

Michael Cohen
10/11/98 01:25:35 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Eleha Kagan/OPD/EOP, Barbara Chow/OMB/EOP

cc:

Subject: national test language/options

Below is my best cut at language that reflects our conversations after the Goodling meeting. I've basically created 4 sets of areas in which we could possibly make concessions:

1. Restrictions on Pilot Testing This set is where we would love to end up. It includes a new provision that explicitly bans pilot tests that permit comparisons among districts. The others are options we previously developed, to restrict pilot testing or both pilot and field tests that provide individual scores.

2. Restrictions on Implementation This set includes big concessions, in two ways. The first agrees that we need specific authorization before implementation, and tells NAGB to develop an implementation plan in time for NAEP/NAGB reauthorization.

The second approach prohibits states or districts from participating in the tests unless the file a certification with the Secretary that they are addressing the quality issues Goodling keeps raising. I've tried to draft this with some flexibility, so that the states and cities that have already signed up could plausibly meet this requirement. This would be the first time we have agreed to attach any "string" to the test.

I will ask ED for some drafting assistance on these two first thing in the am.

3. National Academy Studies. A new study on teacher quality for Goodling, and the old one on embedding NAEP items for his staff.

4. Budget Cuts. We can live with half of what we requested--though we will need more than \$8 million if we are going to pay for the NAS studies.

I am trying to get a better handle on study costs; to be safe I'd save \$1 million for each.

I. RESTRICTIONS ON PILOT TESTING

1. Senate Language with ban on comparisons among districts.

Sec. 305. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, **nor may any funds be used to conduct pilot tests that allow for comparisons of test results among school districts:** Provided, That the National Assessment Governing Board

shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

2. Restriction on Pilot Test With Individual Scores

Sec. ____ Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program in this Act or in any other Act in fiscal year 1999 may be used for a pilot test that would yield individual student, school, school district, or state scores as part of the development of any federally sponsored voluntary national test in reading, mathematics, or any other subject, or to field test, implement or administer any such test; Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

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II. RESTRICTIONS ON IMPLEMENTATION

4. No Implementation Without Authorization & NAGB Develops Plan for Test Implementation and Use

Sec. ____ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to implement or administer any federally sponsored national test in reading, mathematics or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law. The National Assessment Governing Board shall develop a plan for the continued development and implementation of national tests that measure individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. The plan shall include policies for the administration and use of national tests. In developing this plan, NAGB shall consider the feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. NAGB shall present a written plan to the Committee on Education and Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the President for their consideration by ____ (prior to reauthorization of the National Assessment of Education Progress).

5. No State or Local Implementation Without Quality Assurance

No state or local school district may participate in national tests unless it provides an assurance to the Secretary of Education that it has developed and is implementing a plan to (1) ensure that teachers have the knowledge and skills necessary to teach students to meet the NAEP standards; (2) provide all students with access to a challenging curriculum that can prepare them to meet the NAEP standards, (3) provide additional assistance to students and schools that do not make progress toward meeting the NAEP standards.

III. NATIONAL ACADEMY OF SCIENCES STUDIES

6. NAS Study on Embedding NAEP Items in State and Local Tests

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999.

7. NAS Study on Teacher Quality

The National Academy of Sciences shall conduct a study to identify the knowledge and skills teachers must have in order to effectively prepare students to meet national standards, and to identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills. The National Academy of Sciences shall report the results of the study to Congress by _____.

IV. BUDGET CUT

6. Propose reducing the appropriations for test development from \$16 to \$8 million.

These funds have been requested in the Education Department's Fund for the Improvement of Education (FIE) account.

Note that we will need more than \$8 million if we are to conduct the NAS studies (I don't know the cost of these studies yet, but I would save \$1 million each to be on the very safe side.

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Ann_O'Leary @ ed.gov
10/23/98 03:47:00 PM

Record Type: Record

To: Michael Cohen

cc:

Subject: National Tests/Wiggle Room

Jack also warned that he believes a NAGBE developed test could not be used and implemented by a private entity because it may be construed as a "federally sponsored national test" - although, as he notes below, this definition lacks clear legal meaning.

Forward Header

Subject: National Tests/Wiggle Room

Author: Jack Kristy at WDCE04

Date: 10/23/98 03:17 PM

Ann O'leary (401-2993), prompted by a Mike Smith/Mike Cohen brainstorming session, called with some questions on the scope of the new section 447 of GEPA (as added by the Omnibus), generally prohibiting ED support of national tests absent specific and explicit statutory authorization. She wanted a sense of what ED could still do in this area (beyond the continuing development work by NAGB) particularly with respect to privately funded efforts. I said I didn't think section 447 prohibited technical assistance/coordination activities with privately supported efforts, since such activities are not expressly prohibited and such efforts are presumably not "federally sponsored". I also cautioned her that the operative terms of the statute (e.g., "pilot test" and "federally sponsored national test") lack clear legal meanings and that any significant expenditure of ED funds, program or S&E, would be likely to generate political heat--arguing for caution. I expect we'll hear more on this topic!

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MAJORITY —(202) 225-4527
 (TTY)—(202) 226-3372
 MINORITY —(202) 226-3725
 (TTY)—(202) 226-3118

To: Mr. Bruce Reed, Assistant to the President for Domestic Policy
 Ms. Elaina Kagen, Deputy Assistant to the President for Domestic Policy
 Mr. Mike Cohen, Special Assistant to the President for Education
 BY FACSIMILE 202/456-5581

From: Kevin Talley, Staff Director *KT*

CC: Jack Howard, Assistant to the Speaker of the House
 Dave Hoppe, Chief of Staff, Senate Majority Leader
 Hon. Trent Lott
 Hon. Bill Goodling
 Hon. Slade Gorton
 Hon. John Ashcroft

Date: October 13, 1998

Re: National Testing

As we discussed this morning, please find attached a response to your recent alternative to the continuation of current law regarding federal testing.

The attached language describes additional activities that should be undertaken by NAGB with the continuation of the test development contract. These would be beyond those that are currently under way or NAGB concludes needs to be accomplished during FY1999. We have included in this proposal the NAS study on embedding NAEP that you suggested. In report language to accompany the legislation, additionally the Chairman would be willing to consider the finds of this study and the administration's position on national testing during NAGB reauthorization next year. We have changed the date for the NAS study completion because NAS has informed us today that it would be "extremely difficult" to meet a June 1, 1999 deadline.

Please review and let me know your reaction. I can be reached at 202/225-4527.

Activities to be considered by NAGB during FY1999

1. **Prohibition on national testing.** Prohibition on pilot testing, field testing, implementation, administration or distribution of national tests, unless specifically and explicitly authorized.

Sec _____. Part C of the General Education Provisions Act (20 USC 1231 et seq) is amended by adding at the end the following:

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2. **Continued limited test development.** NAGB's contractor may continue development and modification of test items (as allowed in FY1998).

3. **Voluntary nature of the tests.** NAGB will determine what "voluntary" means as to the proposed national tests and report to Congress on whether the tests are proposed to be voluntary as to the student, the school, the school district, or the state. Report shall be due no later than September 30, 1999.

4. **National Academy of Sciences Study.** National Academy of Sciences will conduct a study of the technical feasibility of imbedding test items from NAEP into state and district assessments.

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5. **Purpose of the proposed national tests.** NAGB will determine and clearly articulate in a report to Congress the intended purpose of the tests. The report shall state whether the tests are being designed for and will be used for diagnostic purposes, accountability/high stakes purposes, and/or other purposes. Report shall be due no later than September 30, 1999.

6. **Response to National Academy of Sciences Study.** NAGB will develop and submit to Congress a report of how it intends to address the National Academy of Sciences findings in the study "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress" which stated that the achievement levels of NAEP (basic, proficient, advanced) are fundamentally flawed. How NAGB addresses this issue will directly affect the achievement levels of the proposed national tests, which are to be based on the same achievement levels of NAEP. Report shall be due no later than September 30, 1999.

Additionally, the National Academy of Sciences Study "Evaluation of the Voluntary National Tests: Phase I", in describing the achievement levels to be used on the national tests, stated that issues such as achievement level setting, reporting, relationship between test items and achievement level descriptions, etc. should be resolved early in the test development process, rather than following other test development activities.

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COMMITTEE ON EDUCATION
 AND THE WORKFORCE
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MAJORITY —(202) 225-4527
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 (TTY)—(202) 225-3110

To: Mr. Bruce Reed, Assistant to the President for Domestic Policy
 Ms. Elaina Kagen, Deputy Assistant to the President for Domestic Policy
 Mr. Mike Cohen, Special Assistant to the President for Education
 BY FACSIMILE 202/456-5581

From: Kevin Talley, Staff Director *KG*

CC: Jack Howard, Assistant to the Speaker of the House
 Dave Hoppe, Chief of Staff, Senate Majority Leader
 Hon. Trent Lott
 Hon. Bill Goodling
 Hon. Slade Gorton
 Hon. John Ashcroft

Date: October 13, 1998

Re: National Testing

As we discussed this morning, please find attached a response to your recent alternative to the continuation of current law regarding federal testing.

The attached language describes additional activities that should be undertaken by NAGB with the continuation of the test development contract. These would be beyond those that are currently under way or NAGB concludes needs to be accomplished during FY1999. We have included in this proposal the NAS study on embedding NAEP that you suggested. In report language to accompany the legislation, additionally the Chairman would be willing to consider the finds of this study and the administration's position on national testing during NAGB reauthorization next year. We have changed the date for the NAS study completion because NAS has informed us today that it would be "extremely difficult" to meet a June 1, 1999 deadline.

Please review and let me know your reaction. I can be reached at 202/225-4527.

Activities to be considered by NAGB during FY1999

1. **Prohibition on national testing.** Prohibition on pilot testing, field testing, implementation, administration or distribution of national tests, unless specifically and explicitly authorized.

Sec _____. Part C of the General Education Provisions Act (20 USC 1231 et seq) is amended by adding at the end the following:

"Sec 447. Prohibition on Federally Sponsored Testing.

(a) **General Prohibition**---Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program, may be used to pilot test, field test, implement, administer or distribute in any way any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

(b) **Exceptions.**---Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 USC 9003(a)(6) et seq.) and administered to only a representative sample of pupils in the United States and in foreign nations."

2. **Continued limited test development.** NAGB's contractor may continue development and modification of test items (as allowed in FY1998).

3. **Voluntary nature of the tests.** NAGB will determine what "voluntary" means as to the proposed national tests and report to Congress on whether the tests are proposed to be voluntary as to the student, the school, the school district, or the state. Report shall be due no later than September 30, 1999.

4. **National Academy of Sciences Study.** National Academy of Sciences will conduct a study of the technical feasibility of imbedding test items from NAEP into state and district assessments.

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall provide an informal interim progress report to Congress no later than June 30, 1999, and a final report no later than September 30, 1999.

5. **Purpose of the proposed national tests.** NAGB will determine and clearly articulate in a report to Congress the intended purpose of the tests. The report shall state whether the tests are being designed for and will be used for diagnostic purposes, accountability/high stakes purposes, and/or other purposes. Report shall be due no later than September 30, 1999.

6. **Response to National Academy of Sciences Study.** NAGB will develop and submit to Congress a report of how it intends to address the National Academy of Sciences findings in the study "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress" which stated that the achievement levels of NAEP (basic, proficient, advanced) are fundamentally flawed. How NAGB addresses this issue will directly affect the achievement levels of the proposed national tests, which are to be based on the same achievement levels of NAEP. Report shall be due no later than September 30, 1999.

Additionally, the National Academy of Sciences Study "Evaluation of the Voluntary National Tests: Phase I", in describing the achievement levels to be used on the national tests, stated that issues such as achievement level setting, reporting, relationship between test items and achievement level descriptions, etc. should be resolved early in the test development process, rather than following other test development activities.

001-15-1998 09:51

GENERAL PROVISIONS

Voluntary National Tests

The conference agreement includes a provision not contained in either the House nor the Senate bills.

Prohibition of testing unless specifically and explicitly authorized

The House Committee-reported Labor, Health and Human Services and Education appropriations bill, H.R. 4274, prohibits the development, planning, implementation (including pilot testing or field-testing) or administration of any national test without specific and explicit statutory authority.

The Senate Committee-reported Labor, Health and Human Services and Education appropriations bill, S. 2440 prohibits field testing, implementation and administration of national tests, but would allow pilot testing to go forward in Fiscal Year (FY) 1999. The Senate bill also continues to grant authority to the National Assessment Governing Board (NAGB), as opposed to the Department of Education, to oversee limited test development activities.

The language included in the omnibus bill continues to permit the National Assessment Governing Board to proceed with very limited test development activities, but specifically prohibits any pilot testing, field testing, administration or distribution of individualized national tests that are not specifically and explicitly provided for in authorizing legislation enacted into law. At the present time, there is no specific and explicit authority in Federal law for individualized national tests.



~~Purpose of the tests~~

~~From the initial announcement of the proposed voluntary national tests until the present, there has been no clear articulation of the purpose of the proposed voluntary national tests. As many in the testing industry have noted, the purpose of any test is fundamentally related to the design of the test. Are the proposed national tests to be used for diagnostic purposes? Are the tests to be used for accountability/high stakes purposes? Are the tests to be used to drive local curriculum? None of these questions have been adequately answered. The omnibus bill requires NAGB to determine and clearly articulate the purpose and intended use of the proposed national tests, and to report to Congress and the White House no later than September 30, 1998.~~

~~Voluntary nature of the tests~~

~~In a similar fashion, there has been no clear articulation of what the word "voluntary" means. The question becomes "Are the proposed national tests intended to be voluntary as to the student, voluntary as to the school, voluntary as to the school district, or voluntary as to the state?" That question has never been adequately answered. Congress believes it is time for the public and policy makers to know and understand what the word "voluntary" means in the context of national tests. Accordingly, the omnibus bill ^{also} requires NAGB to determine and report to Congress and the White House no later than September 30, 1999 on the meaning of the word "voluntary" in the context of proposed national tests.~~

Response to National Academy of Sciences (NAS) Report "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress"

Oct-13-1998 09:32

On September 24, 1998, the National Academy of Sciences released a report entitled "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress." The report, conducted under the authority of section 411(f) of the National Education Statistics Act, concluded in part, that the NAEP achievement level-setting procedures remain fundamentally flawed. Because the achievement levels for the proposed national tests are to be modeled upon the NAEP achievement levels, the report's findings have direct implications for national tests.

Congress has included in the omnibus bill a provision requiring NAGB to develop and submit to Congress and the White House a report which responds to the findings of the NAS on this matter. NAGB shall report to Congress and the White House no later than September 30, 1999.

National Academy of Sciences (NAS) Technical Feasibility Study

The omnibus bill authorizes the NAS to conduct a study of the technical feasibility, validity, and reliability of imbedding test items from NAEP or other tests in state and district assessments in fourth grade reading and eighth grade mathematics.

Congress is aware that including items from one test in another test for the purpose of providing a common measure of individual student performance is, effectively, a form of linking. Therefore, Congress requests NAS to issue a report not only on the practicality, but also the validity and reliability of interpretations based upon reported scores from the inclusion of test items from NAEP or other tests in state and district assessments.

In looking at the validity and reliability of imbedding test items and the reporting of test results on such items, the NAS should determine whether linking state and district

assessments to the NAEP or another national performance standard or scale through the method of imbedded items will result in valid measures of student achievement within states and districts, and in terms of national performance standards or scales.

Further, NAS should consider the issues presented in its report to Congress dated September 3, 1998 and entitled "Uncommon Measures: Equivalence and Linkage Among Educational Tests," and those issues raised by the General Accounting Office report "Student Testing: Issues Related to Voluntary National Mathematics and Reading Tests" dated June 1998. The NAS study should take into consideration the validity and reliability of content and standards-based score descriptions of different measurements, comparison of a matrix-sample test to an individual student achievement test, differences in test purposes, stakes and motivation, and the stability of results over time.

Finally, Congress will consider both the NAS informal progress report (due no later than June 30, 1999), the NAS final report (due no later than September 30, 1999), and the Administration's views on national testing during the authorization process of the National Assessment of Educational Progress and the Elementary and Secondary Education Act in the 106th Congress.

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2 (a) IN GENERAL.—Part C of the General Education
3 Provisions Act (20 U.S.C. 1231 et seq.) is amended by
4 adding at the end the following:

5 "SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TEST-
6 ING.

7 "(a) GENERAL PROHIBITION.—Notwithstanding any
8 other provision of Federal law and except as provided in
9 subsection (b), no funds provided to the Department of
10 Education or to an applicable program, may be used to
11 pilot test, field test, implement, administer or distribute
12 in any way any federally sponsored national test in read-
13 ing, mathematics, or any other subject that is not specifi-
14 cally and explicitly provided for in authorizing legislation
15 enacted into law.

16 "(b) EXCEPTIONS.—Subsection (a) shall not apply to
17 the Third International Mathematics and Science Study
18 or other international comparative assessments developed
19 under the authority of section 404(a)(6) of the National
20 Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)
21 et seq.) and administered to only a representative sample
22 of pupils in the United States and in foreign nations."

23 (b) AUTHORITY OF NATIONAL ASSESSMENT GOV-
24 ERNING BOARD.—Subject to section 447 of the General
25 Education Provisions Act, the exclusive authority over the
26 direction and all policies and guidelines for developing vol-

1 untary national tests pursuant to contract RJ97153001
2 previously entered into between the United States Depart-
3 ment of Education and the American Institutes for Re-
4 search and executed on August 15, 1997, and subse-
5 quently modified by the National Assessment Governing
6 Board on February 11, 1998, shall continue to be vested
7 in the National Assessment Governing Board established
8 under section 412 of the National Education Statistics Act
9 of 1994 (20 U.S.C. 9011).

10 (c) STUDIES.—

11 (1) PURPOSE, DEFINITION, AND ACHIEVEMENT
12 LEVELS.—The National Assessment Governing
13 Board shall determine and clearly articulate in a re-
14 port the purpose and intended use of any proposed
15 federally sponsored national test. Such report shall
16 also include—

17 (A) a definition of the meaning of the term
18 “voluntary” in regards to the administration of
19 any national test; and

20 (B) a description of the achievement levels
21 and reporting methods to be used in grading
22 any national test.

23 The report shall be submitted to the White House,
24 the Committees on Education and the Workforce of
25 the House of Representatives, the Committee on

1 Labor and Human Resources of the Senate, and the
2 Committees on Appropriations of the House of Rep-
3 resentatives and the Senate not later than Septem-
4 ber 30, 1999.

5 (2) RESPONSE TO REPORT.—The National As-
6 sessment Governing Board shall develop and submit
7 to the entities identified in paragraph (1) a report,
8 not later than September 30, 1999, that addresses
9 and responds to the findings reported by the Na-
10 tional Academy of Sciences in the report entitled
11 "Grading the Nation's Report Card: Evaluating
12 NAEP and Transforming the Assessment of Edu-
13 cational Progress" that assert that the achievement
14 levels of the National Assessment of Educational
15 Progress (NAEP) are fundamentally flawed.

16 (3) TECHNICAL FEASIBILITY.—The National
17 Academy of Sciences shall conduct a study regarding
18 the technical feasibility, validity, and reliability of in-
19 cluding test items from the National Assessment of
20 Educational Progress (NAEP) for 4th grade reading
21 and 8th grade mathematics or from other tests in
22 State and district assessments for the purpose of
23 providing a common measure of individual student
24 performance. The National Academy of Sciences
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- 1 graph (1), an interim progress report not later than
- 2 June 30, 1999 and a final report not later than Sep-
- 3 tember 30, 1999.



COMMITTEE ON APPROPRIATIONS
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FAX COVER SHEET

TO: *Barbara Chow, Mittie Cohen*

FAX #: *395-5730/456-5581*

FROM:

DATE:

PAGES (including cover): *9*

Comments:

Testing Language

Who has - test - *ED Hall*

2

GENERAL PROVISIONS

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22 State and district assessments for the purpose of
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24 performance. The National Academy of Sciences
25 shall submit, to the entities identified under para-

- 1 graph (1), an interim progress report not later than
- 2 June 30, 1999 and a final report not later than Sep-
- 3 tember 30, 1999.

I. RESTRICTIONS ON PILOT TESTING

1. Senate Language with ban on comparisons among districts.

Sec. 305. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, **nor may any funds be used to conduct pilot tests that allow for comparisons of test results among school districts**: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

OR

Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, **nor to engage in any testing would would enable comparisons of test results to be made among school districts**: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

2. Restriction on Pilot Test With Individual Scores

Sec. ____ Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program in this Act or in any other Act in fiscal year 1999 may be used for a pilot test that would yield individual student, school, school district, or state scores as part of the development of any federally sponsored voluntary national test in reading, mathematics, or any other subject, or to field test, implement or administer any such test; Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

3. Restriction on Pilot Test and Field Test With Individual Scores

Sec. ____ Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program in this Act or in any other Act in fiscal year 1999 may be used for a pilot test or field test that would yield individual student, school, school district, or state scores as part of the development of any federally sponsored voluntary national test in reading, mathematics, or any other subject, or to implement or administer any such test; Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

II. RESTRICTIONS ON IMPLEMENTATION

4. No Implementation Without Authorization & NAGB Develops Plan for Test

Implementation and Use

Sec. ____ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to implement or administer any federally sponsored national test in reading, mathematics or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law. The National Assessment Governing Board (NAGB) shall develop a plan for the continued development and implementation of national tests that measure individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. The plan shall include policies for the administration and use of such national tests. In developing this plan, NAGB shall consider the feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. NAGB shall present the plan to the Committee on Education and Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the President for their consideration by ____ (prior to reauthorization of the National Assessment of Education Progress).

5. No State or Local Implementation Without Quality Assurance

No state or local school district may participate in national tests unless it provides an assurance to the Secretary of Education that it has developed and is implementing a plan to (1) ensure that teachers have the knowledge and skills necessary to teach students to meet the NAEP standards; (2) provide all students with access to a challenging curriculum that can prepare them to meet the NAEP standards, (3) provide additional assistance to students and schools that do not make progress toward meeting the NAEP standards.

III. NATIONAL ACADEMY OF SCIENCES STUDIES

6. NAS Study on Embedding NAEP Items in State and Local Tests

Option 2
The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999.

7. NAS Study on Teacher Quality

Revised Option 2
The National Academy of Sciences shall conduct a study to identify the knowledge and skills teachers must have in order to effectively prepare students to meet national standards, and to identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills. The National Academy of

Sciences shall report the results of the study to Congress by_____.

IV. BUDGET CUT

6. Propose reducing the appropriations for test development from \$16 to \$8 million. These funds have been requested in the Education Department's Fund for the Improvement of Education (FIE) account.

Note that we will need more than \$8 million if we are to conduct the NAS studies (I don't know the cost of these studies yet, but I would save \$1 million each to be on the very safe side.

Feedback 1

Sec. _____. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, or to engage in any other testing activity that would enable comparisons of test results among school districts: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

AND

5. NAS Study on Embedding NAEP Items in State and Local Tests

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999.

Managers

Fallback 2

No State or Local Implementation Without Quality Assurance

No State or local educational agency receiving financial assistance from the Secretary of Education may participate in any national test in 4th grade reading or 8th grade mathematics that is supported by the Secretary and that measures individual student performance against standards of the National Assessment of Educational Progress unless the State or local educational agency, as the case may be, certifies to the Secretary that it has developed, and has begun to carry out, a plan to--

- (1) ensure that teachers have the knowledge and skills they need to teach students to meet those standards;
- (2) provide all students with access to a challenging curriculum that can prepare them to meet those standards; and
- (3) provide additional assistance to students and schools that do not make progress toward meeting those standards.

Fallback 3

No Implementation Without Authorization & NAGB Develops Plan for Test

Implementation and Use

Sec. ____ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to implement or administer any federally sponsored national test in reading, mathematics or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law. The National Assessment Governing Board shall develop a plan for the continued development and implementation of national tests that measure individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. The plan shall include policies for the administration and use of national tests. In developing this plan, NAGB shall consider the feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. NAGB shall present a written plan to the Committee on Education and Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the President for their consideration by _____ (prior to reauthorization of the National Assessment of Education Progress).

Could be used to sweeten any fallback option

Propose reducing the appropriations for test development from \$16 to \$8-10 million.

These funds have been requested in the Education Department's Fund for the Improvement of Education (FIE) account. (Keep 10 million if we do both NAS studies)

October 11, 1998

MEMORANDUM FOR: ERSKINE BOWLES
 LARRY STEIN
 JACK LEW

FROM: Bruce Reed
 Elena Kagan
 Mike Cohen

SUBJECT: National Testing Proposal to Goodling

Attached is language on national testing we have sent to Mr. Goodling as a result of our 90-minute meeting with him yesterday. The proposal includes (1) the Senate bill language, (2) new statutory language providing for a National Academy of Sciences study, and (3) new Report language explicating the meaning of the Senate prohibition. This proposal will allow us to continue with test development (including our planned pilot testing), while responding to Goodling's view that we not engage in testing activity that allows comparisons of test results among school districts until they have had an opportunity to put in place additional quality improvements. In the event this offer proves insufficient, we have several other fallback options.

Sec. ____ Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

Sec. ____ (a) STUDY -- The National Academy of Sciences shall conduct a study to identify the knowledge and skills teachers must have in order to prepare students effectively to meet national standards, and to identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills.

(B) REPORT OF FINDINGS TO CONGRESS -- The National Academy of Sciences shall report the results of the study to Congress by July 1, 1999.

Report Language

The Committee bill provides that the National Assessment Governing Board retain exclusive authority over the policies, direction, and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to field test, implement, or administer any federally sponsored national tests. This prohibition is intended to preclude the use of any funds for testing activity that would enable comparisons of test results among school districts.

The Committee bill also provides that the National Academy of Sciences conduct a study to determine the knowledge and skills teachers must have in order to prepare students effectively to meet the national standards as measured by NAEP and the national test. It also provides that the study identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills. The Committee recognizes that students will not be able to meet challenging standards or do well on any test that measures them against challenging standards unless their teachers have the knowledge, skills and preparation to teach them effectively. Particularly in high poverty schools and communities, students often do not have teachers who are fully certified, or adequately prepared. The Committee also recognizes that steps recently taken by the Congress to improve the recruitment, preparation and training of teachers, especially in reading, will help address this problem. This study is intended to provide states, school districts, institutions of higher education and teacher preparation programs with the information necessary to provide students with the well-prepared teachers they need.

I. RESTRICTIONS ON PILOT TESTING

1. Senate Language with ban on comparisons among districts.

Sec. 305. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, **nor may any funds be used to conduct pilot tests that allow for comparisons of test results among school districts**: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

2. Restriction on Pilot Test With Individual Scores

Sec. ____ Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program in this Act or in any other Act in fiscal year 1999 may be used for a pilot test that would yield individual student, school, school district, or state scores as part of the development of any federally sponsored voluntary national test in reading, mathematics, or any other subject, or to field test, implement or administer any such test; Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

3. Restriction on Pilot Test and Field Test With Individual Scores

Sec. ____ Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program in this Act or in any other Act in fiscal year 1999 may be used for a pilot test or field test that would yield individual student, school, school district, or state scores as part of the development of any federally sponsored voluntary national test in reading, mathematics, or any other subject, or to implement or administer any such test; Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

II. RESTRICTIONS ON IMPLEMENTATION

4. No State or Local Implementation Without Quality Assurance

No State or local educational agency receiving financial assistance from the Secretary of Education may participate in any national test in 4th grade reading or 8th grade mathematics that is supported by the Secretary and that measures individual student performance against standards of the National Assessment of Educational Progress unless the State or local educational agency, as the case may be, certifies to the Secretary that it has developed, and has begun to carry out, a plan to--

- (1) ensure that teachers have the knowledge and skills they need

to teach students to meet those standards;

(2) provide all students with access to a challenging curriculum that can prepare them to meet those standards; and

(3) provide additional assistance to students and schools that do not make progress toward meeting those standards.

III. NATIONAL ACADEMY OF SCIENCES STUDIES

5. NAS Study on Embedding NAEP Items in State and Local Tests

Full Card
(1)
The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999.

6. NAS Study on Teacher Quality

already sent
The National Academy of Sciences shall conduct a study to identify the knowledge and skills teachers must have in order to effectively prepare students to meet national standards, and to identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills. The National Academy of Sciences shall report the results of the study to Congress by _____.

IV. BUDGET CUT

7. **Propose reducing the appropriations for test development from \$16 to \$8 million.**

These funds have been requested in the Education Department's Fund for the Improvement of Education (FIE) account.

Note that we will need more than \$8 million if we are to conduct the NAS studies (I don't know the cost of these studies yet, but I would save \$1 million each to be on the very safe side.

THE WHITE HOUSE
WASHINGTON

Livingston

Stevens

Porter

Specter

Cochran

Lott

(Run 1744)

Castle?

(Jeffords)?

October 12, 1998

MEMORANDUM FOR ERSKINE BOWLES

FROM: Bruce Reed

SUBJECT: Negotiations on National Testing

We're getting nowhere with Goodling on national tests. We met with him Saturday, offered a compromise yesterday, and were told today that Goodling remains unwilling to budge from his demand for a ban on pilot testing of any sort. We offered to meet with Goodling again, but were told that Goodling met with Lott, Armey, and Gingrich today, and has their support for holding firm.

Our offer would have permitted NAGB to conduct pilot testing as planned, but also clarified that the type of testing Goodling indicated was of greatest concern to him--tests that would enable comparisons among school districts to be made--would not be allowable this year.

We are prepared to make additional concessions, which are outlined below. But none of these will be enough to satisfy Goodling unless he is told by the leadership that this is the best he can do.

The central issue is over pilot testing. Last year's provision allowed NAGB to continue test development but banned pilot testing in FY98. In order to keep the test on schedule for implementation in 2001, NAGB needs to be able to pilot test individual test items to see whether they work. Because students will be given only a sample of items, this pilot testing will not produce scores for individuals, schools, districts, or states. The pilot test will only involve about 20,000 students nationwide.

We could agree to ban any pilot testing that produces scores for individuals, schools, districts, or states (see Option 1 below). But an absolute ban on pilot testing, as Goodling continues to demand, would kill the test.

Attached are our fallback options for further negotiations. Each of them permits pilot testing to occur as planned.

Option 1 prohibits any testing this year that would enable individual scores or comparisons among school districts. It also includes an additional NAS study that

would examine the feasibility of including test items from NAEP into state or local tests, to determine if it will be possible for a state or school district to use its own test instead of the national test.

Option 2, to be offered in addition to Option 1, would require a state or school district to certify to NAGB that it has qualified teachers, an appropriate curriculum, and extra help for students and schools, before it can give the tests. This responds to Goodling's concerns that the test shouldn't be given until we know children can pass them. It will also appeal to the CBC.

Option 3 is as far as we can go. It would permit pilot testing as planned, but would not permit test implementation to occur unless specifically authorized by Congress. This would be a major concession to Goodling--and would force us to have a virtually unwinnable authorization fight next year.

One final relevant piece of information for your discussions with the Republican leadership: In Penn's polling on whether voters would support the President for vetoing over contentious riders, a veto over language that banned the national test was the most popular by far -- 60-32% among all voters, 57-39% among independents. In Penn's polling, the test is even more popular than the environment.

Option 1

Sec. _____. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, or to engage in any other testing activity that would enable comparisons of test results among school districts: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

AND

NAS Study on Embedding NAEP Items in State and Local Tests

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999.

Option 2 (in addition to Option 1)

No State or Local Implementation Without Quality Assurance

No State or local educational agency receiving financial assistance from the Secretary of Education may participate in any national test in 4th grade reading or 8th grade mathematics that is supported by the Secretary and that measures individual student performance against standards of the National Assessment of Educational Progress unless the State or local educational agency, as the case may be, certifies to NAGB that it has developed, and has begun to carry out, a plan to--

(1) ensure that teachers have the knowledge and skills they need to teach students to meet those standards;

(2) provide all students with access to a challenging curriculum that can prepare them to meet those standards; and

(3) provide additional assistance to students and schools that do not make progress toward meeting those standards.

Option 3 (in addition to Options 1 & 2)

No Implementation Without Authorization & NAGB Develops Plan for Test Implementation and Use

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Could be used to sweeten any fallback option

Propose reducing the appropriations for test development from \$16 to \$8-10 million.

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October 11, 1998

MEMORANDUM FOR: ERSKINE BOWLES
 LARRY STEIN
 JACK LEW

FROM: Bruce Reed
 Elena Kagan
 Mike Cohen

SUBJECT: National Testing Proposal to Goodling

Attached is language on national testing we have sent to Mr. Goodling as a result of our 90-minute meeting with him yesterday. The proposal includes (1) the Senate bill language, (2) new statutory language providing for a National Academy of Sciences study, and (3) new Report language explicating the meaning of the Senate prohibition. This proposal will allow us to continue with test development (including our planned pilot testing), while responding to Goodling's view that we not engage in testing activity that allows comparisons of test results among school districts until they have had an opportunity to put in place additional quality improvements. In the event this offer proves insufficient, we have several other fallback options.

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(B) REPORT OF FINDINGS TO CONGRESS -- The National Academy of Sciences shall report the results of the study to Congress by July 1, 1999.

Report Language

The Committee bill provides that the National Assessment Governing Board retain exclusive authority over the policies, direction, and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to field test, implement, or administer any federally sponsored national tests. This prohibition is intended to preclude the use of any funds for testing activity that would enable comparisons of test results among school districts.

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NOTE TO KEVIN TALLEY

In our discussion yesterday with Mr. Goodling, we agreed to send up some testing language for your consideration. Please call me as soon as you have had a chance to consider the attached.

Mike Cohen

456-5575

Pager: 757-5000

Goodling office 225-5836

Sec. ____ Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

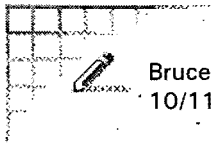
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The Committee bill provides that the National Assessment Governing Board retain exclusive authority over the policies, direction, and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to field test, implement, or administer any federally sponsored national tests. This prohibition is intended to preclude the use of any funds for testing activity that would enable comparisons of test results among school districts.

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Bruce N. Reed
10/11/98 02:57:53 PM

Record Type: Record

To: Michael Cohen/OPD/EOP
cc: Elena Kagan/OPD/EOP, Barbara Chow/OMB/EOP
Subject: Re: national test language/options

These look pretty good. But the more I think about it, the less I think we should be willing to go along with any kind of requirement for Congressional authorization. I think that gives away too much, and won't really satisfy Goodling about pilot testing anyway.

I like Option 5, about quality assurance. I wonder if you could require districts to report to Congress or to NAGB, not the Secy of Education. Also, what about prohibiting pilot testing, field testing, or implementation of the national test if the NAS certifies that a state test is available that can measure individual performance against NAEP standards?

Fallback 1

Restriction on Pilot Test With Individual Scores

Sec. ____ Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program in this Act or in any other Act in fiscal year 1999 may be used for a pilot test that would yield individual student, school, school district, or state scores as part of the development of any federally sponsored voluntary national test in reading, mathematics, or any other subject, or to field test, implement or administer any such test; Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

OR

3. Restriction on Pilot Test and Field Test With Individual Scores

Sec. ____ Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program in this Act or in any other Act in fiscal year 1999 may be used for a pilot test or field test that would yield individual student, school, school district, or state scores as part of the development of any federally sponsored voluntary national test in reading, mathematics, or any other subject, or to implement or administer any such test; Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

AND

5. NAS Study on Embedding NAEP Items in State and Local Tests

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999:

Fallback 2

No State or Local Implementation Without Quality Assurance

No State or local educational agency receiving financial assistance from the Secretary of Education may participate in any national test in 4th grade reading or 8th grade mathematics that is supported by the Secretary and that measures individual student performance against standards of the National Assessment of Educational Progress unless the State or local educational agency, as the case may be, certifies to the Secretary that it has developed, and has begun to carry out, a plan to--

(1) ensure that teachers have the knowledge and skills they need to teach students to meet those standards;

(2) provide all students with access to a challenging curriculum that can prepare them to meet those standards; and

(3) provide additional assistance to students and schools that do not make progress toward meeting those standards.

Propose reducing the appropriations for test development from \$16 to \$8-10 million.

These funds have been requested in the Education Department's Fund for the Improvement of Education (FIE) account. (Keep 10 million if we do both NAS studies)

Option 1: Prohibit pilot testing and redefine in report language

Sec. _____. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to pilot test, field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, or to engage in any other testing activity that would enable comparisons of test results among school districts: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

Report Language

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to pilot test, field test, implement, or administer any federally sponsored national tests. This prohibition is intended to preclude the use of funds for pilot testing and field testing that would produce test scores for individual students, schools, school districts, and states, or report such information to parents, students, teachers or other school officials.

Option 2: Prohibition on pilot testing until Congress reauthorizes NAEP

Sec. ____ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics or any other subject, nor shall any funds be used to pilot test any federally sponsored national test until Congress enacts legislation for the reauthorization of the National Assessment of Education Progress: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998

Report language

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to field test, implement, or administer any federally sponsored national tests. It provides that no pilot testing may occur until Congress enacts legislation reauthorizing the National Assessment of Education Progress (NAEP). The Committee expects that the next Congress will consider reauthorization of NAEP, and that Congress may further address the issue of national testing in that context.

Option 3: No Implementation Without Authorization & NAGB Develops Plan for Test Implementation and Use

Sec. ____ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to pilot test, field test, implement or administer any federally sponsored national test in reading, mathematics or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law. The National Assessment Governing Board shall develop a plan for the continued development and implementation of national tests that measure individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. The plan shall include policies for the administration and use of national tests. In developing this plan, NAGB shall consider the feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. NAGB shall present a written plan to the Committee on Education and Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the President for their consideration by ____ (prior to reauthorization of the National Assessment of Education Progress).

Report Language

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math, and permits NAGB to continue test development work. The bill prohibits implementation or administration of the tests unless such implementation is explicitly authorized in law. The Committee expects that Congress will consider such authorization as part of the forthcoming reauthorization of the National Assessment of Education Progress. In order to help inform Congressional deliberations, the committee bill directs NAGB to develop and present to the authorizing committees and the President a plan for implementation and use of the national tests. In developing this plan, NAGB should consider the feasibility of including items from NAEP in state or local tests in order to measure students against NAEP achievement levels without requiring the administration of a separate national test.

Option 4: Permits Pilot Testing only for Items that may be embedded in state tests

Sec. ____ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to pilot test, field test, implement or administer any federally sponsored national test in reading, mathematics or any other subject, nor shall any funds be used to pilot test any federally sponsored national test until Congress enacts legislation for the reauthorization of the National Assessment of Education Progress: Provided, That the National Assessment Governing Board (NAGB) shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998; Provided, that NAGB may conduct studies to determine the technical quality of test items that may be used [solely] for the purpose of incorporation in state or local tests in order to measure student progress against National Assessment of Education Progress benchmarks.

AND

NAS Study on Embedding NAEP Items in State and Local Tests

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999.

Report Language

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to pilot test, field test, implement, or administer any federally sponsored national tests.

The Committee recognizes that many states and local communities have already developed tests aligned with state and local academic standards, and may wish to have an efficient way of also determining how well students perform relative to the National Assessment of Education Progress achievement levels. Therefore, the bill also provides that the National Academy of Sciences conduct a study to determine the feasibility of incorporating items from NAEP or other tests into state or local tests for these purposes. Further, the Committee bill permits NAGB to conduct studies to determine the technical quality of test items developed under its authority for these purposes. Such studies may address issues including how well students understand and interpret the questions, how different ethnic, racial or gender groups respond to the questions, if the questions measure the content area they are supposed to measure, if the questions are too easy or too difficult for the target population, if the questions assess the range of skills and abilities of all the students, and if the questions are appropriate for the grade level.

Insert A

Provided, that NAGB may conduct studies to determine the technical quality of test items ^{in these items} ~~that may be used~~ for the purpose of incorporation in state or local tests in order to measure student progress against National Assessment of (Education) Progress benchmarks.

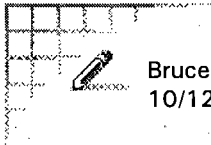
Report Language

In addition to the report language you have suggested, we propose the following:

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to pilot test, field test, implement, administer or distribute in any way any federally sponsored national tests. ~~This prohibition is intended to preclude the use of funds for pilot testing and field testing that would produce test scores for individual students, schools, school districts, and states, or report such information to parents, students, teachers or other school officials.~~

The Committee recognizes that many states and local communities have already developed tests aligned with state and local academic standards, and may wish to have an efficient way of also determining how well students perform relative to the National Assessment of Education Progress achievement levels. Therefore, the bill also provides that the National Academy of Sciences conduct a study to determine the feasibility of incorporating items from NAEP or other tests into state or local tests for these purposes. Further, the Committee bill permits NAGB to conduct studies to determine the technical quality of ^{any} test items ^{such as:} ~~developed under its authority~~ for these purposes. ^{if incorporating them into state or local tests} Such studies may address issues including how well students understand and interpret the questions; ^{whether} how different ethnic, racial or gender groups respond to the questions; ^{whether} the questions measure the content area they are supposed to measure; ^{whether} the questions are too easy or too difficult for the target population; ^{whether} the questions assess the range of skills and abilities of all the students; and ^{whether} if the questions are appropriate for the grade level.

For purposes of this section, pilot testing is any testing activity that produces test scores for individual students, school districts, or states.



Bruce N. Reed
10/12/98 12:40:03 PM

Record Type: Record

To: Michael Cohen/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject: Re: test fallbacks

Fallback 2 might be more attractive to them if the district had to certify to NAGB, not the Secretary. (I know that's a little goofy, but I don't think it will fly otherwise.)

On Fallback 2 and 3, you need to make clear to our negotiators that these are in addition to Fallback 1. I don't want them to think that Fallback 3 bans all pilot testing until authorization -- just pilot testing with individual scores.

FYI -- I talked to Kevin, and told him I would like to speak to Goodling and get together if possible. He said Goodling was on his way over to the floor, but he'd tell him.

other activity that

Sec. ____ Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject, nor to engage in any testing ~~would~~ would enable comparisons of test results ~~to be made~~ among school districts: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

Sec. ____ (a) STUDY -- The National Academy of Sciences shall conduct a study to identify the knowledge and skills teachers must have in order to effectively prepare students to meet national standards, and to identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills.

(B) REPORT OF FINDINGS TO CONGRESS -- The National Academy of Sciences shall report the results of the study to Congress by ____.

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October 11, 1998

MEMORANDUM FOR: ERSKINE BOWLES
 LARRY STEIN
 JACK LEW

FROM: Bruce Reed
 Elena Kagan
 Mike Cohen

SUBJECT: National Testing Proposal to Goodling

Attached is language on national testing we have sent to Mr. Goodling as a result of our 90-minute meeting with him yesterday. The proposal includes (1) the Senate bill language, (2) new statutory language providing for a National Academy of Sciences study, and (3) new Report language explicating the meaning of the Senate prohibition. This proposal will allow us to continue with test development (including our planned pilot testing), while responding to Goodling's view that we not engage in testing activity that allows comparisons of test results among school districts until they have had an opportunity to put in place additional quality improvements. In the event this offer proves insufficient, we have several other fallback options.

Sec. ____ Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

Sec. ____ (a) STUDY -- The National Academy of Sciences shall conduct a study to identify the knowledge and skills teachers must have in order to prepare students effectively to meet national standards, and to identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills.

(B) REPORT OF FINDINGS TO CONGRESS -- The National Academy of Sciences shall report the results of the study to Congress by July 1, 1999.

Report Language

The Committee bill provides that the National Assessment Governing Board retain exclusive authority over the policies, direction, and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to field test, implement, or administer any federally sponsored national tests. This prohibition is intended to preclude the use of any funds for testing activity that would enable comparisons of test results among school districts.

The Committee bill also provides that the National Academy of Sciences conduct a study to determine the knowledge and skills teachers must have in order to prepare students effectively to meet the national standards as measured by NAEP and the national test. It also provides that the study identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills. The Committee recognizes that students will not be able to meet challenging standards or do well on any test that measures them against challenging standards unless their teachers have the knowledge, skills and preparation to teach them effectively. Particularly in high poverty schools and communities, students often do not have teachers who are fully certified, or adequately prepared. The Committee also recognizes that steps recently taken by the Congress to improve the recruitment, preparation and training of teachers, especially in reading, will help address this problem. This study is intended to provide states, school districts, institutions of higher education and teacher preparation programs with the information necessary to provide students with the well-prepared teachers they need.

Voluntary National Test

Plans for the Pilot Test

Pilot testing of questions developed for the voluntary national tests is scheduled for March 1999. Pilot testing is the final step in the process of writing test questions. The purpose is to determine whether each question is good, the degree of difficulty of each question, and fairness, i.e., whether individual questions should be rejected for possible race, gender, or cultural bias. This step occurs prior to the construction of actual tests, which involve selecting test questions that reflect a specified range of difficulty and content that can be determined only on the basis of the data collected on the individual items from the pilot test.

Since the focus of the pilot test is on the quality of the individual test questions, the data collected will be analyzed question by question, not by individual student or school. This data will be used to reject or keep questions and to decide which questions will be selected to build comparable tests for field testing. No individual student or school results will be reported from the pilot test.

The sample will be, generally, nationally representative. The size of the sample is determined in large part by the number of questions being tried out. The plan for March 1999 is to try out about 1,100 questions, respectively, in reading and in math. In order to get stable information, about 800 students need to take each test question. In reading, the 1,100 questions will be divided into sets of 45 questions; in mathematics, into sets of 60 questions. As a result of the pilot test, the number of questions will be winnowed down to 270 and 360 for reading and mathematics respectively, the number needed for 6 field test booklets each.

The number of schools in the sample will be 1,044 or about 1 percent of all U.S. schools. The number of schools in the sample for 4th grade reading will be 672; for 8th grade mathematics 372.

The number of students in the sample will be about 27,600 for 4th grade reading test questions, or less than 1 percent of all U.S. 4th graders. The number of students in the sample will be about 21,600 for 8th grade mathematics test questions, again, less than 1 percent of all U.S. 8th graders.

NOTE TO KEVIN TALLEY

In our discussion yesterday with Mr. Goodling, we agreed to send up some testing language for your consideration. Please call me as soon as you have had a chance to consider the attached.

Mike Cohen
456-5575
Pager: 757-5000

Sec. ____ Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

Sec. ____ (a) STUDY -- The National Academy of Sciences shall conduct a study to identify the knowledge and skills teachers must have in order to prepare students effectively to meet national standards, and to identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills.

(B) REPORT OF FINDINGS TO CONGRESS -- The National Academy of Sciences shall report the results of the study to Congress by July 1, 1999.

Report Language

The Committee bill provides that the National Assessment Governing Board retain exclusive authority over the policies, direction, and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to field test, implement, or administer any federally sponsored national tests. This prohibition is intended to preclude the use of any funds for testing activity that would enable comparisons of test results among school districts.

The Committee bill also provides that the National Academy of Sciences conduct a study to determine the knowledge and skills teachers must have in order to prepare students effectively to meet the national standards as measured by NAEP and the national test. It also provides that the study identify the most effective approaches to teacher preparation and professional development to ensure that teachers possess the requisite knowledge and skills. The Committee recognizes that students will not be able to meet challenging standards or do well on any test that measures them against challenging standards unless their teachers have the knowledge, skills and preparation to teach them effectively. Particularly in high poverty schools and communities, students often do not have teachers who are fully certified, or adequately prepared. The Committee also recognizes that steps recently taken by the Congress to improve the recruitment, preparation and training of teachers, especially in reading, will help address this problem. This study is intended to provide states, school districts, institutions of higher education and teacher preparation programs with the information necessary to provide students with the well-prepared teachers they need.

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1 SEC. __. NATIONAL TESTING.

2 (a) IN GENERAL.—Part C of the General Education
3 Provisions Act (20 U.S.C. 1231 et seq.) is amended by
4 adding at the end the following:

5 "SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TEST-
6 ING.

7 "(a) GENERAL PROHIBITION.—Notwithstanding any
8 other provision of Federal law and except as provided in
9 subsection (b), no funds provided to the Department of
10 Education or to an applicable program, may be used to
11 pilot test, field test, implement, administer or distribute
12 in any way any federally sponsored national test in read-
13 ing, mathematics, or any other subject that is not specifi-
14 cally and explicitly provided for in authorizing legislation
15 enacted into law.

16 "(b) EXCEPTIONS.—Subsection (a) shall not apply to
17 the Third International Mathematics and Science Study
18 or other international comparative assessments developed
19 under the authority of section 404(a)(6) of the National
20 Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)
21 et seq.) and administered to only a representative sample
22 of pupils in the United States and in foreign nations."

23 (b) AUTHORITY OF NATIONAL ASSESSMENT GOV-
24 ERNING BOARD.—Subject to section 447 of the General
25 Education Provisions Act, the exclusive authority over the
26 direction and all policies and guidelines for developing vol-

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1 untary national tests pursuant to contract RJ97153001
2 previously entered into between the United States Depart-
3 ment of Education and the American Institutes for Re-
4 search and executed on August 15, 1997, and subse-
5 quently modified by the National Assessment Governing
6 Board on February 11, 1998, shall continue to be vested
7 in the National Assessment Governing Board established
8 under section 412 of the National Education Statistics Act
9 of 1994 (20 U.S.C. 9011).

10 (c) STUDIES.—

11 (1) PURPOSE, DEFINITION, AND ACHIEVEMENT
12 LEVELS.—The National Assessment Governing
13 Board shall determine and clearly articulate in a re-
14 port the purpose and intended use of any proposed
15 federally sponsored national test. Such report shall
16 also include—

17 (A) a definition of the meaning of the term
18 “voluntary” in regards to the administration of
19 any national test; and

20 (B) a description of the achievement levels
21 and reporting methods to be used in grading
22 any national test.

23 The report shall be submitted to the White House,
24 the Committees on Education and the Workforce of
25 the House of Representatives, the Committee on

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1 Labor and Human Resources of the Senate, and the
2 Committees on Appropriations of the House of Rep-
3 resentatives and the Senate not later than Septem-
4 ber 30, 1999.

5 (2) RESPONSE TO REPORT.—The National As-
6 sessment Governing Board shall develop and submit
7 to the entities identified in paragraph (1) a report,
8 not later than September 30, 1999, that addresses
9 and responds to the findings reported by the Na-
10 tional Academy of Sciences in the report entitled
11 "Grading the Nation's Report Card: Evaluating
12 NAEP and Transforming the Assessment of Edu-
13 cational Progress" that assert that the achievement
14 levels of the National Assessment of Educational
15 Progress (NAEP) are fundamentally flawed.

16 (3) TECHNICAL FEASIBILITY.—The National
17 Academy of Sciences shall conduct a study regarding
18 the technical feasibility, validity, and reliability of in-
19 cluding test items from the National Assessment of
20 Educational Progress (NAEP) for 4th grade reading
21 and 8th grade mathematics or from other tests in
22 State and district assessments for the purpose of
23 providing a common measure of individual student
24 performance. The National Academy of Sciences
25 shall submit, to the entities identified under para-

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- 1 graph (1), an interim progress report not later than
- 2 June 30, 1999 and a final report not later than Sep-
- 3 tember 30, 1999.



COMMITTEE ON APPROPRIATIONS
MINORITY STAFF
1016 LONGWORTH HOB
WASHINGTON, DC 20515

Telephone: (202)225-3481

Facsimile: (202)225-9476

FAX COVER SHEET

TO: *Barbara Chow, Middle Eastern*

FAX #: *395-5730 / 456-5581*

FROM:

DATE:

PAGES (including cover): *9*

Comments:

Testing Language

④ *Who has - Feb -* *on call*

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GENERAL PROVISIONS

Voluntary National Tests

The conference agreement includes a provision not contained in either the House nor the Senate bills.

Prohibition of testing unless specifically and explicitly authorized

The House Committee-reported Labor, Health and Human Services and Education appropriations bill, H.R. 4274, prohibits the development, planning, implementation (including pilot testing or field-testing) or administration of any national test without specific and explicit statutory authority.

The Senate Committee-reported Labor, Health and Human Services and Education appropriations bill, S. 2440 prohibits field testing, implementation and administration of national tests, but would allow pilot testing to go forward in Fiscal Year (FY) 1999. The Senate bill also continues to grant authority to the National Assessment Governing Board (NAGB), as opposed to the Department of Education, to oversee limited test development activities.

The language included in the omnibus bill continues to permit the National Assessment Governing Board to proceed with very limited test development activities, but specifically prohibits any pilot testing, field testing, administration or distribution of individualized national tests that are not specifically and explicitly provided for in authorizing legislation enacted into law. At the present time, there is no specific and explicit authority in Federal law for individualized national tests.

Purpose of the tests

From the initial announcement of the proposed voluntary national tests until the present, there has been no clear articulation of the purpose of the proposed voluntary national tests. As many in the testing industry have noted, the purpose of any test is fundamentally related to the design of the test. Are the proposed national tests to be used for diagnostic purposes? Are the tests to be used for accountability/high stakes purposes? Are the tests to be used to drive local curriculum? None of these questions have been adequately answered. The omnibus bill requires NAGB to determine and clearly articulate the purpose and intended use of the proposed national tests, and to report to Congress and the White House no later than September 30, 1998.

Voluntary nature of the tests

In a similar fashion, there has been no clear articulation of what the word "voluntary" means. The question becomes "Are the proposed national tests intended to be voluntary as to the student, voluntary as to the school, voluntary as to the school district, or voluntary as to the state?" That question has never been adequately answered. Congress believes it is time for the public and policy-makers to know and understand what the word "voluntary" means in the context of national tests. Accordingly, the omnibus bill requires NAGB to determine and report to Congress and the White House no later than September 30, 1999 on the meaning of the word "voluntary" in the context of proposed national tests.

Response to National Academy of Sciences (NAS) Report "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress"

On September 24, 1998, the National Academy of Sciences released a report entitled "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress." The report, conducted under the authority of section 411(f) of the National Education Statistics Act, concluded in part, that the NAEP achievement level-setting procedures remain fundamentally flawed. Because the achievement levels for the proposed national tests are to be modeled upon the NAEP achievement levels, the report's findings have direct implications for national tests.

Congress has included in the omnibus bill a provision requiring NAGB to develop and submit to Congress and the White House a report which responds to the findings of the NAS on this matter. NAGB shall report to Congress and the White House no later than September 30, 1999.

National Academy of Sciences (NAS) Technical Feasibility Study

The omnibus bill authorizes the NAS to conduct a study of the technical feasibility, validity, and reliability of imbedding test items from NAEP or other tests in state and district assessments in fourth grade reading and eighth grade mathematics.

Congress is aware that including items from one test in another test for the purpose of providing a common measure of individual student performance is, effectively, a form of linking. Therefore, Congress requests NAS to issue a report not only on the practicality, but also the validity and reliability of interpretations based upon reported scores from the inclusion of test items from NAEP or other tests in state and district assessments.

In looking at the validity and reliability of imbedding test items and the reporting of test results on such items, the NAS should determine whether linking state and district

assessments to the NAEP or another national performance standard or scale through the method of imbedded items will result in valid measures of student achievement within states and districts, and in terms of national performance standards or scales.

Further, NAS should consider the issues presented in its report to Congress dated September 3, 1998 and entitled "Uncommon Measures: Equivalence and Linkage Among Educational Tests," and those issues raised by the General Accounting Office report "Student Testing: Issues Related to Voluntary National Mathematics and Reading Tests" dated June 1998. The NAS study should take into consideration the validity and reliability of content and standards-based score descriptions of different measurements, comparison of a matrix-sample test to an individual student achievement test, differences in test purposes, stakes and motivation, and the stability of results over time.

Finally, Congress will consider both the NAS informal progress report (due no later than June 30, 1999), the NAS final report (due no later than September 30, 1999), and the Administration's views on national testing during the authorization process of the National Assessment of Educational Progress and the Elementary and Secondary Education Act in the 106th Congress.