debt collection

policies, and [the other is] to set a tone for current students."

The new initiative is an outgrowth of the 1997 Debt Collection Improvement Act, which gave the Treasury the authority to deduct government debts from a debtor's tax refunds. That bill also requires the government to enhance efforts to collect on overdue loans.

In the ad, a voiceover relays the message: 'We believed in you and gave you a government student loan to help make your dreams possible.' The ad later says ED and the Treasury are 'here to work with you no matter how far behind you might be.'

To date, the student loan program is responsible for \$24 billion in unpaid loans to the government, or a little less than half of the Treasury's entire debt portfolio, according to the Treasury's estimates. —Eli J. Lake

N.H. District Sued Over Basketball Player's Injury

A female student is suing a New Hampshire school district because she sustained permanent leg injuries during a basketball game that erupted into a scuffle.

Shaker Regional School District and the Town of Belmont had fought a lower court ruling that allowed the suit filed by Nancy and Charles Hacking Jr. on behalf of their daughter Chelsea.

The New Hampshire Supreme Court cleared the way for the suit last May, when it ruled that the district is not immune from being sued because the coaches and referees present may have been negligent in not stopping the game when it appeared out of control.

Chelsea was a sixth-grade student at Canterbury Elementary School in January 1995. During a basketball game against Belmont Elementary School, her family alleges that "referees, coaches, instructors, and employees of [the school district] permitted the game to

escalate out of control," according to court records.

Belmont players reportedly twice knocked Chelsea down and repeatedly stepped on her left leg, causing her to need surgery and other medical treatment. She will require ongoing medical care to treat her permanent injury.

The school district had argued the family could not sue the district, or the coaches or referees in charge of the game, because it has 11th Amendment immunity from lawsuits. The 11th Amendment protects the government from lawsuits except in cases of gross negligence.

In *Hacking v. Town of Belmont* (97-682), the New Hampshire high court ruled that the harm Chelsea sustained was not "an ordinary risk inherent in the game of basketball that Chelsea or her parents would have known or appreciated." The school district did not appeal the high court's ruling.

—Esmeralda Barnes

Pa. College Not Liable For Baseball Player's Injuries

A Pennsylvania college is not responsible for injuries a visiting student baseball player sustained during a game in which he tripped on a warped section of the field.

A trial court granted Geneva College's pretrial motion to dismiss the case, and the Superior Court of Pennsylvania agreed.

Jason Zachardy, a starting center fielder for Point Park College, and his teammates were scheduled to play a game in April 1994 at Geneva College in Pittsburgh. As he pursued a fly ball during the game, he tripped in a hole in

the grassy field and twisted his right knee, sustaining a severe injury.

Zachardy sued Geneva College, claiming it had a legal responsibility to maintain the playing field. But the college argued that the student had no case because he was aware of the risks of playing baseball.

In *Zachardy v. Geneva College* (98-1684), the Superior Court agreed with the trial court's holding that Zachardy "knowingly proceeded in the face of an obvious danger."

—Esmeralda Barnes

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**OUR NATION ON THE FAULT LINE:
HISPANIC AMERICAN EDUCATION**

**TESTING OF HISPANIC
STUDENTS IN THE UNITED
STATES:
AN ACTION AGENDA**

**The President's Advisory Commission on Educational
Excellence for Hispanic Americans**

September, 1999

Prepared by: Sonia Hernandez

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Acknowledgements

Art Coleman, US Office of Civil Rights, Washington D.C.
Richard A. Figueroa, University of California at Davis

FORWARD

There is no more promising reform in public education today than the standards -based movement. It is the most widely accepted school change process which offers the greatest probability for leveling the playing field for all children by clearly stating expectations for instruction, assessing the progress of each child toward achieving the standards, and holding schools accountable for student learning. Where these three core elements of a standards-based system are in place, all students begin to experience success as never before. This is especially true for the growing Hispanic student population in America which has been traditionally excluded from access to rigorous mainstream instruction.

But in the current rush to implement world class standards supported by systems of accountability in the nation's public schools, state education leaders have compromised the future of Hispanic students by making high stakes decisions based on inaccurate and inadequate testing information. Hundreds of thousands of Hispanic students, many lacking functional fluency in English, are assessed with a myriad of tests entirely in English and, oftentimes, only in English. The resulting test data gleaned from the administration of these tests is used for student promotion or retention, for high school graduation, generally for high stakes decisions --but rarely for the purposes of true accountability. When it comes to holding schools accountable for the academic achievement of our students, states allow Hispanic youngsters to become transparent inside the very system charged with educating them.

State policies often require that Hispanic students be assessed in English with tests they may not even understand or with alternative but less rigorous tests in Spanish whether or not they are receiving instruction in that language. Neither approach produces accurate information about student learning. Nevertheless, the resulting data is often used to hold students accountable for their own success, rather than the educators or the systems of public schooling. **Who should be responsible for what Hispanic students learn in school?** The answer is simple: students,

educators, and parents all must share the responsibility. **But what kinds of assessments should be used to provide accurate information about what students have have been taught?** Regrettably, the answer to this question is not as simple. It will be explored in this document.

For now, students bear the weight of academic success or failure, with few exceptions, on the basis of one or possibly two test scores. Where exemptions from testing exist, Hispanics disappear from the accountability reports which trigger both positive and negative consequences for the responsible adults in the system. Thus more than two million Hispanic students in the US are underrepresented or absent from the rolls of students who are counted and who, therefore, count.

As America enters the new millennium, deliberate action by policymakers at every level must be taken to include the country's fastest growing and soon-to-be largest minority within the bounds of systems of accountability using accurate information for decisionmaking. It is our belief that Hispanic students, whether they are English dominant or English Language Learners, should be tested with appropriate test instruments in order to be included at all times in the states' accountability systems. If this does not occur, Hispanic children will not benefit from the powerful and promising standards movement.

The purpose of this series of reports is twofold: (1) to bring attention to the growing crisis of the invisible Hispanic students in public education to the nation's leaders and (2) to provide guidance to the nation and the states on taking the necessary steps to rectify the conditions which allow Hispanic students to be wrongly measured and unaccounted for in their own schools. It is our intent to help education leaders in this country choose wisely for the sake of the children.

The Commission Assessment Committee
The President's Advisory Commission on Educational Excellence For
Hispanic Americans

Washington, D.C.
September 15, 1999

INTRODUCTION

In a report on the testing of Hispanic students prepared for the President's Advisory Commission on Educational Excellence for Hispanic Americans in the Fall of 1999, several important issues were raised which called into question the testing policies and practices of states and districts. Some issues in the report clearly require a commitment to in-depth research; others require changes in state level practices; and still others require serious national conversations to create a consensus around a common testing framework to achieve fair and accurate assessment of Hispanic students. All require immediate action.

This document is a response in part to the problems raised in the report by Figueroa and Hernandez and an opportunity to outline our own action agenda on the testing of Hispanic students in the nations' public schools.

TESTING OF HISPANIC STUDENTS IN THE UNITED STATES: AN ACTION AGENDA

In initiating its work on the policies and practices of testing Hispanic students in this country, the President's Advisory Commission on Educational Excellence for Hispanic Americans has identified three goals which form the foundation for its current and future work in this area. These guiding principles are:

- (a) all Hispanic students must be tested with assessment instruments which are fair and accurate in order to be accounted for within accountability systems,**
- (b) all Hispanic students must be included in state systems of accountability at all times, and**
- (c) Hispanic students must be full participants in national assessments and projects which gauge the progress of states in achieving educational excellence for all students.**

To attain these goals, the commission has organized its action agenda to focus on a set of priorities. These priorities include engaging national and state policymakers and education leaders in reviewing their current practices. At the same time, the commission will continue its own data-gathering processes to determine the depth and breadth of corrective action necessary on a state-by-state basis.

I. THE NATIONAL PRIORITY

The starting point for the reform of unfair testing of Hispanic students is not simply a matter of "the tests;" it is the instructional context of schooling in too many of America's public schools, especially those serving minority students.

States and districts must ensure equity of standards, curricula and resources for all schools. To achieve equity, federal support is needed to provide guidance and incentives to change rather than to reinforce the status quo.

Access to accomplished teachers with the necessary knowledge and skills to help Hispanic children achieve to standards is a critical component of reform. Yet many states, both large and small, are beginning to experience a significant shortfall in recruiting and hiring qualified teachers. The depth and severity of this crisis is not just a state problem; it is a national crisis which requires an immediate national response. Creating a new teacher workforce for America's public schools is a top priority.

As opportunities to learn are made available, Hispanic students can and will achieve high levels of learning from elementary schools to graduate schools and beyond.

II. STATE PRIORITIES

It is important to distinguish among the testing needs of Hispanic students who are (a) fluent English speakers, (b) English Language Learners, and (c) fully bilingual and biliterate. Even within these distinctions, there are many more levels of language proficiency. These multiple levels of proficiency are further confounded by the limitations placed on teachers by virtue of state laws and regulations as well as local board policies. Few are based on reliable and replicable research. In some cases, assessments are closely aligned to content standards of instructions. In many states, they are not.

Recognizing this mural of complexities, it is still incumbent upon states to frame their testing policies to assure that Hispanic students are tested with assessment instruments specifically designed to measure their levels of English language proficiency for diagnostic and instructional purposes. Their achievement levels in core content areas of the curriculum must also be measured with assessment instruments in the language of their dominance to ensure substantial and timely progress toward meeting their state standards. States must be sure to use tests only for the purposes for which they were designed.

In states such as California where primary language instruction has been severely limited by law, state requirements that children be tested in a language other than English *in which they are not receiving formal instruction* makes no sense. States should revisit such requirements for immediate corrective action.

In designing their accountability systems, states must avoid the exclusion of Hispanic students as a result of exemptions to accommodate for language differences. For example, states such as Texas provide for a grace period to allow students to acquire English language skills. While this policy in and of itself is not necessarily negative, unless there is a process to measure substantial annual progress while students are learning English, they are in danger of falling through the academic cracks for long

periods of their formal schooling without anyone being held accountable for their learning. This benign neglect is not acceptable. Parents, educators, and students should be held accountable for student learning at all times. To that end, disaggregated data showing Hispanic student test scores should be reported publicly on an annual basis and consequences for the results should follow.

On the question of selecting appropriate tests and administering the tests to Hispanic students, it is important that states carefully track the latest research which can provide recommended improvements to the current testing technology. But while the national research agenda unfolds, schools, districts, and states should avoid making costly mistakes which may result in inaccurate testing of Hispanic students, especially English Language Learners. The following practices should be examined and, if deemed necessary, stopped in order to minimize the mismeasurement of Hispanic students:

- (a) using translated versions of tests, whether purchased from a publisher or developed locally; there is little evidence that the translated versions of tests have the same technical properties of the original; using data from such tests for accountability purposes may be inaccurate and misleading;
- (b) using interpreters in the administration of tests; this practice may destroy standardization and lead to invalid inferences and conclusions;
- (c) using excessive testing in an attempt to determine the profile of students where current testing technology is inappropriate and insufficient; and
- (d) using *diagnostic* tests administered to Hispanic students to make high stakes decisions, including high school graduation, promotion, and/or retention; the purposes for which the tests were designed must be preserved.

Before purchasing testing materials, states, districts and schools should require test developers and publishers to provide empirical evidence to support claims of equivalence between English

and Spanish versions of tests. Too often, the Spanish language test developed in the United States lacks the rigor built into the English version of the same test. The two tests may not be based on a common set of content and performance standards. Adopting non-equivalent testing materials diminishes the expectations and opportunities of many Hispanic children to keep up academically with their English fluent peers while acquiring language proficiency in English.

States are the gatekeepers for appropriate testing practices and policies affecting Hispanic students. Without their commitment to improve the conditions of testing, little will change.

III. NATIONAL RESEARCH AND INVESTIGATION PRIORITIES

In order to address the myriad of problems related to the fair and accurate assessment of Hispanic students, the US Department of Education should take a leadership role in supporting research that will inform practice in significant ways and ensure wide dissemination of findings which will affect testing policies across the country.

It should seek to answer questions that could bring resolution to technical design problems and remove barriers to the appropriate assessment of Hispanic students. Research could address issues such as:

- (a) determining whether Hispanic English Language Learners can be validly and fairly assessed with tests normed on monolingual student populations, or
- (b) investigating evidence of bias in tests used on Hispanic students.

The research agenda delineated by the National Research Council and published in its report, "Improving Schooling for Language-Minority Children," should be fully supported. The results of that body of work should be broadly communicated for the benefit of all children in the nation's public schools.

In order to evaluate the current level of mismeasurement of Hispanic students, it is critical to gather all of the relevant data from the states. This is not an easy task under any circumstances, but accurate information is crucial in making course corrections. The US Office of Civil Rights is best poised to do this work. OCR should investigate the use of tests on Hispanic students on a state-by-state basis and report its findings to the appropriate policymakers for further action.

Many state and local policy decisions affecting instruction and assessment are made based on questionable national trends or perceived guidance from independent national entities. No single data set is invoked more often than that of the National Assessment of Educational Progress or NAEP. The National Assessment Governing Board which oversees all aspects of the program should take decisive action to ensure that the NAEP is made relevant and useful for Hispanic students; issues related to cultural factors in achievement testing should be investigated and applied to the NAEP.

IV. THE COMMISSION'S AGENDA

To date, the President's Advisory Commission and the White House Initiative have (1) sponsored a series of forums in Washington D.C. which brought together researchers, practitioners, and policymakers to discuss current education policies, (2) produced a policy document framing many of the most important issues relative to the assessment of Hispanic students which resulted from the policy forums, (3) commissioned a study on the technical issues involved in testing Hispanic students prepared by Figueroa and Hernandez, and (4) outlined a testing reform agenda in this document. In the near future, a national report card will be released based on data gathered from each state with a significant Hispanic student population.

These activities and publications of the commission are planned to promote the educational opportunities for Hispanic students nationwide and, more specifically, to achieve the goals relative to inclusion in accountability systems using accurate and fair test results. Leveling the playing field and increasing opportunities-to-learn will assure the academic progress of Hispanic children.



DRAFT

**WHITE HOUSE INITIATIVE ON
EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS**

**Educational
Standards,
Assessment, and
Accountability:
A New Civil Rights
Frontier**

Summary of a policy seminar series

The policy seminar series was held in cooperation with the Office for Civil Rights, U.S. Department of Education.

Educational Standards, Assessment, and Accountability:

A New Civil Rights Frontier

The education of Hispanic students is an increasing challenge for schools in the United States. Because of the large percentage of Latino women in their childbearing years, the Hispanic population, which grew by 50 percent during the 1980s, is expected to continue to increase dramatically in the next decade. By the year 2010 Hispanics will comprise the largest minority in the United States and a majority in four states.

But as the Hispanic population continues to expand faster than other subgroups of the nation's population, the educational attainment of this community has persistently lagged well behind the national average. In the early grades, research indicates that the reading and writing skills of students still learning the English language are 50 percent behind students for whom English is their native language. When it comes to learning to read, students learning English have to run the 150-yard dash, while native speakers of English have only to run 100 yards. Many Hispanic students never even complete the race. Today, Hispanic high school students drop out at double the rate of non-Hispanics. Half of the Latino community's adult population is functionally illiterate.

The gap in achievement between Hispanic students and their peers is not just a matter of poverty. The cultural and language backgrounds of students still learning English have a profound impact on student learning. Even among students from wealthy backgrounds, Latinos who have limited facility in speaking and writing English are twice as likely to drop out of school as African-American or white students, according to the National Center for Education Statistics.

What can the nation do to ensure that all Latino students graduate from high school, graduate from college, and secure high-skill, high-wage jobs in the next century?

For the past several years, the nation has been in the midst of movement to set standards for what students should know and be able to do that poses great opportunity for Latino students.

The standards movement is an attempt to refocus schools on their core academic mission, to bolster student skills and knowledge, and establish a powerful way of holding students and adults accountable for student learning to high standards. By setting standards, states and school districts can identify what students are able to do at discrete points during their education. Educators, policymakers, and the public can use standards to determine whether students and schools are reaching desired expectations and the progress schools and individual teachers are making in helping students achieve the desired standards.

Leaders of the Hispanic community are concerned that standards-based tests being developed and implemented to determine which students will advance from grade to grade or graduate are still a relatively new tool in the apparatus of school reform. They have yet to be "stress tested" with this most vulnerable population. Many Latino

educators and policymakers are particularly concerned about how tests will be implemented and interpreted, particularly for students still learning the English language.

To understand more about the effects of standards, accountability and assessment on Latino students, the White House Initiative on Educational Excellence for Hispanic Americans in 1999 launched a series of four policy briefings to identify the challenges posed by testing to this important population, assess the risks, and guide states and school districts on best practices. (See sidebar on Page 4.)

The White House Initiative recognizes the importance and value of standards-based reform but is also deeply concerned about the potential abuse of testing by states and school districts. The Initiative believes that accountability measures for schools, teachers and students—linked to an expectation that all students can achieve to high standards—hold significant promise for our nation’s youth, particularly Hispanic youth.”

But despite its fervent belief in the promise for meaningful reforms that can benefit all of our children, we are increasingly concerned—indeed, at times, alarmed—with the way in which some of the reforms are implemented. In particular, the rush to establish a statewide test as a single measure of mastery of coursework is of great concern in the many cases where students to be held accountable have not had the kind of instruction and support that they should have had to allow them to succeed. This problem is particularly notable (and unacceptable) in cases where other students held to the same standard—often, not minority—have access to exemplary curricula, well-trained teachers, and the kind of learning environment that fosters success.

This paper summarizes many of the observations and concerns raised in the seminars as a means to better inform state and local discussions and influence policies that advance accountability efforts that are fair and equitable and can lead to educational excellence for all students, particularly those with limited English proficiency.

The National Context: Avoiding Inevitable Backlash to Assessments

The issue of whether we can fairly assess the performance of students whose native language is not English is particularly timely and important as the nation’s governors prepare to re-examine the effectiveness of the standards movement over the past few years. Later this month, governors, education leaders, and business leaders will get together in a national summit to discuss what can be done to make standards more effective and to address problems likely to arise as states hold more students accountable for what they should know. Education leaders are worried about the backlash to standards when large numbers of students, not just minority students, fail the state testing programs.

In New York, for example, fewer than half of the state’s 4th graders met competency standards on the reading and writing test, 96- / part of an effort to raise standards across the board. In New York City, which enrolls more than a third of the state’s public school students, two thirds of the 75,000 test takers did not meet minimum standards.

In Virginia, officials have raised the stakes for students with new accountability measures. Starting in 2004, students will need to pass an exam in order to graduate and by 2007, low performing schools will lose accreditation if 70 percent of the students fail to pass the exit exam. But in January 1999, the state department announced that 97 percent of public schools failed the new state tests. In the first round of high-stakes student-achievement tests, given in spring 1998, only 39 of the state's 1,800 schools—or 2.2 percent—met the performance goals on exams linked to the state's Standards of Learning.

With rigorous assessments being introduced across the nation, many more students—not just those from poor and disadvantaged backgrounds—will fail, and states and districts will have to address what to do about these high-stakes results.

But if we expect a great train wreck for the passengers, who until now have been riding in the Club Car, what is the likely effect of these tests on students who have had to struggle to stay on board?

Only a few states, such as Texas and North Carolina, stand out in making progress in closing the gap in performance of minority and disadvantaged students on state-wide exams. In Texas, for example, the passing rate for Hispanics on TAAS rose from 41 percent to 62 percent from 1994 to 1997. Texas students also made the most dramatic gains among the 39 states that participated in the 4th grade math portion of the 1996 National Assessment of Educational Progress. The state's black and white students had the highest average scores of any state, while its Hispanic students ranked sixth. The state's 11-point overall improvement was the largest of any states.

Some observers note that progress in raising achievement for minority students is a key part of the state's accountability system.

Efforts to introduce high-stakes testing without paying attention to minority and low-income populations could have the result of forcing Latino and other students to ensure that continued progress in closing the achievement gap will be possible.

National Policy Discussion

To explore some of these questions and understand more about the potential effects of the standards movement and high-stakes testing on Latino students and the nation as a whole, the White House Initiative convened a series of four seminars. The seminars were initiated in conjunction with the Assessment Committee of the President's Advisory Commission on Educational Excellence for Hispanic Americans to begin examining the impact of standards-based reform on all students, particularly on Hispanic students.

The Assessment Committee, co-chaired by Commissioner Erlinda Archuleta from the Colorado Department of Education and Sonia Hernandez, Deputy Superintendent of the California Department of Education, met with the executive Board of the Commission in

January to discuss the impact of educational standards and assessments on Hispanic students.

The series and collected testimony from state and local education leaders, legal scholars, and education experts from around the country. Seminars included:

- ***Educational Standards, Assessment, and Accountability: A New Civil Rights Frontier***, held April 7, laid the groundwork for subsequent discussions on the standards movement and its impact on the educational attainment of Hispanic students.
- ***Assessment as a Learning Tool: From Hope to Reality***, held May 5, addressed the potential of assessments as a learning tool and included a discussion of testing practices and accountability systems that promote educational excellence.
- ***Current Policies and Practices in Assessing English Language Learners***, held June 10, further addressed the chronic controversy that continues to surround the issue of language in America. Speakers discussed the impact of current national and state policies as well as the effective practices of educators that promote educational excellence for all students.
- ***A Look at Current State Practices***, held July 20, focused on states and local policymakers. The panelists addressed the challenges they face as states progress toward full implementation of educational reform. They also described the specific work and strategies they are currently implementing to provide all students in their system, and specifically Hispanic students, equal and equitable access to rigorous academic standards and instruction. (A list of speakers at each seminar is included at the end of this document, and their comments are included throughout.)

The Promise of Standards-Based Reform

In the language of the standards movement, **content standards** are locally developed statements about what students must know and be able to do in various disciplines such as English language arts, mathematics, science, and social studies. **Performance standards**, set by states and local school districts, measure how well students should be expected to demonstrate their knowledge and skills in reaching those content standards. For standards to be effective, states and local school districts must invest appropriate resources to ensure that all students are provided with equitable opportunity to meet rigorous and challenging standards in all content areas.

One of the most promising features of the standards movement is that it holds schools and students accountable for how well they can demonstrate increases in academic achievement. States and school districts are in the midst of an evolution in how they manage and motivate institutions and educators to get better results for a broader range of students. Accountability measures are helping to examine progress being made in

schools, by individual students, and by groups of students, including low-income and minority student populations. Accountability systems help identify what is working and not working, informs teaching and learning, who should be rewarded, what targeted interventions might be made when progress toward the standards is lagging, and the kinds of steps that should be taken if schools continue to chronically fail.

States and school districts are increasingly moving to measure progress toward achieving high standards assessing students on the knowledge and skills they are expected to know. They are developing and implementing a variety of approaches to measure performance, including standardized tests, performance assessments, portfolios and other forms of assessment activities that require students to not only choose the best answer, but also to explain the reasoning behind the answer or solve a problem. These performance assessments allow for teachers, parents and students to demonstrate or accurately describe what students know. As the tool of accountability, assessment systems have a number of invaluable uses – they help determine how resources should be spent; they also provide a diagnostic evaluation of where students need extra help and tutoring and where teachers need to focus more attention or need more professional development. They are a tool to inform both teaching and learning. Increasingly, assessments are being used by states and school districts to make high-stakes decisions about whether a student should move from grade to grade or graduate from high school.

“If you don’t have high standards and aligned assessments you don’t have school reform. Raising expectations for all students is essential.” —*Sonia Hernandez, Deputy Superintendent, California Department of Education, and Member, President’s Advisory Commission.*

One of the major challenges confronting the standards movement is keeping politics out, and relying on what works to guide decisionmaking. Assessment should be used on an ongoing basis to drive the process of educational decision making and identify the appropriate interventions, teaching strategies, supports, and other factors that inform the process, improve the system, and increase student achievement.

“California’s standards movement became an ideological battleground. Decision on content standards was based on ideology. The standards advisory group to the Governor worked on two sets of standards—one for reading/language arts and one for math. The first ended up promulgating phonics rather than a mix of phonics and whole-word, because of pressure from conservatives. Math became “drill-and-kills.” In the domain of science, the majority recommendations were dropped in favor of a set advocated by one of the governor’s appointees. The advisory group was disbanded before it even considered such enormous issues as LEP testing and the opportunity to learn standards.” —*Raymund Paredes, Vice Chancellor, University of California, Los Angeles.*

The effort to set high standards for all students is to publicly recognize and affirm that all students can achieve to high levels. Standards and accountability are powerful vehicles that can help close the performance gap between white and minority students and between rich and poor school districts. Assessment and accountability tools help paint the

picture of how far and how fast we need to go to improve student achievement so that no student is left behind. They tell us what the most important deficiencies are to be remedied and help evaluate and understand the effects of various interventions that can lead to ongoing, continuous improvement.

Standards can form the basis for extending a civil rights perspective to the instruction of all children, including youth from low-income and language minority families. That is because standards-based instruction makes it clear that all children need to be brought to observably high levels of performance. The approach to school reform highlights disparities among groups of students and the schools' ability to support them and provide a legal – as well as educational – way to address fundamental fairness that focuses on results and not inputs.

“Accountability is biggest hope for parents to push for their children, giving them information to ask how their children are doing and why.”—*Delia Pompa, Director, of the National Association of Bilingual Education.*

Under a standards approach, schools must respond to the needs of individual students, lest they become in danger of falling behind. Standards also allow parents to pose the following four questions to those managing their children's schools:

- ◆ If you test my child against standards, can you assure me that the teachers actually taught the material and the test measures it?
- ◆ Can you assure me that teachers are able to teach the content captured by the standards—that they have been properly trained and placed.
- ◆ If my child is in danger of not meeting the standards and there will be consequences, will you be able to warn me early enough so that we can intervene?
- ◆ What support and extra help does the district plan to provide when you tell me that my child is in danger of falling behind.

The implementation of assessments, especially for Latino children, is cause for a great deal of alarm in terms of how tests are being used and the quality of the tests that are being implemented. Several factors must be considered:

- **The quality of tests being used:** When you look at quality, you need to examine validity and reliability. Many states are not taking a close enough look at these issues.
- **The purpose of the tests:** Test publishers are not necessarily developing tests that are not appropriate for the uses that states are selecting. For example, making promotion decisions.
- **The type of tests:** The extent to which tests are language-laden, not based on standards is a problem. There is little information that these tests provide that can help guide instruction for a teacher.

- **The abuse or misuse of tests by states:** Many states are implementing policies that do not appropriately use these tests

Sonia Hernandez, Deputy Superintendent, California Department of Education, and Member, President's Advisory Commission.

What Needs to Be in Place for Standards to Work for Latino Students?

If high standards are to work, we need to ensure that there are three basic supports available to all young people. These include:

- 1) **Adequate resources, teaching, and curriculum** that enable students to achieve high standards;
- 2) **Fair and accurate performance measures** to ascertain whether students are achieving desired results; and
- 3) **Effective interventions and educational strategies** to ensure students who are not meeting high standards can succeed.

1. Necessary Inputs: Adequate Resources, Teaching, and Curriculum

The percentage of Hispanics living in poverty is three times greater than that of whites. Hispanic students attend schools where there are likely to be large classes, inadequate learning materials, underprepared teachers, and limited access to rigorous courses in core academic subjects.

Ensuring that all students have access to qualified teachers is particularly difficult. In the words of one speaker, Ana Maria Schuhmann, Dean, College of Education, Kean University, New Jersey: "Teachers are the most important variable that influences student achievement....[M]ost teachers are not prepared or supported to ensure that students achieve the new higher standards. This is compounded by the fact that the least qualified teachers are in our poorest schools. Teachers are also less qualified to work with students who speak another language at home, despite the fact that such students represent one out of five children."

"The least qualified teachers are in our poorest schools," Ana Maria Schuhmann, Dean, College of Education, Kean University, New Jersey.

Over the next several years, the nation will have to hire more than two million teachers to replace those in the profession who are leaving through retirement or attrition and to meet the needs of an expanding student population. That is the equivalent of hiring every doctor in the United States two and a half times over. At the same time, the nation faces severe shortages in math and science fields, special education, and in geographic locations. Poor urban and rural districts face a dramatic shortage of qualified people. In addition to having qualified teachers in key academic subject areas, students also need access to teachers who can use the students' native language and introduce aspects of their culture into the learning program.

Meanwhile, the nation must also raise the skills and knowledge of the 3 million teachers currently in the classroom. A recent survey of more than 4,000 teachers by the U.S. Department of Education reveals that most teachers have limited preparation in the content we want our young people to know. Only 20 percent of teachers surveyed said they were confident in using new technologies or working with students from diverse backgrounds, with limited proficiency in English or with disabilities. The study indicates that only 38 percent have an undergraduate or graduate major in an academic field and just 22 percent of elementary school teachers have a degree in an academic field. Efforts to improve the quality of teaching have focused on creating incentives to bring more talented people into the profession; strengthen initial licensure into the field by raising testing requirements; and providing more opportunities for teachers to learn from experts and each other at the school site.

Good teaching will have limited influence on students if they are not taking challenging courses. In the past 20 years, buoyed by the National Commission on Excellence in Education, there has been a dramatic increase in the number of students taking core academic courses. From 1984 to 1994, the proportion of high school graduates enrolled in core academic courses, and studied advanced mathematics and science courses increased dramatically.

A new study by the Department of Education found that the completion of a solid academic core in high school is correlated more strongly with college degree completion—especially for African-American and Latino students—than high school test scores, grade point averages, and class rank. According to the study, finishing a course beyond the level of Algebra 2 (for example, trigonometry and precalculus) more than doubles the odds that a student who enters postsecondary education will achieve a bachelor's degree.

Unfortunately, minority and economically disadvantaged students are still far less likely to have access to Advancement Placement courses and rigorous mathematics courses that are considered gatekeepers to success in college. A recent law suit filed by the Southern California chapter of the American Civil Liberties Union, for example, charges that high schools with predominantly minority student populations offer fewer opportunities than schools with mostly white students to enroll in AP courses, making it more difficult for blacks and Hispanics to achieve success in college. The AP program allows high school students to earn college credit by taking yearlong courses in certain subjects and passing standardized tests in them. The College Board, the New York City organization that sponsors the SAT, offers the program.

In California, the program is especially important, the ACLU argues, because the University of California system gives extra weight to grades in AP classes when making admission decisions.

2. Fair and Accurate Performance Measures

The push for higher standards has brought considerable attention to the issue of testing and its effect on the 3.4 million Latino students still learning the English language. The issue does not just affect the five states—California, Texas, New York, Florida and

Illinois—that have the largest Latino population; it has national repercussions. The population of English-language learners is expected to grow rapidly in the next few decades and to have an increasing affect on education's data driven decision-making in a growing number of States. English language learners are present in almost half of our nation's school districts. In ten states, (Alabama, Alaska, Florida, Idaho, Nebraska, Nevada, North Carolina, Oregon, South Carolina and Tennessee), the population of students still acquiring English more than doubled between school years 1992-93 and 1996-97.

Standards-based tests being developed and implemented to determine which students will advance from grade to grade or graduate are still a relatively new tool in the apparatus of school reform. They have yet to be “stress tested” with young people still learning English, 70 percent of whom are Hispanics. “The implementation of assessments, especially for Latino children, is a cause for a great deal of alarm,” warns commissioner Sonia Hernandez, California’s assistant superintendent of public instruction. “We need to know more about how tests are being used and the quality of the tests being implemented... We need to know that tests are valid and reliable and are used for the purposes for which they were designed. We must be sure the tests have been fully and are appropriate for the new uses states are considering.”

Tests are tools that are bad or good depending on how they are used. The tools we use to make potentially life-changing decisions about an individual’s future must be legally defensible and educationally sound.

“All tests are not created equal: You cannot begin to evaluate the soundness of any test without first understanding how the results will be used. For example, a test of Limited English Proficient students in English may be appropriate for diagnostic purposes or informing instruction, but not appropriate for making a promotion decision based upon a determination about their math skills.”—*Art Coleman, Deputy Assistant Secretary, Office for Civil Rights.*

Over the past decades, accountability tools have been misused to exclude students from access to rich course content or to make decisions about students’ futures for which the tests were not designed. The misuse of tests is a particularly sensitive topic for students still learning the English language.

How can we be sure that Latino young people and others are tested fairly and that the results of those tests are interpreted accurately and used appropriately?

States and school districts need to be sure that the tests are implemented and interpreted fairly. That means that students have multiple-test taking opportunities and time to master standards before they are measured on what they know. There must be alignment between what is taught and tested, and testing strategies must take into account the language that the student learned the material, a highly relevant factor in determining the language in which the student should be assessed. There also should be provisions, such as adequate time, made to ensure that English language learners can demonstrate what

they know on the tests. (See sidebar on Standards for Testing.) In addition, tests must be validated for the purposes for which they are used and high-stakes decision should not only be based on one test but on other factors, such as multiple test scores, grades and evaluations. Commissioners note that one cannot begin to evaluate the soundness of any test without first understanding how the results will be used. A test of LEP students in English may be appropriate for diagnostic purposes, informing instruction, or as placement and exit criteria for instructional programs (such as gifted and talent, Title I or bilingual education), but not appropriate for making a promotion decision.

3. Effective interventions

A growing body of research identifies the characteristics of schools that are effective with minority and disadvantaged students and English language learners. A 1999 report by the Education Trust, *Dispelling the Myth: High Poverty Schools Exceeding Expectations*, identifies the characteristics of top-performing high-poverty schools. Analyzing survey data from 366 elementary and secondary schools in 21 states, the study found six important characteristics of these schools.

- Extensive use of state/local standards to design curriculum and instruction, assess student work and evaluate teachers.
- Increased instructional time for reading and mathematics;
- Substantial investment in professional development for teachers that focused on instructional practices to help students meet academic standards;
- Comprehensive systems to monitor individual student performance and provide help to struggling students before they fall behind;
- Parental involvement in efforts to get students to meet standards; and,
- Accountability programs with real consequences for adults in the school.

Observers note that all of these factors taken together are far more important than any single factor in raising performance. In the rush to set high standards, Latino students—like other students—need comprehensive help beyond language acquisition.

To that end, in addition to developing standards-based accountability efforts, a growing number of states and school districts are funding summer school programs and special tutoring in combination with efforts to raise standards and eliminate social promotion.

“We need to design instructional systems that neither stigmatize children who cannot be promoted nor subject them to the same instructional experience twice. Given the academic content standards are being held constant, the way they are met and the time it takes to meet them must be allowed to vary.”—Robert Schwartz, President, Achieve, Inc.

Lessons from Research and Experience

Many of the challenges to Hispanic young people face on standardized state assessments have largely to do with how they learn language and become literate. There is growing agreement about this process that should have a profound importance in setting testing policies.

How Do Students with Limited English Gain Literacy Skills? School-age children with limited English learn to understand and speak English before learning to read it. Therefore, the National Research Council (NRC) suggests that initial reading instruction is most effective in a student's first language and teachers should speak and use books and other materials in the student's first language. The NRC concludes that children who can read in any language are readers and there is no reason to repeat the entire process of reading instruction if a child simply needs to learn English. To facilitate and understanding of English, teachers must assess the student's reading skill and abilities in the primary language and help transfer those reading abilities to English.

Researchers say that when the curriculum is well-taught, content presented in the primary language can be easily transferred to English as the students language skills develop. But the process takes time. Reading, writing and listening skills don't really emerge in *any* student until after the fifth grade.

According to researchers, the ability of limited English proficient students to listen in English is about 80 percent of native-English speakers. Their reading and writing skills in English are still less than 50 percent of their English-speaking counterparts.

When Should English Language Learners Be Tested? According to experts in the field, most students cannot be validly tested until they have had at least three years of exposure to English, and even in those cases research indicates that they will need additional time, repeating of directions, oral reading of questions, and other accommodations until they have been determined to have truly acquired language proficiency.

In What Language Should Students Be Tested? There is a general consensus that states and districts should take into account the language of instruction in determining the language of testing. In addition, testing in Spanish or another language should not exempt students from opportunities to participate in tests administered in English. The system must be accountable to provide students with assessments that provide valid and reliable results that accurately describe what students know and are able to do in the core content areas.

Researchers note that if states are to test all students, they should develop benchmarks for English language acquisition which take into account the education strategies used to teach non-English speaking students as well as opportunities for students to learn the materials on which they will be tested.

Can students be tested in some subjects more fairly in Spanish than other subjects? Experts say there is no systematic research that indicates that some subjects are best tested in Spanish than others, although it is accepted as truth that subjects such as social studies are more dependent on language than other subjects such as mathematics. But even in mathematics, there are many "word problems" that could pose trouble to students who are not native to the language of the test. In general there is no answer or "one-size-fits-all" approach that will work in every case, and the use of multiple indicators will most likely yield the best description of a students true abilities.

Can Standardized Reading Tests Be Used to Determine English Language Proficiency? Researchers contend that measuring reading ability and English language proficiency are two separate issues. Standardized reading tests in English are not appropriate for measuring student progress in language development because they are tests for native language speakers.

"It is very important to distinguish between tests which measure English Literacy (often called English language proficiency tests) and those which measure English language arts (ELA). It is true that in the early grades, much of ELA and especially reading tests are devoted to decoding etc., which are basic aspects of English literacy proficiency. However, beginning in about 4th grade and becoming increasingly so in the later grades, ELA is less about decoding or basic literacy assessment and more about literature and other aspects of language arts and advanced comprehension. For example, first, a 9th grade ELA test may very well evaluate what a student knows about Shakespeare. This is **not** the same as evaluating literacy for 9th graders.

ELA test do have some literacy evaluation components. However, especially for older students, this evaluation is often of a more advanced type of literacy assessment than the evaluation of basic literacy acquisition. For instance, most ELA tests for older students (grades 5 and up) assume a certain floor level of literacy. The types of reading or other literacy components being measured in these tests, then, identifies nuances in reading or literacy which are typically acquired by older students who have been reading for some time and for whom English is their first language. Evaluation of the acquisition of these nuances and skills is not the same as measuring the acquisition of basic literacy skills. A student getting a 0 on this type of ELA test may or may not have mastered basic literacy." (Kopriva, 1999.)

Confusion between assessments of language arts and assessment of literacy can also lead to unnecessary prohibition of accommodations. If basic literacy is the focus, tests should be expected to evaluate basic literacy, regardless of grade level. If ELA is the focus, some accommodations might make sense, and it should be clear that lack of mastery of advanced literacy does not mean students do not have basic literacy.

Is Gaining Reading Proficiency More Important than Keeping at Grade Level in Other Subjects? For LEP students, it is important that they master English and stay on grade level with course content. If these are both not explicitly encouraged then it is often implicitly understood that one is more valuable than the other. This is the cycle that often leads former LEP students into lower tracked academic classes in high school, and eventual higher drop out rates. So, while English acquisition is very important, so is staying on grade level in core academic subjects.

Currently most states are stressing this more than in the past but we have a long way to go and in fact most educators talk only about the ELA content area. They should also

stress the other content areas, or staying on track in the other content areas may not be seen as an equally important priority.

Any accountability system should underscore the importance of the Title I language about inclusion of broad groups of students in the regular mainstream tests across content areas. States or districts should constantly reemphasize the importance of including students in the same assessments and encourage the most accurate data collection for all students, which also entails using accommodations for students still learning English. It is important to note that institutional accountability for English language learners goes beyond just providing accommodations. Educators have the responsibility to address inclusion in the broadest sense beginning with the development phase of the assessment system through administration, scoring, and reporting.

Testing Standards for Bilingual Americans: "An Unknown Degree of Error"

This fall, testing experts will release the fourth edition of *Standards for Educational and Psychological Testing* that provide regulations and policies on the development and use of tests in the United States.

The 1985 edition, published by the American Education Research Association, American Psychological Association, and the National Council of Measurement, includes a profound acknowledgement. "For a non-native English speaker or for a speaker of some dialects of English, every test given in English becomes, in part, a language or literacy test of English." Basically, this means that for bilinguals who have been exposed to another language, every test, except a test of English language proficiency, contains an unknown, though systematic, degree of error. Such tests, in effect, are biased because they may not be measuring accurately whatever is being measured. Accordingly, the Standards call for "special attention" to these issues on the part of test development, test use, and test interpretation. It is also recognized that bilingual individuals vary extensively in their functional, academic and literate use of each language separately or simultaneously. Also, cognitive processing in the weaker language is more fragile and can be slower. Language background, in effect, is an important consideration in all aspects of testing and test validity.

With respect to using tests that are in the primary language of bilingual individuals, the *Standards* make several key pronouncements.

- Translating a test does not guarantee that the test items will have the same degree of difficulty in the other language. For example, a straight translation of a second grade test of reading ability will not necessarily yield a second-grade reading test in the other language.
- Tests for gauging English language proficiency are vitally important for making educational placement decisions. However, these tests must assess multiple dimensions of language ability.
- Testing agents must make a distinction between "naturalistic" uses of language and more formal, cognitively demanding uses. Because of these "special difficulties"

attendant on the use of tests with persons who have not had adequate exposure to the language of the test, the Standards suggest that more testing and observations be done with them.

The 1999 edition reaffirms the principles of the 1985 standards. Precautions regarding processing speed factors are also raised. The new standards suggest that accommodations should be undertaken with English language learners and notes that cultural factors can also affect test scores and attention also should be paid to these factors. But the new standards break new ground along several dimensions. The new standards describe several types of modifications that may be necessary for English language learners: using only sections of the test that match the linguistic proficiency of the test-taker, changing the test and response formats, administering the test in a different context, and allowing more time for taking the test. Most of these modifications are currently under study.

A new directive in these Standards calls for taking into account both a determination of language dominance and language proficiency. Consideration should be given to the possibility that bilinguals may have domain-specific competencies in one or both languages. It is recommended that an individual's degree and type of bilingualism be understood in order to use test results properly.

Extensive attention is given to the process of administering tests and to the possible impact of test-giver variables (culture, bilingualism, gender, time limits and use of interpreters. A crucial principle is recommended for testing English-language learners: give them enough time to finish the test and to show what they know and can do.

Of the 11 standards in the new chapter on "Testing Individuals of Differing Linguistic backgrounds, five are new:

- When there is empirically based doubt about a test, validity studies should be conducted with the relevant linguistic groups;
- The test should be given in the most proficient language of the test-taker (when such tests are available in both languages;
- Tests in another language should have evidence of validity and reliability before making inferences about scores;
- Equivalence across dual language versions of the same test should be supported by psychometric evidence of such equivalence (e.g., construct, reliability, validity);
- Interpreters should be competent in both languages, be competent in interpretation, and be competent in testing and assessment procedures.

From: *Testing Hispanic Students in the United States: Technical and Policy Issues*, President's Advisory Commission on Educational Excellence for Hispanic Americans, September 1999, by Richard A. Figueroa, Sonia Hernandez.

Model Practices

Several states and school districts are sensitive to these concerns and have developed useful policies and thoughtful assessment programs that propel achievement rather than punish students.

In 1991, **Oregon** enacted one of the most comprehensive standards-based reform laws in the country, requiring, among other things, valid and reliable assessments of its 500,000 students. Known as the Oregon Educational Act for the 21st Century, the initiative led to the development of curriculum goals, content standards, performance standards and indicators aligned with the new performance-based assessments. The system offers assessments in English and Spanish to accommodate those limited English proficient students among the state's 4,000 Hispanic students. The tests are given in grades 3, 5, 8, and 10 so that school officials know early on what students can and can't do. Students who achieve the grade 10 performance standards in academic content areas will receive a Certificate of Initial Mastery. Students who achieve grade 12 performance standards in academic content areas and achieve career-related learning standards will receive a Certificate of Advanced Mastery.

To ensure the validity and reliability of the assessments, the state created a Spanish-language test with questions that matched the psychometric properties of the English version rather than translating the English test into Spanish. Questions that could not be matched have been dropped from both tests. Teachers are allowed to decide on a case-by-case basis, which students will take the Spanish version of the test and students who are not literate do not take the test. The test is designed to measure student progress and diagnose areas where more help is needed.

The **Texas** Education Agency is using one of the most stable yet flexible assessment programs to monitor the progress of three million students served in 1,042 districts served. The school accountability system, established in 1992, addresses the state's concern over twin issues of equity and excellence for all students while also ensuring that what gets tested is what gets taught. Student performance is measured through the state's assessment system as well as information collected from teachers.

“[Texas] is committed to equity and excellence for all. In 1992, the state established a school accountability system. The system actually pulled together components that had been established earlier. Components include student assessments as well as information collected from teachers. The accountability system was designed to (a) help improve student performance, (b) help districts plan, and (c) permit flexibility in the ways districts teach the state curriculum. The 1992 system has remained stable across both Democratic and Republican administrations.—Linda Mora, Assistant Commissioner for Accountability and Assessment, Texas Department of Education

Testing begins in 3rd grade but students are given multiple opportunities to pass a high-stakes test,” said Linda Mora. “Schools are required to offer special assistance to students

who initially do not pass. Thus, intervention will be early.” The high school test, she said, does have consequences—a student cannot enter college without passing.

The accountability system was designed to help improve student performance, help districts plan their school improvement strategies, while permitting districts greater flexibility in teaching state-mandated curriculum. Individual school results on student performance are publicly reported along with attendance figures and the drop out rates.

What is particularly unique about the Texas system is that, to be considered successful, a school or district must not only succeed in reaching high standards for its students as a whole but for distinct subgroups of students by race, ethnicity and socio-economic status.

Taking advantage of the state system’s flexibility, **Houston’s** school district has opted to maintain its own accountability system. Under the district system, low-performing schools are required to work with Targeted Assistance Teams dispatched from the district to help the school develop a plan of action for improving student test scores. This direct assistance is triggered automatically and is designed to provide schools with the kind of technical assistance they need to align staff development with content and performance standards and while holding local officials responsible for their students’ academic success.

The system enables district officials monitor each school’s progress over time and actively intervene to improve the schools when needed. The accountability system and the targeted assistance teams have, together, enabled schools to determine the kinds of resources and staff development activities that would make the biggest difference in student learning.

In **Minnesota**, the absence of a statewide curriculum left state officials in the dark when it came to knowing what was going on in school districts. To remedy the problem, the state implemented a new statewide assessment system, prompting district officials to reexamine the scope and sequence of their curriculum. The state is currently developing performance level benchmarks.

The new statewide accountability system factors in programs for economically disadvantaged students and those with limited English proficiency. A new English language skills test will be used to determine when LEP students are ready to participate in the statewide assessments, which are administered in English.

Worrisome Policies

Observers note that while model practices are being developed, there also are some policies and practices that are particularly worrisome. These include requiring English only tests for high stakes decisions; providing no support for students to achieve new standards and requirements; and using tests that are not aligned to what is taught and learned in school.

Typically poor policies for English language learners solely focus on making up for deficit in English language proficiency at same time sacrificing progress in content areas. In some cases, schools attempt to give students a full dosage of English as a Second Language and nothing else so that students do not get the content they need in academic courses. Also, there have been instances of school districts using completion of English oral proficiency as a prerequisite for important courses. Schools must not use lack of proficiency as a way to deny access to courses that meet graduation requirements.

Basic Questions for Educational Decisonmakers

During the seminars, observers noted some simple questions to use to determine how well or poorly tests work. Educational leaders should be able to answer the following questions:

- Are students being afforded or denied educational opportunities based on test scores?
- Even if not used for such high stakes purposes, are all students included in assessment systems that influence decisions about allocation of resources, interventions designed to promote better learning, and guidance provided to parents about their children's progress.
- Are there inequities in treatment of students or disparity in performance of particular groups of students? What are the explanations for those disparities?
- Is the test used with other information to make high-stakes decisions or is it the sole criterion?
- Are there educationally—and psychometrically—sound foundations for the judgments made about students when those decisions are based upon test scores.

Emerging Questions

There are several fundamental areas where policymakers disagree among themselves and where practice and researchers are at odds.

Who Should Be Tested? While many observers argue that all students count and must be counted, a new report by the Council of Chief State School Officers indicates that of the 49 states with student assessments, 29 states exempt limited-English proficient students from all assessments, and 11 states exempts them from some assessments. Only four states do not allow exemptions for students with limited English abilities, according to the Chiefs.

For example, Maryland allows a one- year only exemption from its assessment program and Kentucky exempts students with limited English proficiency if they have been in the schools less than two years. Texas permits school districts to exempt Spanish speaking students up to three times before requiring the assessment.

If we let states decide whether or not these students should be tested, state education agencies shy away from including all students. Must be combination of states and local agencies to create an assessment that makes pedagogical and academic sense.

How High Should We Set the Bar? Some states, such as New York, have introduced standards that are benchmarked to the most rigorous in the world, while others, such as Texas, have developed a means to gradually raise the rigor of their assessments.

How Should Test Scores Be Used In High Stakes Decisions? Today, 20 states have established high-stakes assessments for students. While state policymakers appear intent on using test scores alone to determine who moves along in the educational system, many observers argue that decisions about whether to pass a student from grade to grade should not be made on a single set of test scores as the sole criterion. Tests should be one instrument among many. There are multiple indicators that can be used to assure if student knows what he or she has to know, including teacher judgments and evaluations, grades, other tests.

The White House Initiative's Standards and Assessment Agenda

Over the next nine months, the White House Initiative on Educational Excellence for Hispanic Americans will continue to build upon, inform, and contribute to the many efforts designed to promote high standards for all students, including Latinos.

In its role as an advisor to the Clinton Administration, the Initiative will further explore the effects of standards on students learning English and the impact of federal programs, such as Title 1, on the achievement of Latino students. The Initiative also will work closely with the U.S. Department of Education's Office of Civil Rights to help ensure that ELL students are afforded educational opportunities guaranteed under federal law and that the use of tests to make high-stakes decisions are fair and accurate.

Our work is guided by the National Research Council's Board on Testing and Assessment, which has established a Forum on Educational Excellence and Testing Equity, that brings together experts and stakeholders to identify the issues, problems and promising practices that should be promoted to ensure that tests designed to measure student progress toward achieving high standards are used appropriately.

Beyond these efforts, the White House Initiative sees three key areas of work that need to be addressed:

- **Further examination, research and dissemination of promising practices** concerning the administration, interpretation, and use of tests for English language learners. We particularly need to know more about what accommodations are most effective and what are the best practices that can help ensure valid decisions about placement, promotion, and graduation. A new tool kit for school districts seeking to better meet the needs of English Language Learners is now being developed by the Council of Chief State School Officers that can help make best practice everyday practice in schools.

- **Better public awareness** about the complexities of standards-based reform initiatives and issues surrounding the use of high-stakes tests for students with limited facility in English. A new resource guide on high-stakes testing being developed by the U.S. Department of Education's Office of Civil Rights will be a foundation for continuing dialogue and understanding.
- **Stronger engagement with state and local leaders** about the importance of using tests in ways that are valid and reliable and about the need for more equitable opportunities for Hispanic students to achieve desired results.

Researchers, educators, and leaders of the Latino community must compel state and local leaders and the public to face reality about the growing percentage of students who are still learning the language and what can be done to ensure that they not only master English but succeed in core academic courses necessary for careers and further education.

Policy Series on Educational Standards, Assessment, and Accountability: A New Civil Rights Frontier

1. *Educational Standards, Assessment, and Accountability: A New Civil Rights Frontier*, Wednesday, April 7, 1999.

- Norma Cantú, Assistant Secretary, Office for Civil Rights, U.S. Department of Education;
- Robert Schwartz, President, Achieve, Inc.; and
- Raymund Paredes, Vice Chancellor, UCLA.

2. *Assessment as a Learning Tool: From Hope to Reality*, May 5, 1999.

- Sonia Hernandez, Deputy Superintendent, California Department of Education, and member, President's Advisory Commission;
- Ana Maria Schuhmann, Dean, College of Education, Kean University, New Jersey; and
- Arthur L. Coleman, Deputy Assistant Secretary, U.S. Department of Education's Office for Civil Rights.

3. *Current Policies and Practices in Assessing English Language Learners*, June 10, 1999.

- Delia Pompa, Director, Office of Bilingual Education and Minority Languages Affairs; and
- Mary Ramirez, Director of Language Equity Issues, School District of Philadelphia, Pennsylvania.

4. *A Look at Current State Practices*, Tuesday, July 20, 1999.

- Norma Cantú, Assistant Secretary, Office for Civil Rights, U.S. Department of Education;
- Joyce Benjamin, Associate Superintendent, Oregon Department of Education;
- Jessie Montaña, Assistant Commissioner, Office of Teaching, Minnesota Department of Children, Families, and Learning;
- Linda Mora, Assistant Commissioner for Accountability and Assessment, Texas Department of Education; and
- Susan Scalifoni, Chief of Staff for Educational Services, Houston Independent School District, Texas.

**Our Nation on
the Fault Line:
HISPANIC AMERICAN EDUCATION**

**A REPORT TO THE NATION:
TESTING HISPANIC STUDENTS
IN THE UNITED STATES**

**The President's Advisory Commission on Educational
Excellence for Hispanic Americans**

September, 1999

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FORWARD

There is no more promising reform in public education today than the standards-based movement. It is the most widely accepted school change process which offers the greatest probability for leveling the playing field for all children by clearly stating expectations for instruction, assessing the progress of each child toward achieving the standards, and holding schools accountable for student learning. Where these three core elements of a standards-based system are in place, all students begin to experience success as never before. This is especially true for the growing Hispanic student population in America which has been traditionally excluded from access to rigorous mainstream instruction.

But in the current rush to implement world class standards supported by systems of accountability in the nation's public schools, state education leaders have compromised the future of Hispanic students by making high stakes decisions based on inaccurate and inadequate testing information. Hundreds of thousands of Hispanic students, many lacking functional fluency in English, are assessed with a myriad of tests entirely in English and, oftentimes, only in English. The resulting test data gleaned from the administration of these tests is used for student promotion or retention, for high school graduation, generally for high stakes decisions --but rarely for the purposes of true accountability. When it comes to holding schools accountable for the academic achievement of our students, states allow Hispanic youngsters to become transparent inside the very system charged with educating them.

State policies often require that Hispanic students be assessed in English with tests they may not even understand or with alternative but less rigorous tests in Spanish whether or not they are receiving instruction in that language. Neither approach produces accurate information about student learning. Nevertheless, the resulting data is often used to hold students accountable for their own success, rather than the educators or the systems of public schooling. **Who should be responsible for what Hispanic students learn in school?** The answer is simple: students, educators, and parents all must share the responsibility. **But what kinds of**

assessments should be used to provide accurate information about what students have have been taught? Regrettably, the answer to this question is not as simple. It will be explored in this document.

For now, students bear the weight of academic success or failure, with few exceptions, on the basis of one or possibly two test scores. Where exemptions from testing exist, Hispanics disappear from the accountability reports which trigger both positive and negative consequences for the responsible adults in the system. Thus more than two million Hispanic students in the US are underrepresented or absent from the rolls of students who are counted and who, therefore, count.

As America enters the new millennium, deliberate action by policymakers at every level must be taken to include the country's fastest growing and soon-to-be largest minority within the bounds of systems of accountability using accurate information for decisionmaking. It is our belief that Hispanic students, whether they are English dominant or English Language Learners, should be tested with appropriate test instruments in order to be included at all times in the states' accountability systems. If this does not occur, Hispanic children will not benefit from the powerful and promising standards movement.

The purpose of this report is twofold: (1) to bring attention to the growing crisis of the invisible Hispanic students in public education to the nation's leaders and (2) to provide guidance to the nation and the states on taking the necessary steps to rectify the conditions which allow Hispanic students to be wrongly measured and unaccounted for in their own schools. It is our intent to help education leaders in this country choose wisely for the sake of the children.

The Commission Assessment Committee
The President's Advisory Commission on Educational Excellence For
Hispanic Americans

Washington, D.C.
September 15, 1999

EXECUTIVE SUMMARY

The testing of Hispanic children has made some progress in the 20th century. The areas where there has been significant progress is in the empirical documentation of the impact of *bilingualism* on test scores and on the development of policies and precautions associated with the testing of bilingual students. However, there has not been much progress in actual test development and technology in any area of testing with respect to these students. This is true to some extent because the demand by schools, districts, or states for the development of such testing technology has not materialized.

On the basis of current practice, policy, and available research, six options appear to exist for states, districts, and schools concerning the measurement of Hispanic English Language Learners:

- 1) tests can be administered in English which have been normed on student populations unlike the students who are given the tests,
- 2) testers can be given “cultural training” so that they can interpret the tests in ways that appear to be more valid,
- 3) accommodations in the tests and the testing environments can be provided without regard for possible negative impact on student scores,
- 4) a moratorium on the use of individual scores for any high-stakes assessment can be put in place until research sorts out the complex issues associated with testing Hispanic students,
- 5) tests can be used for holding systems legally and politically accountable for the educational decisions that adversely impact Hispanic students as demonstrated in differential, negative outcomes,

6) local norms can be developed in order to compare students against students with similar cultural, linguistic, and scholastic experiences, and/or

7) school systems can be supported to provide equitable opportunities-to-learn for Hispanic children across the United States thereby meeting the crucial assumption of tests that all students receive similar educational experiences.

At present, only the first three options are in use. None of these, however, can demonstrate that they are free of significant degrees of bias, unfairness, or denial of substantive due process. The fourth option has been suggested but has received virtually no support or even discussion.

The fifth option has not really been tried in the last decade, but it remains a plausible response to political attacks, such as California's Propositions 227 and 209, that are already inflicting harm and damage to Hispanic children. In Kern county in California, for example, the school board has decreed that Hispanic children must learn English in three months and then receive their education in English. The impact of this decision will be evident in the tests administered in English.

The sixth option may well be the most immediately relevant for both test developers and Hispanic communities in the United States. But there is a great deal of opposition from both political and professional interests. Legitimate norms will provide comparisons among children with generally similar educational experiences and backgrounds in local communities. They may be seen as sources of reverse discrimination. In employment testing, the courts have refused to accept group specific norming because of issues related to reverse discrimination. Ironically, the intellectual community has not been so reluctant. The National Council on Measurement recommended this as a solution to the bias that employment tests affect job applicants with differential opportunities-to-learn. Education, however, has always occupied a different status with the courts with regards to testing. The issue of group norms in all aspects of schooling should be studied and debated.

The seventh is the best option, although in some cases, it may take several generations to accomplish. It is the option that best

explains why tests have become such an obstacle for Hispanic communities. The primary problem with tests is not necessarily the tests alone. It is the educational context in which they are developed, used, and studied. Historical and contemporary data have clearly documented that in the United States public education has not worked very well for Hispanic children. Tests only perpetuate many of the barriers that Hispanic children face in schools.

One important and positive observation that can be made from the review presented in this document is that the testing community is beginning to realize the problems associated with testing Hispanic students are far more complex than ever imagined. While much research and development is needed to resolve the issues related to the availability and use of valid and reliable test instruments, one significant solution to the problems engendered and embodied in current test programs resides in changing the educational experiences of Hispanic children. As greater emphasis is placed on opportunities-to-learn, more Hispanic families will accept the challenge to help their children excel academically.

A compelling example of what this may entail was described by Garcia and Otheguy in 1987. They set out to answer four research questions in a study of “seven private, but low-tuition, non-elite schools in Dade County, Florida.” They were “run by and for Cubans.” The parents of the children were predominantly from working-class and middle class income levels. They were, in effect, similar to families of Hispanic children in urban school districts. The four research questions were typically those that preoccupy educational researchers about bilingual children in US public schools: Should Spanish be used? How is language dominance measured and used? When do you use English? In which language is reading taught? They were unable to answer these research questions. The following are the reasons for their failure.

“When majority educators look at the education of Hispanic children in the United States, they focus on their linguistic deficits. Discussions about the education of these children begin and end with the issue of the English language, or how they lack it, and how best to give it to them ...However, when Hispanic parents and educators in control of the education of their own children think about the educational process, they ask different questions. They ask questions about the way to educate their children, about pedagogy, instructional

strategies and teaching methods, about curriculum and materials. We asked them about language, they told us about education.. Spanish naturally belongs in ethnic schools that are controlled, staffed and run by the Hispanic community, so there is no need to question its role in public education..

Those of us in public education need to learn from these educators that substantive high expectations do matter; that bilingualism and biliteracy are obtainable if one holds both children and teachers unequivocally responsible for obtaining them; that initial literacy in two languages is possible and doesn't have to be limited to Spanish; that advanced literacy in two languages is possible and doesn't have to be limited to English; that in US society all children acquire English naturally and that therefore English acquisition should not be the main focus of education; that parents and community do matter for education; that when they are in control...the results are ultimately superior; that the context of a child's home culture is essential.; and that continuity with the intellectual and social climate of the home is of paramount importance if the school is to help children develop and foster their intellectual and social growth."

(pg. 99-100)

Until such time as the US educational system achieves a modicum of equity in how it distributes resources, cultural capital, and the application of high standards across all school districts, tests and test scores will continue to show massive technical problems. They will continue to impede the progress of Hispanic communities. Tests will work when the public education of Hispanic children becomes equitable, democratic, and effective.

RECOMMENDATIONS FOR IMMEDIATE ACTION

I. The starting point for the reform of unfair testing of Hispanic students is not the tests alone. It is the instructional context. Until there is equity of standards, curricula and resources throughout schools, districts, and states, tests will be used to continue to promote inequitable educational opportunities in this country. Tests will continue to be used to blame Hispanic students for low test scores and will be used to deny them equal opportunities.

II. The US Department of Education should take a leadership role in supporting research that will provide more than surveys of existing practices. It should seek to find answers to questions that are barriers to the accurate and appropriate assessment of Hispanic students. Such research should include:

(a) research to determine whether Hispanic English Language Learners can be validly and fairly assessed with tests normed on monolingual students,

(b) comprehensive longitudinal research to investigate evidence of bias in tests used on Hispanic students, and

(c) the research agenda by the National Research Council found in its report, "Improving Schooling for Language-Minority Children."

III. The US Office of Civil Rights should investigate the use of tests with Hispanic students, especially English Language Learners. OCR should determine whether the "disparate treatment" legal analysis under Titles VI and IX applies to Hispanic students with tests and testing and, further, it should investigate the testing practices of the states and the National Assessment of Educational Progress as they affect Hispanic students.

IV. Schools, districts, and states should avoid the following:

(a) using translated versions of tests; there is little evidence that the translated versions of tests have the same technical properties of the original,

- (b) using interpreters in the administration of tests to Hispanic students who are English Language Learners; this practice destroys standardization and may lead to invalid inferences and conclusions;
- (c) depending on excessive testing in attempting to determine the profile of students where current testing technology is inappropriate and insufficient; and
- (d) using diagnostic tests administered to Hispanic students to make high stakes decisions, including high school graduation, promotion, or retention.

V. The NAEP should be modified to make it relevant and useful for Hispanic students, and issues related to cultural factors in achievement testing should be investigated and applied to the NAEP and other large scale testing systems.

VI. Test developers and publishers should be required to provide empirical evidence to support claims of equivalence between English and Spanish versions of tests.

VII. Research should be funded to determine the impact and use of diagnostic personality tests and occupational interest tests on Hispanic students.

VIII. Test scores of Hispanic students should be normed at the school or district level rather than the state or national level in order to ensure relevant interpretations and comparisons.