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WHITE HOUSE INITIATIVE ON EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS

FOR IMMEDIATE RELEASE
Thursday, March 9, 2000

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Despite Rapid Growth in Population, Enrollment Hispanic Americans Remain Underrepresented in Higher Education

Leaders of President's Advisory Commission to Outline Recommendations To Address Chronic Disparities in Advance of Riley Announcement

WASHINGTON – March 9, 2000 – Hispanic Americans, the fastest-growing segment of the U.S. population, have more than quadrupled their enrollment in higher education over the last two decades, but nonetheless remain greatly underrepresented in higher education, according to the President's Advisory Commission on Educational Excellence for Hispanic Americans.

While overall Hispanic population totals have exploded, so have their enrollment figures in higher education, which have jumped 202 percent between 1976 and 1996, far outpacing the gains made by white students (13 percent) and African-American students (44 percent) during the same period. Yet Hispanics made up just 10 percent of the total student higher education enrollment in 1996, despite making up almost 15 percent of the traditional college-age population – a number which will increase to 22 percent by 2025.

At the same time, the enrollment boom has not translated into greater undergraduate or graduate degree attainment for Hispanic students. Despite doubling the number of undergraduate degrees earned since 1976, Hispanics comprised only 7 percent of all associate degree recipients and 5 percent of all bachelor's degree recipients in 1996, the most recent year for which data is available. Meanwhile, Hispanics are significantly less well represented in graduate education, earning just 4 percent of all master's degrees and 2 percent of doctoral degrees in 1996.

Sixty percent of Hispanic students enrolled in higher education attend college in California, Florida, and Texas. These are the very states conducting the strongest rollbacks in affirmative action policies. According to members of the Commission, these changes, coupled with perilously high Hispanic high school dropout rates, limited access to rigorous Advanced Placement courses in high school, and lack of college awareness in a population marked by a high percentage of immigrant and first-generation college students, threaten to erode the progress Hispanics are making in higher education.

"The challenges confronting Hispanics in higher education are not simply focused on issues about access and affirmative action. Hispanic high school students are not getting the rigorous courses they need to succeed in college. Once inside the higher education pipeline, too many Hispanic students fail to realize their potential," according to Juliet Garcia, president of the University of Texas at Brownsville and a Commission member, who briefed Secretary of Education Richard W. Riley a week before his expected announcement on the state of Hispanic education.

“Unless steps are taken to help more Hispanic students find real success at colleges and universities, the nation will continue to suffer from the loss of Hispanic talent, which will soon account for a quarter of the nation’s college-age students and entering workforce,” said New York City council member Guillermo Linares, chair of the Commission.

Early Warning Systems

While most experts already attribute lack of success in higher education to problems at earlier academic levels, the Commission’s analysis presents a more detailed backdrop for the dismal high school completion rate for Hispanics. Only 63 percent of Hispanic students finish high school, compared to 81 and 90 percent of black and white students, respectively.

More Hispanic students – 50 percent – are enrolled in general programs of study than their white or black counterparts. And only 35 percent of Hispanic students are enrolled in college preparatory courses or AP courses – troubling signs considering that a rigorous high school curriculum is widely considered the best predictor of college success.

At the same time, 34 percent of 15-17 year old Hispanic students are enrolled below grade level, putting Hispanics behind their counterparts in the best predictor of high school dropout rates.

The Commission believes that a range of interventions – from ensuring that Hispanic students receive more rigorous academic preparation in high school to increasing awareness and support for financial aid – will be required to engage productive reform. Commission members also recommend fostering a “K-16” strategy in education, and improving articulation between two-year institutions (where 53 percent of Hispanic students in higher education are enrolled) and four-year institutions to improve opportunities for Hispanics pursuing degrees and significantly increasing capacity in the institutions serving predominantly Hispanic Americans.

Later this month, the President’s Advisory Commission will release an issue brief, *Latinos in Higher Education*, which will outline these and other recommendations for action. The brief will provide an updated perspective on the condition of Hispanic students in higher education, highlighting the unique challenges they face.

“The Commission has focused on parental engagement and supporting parents’ efforts to help their children successfully pursue higher education,” said Sarita Brown, executive director of the White House Initiative on Educational Excellence for Hispanic Americans, the Federal government office that staffs the President’s Advisory Commission. “We’re piloting new strategies that we hope will develop into national solutions, and we hope to build on the recently completed five city tour on family involvement.”

The President’s Advisory Commission on Educational Excellence for Hispanic Americans was established in 1993 to advise the President and the Secretary of Education on the progress of Hispanic American education. In September 1996, the Commission presented its report *Our Nation on the Fault Line: Hispanic American Education*, to the President, marking the beginning of a \$500 million-plus Federal plan for Hispanic education.

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President's Advisory Commission on Educational Excellence for Hispanic Americans

ABSTRACT for Latinos in Higher Education

While Latinos have made great gains in higher education participation, they continue to lag behind their white peers in educational attainment. Coupled with the rapid changes in the racial and ethnic composition of the U.S. population, immediate action is required to address the condition of education for Latinos to ensure and strengthen the nation's human capital.

The members of the President's Advisory Commission have learned not to assume anything about the knowledge base of decisionmakers when it comes to the condition of Latinos in education. Thus, the proposed strategy for the commissioned publication is simple: to briefly examine the condition of Latinos in higher education, focussing on discrete areas—parent involvement, academic preparation, access, and educational attainment—and to provide some recommendations to more adequately address the strengths and needs of this growing population in the United States. It is our hope that this will lead to a more sophisticated discussion about the condition of Latinos in higher education, both the strengths and needs, and activities to improve their education--and those of all students.

The following are some of the issue areas we expect will be discussed in more detail in our upcoming issue brief.

Why address higher education - No one would dispute the need to reduce the high dropout rate of Latino students. However, the Latino community is also making great strides in education. It is important to look at the condition of Latinos in education not just in a deficit model approach, but look towards what elements are making the difference in the access and attainment of higher education for Latinos.

Information gap, not a value gap - While we have heard the myth that Latino parents do not value education, we reject the assertion. What we often find, is that Hispanics value their family and are making decisions based on the very limited information and experience they have with education system. Higher education is an entirely new to thousands, perhaps millions, of parents in this country and most particularly, Latino parents. The challenge is familiarizing parents and their first generation college students with the system. Thus, what we encounter at a familial level is an information gap, not a value gap.

Academic preparation - Due to the low expectations by school personnel (teachers, counselors, principals), Hispanic students are more often than not, tracked into general courses that satisfy only the basic requirements and do not provide access to four-year colleges or to rigorous technical schools. In fact, many Latino students are in schools that do not offer the courses required for a rigorous curriculum, or the opportunity to take Advanced Placement (AP) courses. However, in some academic areas, Latino students are doing well. Hispanic students have earned more credits in computer science, foreign languages, and English than other groups.

President's Advisory Commission on Educational Excellence for Hispanic Americans

Affirmative Action - In recent years there has been a rollback of affirmative action admission policies at public colleges and universities in several states, including those with largest Latino student populations--California, Texas and, just recently, Florida. In total, these states have about 60 percent of the Latino student population in higher education.

Student characteristics - Many Latino students are first generation college students, are low-income, have less academic preparation than their white peers, and are concentrated geographically in a small number of states and institutions of higher education throughout the nation.

Financial Aid - Latino students tend to borrow less to pay for their higher education. As first year students, close to 50 percent of Hispanics received grants while less than 30 percent received loans to pay for their education. We would want to more closely examine the reasons for this participation in financial aid programs.

HSIs - In 1997-98, the 195 Hispanic Serving Institutions (HSIs) served about 40% of Hispanic undergraduate students in higher education. Of these institutions, about half are two-year institutions. This concentration of Hispanics in a small number of higher education institutions is important to note, and improving the quality of higher education for Latinos at these institutions should be addressed.

Diversity - Many Latinos are participating in a more diverse higher education environment than most other students in higher education. HSIs have an aggregate student body that is about 70 percent minority. About 50 percent of students are Hispanic, 10 percent are African American, 7 percent are Asian/Pacific Islander, and close to 1 percent are Native American.

Structural change - Given the youth and large growth of the Hispanic population, the educational system must find ways to absorb and integrate the assets these students provide. Does the higher education system have the capacity to accommodate this growth? States must be willing to deal with issue head-on, especially those expected to absorb the largest population and enrollment increases.

Workforce - As we look at the condition of Latinos in higher education, we must look beyond the immediate educational gains, and also consider the workforce benefits to the community. If Hispanics had the same distribution of college education as the non-Hispanic white community, this infusion of human capital would fill more of those college jobs that may otherwise go begging, or go to foreign workers; increase national wealth by adding another \$118 billion to the nation's annual economic output; and result in more than \$41 billion in new public revenues (assuming an average tax rate of 35%); and, while benefiting the community as a whole, also benefit Hispanic families. This new earnings power from enhancements in human capital would reduce the proportion of Hispanic families with "inadequate" incomes from 41% to 21%.

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Educational Attainment - In total, Hispanics doubled their degree attainment from 1975-76 to 1995-96. In 1996, Hispanic students earned 7 percent of all associate's degrees, 5 percent of all bachelor's degrees, about 4 percent of all master's degrees, and 2 percent of all doctoral degrees awarded. Despite these increases, more needs to be done to ensure Latinos attain a higher education.

Graduate Education - Graduate education fuels the pipeline for higher education faculty. In 1992, Latinos represented less than 3 percent of full-time instructional faculty and staff in higher education. While there are indications that the percentage has increased slightly since then, the fact remains that too few Latinos are attaining doctoral degrees and entering their fields as college and university faculty. Since it is this country's higher education institutions that train k-12 teachers as well as the professionals from all other fields, the absence of Latino professors will continue to distort college students' perceptions of our economy, nation and world.

Recommendations for action

1. Close the information gap by widely disseminating precise information on college preparation and financing higher education and more effectively target outreach to Latino communities.
2. Increase awareness about the strengths and needs of Latinos in higher education and throughout the educational pipeline.
3. Aggressively confront low expectations of Latino students by school personnel and work to raise academic levels and provide student support services to ensure their success.
4. Disseminate and promote wider use of proven strategies for helping Latino students achieve at high levels and develop better strategies.
5. Foster K-16 strategies to education.
6. Provide an appropriate level of financial aid, both federal and nonfederal, to help Latino students access, retain, and attain a higher education.
7. Focus energy on improving articulation between 2- and 4-year institutions of higher education.

The President's Advisory Commission expects that this commissioned issue brief will be completed by late March and will be available for subsequent wide dissemination. For further information, and a copy of the completed issue brief, please contact the office of the White House Initiative on Educational Excellence for Hispanic Americans.

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PRESIDENT CLINTON AND VICE PRESIDENT GORE

Working on Behalf of the Hispanic Community

ECONOMY

Closing the Book on A Generation of Deficits. In 1992, the deficit was \$290 billion, a record dollar high. This year, the Administration expects the budget surplus to be \$99 billion, the largest budget surplus in history.

Saving Social Security. Earlier this year, the President outlined his plan to save Social Security and extend the life of the Social Security Trust Fund. The President would lock away the Social Security surpluses to prevent them from being used to fund other programs. In addition, his plan would transfer the interest savings from reducing the national debt to the Social Security Trust Fund and increase the return on Social Security funds through private investment. The President has put forth a balanced budget that maintains our sound economic strategy and invest the budget surplus in our long-term goals: saving Social Security and securing Medicare for the 21st Century.

Nearly 19 Million New Jobs. More than 90 percent of the new jobs have been created in the private sector, the highest percentage in 50 years.

Record-Low Unemployment for Latinos. Under President Clinton and Vice President Gore, the Latino unemployment rate has dropped from 11.6 percent in 1992 to 7.2 percent in 1998 -- its lowest annual level ever. As of June 1999, the monthly Hispanic unemployment was even lower at 6.8 percent.

Income of Median Hispanic Households Up \$2,553 in Past Two Years. In 1997, the income of the median Hispanic household, adjusted for inflation, increased from \$25,477 in 1996 to \$26,628 in 1997 -- an increase of \$1,151 or 4.5 percent. Over the past two years, the income of the typical Hispanic household has risen \$2,553 -- or nearly 11 percent -- the largest two-year increase in Hispanic income on record.

Real Wages Are Rising for Hispanics. The real wages of Hispanics have risen rapidly in the past two years, up 4.2 percent for Hispanic men and 2.7 percent for Hispanic women since 1996.

Inflation -- Lowest Since 1950s. Inflation remains non-existent at 1.6 percent for the beginning of 1999. In 1998, the GDP price index rose 1.0 percent at an annual rate -- its lowest level since the 1950s.

Strong Private Sector Growth. In the first quarter, private-sector GDP growth was up 4.4 percent. Since President Clinton took office, the private sector of the economy has grown an average of 4.0 percent per year -- compared to 3.0 percent under President Reagan and 1.3 percent under President Bush.

Tax Cuts For Low-Income Working Families. President Clinton's 1993 Economic Plan provided tax cuts to 15 million hard-pressed working families by expanding the Earned Income Tax Credit (EITC). The average family with two kids who received the EITC received a tax cut of \$1,026. In 1997, the EITC lifted more than 1.2 million Hispanics out of poverty.

Largest Hispanic Poverty Drop In Two Decades. In 1997, the Hispanic poverty rate dropped from 29.4 percent to 27.1 percent -- the largest one-year drop in Hispanic poverty since 1978. Since President Clinton took office, Hispanic poverty has dropped from 30.6 percent to 27.1 percent. While this marks significant progress, President Clinton will continue to fight for policies that help to raise incomes and reduce poverty.

Minimum Wage Increased. The President raised the minimum wage to \$5.15 an hour -- directly benefiting 1.6 million Hispanic workers.

Fighting for Paycheck Equity. The President has called on Congress to pass legislation to strengthen laws prohibiting wage discrimination. In 1997, the median earnings of Hispanic women represented 56 percent of the median earnings for all men.

Two and a Half Times More Small Business Loans to Hispanic Entrepreneurs. Between 1993 and 1997 the SBA approved nearly 15,000 loans to Hispanic entrepreneurs under the 7(a) and 504 loan programs. In 1997 alone, the Small Business Administration granted more than 3,300 loans, worth \$615 million, to Hispanic small business owners, two and a half times the number of loans granted in 1992.

Supporting Minority Business Communities and Increasing Access to Capital. Building on the efforts of the SBA, Vice President Gore unveiled aggressive plans to increase lending and business services to the Hispanic and African American business communities nationwide. SBA has entered partnership agreements with national leadership organizations, and engaged its national network of field offices and resources in the effort. SBA also licensed the first Hispanic-managed venture capital fund. In addition, the Vice President announced an unprecedented agreement between SBA and the "Big Three" U.S. automakers to increase subcontracting awards to minority businesses by nearly \$3 billion over the next three years -- a 50 percent increase over current levels.

Ensuring Minority Business Owners Have a Fair Opportunity to Compete. The President signed the Transportation Equity Act for the 21st Century into law on June 9, 1998. The Act protects the Disadvantaged Business Enterprise (DBE) Program, a program that ensures that minority and women-owned businesses have an opportunity to compete for transportation projects. The Administration helped defeat an amendment to the House version of this bill that would have eliminated the DBE Program. In a different measure, the President also approved the creation of a new program to target assistance to minority-owned businesses in industries that continue to reflect the effects of discrimination. As a result, thousands of minority-owned businesses will be able to compete more effectively for government contracts.

Expanding Investment in Urban and Rural Areas. The Clinton Administration has announced 105 EZs and ECs across the country. This effort was proposed by President Clinton and Vice President Al Gore, and passed by Congress in 1993. The EZ/EC effort has generated more than \$2 billion of new private sector investment in community development activities. The President has also signed into law a second round of EZs -- 15 new urban and 5 new rural zones -- which will include tax incentives, small business expensing, and private activity bonds. In FY 99, President Clinton and Congress provided first-year funding of \$55 million for the new EZs, and \$5 million in first-year funding for 20 new rural Enterprise Communities announced in January. The FY 2000 Budget proposes mandatory funding for ten years: \$150 million a year for urban EZs and Strategic Planning Communities; \$10 million a year for rural EZs; and \$5 million a year for rural ECs.

Expanding Access to Capital with Community Development Financial Institutions (CDFI). Proposed and signed into law by the President in 1994, the CDFI Fund, through grants, loans and equity investments, is helping to create a network of community development financial institutions in distressed areas across the United States. In FY99, funding was increased 19 percent to \$95 million from \$80 million. The FY 2000 budget proposes to expand funding for the CDFI Fund to \$125 million--a \$30 million increase from 1999.

Working on Behalf of Minority Farmers. The U.S. Department of Agriculture (USDA) is working to strengthen programs and increase outreach targeted to underserved communities, including increasing its lending to minority and women producers. Between 1993 and 1998, direct lending to these groups has nearly doubled -- from \$46.5 million in FY93 to \$91 million in FY98.

Moving from Welfare to Work. With the President's leadership, the Balanced Budget included \$3 billion to move long-term welfare recipients and unemployed non-custodial fathers into jobs and provided tax credits for employers to hire and retain long-term welfare recipients. The FY 1999 Welfare-to-Work competitive grants will support innovative strategies to address specific challenges to employment including limited English proficiency. The President's budget seeks \$1 billion to extend the Welfare-to-Work program to help more long-term recipients and low income fathers in high poverty areas go to work and support their families.

Helping People Get to Work. The Transportation Equity Act for the 21st Century authorizes \$750 million over five years, and the FY99 budget included \$75 million, for the President's Access to Jobs initiative and reverse commute grants to help communities design innovative transportation solutions so that families who need to work can get to work. The President's Budget proposes to double funding for FY 2000, bringing the program to the authorized level of \$150 million.

Assisting Families with Housing Vouchers. In 1999, the President proposed and Congress approved \$283 million for 50,000 new housing vouchers for welfare recipients who need housing assistance to get or keep a job. Families will use these welfare-to-work housing vouchers to move closer to a new job, to reduce a long commute, or to secure more stable housing that will eliminate emergencies which keep them from getting to work every day on time. The President's FY 2000 Budget provides \$430 million for 75,000 welfare-to-work housing vouchers, including \$144 million in new funds for 25,000 additional vouchers.

Providing Incentives to Save. The President signed into law a five-year, \$125 million demonstration program for Individual Development Accounts, providing incentives for low income families to save for a first home, higher education or to start a new business, effectively completing his 1992 community empowerment agenda. The FY99 budget includes \$10 million to launch this initiative, and the President has proposed to double the commitment to \$20 million in FY 2000.

Increasing Homeownership. The Clinton Administration launched a program to increase the homeownership rate of Hispanics in the U.S. through advertising, education and counseling programs and working with lending institutions to better serve the Hispanic community. Progress has been made, four million Hispanics now own their homes, one million more Hispanic homeowners since the first quarter of 1994.

Helping More Families Become Homeowners with the "Play-by-the-Rules" Homeownership Initiative. The FY99 budget included \$25 million for the Neighborhood Reinvestment Corporation to start this new initiative that will make homeownership more accessible to families who have a good rental history but have difficulty purchasing a home; 10,000 lower-income and minority families who are currently renting will benefit from this initiative. The FY 2000 budget proposes a second round of \$15 million for this initiative.

Expanding Low-Income Housing Tax Credit by 40 Percent. In 1993, President Clinton fulfilled his promise to permanently extend the Low-Income Housing Tax Credit, spurring the private development of low-income housing and helping to build 75,000-90,000 housing units each year. President Clinton has proposed to expand the credit by 40 percent. Over the next five years, this expansion would mean an additional 150,000 to 180,000 quality affordable rental units.

FIGHTING FOR EQUAL OPPORTUNITY

Building One America. The President has led the nation in an effort to become One America in the 21st Century: a place where we respect others' differences and, at the same time, embrace the common values that unite us. AFL-CIO Executive Vice President Linda Chavez-Thompson served on the Advisory Board to the President's Initiative on Race, which the President charged with overseeing this effort. The President, the Administration and the Advisory Board were actively involved in public outreach efforts -- including holding numerous public meetings and town halls -- to engage Americans across the nation in this historic effort. One of the critical elements of the President's Initiative on Race was identifying, highlighting and sharing with the nation promising practices -- local and national efforts to promote racial reconciliation. The Advisory Board presented their final report to the President on September 18, 1998, and recommended that conversations on race continue. President Clinton also appointed Robert B. (Ben) Johnson as Assistant to the President and Director of the White House Office on the President's Initiative for One America, a new office the President created to follow up on the work of his Initiative on Race.

An Administration That Looks like One America. The President appointed the most diverse Cabinet and Administration in history. Secretary of Energy Bill Richardson and Small Business Administrator Aida Alvarez are members of the President's Cabinet. Federico Peña and Henry Cisneros previously served in the President's Cabinet.

Judicial Appointments. Six percent of all President Clinton's judicial appointments are Hispanics including the Honorable Jose Cabranes, Judge, Second Circuit U.S. Circuit Court, The Honorable Carlos Moreno, Judge, Central District of California, U.S. District Court and the Honorable Hilda Tagle, Judge, Southern District of Texas, U.S. District Court.

Senior Level Administration Appointments. President Clinton has appointed more Hispanics to senior level positions than any President in American history. Eight percent of Presidential appointments, including boards and commissions, are held by Hispanics. These Presidential appointees include Overseas Private Investment Corporation (OPIC) President George Muñoz; Norma Cantu, Assistant Secretary for Civil Rights at the Department of Education; Saul Ramirez, Jr., Department of Housing and Urban Development Deputy Secretary; Albert Jacquez, Administrator of the St. Lawrence Seaway, Department of Transportation; Eluid Levi Martinez, Commissioner of Bureau of Reclamation at the Department of Interior; Ida L. Castro, Chair, Equal Employment Opportunity Commission; Patricia T. Montoya, Commissioner for Children, Youth & Families at the Department of Health and Human Services; and John U. Sepulveda, Deputy Director at the Office of Personnel Management. White House appointees include: Assistant to the President and Deputy Chief of Staff Maria Echaveste; Assistant to the President and Director of Intergovernmental Affairs Mickey Ibarra; and Deputy Assistant to the President and Deputy Director for Legislative Affairs Janet Murguia.

Opposed California Prop. 209 and Similar Measures. The Clinton Administration strongly opposes state and local initiatives to eliminate affirmative action programs that expand opportunities for Hispanics and others. The Administration opposed Proposition 209 in California and filed *amicus* briefs opposing Prop. 209, which currently prohibits state affirmative action programs. The Clinton Administration opposed a similar initiative in Houston, which was defeated and opposed an initiative in Washington that is similar to Prop. 209. In all these cases, representatives of the administration have spoken out strongly against these initiatives as unfair and a barrier to equality.

Ordered an Assessment of Affirmative Action Programs. The President ordered a comprehensive review of the government's affirmative action programs which concluded that affirmative action is still an effective and important tool to expand educational and economic opportunity to all Americans. This review of federal affirmative action programs has helped to ensure that these programs are fair and effective and that they can survive legal challenges. As a result, programs that benefit Hispanics, including students, working men and women, and business owners, remain in effect and are more likely to be upheld by the courts.

Reducing Backlog and Expanding Alternative Dispute Resolution at Equal Employment Opportunity Commission (EEOC). Thanks to President Clinton, the FY99 budget included \$279 million -- a \$37 million increase over the previous year -- to significantly expand EEOC's alternative dispute resolution program and reduce the backlog of private sector discrimination complaints. The final budget fully funds the President's request -- providing the first real increase for EEOC in several years. The President's FY2000 budget request provides \$312 million for the EEOC, a 12 percent increase over 1999.

Working to Ensure Fairness and Remove Barriers to High Quality Education. The Office for Civil Rights in the Department of Education is working to eliminate discriminatory educational practices within schools that contribute to deficiencies in minority student achievement. These priorities included the inappropriate placement of minority students in special education, limited access of minority students to challenging curricula and programs such as gifted and honors classes and the lack of comparable resources.

Ensuring Election Fairness. The Clinton Administration defended racially fair redistricting plans against claims that they were unconstitutional and prevented election day discrimination against minority voters and voter intimidation and harassment by monitoring polling place activities in a record number of states and counties. Continued enforcement efforts to ensure that citizens who rely on Spanish have the same opportunities to participate in voting-related activities as English-speaking voters.

Oppose English-Only Legislation. Strongly opposed legislation to make English the official language of the United States which would have jeopardized services and programs for non-English speakers and jeopardized assistance to the tens of thousands of new immigrants and others seeking to learn English as adults.

Increasing Voter Registration. Since 1995, the National Voter Registration Act or "Motor Voter" law has registered nearly 28 million new voters and made voting easier for millions more. [FEC, 6/99; FEC, 6/97]

Opposed California Prop. 187. Opposed California's Proposition 187, which would have made illegal immigrants ineligible for public school education at all levels and ineligible for public health care services.

Working for Fair Housing. The President proposed and won a major expansion of HUD's Fair Housing programs. The final budget expands HUD's Fair Housing programs from \$30 million in FY98 to \$40 million in FY99. That 33-percent increase includes \$7.5 million for a new audit-based enforcement initiative proposed by the Administration. The President's FY 2000 budget proposes to increase HUD's fair housing activities by another 17 percent.

Defended Fairness. The Clinton Administration has filed more cases between 1993 and 1997 to enforce fair housing laws than any other Administration (more than 500 cases). For instance, this Administration desegregated a Vidor, Texas, public housing complex and ordered a Mississippi bank to implement remedial lending plans for minority customers who were unfairly denied loans by the bank.

Eliminated Discriminatory "Redlining" Practices. The Clinton Administration negotiated agreements with health care agencies to eliminate discriminatory "redlining" practices denying home health care services based on residential location.

Working to Ensure a Fair, Accurate and Complete Census. The Clinton Administration is working to ensure that Census 2000 is the most accurate census possible using the best, most up-to-date scientific methods as recommended by the National Academy of Sciences. According to the Census Bureau, the 1990 Census missed 8.4 million people and double-counted 4.4 million others. Nationally, 5 percent of Hispanics were not counted in the 1990 census. While missing or miscounting so many people is a problem, the fact that certain groups -- such as children, the poor, people of color, city dwellers and people who live in rural rental homes -- were missed more often than others made the undercount even more inaccurate. A fair and accurate Census is a fundamental part of a representative democracy and is the basis for providing equality under the law. The President is determined to have a fair and full count in 2000.

IMMIGRATION

Fairness for Immigrants. The President worked with Congress to correct the most egregious impacts of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. As a result, almost a million people will be able to proceed with legalizing their immigration status under the former standards of immigration law and not the new, stricter and more burdensome standards enacted in 1996.

Strengthening the Naturalization Process. The President has made naturalization a top priority of the Immigration and Naturalization Service in order to continue fostering legal immigration while combating illegal immigration. For instance, over one million individuals were naturalized in 1996. The Administration continues to work to streamline and improve the naturalization process so that eligible individuals who have played by the rules can become full partners in America. In FY99, the Administration won an infusion of new resources to reduce the backlog of naturalization applications and improve customer service.

Defended Immigrant Rights. The Administration defeated legislative efforts which would have significantly eroded health care for immigrants. The bipartisan agreement strengthened the sponsorship requirement while preserving the basic ability of families to reunify.

Reversing Unfair Cuts; Protects Legal Immigrants Who Become Disabled and Those Currently Receiving Benefits. The Balanced Budget Act of 1997 restored \$11.5 billion in SSI and Medicaid benefits for legal immigrants whose benefits were also terminated in welfare reform. This law protects those immigrants now receiving assistance, ensuring that they will not be turned out of their apartments or nursing homes or otherwise left destitute. And for immigrants already here but not receiving benefits, the BBA does not change the rules retroactively. Immigrants in the country as of August 22, 1996, but not receiving benefits at that time who subsequently become disabled will also be fully eligible for SSI and Medicaid benefits. When the President signed the 1996 Welfare Reform Law, he pledged to go back and change provisions that have nothing to do with welfare reform, such as the cutting off benefits to legal immigrants. Critics said the changes would never be made. However, in 1997 and again in 1998, the President followed through on his pledge -- and won many of the changes he sought in the 1996 law. The President's FY 2000 Budget would restore eligibility for SSI and Medicaid to legal immigrants who enter the country after that date if they have been in the United

States for five years and become disabled after entering the United States. This proposal would cost approximately \$930 million and assist an estimated 54,000 legal immigrants by 2004, about half of whom would be elderly.

Assuring Families Access to Health Care and Other Benefits. In May 1999, the Vice President announced new actions to assure families that enrolling in Medicaid or the new Children's Health Insurance Program (CHIP) and receiving other critical benefits, such as school lunch and child care services, will not affect their immigration status. The new Department of Justice regulation clarifies a widespread misconception that has deterred eligible populations from enrolling in these programs and undermined the nation's public health. In addition, the Vice President directed Federal agencies to send guidance to their field offices, program grantees and to work with community organizations to educate Americans about this new policy.

EDUCATION

Made the Largest Investment in Education in 30 Years. Maintaining his longtime commitment to education, the President enacted the largest investment in education in 30 years -- and the largest investment in higher education since the G.I. Bill.

Modernizing Our Schools. The President has proposed federal tax credits to help rebuild, modernize, and build 6,000 public schools nationwide. Much of this funding is targeted to the cities with the highest numbers of low-income children.

Reducing Class Size. Last year, the President won a down payment on his initiative to reduce class size to a national average of 18 students in grades 1-3 to help local schools hire an additional 100,000 well-prepared teachers. Research shows that students do better academically in smaller classes, especially minority and low-income students. The President's proposal targets substantial funding to the communities that need it most, and he has threatened to veto legislation that would replace that class size initiative with a block grant that doesn't guarantee the continuation of a nationwide class size initiative and denies adequate funding to the communities that need it most.

Supporting Reading Excellence. More than 1000 colleges have committed work-study students to tutor children in reading, and thousands of AmeriCorps members and senior volunteers are organizing volunteer reading campaigns. In addition, the President won \$260 million for a new child literacy initiative, consistent with the President's America Reads proposal in the FY99 budget. The FY2000 budget includes funding to continue the Clinton-Gore Administration Reading Excellence Program -- helping train reading tutors and coordinating after-school, weekend, and summer reading programs linked to in-school instruction; helping train teachers to teach reading; and helping parents help children prepare to learn to read.

Greater Access to Education Technology. The President has made an unprecedented commitment to bringing technology into schools. In the FY99 budget, President Clinton won \$75 million to fund technology training for teachers and \$10 million for new grants to public-private partnerships in low-income communities to provide residents access to computer facilities for educational and employment purposes. Education technology has always been a top priority for the President and Vice President;

since 1993, they have created the Technology Literacy Challenge Fund and increased overall investments in educational technology by thirty-fold, from \$23 million to \$698 million this year. The Administration has also secured low-cost connections (the E-rate) to the Internet for schools and libraries.

Getting Good Teachers to Underserved Areas. The FY99 budget contained \$75 million for new teacher quality initiatives -- programs that will help recruit and prepare thousands of teachers to teach in high-poverty urban and rural communities and will strengthen teacher preparation programs across the country.

Strengthening Educational Accountability and Excellence. 11 million low-income students now benefit from extra support to meet high expectations and challenging standards because of increased funding for the Title I program and reforms proposed and signed into law by President Clinton in the Elementary and Secondary Education Act (ESEA). This year, President Clinton has proposed building on this progress with further strengthening accountability in these federal programs, improving teacher quality, increasing school safety, expanding public school choice, and providing extra support through summer-school, after-school and other programs to help students master the basics and reach challenging academic standards. The reauthorization will also support teacher education programs that develop the ability of regular classroom teachers to teach limited English proficient (LEP) students.

Enacted a Hispanic Education Action Plan. The Hispanic dropout rate is unacceptably high, and is substantially higher for Hispanics than African-Americans and White non-Hispanics. The Administration is reaching out to Hispanic youth, encouraging them to stay in school, do well academically and graduate from high school, and go on to college so that they can compete successfully for good jobs and take advantage of promising career opportunities. As part of these efforts, the Clinton Administration put forth and won funding increases for a Hispanic Education Action Plan in the FY99 budget. As part of this plan, the President and Vice President proposed significant increases in a number of programs that enhance educational opportunity for Hispanic Americans. The final budget included increases of \$494 million for these programs, including an increase of \$70 million for TRIO college preparation programs over FY98, which will now provide support services to over 700,000 students, and an additional \$50 million for Bilingual Education Professional Development -- double the FY98 level -- to begin to provide 20,000 teachers over five years with the training they need to teach Limited English Proficient students effectively. Moreover, funding for Hispanic-Serving Institutions (HSIs), colleges and universities with at least 25 percent Hispanic enrollments was more than doubled from \$12 million to \$28 million in FY 99. In FY 2000, the President has proposed over a \$650 million increase in funds for Department of Education programs that are part of the Administration's Hispanic Education Agenda.

Expanding College Opportunity with Tuition Tax Credits, Education IRAs, and Largest Increase in Pell Grants in 20 Years. The President is making the first two years of college universally available with \$1500 HOPE Scholarship tax credits and a 20 percent lifetime learning tax credit helps offset tuition costs for college or lifetime learning. The expanded education IRA allows penalty- and tax-free withdrawals for education. And in 1999, nearly four million students will receive a Pell Grant of up to \$3,125, the largest maximum award ever. In the 1995-96 school year, 54 percent of all Hispanic students enrolled full-time in college received a Pell Grant.

Established a Hispanic Advisory Commission. In 1994, the President issued an Executive Order on Educational Excellence for Hispanics which established an advisory commission to oversee the improvement in education for Hispanics and would work to ensure that Hispanic-Serving Institutions will have more input regarding educational goals and issues of concern to Hispanics. The Commission's report identified contributing factors impacting attainment of educational excellence, corrective policy actions, and plans for program development and funding.

Implemented the Student Diversity Partnership Program. Partnered with Hispanic Association of Colleges and Universities, National Association for Equal Opportunity in Higher Education, an Indian Science and Engineering Society and the Center for the Advancement of Hispanics in Science and Engineering Education to implement the Student Diversity Partnership Program. This program will ensure an adequate supply of diverse and qualified scientists and engineers for the 21st century. In addition, the White House recently awarded Presidential Awards for Excellence in Science, Mathematics and Engineering Mentoring Grants to both individual mentors and institutions that foster mentoring, helping to ensure that America's future scientists and engineers come from all of the nation's racial and cultural segments of the population.

AmeriCorps College Support. Since 1993, more than 100,000 people have had the opportunity to serve through AmeriCorps, with Hispanics comprising 13 percent of all participants (1996 data). In 1999, nearly 50,000 young people will take advantage of the opportunity to serve and will earn an award of up to \$4,725 to pay for college or repay student loans.

Establishing the GEAR-UP. In FY99, the President won \$120 million to create a new initiative which would promote partnerships between schools and institutions of higher education to provide about 100,000 low-income middle and high school students with academic and support services to help them prepare for and enter college. The President is proposing to double this initiative this year.

Expanding Investments In Youth Education And Training. While House Republicans attempted to eliminate the successful Summer Jobs program in FY99, President Clinton prevailed with his request for \$871 million in funding, which will finance up to 530,000 summer jobs for disadvantaged youth. The Youth Opportunity Area Initiative program provides high school dropouts between the ages of 16 and 24 with academic and job-skills training, as well as apprenticeships building and rehabilitating affordable housing. The President proposed and won \$250 million for this new innovative program in the FY99 budget.

Teaching Job Skills and Building Homes Through "Youthbuild." Through the *Youthbuild* program, nearly 2,300 high school dropouts have developed valuable job skills while building or renovating homes for hundreds of low-income families. This program offers young adults, ranging in age from 16 to 24, the opportunity to gain leadership skills, earn a high school diploma or GED, learn a valuable trade, and provide much-needed housing to families nationwide. More than \$170 million in grants have been made under *Youthbuild* since its inception in 1993, enabling over 7,800 young people to take part in building or rehabilitating more than 3,650 houses and apartments units in their communities. Of the 7,800 served by *Youthbuild*, an estimated 1,170 are Hispanic youth.

Strengthening Bilingual and Immigrant Education. The President is committed to ensuring that students with limited English skills get the extra help they need in order to learn English and meet the same high standards expected for all students. The Clinton administration fought for and won a 35% increase in bilingual and immigrant education in the 1997 budget deal. For FY99, the Administration fought for and won a doubling of the investments in bilingual teacher training as part of its Hispanic Education Action Plan. Bilingual education funding helps school districts teach English to more than a million limited English proficient (LEP) children and helps LEP students to achieve to the same high standards as all other students. It also provides teachers with the training they need to teach limited English proficient students. The Immigrant Education program helps more than a thousand school districts provide supplemental instructional services to more than 800,000 recent immigrant students. In his proposal to reauthorize the Elementary and Secondary Education Act, the President has proposed additional help to ensure that all teachers are well-trained to meet the needs of students with Limited English Proficiency. His proposal would also make schools and districts more accountable for helping children with Limited English Proficiency master their academic subjects and learn English.

Extra Help for Limited-English Proficient Children. In 1994, President Clinton reformed Title I -- the major elementary and secondary program for disadvantaged children -- clearing away barriers that had prevented limited-English proficient children from getting help. Now Hispanics are 32% of the children served in Title I, the largest share of all communities. The FY99 budget provides a \$301 million boost to the Title I program.

More Assistance for Migrant Children and Families. Migrant families face particularly difficult obstacles to gaining the education and training they would need to improve their standard of living. President Clinton improved the Migrant Education Program in the 1994 reauthorization, and won a 16 percent increase in FY99. As part of his Hispanic Education Action Plan, he also won increases for the High School Equivalency Program, the College Assistance Migrant Program, as well as funding for a Migrant Youth Job Training Demonstration.

Expanding Access to English Language/Civics Education. The President's FY 2000 budget supports a \$190 million increase for adult education and family literacy, including a \$70 million investment for the English Language and Civics Education Initiative: Common Ground Partnerships. This initiative will help states and communities provide limited English proficient adults with expanded access to high quality English as a Second Language programs linked to civics and life skills instruction on understanding and navigating our government system, the public education system, workplace, and other key institutions in American life.

Reducing the Drop-Out Rate Through Right Track Partnerships. The President's FY 2000 budget provides \$100 million for "Right Track Partnerships" to promote partnerships between schools, employers, and community-based organizations that devise innovative community-wide approaches to increase the rate at which economically disadvantaged and limited-English proficient youth complete and excel in high school and subsequently increase the rate at which these youth go on to post-secondary education, training, and higher paying careers. This new proposal builds on last year's Hispanic Education Action Plan, which received nearly \$500 million for FY1999.

CHILDREN AND FAMILIES

Eliminating Racial and Ethnic Health Disparities. In 1998, President Clinton announced an initiative to end racial and ethnic health disparities. The effort sets a national goal of eliminating the longstanding disparities by the year 2010 in six key health areas: infant mortality, diabetes, cancer screening and management, heart disease, AIDS and immunizations. There are major health disparities among Hispanics. Latinos are nearly twice as likely to develop diabetes than non-Latinos and Latinos have two to three times the rate of stomach cancer as white Americans. The President announced a five-step plan -- led by Surgeon General and Assistant Secretary for Health Dr. David Satcher -- to mobilize the resources and expertise of the federal government, the private sector, and local communities. In the FY99 budget, Congress took a critical first step in investing in the President's multi-year proposal. The President's FY 2000 budget has proposed \$145 million to continue this program's activities.

Addressing HIV/AIDS in Communities of Color. Racial and ethnic communities make up the fastest growing portion of HIV/AIDS cases (more than 50 percent of all new HIV cases). As part of the FY99 budget, the Clinton Administration fought for and won a comprehensive new initiative that invests an unprecedented \$156 million to improve prevention efforts in high-risk communities and expand access to cutting-edge HIV therapies and other treatment needed for HIV/AIDS.

Focused Health Efforts. Established the Office of the Minority Health Research and Alternative Medicine at the National Institutes of Health. Helped communities develop culturally-competent systems of care for children with serious emotional disturbances through the Comprehensive Mental Health Services for Children and Families program. Negotiated agreements with hospitals and nursing homes to eliminate barriers to equal access for minorities based on language.

Working to Enact a Strong, Enforceable Patients' Bill of Rights for All Americans. President Clinton has called on the Congress to pass a strong, enforceable patients' bill of rights that assures Americans the quality health care they need. The bill should include important patient protections such as: assuring direct access to specialists; real emergency room protections; continuity of care provisions that protect patients from abrupt changes in treatment; a fair, timely, and independent appeals process for patient grievances; and enforcement provisions to make these rights real. Leading by example, the President directed all federal agencies to ensure that their employees and beneficiaries have the benefits and rights guaranteed under the President's proposed Patients' Bill of Rights.

Protecting and Strengthening Medicare. The 1997 Balanced Budget Act extended the life of the Medicare Trust Fund for at least a decade; expanded choices in health plans; and provided beneficiaries new preventive benefits. Today, Medicare provides health insurance to more than two million elderly and disabled Hispanics and six percent of all beneficiaries currently enrolled in Medicare are Hispanic. President Clinton is working to modernize and strengthen Medicare to prepare it for the challenges the program faces in the 21st Century. This historic initiative would make Medicare more competitive and efficient; modernize and reform Medicare's benefits, including a long-overdue prescription drug benefit and cost-sharing protections for preventive benefits; and make an unprecedented long-term financing commitment to the program that would extend the life of the Medicare trust fund to 2027.

Extended Health Care to Millions of Children with the Children's Health Insurance Program (CHIP). Because of the President's leadership, the 1997 Balanced Budget Act included \$24 billion to provide real health care coverage to up to five million more children, the largest children's health care budget increase since Medicaid was created in 1965. Minority children make up a disproportionate number of the over 10 million uninsured children. Hispanic children make up nearly 30 percent of all uninsured children. The Administration is actively reaching out to communities to target and enroll eligible, uninsured children in CHIP.

Providing Health Care to Children and Pregnant Women. Under current law, states have the option to provide health coverage to immigrant children and pregnant women who entered the country before August 22, 1996. The President's FY 2000 Budget gives states the option to extend Medicaid or CHIP coverage to low-income legal immigrant children and Medicaid to pregnant women who entered the country after August 22, 1996. The proposal would cost \$325 million and provide critical health insurance to approximately 55,000 children and 23,000 women by FY 2004. This proposal would reduce the number of high-risk pregnancies, ensure healthier children, and lower the cost of emergency Medicaid deliveries.

Protecting Families. Family and Medical Leave allows workers to take up to 12 weeks of unpaid leave to care for seriously ill family members, new born or adoptive children, or their own serious health problems without fear of losing their jobs. About 91 million workers are covered by the Family and Medical Leave Act and millions of workers have already benefited from FMLA since its enactment.

Increased WIC -- \$1 Billion Higher. Under President Clinton, participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) has expanded by 1.7 million -- from 5.7 million in 1993 to 7.4 million women, infants, and children in 1998, with funding rising from \$2.9 billion to \$3.9 billion (FY99). Research shows that every \$1 increase in the prenatal care portion of the WIC program cuts between \$1.77 and \$3.90 in medical expenses in the first 60 days following childbirth. In 1996, 30 percent of the infants who benefited from WIC were Hispanic.

Restoring Food Stamp Benefits for Legal Immigrants. The Agricultural Research Act of 1998 provided Food Stamps for 225,000 legal immigrant children, senior citizens, and people with disabilities who enter the United States by August 22, 1996. The President's FY 2000 Budget would extend this provision by allowing legal immigrants in the United States on August 22, 1996 who subsequently reach age 65 to be eligible for Food Stamps at cost of \$60 million, restoring benefits to about 20,000 elderly legal immigrants by 2004.

Expanded Head Start By More than 60 Percent. Since 1993, President Clinton has expanded Head Start by 57 percent, from \$2.8 billion in FY93 to \$4.4 billion in FY98. During the Clinton Administration, Hispanic enrollment has increased by 70,000 and at a rate nearly twice as fast as non-Hispanic enrollment. Despite these increases, Hispanic children remain under-represented in the program, and the Administration is stepping up efforts to ensure access and culturally appropriate services. Also, the President's FY 2000 budget includes \$607 million in new funds to improve and

expand Head Start, including a \$23 million request for Migrant Head Start that would improve quality and reach as many as 2,000 new children.

Raised Immunization Rates to All Time High. Since 1993, childhood immunization rates have reached all-time highs, with 90 percent or more of America's toddlers receiving the most critical doses of vaccines for children by age 2. For the most critical childhood vaccines, vaccination levels are nearly the same for preschool children of all racial and ethnic groups, narrowing a gap that was estimated to be as wide as 26 percentage points a generation ago. But despite this program, as of 1997, 79 percent of white children had received the recommended series of vaccinations by age 2 compared to 72 percent of Hispanic children whom had been vaccinated against childhood disease. To help increase participation, on April 20, 1999, Secretary Shalala announced a new Spanish-language childhood immunization public awareness campaign, "Vacunelo A Tiempo Todo el Tiempo" (Vaccinate Your Children On time, Every Time), to create and distribute culturally relevant and language appropriate educational materials to help raise Hispanic immunization rates to the national average.

Proposed the Largest Single Investment in Child Care in the Nation's History. In 1998, the President proposed an historic initiative to improve child care for America's working families by helping families pay for child care, building the supply of good after-school programs, improving child care quality and promoting early learning. The President won \$182 million to improve the quality of child care for America's working families in the FY99 budget.

Providing Safe After-School Opportunities for Nearly 400,000 Children Each Year.

Approximately 400,000 school-age children in rural and urban communities have safe and educational after-school opportunities this year because of the expanded 21st Century Community Learning Centers program. Under the leadership of President Clinton and Vice President Al Gore, funding for this initiative has increased from \$1 million to \$200 million in two years, and the Administration has proposed tripling the program this year. In his FY 2000 budget, the President proposed to increase funding to serve approximately 1.1 million students.

FIGHTING CRIME

Held the White House Conference on Hate Crimes. President Clinton hosted the first White House Conference on Hate Crimes, which examined laws and remedies that can make a difference in preventing hate crimes, highlighted solutions that are working in communities across the country, and continued the frank and open dialogue needed to build One America. The President announced significant law enforcement and prevention initiatives to get tough on hate crimes, including: support for legislation to expand the federal hate crimes law to cover crimes based on sexual orientation, gender, or disability; the creation of a network of local hate crime working groups; the addition of approximately 50 FBI agents and federal prosecutors to enforce hate crimes laws; improved collection of data on hate crimes; and the production of materials to educate the public -- especially youth -- about hate crimes. The President and Vice President continue to work to enact the Hate Crimes Prevention Act.

Enhanced Penalties for Hate Crimes. As part of the historic 1994 Crime Act, the President signed the Hate Crimes Sentencing Enhancement Act which provides for longer sentences where the offense is determined to be a hate crime.

Falling Crime Rates. Overall crime rates are down to the lowest levels in a generation --and all incomes and races are benefitting. According to the Bureau of Justice Statistics' National Victimization Survey, property and violent crime victimization rates are at their lowest levels since 1973. Between 1993-1997, decreasing victimization trends were experienced about equally for all race, sex and income groups. In addition, the murder rate is down more than 25 percent since 1993, its lowest point in 30 years. Between 1997 and 1998, the Hispanic violent victimization rate fell from 43 to 33 victimization's per 1,000 Hispanics.

Putting 100,000 New Police on the Streets and Providing COPS Grants to Underserved Areas. This year, ahead of schedule and under budget, the Administration has met its commitment of funding 100,000 police officers for our communities. As a part of the COPS Program, the President announced new grants to increase police presence and community policing in underserved neighborhoods. Under this initiative, 18 cities will share \$106 million to hire 620 new community policing officers. The pilot cities were selected following an analysis of crime, demographic and economic data.

SAFE AND CLEAN ENVIRONMENT

Environmental Justice and Redevelopment -- issued an Executive Order on Environmental Justice to ensure that low-income citizens and minorities do not suffer a disproportionate burden of industrial pollution. The Administration identified pilot projects to be undertaken across the country to redevelop contaminated sites in low-income communities, turn them into useable space, create jobs and enhance community development.

Accelerating Toxic Cleanups and Brownfields Redevelopment -- cleaned up nearly three times as many Superfund sites in six years as the previous administrations did in twelve. Leveraged nearly \$1 billion in private sector investment for Brownfields redevelopment.

Keeping Our Drinking Water Safe -- proposed and signed legislation to strengthen the Safe Drinking Water Act to ensure that our families have healthy, clean tap water. Required America's 55,000 water utilities to provide regular reports to their customers on the quality of their drinking water.

Reducing the Threat of Global Warming -- negotiated an international treaty to reduce greenhouse gas emissions in an environmentally strong and economically sound way. Secured \$1 billion in FY99 for research incentives to reduce greenhouse gas emissions through energy efficiency and clean energy technologies.

Preserving Our Lands -- protected or enhanced nearly 150 million acres of public and private lands, from the red rock canyons of Utah to the Florida Everglades. Reached agreements to protect Yellowstone from mining and save the ancient redwoods of California's Headwaters Forest.

AMERICAN LEADERSHIP

Democracy for Cuba. The Clinton Administration increased efforts to promote a peaceful, democratic transition in Cuba by keeping pressure on the Castro government for change while reaching out to the Cuban people. The President has strengthened the international consensus on the need to promote human rights and democracy. The Clinton Administration has authorized humanitarian measures to alleviate the Cuban people's suffering, encouraged the emergence of civil society, and helped people prepare for a democratic future.

Support Our Closest Neighbors. The Administration took decisive action in assembling a financial support package for Mexico and later Brazil. In each case, the President's leadership prevented a prolonged financial crisis and its spread to other Latin American countries. In addition, the President traveled to Latin America and launched hemispheric negotiations for Free Trade Area of the Americas.

8/99

DRAFT

**Our Nation on
the Fault Line:**

**HISPANIC
AMERICAN
EDUCATION**

**A REPORT TO THE NATION:
POLICIES AND ISSUES ON
TESTING HISPANIC STUDENTS
IN THE UNITED STATES**

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

September, 1999

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**The President's Advisory Commission on Educational
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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 been taught? Regrettably, the answer to this question is not as simple.

For now, only the students themselves bear the weight of academic success or failure, with few exceptions. 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.

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 the nation get it right 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

A REPORT TO THE NATION: POLICIES AND ISSUES ON TESTING HISPANIC STUDENTS IN THE UNITED STATES

CHAPTER 1: INTRODUCTION

All forms of human mental measurement are fragile and problematic (Gould, 1983). At their best, for example, psychometric tests account for a modest 25-35% of the variance of what they predict (Neiser, Boodoo, Bouchard, Boykin, Brody, Ceci, Halpern, Loehlin, Perloff, Sternberg, & Urbina, 1996; Cleary, Humphreys, Kendrick, & Wesman, 1975). This is a technical ceiling that test-makers have not succeeded in breaking for nearly a century. A fundamental assumption of all testing is that the normative framework (psychometric, criterion, or rubrics-based) on which the test scores are based assumes a high degree of experiential homogeneity, cultural/linguistic similarity and equity in learning opportunities among test takers (Colvin, 1921; Woodrow, 1921; Heller, Holtzman, & Messick, 1982). Under these conditions, a test score becomes a measure that belongs pre-eminently to the individual and his or her talents, achievements, traits and predispositions. In a real sense, tests work best in a perfect democracy of monolingual and monocultural citizens.

Hispanic Americans present a massive challenge to the assumptions of tests. The vast majority has varying levels of exposure to and proficiency in Spanish, though many also come from other linguistic backgrounds (e.g., Portuguese, Catalan, Basque, etc.). Their cultural ancestries include Mexico, Central and South America, Puerto Rico, Cuba, the Caribbean, Spain and Portugal.

Their cultural experiences in the United States are multigenerational and reflect a broad range of acculturation levels, socioeconomic differences, and political power. So vast is their heterogeneity, that the assumptions of tests about homogeneity may well be untenable. Yet, Hispanic students and Hispanic citizens are tested every day and are compared to middle class America in a unique reification of democracy and assimilation that tests impose. But the history of testing Hispanics in the United States has never been typified by equanimity.

There are few issues in American Psychology or Education that are as complex or as misunderstood as the testing of Hispanic students. Two fundamental questions have challenged and continue to perplex test-makers, test-givers and test-users: Does Spanish in the home or as the primary language affect test scores? and, Do any aspects of Hispanic culture in the United States attenuate or change test outcomes?

In the 1930's, the great Mexican American psychologist, George Sanchez, addressed both issues.

"The relative responsibility of the school and of the child in the achievement of desirable goals must be examined. Is the fact that a child makes an inferior score on an intelligence test *prima facie* evidence that he is dull? Or is it the function of the test to reflect the inferior or different training and development with which the child was furnished by his home, his language, the culture of his people, and by his school? When the child fails in promotion is it *his* failure or has the school failed to use the proper whetstone in bringing out the true temper and quality of his steel?

The school has the responsibility of supplying those experiences to the child which will make the experiences sampled by standard measures as common to him as they were to those on whom the norms of the measures were based. When the school has met the language, cultural, disciplinary, and informational lacks of the child and the child has reached a saturation point of his capacity in the assimilation of fundamental experiences and activities - then failure on his part to respond to tests of such experiences and activities may be

considered his failure. As long as the tests do not at least sample in equal degree a state of saturation that is equal for the "norm children" and the particular bilingual child it cannot be assumed that the test is a valid one for the child."

(Sanchez, 1934, pgs. 770-771)

Presently, the impact of cultural differences on test scores remains understudied. Most of what is known about cultural effects comes from the use of U.S.-made tests on foreign populations. Anthropologists were early consumers who believed that the scientific nature of tests made them appropriate for universal use. Very little is known about cross-cultural differences in testing, in fact, precisely because monocultural tests when translated into the local language yielded predominantly lower scores and Anglocentric interpretations. There are, however, some notable exceptions in this regard.

Holtzman, Diaz-Guerrero, & Schwartz (1975) conducted a longitudinal study comparing approximately 400 middle-class Mexican children with 400 middle class White children from northern Texas. One of the unique aspects of this investigation was that a comprehensive attempt was made to make all the sociological, psychological and educational tests and scoring protocols appropriate for Mexican students and their families. The result was a compelling description of cultural differences as well as the production of knowledge about how psychometric tests need to undergo a radical overhaul for cross-cultural use and how cultural bias can subtly affect scores. Regrettably, this type of investigation has never been replicated with Hispanic children and their families living in the United States.

By and large, the study of cultural differences in testing has always operated from a "black box" design. Culture has resided in the "Puerto Rican", "Mexican," or "Cuban American" samples used (Valdes & Figueroa, 1994). The only cultural affect on U.S. normed, English-language tests has been lower scores. Interestingly, these types of "black box" studies have seldom found evidence of lower test reliabilities or validity because of cultural differences (Cleary, Humphreys, Kendrick, & Wesman, 1975; Geisinger, 1992; Sandoval, Frisby, Geisinger, Scheuneman, & Grenier, 1998).

The same has not been true for the one cultural variable that has left its mark on virtually every investigation using tests with Hispanic populations. Linguistic exposure to Spanish has affected every type of psychometric test and test score given in the United States (Valdes & Figueroa, 1994). It is the one variable for which there is evidence of psychometric bias (Figueroa & Garcia, 1995). It is the one variable that finally has drawn the attention of the scientific community as a complex disrupter of established testing policies and practices (Pellegrino, Jones, & Mitchell, 1999).

CHAPTER 2 : THE HISTORICAL CONTEXT

In 1922, Charles Brigham published "The Study of American Intelligence," an analysis of government data from testing conducted on World War I recruits. A subset of the large sample included 11,300 "foreign born" recruits who were tested with the Army Alpha (a verbal test of intelligence) and the Army Beta (a nonverbal test of intelligence). Approximately 32% of them had been in the United States between 0-5 years, 38% between 6-10 years, 17% between 11-15 years, 7% between 16-20 years, and 6% over 20 years. Because of its high verbal content, the Army Alpha was a good measure of English language proficiency. In spite of Brigham's tortured defense of the integrity of this sample of "foreign born" recruits, there is a strong indication that after 10 years the sample reflected a different type of immigrant, the ones who did not return to their native countries and who in all likelihood had adapted culturally and linguistically. Taking this into account, the increase in Army Alpha scores for the first two, 5-year groups was a meager .11 of a point. This is one of the first, major empirical findings that on psychometric tests proficiency in a language besides English systematically produces lower verbal scores possibly for a very, very long time.

The 1920's and 1930's produced a great amount of research on ethnic minorities in the United States. Much of it came under the title of "Race Psychology" and reflected a naive use of test scores to support genetic arguments about lower intellectual potential in non-Nordic groups. A considerable amount of this published work included Hispanic test subjects whose linguistic backgrounds can generally be described as "bilingual." That is, they came from homes where Spanish was spoken and with varying and unknown degrees of proficiency in Spanish. Most of these studies were conducted on Mexican American children.

Several conclusions can be extracted from this early research on bilingual test-takers. First, the test results of bilingual individuals compared to those of monolinguals, for all age groups, consistently

produced a profile of lower (English) test scores regardless of the test being used. This was most pronounced in tests of verbal intelligence, although a similar profile appeared in tests of academic achievement (Brown, 1922; Cebollero, 1936; Koch & Simmons, 1926; Johnson, 1938; Manuel, 1935; Pratt, 1929). There, English-dependent skills such as vocabulary, comprehension, sentence completion skills, analogies, essay composition, etc. were markedly low in bilingual test-takers in comparison to their arithmetic and memory skills. In effect, differences in exposure to English appeared to be unerasable (Saer, 1923), or as the Brigham study showed, virtually unerasable. This phenomenon became widely known as the "language handicap" of all immigrant test-takers. In many research publications, this provided a rationale for denigrating or eradicating bilingualism and instruction in the primary language.

Second, the psychometric properties of tests showed a curious profile. Bilingualism had no effect on the internal consistency and stability of tests, particularly indices of reliability (Figueroa, 1990). But on the critical external indices of validity, particularly predictive validity, bilingualism appeared to attenuate the power of tests (Altus, 1945; Davenport, 1932; Feingold, 1924; Garth, 1928; Paschal & Sullivan, 1925; Pintner & Keller, 1922; Wheeler, 1932; Wood, 1929; Yoder, 1928).

Third, some anomalous data appeared. Bilingual individuals from middle or upper-middle class homes occasionally either outperformed monolingual, English speakers or did as well in test scores (Darcy, 1946; Feingold, 1924; Manuel, 1935; Pintner & Arsenian 1937). The "bilingual handicap" in effect was cured by advantaged or enriched environments and backgrounds. Clearly, however, in the early part of the 20th century, foreign born individuals with such cultural capital were relatively rare. Also, individuals with two under-developed languages did worse on tests than individuals with a single, educationally-developed foreign language (Altus, 1949; Arsenian, 1945; Smith, 1949, 1957). Another finding that to this day remains present and unexplained is the ability of bilingual individuals to do better than English speakers on recalling digits backward (a staple of IQ tests since their inception) (Manuel, 1935; Luh & Wy, 1931; Darsie, 1926; Hung-Hsia, 1929; Jensen & Inouye, 1980). Finally, on school grades the "bilingual handicap" did not materialize

to the same degree or persistence as on tests (Bell, 1935; Smith, 1942).

Fourth, the psychometric, scientific community began the unfortunate procedural tradition of dealing with cultural groups as monolithic entities (e.g., Garth, 1920). The "Mexican" sample operationalized "Mexican culture". Socioeconomic and other intervening variables were often ignored. English language proficiency in test subjects remained as an uncontrolled source of error. Background factors such as educational backgrounds or the segregated nature of public schooling for bilingual students were overlooked. The methodological flaws in the design of studies with bilingual persons, in effect, were substantial and virtually precluded reasonable inferences or attributions. Many of these design flaws continue (e.g., Sandoval, 1979; MacMillan, Gresham, & Bocian, 1998).

For test users, however, the "language handicap" produced several innovations or, in the current lexicon, a series of accommodations. The testing community came to believe that nonverbal tests of mental ability were free of linguistic factors and were culturally neutral (Brigham, 1922). To this day, they are seen as culture fair measures of intelligence, mental aptitudes or personality. Tests were often simply translated without conducting norming studies (Lester, 1929; Mitchell, 1937; Paschal & Sullivan, 1925). These translations were used for research purposes and for conducting actual assessments. Ethnic norms were occasionally produced for some bilingual groups (Luh & Wy, 1931; Ammons & Aguero, 1950). Many caveats and precautions on the use of tests with bilingual subjects were voiced. For example, Charles Brigham, the father of the modern SAT (Scholastic Aptitude Test) and the principal investigator in "The Study of American Intelligence," also concluded that:

"For purposes of comparing individuals or groups, it is apparent that tests in the vernacular [English] must be used only with individuals having equal opportunity to acquire the vernacular of the test. This requirement precludes the use of such tests in making comparative

studies of individuals brought up in homes in which the vernacular of the test is not used, or in which two vernaculars are used. The last condition is frequently violated here in studies of children born in this country whose parents speak another tongue. It is important as the effects of bilingualism are not entirely known."

(Brigham, 1930, pg. 165)

Some 70 years later, "the effects of bilingualism [still] are not entirely known." What has changed is that there are more caveats about testing bilinguals.

CHAPTER 3: TESTING STANDARDS AND FEDERAL NON-DISCRIMINATION PRINCIPLES

The most important and potentially powerful set of regulations and policies on the development and use of tests in the United States is the Standards for Educational and Psychological Testing (American Educational Research Association, American Psychological Association, National Council on Measurement in Education, 1999). They are the "standard of the industry" and constitute somewhat of an ultimate arbiter on all matters related to test development and usage. The importance of these standards for addressing the problems associated with testing Hispanic students cannot be overstated.

What is singularly unique is that the current standards have outdistanced current test technology and testing practices with "Individuals of Differing Linguistic Backgrounds." The gulf between what the standards promulgate and what test developers and test users actually do is very large. Given the directives proposed by the Office for Civil Rights in their "Nondiscrimination in High-Stakes Testing: A Resource Guide" (U.S. Department of Education, In press), this gulf may well constitute denial of substantive due process with Hispanic students and citizens. The following is a historical look at how the current standards evolved with respect to testing bilingual individuals. A review of the OCR Guidelines then follows.

THE STANDARDS FOR EDUCATIONAL AND PSYCHOLOGICAL TESTING

The first set of these standards appeared in 1966, even though both the American Educational Research Association and the American Psychological Association had addressed the issues

attendant to achievement and psychological/diagnostic testing in two prior, separate documents respectively in the mid 1950's.

The 1966 Standards for Educational and Psychological Tests and Manuals (American Psychological Association, American Educational Research Association, National Council on Measurement in Education, 1966) had one overriding goal: "the essential principle underlying this document is that a test manual should carry information sufficient to enable any qualified user to make sound judgments regarding the usefulness and interpretation of the test" (pg. 2). Behind this "essential principle" was the recognition "that tests are used in arriving at decisions which may have great influence on the ultimate welfare of the persons tested, on educational points of view and practices, and on development and utilization of human resources" (pg. 1). Interestingly, in the entire thirty-six pages of text, there are only occasional references to general demographic variables that should be addressed by test manuals. There are only two instances when these references vaguely touch on linguistic and cultural diversity. In both instances they are not prescribed as ESSENTIAL:

"C5.5. If the validity of the test is likely to be different for subsamples that can be identified when the test is given, the manual should report the results for each subsample separately or should report that no differences were found. VERY DESIRABLE"

(pg. 20)

"D.2.21. [concerning the psychometric index of reliability] Demographic information, such as distributions of the subjects with respect to age, sex, socioeconomic level, intellectual level, employment status or history, and minority group membership should be given in the test manual. DESIRABLE"

(pg. 28)

In 1974, the new edition of the Standards for Educational and Psychological Tests (American Psychological Association, American Educational Research Association, National Council on Measurement in Education, 1974) paid more attention to the issues of cultural and linguistic diversity. There was recognition that the validity of a test

could be attenuated for certain groups and under certain conditions. This acknowledgement was due, in great part, to the impact of federal court cases alleging diagnostic bias in tests. In many school districts, tests produced inflated incidence rates of mental disabilities among Latino and African American student populations. Typically, the following appeared with greater frequency than in the past.

“B1.3. The manual should call attention to marked influences on test scores known to be associated with region, socioeconomic status, race, creed, color, national origin, or sex. Essential

[Comment: Social or cultural factors known to affect performance on the test differentially, administrator errors that are frequently repeated, examiner-examinee differences, and other factors that may result in spurious or unfair test scores should, for example, be clearly and prominently identified in the manual.]”

(pg. 14)

Of even greater importance, two warnings appeared about the possible impact of tests and testing practices on English-language learners. Standard G2 directed test users to know the research literature on tests and testing particularly with respect to the problems associated with testing individuals with “limited or restricted cultural exposure.” Standard G2 suggested that the overrepresentation of African American and Spanish-speaking children “with limited cultural exposure” was caused by test users’ lack of knowledge about the limitations of tests when cultural differences existed.

Standards J5, J.5.3, and J.5.3.1. went even further. They recommended that when there were great cultural differences between the test taker and the test’s norming sample, the tester should not test (“Essential”). They also set forth an accommodation that has become exceedingly popular: when there are no appropriate tests for a given person or population, the tester should use “a broad-based approach to assessment using as many methods as are available to him. Very Desirable” (pg. 71). In other words, do more assessments with more tests. The Comment for this Standard elaborated on this.

[Comment: The standard is to do the best one can. This perhaps includes the use of a test, even though no appropriate normative data are available, simply as a means of finding out how the individual approaches the task of the test. It might include references, extensive interviews, or perhaps some *ad hoc* situational tasks. Efforts to help solve educational or psychological problems should not be abandoned simply because of the absence of an appropriate standardized instrument.]

(pg. 71)

When a test or tests are not appropriate, giving more tests simply to see how an individual handles the testing situation is questionable. Data exist showing that in some high-stakes testing situations, giving more tests helps neither the tester (Mehan, Hertweck, & Meihls, 1986) nor the child (Taylor, 1991). When a test is not appropriate, it should not be given if it may hurt an individual or lead to serious negative consequences for the individual. The use of an inappropriate test can only be justified if it has little or no consequences for the individual and if it helps assess system effects on similar individuals. For Hispanic students, the use of inappropriate tests is a national problem with a long history of abuse. As the "Comment" cited above underscores, there are alternative ways to help solve psychological and educational problems. With Hispanic children, these must be linguistically and culturally appropriate.

In 1985, the Third Edition of the Standards was published (American Educational Research Association, American Psychological Association, National Council on Measurement in Education, 1985). The challenges posed by the multiple aspects of diversity (culture, language, disability, gender, socioeconomic status, etc.) appear throughout the entire document. But the most significant evolution of the Standards is Chapter 13, "Testing Linguistic Minorities." In many ways, Chapter 13 was revolutionary.

The text that introduced the seven Standards for this chapter began with the most profound acknowledgment. "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" (pg. 73) 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, systematic degree of error. Such tests, in effect, are biased because they may not be measuring accurately whatever is being measured. Accordingly, the Standards called for "special attention" to these issues on the part of test development, test use, and test interpretation. It was 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 made several, key pronouncements. Translating a test does not guarantee that the test items will have the same degree of difficulty in the other language. The latter must be empirically established. 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 determining English language proficiency are vitally important for making educational placement decisions. However, these tests must assess multiple dimensions of linguistic ability. Chapter 13 also made 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, it was suggested that more testing and observations be done with them. As previously noted, more testing was and is a questionable policy.

Chapter 13 also acknowledged the possible influence of culturally mediated ways of responding to test questions. Elaborated speech may not be congruent with cultural-specific ways of speaking to adults. When these factors are ignored the validity of interpretations and recommendations may be questionable and harmful.

Chapter 13 of the 1985 standards was vitally important for the educational and psychological testing of English-language learners in

the United States. There were, however, several problems. First, it was not known how well the testing industry and professions would abide by them. Throughout the 1980's and 1990's, the manuals of most tests showed that Chapter 13 of Standards was routinely ignored. Also, these Standards ignored several, historical practices and problems. They did not address one of the most widely used techniques for testing English-language learners, the use of interpreters who translate the test into the primary language either on the spot or who help administer a test that has already been translated. They were silent on the apparent inability of tests and test users to differentiate among cultural factors, language proficiency levels, and mental/emotional disabilities. They endorsed a historical solution on what to do when there are no tests (test more) in spite of the fact that there was no evidence that this worked. In fact, there was evidence to the contrary.

In August of 1999, a new edition of the Standards was approved. Chapter 9 is on Testing Individuals of Differing Linguistic Backgrounds. Just as in the 1985 standards, the narrative introducing this chapter cautions that with individuals from diverse linguistic backgrounds tests that are in English become tests of English ability to a degree that is generally more pronounced than with monolingual English speakers. With individuals of varying levels of bilingualism, tests may fail to measure what they intend to measure. Accordingly, norms developed with monolingual English-speaking populations should either not be used or should be interpreted with the understanding that English language proficiency is a contaminating factor. Precautions regarding processing speed factors are also raised. The chapter suggests that accommodations should be undertaken with English-language learners. It is also noted that cultural factors can affect test scores and that attention should be paid to these factors. The problem with this part of the narrative in Chapter 9 is that in spite of acknowledging the complexities associated with testing bilingual students, the precautions are tenuous and weak.

Chapter 9 repeats many historical caveats about translating tests without conducting norming studies. Back translations are specifically mentioned as being inadequate by themselves. A similar point was made in the 1985 Standards. Yet, publications describing

and endorsing this process continue to appear (Geisinger, 1994a,b). A translated test is an inappropriate test. The practice should be abandoned nationally.

The 1999 standards break new ground along several dimensions. They note that several issues raised in Chapter 9 apply to persons with disabilities that affect communication such as deafness and visual impairments. This connection appears to be part of a general trend in addressing the issues related to linguistic diversity. It also appears in a new, important text commissioned by the American Psychological Association (Sandoval, Frisby, Geisinger, Scheuneman, & Grenier, 1998). But, historically, bilingualism all too often has been equated with a handicap. Linking the test accommodations appropriate for bilingual learners with those appropriate for students with disabilities is exceedingly problematic for bilingual children. Accommodations may seem similar, but their use and outcomes may be different for bilingual children (Thurlow, Liu, Erickson, Spicuzza, & El Sawaf, 1996). This is a matter for serious consideration.

The new 1999 standards discuss several types of test accommodations that may have to be used with 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. It is difficult to see, however, how these will overcome the well-documented, historical impact of bilingualism on tests. It is difficult to see how testing a student in the wrong language, or testing for content that has not been taught, or testing for cultural material that is not in a Hispanic child's repertoire will be made fair by the changes suggested in these accommodations.

The issue of equivalence receives a great deal of attention in the new standards. This refers to several aspects of test-development, use and interpretation, for example: the degree of confidence that a test-user can exercise in determining whether a test score means the same for someone who is unlike the norming population, the equivalence across translated and renormed versions

of the same test, and equivalence in psychometric characteristics. As versions of the same test appear in both English and Spanish, this will become a major topic for research and examination. However, some have asserted that the conceptual basis for testing bilingual children in the United States using monolingual norms in both Spanish and English may be flawed (Grosjean, 1989; Valdes & Figueroa, 1994). It is argued that a bilingual child cannot validly be compared against norms from children whose linguistic experience and development is with only one language. Bilingual children need norms derived from bilingual norming samples, controlling for differential levels of linguistic proficiencies. This is an issue that urgently needs empirical studies and that calls for an immediate analysis.

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. This directive has particular relevance for state-wide testing programs. Clearly, if achievement measures are interpreted without the degree of linguistic information suggested by the new Standards, test results may not be correctly analyzed or understood.

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 the 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 what they can do. This principle should also be applied in state-wide testing programs across the United States.

One of the most surprising parts of these new Standards is the attention given to the use of interpreters. Not only are there multiple precautions, there is also a veritable map for how to train and use interpreters. The unfortunate part of this section of the Standards is that there is no empirical evidence that even remotely validates any of the procedures for using interpreters. In fact, the opposite type of

conclusions are being reached in several, new doctoral dissertations (e.g., Sanchez-Boyce, 1999).

There are actually eleven standards in this new chapter on "Testing Individuals of Differing Linguistic Backgrounds." Most are similar to the ones promulgated in the 1985 edition. Because of their vital importance for the testing of Hispanic children, each is reviewed and critiqued here. In Appendix A, they are reproduced in their entirety.

There are several issues in these new standards that are very important. Test users are charged with the responsibility of determining when a test may be inappropriate with linguistic minorities because they do not know "the language of the test" (Comment for Standard 9.1). Similarly, test developers are held responsible, plausibly under "legal or regulatory requirements," for collecting evidence of test validity when there is research indicating differential meaning for test scores for a linguistic group. In a break with historical practices, the use of representative norming samples for these validity studies is proscribed. Separate norming studies specific to a linguistic group are called for (Comment for Standard 9.2).

Test users are also required to use professional judgement in order to determine language proficiencies prior to testing. Then they are to test in either the most proficient language or using both languages in order to assure construct validity (Comment for Standard 9.3). This is a highly ambitious directive that rests on some exceedingly tenuous assumptions: as it applies to Hispanic students, it is assumed that there are equivalent language proficiency tests in Spanish and English, that such equivalent tests can measure the complexity of linguistic proficiency in both languages, that such tests would have universal application among Hispanic Americans in the United States, that variation in linguistic proficiencies can be used to interpret an individual's test score (how does one interpret a score in a language that is 70% proficient and another score in a language that is 55% proficient?), and that bilingualism is the sum of two languages (in which case language proficiency testing makes some sense) rather than a linguistic unit (in which case linguistic proficiency testing may be of limited use).

Standard 9.4 seems to tacitly accept the validity of linguistic modifications of tests that are in English. These may involve changing the test to the test taker's primary language or altering the test given in English. There are no justifications for this standard (9.4) and the historical, empirical literature reviewed in this document argues against modifications such as translations. The standards (Comment on 9.4) place the responsibility for justifying these modifications on test developers. The current research on test modifications for English learners is not sufficient to warrant the existence of this Standard.

Standard 9.5 addresses the issue of flagging a test score when linguistic modifications were provided during the testing. The Standard basically suggests that such flagging may be unfair, and not useful if the score from the modified administration is comparable to the score on the nonmodified administration and if there is "no reasonable basis" for thinking that such modification affects score comparability. This is a very problematic Standard because of its lack of specificity. Are tests to be administered to linguistic minority individuals with and without modifications to see if there is comparability? What is a reasonable basis for determining comparability among scores? More than anything, the problem with this Standard comes from the unknowns related to linguistic modifications, or what in the literature is known as test accommodations for English language learners.

The current, available literature on such accommodations (e.g., Adebisi, 1999a,b,c; Thurlow, Liu, Erickson, Spicuzza, & Sawaf, 1996) makes several points. The use of accommodations varies greatly across and within states that provide such test adaptations. The question of who gets accommodations also varies greatly within and across these states. The most popular accommodations in statewide testing programs are: allowing for extra time, using of a bilingual dictionary, being tested in a separate room, receiving oral translations of directions, offering multiple testing sessions, answering questions, providing written and oral translations, having words defined, and allowing for students to mark the test booklets (Thurlow, Liu, Erickson, Spicuzza, & Sawaf, 1996). As noted by these researchers in 1996: Few accommodations are universally allowed, and further

research on the appropriateness and technical adequacy of different types of accommodations would be beneficial (pg. 13).

Actual, empirical studies of accommodations (Adebi, 1999a,b,c) have produced modest results in improved test scores of bilingual children. This applies to achievement tests that are among the easiest to accommodate, math tests. In fact, one could argue that the study of accommodations has made its greatest contribution to children who do not need accommodations. Researchers have found that tests often include test language that is needlessly obtuse and immaterial to the construct being measured. Clearing up such language improves the performance of all test takers.

Research on test accommodations is currently insufficient to support Standard 9.5. Testing bilingual, Hispanic children on an English test with accommodations may not be adequate to remove the high level of distortion or the construct-irrelevant error (Kopriva, 1999) implicated in the assessment of bilingual learners since the 1920s. Accommodations, in effect, may prove to be a subterfuge procedure for testing in the wrong language. Data already exist showing that some of the most popular accommodations, translating and interpreting, simply do not work.

Standard 9.6 requires test developers and users to explicitly address the questions related to test use and interpretation with non-native speakers. This Standard seems to exclude simultaneous bilinguals from such consideration. It is, regrettably, an example of the 1999 standards lack of precision about the complexity of bilingualism.

Standard 9.7 establishes a rule for using translated tests. The methods of translating have to be described and so does the evidence for establishing validity and reliability across language groups. This basically asserts, once and for all, the need to go beyond translations before interpreting or using test scores. But this Standard is problematic. Properly translating a test and then establishing its reliability and validity within different Hispanic cultural groups is really only a first step. There is also a need to establish the validity and reliability of the test within different levels of linguistic proficiencies within different Hispanic cultural groups.

This is another example of how the standards are fundamentally naive about the linguistic nature of Hispanic populations in the United States. A well-translated, well-normed test will be confronted not by Spanish speakers of one level of proficiency, but by the typical bilingual Spanish-speaking population of this country: culturally diverse and bilingually diverse.

Standard 9.8 speaks to the need for concurrence between what a test measures and what a credential or an occupation demand in terms of actual performance on the job. Particular attention is given in this Standard to the equivalence that should exist in the linguistic demands of the test and those on the job.

Standard 9.9 requires that tests that are available in two languages must provide evidence that each linguistic version is comparable to the other in terms of reliability, validity (particularly construct validity) and other data. Once again, however, this Standard does not address the existential reality of bilinguals in the United States. Tests that are available in two languages have to demonstrate equivalence across a wide spectrum of linguistic abilities.

Standard 9.10 is critical to this chapter as well as to all testing of Hispanic individuals. The measurement of linguistic proficiency should be done across "a range of language features" (pg. 154) and in more than one testing format (e.g., multiple choice). Language proficiency is a crucial covariant or control measure in much of what Chapter 9 of the new Standards proposes as solutions to testing bilingual individuals. Here, the requirement is that language proficiency must be measured in multiple ways. This is an important directive, a critically necessary albeit insufficient step in testing bilingual populations. What remains unaddressed is how such multiple measures of linguistic proficiency are to be used for the interpretation of test scores in both the primary and the secondary language and across the language proficiency profiles that exist in Hispanic and other bilingual populations.

Standard 9.11 is on interpreters. It touches on what is probably the most common historical accommodation in the testing of Hispanics. Unfortunately, it is the most problematic standard in this

chapter. As mentioned, there are no data to substantiate the assumption that it is possible to use an interpreter without severely and negatively affecting the standardization requisites, psychometric properties and the interpretation of test scores. It seems to sanction the translation of tests by the interpreter. It requires that the tester assume responsibility for the competence of the interpreter when there is no empirically validated model for training interpreters. Also, in most real-life situations, it is the school district or the clinic that is responsible for selecting, training, and assigning interpreters to testing situations. This is a Standard that urgently needs more deliberation and research.

One interesting omission in the new standards is the historical accommodation that when there are no appropriate tests available there should be more testing. This is a welcomed change. However, this change should be broadly publicized in order to stop the practice of "more testing."

FEDERAL NON-DISCRIMINATION PRINCIPLES AND GUIDELINES

The issue of nondiscriminatory testing took on a unique significance in the federal courts in the early 1970's because of the overrepresentation of minority students in classes for pupils with disabilities. The most current and extensive analysis of nondiscriminatory assessment has been done by the U.S. Office of Civil Rights (U.S. Department of Education, In press). Their Resource Guide, however, does not just address nondiscriminatory assessment from the perspective of special education diagnosis. It extends the application of nondiscriminatory assessment beyond special education to all high stakes testing and all assessment methods (norm-referenced, criterion referenced, and alternative testing methods). An important point highlighted by this Resource Guide is that nondiscriminatory assessment must be seen as part of the high-standards movement in American education. It must include, *a priori*, equity in the provision of opportunities to learn for all students.

In educational contexts, tests function as measures of system accountability and as measures of current status or prediction for the

student. Unlike employment testing, however, the guide underlines a critical distinction made by the courts:

If tests predict that a person is going to be a poor employee, the employer can legitimately deny the person the job, but if tests suggest that a young child is probably going to be a poor student, a school cannot on that basis alone deny that child the opportunity to improve and develop the academic skills necessary to success in our society.

(Larry P. v. Riles, 1984; cited in U.S. Department of Education, In press, pg. ii)

The OCR Resource Guide is fundamentally an exposition of the "testing and assessment principles that lie at the core of Title VI of the Civil Rights Act of 1964 (Title VI) and Title IX of the Education Amendments of 1972 (Title IX)" (U.S. Department of Education, In press, pg. i). Two legal theories of test discrimination are presented: disparate impact and disparate treatment.

The analysis of disparate impact concentrates on whether test practices and policies, regardless of neutrality of application, produce adverse consequences (pg. iv) with specific racial, gender, or national origin groups. The negative consequences described include granting or denial of benefits or opportunities (pg. iv). Educational necessity is the only exception in this regard. This means that tests must be reliable and valid for their intended educational purpose. Further, tests may not be used under this analysis if they are not the least discriminatory practical alternative that can serve the educational institutions educational purpose (pg. iv). There are three criteria that define "disparate impact." First, a test yields disparate results based on race, national origin, or gender. Second, the test has no educational utility. Third, there are no other practical, valid, or reliable alternatives to assess the students.

For Hispanic students, ample evidence exists showing that tests do cause disparate outcomes in high-stakes decisions: high special education representation rates for LEP students in certain categories of disabilities (United States Department of Education, 1993), low representation rates in programs for the Gifted and Talented

(Callahan, Hunsaker, Adams, Moore, & Blend, 1995), low representation rates in higher education (President's Advisory Commission on Educational Excellence for Hispanic Americans, 1996).

For all students, the question of a test's educational usefulness can often be answered in the negative with respect to curricular, remedial, or pedagogical decisions about an individual. For example, the most test-driven educational document, the special education Individualized Education Program (IEP), has not produced educational benefits to children with disabilities (Skrtic, 1991). A clear distinction needs to be made here that educational usefulness is both an individual as well as a system consideration. It may work for the latter but not the former, particularly when a test score for a bilingual Hispanic child contains systematic error (American Educational Research Association, et al., 1985, Chapter 13; 1999, Chapter 9). The educational usefulness of tests with Hispanic students is an issue that needs serious, empirical consideration. The possible attenuation of tests' predictive validity with Hispanic, bilingual populations augurs badly for any form of instructional validity or educational utility.

Invalid inferences are highly probable when tests are used on Hispanic children with varying degrees of exposure to a language other than English. The tests measure something other than what they intend to measure. Predictive validity studies that control for language background strongly indicate that psychometric bias is a real possibility in the testing of students from diverse linguistic backgrounds (Figueroa, 1990; Figueroa & Garcia, 1995). There is a great need for large, longitudinal studies on the predictive validity of tests used in educational contexts holding linguistic background and proficiencies as controls. If this type of predictive bias is further substantiated, the legal theory of disparate impact with Hispanic students would be significantly strengthened.

As to the question of practical alternatives, these exist: grades, portfolios, student work products keyed to rubrics, etc. The requirement that they be reliable, in a psychometric sense, however, is somewhat problematic. For example, criterion referenced tests, when they work, should be unreliable. Also, the history of testing Hispanic students clearly shows that reliability indices are insensitive

to linguistic or cultural differences. Also, the validity requirements for educationally useful alternatives to tests should focus on face, instructional and consequential indices of validity since criterion indices of validity with Hispanic students are currently suspect (Figueroa, 1990; Figueroa & Garcia, 1995).

On the matter of cut-off scores, the OCR Resource Guide relies on the principle that the method and rationale for setting the cut score, including the technical analyses, should be presented in a manual or in a report (American Educational Research Association, et al., 1985, Standard 6.9). The most prevalent use of such scores occurs in colleges and universities with respect to admissions. Yet, institutions of higher learning typically do not provide any technical analyses that would justify a particular cut-off score on educational grounds. More often than not, universities set up cut-off scores without any empirical consideration as to what score differentiates between those who can learn in university settings and those who cannot. Cut scores ignore the systematic under-education of Hispanic students. Whereas institutions of higher learning may see them as indices of merit, for most Hispanic students they are also measures of unequal opportunities to learn at the K-12 level. Cut scores are largely responsible for their underrepresentation in institutions of higher learning. Further, as the National Council of La Raza reports, California's Proposition 209 banning affirmative action programs in colleges and universities may re-established the prominence of using cut scores in the SAT and GRE exams for admission purposes. The impact of this would only exacerbate an already inequitable situation. Between 1987 and 1997, Hispanic students' SAT scores decreased in relation to White students' (National Council of La Raza, 1998).

The analysis of disparate treatment focuses on whether testing policies or practices are done differently for individuals or groups with distinct racial, national origin, or gender characteristics. Examples of differential treatments would include being tested under different conditions (pg. iv) or whether students with the same test scores are treated differently by an educational institution (pg. iv). The OCR Resource Guide fails to consider the possibility that for a Hispanic student from a linguistically or culturally different background, tests administered in English are tests given under different conditions (pg. iv) than those for a monolingual, monocultural student. Clearly, given

the evidence reviewed here and acknowledged by the Standards for Educational and Psychological Testing (American Educational Research Association, et al., 1985; 1999) this is an issue that should be addressed by the U.S. Office for Civil Rights.

The Resource Guide's section on Equal Opportunity for Limited-English Proficient Students (pg. 9) is quite inadequate in this respect. Some of its suggested accommodations lack any empirical justification (e.g., bilingual dictionaries) and may actually attenuate psychometric properties. Similarly, the suggested "remedies" are problematic for Hispanic children and youth: test more, revise the test, substitute the test.

Presently, a strong argument can be made that tests produce disparate impacts and that they do constitute a disparate treatment with Hispanic students from diverse linguistic backgrounds. The viability of such arguments should be debated. It should be done on two levels: the legal/policy level and the psychometric/professional level (with respect to consequential validity).

CHAPTER 4: BIAS

In the early part of the 20th century, the discussion of bias in tests and testing focused on two areas: the impact of the "language handicap" experienced by bilingual individuals and the possible misinterpretation of test data to assert genetic differences among groups, particularly with regards to intelligence. But it was not until the 1960's that the problem of test bias became prominent. Tests were linked with tracking and segregation policies in school districts in several court cases. Most notably in Hobsen v. Hansen (1967), the pivotal use of academic aptitude tests for tracking African American children in vocational, high school programs was outlawed by the court. The court found that the tests were biased because they could not really measure student learning potential and because they produced the sort of segregation proscribed by Brown v. Board of Education.

In Hobsen v. Hansen (1967) and subsequent litigation that involved testing practices (Diana v. California Board of Education, 1970; Larry v. Riles, 1979), test bias became linked with the civil rights meaning of bias, discrimination, and prejudice. One of the consequences of this linkage was a vigorous response from the testing community in the form of extensive research on the empirical documentation of bias. Studies conducted on racial/ethnic groups across the full spectrum of available tests were fairly unanimous: test bias could not be found (Cleary, Humphreys, Kendrick, & Wesman, 1975) in the multiple indices of reliability (items, factors, alternate forms, retest) and all the various forms of validity (content, criterion, concurrent, construct).

However, a careful examination and interpretation of the research data on Hispanics since the 1920's suggests that there is evidence of bias. Table 1 presents the sources of test bias and the degree empirical evidence available.

TABLE 1
SOURCES OF TEST BIAS WITH HISPANIC
TEST-TAKERS

**1) SIGNIFICANT EXPOSURE TO A LANGUAGE
OTHER-THAN ENGLISH**

Extensive documentation

**2) PROCESSING SPEED IN THE WEAKER
LANGUAGE**

Extensive documentation

4) USING TRANSLATIONS OF TESTS

Extensive documentation

6) DIMINISHED OPPORTUNITY TO LEARN

Extensive documentation

5) DECISION-MAKING BASED ON TESTS

Emerging documentation

3) USING INTERPRETERS DURING TESTING

Emerging documentation

The following is an extended explanation of each source of bias presented in Table 1.

1) Since the 1920's, Hispanic children and adults have consistently demonstrated a classic test profile on tests of mental ability and academic achievement: low [English] verbal scores and high non-verbal/math test scores. The depressed verbal scores are directly related to the degree of exposure to Spanish in the home and the community. Tests in English, since they are generally normed on monolingual English speaking populations, inherently tap a developmental sequence of English proficiency and English literacy. When exposure to English varies in degree across chronological ages (as with simultaneous bilinguals), or in the time of onset (as with sequential bilinguals), or both, tests register this as a subtrahend. Item analysis studies (Sandoval, 1979; Figueroa, 1983) clearly show this as a generalized impact throughout the test items rather than as a discrete phenomenon affecting some items and not others. This explains why studies of test bias in test item structures have not found such bias (Cotter & Burke, 1981). It also explains why internal indices of test reliability and stability have also not found bias with Hispanic children and adults (Valdes & Figueroa, 1994). Item difficulty levels are not changed. The total scores are lower, but the test items perform the same way regardless of English proficiency.

The most powerful of impact from exposure to Spanish is manifested in one of the most critical functions of tests: prediction. Though empirical data have suggested this from the beginnings of psychometrics, more recent studies have clearly documented that the greater the degree of exposure to Spanish the lower the predictive validity of [English] tests (Gandara, Keogh, Yashioka-Maxwell, 1980; Pilkington, Piersel, & Ponterotto, 1988; Emerling, 1990; Kaufman & Wang, 1992; Stone, 1992; Valdez & Valdez, 1983; Valencia, 1982; Valencia & Rankin, 1988; Figueroa, 1990; Figueroa & Garcia, 1995; Pennock-Roman, 1990).

The clearest example of this comes from the validity study of the System of Multicultural Pluralistic Assessment (Mercer, 1979). Mercer developed a battery of tests that purported to operationalize the federal requirement of nondiscriminatory testing in special education diagnoses. She normed the tests in 1972 on what is in all likelihood the most random and representative sample of Hispanic children (N=700) in California. A critical aspect of this study was that the children were all judged to be English proficient by the school staff

and by those who individually administered the tests. However, the children came from three types of linguistic environments: homes where only Spanish was spoken, where Spanish and English were spoken, and where only English was spoken. In 1982, a predictive validity study of the tests was undertaken (Figueroa & Sassenrath, 1989) on approximately half of the original norming sample. It was found that on the WISC-R IQ's the predictive validity coefficients for the Hispanic children varied in direct proportion to their exposure to Spanish. Figure 1 presents these data.

See Figure 1

Figure 1 shows how the more Spanish there was in the home in 1972, the less that IQ predicted Reading and Math achievement in 1982. Ironically, the nonverbal IQ, the historically used solution for measuring mental abilities and aptitudes in bilinguals, proved to be the most hypersensitive to Spanish in the home. Other studies show similar results (Figueroa & Garcia, 1995). However, a definitive predictive validity study using multiple measures of the Hispanic subjects' English proficiency as a control urgently needs to be done. Systematic differences in predictive validity are one of the key signatures of bias in tests.

2) Differences in cognitive processing speed between monolinguals and bilinguals is dramatically demonstrated in the work of Dornic (1979, 1978a, 1978b; 1977) in Europe. Basically, he found that processing information in the weaker language produced consistently slower functioning. Further, the entire process of mentation became progressively more and more vulnerable (to the point of shutting down) when the material was too complex, when the testing situation was too noisy, or when stress levels increased. The importance of these findings for testing that is done under timed, noisy or stressful conditions with Hispanic children merits further research. It should be noted, however, that accommodations providing more time for English learners are already routinely recommended.

These are critical findings whose relevance may extend beyond issues of test fairness or bias. Processing speed and automaticity are crucial requisites for certain academic skills. Currently, for example,

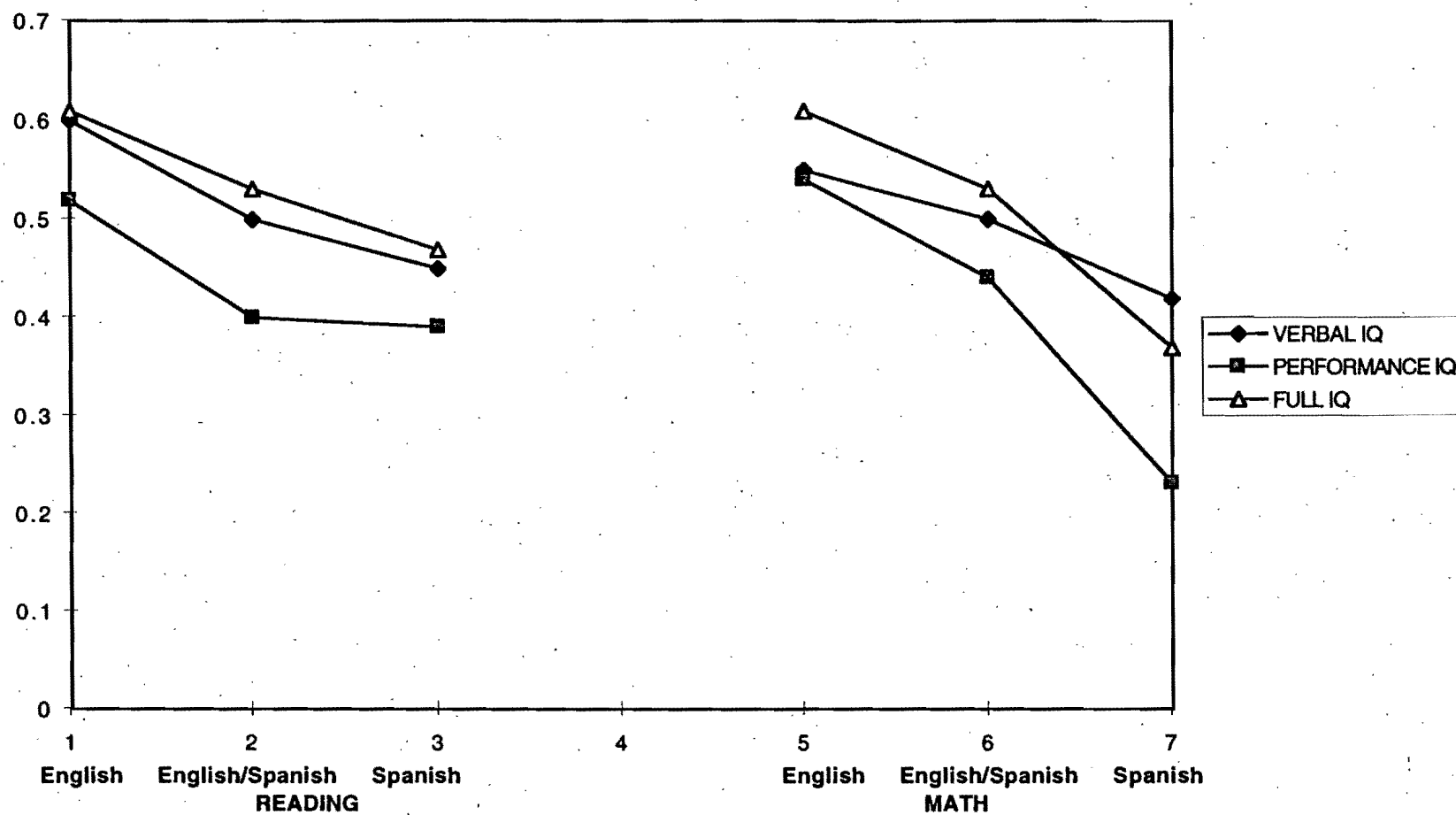


Figure 1: Evidence of psychometric bias in the predictive validity of 1972 IQ's relative to 1982 standardized measures of reading and math achievement for Hispanic children's home language background.

the great emphasis being given to fluency in reading as a major indicator of reading proficiency may well be biased or invalid when applied to Hispanic English-language learners.

Research has also continued to document how Hispanic and Japanese bilingual children are better at naming digits backward than monolingual children (Jensen & Inouye, 1980; Figueroa, 1987). Though the typical explanation attributes this to bilingualism, a more precise explanation may be slower processing in English in children from Spanish-speaking homes. Slower processing may actually be favorable for naming digits backward. Just as likely, slower processing may come from translating material into Spanish and then back into English. In conditions where "slow" is not an impediment, there may be better remembering and possibly better learning (Malakoff & Hakuta, 1991).

3) The 1985 and 1999 standards place all manner of caveats on translating tests without any re-norming on the target populations for which the translation was developed. The rationale for this is quite clear. When a test is normed, the item difficulty levels and the actual norms flow from the responses of the norming sample. Translating a test, no matter how well done, no matter if the translation is then back-translated to English, does not necessarily produce either an equivalent or a useful instrument. But are the caveats in the 1985 and 1999 standards about translating tests devoid of any empirical proof? Can psychometricians really proceed with elaborate directives on how to translate tests (Geisinger, 1994b) without having to actually re-norm the new, translated test?

In 1982, the Mexican government undertook a renorming of the WISC-R intelligence test in Mexico City (Gomez-Palacio, Escamilla, & Roll, 1983). They began with a straight translation of the verbal test items as well as all the instructions. They also added extra items to most of the verbal subtests in order to make these more aligned to Mexican children's opportunities-to-learn in both their public schools and their communities. When the norming was finished, approximately 80% of the items that were translated from the English survived. The critical questions in this discussion are: What happened to the test items? Did they remain in the same location as when they were in the translation and in the English version? Figure 2 answers

these questions. The item sequence in the Vocabulary subtest of WISC-R and the Mexican WISC-R are presented.

See Figure 2

Not only do the item sequences, or the degree of difficulty that the children experienced with each word, change; they did so in a most unusual manner. In the first half of the Vocabulary subtest, the items were generally easier for Mexican children. In the second half, there were more items that were harder. Overall, Figure 1 clearly shows that equivalence of tests merely through translation does not work. This refutes the practices associated with just translating a test. The new translated test, in all likelihood, will not be equivalent to the first. The Mexico City data indicate that translating a test, no matter how well done, is a biased procedure. It produces an instrument with unknown psychometric characteristics. It precludes any useful decisions based on the scores.

4) Tests are based on a set of critical assumptions. It is assumed that the individual being tested has had similar experiences as the individuals who generate the test norms. It is concomitantly assumed that there is general equivalence in the opportunities that individuals have had to learn the content in the test, the linguistic genre of the test, and the demands of tests. Intelligence and achievement tests are particularly dependent on meeting these assumptions since without them the attributions to intellectual or academic abilities cannot be reasonably made.

In the case of achievement testing, however, it is possible to determine from multiple research sources when the opportunity to learn for a population is not even or not fair (Orfield & Yun, 1999; Moreno, 1999). In this case, the test scores may reflect or even assess opportunity-to-learn. They become measures of system accountability. Such scores, however, may not reflect the learning ability of the individual nor his/her potential for learning. In effect, any high-stakes decisions based on scores that do not meet the assumptions of some equivalence in opportunity-to-learn can be unfair and invalid. Such may be the case in statewide testing programs when the tests are administered in English to English-language learners. The scores themselves become in unknown

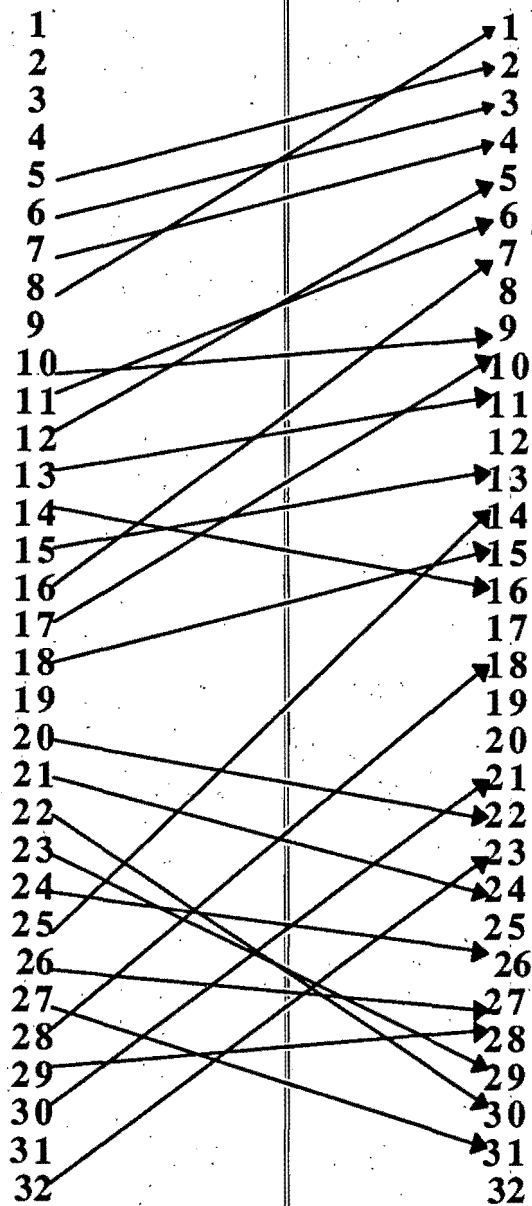


Figure 2: Changes in the item difficulty levels of WISC-R Vocabulary items and the translated Vocabulary Items in the Mexican WISC-R as a function of the Mexico City norming study.

degrees measures of opportunity-to-learn (and English language proficiency) not of individual achievement and certainly not of future academic achievement.

In 1982, the National Academy of Sciences broke tradition with American psychology (Heller, Holzman, & Messick, 1982). It suggested that individual differences in academic achievement may not be the primary source of score differences. It recommended that before a child is tested for special education diagnosis, his or her present instructional setting be evaluated for its validity, effectiveness, and delivery. Similar considerations should be taken into account when testing Hispanic children from diverse cultural, linguistic and schooling communities in the United States.

5) The 1985 Standards for Educational and Psychological Testing were criticized (Valdes & Figueroa, 1994) for not addressing one of the most commonly used practices in the testing of bilingual individuals, i.e., the use of interpreters. The 1999 standards finally discuss this practice. But they also endorse it and set about describing the who, how and what for using an interpreter during testing. The unfortunate aspect of this is that there is no empirical evidence in the testing literature that can attest to the procedural equivalence of this process to doing testing in one language or to any scientific documentation that the process actually works reasonably well.

In fact, the few doctoral studies that have recently been done investigating the use of interpreters conclude the opposite (DuFon, 1991; Sanchez-Boyce, 1999). Sanchez-Boyce's dissertation (1999) describes the actual process of using an interpreter during individualized testing sessions for special education placement of Hispanic students as chaotic, erratic, and fairly devoid of any standardization procedures. She documents how the conclusions reached from such testing sessions are really socially constructed and have no bearing to what the child can or cannot actually do. Research is urgently needed in this widespread practice to either refute or validate these investigations. If the latter turns out to be the case, the 1999 standards should be revised relative to their endorsement of the use of interpreters and it should be done before the next comprehensive draft appears around 2010.

6) The actual process of making decisions on the basis of test scores administered in either English or Spanish has never received much attention. Recently, however, Sandoval (1998) has heuristically taken findings from the research literature on decision-making theory and attempted to apply them to the testing situation where the subject is from a different cultural and linguistic background. Table 2 presents the multiple set of considerations that a test-user must engage or consider when testing a Hispanic subject.

TABLE 2**FACTORS TO CONSIDER IN MAKING
DIAGNOSTIC DECISIONS WHERE ISSUES
OF LINGUISTIC AND CULTURAL DIVERSITY APPLY****I. REPRESENTATIVE BIAS**

- IGNORING THE PREVALENCE OF A BEHAVIOR IN A GIVEN POPULATION
- REACHING DECISIONS ON THE BASIS OF A LIMITED SAMPLE OF OBSERVATIONS
- FAILING TO TAKE INTO ACCOUNT THE FACT THAT SOME SCORES WILL BE OFF BY CHANCE
- MAKING PREMATURE CAUSAL INFERENCES ON THE BASIS OF CORRELATIONS THAT ARE NOT GENERALIZEABLE, COHERENT, CONSISTENT, ROBUST, OR REVERSIBLE

II. CONFIRMATORY BIAS FROM WHAT IS EXPECTED OR WHAT IS STEREOTYPIC**III. AVAILABILITY BIAS OR BIAS THAT COMES FROM VIVID, RECENT DATA****IV. BIAS DUE TO INTELLECTUAL LIMITATIONS OR COGNITIVE OVERLOAD DUE TO HIGH DEGREES OF COMPLEXITY (E.G., INTERACTIONS AMONG CULTURAL, LINGUISTIC, AND OPPORTUNITY-TO-LEARN VARIABLES)**

Assuming that even half of these considerations are robust in doing testing and diagnostic work with Hispanic populations, two implications arise: Can anyone with cultural and linguistic backgrounds that are different from the student being tested actually do the task? And, Is it possible to train individuals to effectively use these parameters in making test/diagnostic decisions? As noted earlier, decision-making has never been adequately studied with multilingual and multicultural populations. The distinct possibility exists that this has been and continues to be an inadequately studied source of test bias with Hispanic populations.

The content of this chapter provides empirical evidence that tests used with Hispanic students show evidence of bias. Comprehensive, longitudinal investigations on this question should be commissioned. The impact of Hispanic culture and Spanish language proficiency levels on the predictive, consequential, and/or instructional validity indices of tests should be determined.

CHAPTER 5. EDUCATIONAL ACCOUNTABILITY

For all Hispanic Americans, achievement tests are one of the most important sources of information affecting their lives and communities. The emphasis on higher academic standards for American schools has brought with it an unparalleled degree concern about system and student accountability. Achievement tests supposedly fulfill this goal better than any other indicator. The precarious aspect of this is that achievement tests are among the most difficult measurement instruments to develop and interpret particularly when they are given in group situations in order to compare academic gains across states, school districts and schools (Cronbach, Linn, Brennan, & Haertel, 1998). These are fragile instruments that suffer from low reliabilities and that all too often assess not just what has been learned but also degrees of English-language proficiency, cultural differences, socioeconomic status in the home and community, quality of past and present pedagogy, and the economic advantage or disadvantage of school districts.

Historically, achievement tests have nearly always described a chronic pattern of underachievement for Hispanic students of all ages. Reynolds (1933) called attention to the one to two-standard deviation differences in achievement test scores between Anglo and Hispanic American populations in the Southwest. In the Coleman Report (Coleman et al, 1966), the academic levels of Mexican American and Puerto Rican children continued to show a one to two-standard deviation deficit compared to White children. In the 1970's the U.S. Commission on Civil Rights (1971a, 1971b, 1972, 1973, 1974) documented a similar level of underachievement for Mexican American children. These reports also found that the education of Mexican American children differed significantly from that of White children: fewer questions from their teachers, less reinforcement for their classroom responses, poorer schools, no reflection of their ethnic/cultural background in the curricula, and no Mexican American models in the teaching, administrative, or counseling staffs. Other data in the 1980's and 1990's also continued to show evidence of comprehensive, national levels of underachievement among Hispanic

children and youth (National Commission on Secondary Education for Hispanics, 1984a,b; Arias, 1986; Valencia, 1991; President's Advisory Commission on Educational Excellence for Hispanic Americans, 1996; National Council of La Raza, 1998; Laosa, 1998; Moreno, 1999).

Recently, the National Council of La Raza (1998) updated the data on the status of Latino students' education. Although there are some modest gains between the NAEP achievement scores of Hispanic students across the country between 1988 and 1994, particularly in math and science, the overall picture is one of decline. The achievement gap between White and Hispanic students continues to increase. Key indicators (lower enrollment in preschool programs than White students, higher Hispanic enrollment below modal grade, underrepresentation in gifted and talented programs, increased enrollment in segregated schools, a 103% increase in suspension rates, a growing digital divide, an increase in the drop-out rates between White and Hispanic students, etc.) show that Hispanic students continue to have different educational experiences than their White counterparts in the public schools of the United States.

Yet achievement tests have always operated under the belief that the public schools provide similar educational experiences and opportunities for all students. In 1975, this belief was explicitly noted in a report from the American Psychological Association (Cleary, Humphreys, Kendrick, & Wesman, 1975):

It is recognized that three assumptions are basic to this report. The first assumption is acceptance of a single society, heterogeneous though it may be, rather than a divided one. The second assumption is that few radical changes are expected in curriculum content or methodology of instruction in our educational establishment.....The third assumption accepts the importance of evaluation in education.

The assumption of homogeneity of "opportunity to learn" in the public schools of the United States is never really mentioned, but it is implied. With all achievement testing, this is a necessary condition that must be met prior to any interpretation about a student's or a group's level of academic achievement. Recently, Orfield & Yun (1999) have documented a national trend towards more segregation

of Hispanic students in the public schools of the United States. As has always been the case, segregated schools typically have fewer financial resources, the most inexperienced teachers, and the lowest academic achievement levels. In effect, the Hispanic student does not receive the same curricula or pedagogy or resources as do those students in affluent or middle-income school districts. The issue of differential "opportunities to learn" for Hispanic children in the public schools of the United States during the last 100 years is incontrovertible.

According to the legal analysis on "Nondiscrimination in High Stakes Testing" authored by the U.S. Office for Civil Rights, this condition establishes a claim of substantive due process violation related to achievement testing because "the students were not taught the material on which the tests were based" (U.S. Department of Education, 1999, pg. 2). This is a national claim and one that needs to be addressed, particularly in the current climate of setting progressively higher and higher academic standards without a concomitant resolve to equalize opportunities to learn.

NEW INITIATIVES

The 1990's produced an unprecedented degree of attention about the measurement of academic achievement in Hispanic students. For example, considerable legislative work was focused on including English language learners in all large scale achievement testing programs (Goals 2000, Educate America Act, P.L. 103-227; the Perkins Act, P.L. 98-524; Improving America's Schools Act, P.L. 103-328). Three initiatives, however, are particularly noteworthy because of their potential impact on national policy and discussion on this matter: the new Standards for Educational and Psychological Testing (American Educational Research Association, American Psychological Association, National Council on Measurement in Education, 1999), the report of the National Research Council on Improving Schooling for Language-Minority Children (August & Hakuta, 1997), and Grading the Nation's Report Card, by the National Research Council. Each of these addresses the challenges involved in testing the academic achievement of English language learners.

In the new Standards for Educational and Psychological Testing (American Educational Research Association, et al., 1999), there is a particularly powerful caveat noted with respect to achievement tests: it is not known how much they become measures of English language proficiency when they are used with individuals whose primary language is not just English. ["..among non-native speakers of the language of the test, one may not know whether a test designed to measure primarily academic achievement becomes in whole or in part a measure of proficiency in the language of the test" (pg. 9-4)]. Across the United States, however, the test scores of English-language learners are never described in these terms nor is the possible degree of test bias or error recognized.

Statewide testing programs of academic achievement should include statewide standardized measure of English language proficiency capable of measuring multiple dimensions of this competence. As the 1999 testing standards suggest, a determination should be made first about which language is dominant. Then, the degree of proficiency in the dominant language should be measured along dimensions such as reading, writing, comprehension, grammar, pronunciation, and communicative competence. There should be a clear understanding, however, that even with this type of comprehensive language proficiency assessment, knowledge in certain domains may be missed by achievement tests. The new Standards therefore recommend doing academic testing in both languages even when proficiency in English is established.

In 1997, the National Research Council through its Committee on Developing a Research Agenda on the Education of Limited-English-Proficient and Bilingual Students ostensibly summarized the current knowledge base on testing English-language learners in its report on Improving Schooling for Language-Minority Children (August & Hakuta, 1997). Four contemporary concerns are addressed: the measurement and use of students' L1 and L2 linguistic proficiencies in school districts across the United States, the use of tests with bilingual students for entrance and exit criteria from educational programs (including Title I and special education), the impact of L1 on the validity and reliability of tests, and the

measurement of academic achievement particularly in standards-driven educational contexts.

The report sets forth the following research agenda for the assessment of second language learners (August & Hakuta, 1997, pgs. 113-134):

1) Given that current tests tend to measure only discrete linguistic features, the assessment of linguistic proficiencies in L1 and L2 needs to be aligned with current research on how language acquisition occurs in children in bilingual communities.

2) Because different dimensions of English are required by different academic subjects and in different grades, it is necessary to determine how to use multifaceted measurements of English proficiency to validly predict success in English-only classrooms.

3) Research is needed on how to measure knowledge in academic subjects. Specifically: Does testing in English underestimate academic knowledge if English proficiency is limited? Does lack of familiarity with "test language" affect academic test scores even when the tests are given in the primary language? Is it better to test in English or in the primary language when subject matter has been given only in English? What is the impact on test scores from varying levels of native language proficiency, years of schooling in English, and difficulty of academic content?

4) Studies need to be done on how English learners take tests. Specifically, how test demands, test format and test language (e.g., instructions) affect scores. Also, when can an English learner validly and reliably take a test in English and when does an English learner need test modifications or accommodations? Further, what is the impact of such modifications on test reliability and validity?

5) How can rater or scorer error be reduced in "open-ended or performance-based" (pg. 130) assessments

when the test-taker's English proficiency can influence scoring decisions?

6) The standards and accountability reform movements in education call for content, performance and opportunity-to-learn benchmarks (McLaughlin & Shepard, 1995) throughout schools, school districts and federal programs. Research is needed on how to operationalize these for English-language learners. Specifically: Can indicators of subject matter competence, and English proficiency development be produced for English language learners? How can the progress of English-language learners (ELLs) be gauged within school district standards and on indices of academic achievement? If nonstandard assessments are used with ELLs, how can these be included within state and district accountability measures? What is the operational meaning of "yearly progress" for ELLs given the possibility that ELLs "may take more time to meet ...standards" (pg. 127)? Finally, given the fact that there are few data on effective pedagogical, curricular, or contextual conditions for the schooling of ELLs, how can opportunity-to-learn standards be operationalized for them?

There is one area missing in this research agenda. In spite of the fact that there is text (pgs. 124-125) in the report on meeting the assessment needs of English-language learners referred for special education testing, the report fails to heed its own voice. Because there are no assessment instruments that can differentiate between linguistic/cultural differences and disabilities, research is needed on how to operationalize the "nondiscriminatory assessment" provisions of federal special education laws, as these apply to Hispanic, English-language learners.

By and large, the research agenda proposed by the National Research Council should be endorsed and funded. Its importance is twofold. First, it points to work that is vitally needed now. Second, it highlights the elementary stage that the country is in with respect to measuring the academic achievement levels of English language learners.

The National Research Council has also evaluated the efforts of the National Assessment of Educational Progress (NAEP) in measuring the academic achievement of all students in the United States (Pellegrino, Jones, & Mitchell, 1999). The National Assessment of Educational Progress (NAEP) is one of the more problematic test-developers and test-users with respect to the academic achievement testing of Hispanic students. Up to the 1990s, the NAEP, for example, did not even have reliable procedures for identifying the ethnic background of Hispanic students (Rivera, 1986; Rivera & Pennock-Roman, 1987; Baratz-Snowden, Pollack, & Rock, 1988). The manner in which the students were chosen for inclusion in NAEP testing was not random and systematically excluded English language learners. Even when the NAEP attempted to address the complexities associated with testing Hispanic children, their efforts were so flawed that they precluded any meaningful interpretation of test scores (e.g., Baratz-Snowden, Rock, Pollack, & Wilder, 1988).

In the most recent report on the NAEP, the National Research Council (Pellegrino, Jones, & Mitchell, 1999) pays particular attention to the assessment of English language learners. Asserting that the NAEP and other assessment programs have made many efforts to accommodate the special needs of English language learners (Olson & Goldstein, 1997), this report highlights the efforts of the Puerto Rico Assessment of Educational Progress, a unique Spanish language translation and accommodation of NAEP mathematics tests. After its administration in Puerto Rico, several key findings about the complexities associated with transporting American tests across languages were found: translations often fail (Anderson & Olson, 1996), and item response theory analyses yield noncomparable scales for English and Spanish versions of the test (Olson & Goldstein, 1997). In another study (Anderson, Jenkins, & Miller, 1996), similar conclusions were reached with respect to the translation of other NAEP tests: "the translated versions of the assessment are not parallel in measurement properties to the English version and that scores are not comparable" (pg. 31).

In 1995, a field test of the NAEP mathematics test included more English language learners than ever before. In fact, where previously the NAEP instructed schools across the nation on which

ELL students to exclude, in this field test the instructions were on how to include ELL students whom the school staff thought could actually take the test. Also, the following accommodations were included: more time, more testing sessions, different testing sessions (group and individual), using an interpreter to elaborate on instructions, and test booklets in Spanish. There is some evidence that accommodations do enhance participation, but it remains to be seen what the effect of such accommodations on test scores will be. Recent research from UCLA suggests that the benefits may be marginal (Abedi, 1999a,b,c). Problems also remain with respect to the test technology used to identify and classify ELL students nationally and with respect to the wide variation across states and school districts in the criteria that they use for these purposes (August & Lara, 1996; Valdes & Figueroa, 1994). As the National Research Council acknowledges:

To date, the dilemmas described ... have not been resolved. Children potentially in need of native language support are still being assessed at entry level using one of several instruments that many scholars have questioned, and some years later they are tested again using another of such instruments that is in no way comparable to the first. The field is no closer to developing means for assessing whether a child can or cannot function satisfactorily in an all-English program or participate in all-English large-scale assessments than it was in 1964.

(Pellegrino, Jones, & Mitchell, 1999, pg. 105)

Table 3 presents the research agenda suggested by the National Research Council in order to help the NAEP cope with the inclusion of English language learners as part of the Nation's Report Card. As will be noted, some of these (e.g., using translations) are questionable given the historical and scientific experience of the country with such procedures.

TABLE 3**THE NATIONAL RESEARCH COUNCIL'S RESEARCH AGENDA
FOR INCLUDING ENGLISH LANGUAGE LEARNERS IN THE
NATIONAL ASSESSMENT FOR EDUCATIONAL PROGRESS**

What types of demands do different assessments make on English language learners and how do different types of accommodations help different types of students?

How do accommodations affect the construct validity of the tests?

Is it useful and cost effective to try accommodations such as translations?

Do scores from accommodated administrations have the same scaling properties and can they be reported in the same fashion as for all other students in the NAEP?

Do English language learners have the same opportunity to learn and curricula as non-ELL students?

What are possible, alternative assessment methods for ELLs?

(Pellegrino, Jones, & Mitchell, 1999, pg. 110-111)

Table 4 presents the major conclusions and recommendations of the National Research Council for the NAEP's testing of English language learners.

TABLE 4

THE NATIONAL RESEARCH COUNCIL'S MAJOR CONCLUSIONS AND RECOMMENDATIONS FOR TESTING ENGLISH LANGUAGE LEARNERS ON THE NATIONAL ASSESSMENT FOR EDUCATIONAL PROGRESS (NAEP)

"CONCLUSIONS

Conclusion 3A. The participation and accommodation of English-language learners are necessary if NAEP results are to be representative of the nation's students. There is currently a paucity of interpretable achievement data and accompanying contextual data on the performance and educational needs of these populations.

Conclusion 3B. Enhanced participation of English language learners in NAEP depends on (1) the consistent application of well-defined criteria to identify these students and (2) accurate collection and reporting of information about them.

Recommendations

Recommendation 3A. NAEP should include sufficient numbers of English language learners in the large-scale assessment so that the results are representative of the nation and reliable subgroup information can be reported.

Recommendation 3B. Criteria for identifying English language learners for inclusion in the large-scale survey need to be more clearly defined and consistently applied.

Recommendation 3C. For students who cannot participate in NAEP's standard large-scale surveys, appropriate, alternative

methods should be devised for the ongoing collection of data on their achievement, educational opportunities, and instructional experiences.

Recommendation 3D. In order to accomplish the committee's recommendations, the NAEP program should investigate the following:

- XI. Methods for appropriately assessing, providing accommodations, and reporting on the achievements of English language learners, and
- XII. Effects of changes in inclusion criteria and accommodation trends in achievement results."

(Pellegrino, Jones, & Mitchell, 1999, pg. 112-113)

Tables 3 and 4 present an exceedingly modest set of recommendations for English language learners and for Hispanic

children. Some of these recommendations go back nearly 80 years (Sanchez, 1934; Reynolds, 1933). It is time for a comprehensive set of action plans to make large-scale, educational accountability systems, such as the NAEP, relevant and useful for the educational present and future of Hispanic children. The points made in Tables 3 and 4 are good starting points. But there are other, more complex issues that need to be asked and answered. For example, assuming that it is possible to measure students' multidimensional levels of proficiency in both languages, the challenge remains as to what to do with language proficiency scores. Should they be used to generate expectancy scores? Should they be used to adjust achievement scores to compensate for error? Should they alter cut-off for eligibility, detention or promotion purposes? Research is needed to establish the function of such scores for interpreting the academic achievement of Hispanic, bilingual individuals with varying levels of acculturation and from the multiple ethnic and cultural backgrounds of Hispanic Americans.

CHAPTER 6. DIAGNOSTIC TESTING FOR SPECIAL EDUCATION

Linguistic minority children, for nearly a century, have tended to overpopulate classes for students with mental disabilities. No other area of education is as linked to issues of genetic differences in intelligence as special education. The fundamental question that has plagued this area of American education is why there are too many minority children with low IQ's. Race psychologists in the 20's and 30's attributed this to genetic inferiority. Apostles of the same doctrine have asserted the same in the 1960's and continue to do so even now.

"On the other hand you look at a lot of kids in the inner cities who have not seen a book by the time they come to kindergarten, and you give them one and they hold it upside down and the wrong way." The language interactions that they've had at home are nil. They have never even heard these sound systems. Are they lousy readers? A lot of them are. Are they genetically predisposed? Some of them are making that combination a tough one to treat."

(Reid Lyon, quoted in
Taylor, 1998, pg. 192)

In the 1960's, the federal courts entered this debate. The questions posed then were: Why are there too many minority children in classrooms for the mentally retarded? And, Are the tests used to diagnose mental disabilities biased against them? Many of these court cases focused on the possible linguistic bias of IQ tests and on the denial of equal educational opportunities to Hispanic students placed in special education (Diana v. California Board of Education, 1970; Jose P. v. Ambach, 1979; Arreola v. Board of Education, 1968 Guadalupe Organization v. Tempe School District, 1978; Ruiz v. State Board of Education, 1971; Covarrubias v. San Diego Unified School District, 1972; Lora v. Board of Education of the City of New York, 1984). For the most part, the courts ruled in the direction of using non-verbal tests of intelligence, establishing monitoring systems for determining when Hispanic children were overrepresented in classes for students with mental disabilities, and overseeing training

programs for staff in order to do nondiscriminatory assessments. This last provision became part of the federal law for special education in 1975 and was repeated in the mandates for the 1997 Individuals with Disabilities Education Act. However, nondiscriminatory assessment remains either an enigma or serious problem for the American Psychological Association. In its latest, major document on testing individuals from diverse backgrounds (Sandoval et al, 1998), nondiscriminatory assessment does not exist.

The sort of testing that is done in order to determine whether a child has disabilities is unique in education. It is really an analog of what a medical doctor does when an individual has serious symptoms. Most children who are tested for special education placement go to the school psychologist with one predominant symptom, poor reading. After the administration of a few or many, many tests, the psychologist does a diagnosis and at an Individualize Education Program meeting recommends either special or general education placement. At that time he/she also prescribes a treatment to cure the symptom. But the similarities between a medical doctor and a school psychologist are illusory. The tests that the school psychologist uses have no real power to diagnose and the educational treatments are usually ineffective (Skrtic, 1991).

Most children who are tested for special education have no clear, biological reasons that triggered the testing. Most children are sent to special education testing between the 2nd and 5th grades. Again, the predominant reason for being sent is poor reading. There are four categories of disabilities (Learning Disabilities, mild Mental Retardation, Behavioral Disorders, Speech and Language Problems) that are unique in this entire enterprise because they are suspect. Many researchers have argued that the diagnostic tests used in special education are incapable of differentiating among these four disabilities (Keogh 1990; Lyon, 1996). Also, for many children, particularly from culturally and linguistically diverse backgrounds, these categories may be socially constructed. That is to say, these students could have a disability or their symptoms could be due to socioeconomic, cultural, linguistic or poor opportunity-to-learn factors (Rueda & Forness, 1994; Trueba, 1987; Heller, Holtzman, & Messick, 1982). The tests, however, cannot diagnose the difference.

For Hispanic children, the Handicapped Minority Research Institutes in Texas and California (Rueda, Figueroa, Mercado, & Cardoza, 1984; Rueda, Cardoza, Mercer, & Carpenter, 1984; Garcia, 1985; Ortiz, 1986; Ortiz & Maldonado-Colon, 1986; Ortiz & Polyzoi, 1986, 1987; Ortiz & Yates, 1987; Swedo, 1987; Wilikinson & Ortiz, 1986; Willig & Swedo, 1987) documented the unique problems faced by Hispanic children and their families when confronted by the testing/diagnostic process in special education. Language proficiency levels of the students were often not considered. Most testing was done in English. The linguistic challenges experienced by English learners were often diagnosed as a disability. Depending on the tests given, a Hispanic child could easily qualify for the Learning Disability or the Communication Handicapped categories. When retested after being in special education, the Hispanic children's IQs decreased. Limited English Proficient students were more likely to be categorized with another disability. Tests developed and normed for Spanish-speaking children were just as problematic as tests normed on English speakers. If the parents were born outside the U.S., there was a greater likelihood that their child would end up in special education. Finally, it was found that diagnostic tests were capricious in their diagnoses: when the tests were given to an entire class of Hispanic children in general education, 53% were found eligible for the Learning Disability program. When mentally retarded Hispanic children were tested, 43% of them were diagnosed as learning disabled. It should be noted that many researchers in the area of special education see no problem in the use of psychometric tests with Hispanic or African American children. For them, the issue of nondiscriminatory assessment simply does not apply. Neither do linguistic and cultural factors described in the 1985 or 1999 Testing Standards (e.g., MacMillan, Gresham, & Bocian, 1998).

Special education testing with Hispanic students has very little empirical, research data to support many of its extant practices. The development of diagnostic tests normed on Spanish-speaking populations abroad provides one of the most widespread uses of diagnostic instruments with Hispanic children. But as some have argued:

"The bilingual is NOT the sum of two complete or incomplete monolinguals: rather he or she has a unique and specific linguistic configuration. The coexistence and constant

interaction of two languages in the bilingual has produced a different but complete linguistic entity."

(Grosjean, 1989, pg.6)

"When a bilingual individual confronts a monolingual test, developed by monolingual individuals, and standardized and normed on a monolingual population, both the test taker and the test are asked to do something that they cannot. The bilingual test taker cannot perform like the monolingual. The monolingual test cannot measure in the other language.

Ironically, single-language tests deceptively measure the monolingual part of the bilingual (one or the other of the bilingual's two languages), irrespective of proficiency in that language, and they do so reliably. But these tests fail insofar as they may exclude mental content that is available to the bilingual in the other language, and mental processes and abilities that are the product of bilingualism (Hakuta & Garcia, 1989; Hakuta, Ferdman, & Diaz, 1986)."

(Valdes & Figueroa, 1994, pg. 87)

There is an urgent need to determine the diagnostic validity of Spanish language tests normed on monolingual populations and used for diagnostic purposes with U.S. bilingual populations.

Another current practice in special education testing of Hispanic children is to test repeatedly until the right diagnostic profile appears or to conduct elaborate decision-making procedures in order to get to the real disability. Data exist, independent of issues of cultural and language differences, indicating that the more testing that is done the less likely the real disability will appear (Mehan, Hertweck, & Meihls, 1986; Taylor, 1991).

The use of interpreters is widespread in special education testing (Langdon, 1994). As already mentioned, emerging, empirical data on this practice suggest that it should be proscribed. Another common practice in special education testing is the use of translated tests. This practice should also be stopped.

Though most of this chapter has focused on diagnostic testing, other forms of assessments are routinely done in special education

(curriculum-based assessments, functional assessments, ecological assessments, dynamic assessments, etc.), the same general principles that have been discussed with respect linguistic/cultural differences, bias, validity and reliability apply. For the population of Hispanic children and their families, all of these testing practices also need to be considered in light of several questions: Does placement in special education provide any educational benefits for the student? Does any testing really help to promote educational achievement in special education? Many researchers (Skrtic, 1995; Figueroa & Artiles, 1999; Mehan, Hertweck, & Meihls, 1986) would answer both in the negative.

Finally, there is the question of testing for placement in the gifted and talented programs across the United States. The search of a measure of Hispanic intelligence that would give Hispanic students a fair chance at being equitably represented in such programs has been extensive (Bernal & Reyna, 1975; Chambers, Barron, & Sprecher, 1980; Zappia, 1989; Perrine, 1989; Bermudez & Rakow, 1990; Marquez, Bermudez & Rakow, 1992; Johnsen, Ryser, & Dougherty, 1993; Sawyer & Marquez, 1993; Garcia, 1994; Maker, 1994; Maker, Nielson, & Rogers, 1996). By and large, however, none of these have succeeded in establishing a national procedure for identifying gifted Hispanic students. Hispanic pupils, accordingly, are very underrepresented in these programs. They will continue to be absent as long as tests and eligibility criteria for gifted and talented programs fail to realize that the opportunity-to-learn experiences of Hispanic children in America's public schools are very different and that tests respond to these differences in the form of lower scores. Cultural factors may also complicate this form of assessment. Data suggest that the typical family contexts in Hispanic homes of high academically gifted students varies significantly from Anglo, middle class homes. There, family values take precedence over individualism and bilingualism is prized over monolingualism (Soto, 1988; Fernandez & Nielsen, 1986; Hine, 1993).

For the emerging Hispanic community in the United States, there is an overarching question to be asked about the education of their intelligent children: Is it a good idea to isolate the "smartest" and to give only them an enriched, gifted education? or, Is it a better idea to offer this to all students, including those with disabilities? Some

research on programs for the gifted in close-knit communities and in schools suggests that the social impact of these programs can be quite negative for all children, their parents and their communities (Margolin, 1994; Sapon-Shevin, 1994).

CHAPTER 7 : OTHER TYPES OF TESTING

Two other broad types of tests are often given to Hispanic students in educational settings. These are personality and vocational tests. Both are used in counseling settings, though the former is also used for special education diagnoses of emotional disturbance or personality disorders. Both, in varying degrees, are affected by the same issues extant in all other forms of assessments with Hispanic students: cultural differences and linguistic backgrounds.

PERSONALITY TESTING

The empirical and professional literature on personality tests, by and large, has never really attended to the issues of cultural differences or bilingualism in the Hispanic community (Malgaby, Constantino, & Rogler, 1987; Olmedo, 1981; Bernal, & Castro, 1994). The official guidelines for providers of psychological services to ethnic, linguistic, and culturally diverse populations (American Psychological Association, 1993) acknowledges that there are problems associated with tests that have not been validated for use with minority populations. But there are no serious limitations placed on their use. Similarly, cultural factors in mental health testing and diagnosis receive very little attention in the "Diagnostic and Statistical Manual of Mental Disorders IV" (Dana, 1995).

As a consequence, some psychological providers recommend that tests be used with interpreters, with norms from other countries (e.g., Spain), or as a spontaneous translation (e.g., Nieves-Grafals, 1995; Dana, 1995). Yet, there is evidence that Hispanic test-takers can give different meanings to the connotative, emotive vocabulary that is often used in such tests (Brizuela, 1975; Diaz-Guerrero, 1988; Gonzalez-Reigoza, 1976). Similarly, there is research on how they express affective material in ways that are quite different in Spanish than in English (Gonzalez, 1978; Ruiz, 1975). Also, data exist on how Hispanic clients are rated differently on personality variables when they are evaluated in English versus when they are evaluated

in Spanish (Grand, Marcos, Freedman, & Barroso, 1977; Westermeyer, 1987; Edgerton & Karno, 1971).

A contemporary approach to personality testing involves the parallel use of tests of acculturation. Research on one such test, the "Acculturation Rating Scale for Mexican Americans" (ARSMA I & II) (Cuellar, Harris, & Jasso, 1980; Cuellar, Arnold, & Maldonado, 1995) has proven to be of some importance both in terms of heuristics and improvements in the personality testing of Hispanics (Velasquez & Callahan, 1992). It has been demonstrated, for example, that on the most widely used test of personality, the MMPI, Hispanic Americans whose cultural orientation is traditional show more pathology. These outcomes are basically the result of differential (cultural) treatment. The ARSMA studies show this (Dana, 1995) in a particularly way, though other research similarly confirms that differential cultural impacts persist even in the MMPI-2 (Whitworth & McBlaine, 1993; Whitworth & Unterbrink, 1994).

The use of acculturation scales, such as the ARSMA I and II, is usually limited to one group of Hispanics. Currently, acculturation scales are more abundant for Cuban American and Mexican American populations (Marin, 1992). Their use, therefore, is limited. Also the use of such scales remains optional. No attempt is being made to psychometrically incorporate such measures into tests such as the MMPI. Admittedly, however, using measures of acculturation or sociocultural variation to correct score bias has not fared well in the past. The Sociocultural Scales of the System of Multicultural Pluralistic Assessment (SOMPA) (Mercer, 1979), for example, do produce a new IQ-estimate based on the degree of distance that a Hispanic child's family exhibits from middle class, White families. But the new IQ proved to be neither a better predictor nor a better "corrector" (Figueroa & Sassenrath, 1989; Valdes & Figueroa, 1994).

There is formal resistance to norming a test such as the MMPI within Hispanic populations. This is a reluctance that cuts across all types of tests currently in use. As Dana (1995) has suggested, the press for group-specific norms may have to come from studies showing the error or mistake rates that mono-normative tests produce in personality diagnoses with Hispanics. In many ways these data are

already available in all other areas of testing. Most tests do produce negative, differential impacts with Hispanic students.

The present state of testing Hispanics on personality tests relies on a series of questionable practices: making testers "culturally competent," making "corrections" on the tests, promoting ideographic, tester interpretations based on measures of acculturation. There is very little, actual research on how to do diagnostic personality work with Hispanic children and youth (Cervantes & Arroyo, 1994). As a consequence, recommendations to clinicians, even when they are very well crafted (e.g., Cervantes & Arroyo, 1994), remain anecdotal and of unknown generalizability, utility and validity. As is the case with most tests used in the United States, new tests specifically made appropriate for the Hispanic populations' bilingual, multicultural status are needed. Preliminary efforts in this regard (Costantino, Malgady, Rogler, & Tsui, 1988) have been fruitful and deserve more research and development. A sea change in attitude about testing distinctly bilingual/multicultural populations is needed within the testing community in the United States. Dana (1995) notes:

"The [current] repertoire of standard tests emerged in an era when a melting pot conception of acculturation was in vogue and new immigrants were expected to assume a relatively homogeneous identity after three generations in this country. This expectation did not occur uniformly even for descendents of European immigrants. Now that diversity instead of homogenization has become the hallmark of American society, professional acts and technologies must reflect this societal change."

(Dana, 1995, pg. 314)

OCCUPATIONAL INTEREST TESTS

Helping a student choose a career and plan a requisite program of academic preparation are critical counseling functions. Often, this process begins with the administration of interest inventories as early as elementary school. A fundamental assumption behind these tests is that students in society have somewhat equivalent levels of cultural

capital. That is, they have a relatively realistic notion about how societal systems function and what it takes to negotiate entrance into such systems. In terms of careers and jobs, cultural capital means knowing what defines a particular area of occupational interest and what levels are possible within a chosen occupation. Cultural capital in this context also means knowing how to negotiate entrance into systems that help produce the requisite competencies and the desired job or career. For Hispanic students, recent research (Stanton-Salazar, 1997; Stanton-Salazar & Dornbusch, 1995) suggests that, in fact, cultural capital is not easily accessed by them.

Research on the use and impact of occupational interest tests with Hispanic students is neither elaborate nor elegant. There are not many studies and those that do exist do not control for either bilingualism or acculturation in terms of cultural capital.

On the other hand, the related area of employment testing is uniquely optimistic about its fairness, validity and virtual universality (e.g., Ramos, 1992) for use with Hispanic adults. Some of this comes from predictive validity studies that show that there are no differences in the way tests function with Hispanic job applicants. The problem here, however, is that these tests are very poor predictors for everybody and that the effects of bilingualism on predictive validity remains unknown. Also, a central element discovered in the employment testing of Hispanics is that so much of the success in the tests and in the jobs depends on educational background.

CHAPTER 8 - SUMMARY AND RECOMMENDATIONS

The testing of Hispanic children has not made much progress in the 20th century. The areas where there has been quite a bit of progress is in the empirical documentation of the impact of bilingualism on test scores and on the development of policies and caveats associated with the testing of Hispanic individuals. However, there has not been much progress in test development and technology in any area of testing with respect to these students.

On the basis of what has been reviewed, six options appear to exist concerning the measurement of Hispanic students' abilities, achievements, personality, and occupational interests: 1) tests can be administered in English using what are basically monocultural norms, 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 situation can be provided, 4) a testing 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 manifested in differential, negative outcomes, 6) Hispanic-specific local norms can be developed in order to compare students against students with similar cultural, linguistic, and scholastic experiences, and 7) school systems and opportunities-to-learn are made equitable for Hispanic children across the United States thereby meeting the crucial assumption of tests about experiential homogeneity. At present, only the first three are viable and in use. None of these three, 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 (Valdes & Figueroa, 1994) but has received virtually no support. 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 and that can be documented by the tests' ability to measure contextual effects. 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 become manifest in the tests administered in English.

The sixth option may well be the most immediately relevant for both test developers and the Hispanic communities in the United States. But there is a great deal of opposition from both political and professional interests. Ethnic/linguistic norms will provide comparisons among children with generally homogeneous experiences and background in local communities. But, they arouse suspicions about a "divided" society. They may also be seen as sources of reverse discrimination. In employment testing, the courts and Congress have refused to accept group-specific norming precisely because of issues related to reverse discrimination (Sireci & Geisinger, 1998). Ironically, the intellectual community has not been so reluctant. The National Academy of Sciences recommended this as a solution to the bias that employment tests affect among job applicants with differential opportunities-to-learn (Hartigan & Wigdor, 1989). Education, however, has always occupied a different status with the courts. This may also apply with regards to testing in educational contexts. The issue of group norms in all aspects of schooling should be studied and debated. Certainly, the 1999 Standards for Educational and Psychological Testing may already have sided with this option. There are clear mandates there that validity needs to be grounded within linguistic groups when research indicates that test scores are affected by language background (Comment for Standard 9.2)

The seventh is the best option; but if history is any indicator, it is the one most likely to take multi-generations to accomplish. It is also the option that best explains why tests are such a failure for Hispanic communities. The primary problem with tests is not the tests. It is the educational context in which they are developed, used, and studied. The historical and contemporary data have clearly documented that in the United States public education has not worked for Hispanic children. Tests help and perpetuate much of the dysfunction that Hispanic children get in schools.

The one positive conclusion that can be drawn from the review presented in this document is that the testing community is finally beginning to realize that the problems with testing Hispanic students are far more complex than ever imagined and that they are potentially irremediable in the *status quo* (Heller, Holzman, & Messick, 1982; American Educational Research Association, et al., 1985, 1999; Pellegrino, Jones, & Mitchell, 1999; August & Hakuta, 1997; Sandoval et al., 1998; Heubert & Hauser, 1999). The solution to the problems engendered and embodied in tests resides in changing the educational experiences of Hispanic children.

A compelling example of what this may entail was described by Garcia and Otheguy (1995). They set out to answer four research questions in an ethnographic 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 U.S. 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 this 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."

Garcia and Otheguy, 1995, pg. 99-100)

The public education of Hispanic children needs to focus on education. It needs to be reformed pre-eminently in terms of local control. Until such time as when the U.S. educational system is locally and proportionally controlled by Hispanic communities and until it 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 of bias, differential treatments and differential outcomes. They will continue to impede the future of Hispanic communities. Tests will work when the public education of Hispanic children becomes democratic and effective.

RECOMMENDATIONS

- I. The U.S. Office for Civil Rights should undertake a legal analysis of test-usage with Hispanic students and individuals, focusing on the dysjuncture that exists between what the Standards for Educational and Psychological Testing prescribe and what test users (individual testers, school district testing programs, state testing programs) actually do. Particular attention should be focused on the testing of bilingual individuals.**
- II. The U.S. Office for Civil Rights needs to consider whether the "disparate treatment" legal analysis under Title VI and Title IX statutes applies to the historical experience of many, if not most, Hispanic students with tests and testing. A compelling, empirical argument can be made that they are tested under different conditions: They are tested with monolingual norms when most of them have varying levels of bilingual status, all of which have left and indelible, if not unerasable, mark on all tests that use English as the main vehicle for eliciting responses; Their scores show evidence of attenuated predictive validity related directly to their varying levels of exposure to Spanish; and, There is evidence of bias in construct validity in tests of intellectual ability with respect to the Freedom from Distractibility factor.**
- III. There is a widespread belief that with students for whom current testing technology may not be appropriate, the thing to do is to test them more. There is no evidence to support this belief. There are, however, data suggesting that excessive testing does not improve diagnostic decisions (Mehan, Hertweck, & Meihls, 1986), but, rather, that it may negatively affect children (Taylor, 1991). This practice should be discouraged.**
- IV. The U.S. Office for Civil Rights needs to consider whether the "disparate impact" legal analysis under Title VI and Title IX statutes applies to the comprehensive, and chronic pattern of Hispanic students' underrepresentation in Gifted**

and Talented programs, their overrepresentation in programs for students with disabilities, and their miniscule presence in institutions of higher learning in the United States. There is, in effect, a clear pattern of a disparate impact from testing practices across a wide array of tests used in multiple educational contexts. There is also compelling evidence that there is bias in prediction and that this differentially constricts tests' educational purposes when used with most Hispanic students.

- V. Translated test should not be used. There is very little likelihood that the new, translated test will have the same technical properties as the original, and there is a substantial likelihood that the translated test will not work. The practice of translating tests and of using their scores for making decisions about individuals should stop.
- VI. Recent publications on diversity and test accommodations are linking the issues relevant to English language learners with those that are meaningful for students with disabilities. One of the great historical mistakes in American Education has been the tendency to perceive bilingualism as a handicap. A clear distinction, if not separation, needs to be drawn between the issues that are significant in meeting the challenges of a disability with those involved in the education of children with two linguistic systems. For example, special education is dedicated to diminishing the impact of a disability. The education of English learners should not be guided by the diminution of an asset such as bilingualism.
- VII. Tests that purport to have equivalent test versions in English and Spanish need to show empirical evidence that, in fact, there equivalence. Similarly, research is urgently needed on whether bilingual, Hispanic children in the United States can be validly and fairly compared on Spanish/English tests that relied on monolingual samples to generate monolingual norms in English and Spanish.

- VIII. As currently envisioned in the 1999 pre-publication version of the Standards for Educational and Psychological Testing, interpreters can be trained and used in testing situations. New data on this practice, however, suggest that the use of interpreters may somewhat comprehensively destroy standardization. Further, in special education, the use of interpreters may lead to invalid inferences and conclusions. The use of interpreters should be discouraged, if not, proscribed. Interpreters are basically poor substitutes for what should be provided to Hispanic students: culturally knowledgeable, linguistically competent testers from their own communities. The failure to recruit, train and graduate Hispanics in the testing professions cannot be ameliorated by the use of interpreters. This is a practice that may really be a malpractice.
- IX. The 1999 Standards for Educational and Psychological Testing are also problematic in the areas of language proficiency testing and the use of testing accommodations with bilingual subjects. It is recommended that the Standards in Chapter 9 for "Testing Individuals of Diverse Linguistic Backgrounds" be analyzed by experts in second-language acquisition, language proficiency testing, and bilingual assessment in order to examine the ambiguities and the assumptions of that chapter.
- X. There is empirical evidence that tests used with Hispanic students show evidence of bias. Comprehensive, longitudinal investigations on this question should be commissioned. The impact of Hispanic culture and Spanish language proficiency levels on the predictive, consequential, and/or instructional validity indices of tests should be determined.
- XI. The U. S. Office for Civil Rights should conduct an analysis of testing practices with Hispanic students throughout the states and by the National Assessment for Educational Progress to determine whether some or all of these do not

meet the legal criteria of discrimination under Title VI and Title IX.

- XII.** The research agenda on assessment proposed by the National Research Council's Committee on Developing a Research Agenda on the Education of Limited-English-Proficient and Bilingual Students in its report on Improving Schooling for Language-Minority Children (August, & Hakuta, 1997) should be endorsed and funded.
- XIII.** It is time for a comprehensive set of action plans to make large-scale, educational accountability systems, such as the NAEP, relevant and useful for the educational present and future of Hispanic children. The Recommendations of the National Research Council on testing English language learners on the NAEP (Tables 4 and 5) should be adopted, funded and applied. They should also be broadened to include Hispanic children from all the major ethnic cultural backgrounds. The issues related to cultural factors in achievement testing (acculturation, the measurement of acculturation, the use of acculturation levels, etc.) should be investigated.
- XIV.** There is an urgent need to determine the diagnostic validity of Spanish language tests normed on monolingual populations and used for diagnostic purposes with U.S. bilingual populations. Diagnostic tests should not be administered to Hispanic students or they should be relegated to a lower status in the decision-making process for special education, or gifted and talented education. Alternatives to the typical battery of diagnostic tests exist, all the way from placing a child in an enriched treatment situation to diagnosing their work products.
- XV.** There is very little, actual research on how to do diagnostic personality work with Hispanic children and youth. As is the case with most tests used in the United States, new personality tests specifically made appropriate for the

Hispanic populations' bilingual, multicultural status are needed.

- XVI. Given the widespread use of occupational interest tests with elementary and high school students, as well as their possible role in tracking students in academic programs, the lack of research on the use and impact of these measurement instruments on Hispanic children and youth is a major knowledge-gap. It is recommended that research in this area of testing be significantly and quickly increased.
- XVII. Student scores should be interpreted within a school district's normative framework. That is to say, the national or statewide comparisons that are used to determine an individual's eligibility for promotion, graduation, or admissions to higher education should no longer be made. For example, if a state university system accepts only the top 10% of the students in any given state, those should come from the top 10% within each school district. This does not preclude the use of tests to measure the performance of school systems (schools, districts) to determine how well or how poorly they are working. Clearly, however, in those school districts where there is *de facto* segregation and where resources are differentially allocated, local norming will not work. There, school-based norming may be the solution.
- XVIII. The starting point for the reform of unfair testing with Hispanic students is not the tests. It is the instructional context. Until there is some semblance in equity of standards, curricula, pedagogy and resources throughout schools, school districts and states, tests will continue to reify the inequality of educational opportunities in the country. Tests will continue to blame the Hispanic student for low scores and will continue to deny him or her promotion, eligibility and opportunity.

REFERENCES

Abedi, J. (1999a). *NCME examining the effectiveness of accommodation on math performance of English Language Learners*. Paper presented at the 1999 AERA conference, Montreal, Canada.

Abedi, J. (1999b). *The impact of students' background characteristics on accommodation results for students with limited English proficiency*. Paper presented at the 1999 AERA Conference, Montreal, Canada.

Abedi, J. (1999c). *NAEP math test accommodations for students with limited English proficiency*. Paper presented at the 1999 AERA Conference, Montreal, Canada.

Altus, W.D. (1945). Racial and bi-lingual group differences in predictability and in mean aptitude test scores in an Army special training center. *Psychological Bulletin*, 42, 310-320.

Altus, W.D. (1949). The Mexican American: The survival of a culture. *The Journal of Social Psychology*, 29, 211-220

American Educational Research Association, American Psychological Association, The National Council on Measurement in Education. (1966). *Standards for educational and psychological tests and manuals*. Washington, DC: American Psychological Association.

American Educational Research Association, American Psychological Association, The National Council on Measurement in Education. (1974). *Standards for educational and psychological tests and manuals*. Washington, DC: American Psychological Association.

American Educational Research Association, American Psychological Association, National Council on Measurement in Education. (1985). *Standards for educational and psychological testing*. Washington, DC: American Psychological Association.

American Educational Research Association, American Psychological Association, The National Council on Measurement in Education. (1999). *Standards for educational and psychological testing*. Washington, DC: American Psychological Association.

American Psychological Association (1993). Guidelines for providers of psychological services to ethnic, linguistic, and culturally diverse populations. *American Psychologist*, 48, 45-48.

Ammons, R.B. & Aguero, A. (1950). The Full-Range Picture Vocabulary Test: VII. Results for a Spanish American school-age population. *Journal of Social Psychology*, 32, 3-10.

Anderson, N.E., Jenkins, F.F., & Miller, K.E. (1996). *NAEP inclusion criteria and testing accommodations: Findings from the NAEP 1995 field test in mathematics*. Princeton, NJ: Educational Testing Service.

Anderson, N.E. & Olson, J. (1996). *Puerto Rico Assessment of Educational Progress: 1994 PRAEP Technical Report*. Princeton, NJ: Educational Testing Service.

Arreola v. Santa Ana Board of Education (Orange County, California). No. 160-577. (1968).

Arsenian, S. (1945). Bilingualism in the post-war world. *Psychological Bulletin*, 42, 65-86.

Arias, B. (Ed.). (1986). The education of Hispanic Americans: A challenge for the future. *American Journal of Education*, 95.

August, D., & Hakuta, K. (Eds.). (1997). *Improving schooling for language-minority children: A research agenda*. Washington, DC: National Academy Press.

August, D. & Lara J. (1996). Systemic reform and limited English proficient students. Washington, D. C.: Council of Chief State School Officers.

Baratz-Snowden, J., Pollack, J., & Rock, D. (1988). *Quality of responses of selected items on NAEP special study student survey*. Princeton, NJ: National Assessment of Educational Progress.

Baratz-Snowden, J., Rock, D., Pollack, J., & Wilder, G. (1988). *The educational progress of language minority children: Findings from the 1985-86 special study*. Princeton, NJ: Educational Testing Service.

Bell, R. (1935). *Public school education of second generation Japanese in California*. Stanford, CA: Stanford University Press.

Bermudez, A.B. & Rakow, S.J. (1990). Analyzing teachers' perceptions of identification procedures for gifted and talented Hispanic limited English-proficient students at-risk. *Educational Issues of Language Minority Students*, 7, 21-34.

Bernal, E.M. Jr., & Reyna, J. (1975). Analysis and identification of giftedness in Mexican American children: A pilot study. In B.O. Boston (Ed), *A resource manual of information on educating the gifted and talented*. Reston, VA: Council for Exceptional Children.

Bernal, M.E., & Castro, F.G. (1994). Are clinical psychologists prepared for service and research with ethnic minorities?: Report of a decade of progress. *American Psychologist*, 49, 797-805.

Brigham, C.C. (1922). *A study of American intelligence*. Princeton, NJ: Princeton University Press.

Brigham, C.C. (1930). Intelligence tests of immigrant groups. *Psychological Review*, 37, 158-165.

Brizuela, C.S. (1975). Semantic differential responses of bilinguals in Argentina. *Dissertation Abstracts International*, 36(12-B), 6439. University Microfilms No. 76-13, 514).

Brown, G.L. (1922). Intelligence as related to nationality. *Journal of Educational Research*, 5, 324-327.

Brown v. Board of Education. 347 U.S. 483 (1954).

Callahan, C.M., Hunsaker, S.L., Adams, C.M., Moore, S.D., & Blend, L.C. (1995). *Instruments used in the identification of gifted and talented students*. Charlottesville, VA: The National Research Center on the Gifted and Talented, Research Monograph 95130.

Cebollero, P.A. (1936). Reactions of Puerto Rican children in New York City to psychological tests. An analysis of the study by Armstrong, Achilles, and Sacks of the same name. San Juan, P.R.: The Puerto Rico School Review, pt. 11.

Cervantes, R.C., & Arroyo, W. (1994). DSM-IV: Implications for Hispanic children and adolescents. *Hispanic Journal of Behavioral Sciences*, 16, 8-27.

Chambers, J.A., Barron, F., & Sprecher, J.W. (1980). Identifying gifted Mexican American students. *Gifted Child Quarterly*, 24, 123-128.

Cleary, T.A., Humphrey, L.G., Kendrick, S.A., & Wesman, A. (1975). Educational uses of tests with disadvantaged students. *American Psychologist*, 15, 15-40.

Coleman, J.S., et al. (1966). Equality of educational opportunity. Washington, D.C.: U.S. Office of Education.

Costantino, G., Malgady, R.G., Rogler, L.H., & Tsui, E.C. (1988). Discriminant analysis of clinical outpatients and public school children by TEMAS: A Thematic Apperception Test for Hispanics and Blacks. *Journal of Personality Assessment*, 52, 670-678.

Colvin, S.S. (1921). Intelligence and its measurement: A symposium (IV). *Journal of Educational Psychology*, 12, 136-139.

Cotter, D.E. & Berk, R.A. (1981). *Item bias in the WISC-R using Black, White, and Hispanic learning disabled children*. Paper presented at the Annual Meeting of the American Educational Research Association, Los Angeles, CA.

Covarrubias v. San Diego Unified School District. No. 70-394-T, San Diego, CA. (1972).

Cronbach, L.J., Linn, R.L., Brennan, R.L., & Haertel, E.H. (1997). Generalizability analysis for performance assessments of student achievement or school effectiveness. *Educational Psychological Measurement*, 57, 373-399.

Cuellar, I., Arnold, B., & Maldonado, R. (1995). Acculturation Rating Scale for Mexican Americans-II: A revision of the original ARSMA scale. *Hispanic Journal of Behavioral Sciences*, 17, 275-304.

Cuellar, I., Harris, L.C., & Jasso, R. (1980). An acculturation scale for Mexican American normal and clinical populations. *Hispanic Journal of Behavioral Sciences*, 2, 197-217.

Dana, R.H. (1995). Culturally competent MMPI assessment of Hispanic populations. *Hispanic Journal of Behavioral Sciences*, 17, 305-319.

Darsie, M.L. (1926). The mental capacity of American-born Japanese children. *Comparative Psychology Monographs*, 3, 1-89.

Darcy, N.T. (1946). The effect of bilingualism upon the measurement of the intelligence of children of pre-school age. *Journal of Educational Psychology*, 38, 21-44.

Davenport, E.L. (1932). The intelligence quotients of Mexican and nonMexican siblings. *School and Society*, 36, 304-306.

Diana v California State Board of Education. No. C-70-37, United States District Court of Northern California. (1970).

Diaz-Guerrero, R. (1988). *Psicologia del Mexicano* [Psychology of the Mexican] (4th ed.). Mexico: Editorial Trillas.

Dornic, S. (1977). *Information processing and bilingualism*. Department of Psychology, University of Stockholm.

Dornic, S. (1978a). *Noise and language dominance*. Department of Psychology, University of Stockholm.

Dornic, S. (1978b). The bilingual's performance: Language dominance, stress, and individual differences. In D. Gerver & H. Sinaiko (Eds.), *Language and Interpretation and Communication*. New York: Plenum Press.

Dornic, S. (1979). Information processing in bilinguals: Some selected issues. *Psychological Research*, 40, 329-348.

DuFon, M.A. (1991). Politeness in interpreted and non-interpreted IEP (Individualized Education Program) conferences with Hispanic Americans. (Doctoral dissertation, University of Hawaii, 1991). *UMI Dissertation Services*, 1345950.

Edgerton, R.B., & Karno, M. (1971). Mexican-American bilingualism and the perception of mental illness. *Archives of General Psychiatry*, 24, 286-290.

Emerling, F. (1990). An investigation of test bias in two nonverbal cognitive measures for two ethnic groups. *Journal of Psychoeducational Assessment*, 3, 233-244.

Feingold, G.A. (1924). Intelligence of the first generation of immigrant groups. *Journal of Educational Psychology*, 15, 65-82.

Fernandez, R.M., & Nielsen, F. (1986). Bilingualism and Hispanic scholastic achievement: Some baseline results. *Social Science Research*, 15, 43-70.

Figueroa, R.A. (1983). Test bias and Hispanic children. *Journal of Special Education*, 17, 431-440.

Figueroa, R.A. (1987). *Special education assessment of Hispanic pupils in California: Looking ahead to the 1990s*. Sacramento: California State Department of Education, Office of Special Education.

Figueroa, R.A. (1990). Assessment of linguistic minority group children. In C.R. Reynolds and R.W. Kamphaus (Eds.), *Handbook of psychological and educational assessment of children: Vol 1. Intelligence and achievement*. New York: Guilford.

Figueroa, R.A. & Artiles, A. (1999). Disproportionate minority placement in special education programs: Old problem, new explanations. In A. Tashakkori & S.H. Ochoa (Eds.), *Readings on Equal Education: Volume 16, Education of Hispanics in the United States: Politics, Policies, and Outcomes* (pgs. 93-118). New York: AMS Press.

Figueroa, R.A., & Garcia, E. (1994). Issues in testing students from culturally and linguistically diverse backgrounds. *Multicultural Education*, 2, 10-23.

Figueroa, R.A., & Garcia, E. (1995). Issues in testing students from culturally and linguistically diverse backgrounds. *Multicultural Education*, Fall 1994, p.10-19.

Figueroa, R.A., & Sassenrath, J.M. (1989). A longitudinal study of the predictive validity of the System of Multicultural Pluralistic Assessment (SOMPA). *Psychology in the Schools*, 26, 5-19.

Gandara, P., Keogh, B.K., & Yoshioka-Maxwell, B. (1980). Predicting academic performance of Anglo and Mexican American Kindergarten children. *Psychology in the Schools*, 17, 174-177.

Garcia, J.H. (1994). Nonstandardized instruments for the assessment of Mexican-American children for gifted/talented programs. In S.B. Garcia (Ed), *Addressing Cultural and Linguistic Diversity in Special Education: Issues and trends* (pp 46-57). Reston, VA: The Council for Exceptional Children.

Garcia, S.B. (1985). Characteristics of limited English proficient Hispanic students served in programs for the learning disabled: Implications for policy, practice and research (Part 1). *Bilingual Special Education Newsletter*, pp1-5.

Garcia, O. & Otheguy, R. (1995). The bilingual education of Cuban American children in Dade County's ethnic schools. In O. Garcia & C. Baker (Eds.), *Policy and practice in bilingual education: A reader extending the foundations* (pgs. 93-102). Clevedon, England: Multilingual Matters.

Garth, T.R. (1928). A study of the intelligence and achievement of full-blooded Indians. *Journal of Applied Psychology*, 12, 511-516.

Garth, T.R., (1920). Racial differences in mental fatigue. *Journal of Applied Psychology*, 4, 235-244.

Geisinger, K.F. (1992). Fairness and selected psychometric issues in the psychological testing of Hispanics. In K.F. Geisinger (Ed.), *Psychological testing of Hispanics* (pgs. 17-42). Washington, DC: American Psychological Association.

Geisinger, K.F. (Ed.). (1992). *Psychological testing of Hispanics*. Washington, DC: American Psychological Association.

Geisinger, K.F. (1994a). Psychometric issues in testing students with disabilities. *Applied Measurement in education*, 7, 121-140.

Geisinger, K.F. (1994b). Cross cultural normative assessment: Translation and adaptation issues influencing the normative interpretation of assessment instruments. *Psychological Assessment*, 6, 304-312.

Gomez-Palacio, M.M., Padilla, E.R., & Roll, S. (1983). *Escala de Inteligencia para Nivel Escolar Weschler* [Wechsler Intelligence Scale for Children-Revised]. Mexico City: El Manual Moderna, S.A. de C.V.

Gonzalez, J.R. (1978). Language factors affecting treatment of bilingual schizophrenics. *Psychiatric Annals*, 8, 68-70.

Gonzalez-Reigoza, F. (1976). The anxiety-arousing effect of taboo words in bilinguals. In C.D. Spielberger & R. Diaz-Guerrero

(Eds.), *Cross-cultural anxiety* (pp. 89-105). Washington, DC: Hemisphere.

Gould, J. (1981). *The mismeasure of man*. New York: Norton.

Grand, S., Marcos, L., Freedman, N., & Barroso, F. (1977). Relation of psychopathology and bilingualism to kinesthetic aspects of interview behavior in schizophrenia. *Journal of Abnormal Psychology*, 86(5), 492-500.

Grosjean, F. (1989). Neurolinguists, beware! The bilingual is not two monolinguals in one person. *Brain and Language*, 36, 3-15.

Guadalupe Organization v. Tempe Elementary School District. 587 F.2d 1022, U.S. Dist. Court of Arizona. (1978).

Hakuta, K., Ferdman, B.M., & Diaz, R.M. (1986). *Bilingualism and cognitive development: Three perspectives and methodological implications*. Los Angeles: University of California, Los Angeles. Center for Language Education and Research.

Hakuta, K., & Garcia, E.E. (1989). Bilingualism and education. *American Psychologist*, 44, 374-379.

Hartigan, J.A. & Wigdor, A.K. (Eds.). (1989). *Fairness in employment testing: Validity generalization, minority issues, and the General Aptitude Test Battery*. Washington, D.C.: National Academy Press.

Heller, K.A., Holtzman, W.H., & Messick, S. (1982). *Placing children in special education: A strategy for equity*. Washington, DC: National Academy Press.

Heubert, J.P. & Hauser, R.M. (1999). *High stakes testing for tracking, promotion, and graduation*. Washington, D.C.: National Academy Press.

Hine, C.Y. (1993). *The home environment of gifted Puerto Rican children: Family factors which support high achievement*.

Presented at the annual National Research Symposium on Limited English Proficient Student Issues, Washington, D.C.

Hobson v Hansen. (1967). 269 F. Supp. 401 (D.D.C.).

Holtzman, W.H., Diaz-Guerrero, R., & Swartz, J.D. (1975). *Personality development in two cultures: A cross-cultural longitudinal study of school children in Mexico and the United States*. Austin: University of Texas Press.

Hung-Hsia, H. (1929). The mentality of the Chinese and Japanese. *Journal of Applied Psychology*, 13, 9-31.

Jensen, A.R., & Inouye, A. R. (1980). Level I and Level II abilities in Asian, White, and Black children. *Intelligence*, 4, 41-49.

Johnsen, S.K., Ryser, G., & Dougherty, E. (1993). The validity of product portfolios in the identification of gifted students. *Gifted International: A Talent Development Journal*, 8(1), 40-43.

Johnson, L.W. (1938). A comparison of vocabularies of Anglo-American and Spanish-American high school pupils. *Journal of Educational Psychology*, 29, 135-144.

Jose P. v. Ambach, No.C-270 (E.D.N.Y. 1979).

Kaufman, A.S., & Wang, J-J. (1992). Gender, race and education differences on the K-BIT at ages 4 to 90 years. *Journal of Psychoeducational Assessment*, 10, 219-229.

Keogh, B. K. (1990). Narrowing the gap between policy and practice. *Exceptional Children*, 57, 186-190.

Koch, H.L., & Simmons, R. (1926). A study of the test performance of American, Mexican and Negro children. *Psychology Monographs*, 35, 1-116.

Kopriva, R.J. (1999). A conceptual framework for the valid and comparable measurement of all students. Washington, D. C.: Council of Chief State School Officers.

Langdon, H.W. (1994). *The interpreter-translator process in the educational setting: A resource manual*. Sacramento, CA: Resources in Special Education, California Department of Education.

Laosa, L. M. (1998). School segregation of children who migrate to the United States from Puerto Rico. Princeton, NJ: Educational Testing Service.

Larry P. v. Riles. 343 F. Supp. 1306 (N.D. Cal. 1972) *affr* 502 F.2d 963 (9th Cir. 1974); 495 F. Supp. 926 (N.D. Cal. 1979); appeal docketed, No. 80-4027 (9th Cir., Jan. 17, 1980).

Lester, O.D. (1929). Performance tests and foreign children. *Journal of Educational Psychology*, 20, 303-309.

Lora v. Board of Education of the City of New York, 587 F. Supp. 1592 (E.D.N.Y. 1984).

Luh, C.W., & Wy, T.M. (1931). A comparative study of the intelligence of Chinese children on the Pintner performance and the Binet tests. *Journal of Social Psychology*, 2, 402-408.

Lyon, G.R. (1996). Learning disabilities. *The Future of Children: Special Education for Students with Disabilities*, 6(1), 54-76. Los Altos, CA: Center for the Future of Children, David and Lucille Packard Foundation.

MacMillan, D.L., Gresham, F.M., & Bocian, K.M. (1998). Discrepancy between definitions of learning disabilities and school practices: An empirical investigation. *Journal of Learning Disabilities*, 31, 314-326.

Maker, C.J. (1996). Identification of gifted minority students: A national problem, needed changes, and a promising solution. *The Gifted Child Quarterly*, 40, 41-50.

Maker, C.J., Nieslson, & Rogers (1994). Giftedness, diversity and problem-solving. *Teaching Exceptional Children*, 27, 4-19.

Malakoff, M., & Hakuta, K. (1991). Translation skill and metalinguistic awareness in bilinguals. In E. Bialystock (Ed.), *Language processing in bilingual children*. Cambridge, MA: Cambridge University Press.

Malgady, R., Constantino, G., & Rogler, L. (1984). Development of a thematic apperception test (TEMAS) for urban Hispanic children. *Journal of Consulting and Clinical Psychology*, 52(6), 986-996.

Manuel, H.T. (1935). *Spanish and English editions of the Stanford-Binet in relation to the abilities of Mexican children* (University of Texas Bulletin No. 3532). Austin: University of Texas.

Margolin, L. (1994). *Goodness personified: The emergence of gifted children*. New York: Aldine de Gruyter.

Marin, G. (1992). Issues in the measurement of acculturation among Hispanics. In K.F. Geisinger (Ed.), *Psychological testing of Hispanics* (pgs. 235-252). Washington, DC: American Psychological Association.

Marquez, J.A., Bermudez, A.B., & Rakow, S.J. (1992). Incorporating community perceptions in the identification of gifted and talented Hispanic students. *The Journal of Educational Issues of Language Minority Students*, 10, 117-127.

McLaughlin, M. W. & Shepard, L.A. (1995). *Improving education through standards-based reform. A report of the National of Education Panel on standards-based education reform*. Stanford, CA: National Academy of Education.

Mehan, H., Hertweck, H., & Meihls, J.L. (1986). *Handicapping the handicapped*. Palo Alto, CA: Stanford University Press.

Mercer, J.R. (1979). *The system of multicultural pluralistic assessment: Technical manual*. New York: Psychological Corporation.

Mitchell, A.J. (1937). The effect of bilingualism on the measurement of intelligence. *Elementary School Journal*, 38, 29-37.

Moreno, J.F. (Ed.)(1999). The elusive quest for equality. Cambridge, MA: Harvard Educational Review.

National Commission on Secondary Education for Hispanics. (1984a). *"Make Something Happen": Hispanic and urban high school reform. V.I.* Washington, DC: Hispanic Policy Development Project.

National Commission on Secondary Education for Hispanics. (1984b). *"Make Something Happen:" Hispanics and urban high school reform, V.II.* Washington, DC: The Hispanic Policy Development Project Inc.

National Council of La Raza. (1998). *Latino education, status and prospects.* Washington, DC: National Council of La Raza.

Neiser, U., Boodoo, G., Bouchard, T.J., Boykin, A.W., Brody, N., Ceci, S.J., Halpern, D.F., Loehlin, J.C., Perloff, R., Sternberg, R.J., & Urbina, S. (1996). Intelligence: Knows and unknowns [Task Force Report of the American Psychological Association]. *American Psychologist*, 51, 77-101.

Nieves-Grafals, S. (1995). Psychological testing as a diagnostic and therapeutic tool in the treatment of traumatized Latin American and African Refugees. *Cultural Diversity and Mental Health*, 1, 19-27.

Olmedo, E.L. (1981). Testing linguistic minorities. *American Psychologist*, 36, 1078-1085.

Olson, J.F. & Goldstein, A.A. (1997). The inclusion of students with disabilities and limited English proficiency in large-scale assessments: A summary of a recent progress. Washington, D.C.: U.S. Department of Education.

Orfield, G. & Yun, J.T. (1999). *Resegregation in American schools.* The Civil Rights Project: Harvard University.

Ortiz, A.A. (1986). Characteristics of limited English proficient Hispanic students served in programs for the learning disabled: Implications for policy and practice (Part II). *Bilingual Special Education Newsletter*, pp. 1-5.

Ortiz, A.A., & Maldonado-Colon, E. (1986). Recognizing learning disabilities in bilingual children: How to lessen inappropriate referral of language minority students to special education. *Journal of Reading, Writing, and Learning Disabilities International*, 43(1), 47-56.

Ortiz, A.A., & Polyzoi, E. (1986). *Characteristics of limited English-proficient Hispanic students served in programs for the learning disabled: Implications for policy and practice*. Austin: University of Texas. (ERIC Document Reproduction Service No. ED 267 597)

Ortiz, A.A., & Yates, J.R. (1987). *Characteristics of learning disabled, mentally retarded, and speech-language handicapped Hispanic students at initial evaluation and re-evaluation*. Unpublished manuscript, University of Texas at Austin.

Paschal, F.C., & Sullivan, L.R. (1925). Racial influences in the mental and physical development of Mexican children. *Comparative Psychology Monographs*, 3, 1-76.

Pellegrino, J.W., Jones, L.R., & Mitchell, K.J. (Eds.) (1999). *Grading the nation's report card: Evaluating NAEP and transforming the assessment of educational progress*. Washington, D.C.: National Academy Press.

Pennock-Roman, M. (1990). *Test validity and language background: A study of Hispanic American students at six universities*. New York: College Entrance Examination Board.

Perrine, J. (1989). The efficacy of situational identification of gifted Hispanics in East Los Angeles through nurturance that capitalizes on their culture. In C.J. Maker & S.W. Schiever (Eds.), *Critical issues in gifted education: Vol. 2. Defensible programs for*

cultural and ethnic minorities. Austin, TX: Pro-Ed Publishers. (pp.3-18).

Pilkington, C., Piersel, W., & Ponterotto, J. (1988). Home language as a predictor of first grade achievement for Anglo- and Mexican-American children. *Contemporary Educational Psychology*, 13(1), 1-14.

Pintner, R., & Arsenian, S. (1937). The relation of bilingualism to verbal intelligence and school adjustment. *Journal of Educational Research*, 31, 255-263.

Pintner, R., & Keller, R. (1922). Intelligence tests of foreign children. *Journal of Educational Psychology*, 13, 214-222.

Pratt, H.G. (1929). Some conclusions from a comparison of school achievement of certain racial groups. *Journal of Educational Psychology*, 20, 661-668.

President's Advisory Commission on Educational Excellence for Hispanic Americans. (1996). *Our nation on the fault line: Hispanic American education*. President's Advisory Commission on Educational Excellence for Hispanic Americans.

Ramos, R.A. (1992). Testing and assessment of Hispanics for occupational and management positions: A developmental needs analysis. In K.F. Geisinger (Ed.), *Psychological testing of Hispanics* (pgs. 173-194). Washington, D.C.: American Psychological Association.

Reynolds, A. (1933). *The education of Spanish-speaking children in five southwestern states* (1933, Bulletin No.11). Washington, DC: U.S. Department of the Interior.

Rivera, C. (1986). *The national assessment of educational progress: Issues and concerns for the assessment of Hispanic students*. Chicago: Spencer Foundation.

Rivera, C., & Pennock-Roman, M. (1987). *Issues in race/ethnicity identification procedures in the national assessment of*

educational progress, Part I: A comparison of observer reports and self-identification. Princeton, NJ: Educational Testing Service.

Rueda, R., Cardoza, D., Mercer, J.R., & Carpenter, L. (1984). *An examination of special education decision-making with Hispanic first-time referrals in large urban school districts.* Los Alamitos, CA: Southwest Regional Library.

Rueda, R., Figueroa, R., Mercado, P., & Cardoza, D. (1984). *Performance of Hispanic educable, mentally retarded learning disabled and nonclassified students on the WISC-RM, SOMPA and S-KABC.* Los Alamitos, CA: Southwest Regional Laboratory.

Rueda, R. S. & Forness, S.R. (1994). Childhood depression: Ethnic and cultural issues in special education. In R.L. Peterson & S.I. Jordan (Eds.), *Multicultural issues in the education of students with behavioral disorders* (pgs. 40-62). Cambridge, MA: Brookline.

Ruiz, E.J. (1975). Influence of bilingualism on communication groups. *International Journal of Group Psychotherapy*, 25, 391-395.

Ruiz v. State Board of Education. C.A. No. 218394 (Super. Ct. Cal, Sacramento County, 1971).

Saer, D.J. (1923). The effect of bilingualism on intelligence. *British Journal of Psychology*, 14, 25-38.

Sanchez, G.I. (1934). Bilingualism and Mental Measures: A word of caution. *Journal of Applied Psychology*, 18, 765-772.

Sanchez-Boyce, M. (1999). The use of interpreters in special education assessments. Doctoral dissertation, University of California at Davis.

Sandoval, J. (1979). The WISC-R and internal evidence of test bias with minority groups. *Journal of Consulting and Clinical Psychology*, 47, 919-927.

Sandoval, J. (1998). Critical thinking in test interpretation. In J. Sandoval, C.L. Frisby, K.F. Geisinger, J.D. Scheuneman & J.R.

Grenier, (Eds.). *Test interpretation and diversity: Achieving equity in assessment* (pgs. 31-50). Washington, D.C.: American Psychological Association.

Sandoval, J., Frisby, C.L., Geisinger, K.F., Scheuneman, J.D., & Grenier, J.R. (1998). *Test interpretation and diversity: Achieving equity in assessment*. Washington, DC: American Psychological Association.

Sapon-Shevin, M. (1994). *Playing favorites: Gifted education and the disruption of community*. New York: State University Press.

Sawyer, C.B., & Marquez, J.A. (1993). Discrimination against LEP students in gifted and talented classes. *The Journal of Educational Issues of Language Minority Students*, 12, 143-149.

Sireci, S.G. & Geisinger, K.F. (1998). Equity issues in employment testing. In J. Sandoval, C.L. Frisby, K.F. Geisinger, J.D. Scheuneman, & J.R. Grenier (Eds.). *Test interpretation and diversity: Achieving equity in assessment* (pgs. 105-140). Washington, DC: American Psychological Association.

Skrtic, R. (1991). The special education paradox: Equity as the way to excellence. *Harvard Educational Review*, 61, 148-186.

Skrtic, T. M. (Ed.) (1995). *Disability and democracy*. New York: Teachers College Press.

Smith, M.E. (1942). The effect of bilingual background on college and aptitude scores and grade point ratios earned by students at the University of Hawaii. *Journal of Educational Psychology*, 33, 356-364.

Smith, M.E. (1949). Measurement of vocabularies of young bilingual children in both of the languages used. *Journal of Genetic Psychology*, 74, 305-310.

Smith, M.E. (1957). Word variety as a measure of bilingualism in preschool children. *Journal of Genetic Psychology*, 90, 143-150.

Soto, L.D. (1988). The home environment of higher and lower achieving Puerto Rican children. *Hispanic Journal of Behavioral Sciences*, 10, 161-167.

Stanton-Salazar, R.D. (1997). A social capital framework for understanding the socialization of racial minority children and youth. *Harvard Educational Review*, 67, 1-34.

Stanton-Salazar, R.D. & Dornbusch, S.M. (1995). Social capital and the reproduction of inequality; Information networks among Mexican-origin high school students. *Sociology of Education*, 68, 116-135.

Stone, B.J. (1992). Prediction of achievement by Asian-American and White children. *Journal of School Psychology*, 30, 91-99.

Swedo, J. (1987). Effective teaching strategies for handicapped limited English-proficient students. *Bilingual Special Education Newsletter*, pp.1-5.

Taylor, D. (1991). *Learning Denied*. Portsmouth, NH: Heinemann.

Taylor, D. (1998). *Beginning to read and the spin doctors of science: The political campaign to change America's mind about how children learn to read*. Urbana, IL: National Council of Teachers of English.

Taylor, R.L., & Richards, S.B. (1991). Patterns of intellectual differences of Black, Hispanic, and White children. *Psychology in the Schools*, 28, 5-8.

Thurlow, M., Liu, K., Erickson, R., Spicuzza, R., & El Sawaf, H. (1996). Accommodations for students with limited English proficiency: Analysis of Guidelines from states with graduation exams. Minneapolis, MN: National Center on Educational Outcomes.

Trueba, H.T. (1987). *Success or failure? Learning and the language minority student*. New York: Newbury.

U.S. Commission on Civil Rights. (1971a). *Ethnic isolation of Mexican Americans in the public schools of the Southwest* (Report I: Mexican American Educational Study). Washington, DC: U.S. Government Printing Office.

U.S. Commission on Civil Rights. (1971b). *The unfinished education: Outcomes for Minorities in the Five Southwestern States* (Report II: Mexican American Educational Study). Washington, DC: U.S. Government Printing Office.

U.S. Commission on Civil Rights. (1972). *The excluded student: Educational practices affecting Mexican Americans in the Southwest* (Report III: Mexican American Educational Study). Washington, DC: U.S. Government Printing Office.

U.S. Commission on Civil Rights. (1973). *Teachers and students: Differences in teacher interaction with Mexican-American and Anglo students* (Report V: Mexican American Educational Study). Washington, DC: U.S. Government Printing Office.

U.S. Commission on Civil Rights (1974). *Toward quality education for Mexican-Americans* (Report VI: Mexican-American Educational Study). Washington, DC: U.S. Government Printing Office.

U.S. Department of Education (1993). *Fifteenth annual report to Congress on the implementation of The Education of the Handicapped Act*. Washington, DC: Government Printing Office.

U.S. Department of Education. (In press). *Nondiscrimination in high-stakes testing: A resource guide*. U.S. Department of Education.

Valdes, G. & Figueroa, R.A. (1994). *Bilingualism and testing: A special case of bias*. Norwood, NJ: Ablex Publishing.

Valdez, R.S., & Valdez, C. (1983). Detecting predictive bias: The WISC-R vs. achievement scores of Mexican-American and non-minority students. *Learning Disability Quarterly*, 6(4), 440-447.

Valencia, R.R. (1982). Predicting academic achievement of Mexican-American children: Preliminary analysis of the McCarthy Scales. *Educational and Psychological Measurement*, 42, 1269-1278.

Valencia, R.R. (Ed.). (1991). *Chicano school failure and success: Research and policy agendas for the 1990s* (The Stanford Series on Education and Public Policy). Basingstoke, England: Falmer Press.

Valencia, R.R., & Rankin, R.J. (1983). Concurrent validity and reliability of the Kaufman version of the McCarthy Scales Short Form for a sample of Mexican-American children. *Educational and Psychological Measurement*, 43, 915-925.

Velasquez, R.J., & Callahan, W.J. (1992). Psychological testing of Hispanic Americans in clinical settings: Overview and issues. In K.F. Geisinger (Ed.), *Psychological testing of Hispanics* (pp. 253-265). Washington, DC: American Psychological Association.

Westermeyer, J. (1987). Cultural factors in clinical assessment. *Journal of Consulting and Clinical Psychology*, 55, 471-478.

Wheeler, L. R. (1932). The mental growth of dull Italian children. *The Journal of Applied Psychology*, 16, 650-667.

Whitworth, R.H., & McBlaine, D.D. (1993). Comparison of the MMPI and MMPI-2 administered to Anglo- and Hispanic-American university students. *Journal of Personality Assessment*, 61, 19-27.

Whitworth, R.H., & Unterbrink, C. (1994). Comparison of MMPI-2 clinical and content scales administered to Hispanic and Anglo-Americans. *Hispanic Journal of Behavioral Sciences*, 16, 255-264.

Wilkinson, C.Y., & Ortiz, A.A. (1986). *Characteristics of limited English-proficient and English-proficient learning disabled Hispanic students at initial assessment and at reevaluation*. Austin: University

of Texas, Handicapped Minority Research Institute on Language Proficiency.

Willig, A.C., & Swedo, J.J. (1987). *Improving teaching strategies for exceptional Hispanic limited-English proficient students: An exploratory study of task engagement and teaching strategies*. Paper presented at the annual meeting of the American Educational Research Association, Washington, DC.

Wood, M.M. (1929). Mental test findings with Armenian, Turkish, Greek and Bulgarian subjects. *Journal of Applied Psychology*, 13, 266-273.

Woodrow, H. (1921). Intelligence and its measurement: A symposium (XI). *Journal of Educational Psychology*, 12, 207-210.

Yoder, D. (1928). Present status of the question of racial differences. *Journal of Educational Psychology*, 19, 463-470.

Zappia, I.A. (1989). Identification of gifted Hispanic students: A multidimensional view. In C.J. Maker & S.W. Schiever (Eds.), *Critical issues in gifted education. Vol 2: Defensible programs for cultural and ethnic minorities* (pp. 19-26). Austin, TX: Pro-Ed.

APPENDIX A

The 1999 Standards for "Testing Individuals of Diverse Linguistic Backgrounds" (Chapter 9)

Standard 9.1 Testing practice should be designed to reduce threats to the reliability and validity of test score inferences that may arise from language differences.

Comment: Some tests are inappropriate for use with individuals whose knowledge of the language of the test is questionable. Assessment methods together with careful professional judgment are required to determine when language differences are relevant. Test users can judge how best to address this standard in a particular testing situation.

Standard 9.2 When credible research evidence reports that test scores differ in meaning across subgroups of linguistically diverse test takers, then to the extent feasible, test developers should collect for each linguistic subgroup studied the same form of validity evidence collected for the examinee population as a whole.

Comment: Linguistic subgroups may be found to differ with respect to appropriateness of test content, the internal structure of their test responses, the relation of their test scores to other variables, or the response processes employed by individual examinees. Any such findings need to receive due consideration in the interpretation and use of scores as well as in test revisions. There may also be legal or regulatory requirements to collect subgroup validity evidence. Not all forms of evidence can be examined separately for members of all linguistic groups. The validity argument may rely on existing research literature, for example, and such literature may not be available for some populations. For some kinds of evidence, separate linguistic subgroup analyses may not be feasible due to the limited number of cases available. Data may sometimes be accumulated so that these analyses can be performed after

the test has been in use for a period of time. It is important to note that this standard calls for more than representativeness in the selection of samples used for validation or norming studies. Rather, it calls for separate, parallel analyses of data for members of different linguistic groups, sample sizes permitting. If a test is being used while such data are being collected, then cautionary statements are in order regarding the limitations of interpretations based on test scores.

Standard 9.3 When testing an examinee proficient in two or more languages for which the test is available, the examinee's relative language proficiencies should be determined. The test generally should be administered in the test taker's most proficient language, unless proficiency in the less proficient language is part of the assessment.

Comment: Unless the purpose of the testing is to determine proficiency in a particular language or the level of language proficiency required for the test is a work requirement, test users need to take into account the linguistic characteristics of examinees who are bilingual or use multiple languages. This may require the sole use of one language or use of multiple languages in order to minimize the introduction of construct-irrelevant components to the measurement process. For example, in educational settings, testing in both the language used in school and the native language of the examinee may be necessary in order to determine the optimal kind of instruction required by the examinee. Professional judgement needs to be used to determine the most appropriate procedures for establishing relative language proficiencies. Such procedures may range from self identification by examinees through formal proficiency testing.

Standard 9.4 Linguistic modifications recommended by test publishers, as well as the rationale for the modifications, should be described in detail in the test manual.

Comment: Linguistic modifications may be recommended for the original test in the primary language or for an adapted version in a secondary language, or both. In any case, the test manual should provide appropriate information regarding the recommended modifications, their rationales, and the appropriate use of scores obtained using these linguistic modifications.

Standard 9.5 When there is credible evidence of score comparability across regular and modified tests or administrations, no flag should be attached to a score. When such evidence is lacking, specific information about the nature of the modifications should be provided, if permitted by law, to assist test users properly to interpret and act on test scores.

Comment: The inclusion of a flag on a test score where a linguistic modification was provided may conflict with legal and social policy goals promoting fairness in the treatment of individuals of diverse linguistic backgrounds. If a score from a modified administration is comparable to a score from a nonmodified administration, there is no need for a flag. Similarly, if a modification is provided for which there is no reasonable basis for believing that the modification would affect score comparability, there is no need for a flag. Further, reporting practices that use asterisks or other non-specific symbols to indicate that a test's administration has been modified provide little useful information to test users.

Standard 9.6 When a test is recommended for use with linguistically diverse test takers, test developers and publishers should provide the information necessary for appropriate test use and interpretation.

Comment: Test developers should include in test manuals and in instructions for score interpretation explicit statements about the applicability of the test with individuals who are not native speakers of the original language of the test. However, it should be recognized that test developers and publishers seldom will

find it feasible to conduct studies specific to the large number of linguistic groups found in certain countries.

Standard 9.7 When a test is translated from one language to another, the methods used in establishing the adequacy of the translation should be described, and empirical and logical evidence should be provided for score reliability and the validity of the translated test's score inferences for the uses intended in the linguistic groups to be tested.

Comment: For example, if a test is translated into Spanish for use with Mexican, Puerto Rican, Cuban, Central American and Spanish populations, score reliability and the validity of test score inferences should be established with members of each of these groups separately where feasible. In addition, the test translation methods used need to be described in detail.

Standard 9.8 In employment and credentialing testing, the proficiency level required in the language of the test should not exceed that appropriate to the relevant occupation or profession.

Comment: Many occupations and professions require a suitable facility in the language of the test. In such cases, a test that is used as a part of selection, advancement, or credentialing may appropriately reflect that aspect of performance. However, the level of language proficiency required on the test should be no greater than the level needed to meet work requirements. Similarly, the modality in which language proficiency is assessed should be comparable to that on the job. For example, if the job requires only that employees understand verbal instructions in the language used on the job, it would be inappropriate for a selection test to require proficiency in reading and writing that particular language.

Standard 9.9 When multiple versions of a test are intended to be comparable, test developers should report evidence of test comparability.

Comment: Evidence of test comparability may include but is not limited to evidence that the different language versions measure equivalent or similar constructs, and that score reliability and validity of inferences from scores from the two versions are comparable.

Standard 9.10 Inferences about test takers' general language proficiency should be based on tests that measure a range of language features, and not a single linguistic skill.

Comment: For example, a multiple-choice, pencil-and-paper test of vocabulary does not indicate how well a person understands the language when spoken nor how well the person speaks the language. However, the test score might be helpful in determining how well a person understands some aspects of the written language. In making educational placement decisions, a more complete range of communicative abilities (e.g., word knowledge, syntax) will typically need to be assessed.

Standard 9.11 When an interpreter is used in testing, the interpreter should be fluent in both the language of the test and the examinee's native language, should have expertise in translating, and should have a basic understanding of the assessment process.

Comment: Although individuals with limited proficiency in the language of the test should ideally be tested by professionally trained bilingual examiners, the use of an interpreter may be necessary in some situations. If an interpreter is required, the professional examiner is responsible for insuring that the interpreter has the appropriate qualifications, experience, and preparation to assist appropriately in the administration of the test. It is necessary for the interpreter to understand the importance of following standardized procedures, how testing is conducted typically, the importance of accurately conveying to the examiner an examinee's actual responses, and the role and responsibilities of the interpreter in testing.

DRAFT

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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

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

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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 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.

Andy R

**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

**Prepared by: Richard A. Figueroa
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**The President's Advisory Commission on Educational Excellence for
Hispanic Americans**

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FORWARD

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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.

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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.

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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,

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(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.

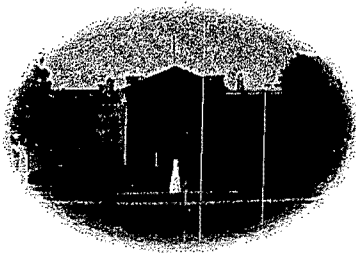
VI. Test developers and publishers should be required to provide empirical evidence to support claims of equivalence between English and Spanish versions of tests.

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.

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WHITE HOUSE INITIATIVE

ON EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS

PRESIDENT'S ADVISORY COMMISSION UPDATE — Fall 1999

Looking Towards a New Century

By Ana M. "Cha" Guzman—Chair,
President's Advisory Commission

As the Commission and its partners prepare to move the cause of Hispanic learning and achievement into a new century, we must recognize how far and how fast we have come in making quality education for Hispanics a national priority. From the 1996 release of our report, *Our Nation on the Faultline: Hispanic American Education* to the over \$500 million commitment of FY99 appropriations, we have seen real progress. This past year has been a milestone in our efforts to leverage government support to our cause. We have worked to foster government commitment to Hispanic education and employment not just at the federal level but at state and local levels as well. We have focused on the role of Latino parents in encouraging academic success. And we have studied the effects of education reform and the practices of assessment on Latino students.

Our goals are unchanging. We labor to level the playing field and bring educational opportunity for hundreds of thousands of bright and capable Latino students in cities, towns, barrios and migrant camps around the country. We know that in less than 15 years, a quarter of America's youth population—ages 5 to 18—will be Hispanic. Our agenda

today will help to determine the quality of life for all Americans in the next century.

As the term of the Commission comes to an end, we believe it is time to plan a National Meeting on Latino Educational Excellence for Spring 2000. Its purpose is three-fold:

- ★ to consider the impact of past and current White House Initiatives on Educational Excellence for Hispanic Americans;

- ★ to take stock of the strategies and organizations that improve educational opportunities for Latinos;

- ★ to focus on what we

still need to do, not as a Commission or Initiative but as a community and a nation, to improve educational opportunities for Latinos throughout the country.

Yes, our scope is ambitious but we will focus on the outcomes and their impact on our community. We envision our National Meeting as an opportunity to embrace our partners in corporations, foundations and federal agencies as well as in community-based organizations and the education community.

We hope you will join in this effort.

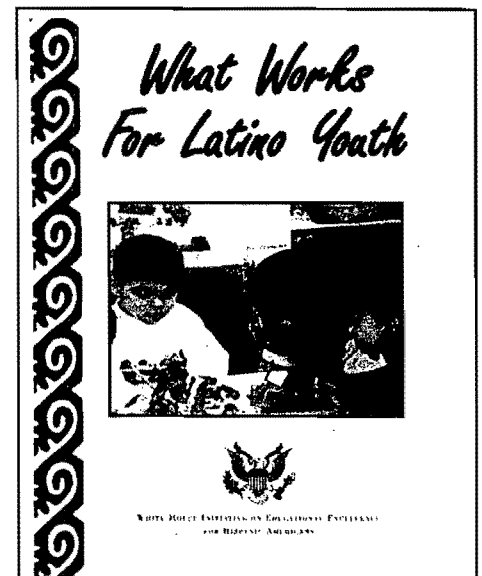
Ana M. Guzman

★ A CALL TO CONVENE ★
A National Meeting on
Latino Educational Excellence
SPRING 2000
Watch for details at:
www.ed.gov/offices/OILA/Hispanic

First Lady's Convening

Hillary Rodham Clinton opened the first-ever White House Convening on Hispanic Children and Youth on August 2, 1999 with a call for action. "There are many who promise to fight for children and the schools they attend," she said. "But, I am reminded of something my mother taught me growing up: 'Watch what they do, not what they say.'"

With action in mind, the convening brought together not only scholars and politicians, but community activists from around the country. Their purpose was to examine the many challenges and opportunities facing Hispanic young people, particularly in the areas of early childhood development, educational attainment, and adolescence.



This convening also highlighted promising efforts across the country
continued on page 7

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WHITE HOUSE INITIATIVE ON EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS

White House Initiative Activities 1999-2000

- *Excelencia en Educación: The Role of Parents in the Education of Their Children*
November 5-6, 1999, Chicago, Illinois

Keynote speaker: Mickey Ibarra, White House Director of Intergovernmental Affairs

- *Excelencia en Educación: The Role of Parents in the Education of Their Children*
December 3-4, 1999, Miami, Florida

Keynote speaker: Maria Echaveste, White House Deputy Chief of Staff

- *National Meeting on Latino Educational Excellence*
Spring 2000, Washington, DC



WHITE HOUSE INITIATIVE ON
EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS

The Creation of Excelencia en Educación

Excelencia en Educación: The Role of Parents in the Education of Their Children, is a series of conferences sponsored by the White House Initiative on Educational Excellence for Hispanic Americans. The decision to focus on the role of parents was based on the conviction that the heart of the Latino community is the family. Latino parents know that a quality education provides their children with the skills to achieve the best this country has to offer. America needs the talents of all its citizens to face the challenges of the 21st century. As the fastest growing community in the country, Latinos still have lower educational attainment rates than other groups--a cause for great national concern.

First, a little more background: The White House Initiative supports a Commission appointed by President Clinton in 1994 comprised of national educational leaders from all segments of the educational pipeline. In 1996, the Commission submitted to the President their report, ***Our Nation on the Fault Line: Hispanic American Education***. This comprehensive report lays out issues in Latino educational attainment from pre-K through graduate and professional education. Equally important, the report includes an action plan for federal, state and local levels.

The Clinton Administration used the report as they developed their Hispanic Education Action Plan announced by Vice-President Gore in February 1998. The President's plan provides over \$520 million in new educational investments for programs that can make a difference in the quality of education for hundreds of thousands of bright, capable, Latino students. Responding to the Administration's achievement, the White House Initiative developed a strategy to more directly engage the Latino community in the pursuit of a quality education. Thus, the stage was set for the *Excelencia* conference series.

The academic emphasis of the conference is mathematics, reading and college readiness. The focus is on powerful strategies for parents to more fully engage in supporting their children's education. The conference covers how schools, teachers, civic leaders, community-based organizations, business and federal agencies can reach out to parents and more fully engage them in their children's education. By sharing "promising practices" and educational information, conference participants should have even better ideas for brightening the future of young Hispanics and prepared to serve as catalysts for enhancing parental involvement throughout the nation.

The first *Excelencia en Educación* was launched in October 1998 with AVANCE in San Antonio, Texas. For the inaugural conference, the White House Initiative brought together five federal agencies--Education, Health and Human Services, Labor, Interior, and the Small Business Administration--as well as over four hundred parents, educators, Latino advocacy organizations and leaders from the private sector. At each conference, members of the Clinton/Gore Administration and members of the Congressional Hispanic Caucus have spoken. Small Business Administrator Aida Alvarez and Representative Ruben Hinojosa and Representative Ciro Rodriguez participated.

Univision, the largest Spanish-speaking television network, also plays a significant role in the conference series. In San Antonio, Univision president Henry Cisneros announced their plan to develop a multi-year education campaign.

In Los Angeles, in March 1999, the White House Initiative restaged the *Excelencia en Educación* conference in collaboration with the following five organizations: the Mexican American Legal Defense and Educational Fund MALDEF), the Annenberg project in Los Angeles (LAMMP), University of California at Los Angeles (UCLA), Los Angeles Unified School District (LAUSD), and PUENTE Learning Center. These organizations committed to build on the conference with community activities focused on Latino parent engagement. Over 800 participants, primarily parents of students enrolled in schools in East Los Angeles, heard from speakers including California Governor Gray Davis, Univision President Henry Cisneros, current chair of the Congressional Hispanic Caucus (CHC) Lucille Roybal-Allard, and the former chair of the CHC Xavier Becerra.

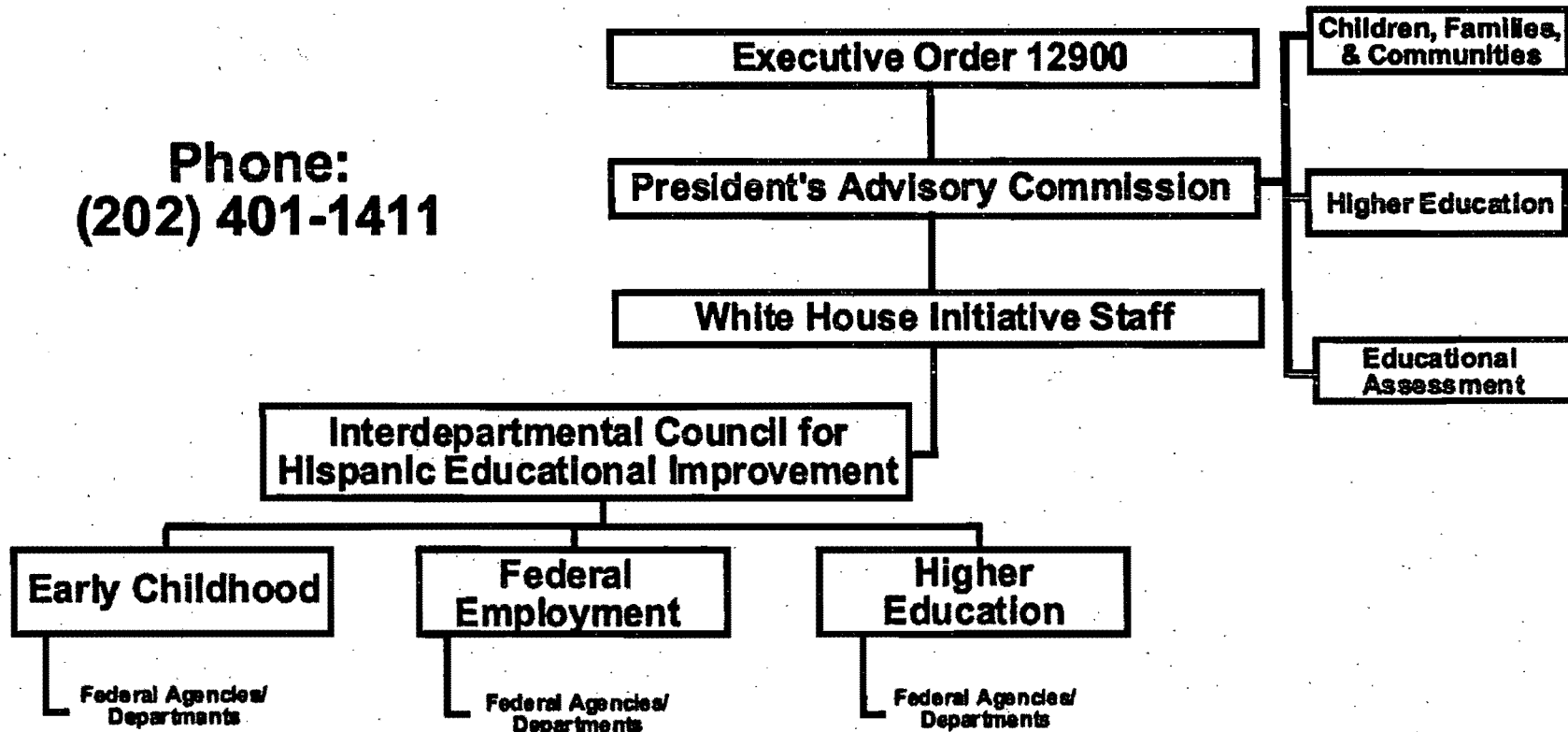
On June 4-5, 1999, the conference was restaged in New York City at CUNY-City College. Partnering with the White House Initiative were the Hispanic Federation, Community Association of Progressive Dominicans (ACDP), United Way of New York City, New York Board of Education, CUNY-City College, and ASPIRA of New Jersey. Secretary of Education Richard Riley opened the conference and Congress member Robert Menendez sent a message on behalf of the Congressional Hispanic Caucus. Janet Murgia, Associate Director for Legislative Affairs spoke to the participants about the Administration's activities and commitment and both Vice President Gore and First Lady Hillary Clinton provided messages on behalf of the Administration. Univision continued its support for the conference by having two of its personalities, Rafael Pineda of their local station, and Giselle Blondet of Despierta America, participate in the program. Our other corporate allies, State Farm and AT&T, were also in attendance and mentioned their commitment to addressing the strengths and needs of the Latino community.

The White House Initiative is already working with community leaders in Chicago and Miami to stage similar conferences on November 5-6, and December 3-4, 1999, respectively. These conferences are part of the larger national effort to support Latino parents as they pursue *excelencia en educación* for their children. For more information, please call the White House Initiative at 202-401-1411.

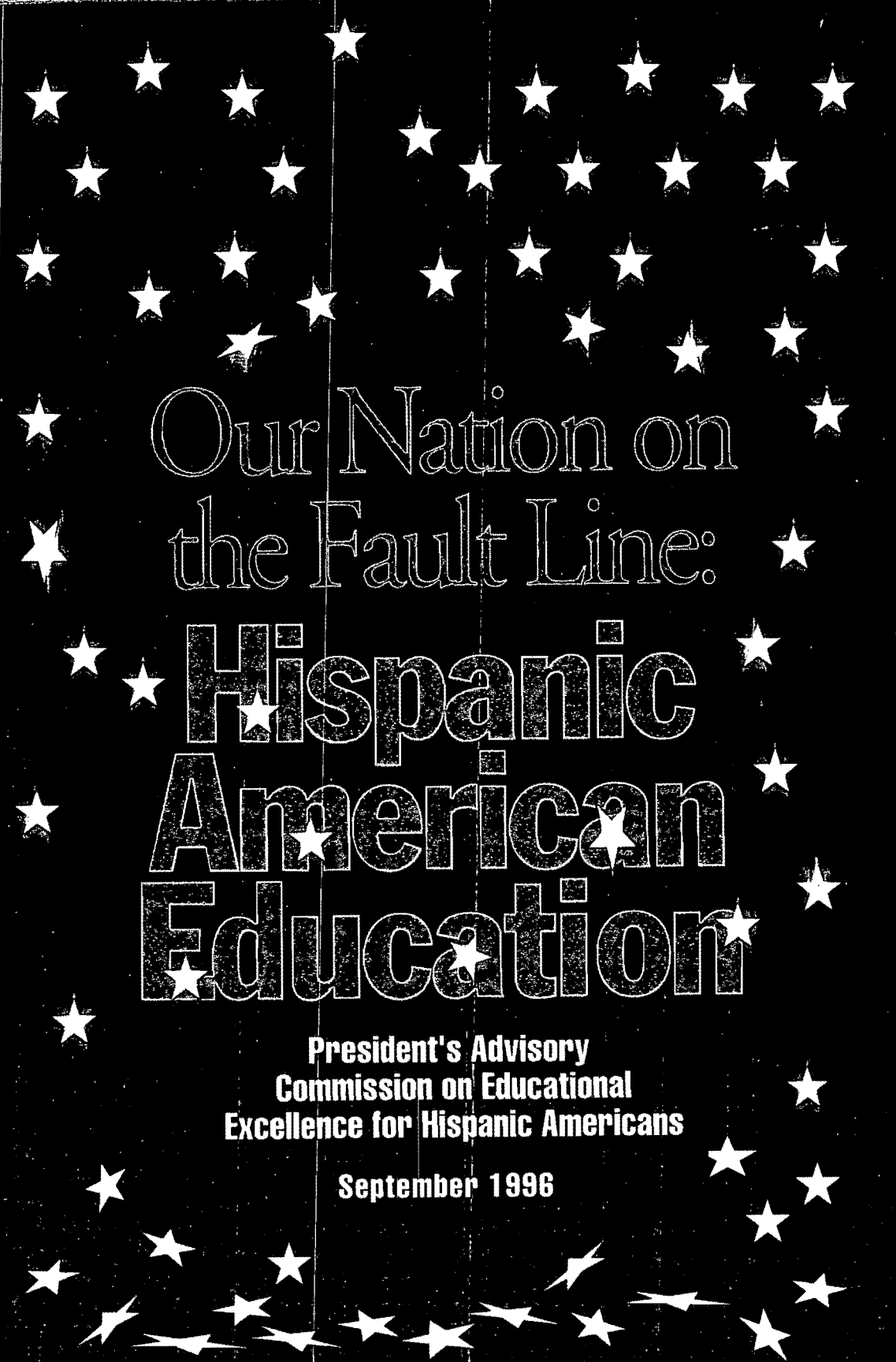


White House Initiative on Educational Excellence for Hispanic Americans

Phone:
(202) 401-1411



*** Reflects changes as of August 9**



Our Nation on
the Fault Line:

**Hispanic
American
Education**

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

September 1996

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White House Initiative on Educational Excellence for Hispanic Americans
Major activities: 1999-2000

10/18/99

<i>Excelencia en Educación: The Role of Parents in the Education of Their Children</i> national conference series
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|---|
| ▪ Hosting in Chicago, Illinois, November 5-6, 1999 in collaboration with the Mayor's office and the Chicago School Board of Education |
| ▪ Hosting in Miami, Florida, December 3-4, 1999 in collaboration with Miami-Dade Community College and Broward County School Board |
| ▪ Summary of national conference series created and disseminated |
| ▪ Develop parent tool kit based on lessons learned with national conference series |

National Meeting on Latino Educational Excellence (May 2000, Washington DC)
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|---|
| ▪ First Lady announcement and commitment (Aug. 2 at Convening on Latino Children and Youth) |
| ▪ Post-event meeting with corporations, foundations, staff and Congressional Hispanic Caucus (Aug. 2) |
| ▪ Planning workshop with sector representatives held with AT&T Learning Center |
| ▪ Commission Chair's column announcing national meeting |
| ▪ Create implementation plan for meeting and hold national meeting by May 2000 |

Assessment

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|---|
| ▪ Disseminate reports on assessment and testing: both reports written by the Commission as well as the summary of the four-part policy seminar series |
| ▪ Press conference by Commission on testing and assessment of Latinos and English Language Learners (Sept. 15) |
| ▪ State report card: evaluation of the top 10-20 states with the highest Latino student enrollment and their assessment activities (winter 1999) |

Policy seminar series

- | |
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| ▪ Previous seminar topics include: Benefits of a Multilingual Workforce, HSIs, Assessment and Standards, the Hispanic Dropout Crisis |
| ▪ Prospective seminar topics include: Latinos in graduate education, early childhood, multilingual workforce |

Interagency affairs

- | |
|---|
| ▪ Complete of FY98 agency plans, post on website, and make small printing |
| ▪ Hold interdepartmental council by the week of November 10 th |
| ▪ Create and disseminate FY99 reporting guidelines |

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Clinton Administration Hispanic Education Accomplishments

Enacted a Hispanic Education Action Plan. The Hispanic dropout rate is unacceptably high, and is substantially higher for Hispanics than African-Americans and White non-Hispanics. The Administration is reaching out to Hispanic youth, encouraging them to stay in school, achieve academically and graduate from high school, and go on to college so that they can compete successfully for good jobs and take advantage of promising career opportunities. As part of these efforts, the Clinton Administration put forth and won funding increases for a Hispanic Education Action Plan in the FY99 budget. As part of this plan, the President and Vice President proposed significant increases in a number of programs that enhance educational opportunity for Hispanic Americans. The final budget included increases of \$494 million for these programs, including an increase of \$70 million for TRIO college preparation programs over FY98, which will now provide support services to over 700,000 students, and an additional \$50 million for Bilingual Education Professional Development -- double the FY98 level -- to begin to provide 20,000 teachers over five years with the training they need to teach Limited English Proficient students effectively. Moreover, funding for Hispanic-Serving Institutions (HSIs), colleges and universities with at least 25 percent Hispanic enrollments was more than doubled from \$12 million to \$28 million in FY 99. In FY 2000, the President has proposed over a \$650 million increase in funds for Department of Education programs that are part of the Administration's Hispanic Education Agenda. Specific accomplishments include:

Helping Hispanic Youth Attend and Complete College. While overall high school graduation rates for Hispanics remain too low, Hispanic high school graduates have made significant gains in college enrollment since the early 1990's, in part due to Pell Grants and other federal student financial aid. Census Bureau data show that a record 65.5% of Hispanic high school graduates enrolled in college in 1997, up from 54.8% in 1992. Over the same period, participation of low-income Hispanic students in the Pell Grant program also increased, from 62.4% in 1992-93 to 64.2% in 1995-96. Evidence shows that Pell Grant receipt has a positive impact on college completion rates. Hispanic students receiving Pell Grants are significantly more likely to earn a Bachelor's degree than those who do not.

GEAR UP: Helping Prepare Students for College. In its first year of implementation, the Education Department targeted 27% of the funds for GEAR UP partnerships to school - college partnerships involving thirty Hispanic Serving Institutions. These institutions received some \$20 million to form partnerships with high poverty middle schools and community based organizations in order to help disadvantaged students prepare for and get on the pathway to achieve success in college. GEAR UP partnerships help students help and their families plan and prepare for college by offering comprehensive strategies including counseling, tutoring and mentoring to help students achieve in higher mathematics and other gateway college preparation courses and by offering scholarships as well as information about college and financial aid options. In order to maximize participation of Hispanic youth in this program, the Education Department conducted extensive outreach to Hispanic communities and HSI's, to identify

and assist potential applications as well as proposal reviewers, through mailings, application workshops and technical assistance in communities with large Hispanic populations.

Title I: Helping Disadvantaged Students Master the Basic and Reach High

Standards. In 1994 Congress enacted the Clinton Administration's proposal to overhaul the Title I program, which helps disadvantaged students master the basics and reach high standards. Title I now serves 3.3 million Hispanic students, approximately 30% of all students participating in Title 1. Hispanic participation has increased by 72% (up from 1.9 million) in 1993-94. This increase is attributable to a combination of factors, including new requirements that the program serve students with limited English proficiency, and the growth of schoolwide programs provided for in the Administration's plan, as well as increased funding. The overhaul of Title I also requires that schools be held accountable for improving the academic performance of Hispanic students, by requiring that they be appropriately included in state testing programs, and that states and school districts provide extra help to low performing schools. This fall, the Department of Education will conduct intensive training programs to help states and localities use research on teaching limited-English proficient youngsters and implement Title I and other programs in ways that most effectively help Hispanic students.

Education Department Hispanic Outreach Action Plan. The Education Department has developed and is implementing a Department-wide strategy to help improve the educational achievement of Hispanic students through increased family involvement and community partnerships. Through this strategy, the Department has ensured that there are bilingual customer service representatives on all front-line call centers used by the public, and that more than 20 key Education Department publications for parents in the areas of Reading, Math, Parent Involvement and Think College Early have been translated into Spanish.

A key part of the Education Department's outreach plan is the a series of public involvement campaigns, formed in partnership with Spanish language television and radio networks, to help Hispanic parents help their children with reading and math, in to prepare for college. Key elements of this effort include:

- ◆ **Partnership with Univision:** The Department of Education has entered into a partnership with Univision, the largest Spanish language television network in the country. The campaign will address the educational needs of Latino students through a number of public service announcement beginning in August 1999. The Department's 1-877-4ED-PUBS number will be displayed in the PSAs for viewers to receive appropriate Spanish language publications in the areas of Reading, Math, College Access, and Parent Involvement.
- ◆ **Partnership with Telemundo:** The Department also has formed a partnership with Telemundo, the second largest Spanish language television network. Telemundo will produce PSAs focused on reading, math, college access, and parent involvement

scheduled to air in the fall 1999. The Department will provide high-quality publications in Spanish to use as fulfillment pieces.

- ◆ **Radio PSA Campaign:** The Office of Public Affairs and the Office of Intergovernmental and Interagency Affairs have collaborated in the production of a series of radio PSAs on the subjects of Reading, Math, Think College Early, and Parent Involvement. Radio listeners will be asked to call 1-877-4ED-PUBS for written material, in Spanish, on these four subjects. In March 1999, compact discs containing the Radio PSAs were distributed to 400 Spanish language radio stations throughout the county.

Helping Hispanic Students and Families "Think College Early." The Department of Education will hold a special satellite conference in Spring 2000, to be conducted primarily in Spanish, to help students and parents in the Hispanic community learn about the steps necessary to prepare for college. Part of the Education Department's overall "Think College Early" campaign, the meeting will emphasize the importance of taking challenging "gateway" courses such as algebra and geometry, and provide information about access to financial aid. Community based organizations, parents, students, counselors and others interested in helping Hispanic middle and high school students will be invited to attend or host downlinks, and video copies of the teleconference will be widely available through the Education Department's toll free number.



**WHITE HOUSE
INITIATIVE
ON
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FOR
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HOLD FOR RELEASE

Wednesday, September 15, 1999 10 A.M.

Contact: Sheppard Ransom
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States and Districts Should Move Carefully in Using High-Stakes Assessments For Latinos, President's Advisory Commission Warns

State Testing Policies Subject to Bias, Unfairness, and Potential for Misuse; Burden of Accountability Placed on Students, Not Schools, Reports Allege

Two Million Latino Students Underrepresented or Absent from State Testing Programs That Could Lead To Improvements in the Quality of Education for Hispanic Youth

WASHINGTON, D.C.— September 15, 1999 At a time when nearly 20 states have established high-stakes tests for students to advance from grade to grade or graduate from high school, the President's Advisory Commission on Educational Excellence for Hispanic Americans warned states and school districts to avoid discriminatory practices in testing that adversely impact students still learning English.

A report prepared for the Commission's Assessment Committee says that states and school districts are pursuing a series of questionable policy options, each of which is subject to "significant degrees of bias, unfairness, or denial of substantive due process." The paper, prepared by Sonia Hernandez, California's deputy state superintendent of education, and Richard A. Figueroa of the University of California at Davis, argues that in their rush to set world-class standards, state leaders "have compromised the future of Hispanic students by making high stakes decisions based on inaccurate data." The test data, the report says, is used to determine student promotion or retention for high school graduation, but rarely for genuine efforts to hold schools accountable. "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," the report says.

In a separate briefing document released today, the President's Advisory Commission, established by President Clinton in 1994 to guide federal policy aimed at bolstering Latino success in school and college, lauded the nation's movement to raise standards for students. But the Commission noted that despite its "fervent belief in the promise of meaningful reforms that can benefit all our children, we are greatly concerned increasingly 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 that they should have had to allow them to succeed."

According to the briefing document, *Educational Standards, Assessment, and Accountability: A New Civil Rights Frontier*, many of the new tests have not been sufficiently "stress tested" with the nation's most vulnerable population. While many Americans are growing concerned about a potential "train wreck" when too many students from middle-class backgrounds fail to meet high standards being established, efforts to introduce high-stakes testing without paying attention to minority and low-income populations are likely to adversely affect the Latino population still struggling to master the English language.

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In the early grades, research indicates that the reading and writing skills of students still learning English 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, the White House Initiative says. 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.

According to estimates from the U.S. Department of Education, there are some 3.4 million Latino students still learning English. Most of these students are educated in five states – California, Texas, New York, Florida and Illinois – but English language learners are present in almost half of the 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.

Worrisome Policies

The briefing document summarizes much of the research on how Hispanic students learn language and become literate. Based on practice, policy and available research, the paper prepared for the Commission's Assessment Committee by Figuero and Hernandez identifies several possible options 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 test;
- 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 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
- 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.

Unfortunately, the paper says, only the first three options – the most limited of all – are in use, while the other four options have received no support or discussion or, in the case of creating equitable opportunities to learn, may take several generations to accomplish.

At the news event, Commissioners identified unacceptable practices that harm Latino students and students still learning English. 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.

Promising Practices

The Commission also pointed out promising efforts in states in school districts that use thoughtful assessment programs to propel achievement rather than punish students.

In Oregon, for example, state leaders have developed 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. 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.

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.

Basic Questions for Educational Decisionmakers

The Commission has identified 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.

New Areas of Work

In its role as an advisor to the Clinton Administration, the Commission 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 Commission 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.

Beyond these efforts, three key areas of work 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.

The Commission also challenges researchers, educators, and leaders of the Latino community to "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."

Copies of both documents are available from the White House Initiative on Educational Excellence for Hispanic Americans, 400 Maryland Avenue, SW, Room 5E-110, Washington, D.C., 20202, telephone: (202) 401-1411.

**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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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.