



National Assessment Governing Board

National Assessment of Educational Progress

December 11, 1997

Mr. Michael Cohen
Special Assistant to the President
The White House
Washington, D.C. 20500

Dear Mike,

To help keep you informed, I am faxing a copy of a new Governing Board release. It summarizes Board actions and plans for carrying out our responsibilities for developing the voluntary national tests. The gist of the Board's approach is to consult widely, move carefully, and ensure the development of tests that are fully consistent with NAEP's content and performance standards.

Under separate cover, I am sending the full text of the Board resolutions on test contract and specifications review. Please call me at 357-6938 if you have any questions or need some more information.

We are pleased that the National Governors' Association has nominated Gov. Engler for the Republican governor's slot on the Board. It would be wonderful if he could be appointed promptly so that he can participate in all the important decisions to be made in the next few months.

Sincerely,

Roy Truby
Executive Director

Attachment

800 North Capitol Street, N.W.
Suite 825, Mailstop 7583
Washington, D.C. 20002-4233
Phone: (202) 357-6938
Fax: (202) 357-6945



National Assessment Governing Board

National Assessment of Educational Progress

FOR IMMEDIATE RELEASE
December 2, 1997

Contact: Lawrence Feinberg
(202) 357-6942

National Assessment Governing Board Plans to Develop Voluntary National Tests Based on NAEP Assessments

The National Assessment Governing Board has set out plans for developing voluntary national tests in 4th grade reading and 8th grade mathematics, based on the National Assessment of Educational Progress (NAEP).

Under the Appropriations Act for 1998, passed by Congress and signed by the President in mid-November, the Board has been granted "exclusive authority" over development of the proposed exams. The law prohibits any pilot testing of questions or field tests before October 1, 1998, and also provides for studies and evaluations by the National Academy of Sciences.

At its regular quarterly meeting in Washington on November 22, the Board adopted procedures for making decisions about the contract and specifications for developing the test questions and design. It promised wide public input into its deliberations.

"We will carry out the job Congress has asked us to do--develop an individualized version of the National Assessment of Educational Progress," said Mark D. Musick, chairman of the independent, bipartisan 26-member Governing Board, which has set policy for NAEP since 1988. The proposed tests would show students whether they can meet NAEP's standards for basic, proficient, or advanced performance.

According to a House-Senate conference report, the new tests, designed for individual students, are required to "be based on the same content and performance standards as are used for NAEP," which is given to groups of students to measure academic achievement. Congress directed that the tests be "linked to NAEP to the maximum extent possible," which the Board will try to make sure is done.

Over the past 27 years, results from National Assessment exams have been reported for the nation, regions, and states, but not for individual students.

"The Board plans to act deliberately and fairly," Musick said. "We will hold public hearings. We will listen carefully. We want to give plenty of opportunity for a wide range of views to be considered."

-MORE-

800 North Capitol Street, N.W.
Suite 825, Mailstop 7583
Washington, D.C. 20002-4233
Phone: (202) 357-6938
Fax: (202) 357-6945

Musick added: "We are aware of the difficulties and challenges that are part of the directives from the President and Congress. We are not unaware of the complexity and controversy surrounding the voluntary national tests. We believe that this task was given to the Board because it has proven since 1988 that it is fair, bipartisan, deliberative, and independent as it tackles complex and controversial issues."

The Board's plans include the following:

- A special committee will review the five-year, \$65 million test development contract awarded by the Department of Education on August 15 to a group of major test publishers, headed by American Institutes for Research. The committee, composed of seven Board members, will make recommendations to the full Board. Under the law, NAGB has until February 11 to approve, modify, or terminate the contract. If the contract is rescinded, the Board has authority to negotiate a new one.
- A special meeting of the Board will be held on January 22 in Washington to deal with national test development issues.
- The Board's two academic committees will begin the process of developing specifications for the reading and mathematics tests by reviewing recommendations of the expert panels convened last summer by the Department of Education. The panels were set up under a contract with the Council of Chief State School Officers and MPR Associates. On September 25, Education Secretary Richard Riley announced that he would not approve the specifications proposed by the panels or forward them to the test development contractor.
- The Board will hold public hearings on test specifications this winter. It aims to adopt final specifications at its meeting scheduled for March 7 and 8 in Seattle, WA.
- The Board will review all test questions to make sure they cover the same content and meet the same standards of appropriateness and being free from bias that are used in NAEP.
- The Board will meet with representatives of the National Academy of Sciences, which will be conducting three Congressionally mandated studies related to development of the national test. The Academy studies deal with (1) the feasibility of developing a common scale to compare commercial and state tests and NAEP; (2) evaluation of national test items and design for technical quality and validity and whether they "can be used for tracking, graduation, or promotion of students;" and (3) recommendations to avoid discriminatory use of existing and new tests. The reports are due to Congress by September 1, 1998, with an interim report on the equating study due June 15.
- The Board will consider policies for test reporting and use through a process that ensures wide consultation and input.

- The Board will seek to complete all preliminary development work by September 30, 1998, so there can be pilot testing and field testing later, as determined by law.

"The Governing Board has not endorsed a voluntary national test and we have not opposed a voluntary national test," Musick said. "The Board is doing what Congress has asked us to do.

"The position of the Board has been that if there is to be a test that essentially is an adaptation of NAEP, then it should come under the NAEP umbrella," he continued. "If the country finds that useful and Congress funds it and moves forward, we hope to develop a test that is worthy of consideration."

The contract review committee, which begins work immediately, is headed by William T. Randall, a former NAGB chairman who was state Commissioner of Education in Colorado for many years. Other Board members on the committee include vice-chairman Mary Blanton, of Salisbury, NC, a lawyer and general public member of NAGB; James Ellingson, of Moorhead, MN, a fourth grade teacher; Thomas Fisher, director of student assessment for the Florida Department of Education; Edward Haertel, a professor at Stanford University, who is an expert in educational testing; and Deborah Voltz, assistant professor of special education at the University of Louisville.

Also serving is a new Board member, Diane Ravitch, former Assistant Secretary of Education under President Bush. Ravitch is a senior research scholar at New York University and a senior fellow at the Brookings Institution.

The National Assessment Governing Board, established by Congress in 1988, includes governors and state legislators of both parties, local school officials, teachers, testing experts, and business and public representatives. The Board sets policy for NAEP, including test content and performance standards.

Since 1970, the National Assessment, based on nationally-representative samples of students, has been the only source of reliable, continuing information about what American students know and can do in various academic subjects. Since 1990, it has provided the only comparable state-by-state data on academic achievement, based on representative samples of students in each participating state. Over the past seven years, 48 states have participated in NAEP and agreed to have results reported according to NAEP performance standards.

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Proposed Review Procedure: Test Development Contract for the Voluntary National Tests

PURPOSE

The purpose of this paper is to propose a procedure for reviewing and modifying the Test Development Contract for the Voluntary National Tests.

BACKGROUND

Under the FY 1998 Labor, HHS, and Education Appropriation Act (the Act), enacted on November 13, 1997, the National Assessment Governing Board is granted "exclusive authority over all policies, direction, and guidelines for developing voluntary national tests pursuant to the [contract with AIR]..." The Act provides that no FY 1998 appropriation may be used to pilot test, field test, implement, administer, or distribute in any way, any national tests.

The Act requires, within 90 days of enactment, the Board to review the national test development contract and modify the contract as the Board determines necessary. The Act further provides that "...if the contract cannot be modified to the extent deemed necessary by the Board [and in a manner not inconsistent with the Act], the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the tests, not inconsistent with this Act or applicable laws."

The conference report accompanying the Act indicates the conferees' expectation that the national tests "will be based on the same content and performance standards as are used for NAEP and...linked to NAEP to the maximum extent possible." Thus, review of the test specifications, because of their bearing on test development, must be a consideration in the contract review process and timed and coordinated accordingly.

ASSIGNMENT

The review of the voluntary national test development will be conducted by a special committee appointed by the Chairman and reporting to the Executive Committee of the National Assessment Governing Board. The special review committee will be assisted by Governing Board staff and appropriate consultants as needed.

NOTE: A special one-day meeting of the Governing Board shall be conducted in January 1998. At this special meeting, the contract review committee shall present its recommendations on the contract for review and action. Once the date for this meeting has been set, the proposed timeline, below, will be adjusted accordingly.

PROCESS

Step

Timeline for Completion

1. Obtain relevant documents, including the original RFP, copies of the program and cost proposals, copies of responses to negotiation questions, and final award documents. Obtain clarification on NAGB's scope of authority to conduct any needed negotiations directly with the contractor.

Within 7 days of enactment
(Completed November 17)

2. Provide orientation to special review committee on the authorizing legislation and the criteria and procedures to be used in reviewing the contract (see 3 below). Discuss the criteria that would result in a termination.

Within 14 days of enactment
(By November 27)

3. Conduct initial review

(a) Review RFP for conformance with authorizing legislation and applicable NAGB policies. Identify areas of concern and/or non-conformance with the legislation and NAGB policies.

Within 33 days of enactment
(By December 16)

(b) Identify and list all deliverables required under the RFP and the due dates, review criteria and timelines for review and/or acceptance of the deliverables. Identify issues and concerns with respect to the deliverables.

Within 33 days of enactment
(By December 16)

(c) Identify and list requirements under the RFP for advice and/or advisory committees. Identify the criteria and process for selection and appointment. Identify issues and concerns with respect to advice and advisory committees.

Within 33 days of enactment
(By December 16)

(d) Review program proposals for conformance with authorizing legislation, RFP, and applicable NAGB policies. Identify areas of concern and/or non-conformance with the authorizing legislation, the RFP, and applicable NAGB policies.

Within 33 days of enactment
(By December 16)

(e) Review the cost proposal taking into account any issues or concerns that have arisen as a result of the reviews in (a) through (d) in this section.

Within 33 days of enactment
(By December 16)

4. Initial Recommendation

Determine whether the contract requires modification and whether the required modifications reasonably can be made within the current contract OR whether the contract shall be terminated.

Within 57 days of enactment
(By January 9)

4. (a). IF the determination is to recommend at this point to terminate, prepare a draft termination letter.

Within 64 days of enactment
(By January 16)

4. (b) If the contract requires modifications, prepare a draft modification letter listing the issues, concerns, and actions required of the contractor.

Within 64 days of enactment
(By January 16)

4. (c) Present the draft termination letter or the draft modification letter to the Governing Board for discussion and action. The Board will give prospective authority to the special review committee and the Executive Committee jointly to act on behalf of the Board in conducting termination proceedings or contract modification negotiations, as appropriate. The Board will identify issues, if any, that must be brought back to the Governing Board for decision.

January 1998 Board
meeting (Jan. 20 or 21)
(Within 69 days of enactment)

5. Send final version of termination letter or modification letter to the contractor.
If termination, go to step 9 below.

Within 71 days of enactment
(By January 23)

6. Receive contractor's response

Within 78 days of enactment
(By January 30)

7. Evaluate contractor's response, including contractor's evaluation of any cost implications of needed changes, and determine whether modifications of the contract can be made OR whether the contract shall be terminated. If, on the basis of the contractor's response, the special committee and the executive committee determine that the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated. Go to step 9 below.

Within 83 days of enactment
(By Feb. 4)

8. Conclude negotiations with contractor on modifications to the contract.

Within 85 days of enactment
(By Feb. 6, 1998)

9. Prepare final modification

Within 88 days of enactment
(By Feb. 9, 1998)

10. All action completed. with NAGB and contractor sign-off

Within 90 days of enactment
(By Feb. 11, 1998)

If contract modifications are made successfully, stop here. If the contract is to be terminated and a new contract negotiated, follow steps 11 – 15 below.

11. Institute contract termination procedures

Within 90 days of enactment
(By Feb. 11, 1998)

12. Prepare NEW RFP

Within 90 days of enactment
(By Feb. 11)

13. Publish RFP in Commerce Business Daily

Within 105 days of enactment
(By Feb. 26)

14. Complete contract competition

Within 151 days of enactment
(By April 13)

15. Make new award

Within 165 days of enactment
(By April 28)

prepared by: Ray Fields

Voluntary National Tests

Proposed Process for Review and Adoption of Test Specifications by the National Assessment Governing Board

Background and Overview

In his January 1997 State of the Union Address, President Clinton proposed a voluntary, annual reading test at grade 4 and a mathematics test at grade 8. These tests will provide parents and teachers with information about how their children are progressing compared to high standards and to students in other states, the nation, and various countries. An individual student's reading achievement level in fourth grade will be related directly to information obtained from the National Assessment of Educational Progress (NAEP) in reading. For math, a student's achievement in grade 8 will be linked to performance on the NAEP mathematics assessment, and to the Third International Mathematics and Science Study (TIMSS).

The Voluntary National Tests (VNT) will be based on NAEP Frameworks in reading and mathematics, developed by the National Assessment Governing Board (NAGB). The Voluntary National Test in Reading will be developed according to the 1992 - 1998 NAEP Reading Framework. For math, the VNT will be based on the 1996 NAEP Mathematics Framework. Through statistical procedures, student performance on the VNT in math and reading will be linked to the NAEP achievement levels—basic, proficient, and advanced—developed by the Governing Board.

To begin the VNT development process, the Department of Education contracted with Council of Chief State School Officers (CCSSO) and MPR Associates to convene panels of experts to recommend test and exercise specifications for reading and mathematics appropriate for individual testing. The groups completed their work on September 15, 1997. The Department also has awarded a contract to the American Institutes for Research (AIR) to prepare the test instruments, conduct linking studies to NAEP, and perform other VNT activities.

On September 25, Secretary of Education Richard Riley announced that most VNT development work would be suspended. He said he had decided not to forward officially CCSSO's recommended specifications to the test contractor (AIR), in order to give the Governing Board time "to ensure that the specifications for the national tests are fully consistent with those for NAEP." The Secretary said that only test specifications approved by the Board would guide development of the Voluntary National Tests.

On November 13, 1997 President Clinton signed into law P.L. 105-78, an appropriations bill giving the National Assessment Governing Board "exclusive authority over all policies, direction, and guidelines for developing voluntary national tests..." pursuant to the AIR contract. Under the law, the Board has 90 days after November 13 to review the AIR contract and, as the Board determines necessary, decide whether to modify or rescind it.

The purpose of this document is to propose a process for the Governing Board's review and adoption of VNT specifications, in accordance with P.L. 105-78 and the conference report language.

Process for Review of Test Specifications

The conference report for P.L. 105-78 summarizes the Act's content and provides some specific guidance not contained in the legislation. Of particular importance is a statement that gives the Governing Board exclusive authority over [AIR] "contract RJ97153001, which will be based on the same content and performance standards as are used for NAEP, and which are linked to NAEP to the maximum extent possible."

Therefore, in carrying out its responsibilities under this new legislation, the Governing Board will conduct a thorough review of the proposed specifications for grade 4 reading and grade 8 mathematics. The primary objective of this process is to prepare VNT specifications that are consistent with NAEP's content and achievement levels, and which yield valid and reliable individual test scores. The VNT specifications proposed by CCSSO would be reviewed with this goal in mind. The review will include a technical analysis of the proposed specifications, opportunity for public comment, and consideration of other analyses and reviews. Upon completion of this work, a set of recommended specifications for 4th grade reading and 8th grade mathematics will be presented for final Board action at its meeting of March 5 - 7, 1998.

Technical Analysis Contract

The Board should consider several major components in a specifications review process for the VNT. First, it is recommended that an external contractor be used to perform a comprehensive technical analysis of the proposed reading and math specifications to ensure consistency with NAEP frameworks. Given the critical importance and high visibility of this review process, the Board would best be served by working with a prestigious, independent, national policy or research organization. Such an organization should have no prior or current contractual relationship with the VNT development process. Further, the organization shall have a reputation for rigor, objectivity, and balance.

The statement of work for this short-term technical analysis contract would include, but not be limited to, a detailed description of sources of information to be used for the analysis, consultant qualifications, tasks, specifications review criteria, timelines, and products. The scope of work would clearly delineate the role of the Board, its committees, and its staff.

The main purpose of this contract would be to provide the Board with a detailed technical analysis of the proposed reading and math specifications. Major components of that work would include a thorough content analysis of the VNT specifications, items, and scoring criteria in relation to NAEP frameworks, specifications, items, and scoring criteria. The contractor shall identify all VNT deviations from NAEP, and classify those deviations that are and are not required to produce individual student test scores. In addition, the technical analysis should include a discussion of any non-standard test administration conditions recommended in the VNT specifications. The contractor also should report to the Board on differences between NAEP and VNT accommodations for students with disabilities and limited English proficient students.

Results of the technical analysis should be contained in a final report to the Board, to be delivered 45 days after the contract is awarded. Tasks, timelines, and dates for interim products, reports, and Board and staff review will be specified in the scope of work. The timeline for completion of this activity must be carefully coordinated with the Board's other major VNT responsibility—review of the test development contract.

Public Hearings

The conference report states that the National Assessment Governing Board shall hold public hearings on the VNT development activities. Therefore, a second component of the specifications review process shall involve such hearings to gather public comment. As stated in the conference report, the conferees intended that "the National Assessment Governing Board shall ensure that such hearings are widely publicized, and that activities conducted to publicize such hearings communicate effectively with the broad and diverse populations that may be affected by such tests."

These public hearings, sponsored and conducted by the Governing Board, would supplement the technical analysis of the specifications and allow the Board to gather comments from a broad range of groups and individuals. The hearings should include both invitational and open components, to permit maximum feedback from important VNT constituents and the general public.

The Board should conduct public hearings in early 1998 in two or three locations around the country. In preparation for the hearings, the Board should prepare a brief, clearly written summary of major NAEP features for grade 4 reading and grade 8 math, and the major points of the proposed VNT specifications. Any important differences should be highlighted. This document could serve as the focus of the hearings, to increase the likelihood that participants would provide relevant, useful comments to the Board.

A thorough analysis of the written testimony and public hearings transcripts will be provided to the Board to inform its deliberations and final action on the VNT specifications in March.

NAGB Staff Review

In addition to the technical analysis contract, NAGB staff will prepare an independent review of the proposed VNT specifications in relation to the NAEP reading and mathematics framework, specifications, and items, and recommend modifications or changes to the VNT materials, as necessary. Such a review will supplement the external analysis and the public hearing comments, to inform the Board's deliberations on the VNT specifications.

Opportunity for Written Comment

In keeping with its responsibilities in P.L. 105-78, the Board should publish a Federal Register notice inviting public comment on the specifications the Board should adopt for the VNTs in reading and mathematics. To reach the broadest possible audience, the Board should use additional means of publicizing this public comment period. A summary of these written comments will be prepared for Board consideration at the March 1998 meeting.

Use of the Internet

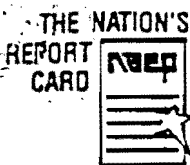
The Governing Board's Internet web site will be an integral component of the specifications review process. The web site will provide announcements of public hearings, permit on-line registration for those hearings, contain summary and complete versions of the proposed VNT specifications (including sample test items), allow on-line ordering of specifications documents, and provide users with an opportunity to submit comments via email on the specifications.

NAS Workshop

The National Academy of Sciences (NAS) plans to conduct a workshop in December 1997 on the current VNT specifications and their relationship to NAEP. Several Board members and staff should plan to attend this workshop. All workshop proceedings should be summarized and presented to the Board at its January 1998 meeting.

Proposed Timelines for VNT Specifications Review

Date	Activities
1997 November	Clarify committee assignments Develop and discuss process for specifications review Obtain Board approval of the process for specs review Develop statement of work for technical analysis contract
December	Award contract to conduct technical analysis Finalize activities and timelines for specifications review Prepare draft staff review of specifications
1998 January	Develop interim report for January Board meeting on the technical analysis contract and staff analysis Take action on acceptable aspects of specifications, if possible Finalize preparations for public hearings Review NAS conference proceedings at January Board meeting Conduct public hearings; summarize proceedings
February	Review final technical analysis report from contractor Convene Subject Area Committees to review specifications analyses from contractor and staff and other input Compile all materials for March Board meeting Prepare final recommendations on specifications
March	Board takes final action on VNT specifications



National Assessment Governing Board

National Assessment of Educational Progress

TO : Executive Committee

FROM: Mark D. Musick 
Chairman

SUBJ : Voluntary National Tests: Committee Assignments

DATE : November 20, 1997

PURPOSE

The purpose of this memorandum is to assign functions and tasks associated with the Voluntary National Tests to appropriate committees of the Governing Board.

BACKGROUND

The FY'1998 Labor, HHS, and Education Appropriations Act (the Act) contains provisions related to the Voluntary National Tests. A summary and complete copy of these provisions are at Attachment A. In general, they: (1) permit test development but prohibit the use of FY 1998 funds for pilot or field tests; (2) vest in NAGB exclusive authority in setting policy for test development pursuant to the AIR contract, in a manner consistent with the Act; (3) require NAGB to review and, if needed, modify, terminate, or negotiate a new test development contract within 90 days of enactment (i.e., by February 11, 1998); and (4) require the National Academy of Sciences to conduct three specified studies.

ASSIGNMENTS

To assist the Governing Board in fulfilling its new responsibilities in an orderly and efficient manner, I am making the assignments indicated below. While it is important to perform these responsibilities competently, it is equally important to ensure the continued quality and integrity of the National Assessment. Please note that two of these assignments are somewhat more detailed than others and are time sensitive (i.e., review of the test development contract and review of test specifications). Also, the results of these two assignments may have a bearing on the nature and content of the others.

1. Executive Committee

The Executive Committee will be responsible for:

- (a) overall monitoring and coordination of activities and tasks related to the National Assessment and the development of Voluntary National Tests, including public hearings related to the Voluntary National Tests.
- (b) overseeing the appointment of expert panels and advisory committees established with respect to the tests.

800 North Capitol Street, N.W.
Suite 825, Mailstop 7583
Washington, D.C. 20002-4233
Phone: (202) 357-6938
Fax: (202) 357-6945

2. Special Committee to Review the Test Development Contract

This committee shall be comprised of Governing Board members appointed by the Chairman. The committee will conduct the review of the test development contract required under the legislation and develop recommendations to the Governing Board on whether to modify and/or terminate the contract. The review, modification and/or termination of the test development contract is to be completed within 90 days of enactment of the legislation, or more specifically by February 11, 1998, at which point the committee's commission will end.

3. Subject Area Committee #1

Subject Area Committee #1 will be responsible for reviewing and recommending to the Governing Board, final test specifications for the Voluntary National Test in 4th grade reading. Subject Area Committee #1 will review and make recommendations to the Governing Board on all test items for appropriateness and bias. Working with the Achievement Levels Committee, the committee will help ensure that the content and standards for the Voluntary National Test are based on the same content and standards as are used for the National Assessment and that the Voluntary National Test can be linked to the National Assessment to the maximum extent possible.

4. Subject Area Committee #2

Subject Area Committee #2 will be responsible for reviewing and recommending to the Governing Board, final test specifications for the Voluntary National Test in 8th grade mathematics. Subject Area Committee #2 will review and make recommendations to the Governing Board on all test items for appropriateness and bias. Working with the Achievement Levels Committee, the committee will help ensure that the content and standards for the Voluntary National Test are based on the same content and standards as are used for the National Assessment and that the Voluntary National Test can be linked to the National Assessment to the maximum extent possible.

5. Achievement Levels Committee

The Achievement Levels Committee, working with other committees as assigned, will have the lead in ensuring that the content and standards for the Voluntary National Test are based on the same content and standards as are used for the National Assessment and that the Voluntary National Test can be linked to the National Assessment to the maximum extent possible.

6. Design and Methodology Committee

The Design and Methodology Committee will develop recommendations: (1) regarding methodology for the Voluntary National Tests; (2) for ensuring that the tests are linked to the National Assessment (and TIMSS) to the maximum degree possible; and (3) for policies for test administration (including inclusion guidelines). In addition, the committee will monitor the evaluation conducted by the National Academy of Sciences, and assist the subject area committees in the review of test items for bias.

7. Reporting and Dissemination Committee

The Reporting and Dissemination Committee will be responsible for developing and recommending policies for the Voluntary National Tests related to test use, test reporting, and information provided to parents, schools, and the public.

National Assessment Governing Board - Subject Area Committees #1 & #2

Calendar of Activities for Voluntary National Tests

Date	Activity	Notes
December 18 (Thursday) 1:00 p.m. (ET)	Joint SAC #1 and #2 Teleconference Meeting	Purpose: to provide update on progress for review of VNT specs; to finalize plans for technical analysis and peer reviewers
December 22 (Monday)	Committee review of VNT specs due to NAGB staff	Mail, fax, or email to Mary Crovo
January 8 or 9 (Thurs./Fri.) Final dates/times TBA	Separate SAC #1 and #2 teleconferences	Purpose: to discuss Committee and staff VNT reviews
January 21 (Wednesday) Reading 9:30 a.m. to noon Math 1:30 to 4:00 p.m.	Public Hearing on VNT specs alignment with NAEP	Location: Omni Shoreham Hotel Washington, DC SAC #1 and #2 members will conduct the hearing in their respective subject area
January 21 - 22 (Wed./Th.) Jan. 21: Executive Comm. 5 - 7 p.m. TIMSS Video 7 - 8:30 pm Jan. 22: 8:00 a.m. to 4:00 p.m.	Special meeting of the full Board	Location: Omni Shoreham Hotel Meeting focus: AIR contract review and Board action, plus update on specs review process
January 27 (Tuesday) Reading 9:30 a.m. to noon Math 1:30 to 4:00 p.m.	Public Hearing on VNT specs alignment with NAEP	Location: Chicago Hilton & Towers 720 S. Michigan Avenue Chicago, IL Same plan as Jan. 21 hearing
February 12 (Thursday) 9:00 a.m. to 4:00 p.m.	Subject Area Committee #1 (Reading)	Purpose: to review all input on VNT reading specs and prepare recommendations for final Board action at the March 5 - 7 Board meeting
February 13 (Friday) 9:00 a.m. to 4:00 p.m.	Subject Area Committee #2 (Math)	Purpose: to review all input on VNT math specs and prepare recommendations for final Board action at the March 5 - 7 Board meeting

December 12, 1997

Dear Mike--

I've put in an article by Checker Finn from February 1994, which is rather interesting to read right now. The specific standards he writes about--4th grade reading and 8th grade math--are the ones the Administration chose for the national tests.

Yours,
Larry Finberg

CLINTON LIBRARY PHOTOCOPY

Save Tough Educational Standards

By CHESTER E. FINN JR.

Today, the National Assessment Governing Board is likely to be shot through the heart by a vengeful House Education and Labor Committee. The board's sin: insisting that the nation's most important test of student achievement and school performance be constructed (and its results reported) around clear standards of what American youngsters *ought* to know and be able to do.

But standards, tests and accountability are keys to education reform. How are our children and schools doing compared with how they ought to be doing? Compared with those in the next state? With five years ago? Parents, voters, governors, legislators and business leaders appreciate the importance of such information. So do many educators. Yet political allies of the school establishment do their best to eliminate all who would supply such data.

The board came into existence six years ago, the product of a rare bipartisan consensus. Though the National Assessment of Educational Progress (NAEP) had been around since the 1960s, the accountability-shy school establishment had insisted that test results be kept opaque, out-of-date, unavailable for individual states and communities, and divorced from any norms or standards. The data produced within these strictures were sound, but their main users were scholars and policy wonks—not parents. And in the absence of national benchmarks, nearly every state and locality blithely reported that its students were scoring "above average" on whatever tests it used.

By the mid-1980s, acute anxiety about the nation's mediocre educational performance had created an appetite for faster and more useful test results, anchored to an unbiased judgment about "how good is good enough." Education Secretary William Bennett appointed a blue-ribbon committee to consider NAEP's future. It

included two well-known state-level education reformers of the day: Hillary Rodham Clinton of Arkansas and Lamar Alexander of Tennessee.

That panel recommended that NAEP be expanded and accelerated, that state-level data be routinely provided, and that an independent Governing Board be created to set its policies. It was vital, the panel insisted, that the "nation's report card" not be entrusted to bureaucrats or colored by the political needs of any administration. The 24-member Governing Board debuted in late 1988.

Its membership is varied, bipartisan and especially sensitive to state concerns: two governors, two legislators, two state school superintendents, and an array of teachers, local school officials, testing experts, business leaders and "public" representatives. They're appointed by the secretary of education from candidates proposed by the board itself.

Served by a small, expert staff, this is a board—rare in Washington—that makes decisions bureaucrats must heed and is not obliged to trim its sails to every political breeze. It has proved to be both tough and impartial. When, for instance, an election-minded Bush administration pressed for premature release of some NAEP data, the board slapped the White House's hand.

Such independence, of course, is part of the reason that several House staffers and their employers set about to kill the board. Quietly conniving with the senior careerists who would control NAEP if there were no board, they drafted a measure to terminate this sometimes-feisty panel. Erasing the board is the surest way to repeal its most important action, one that never sat well with old-style liberals, parts of the school establishment and anti-testing advocacy groups: the decision to organize NAEP around clear standards of what young Americans should know and be able to do.

Amid the many tests on the market,

only NAEP—when reported according to such standards—permits comparisons of performance among states and tracks changes. Here are two examples from the 1992 assessment:

• *Math.* After an elaborate "consensus process" involving hundreds of educators and laymen, the board concluded that eighth-graders "proficient" in math should "apply mathematical concepts and procedures consistently to complex problems . . . understand the connections be-

Can a few veteran House staffers, territorial civil servants, persnickety academics and anti-testing advocates return NAEP to its dim, nonjudgmental backwater, vulnerable to interest-group pressures?

tween fractions, percents, decimals and other mathematical topics such as algebra and functions . . . have a thorough understanding of basic level arithmetic operations . . . make inferences from data and graphs; [and] apply properties of informal geometry."

How many eighth-graders in public school actually reached that level in 1992? The answer was 25% for the nation as a whole, compared with 20% two years earlier. In Minnesota and Iowa, proficiency rates reached 37%, while in Georgia and Hawaii they were only 16%. And so forth.

• *Reading.* After a similar consultative process, the board determined that proficient fourth-grade readers should "demonstrate an overall understanding of the text . . . by making inferences, drawing . . . rea-

sonable conclusions, [and] recognizing relationships such as cause and effect."

Nationwide, 25% of fourth-graders reached that level in 1992, including 7% of black youngsters, 13% of Hispanics, 21% of Asians and 31% of whites. Private school pupils did somewhat better than public, and girls outscored boys. Even in "advantaged" suburban schools, however, fewer than half the students met this standard.

Now the legislative cycle presents a chance to shoot the messenger. Never mind that, for the rest of the decade at least, we will have no other practical way to monitor progress toward the ambitious targets set by the president and governors. Never mind that there's no other way to fulfill Mr. Clinton's State of the Union challenge to measure every school "by one high standard: Are our children learning what they need to know to compete and win in the global economy?"

Can a few veteran House staffers, territorial civil servants, persnickety academics and anti-testing advocates return NAEP to its dim, nonjudgmental backwater, there to be run by time-servers and statisticians, jerked around by Congress, vulnerable to interest-group pressures and susceptible to "policy direction" by whoever happens to be education secretary? (Incumbent Dick Riley, himself a former board member, values today's NAEP and its standards, but politics will inevitably tempt others to shade the content, timing or emphasis of test results.)

Trying to forestall that fate, the National Governors Association adopted a unanimous resolution last week, calling for retention of the board—and its standards. Rep. Mike Castle (R., Del.)—another former board member—has mounted a spirited defense. The Clinton administration's own NAEP bill is solid—and the Senate may pay it greater heed this spring.

Hence the final outcome won't be clear for a while. But if those who dislike NAEP's message—and the messenger's autonomy—prevail, a sensitive "national" testing venture will become just another federal program. And we'll know less about the performance of our children and our schools tomorrow than we do today.

Mr. Finn, a Vanderbilt professor and former assistant secretary of education, chaired the National Assessment Governing Board from 1988 to 1990.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

DEC 16 1997

THE GENERAL COUNSEL

TO: Mark D. Musick, Chairman
National Assessment Governing Board

Roy Truby, Executive Director
National Assessment Governing Board

FROM: Jamienne S. Studley *Jamienne Studley*
Acting General Counsel

SUBJECT: Pilot and Field Testing of the National Tests

Because there has been some confusion about the availability of funds to carry out pilot or field tests of the national tests, I thought it would be helpful to provide legal advice on this issue.

Section 305 of the Department of Education's Fiscal Year (FY) 1998 Appropriations Act provides --

"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 1998, may be used to field test, pilot test, implement, administer or distribute in any way, any national tests."

These provisions mean that funds contained in the FY 1998 Appropriations Act are not available to pay for a pilot or field test, even if the tests were to begin on or after October 1, 1998, the beginning of FY 1999. On the other hand, funds included under the appropriation for the Fund for the Improvement of Education (FIE) in this Act would be available for test development and planning activities that would need to precede pilot or field testing, provided that they are not used for the costs of conducting or administering the pilot or field tests. If there are questions about certain specific activities in interpreting these limits, we would be happy to assist in addressing them. The FIE appropriations made available for the national tests are one-year funds that must be obligated at the federal level by September 30, although the activities carried out by the contractor with these funds may extend well beyond that date.

The question of whether FY 1997 funds previously awarded to the American Institutes for Research (AIR) may be used for a pilot or field test is a separate and more complicated issue. As you know, AIR was awarded a contract on August 15, 1997, by the Office of Educational Research and Improvement that included the tasks of pilot and field testing the national

tests. Under the terms of the contract, the pilot test was to be conducted in January 1998 and the field test was to be conducted in March 1998. Under Section 307 of the Appropriations Act, of course, the National Assessment Governing Board (NAGB) is now vested with exclusive authority for this contract and is charged with the responsibility of reviewing the contract and modifying it as NAGB determines necessary. The funds previously awarded under the contract continue to be legally available for pilot and field tests and are not subject to the prohibition in Section 305 of the FY 1998 Appropriations Act, which applies only to funds appropriated in FY 1998. On the other hand, although arguments can be made for the contrary position, we believe the better reading of Section 305 is that it would bar use of NAGB Board and staff time paid out of FY 1998 appropriations to administer or monitor any pilot or field tests conducted by the contractor. As a practical matter, this presumably means that a pilot or field test could not be carried out in FY 1998, even if the contractor used FY 1997 funds to conduct it. However -- absent enactment of a Continuing Resolution at the beginning of FY 1999 that extended for an additional period the limits in Section 305 -- Section 305 clearly would not forbid administration of a pilot or field test at the beginning of FY 1999, using FY 1997 funds already obligated to the contractor to conduct the pilot or field test and FY 1999 funds available to NAGB to oversee and monitor the pilot or field test. No law would preclude NAGB, in carrying out its authority under Section 307 of the Appropriations Act, from modifying the contract to delay pilot and field testing until after September 30, 1998, and from maintaining the continued availability of FY 1997 contract funds previously obligated to AIR for this purpose.

In addition, section 305 applies only to funds appropriated in FY 1998 and does not apply to future appropriations. The availability of funds appropriated in FY 1999 to implement a pilot or field test will be determined by the terms of the FY 1999 appropriations act.

We would be pleased to respond to any follow-up questions.

cc: Michael Cohen
Special Assistant to the President
for Education

Marshall S. Smith
Acting Deputy Secretary

FACSIMILE MESSAGE
COVER SHEET

National Assessment Governing Board

DATE: 12/19/97

DELIVER TO:

NAME: Mike Cohen

ADDRESS: Special Assistant to the President
for Education Policy

PHONE:

FAX #: 456-5581

FROM:

NAME: Lawrence Feinberg, Assistant Director, NAGB

PHONE: (202) 357-6942

FAX #: (202) 357-6945

SPECIAL INSTRUCTIONS: FYI - Letter from Goodling to NAGB.

CONTACT PERSON:

NUMBER OF PAGES TRANSMITTED (including cover sheet): (17)

NOTE TO MIKE COHEN

12/19/97

FROM LARRY FEINBERG

To keep you informed, Roy Truby suggested that I fax you the letter and questions that NAGB has received from Cong. Goodling.

We will send you a copy of the Board's response.

All the best,

Larry F.

MAJORITY MEMBERS:
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 Chairman
 THOMAS S. PETRI, WISCONSIN
 Vice Chairman
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 MIKE M. CASTLE, DELAWARE
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 FRED LYTTON, MICHIGAN
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 JOE SCARBOROUGH, FLORIDA



COMMITTEE ON EDUCATION AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

2101 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-8100

December 12, 1997

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MAJORITY — (202) 225-4877
 (TTY) — (202) 225-3372
 MINORITY — (202) 225-3728
 (TTY) — (202) 225-3118

Mr. Mark Musick, Chairman
 National Assessment Governing Board
 800 North Capitol Street, NW
 Washington, DC 20002-4233

Dear Mr. Musick:

As you know, legislative language was included in the FY1998 Labor, Health and Human Services, and Education appropriations bill that prohibits any Federal funds from being used to field test, pilot test, implement, administer or distribute in any way any national tests. In addition, the authority over all policies, direction and guidelines pursuant to contract RJ97153001 were vested with the National Assessment Governing Board (NAGB). It is my understanding that NAGB has already begun moving expeditiously to carry out its responsibilities under the legislation. As you go about carrying out your duties, I would ask that you keep in mind five major concerns:

(1) Congress did not, in the appropriations legislation, endorse or otherwise ratify the Administration's proposed national tests in 4th grade reading and 8th grade mathematics. Nor can it be said that Congress gave a mandate to NAGB to develop new national tests in 4th grade reading and 8th grade mathematics. Rather, recognizing that a test development contract had been executed by the Department of Education in August 1997 (and without any Congressional involvement or input), Congress sought to make the best of an already unfortunate situation. Congress simply removed the test development contract from the Department of Education and placed it under the National Assessment Governing Board.

If anything, the legislative language and report language (enclosed) reflected a disapproval of new national tests through the explicit prohibition of field testing, pilot testing, implementation, administration or distribution of national tests in FY1998. In the final analysis, whether this country shall have any new 4th and 8th grade national tests, shall be determined in the future, and will be subject to the reports and recommendations of the National Academy of Sciences, the will of the Committee on Education and the Workforce in the House and the Committee on Labor and Human Resources in the Senate, and the will of Congress. In other words, the future of

national testing remains uncertain, but in any event, will be subject to the actions of Congress.

Accordingly, I expect NAGB, in exercising its responsibilities under the conference agreement, to confirm in writing its understanding that it is not to be an advocate for new national tests, and will assure its activities will be carried out with neutrality and objectivity. This would include public statements either for or against a national test by NAGB members and staff. This would be consistent with NAGB's not having adopted any policy resolutions for or against national testing.

(2) The purpose of the proposed 4th grade reading tests and 8th grade mathematics tests has never been definitive or clearly articulated. From the time the national tests were first announced until the present, there has never been a definitive or clearly articulated purpose of the proposed tests. As you know, the purpose of a test is fundamental to virtually all aspects of test development and implementation. As part of your responsibility over "policies" and "direction" of testing under the contract or any contract modification, I would request that you carefully examine this fundamental issue and report back to me and Congress with your views.

(3) The "voluntariness" of the proposed tests needs to be explored and clarified by NAGB. On numerous occasions the Administration has emphasized that the tests are "voluntary" without clarifying the extent of the voluntariness. Are the proposed tests voluntary as to the state? school district? school? student? What will NAGB's position be on this matter?

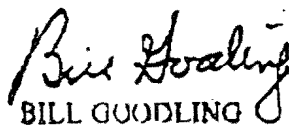
(4) The plain language and spirit of the pilot/field testing prohibition in FY 1998 includes not only a prohibition upon the actual handing out of pilot/field tests, but also any contractual or non-contractual activities in preparation for handing out tests (i.e. printing; communication or correspondence with states, school districts, schools or others about pilot/field tests; any arrangements for administration of pilot/field tests; and any other preparatory activities short of handing out the tests to students, and any similar activities in whole or in part, etc.) Accordingly, it is my expectation that any FY1998 NAGB-modified contract will reflect such intent.

(5) The National Academy of Sciences (NAS) feasibility study mentioned in section 306 could potentially obviate the need for any new national tests. As you know, the NAS study is to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and state assessments to be compared with each other and with the National Assessment of Educational Progress.

In addition to these concerns, I have attached several questions for which I would appreciate receiving written answers no later than December 31, 1997. Finally, I would appreciate receiving periodic updates on NAGB's activities as set forth under the appropriations bill.

Thank you for the opportunity to present these concerns and questions. I look forward to working with you in the months ahead.

Sincerely,


BILL GOODLING
Chairman

WFG:kdt
Enclosures

Questions for the National Assessment Governing Board

1. What assurances do you intend to provide that NAGB will carry out its duties independent of the Department of Education and the White House?
2. (a) What is the status of the NAEP frameworks for 4th grade reading and 8th grade mathematics?

(b) When were they developed?

(c) It is my understanding that the Department of Education had originally intended to use the 1990 NAEP frameworks for the proposed 4th grade reading and 8th grade mathematics tests. Is that a correct understanding?

(d) Does NAGB intend to use the 1990 NAEP frameworks for any new 4th grade reading or 8th grade mathematics tests that might be developed under any potential new or modified test development contract?

(e) What is the schedule, if any, for the NAEP frameworks review and what process will be used for such review?
3. Please describe the research used to set NAEP content and performance standards for reading and discuss whether it is consistent with the National Institutes for Child Health and Human Development research on reading?
4. There are some who have criticized the item and test specifications as currently developed for the 8th grade mathematics test as promoting the so-called "new-new" or "fuzzy" math. What is your response to this criticism?
5. What manner or means does NAGB intend to use to consult with the National Academy of Sciences? the White House? the Congress?
6. How does NAGB intend to define the terms "voluntary" and "involuntary" tests?
7. What is the mission, funding process, and current budget and staffing of NAGB?
8. (a) What is the relationship, in general, between the Department of Education and NAGB?

(b) Do you have any employees on loan to you from the Department of Education? If so, what are their names and what are their job descriptions? Are they expected to report to NAGB and the Department of Education at the same time? How long are they expected to be detailed from the Department of Education to you?

(c) What has been the content of discussions NAGB and/or its staff have had with

the Department of Education or its contractees on the proposed national testing in 4th grade reading and 8th grade mathematics?

9. What specific responses has NAGB had to the GAO report "Educational Achievement Standards: NAGB's Approach Yields Misleading Results" (June 1993) and National Academy of Education's report "Setting Performance Standards for Student Achievement: A Report of the National Academy of Education Panel on the Evaluation of the NAEP Trial State Assessment: An Evaluation of the 1992 Achievement Levels" (1993)?
10. How does NAGB define its roles and responsibilities with regard to national testing in FY 1998 and please provide me with any and all written materials relating to same.
11. (a) What role, if any, do you anticipate the American Institutes for Research (AIR) will have now that NAGB has jurisdiction of the test development contract?

(b) What role and specific tasks does AIR fulfill that could not be handled by dealing directly with the various subcontractors working on various aspects of the test development contract?

(c) How do AIR's duties differ from NAGB's?
12. Various estimates provided earlier in the year by the Department of Education indicated that the new national tests would cost in the vicinity of \$100 million during the first year of implementation (March 1999--proposed), provided that all eligible 4th and 8th graders took the respective tests in such year. What are NAGB's views on this estimate? Do you have an independent estimate?
13. Please provide a listing of how you intend to allocate monetary resources to carry out NAGB's duties under the FY 1998 appropriations legislation (sections 305-311).

PROHIBITION ON VOLUNTARY NATIONAL TESTING

The House bill contained a prohibition on the use of federal funds for the development, planning or administration of any national program for testing in reading or mathematics. The provision exempts the National Assessment of Educational Progress and the Third International Math and Science Study.

The House bill also contained a provision prohibiting the administration of any national tests in 4th grade reading and 8th grade mathematics until the submission of a final report by the National Academy of Sciences.

The Senate bill contained several provisions. The first required the Office of Educational Research and Improvement to submit to the Senate Appropriations Committee a spending plan for activities under the Education Research, Statistics, and Improvement account prior to obligation.

The second gives the National Assessment Governing Board exclusive authority over the policies, direction and guidelines for implementing voluntary national tests for 4th grade reading and 8th grade mathematics. The provision also required that any such tests be voluntary and that within 90 days of enactment the Board shall review the contract for the national tests and, if necessary, modify or terminate and renegotiate any contracts. The provision lists the specific authorities of the board.

The third provision also expressly prohibited any State or local educational agency from requiring any private, parochial school student or home-schooled student to take any national test without the written consent of the student.

The fourth provision of the Senate bill changed the composition of the National Assessment Governing Board to add one governor, two mayors, and two business representatives and make technical changes to the make-up and process for appointment to the Board.

The conferees and the Administration agree that it is important to have high, voluntary standards in the basic skills of reading and math, to measure whether students are meeting these standards, and to provide that information to students, parents and teachers. The Administration has proposed voluntary national tests in order to measure student achievement related to national standards. However, every state already administers a number of tests, and many are concerned that an additional, national, test would be an unnecessary burden.

To address this concern, the conference agreement (sec. 305-311) states that the National Academy of Sciences will be commissioned to conduct a study of the feasibility of equating existing state and commercially available tests with each other and with the National Assessment of Educational Progress. The purpose of this study is to determine whether it will be possible to use existing tests administered by states and local school districts to compare individual student performance with existing, challenging national content and performance standards. The purpose is also to determine if the same tests can be used to compare the performance of students in different states and communities, on different tests, to each other. The NAS shall submit a report on this study to the Congress no later than June 15, 1998, and a final report no later than September 1, 1998.

The NAS will conduct this study in consultation with the National Governors' Association (NGA), the National Conference of State Legislatures (NCSL), NAGB, the Congress and the White House. While the NAS study is being conducted, NAGB will have exclusive authority over contract RJ97153001, as stated in this Act, which will be based on the same content and performance standards as are used for NAEP, and which are linked to NAEP to the maximum extent possible.

The conference agreement further provides that the National Academy of Sciences shall submit a written report by September 1, 1998 to the Committee on Education and Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the House and Senate Appropriations Committees that evaluates the technical quality, validity and reliability of developed test items on national 4th grade reading and 8th grade mathematics tests; evaluates whether test items are free from racial, cultural or gender bias; evaluates whether the test items address the needs of disadvantaged, limited English proficient and disabled students; and evaluates whether the test items can be used for tracking, graduation or promotion of students.

The conferees intend that the National Assessment Governing Board shall hold public hearings on these test development activities and on the recommendations submitted by the National Academy of Sciences. The National Assessment Governing Board shall ensure that such hearings are widely publicized, and that activities conducted to publicize such hearings communicate effectively with the broad and diverse populations that may be affected by such tests.

The Administration and the authorizing Committees of the U.S. Congress will work together to incorporate the findings from the NAS study into the reauthorization of NAEP and NAGB. The conferees understand that the Administration agrees that, where it is feasible and practical to validly and reliably equate test scores and link performance levels on State assessments and commercially available standardized tests with the National Assessment of Education Progress, then these tests may serve the same purpose as the proposed national test. To the extent that NAS study demonstrates ways in which existing tests can be equated with each other and with NAEP, or ways in which existing tests can be modified in order to facilitate such equating, the Administration and the House Committee on Education and the Workforce intend to work together to implement these recommendations through the reauthorization of NAEP.

In order to inform future deliberations on the appropriate uses of tests measuring student academic performance and to prevent the misuse of such tests, particularly for minority and limited English proficient students, the conference agreement provides for a third study to be conducted by the National Academy of Sciences that makes recommendations on appropriate methods, practices, and safeguards to ensure that existing and new tests that may be used to measure student performance are not used in a discriminatory manner or inappropriately for tracking or other "high stakes" purposes. The NAS is also directed to report on ways to ensure that such tests adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student achievement in reading and mathematics. The conference agreement provides that this NAS report shall be submitted to the White House, National Assessment Governing Board, the Committee on Education and the Workforce in the

House of Representatives and the Committee on Labor and Human Services in the Senate, and the Committees on Appropriations in the House of Representatives and Senate not later than September 1, 1998.

The conferees encourage the National Assessment Governing Board and the National Academy of Sciences, in convening any advisory committees or expert panels needed to carry out the requirements of this Act, to take into account racial, ethnic and gender diversity and balance.

The conference agreement further provides that the federal government shall not require any state, local educational agency or school district to administer or implement any pilot or field test in any subject or grade, or require any student to take any national test in any subject or grade. In addition, no federal, state or local educational agency may require any private or parochial school student, or home-schooled student, to take any pilot or field test developed under this Act without the written consent of the parents or legal guardians.

The Conferees understand that the Administration will submit legislation for a revised school facilities initiative.

November 7, 1997, 1:40 p.m.

Section 305. (a) Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act in fiscal year 1998, may be used to field test, pilot test, implement, administer or distribute in any way, any national tests.

(b) **Exception.**--- Subsection (a) shall not apply to the Third International Math and Science Study or the National Assessment of Educational Progress.

Section 306. (a) **Study.**---The National Academy of Sciences, in consultation with the National Governors Association, the National Conference of State Legislatures, the White House, the National Assessment Governing Board, and the Congress, shall conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and State assessments to be compared with each other and the National Assessment of Educational Progress.

(b) **Report of Findings to Congress.** (1) The National Academy of Sciences shall submit a written report to the White House, the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations of the House of Representatives and the Senate not later than September 1, 1998.

(2) The National Academy of Sciences shall submit an interim report no later than June 15, 1998.

Section 307 (a). National Assessment Governing Board. Notwithstanding any other provision of law, the exclusive authority over all policies, direction, and guidelines for developing voluntary national tests pursuant to contract RJ97153001 previously entered into between the United States Department of Education and the American Institutes for Research and executed on August 15, 1997, shall be vested in the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 USC 9011); *Provided*, That within 90 days after the date of enactment of this Act, the Board shall review the national test development contract in effect on the date of enactment of this Act, and modify the contract as the Board determines necessary and not inconsistent with this Act or applicable laws: *Provided further*, That if the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the tests, not inconsistent with this Act or applicable laws.

(b) In carrying out its exclusive authority for developing voluntary national tests pursuant to contract RJ97153001, any subsequent contract related thereto, or any contract modification pursuant to subsection (a), the National Assessment Governing Board shall determine---

(1) the extent to which test items selected for use on the tests are free from racial, cultural or gender bias;

(2) whether the test development process and test items adequately assess student reading and mathematics comprehension in the form most

likely to yield accurate information regarding student achievement in reading and mathematics;

(3) whether the test development process and test items take into account the needs of disadvantaged, limited English proficient and disabled students; and

(4) whether the test development process takes into account how parents, guardians, and students will appropriately be informed about testing content, purpose and uses.

Section 308. Study. The National Academy of Sciences shall, not later than September 1, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government pursuant to contract RJ97153001, any subsequent contract related thereto, or any contract modification by the National Assessment Governing Board pursuant to section 307 of this Act, for---

(A) the technical quality of any test items for 4th grade reading and 8th grade mathematics;

(B) the validity, reliability, and adequacy of developed test items;

(C) the validity of any developed design which links test results to student performance;

- (D) the degree to which any developed test items provide valid and useful information to the public;
- (E) whether the test items are free from racial, cultural, or gender bias;
- (F) whether the test items address the needs of disadvantaged, limited English proficient and disabled students; and;
- (G) whether the test items can be used for tracking, graduation or promotion of students.

Section 309(a). Study—The National Academy of Sciences shall conduct a study and make written recommendations on appropriate methods, practices, and safeguards to ensure that ---

- (1) existing and new tests that are used to assess student performance are not used in a discriminatory manner or inappropriately for student promotion, tracking or graduation; and
- (2) existing and new tests adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student achievement of reading and mathematics skills.

(b) Report to Congress. The National Academy of Sciences shall submit a written report to the White House, the National Assessment Governing Board, the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate not later than September 1, 1998.

Section 310. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any pilot or field test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

(b) Nothing in section 309(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

Section 311. No Federal, State or local educational agency may require any private or parochial school student, or home-schooled individual, to take any pilot or field test developed under this Act, contract RJ97153001, or any contract related thereto, without the written consent of the parents or legal guardians of the student or individual.

FACSIMILE MESSAGE
COVER SHEET

National Assessment Governing Board

DATE: 12/31/97

DELIVER TO:

NAME: Mike Cohen

ADDRESS: Special Assistant to the President
for Education Policy

PHONE:

FAX #: 456-5581

FROM:

NAME: Lawrence Feinberg, Assistant Director, NAGB

PHONE: (202) 357-6942

FAX #: (202) 357-6945

SPECIAL INSTRUCTIONS: Mike - F4IAll the best,

CONTACT PERSON:

Larry Feinberg

NUMBER OF PAGES TRANSMITTED (including cover sheet): (19)



National Assessment Governing Board

National Assessment of Educational Progress

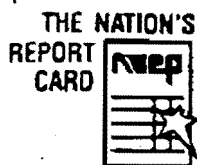
NOTE TO MIKE COHEN

12/31/97

FROM LARRY FEINBERG *Larry F.*

At Roy Truby's request, I am faxing a copy of NAGB's exchange of letters and Qs & As with Rep. Bill Goodling. If you would like to see any of the attachments, we would be glad to send them.

Happy New Year.



National Assessment Governing Board

National Assessment of Educational Progress

December 30, 1997

Hon. William F. Goodling, Chairman
Committee on Education and the Workforce
U.S. House of Representatives
2181 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodling:

Thank you for your letter of December 12.

Enclosed are responses to the questions you asked and the materials you requested. We have included all Governing Board statements on the Board's plans for developing the proposed voluntary national tests.

Individual members of the Board may hold different views about the desirability of having such tests and as citizen members may express them. However, the Governing Board staff will reflect the Board's position on the voluntary national tests as well as the Board's policies as they are adopted. The position of the Board is given in its press statement of December 2:

"The Governing Board has not endorsed a voluntary national test and we have not opposed a voluntary national test. The Board is doing what Congress has asked us to do.

"The position of the Board has been that if there is to be a test that essentially is an adaptation of NAEP, then it should come under the NAEP umbrella. If the country finds that useful and Congress funds it and moves forward, we hope to develop a test that is worthy of consideration."

It is in this spirit that the Board is carrying out the responsibilities that were assigned to it in the FY 1998 Appropriations Act. The gist of our approach is that we intend to consult widely and act deliberately in carrying out the assignment to develop reliable examinations that are fully consistent with NAEP's content and performance standards.

As the conference report makes clear, the proposed examinations would be an individual version of the National Assessment of Educational Progress and would show whether students can meet NAEP's standards for basic, proficient, or advanced performance. How parents, teachers, and schools might use the results is an issue that the Board will consider carefully with input from all of those concerned.

800 North Capitol Street, N.W.
Suite 825, Mallstop 7583
Washington, D.C. 20002-4233
Phone: (202) 357-6938
Fax: (202) 357-6945

As you note in point 3 of your letter, the Board is also to address the issue of voluntary participation in the proposed tests. At our meeting last month, one of our committees began preliminary discussion of this matter. We expect to spend considerable time on it, to listen attentively to the different points of view, and to clarify what "voluntary" means.

The issue you raise in point 4 is an important one which the Board will consider as part of the contract review which it must act on by February 11. We also intend to cooperate fully with the studies being conducted by the National Academy of Sciences (NAS) and have already begun discussions with NAS representatives.

As our staff has indicated previously, we would very much appreciate it if you could come to one of our meetings and discuss your views with the whole Board. Our next meeting will be in Washington on January 22, and, if it is convenient for you, we invite you to speak and also have some interchange with Board members from around the country. We would also like to arrange for a briefing/discussion at your office with Board members who are leading various aspects of the work on the voluntary national tests.

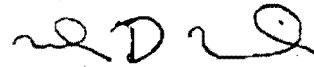
The Governing Board, as you know, is bipartisan and is required by statute to operate "independent[ly] of the Secretary and other offices and officers of the [Education] Department." The Board was established by Congress in 1988 upon the recommendation of a blue-ribbon study group appointed under the Reagan administration. The study panel called for an independent policy-making board for NAEP to make sure the assessment would be "buffered from manipulation by any individual, level of government, or special interest within the field of education."

The Governing Board has served that role for NAEP for almost a decade. It has made sure that the content and performance standards of the assessment are based on a national consensus process--not on partisan decision-making, and that NAEP would not become the arm of any administration. As a result of its independence and integrity, people on many sides of many issues in many states have looked to NAEP as a fair measure of academic achievement.

We are aware, of course, of the controversies surrounding the proposed national tests. For that very reason we hope to fulfill the same role for them--to serve as the vehicle for conducting the test development process free from partisanship and for providing the kind of deliberate, considered decision making that an independent, broadly-representative Board can give.

Thank you for your offer to work with the Governing Board in the months ahead. We appreciate it and will keep you fully informed.

Sincerely,



Mark D. Musick
Chairman

Enclosures

cc: Rep. William L. Clay
Rep. John Porter
Rep. David Obey
Sen. Jim Jeffords
Sen. Ted Kennedy
Sen. Arlen Specter
Sen. Tom Harkin
Secretary Richard W. Riley
Michael Cohen

Responses to Questions from Chairman Goodling

1. What assurances do you intend to provide that NAGB will carry out its duties independent of the Department of Education and the White House?

Response: The authorizing legislation for the National Assessment Governing Board (National Education Statistics Act, section 412, P.L. 103-382) requires it to

"[exercise] its independent judgment, free from inappropriate influences and special interests."

In addition, the law states that

"In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department."

Further, the law requires the composition of the Governing Board to be bi-partisan, broadly representative of state, local, and private policy makers, administrators, and teachers, and include individuals representing the general public, parents, business, and test and curriculum experts. Governors, state legislators, chief state school officers, state and local board members, teachers, principals, parents, business people, and experts comprise the Board. They are appointed by the Secretary of Education, but generally from nominations that come from the Board itself, as a form of check and balance. The nominations submitted by the Board are based on recommendations from various organizations and associations from across the country that represent the types of individuals to be appointed.

Thus, by legislative requirement and by inclination, that inclination fostered by its very composition, the Governing Board carries out its duties independently and has done so consistently since its inception in 1988. In addition, the Board's independence is made operational through a memorandum of understanding (MOU) between the Board and the Department and through a set of related delegations of authority from the Secretary to the Board. The MOU and delegations of authority were first instituted under then-Secretary Lamar Alexander and have been carried forward by Secretary Riley.

The independence of the Governing Board is essential in carrying out its duties under NAEP and the voluntary national tests. We have identified additional checks and balances that would be useful in ensuring and strengthening the continued independence of the Board. We would be happy to discuss these with you at your request.

2(a). What is the status of the NAEP frameworks for 4th grade reading and 8th grade mathematics? and (b) When were they developed?

Response: The Governing Board's framework for 4th grade reading (*Reading Framework for the National Assessment of Educational Progress: 1992 - 1998*) was used as the basis for the 1998 NAEP reading assessment. The reading framework was

developed by the Governing Board during 1989-1990 as a result of a national consensus process. This process, required under P.L. 103-382, included "the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public."

For mathematics, the Board's framework (*Mathematics Framework for the 1996 National Assessment of Educational Progress*) was used to develop the 1996 NAEP math assessment. This framework was first developed by the Department of Education in 1988 and 1989, using a national consensus approach. However, in 1992 and 1993 the Board revised the framework and developed test specifications for math to accommodate the achievement levels that Congress mandated that the Board develop.

2(c) It is my understanding that the Department of Education had originally intended to use the 1990 NAEP frameworks for the proposed 4th grade reading and 8th grade mathematics tests. Is that a correct understanding?

Response: The Department of Education used the *1992-1998 NAEP Reading Framework* as a starting point for the 4th grade reading voluntary national test specifications, and the *1996 NAEP Mathematics Framework* for the voluntary national test 8th grade mathematics specifications.

2(d) Does NAGB intend to use the 1990 NAEP frameworks for any new 4th grade reading or 8th grade mathematics tests that might be developed under any potential new or modified test development contract?

Response: At its November 1997 meeting, the Governing Board approved a plan to develop voluntary national test specifications for 4th grade reading and 8th grade mathematics based on the *current* NAEP frameworks (see 2(a) and (b)). This is consistent with the conference report for P.L. 105-78, requiring that voluntary national tests "be based on the same content and performance standards as are used for NAEP and...linked to NAEP to the maximum extent possible."

2(e) What is the schedule, if any, for the NAEP frameworks review and what process will be used for such review?

Response: In March 1997, the Governing Board approved a NAEP schedule of assessments. This schedule called for a possible new reading assessment to be developed for the year 2006 and a possible new mathematics assessment for 2004. In addition, as part of its NAEP Redesign Policy, the Board stipulated that "test frameworks and test specifications developed for the National Assessment generally shall remain stable for at least ten years." This will enable NAEP to measure trends in student achievement over time, and to keep down the costs of the National Assessment. The Board currently is working on a policy for the review and revision of NAEP assessment frameworks.

3. Please describe the research used to set NAEP content and performance standards for reading and discuss whether it is consistent with the National Institutes for Child Health and Human Development research on reading.

The NICHD research focuses on a particular method of teaching reading, while NAEP measures student achievement in reading. Given its prominence as a national and state-level indicator of student achievement, NAEP does not espouse a single instructional method that may disadvantage some states or school districts, while favoring others. The major research used in establishing the NAEP reading framework is listed on page 21 of the framework document. This research spanned a broad spectrum of methodologies about the teaching of reading. However, the framework is based on the premise that the NAEP reading assessment should focus on measuring *how well students read*, not on a specific instructional or theoretical approach to *teaching reading*.

As required by law, the national consensus approach involved broad engagement of teachers, curriculum specialists, policy makers, and members of the general public. Members of the reading framework committees represented a broad spectrum of views regarding reading and reading instruction. A wide range of perspectives was used to inform the framework development, including research, examination of state reading frameworks, public hearings, and other sources of information.

Similarly, the NAEP performance standards in reading were developed using the NAEP framework, test specifications, and item pool. The national consensus panels that advised the Board on the standards included, as required by law, persons from various pedagogical backgrounds, having broad experience in different approaches to the teaching and learning of reading. However, no one particular research approach was favored or required in the selection of panelists.

4. There are some who have criticized the item and test specifications as currently developed for the 8th grade mathematics test as promoting the so-called "new-new" or "fuzzy" math. What is your response to this criticism?

Response: The 1996 NAEP mathematics framework calls for an assessment that measures a wide range of important basic math skills, such as computation, as well as the application of those basic skills to problems in measurement, geometry, algebra, and other math areas. In developing the math framework for the 1996 assessment, the Board consulted widely to ensure a balanced set of test objectives and specifications. For example, students are required to "read, write, rename, order, and compare numbers;" "compute with numbers (i.e., add, subtract, multiply, divide);" and "apply given measurement formulas for perimeter, area, volume, and surface area in problem settings." Furthermore, only about one-third of the NAEP math assessment permits the use of calculators. After each NAEP assessment, test questions are released so that American parents and teachers can see for themselves the range of content on each test.

The Board is currently engaged in a process to develop a set of grade 8 mathematics specifications for the voluntary national test. This process includes a detailed analysis of the proposed 8th grade mathematics specifications developed by the Council of Chief

State School Officers. The guiding principle, consistent with the conference report for P.L. 105-78, is to ensure that voluntary national tests are: "based on the same content and performance standards as are used for NAEP and linked to NAEP to the maximum extent possible."

5(a). What manner or means does NAGB intend to use to consult with the National Academy of Sciences?

Response: Under P.L. 105-78, the National Academy of Sciences (NAS) is required to consult with the Governing Board, the National Governors Association, the National Conference of State Legislatures, the White House, and the Congress on the feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and State assessments to be compared with each other and the National Assessment of Educational Progress. In addition, P.L. 105-78 requires NAS to conduct two other studies, one related to the quality of test items developed for the voluntary national tests and one related to fairness in testing generally.

The Governing Board has an interest in all three of these studies, but from different perspectives. For the first, the law requires the Governing Board to serve in a consultative capacity to the NAS, along with other organizations. For the second, the NAS will be evaluating test items that are developed for the voluntary national tests, a matter that is under the Governing Board's jurisdiction. For the third, the NAS will make recommendations on means for avoiding discriminatory use of tests and for ensuring that tests are in the form most likely to yield accurate information on student achievement, a matter that could inform Governing Board policy.

The Governing Board and its staff already have a firm working relationship with the NAS, as a result of the NAS contract to evaluate the National Assessment of Educational Progress. Governing Board members and staff have made presentations at NAS meetings. Likewise, NAS members and staff have made presentations to the Governing Board. Governing Board staff meet on a monthly basis with NAS staff to review the progress of the evaluation, to help identify issues that need to be addressed, and to coordinate activities.

With respect to the NAS studies related to the voluntary national tests, the NAS Executive Director, Michael Feuer, made a presentation at the November 1997 Governing Board on the three NAS studies. Governing Board and NAS staff have met to begin discussions on the process for consultation and coordination. Although the details have not yet been worked out, we expect that, as with NAEP, the working relationship with the NAS will continue to be carried out in a professional and efficient manner.

5(b). What manner or means does NAGB intend to use to consult with the Congress?

Response: The Governing Board is grateful for your invitation to provide periodic updates on our activities as set forth under P.L. 105-78 and will do so either in person or

in writing as meets your needs. We regret the fact that you were unable to address the Board at its November meeting. However, immediately following the November Governing Board meeting, we sent your staff copies of the Board-adopted procedures and timelines for reviewing the test development contract and for preparing test specifications. We are working with your staff to see whether it is possible to arrange a briefing for you and other members of the House of Representatives around our January 22 Board meeting, or some other mutually convenient time. We are working with Senate staff to set up similar arrangements.

Our intent is to provide the Congress accurate and timely information about the Board's plans and progress and to be responsive to requests for information. At a minimum, before each Board meeting we will provide House and Senate staff with a copy of the agenda so that they may attend if their schedule permits. Following each Board meeting, we will forward to you and other interested Members a copy of the meeting report, to include any decisions or actions taken. Over time, this approach may be changed to make the process more efficient.

In this spirit of providing timely information, we intend to send copies of our reply to your letter to the leadership on both sides of the aisle of the Committee on Education and the Workforce of the House, the Labor and Human Resources Committee in the Senate, and the appropriate Appropriations subcommittees.

5(c). What manner or means does NAGB intend to use to consult with the White House?

Response: As with the Congress, our intent is to provide the White House accurate, timely information about our plans and progress and to be responsive to requests for information. At a minimum, before each Board meeting we will provide White House staff with a copy of the agenda so that they may attend if they choose. Following each Board meeting, we will forward to White House staff a copy of the meeting report, which will include any decisions or actions taken. Over time, this approach may be changed to make the process more efficient.

6. How does NAGB intend to define the terms "voluntary" and "involuntary" tests?

Response: At present, the Governing Board does not have a specific plan for defining the term "voluntary" with respect to voluntary national tests. To the extent that defining this term falls under the Governing Board's responsibilities under P.L. 105-78, it will most likely be taken up in connection with the development of policies on test use and reporting.

The Board recognizes that this is a complex matter with potentially far-reaching consequences. The Board, composed of Governors, state legislators, chief state school officers, educators, members of the public and others is well constituted to make this

decision. Certainly, in the development of this definition, the Board would seek advice from representatives of state and local education agencies, school administrators and teachers, education associations and other education groups, policymakers, and the general public. Also, before adopting any such definition, the Board would make it available for public comment, both through public hearings and the submission of written comments.

7. What is the mission, funding process, and current budget and staffing of NAGB?

Response: The mission of the Governing Board is set out at section 412 of the National Education Statistics Act (NESA) (P.L. 103-382) and sections 305-311 of the FY 1998 Appropriations Act for the Departments of Labor, Health and Human Services, and Education (P.L. 105-78). The provisions in NESA concern the National Assessment of Educational Progress. The provisions in the FY 1998 Appropriations Act concern the voluntary national tests. With respect to NAEP, under P.L. 103-382 the general mission of the Governing Board is to formulate policy guidelines for the National Assessment (including determining the content of each assessment, the design of the methodology, and achievement levels for reporting results). With respect to voluntary national tests, under P.L. 105-78 the general mission of the Governing Board is to exercise exclusive authority over all policies, direction and guidelines for developing voluntary national tests pursuant to contract RJ97153001 or any subsequent contract related thereto.

The funding process involves the development by the Governing Board of a funding request for the upcoming fiscal year, presentation in the President's request to Congress, and appropriations by the Congress as a line under the Research and Statistics account of the Department of Education appropriation.

The FY 1998 budget for the Governing Board is \$3,471,000. The Governing Board employs eight full-time professional and technical staff and two full-time support staff.

8(a). What is the relationship, in general, between the Department of Education and NAGB?

Response: In general, we would characterize the relationship between the Department and the Board as professional and business-like. The relationship between the Department of Education and the Governing Board has developed over the years since the Board's inception in 1988. Its basis is the shared concern for the effectiveness and quality of the NAEP program. The Board and its staff regularly consult with staff of the National Center for Education Statistics as one important source of information in policy development for NAEP. For more specifics, please refer to response number 1, above.

8(b). Do you have any employees on loan to you from the Department of Education? If so, what are their names and what are their job descriptions? Are they expected to report to NAGB and the Department of Education at the same time? How long are they expected to be detailed from the Department to you?

Response: There are no employees on loan to the Governing Board from the Department of Education.

8(c). What has been the content of discussions NAGB and/or its staff have had with the Department of Education or its contractors on the proposed national testing in 4th grade reading and 8th grade mathematics?

Response: The content of discussions between NAGB and the Department of Education and its contractors has been focused on the transfer of contract files to NAGB, effecting a smooth transition from Department to NAGB control of the contract, and determining the status of each task and subtask under the original award.

9. What Specific responses has NAGB had to the GAO report "Educational Achievement Standards: NAGB's Approach Yields Misleading Results" (June 1993) and the National Academy of Education's report "Setting Performance Standards for Student Achievement: A Report of the National Academy of Education Panel on the Evaluation of the NAEP Trial State Assessment: An Evaluation of the 1992 Achievement Levels" (1993)?

Response: The Governing Board's official response to the GAO report, as required by law, is found in the enclosed letter to the Honorable John Conyers, dated September 24, 1993. The letter indicates that NAGB seriously considered the recommendations in that report. A major effort was mounted between the Governing Board and the National Center for Education Statistics to develop a joint plan to review the achievement level-setting approach. The results are documented in proceedings of a Joint Conference (enclosed) held in October 1994 at which the reliability and validity of the process for setting the levels and the interpretability of NAEP scores were thoroughly investigated. In addition, the Governing Board revised its standard setting policies and reviewed all operative policy guidelines having technical ramifications. Also, the Board continued working collaboratively with NCES in the development of policies requiring technical expertise.

The Governing Board's public comments on the NAE report are contained in a September 14, 1993 statement (enclosed) by Mark Musick, then Chairman. In that response, Mr. Musick stated that "the NAE panel note[d] in its report [that] setting standards is fundamentally a matter of policy judgment, not a scientific search for 'truth.' That judgment should be informed and deliberate - and the process the Governing Board used certainly was." Mr. Musick's statement also notes that the process is similar to

ones used to set standards for licensing in various professions (e.g., surgeons, auto mechanics, and food inspectors) and is supported by years of research including some of the NAE's own studies. He also states that the Board's standards are not set too high in the light of the Adult Literacy Study, and that, over time, the process of setting the standards can be improved.

In addition, the Board requested ACT, its achievement levels contractor, to provide a technical report on the standard setting process, which examined the reliability and validity of the standards set in reading and mathematics. Also, the Board commissioned two independent reviews of the NAE report (enclosed): one by Gregory Cizek, University of Toledo, a well-known expert in standard setting, and one by Michael Kane, University of Wisconsin, a nationally recognized expert in validity. Kane concluded that "the evidence provided in the NAE report and in the [background] studies commissioned by the NAE Panel do not provide adequate support for the strong [negative] conclusions in the report." Cizek stated in the summary of his review that "the conclusions of the NAE report: 1) rely on the input of researchers who do not possess relevant expertise in the area of standard setting; 2) do not derive from the application of accepted evaluation guidelines, criteria, or procedures; 3) are presented in a systematically unbalanced manner; 4) are based upon research studies that were not particularly well-suited to answering questions of interest; and 5) lead to recommendations that would substantially harm the credibility and validity of the NAEP." Also, Ronald K. Hambleton, a widely respected psychometrician, recently noted that the achievement levels set for NAEP uses the most sophisticated, thoroughly evaluated standard-setting process in the world.

10. How does NAGB define its roles and responsibilities with regard to national testing in FY 1998 and please provide me with any and all written materials relating to same.

Response: The Governing Board defines its roles and responsibilities with regard to national testing in FY 1998 according to the requirements in sections 305-311 of P.L.105-78, the guidance provided by Congress in the accompanying conference report, and the relationship of these to the National Assessment. The Governing Board has neither endorsed nor opposed the development of a voluntary national test. It does believe, should there be a voluntary national test based on NAEP, that the Governing Board should have a role in setting policy (see enclosed statements).

11(a). What role, if any, do you anticipate the American Institutes for Research (AIR) will have now that NAGB has jurisdiction of the test development contract?

Response: The Governing Board has established a Special Committee to review the AIR contract. The role of the test development contractor is a consideration in that review. The committee has begun its work and will make a report to the Governing Board on

January 22, 1998. The committee will recommend whether to accept the contract as is, modify the contract, or terminate the contract and negotiate a new one.

11(b). What role and specific tasks does AIR fulfill that could not be handled by dealing directly with the various subcontractors working on various aspects of the test development contract?

Response: As noted in the previous response, the Governing Board has established a Special Committee to review the AIR contract. The committee has begun its work and will make a report to the Governing Board on January 22, 1998. The committee will recommend whether to accept the contract as is, modify the contract, or terminate the contract and negotiate a new one.

11(c). How do AIR's duties differ from NAGB's?

Response: The FY 1998 Appropriations Act for Labor, Health and Human Services, and Education (P.L. 105-78) vests in the Governing Board exclusive authority over all policies, direction and guidelines for developing voluntary national tests pursuant to contract RJ97153001. This makes the Board the responsible contracting authority and the contract monitor. AIR is accountable to the Board under the current contract and, should it be modified, any future modified contract. Most important, P.L. 105-78 makes clear that NAGB, not AIR, is responsible for all policies, direction and guidelines related to the voluntary national tests.

AIR proposed to use a wide variety of subcontractors to do the various technical work related to test development as well as the statistical linking to NAEP and TIMSS. AIR is solely responsible for coordinating the work of the subcontractors and ensuring the quality of materials submitted to the Governing Board for review and approval.

12. Various estimates provided earlier in the year by the Department of Education indicated that the new national tests would cost in the vicinity of \$100 million during the first year of implementation (March 1999—proposed), provided that all eligible 4th and 8th graders took the respective tests in such year. What are NAGB's views on this estimate? Do you have an independent estimate?

Response: It is our understanding from reviewing the public record that the \$100 million estimate is based on assumptions that the cost of testing per child would be \$10-12 and that the total number of students in the two grades is about 8 million. Whether the \$10-12 cost per child is a reasonable estimate cannot be determined until there are final approved test specifications. The final specifications will address matters such as the number of items that have to be scored by hand and the complexity and cost of items to be scored by machine. The Governing Board does not have an independent cost estimate

at this time. The Governing Board will be able to develop cost estimates in the future, when and if the tests are developed and the scope of testing is better defined.

Question 13. Please provide a listing of how you intend to allocate monetary resources to carry out NAGB's duties under the FY 1998 appropriations legislation.

Response: The 1998 appropriation for NAGB was \$3,471,000. This is an increase of \$606,000 over the FY 1997 appropriation level of \$2,865,000. This \$606,000 has been allocated to the voluntary national tests as follows:

Salaries and Expenses	\$296,000
Office Space, Postage, Telephone	113,000
One Time Costs: Furniture, Equipment, Space Alterations	39,000
Travel	24,000
Meetings and Public Hearings	114,000
Contracts	20,000
 Grand Total	 \$606,000

These are current estimates. As further needs develop or current plans change, there may be a reallocation of resources.

List of Enclosures

1. Responses to Questions
2. Letter to Hon. John Conyers
3. Joint Conference on Standard-Setting: Executive Summary
4. Statement by Mark Musick, September 14, 1993
5. Comments on NAE Evaluation of NAGB Achievement Levels, by Gregory Cizek
6. Reaction to National Academy of Education Report, by Michael Kane
7. December 2, 1997 Press Release
8. November 21, 1997 Statement by Mark Musick
9. June 2, 1997 Letter to Secretary Riley
10. Board-adopted Process for Reviewing the Test Development Contract for the Voluntary National Tests
11. Board-adopted Process for Developing Final Test Specifications for the Voluntary National Tests

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2181 RAYBURN HOUSE OFFICE BUILDING
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MAJORITY — (202) 225-4527
(TTY) — (202) 225-3372
MINORITY — (202) 225-3725
(TTY) — (202) 225-3116

December 12, 1997

Mr. Mark Musick, Chairman
National Assessment Governing Board
800 North Capitol Street, NW
Washington, DC 20002-4233

Dear Mr. Musick:

As you know, legislative language was included in the FY1998 Labor, Health and Human Services, and Education appropriations bill that prohibits any Federal funds from being used to field test, pilot test, implement, administer or distribute in any way any national tests. In addition, the authority over all policies, direction and guidelines pursuant to contract RJ97153001 were vested with the National Assessment Governing Board (NAGB). It is my understanding that NAGB has already begun moving expeditiously to carry out its responsibilities under the legislation. As you go about carrying out your duties, I would ask that you keep in mind five major concerns:

(1) Congress did not, in the appropriations legislation, endorse or otherwise ratify the Administration's proposed national tests in 4th grade reading and 8th grade mathematics. Nor can it be said that Congress gave a mandate to NAGB to develop new national tests in 4th grade reading and 8th grade mathematics. Rather, recognizing that a test development contract had been executed by the Department of Education in August 1997 (and without any Congressional involvement or input), Congress sought to make the best of an already unfortunate situation. Congress simply removed the test development contract from the Department of Education and placed it under the National Assessment Governing Board.

If anything, the legislative language and report language (enclosed) reflected a disapproval of new national tests through the explicit prohibition of field testing, pilot testing, implementation, administration or distribution of national tests in FY1998. In the final analysis, whether this country shall have any new 4th and 8th grade national tests, shall be determined in the future, and will be subject to the reports and recommendations of the National Academy of Sciences, the will of the Committee on Education and the Workforce in the House and the Committee on Labor and Human Resources in the Senate, and the will of Congress. In other words, the future of

national testing remains uncertain, but in any event, will be subject to the actions of Congress.

Accordingly, I expect NAGB, in exercising its responsibilities under the conference agreement, to confirm in writing its understanding that it is not to be an advocate for new national tests, and will assure its activities will be carried out with neutrality and objectivity. This would include public statements either for or against a national test by NAGB members and staff. This would be consistent with NAGB's not having adopted any policy resolutions for or against national testing.

(2) The purpose of the proposed 4th grade reading tests and 8th grade mathematics tests has never been definitive or clearly articulated. From the time the national tests were first announced until the present, there has never been a definitive or clearly articulated purpose of the proposed tests. As you know, the purpose of a test is fundamental to virtually all aspects of test development and implementation. As part of your responsibility over "policies" and "direction" of testing under the contract or any contract modification, I would request that you carefully examine this fundamental issue and report back to me and Congress with your views.

(3) The "voluntariness" of the proposed tests needs to be explored and clarified by NAGB. On numerous occasions the Administration has emphasized that the tests are "voluntary" without clarifying the extent of the voluntariness. Are the proposed tests voluntary as to the state? school district? school? student? What will NAGB's position be on this matter?

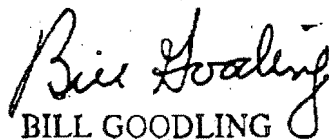
(4) The plain language and spirit of the pilot/field testing prohibition in FY 1998 includes not only a prohibition upon the actual handing out of pilot/field tests, but also any contractual or non-contractual activities in preparation for handing out tests (i.e. printing; communication or correspondence with states, school districts, schools or others about pilot/field tests; any arrangements for administration of pilot/field tests; and any other preparatory activities short of handing out the tests to students, and any similar activities in whole or in part, etc.) Accordingly, it is my expectation that any FY1998 NAGB-modified contract will reflect such intent.

(5) The National Academy of Sciences (NAS) feasibility study mentioned in section 306 could potentially obviate the need for any new national tests. As you know, the NAS study is to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and state assessments to be compared with each other and with the National Assessment of Educational Progress.

In addition to these concerns, I have attached several questions for which I would appreciate receiving written answers no later than December 31, 1997. Finally, I would appreciate receiving periodic updates on NAGB's activities as set forth under the appropriations bill.

Thank you for the opportunity to present these concerns and questions. I look forward to working with you in the months ahead.

Sincerely,

A handwritten signature in cursive script that reads "Bill Goodling".

BILL GOODLING

Chairman

WFG:kdt
Enclosures

JAN 22 1998 4:00PM OFFICE OF SECRETARY

**UNITED STATES
DEPARTMENT OF EDUCATION**



NEWS

FOR IMMEDIATE RELEASE:
January 22, 1998

Contact: Julie Green
(202) 401-3026

**STATEMENT BY U.S. SECRETARY OF EDUCATION RICHARD W. RILEY
On National Assessment Governing Board Decision to Modify Contract for
Developing National Tests**

The Administration fought last year successfully to make sure that the independent, bipartisan National Assessment Governing Board (NAGB) was given responsibility for overseeing the development of voluntary national tests in 4th-grade reading and 8th-grade math. Today NAGB completed an important part of its work — to review and determine the modifications it deems necessary to the test development contract. We are pleased that NAGB is carrying out this responsibility in a serious and thoughtful manner.

Today we took another important step forward toward putting high standards in the classroom and keeping politics out. We do not agree with NAGB that its necessary to delay the initial administration of the tests for one year. But we are pleased that we are on track to having the first-ever national tests in the basic skills and to giving parents and communities the tools they need to make sure children master the basics.

###

FACSIMILE MESSAGE
COVER SHEET

National Assessment Governing Board

DATE: 1/16/98

DELIVER TO:

NAME: Mike Cohen

ADDRESS: Special Assistant to the President

PHONE: for Education Policy

FAX #: 456-5581

FROM:

NAME: Lawrence Feinberg, Assistant Director, NAGB

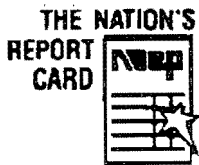
PHONE: (202) 357-6942

FAX #: (202) 357-6945

SPECIAL INSTRUCTIONS: Re NAGB meeting of 1/12

CONTACT PERSON:

NUMBER OF PAGES TRANSMITTED (including cover sheet):



National Assessment Governing Board

National Assessment of Educational Progress

NOTE TO MIKE COHEN

1/16/98

FROM LARRY FEINBERG

Larry F.

At Roy Truby's request, I am faxing a copy of the agenda for the special meeting of the Governing Board on Thursday, January 22, which will deal with the contract for the national test.

Also attached is a memo from Bill Randall, chairman of the special contract review committee, which summarizes the group's recommendations. The detailed recommendations, in the form of a revised Statement of Work, will be presented and discussed at the Thursday meeting.

7:30 - 8:00 a.m. Working Breakfast
Ethics Briefing,
Susan Erdeky, Office of General Council
U.S. Department of Education.

Thursday, January 22 (Continued)

- 8:00 - 8:10 a.m. Approval of the Agenda
Introduction of New Member
Mark Musick, Chair
- 8:10 - 8:20 a.m. Executive Director's Report
Roy Truby
- 8:20 - 10:15 a.m. Report of Special Committee to Review the VNT Contract
William Randall, Chair
- 10:15 a.m.-
12:00 p.m. Board Discussion of Committee Recommendations
(Closed 10:15-11:15 a.m.)
Mark Musick, Facilitator
- 12:00 - 1:30 p.m. Working Lunch - Discussion Groups
- 1:30 - 2:15 p.m. Feedback from Committees
William Randall, Chair
- 2:15 - 2:45 p.m. Board Action on Recommendations by Special Committee
Mark Musick, Chair
- 2:45 - 3:15 p.m. Update on Review of Reading and Math VNT Specifications
- Subject Area Committee #1 - Reading
Marilyn Whirry, Chair
- Subject Area Committee #2 - Mathematics
James Ellingson, Chair
- 3:15 - 3:45 p.m. Board Discussion on Review of VNT Specifications
Marilyn Whirry, Co-Chair
James Ellingson, Co-Chair
- 3:45 - 4:30 p.m. Concluding Remarks and Comments from Observers
Mark Musick, Chair
- 4:30 p.m. Adjournment

March 6 - 7, 1998
is the next meeting of the
National Assessment Governing Board
Seattle, Washington



National Assessment Governing Board

National Assessment of Educational Progress

TO : National Assessment Governing Board

FROM : William T. Randall, Chairman *William T. Randall*
Special Committee to Review the Test Development Contract

SUBJ : Committee Recommendations on the Test Development Contract
for the Voluntary National Tests

DATE : January 15, 1998

Background

At the November 1997 Governing Board meeting, Chairman Mark Musick established this Special Committee. The Chairman asked the committee to review the Voluntary National Test Development Contract (RJ97153001), as required by P.L.105-78, and to present recommendations on the contract at the January 22, 1998 Board meeting.

Under P.L.105-78, the Governing Board is given exclusive authority over all policies, direction and guidelines for developing voluntary national tests pursuant to the contract. In addition, the law requires the Board to review the contract and accept, modify, or terminate it within 90 days (i.e., by February 11, 1998).

The Special Committee has completed its review. Following below is an overview of the committee recommendations, which will be discussed in detail at the Board meeting.

Overview of Committee Recommendations

The committee's recommendations are contained in revisions to the Statement of Work under which the contract was first awarded. They directly address what the Congress asked the Governing Board to do:

- Ensure that the voluntary national tests are based on the same content and performance standards as are used in the National Assessment of Educational Progress and are linked to the National Assessment to the maximum extent possible;
- Provide for broad public involvement as the tests are developed;
- Assure that the tests are fair, accurate, and technically sound;
- Assess what students should know and be able to do, as defined by NAEP frameworks and achievement levels, independent of how students were taught;
- Respect the prohibitions under P.L.105-78;
- Assume responsibility for policy and oversight of test development.

The primary aim of the Voluntary National Tests is to produce an individual form of NAEP that will provide student-level results according to the Governing Board's performance standards: Basic, Proficient, and Advanced.

Page 2 - Recommendations

The committee recommends that the current contractor be instructed to modify the contract consistent with specific changes to the Statement of Work to be approved by the Board. The Statement of Work should be changed to reflect: (1) the policy and oversight responsibility given to the Board by Congress, (2) congressional intent that the voluntary national tests be based on NAEP, (3) activities that are prohibited using FY 1998 appropriations, (4) only activities necessary and desirable for test development, and (5) the first year of test administration being 2001. These are described more fully below.

1. The Governing Board should require the current contractor to modify the contract proposal.

The Contract Proposal must be changed in significant ways consistent with the revised Statement of Work, as approved by the Governing Board. Tasks, activities, and/or deliverables must be deleted, modified, or added, consistent with the revised Statement of Work, in order for this contract to be acceptable. The Governing Board should transmit to the contractor by January 23, 1998, the revised Statement of Work and complete action on the contract changes with the contractor by February 11, 1998. The contract shall be terminated if the contractor's response is not acceptable.

2. The Statement of Work and contract proposal should be revised, consistent with P.L.105-78, to clarify that exclusive authority over all policies, direction and guidelines for developing voluntary national tests pursuant to contract RJ97153001 is vested in the Governing Board.

The original Statement of Work was written, and the contract awarded, prior to enactment of P.L.105-78. The original Statement of Work and contract proposal assume no role for the Governing Board in setting policy with respect to the voluntary national tests. Instead, management and oversight of the contract are assumed to be responsibilities of the Department of Education. The attached Statement of Work contains the recommendations of the Special Committee on changes that should be made to reflect the Governing Board's responsibilities under P.L.105-78. This includes changing certain tasks, deliverables and timelines (e.g., regarding the development of policies on reporting, test use, and accommodations) to take into account the Board's policy setting role, the schedule of Governing Board meetings, and the need to obtain expert advice and wide public comment.

3. The Statement of Work and the contract proposal should be modified to reflect the intent of Congress that the Voluntary National Tests be based on the same content and performance standards as are used in the National Assessment of Educational Progress and be linked to the National Assessment to the maximum extent possible.

The conference report accompanying P.L.105-78 states that the Voluntary National Tests will be based on the same content and performance standards as the National Assessment of Educational Progress and will be linked to the National Assessment to the maximum extent possible. The current contract states that test specifications will be prepared by a separate contractor and transmitted when completed to the test development contractor. However, under P.L.105-78, the approval of final test specifications and of all test items will be the responsibility of the Governing Board. Accordingly, the attached Statement of Work contains the recommendations of the Special Committee on changes that should be made to reflect congressional intent on the relationship of the Voluntary National Tests to the National Assessment.

Page 3 - Recommendations

4. The Statement of Work and contract proposal should be changed to reflect activities that are prohibited using FY 1998 appropriations.

Under P.L.105-78, no FY 1998 funds may be used to pilot test, field test, implement, administer, or distribute in any way, any national tests, with the exception of NAEP and the Third International Mathematics and Science Study (TIMSS). Accordingly, the attached Statement of Work contains the recommendations of the Special Committee on changes that should be made to clarify that: (1) the conduct of pilot tests, field tests, implementation, administration, and distribution of national tests shall not begin prior to October 1, 1998 and (2) as appropriate and necessary, planning and preparations for pilot testing, field testing, implementation, administration and distribution may be carried out consistent with the Statement of Work.

5. The contract proposal should be changed to ensure that only work that is necessary and desirable for test development is supported under the contract.

In reviewing the contract proposal, the Special Committee found examples of activities beyond the scope of test development. The attached Statement of Work cites specific examples in the current contract proposal and requires the contractor to delete from the proposal all activities not specifically required under the Statement of Work.

6. The target year for the first administration of the Voluntary National Tests should be changed from the year 2000 to the year 2001 to provide adequate time for test development and to ensure the technical quality of the equating of multiple versions of the tests and the linking of those multiple versions to NAEP and TIMSS.

Developing an individual form of NAEP, reporting results to individual students by achievement levels, using multiple equated versions of the tests, and linking the results to NAEP and TIMSS all are "first ever" undertakings that will involve many technical challenges. Therefore, minimizing threats to success should be a central principle in the design of the pilot and field testing. Under the contractor's current design, pilot testing would occur in the fall and, therefore, include 4th and 5th graders for the fourth grade reading test and 8th and 9th graders for the eighth grade mathematics test. However, field testing would occur in March, the same time of year as planned for administration of the Voluntary National Tests.

The Special Committee believes that pilot testing should occur in March, the year before field testing, using 4th and 8th graders only, so that the conditions for pilot, field and operational testing are as similar as possible and so that there is ample time for test development, analysis and planning from stage to stage of this complex activity. Accordingly, the Special Committee has recommended changes to the schedule in the attached Statement of Work. This schedule will result in the first pilot test being conducted in March of 1999, the field test in March of the year 2000, and the operational test in March of the year 2001.

The members of the Special Committee to Review the Test Development Contract appreciate the opportunity to review the contract and prepare these recommendations. We look forward to the discussion with the Board at the meeting on January 22.

**FACSIMILE MESSAGE
COVER SHEET****National Assessment Governing Board****DATE:** 11/16/98**DELIVER TO:****NAME:** Mike Cohen**ADDRESS:** Special Assistant to the President
for Education Policy**PHONE:****FAX #** 456-5581**FROM:****NAME:** Lawrence Feinberg, Assistant Director, NAGB**PHONE:** (202) 357-6942**FAX #** (202) 357-6945

SPECIAL INSTRUCTIONS: Mike -
At Roy Truly's suggestion, here is the
membership list and affiliations of NAGB's special committee to review
the national test development contract.

CONTACT PERSON:Jorn
Ly.**NUMBER OF PAGES TRANSMITTED (including cover sheet):** (2)



National Assessment Governing Board

National Assessment of Educational Progress

January 13, 1998

TO : Special Committee to Review the Test Development Contract
William Randall, Chair Mary Blanton
James Ellingson Thomas Fisher
Edward Haertel Diane Ravitch
Deborah Voltz

The contract review committee, which begins work immediately, is headed by William T. Randall, a former NAGB chairman who was state Commissioner of Education in Colorado for many years. Other Board members on the committee include vice-chairman Mary Blanton, of Salisbury, NC, a lawyer and general public member of NAGB; James Ellingson, of Moorhead, MN, a fourth grade teacher; Thomas Fisher, director of student assessment for the Florida Department of Education; Edward Haertel, a professor at Stanford University, who is an expert in educational testing; and Deborah Voltz, assistant professor of special education at the University of Louisville.

Also serving is a new Board member, Diane Ravitch, former Assistant Secretary of Education under President Bush. Ravitch is a senior research scholar at New York University and a senior fellow at the Brookings Institution.

FAX TRANSMISSION

U.S. DEPARTMENT OF EDUCATION

600 INDEPENDENCE AVENUE SW, RM. 6133

WASHINGTON, DC 20202

202-401-3414

FAX: 202-401-0596

To: MIKE COHEN

Date: Jan 16

Fax #:

Pages: , including this cover sheet.

From: Terry K. Peterson/Lidice Rivas

Subject:

URGENT:

Please see attached material (letter)
from Roy Tumbi

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National Assessment Governing Board

National Assessment of Educational Progress

January 16, 1998

Note to Terry Peterson

Attached is a copy of the overall recommendations of the Governing Board's Special Committee to Review the Test Development Contract. This document is included in the Board briefing book that was sent out last night by FedEx and thus, essentially, is now available to the public and the contractor.

The specific, detailed recommendations, in the form of a changed Statement of Work, will be presented and discussed at the Board meeting on January 23.

Please contact me if you have any questions.

Roy Truby



National Assessment Governing Board

National Assessment of Educational Progress

TO : National Assessment Governing Board

FROM : William T. Randall, Chairman *William T. Randall*
Special Committee to Review the Test Development Contract

SUBJ : Committee Recommendations on the Test Development Contract
for the Voluntary National Tests

DATE : January 15, 1998

Background

At the November 1997 Governing Board meeting, Chairman Mark Musick established this Special Committee. The Chairman asked the committee to review the Voluntary National Test Development Contract (RJ97153001), as required by P.L. 105-78, and to present recommendations on the contract at the January 22, 1998 Board meeting.

Under P.L. 105-78, the Governing Board is given exclusive authority over all policies, direction and guidelines for developing voluntary national tests pursuant to the contract. In addition, the law requires the Board to review the contract and accept, modify, or terminate it within 90 days (i.e., by February 11, 1998).

The Special Committee has completed its review. Following below is an overview of the committee recommendations, which will be discussed in detail at the Board meeting.

Overview of Committee Recommendations

The committee's recommendations are contained in revisions to the Statement of Work under which the contract was first awarded. They directly address what the Congress asked the Governing Board to do:

- Ensure that the voluntary national tests are based on the same content and performance standards as are used in the National Assessment of Educational Progress and are linked to the National Assessment to the maximum extent possible;
- Provide for broad public involvement as the tests are developed;
- Assure that the tests are fair, accurate, and technically sound;
- Assess what students should know and be able to do, as defined by NAEP frameworks and achievement levels, independent of how students were taught;
- Respect the prohibitions under P.L. 105-78;
- Assume responsibility for policy and oversight of test development.

The primary aim of the Voluntary National Tests is to produce an individual form of NAEP that will provide student-level results according to the Governing Board's performance standards: Basic, Proficient, and Advanced.

Page 2 - Recommendations

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3. The Statement of Work and the contract proposal should be modified to reflect the intent of Congress that the Voluntary National Tests be based on the same content and performance standards as are used in the National Assessment of Educational Progress and be linked to the National Assessment to the maximum extent possible.

The conference report accompanying P.L. 105-78 states that the Voluntary National Tests will be based on the same content and performance standards as the National Assessment of Educational Progress and will be linked to the National Assessment to the maximum extent possible. The current contract states that test specifications will be prepared by a separate contractor and transmitted when completed to the test development contractor. However, under P.L. 105-78, the approval of final test specifications and of all test items will be the responsibility of the Governing Board. Accordingly, the attached Statement of Work contains the recommendations of the Special Committee on changes that should be made to reflect congressional intent on the relationship of the Voluntary National Tests to the National Assessment.

Page 3 - Recommendations

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In reviewing the contract proposal, the Special Committee found examples of activities beyond the scope of test development. The attached Statement of Work cites specific examples in the current contract proposal and requires the contractor to delete from the proposal all activities not specifically required under the Statement of Work.

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The members of the Special Committee to Review the Test Development Contract appreciate the opportunity to review the contract and prepare these recommendations. We look forward to the discussion with the Board at the meeting on January 22.



National Assessment Governing Board

National Assessment of Educational Progress

January 30, 1998

The Honorable William L. Clay
Ranking Minority Member
Committee on Education and the Work Force
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Clay:

This is in response to your request for information about the National Assessment Governing Board's decisions and plans with respect to voluntary national tests.

Public Law 105-78 (the Act) vests in the Governing Board "exclusive authority over all policies, direction, and guidelines for developing voluntary national tests pursuant to contract RJ97153001..." The Act requires the Governing Board to review the contract and modify it "as the Board determines necessary and not inconsistent with [the provisions of P.L. 105-78]" or, if it cannot be so modified, terminate the contract and negotiate a new one. The Act provides that the review and modifications be completed by February 11, 1998.

On January 22, the Governing Board deliberated on the recommendations of its Special Committee to Review the Test Development Contract. As a result, the Governing Board approved a detailed set of changes to the contract and, on January 23, delivered those changes to the test development contractor, American Institutes for Research. The contractor's response is due on January 30 and all actions by the Governing Board on the disposition of the contract are planned for completion by February 11, as required by the Act.

As you will see in the highlights of our changes to the contract (below), we do not presume that test development will continue beyond September 30. That is why we changed the contract performance periods to end on September 30 and why we specified in the contract that pilot and field testing may not be conducted with FY 1998 funds.

We are aware that the Committee on Education and the Workforce plans to take up reauthorization of the National Assessment of Educational Progress and the Governing Board this year and that the future of voluntary national tests is anticipated to be deliberated at that time. Also, we understand that the deliberations will be informed by the results of three congressionally mandated National Academy of Science studies. Our plans are based on the expectation that we will receive timely guidance through the congressional authorization process. We have taken steps, including changing the timing of the contract to coincide with reauthorization and the Fiscal Year, to ensure that we are positioned to act in accordance with that guidance.

800 North Capitol Street, N.W.
Suite 825, Mailstop 7583
Washington, D.C. 20002-4233
Phone: (202) 357-6938
Fax: (202) 357-6945

Honorable William L. Clay - Page 2

While we intend to follow the dictates of Congress, for our planning purposes we cannot presume that test development will stop on September 30, just as we have not presumed that it will go forward. We have included in the contract, planning activities that are essential components of test development. For example, although pilot testing and field testing will not occur during FY 1998, we have asked the contractor to provide a detailed description of its plan for sampling and data analysis for the pilot and field tests. This plan will be reviewed by the Governing Board for technical quality and revised as directed by the Board. However, pilot testing and field testing will not be implemented until we have clear guidance from Congress. Thus, we will be in a position to continue or discontinue test development work, as Congress indicates appropriate.

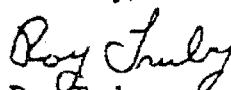
We have enclosed a copy of the contract revisions. This 34-page document has many detailed, specific changes. These include:

- Changing the contract performance periods to end on September 30 rather than August 15;
- Specifying that no FY 1998 funds may be used to pilot test, field test, implement, administer, or distribute in any way, any national tests, except the National Assessment of Educational Progress and the Third International Mathematics and Science Study, as provided by the Act;
- Setting the schedule so that test questions are written during 1998, pilot testing (if the Congress indicates we are to continue test development) is moved from October 1998 to March 1999, field testing is moved from March 1999 to March 2000, and the first testing of students in 4th grade reading and 8th grade mathematics is moved from March 2000 to March 2001.
- Adding provisions regarding the four determinations the Governing Board is to make under the Act with respect to: test bias; testing in the form most likely to yield accurate information; meeting the needs of disadvantaged, limited English proficient, and disabled students; and how parents, guardians and students will be informed about testing content, purpose, and uses;
- Removing activities that are beyond the scope of test development.

Again, these changes are consistent with the Act and intended to meet its letter and spirit.

Thank you for your request. Please feel free to contact me if you have any additional questions.

Sincerely,



Roy Truby
Executive Director

Enclosure

Cc: Honorable William F. Goodling



National Assessment Governing Board

National Assessment of Educational Progress

Testimony of Mary R. Blanton
Vice Chair, National Assessment Governing Board
before the
Subcommittee on Early Childhood, Youth, and Families
Committee on Education and the Workforce
U.S. House of Representatives

Reauthorization
of the
National Assessment of Educational Progress
and the
National Assessment Governing Board

June 11, 1998

Good morning. Mr. Chairman, I am pleased to be appearing before the Subcommittee on Early Childhood, Youth, and Families of the House Education and the Workforce Committee, to testify today on behalf of the National Assessment Governing Board, the policy-setting board for the National Assessment of Educational Progress.

I am Mary R. Blanton, the current Vice Chair of the Governing Board. Secretary Lauro F. Cavazos appointed me to the Board in 1990 and Secretary Richard Riley reappointed me in 1994, to serve as one of the four members of the general public on this 26-member Board. I am an attorney by profession. Most importantly, I am a parent of four children, ages 11, 13, 15, and 17, who attend public schools in Salisbury, North Carolina.

Congress created the Governing Board in 1988. Its primary job is to set policy for the National Assessment of Educational Progress. The Board, through a national consensus process, determines what will be included in each assessment and sets achievement levels for reporting student performance. The Board also designs the methodology for each assessment and has the responsibility for improving the form and usefulness of the National Assessment overall. In my testimony, I will describe the Board's activities to redesign and improve the National Assessment.

By law, the Governing Board is bi-partisan and conducts its work independent of the Department of Education, although its 26 members are appointed by the Secretary of Education and, for administrative purposes, its staff is considered to be on the Department rolls. Both the Board and the Department take seriously the legislative mandate about the Board's independence, which I will address in more detail below.

Last November, under the FY 1998 Education appropriations act, Congress gave the Governing Board responsibility for developing voluntary national tests in 4th grade reading and 8th grade mathematics. The appropriations act and accompanying conference report contained a number of requirements and additional guidance. The Governing Board has worked hard to follow the letter and spirit of these requirements and guidance, recognizing that they represent a bi-partisan compromise. Later in my testimony I will describe the Board's activities on voluntary national tests.

National Assessment Reauthorization: Background

Since 1969, the National Assessment of Educational Progress has provided national and regional information on the achievement of students at three age and/or grade levels in core subject areas and on education progress over time. The National Assessment has earned respect for its quality, admiration for its innovations, and trust for its integrity.

In 1988, following the recommendations of the Alexander/James study panel, commissioned by Secretary William J. Bennett, the Congress authorized major changes in the National Assessment. For the first time, beginning in 1990, state-level data was provided on a voluntary, trial basis. The law gave operational responsibility for the National Assessment to the National Center for Education Statistics (NCES). The National Assessment Governing Board was created as an independent, bi-partisan

citizens' board, representing state and local perspectives, to set policy for the National Assessment. And achievement goals (now referred to as achievement levels or student performance levels), to be developed by the Governing Board, were authorized for reporting National Assessment results in terms of standards of performance. The levels would help the public understand "how good is good enough" on the National Assessment.

The 1994 reauthorization of the National Assessment made state-level assessments and standards-based reporting regular components of the program. The Governing Board's authority also was continued, but with some limitations on its independence, about which I will have more to say.

This brings us to the present reauthorization cycle. As you know, the 1994 reauthorization was for three years only, in contrast to the previous five-year authorization periods. The three-year authorization ended on September 30, 1997, but was extended automatically for one year under the General Education Provisions Act (GEPA). Congress must take some action by September 30, 1998 if the National Assessment and the Governing Board are to have authority to continue beyond that date.

With this as background, I will focus my remarks today on four areas:

- Redesign of the National Assessment of Educational Progress
- The structure and responsibilities of the Governing Board
- Recommendations for legislation
- The Board's activities on the voluntary national tests

As requested by Chairman Riggs, I also will address the issue of making all K-12 categorical aid except IDEA funding contingent upon states having in place a system of competency-based assessments in each grade that would be certified by states to the Governing Board.

I will turn first to National Assessment redesign.

National Assessment Redesign: An Overview

Why Redesign the National Assessment?

There is much about the National Assessment that is working well, but there also is a problem. Under its current design, the National Assessment tests too few subjects, too infrequently, and reports results too late—during the 1990's as much as 18 to 24 months after testing. This is because the National Assessment has become increasingly complex over the years. Its quality and integrity have led to a multitude of demands and expectations beyond its central purpose. Meeting those expectations was done with good intentions and seemed right for the situation at the time. However, additions to the National Assessment have been "tacked on" without changing the basic design, reducing the number of subjects that can be tested and driving up costs.

Planning Work Group

In light of these concerns, the Governing Board created a work group on planning in November 1994. The purpose of the work group was to review the purposes and effectiveness of the National Assessment, identify the needs of its audiences, and recommend options for improving the National Assessment's usefulness.

The work group on planning made its recommendations to the full Board almost two years later, in August 1996. This work involved many commissioned papers, expert advice, public hearings, public comment on draft policies, and many hours of deliberation by the Board.

On August 6, 1996, the Governing Board adopted a comprehensive policy statement on redesign of the National Assessment. The aspects of the policy statement I will address today concern NAEP's purpose, its audience, the schedule of assessments, state-level NAEP, and standards-based reporting.

Purpose and limits

The policy statement discusses "purpose" in light of what the National Assessment is well designed to do and what it does less well. An aim of redesign is to focus NAEP's activities on what it does best. The Governing Board believes that the primary purpose of NAEP is stated well in the current authorizing legislation:

"To provide a fair and accurate presentation of educational achievement in reading, writing, and the other subjects included in the third National Educational Goal, regarding student achievement and citizenship."

Thus, the central purpose of the National Assessment is to inform the American public on the status of student achievement. While it is intended to describe how well students are performing, it is not designed to explain why. The National Assessment is a survey that collects data across time on different samples of students; it is not a research study following the same students over time. The National Assessment only provides group results; it is not an individual student test. The National Assessment is independent of any particular curriculum and does not promote specific ideas, ideologies, or teaching strategies. Nor is the National Assessment, by itself, an appropriate means for improving instruction in individual classrooms, evaluating the effects of specific teaching practices, or determining whether particular approaches to curricula are working.

Schedule of assessments

As noted above, the consensus was that the National Assessment tests too few subjects, too infrequently. For example, in its first decade, NAEP tested 2-3 subjects annually; during the 1990's, 2-3 subjects every other year. The Board decided that this was not good enough. The Governing Board has now adopted a schedule of assessments through the year 2010 that provides for annual testing at the national level beginning in 2000 and state-level testing in even-numbered years. This long-range schedule is to enable states to plan ahead for participation and educators, policymakers, researchers, and others to anticipate opportunities to use NAEP data.

Audience and reports

We also found that the audience for National Assessment reports had not been well defined. Past reports had been long and technically oriented, aimed more for researchers than the general public. One study by Ronald K. Hambleton showed that even generally well informed policy makers found National Assessment reports difficult to interpret correctly.

Because the general public is the primary consumer of K-12 education, the Governing Board established the general public as the primary audience for National Assessment reports. The Board required that reports be understandable, jargon free, easy to use, widely disseminated, and timely.

Instead of a one-size-fits-all approach to reporting, the Board required that the amount of detail be varied. Thus, when a subject is assessed for the first time using a new test, we will issue a comprehensive report, providing an in-depth look at a subject with much data and ample background information. When that subject is tested again, say four years later, we will issue a "standard" report, providing overall results with achievement levels, average scores, and breakdowns by sex, race/ethnicity, socio-economic status, and public/private schools. By varying the amount of detail in reporting, we can be more efficient and cover more subjects. In addition, the Governing Board has set a reporting goal of 6-9 months after testing, to ensure that the public receives results in a timely manner.

While establishing the general public as the primary audience for NAEP reports, the Governing Board established policy makers, educators and researchers as the primary users of National Assessment data. The Board required that NAEP data be available to these users in forms that support their efforts to interpret results to the public, to improve education performance, and to perform secondary analysis. This distinction between audience for reports and users of data helped clarify limits on what NAEP should do directly versus facilitating research and analysis to be performed by others on questions of immediate interest to them.

State-level results

State-level reporting is a crucial part of NAEP redesign. The regional reporting that characterized early NAEP reports has limited utility. Since 1990, 49 of the 50 states have participated in state NAEP, although the number of states participating in any one year has varied from 37 to 43. States have jurisdiction over education policy and view state-level NAEP results as useful in informing their policy development. They want to have an external, trusted measure of educational performance as a component of their assessment systems. For example, the 1994 NAEP reading results for California were considered as a part of a review of reading instruction in the state. North Carolina closely monitors its progress over time on state NAEP results and is now conducting a study, in cooperation with the Governing Board, comparing its state standards and assessments in mathematics with NAEP.

Representatives of the states with authority for policy and for testing asked the Governing Board for a regular, predictable schedule of state-level NAEP assessments in reading, writing, mathematics, and science in grades 4 and 8. The states do not want state-level NAEP assessments in grade 12. As a result, the Governing Board schedule through the year 2010 provides for state-level assessments in grades 4 and 8 in even-numbered years, alternating mathematics and science (2000, 2004, and 2008) and reading and writing (2002, 2006, and 2010).

Standards-based reporting

An important part of National Assessment redesign is the continuation of standards-based reporting of National Assessment results. These are the NAEP achievement levels, or student performance levels as they are called in the NAEP law.

The achievement levels describe "how good is good enough" on the various tests that make up the National Assessment. Until 1990, NAEP only considered current student performance in light of previous performance on the same test. For example, the average mathematics score of 4th graders may have been reported as going up (or down) 4 points on a 500 point scale. But there was no way of knowing whether either score represented strong or weak performance and whether the amount of change should give cause for concern or celebration.

In contrast, the National Assessment now reports the percentage of students performing at or above "basic," "proficient," and "advanced" levels of achievement. Proficient, the central level, represents competency over challenging subject matter, as demonstrated by how well students perform on the questions on each National Assessment test. Basic denotes partial mastery and advanced signifies superior performance on the National Assessment. The use of achievement levels allows the public to make judgments about whether performance is adequate, whether "progress" is sufficient, and how the National Assessment standards and results compare to those of other tests, such as state and local tests.

The achievement levels have been the subject of several independent evaluations. Information from these evaluations, as well as from other experts, has been used to improve and refine the procedures by which the levels are set. Although the current procedures are among the most comprehensive and sophisticated used for education standard-setting in the world, the Governing Board remains committed to improving the process and to the continuing conduct of validity studies.

Structure, Responsibilities and Independence of the Governing Board

Structure of the Governing Board

Congress created the Governing Board in 1988 following the recommendation of the Alexander/James study panel that

"The governance and policy direction of the national assessment should be furnished by a broadly representative [body] that provides wisdom, stability, and continuity; that is charged with meshing the assessment needs of states and localities with those of the nation; that is accountable to the public—and to the federal government—for stewardship of this important activity; but that is itself buffered from manipulation by any individual, level of government, or special interest within the field of education."

This is a challenging, but appropriate, charge.

Two factors in the NAEP legislation aid the Board in carrying out this charge: the categories of membership and the specific responsibilities given to the Board. The current structure of both of these factors reflect wisdom on the part of Congress.

The categories of membership overwhelmingly represent state and local interests and perspectives on education, but appropriately include technical and public participants as well. State and local interests are represented by two governors and two state legislators (on a bi-partisan basis); two chief state school officers and one local school superintendent; one state-level and one local board of education member; three teachers; one secondary and one elementary principal; and one representative of non-public schools. Technical concerns are represented by two curriculum specialists and three test and measurement experts. Rounding out this group are the perspectives of four members of the general public/parents and one representative of business. The Assistant Secretary, Office of Educational Research and Improvement, sits as a non-voting, *ex-officio* member.

The strong state and local orientation of the membership categories ensures that the National Assessment will address the needs of states and localities. It protects against using NAEP as a means toward a national curriculum or the Governing Board becoming a "national school board." Having curriculum specialists and testing experts "at the table" gives them a vote, not just a voice, which ensures that Board decisions are credible from both policy and technical perspectives. Including slots on the Governing Board for parents and business leaders ensures that NAEP policy is influenced by the consumers of education.

Responsibilities of the Governing Board

The specific responsibilities of the Governing Board under the law are critical to the conduct of the National Assessment. The Board does not play a mere advisory role, with no real authority. Instead, it has operational responsibilities that are part and parcel of each assessment.

For example, the Governing Board determines the content of each assessment. This is done in several ways. First, the Board conducts a national consensus process to determine the scope and content of each assessment. This process results in a test framework, or blueprint, for each subject. In addition, the Board develops test specifications, essentially detailed instructions that amplify the frameworks, which guide

the test writers. Also, the Governing Board has the final say on the appropriateness of test questions; only test questions approved by the Board can be included on an assessment.

However, the law is silent about the Board's role on NAEP "background" questions. These are survey items reported by students, teachers and principals that relate to teaching practices and policy (e.g. amount of homework, TV watching, use of calculators, hours of inservice training, etc.). Since the law is silent about the Board's role, the decision responsibility is assumed to fall with the National Center for Education Statistics. The Board has, however, taken upon itself the role of providing NCES advice on the background questionnaires for each assessment, which NCES is free to follow at its discretion.

Under the law, the Board is responsible for selecting the subjects to be assessed, setting achievement levels (described in some detail above), designing the methodology of the assessment, developing guidelines for reporting and dissemination, developing standards and procedures for interstate, regional and national comparisons, acting to improve the form and use of the National Assessment, and ensuring that all test items are free from bias.

Because NCES is responsible for carrying out the decisions of the Board on NAEP, there must be much collaboration with NCES. We would characterize the working relationship with Commissioner Pascal Forgione, Jr. and the NCES staff as professional and collegial. Collaboration, while not always efficient, sometimes does promote deliberative decision-making. In a collaborative relationship, there always is some ambiguity about respective roles and responsibilities. However, less ambiguity is better than more.

Independence of the Governing Board

The NAEP legislation states that "In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department [of Education]." The law also states that "The Secretary and the Board shall ensure at all times that...the Board exercises its independent judgment, free from inappropriate influences and special interests." This is how Congress put into effect the Alexander/James recommendation, noted above, that an independent body give policy direction to the assessment and serve as a buffer against manipulation of the assessment by special interests. This is to keep ideology and politics out of the National Assessment.

The Board has acted accordingly. Our test frameworks and achievement levels are aimed at "what" and "how much" students know and can do, not how they are taught. The Board sees to it that NAEP does not advance particular curricula or teaching strategies. The Board also ensures that the National Assessment is focused on student achievement, not student beliefs and opinions of a personal nature. And since NAEP reports only group level results, no individually identifiable student information is maintained by the federal government.

The Secretary, the Department officers, and the NCES Commissioner act in accord with the Board's independence. Frankly, the Board's being at the same time independent but located within the Department was in 1988 a bureaucratic oddity for which no model existed. With good will and persistence, the Board and the Department found a solution. In 1992, a Memorandum of Understanding, signed by then Secretary Lamar Alexander and then Board Chairman Richard Boyd, acknowledged the Board's independence and authorized specific delegations of authority from the Secretary to the Board in areas such as personnel, contracting, and budget. This has worked very well.

In 1994, the Governing Board's independence was weakened. The length of terms for Board members was reduced from four years to three. Because NAEP is a very complex program, it takes about a year or two for new Board members to become well oriented. Three-year terms create a challenge for developing Board leadership and increase the potential for becoming overly reliant on staff. Also, the 1994 legislation removed the requirement for the Secretary to fill vacancies from slates of nominees submitted by the Governing Board. The original idea of Board-developed slates was to preclude politics and ideology from entering into the process. It worked well. In fact, Secretary Riley has asked the Board to continue to prepare slates of candidates for his consideration.

However, there are some changes that could be considered should Congress decide to strengthen the Board's independence. These have been mapped out as two basic alternatives by the Congressional Research Service in its recent report on issues in NAEP reauthorization.

The first alternative involves incremental changes to the current legislation. Examples of such changes include requiring the Secretary to delegate authorities to the Governing Board (the Secretary now has the authority to retract the current delegations), expanding the definition of the Board's independence, re-instituting the requirement for the Secretary to make appointments to the Board from nominations submitted by the Board, and increasing the length of Board appointments from 3 years to 4 years.

The second alternative is not incremental. It involves making the Governing Board an independent agency and giving it total budget and operational, as well as policy, responsibility for the National Assessment.

The Board views itself as a creature of Congress, acting as effectively as possible to carry out its assigned responsibilities. Whether and how to strengthen the Board's independence is a subject that the Congress must decide. We believe that the Board's independence is essential to protect NAEP's credibility and integrity. However, the Board has not discussed the implications of the two alternatives suggested by the Congressional Research Service and is not prepared to comment on these alternatives at this time.

Recommendations for the NAEP Legislation

Following below are four specific recommendations related to reauthorization:

1. Extend the current authority for the National Assessment and the Governing Board beyond September 30, 1998.

The authority for the National Assessment and the Governing Board expires on September 30, 1998, the end of the one-year GEPA extension. The Congress must take some action to continue the National Assessment and the Governing Board if they are to function after September 30. At least three options are available to continue NAEP and the Governing Board beyond September 30. The three options, listed in order of their desirability, are: (a) full reauthorization, (b) simple continuation of the current legislation, or (c) continuation through a program appropriation.

2. Return the National Assessment and the Governing Board to at least a 5-year authorization period, longer if possible.

The 1994 reauthorization, unlike the preceding one in 1988, was for three years only. This is too short a period. An assessment cycle (involving framework development, test writing, piloting and field-testing, test administration, and reporting) may take as long as five years from inception to reporting. The grant period for NAEP is typically five years. A three-year authorization builds too much uncertainty into program operations.

3. Take modest actions respecting the NAEP legislation, consistent with the Governing Board's policy on redesign.

Such actions include requiring annual data collection, providing for the reporting of results within six to nine months after data collection, making age-based data collection discretionary, continuing standards-based reporting, and making state assessments a regular part of the NAEP program.

4. Address the issue of the independence of the Governing Board.

The Congress should deliberate on the nature and degree of independence that is appropriate for the Governing Board to exercise.

The Governing Board's Activities on Voluntary National Tests

In November 1997, Congress enacted P.L. 105-78, the appropriations act for the Departments of Education, Labor, and Health and Human Services. Sections 305 through 311 contain provisions pertaining to voluntary national tests in 4th grade reading

and 8th grade mathematics. The provisions give exclusive authority for test development to the National Assessment Governing Board, provide for three studies by the National Academy of Sciences, and prohibit the use of FY 1998 funds for pilot testing, field testing, implementing, administering, or distributing any national tests, with the exception of NABP and the Third International Mathematics and Science Study.

Congress showed confidence in the Governing Board in its grant of exclusive authority over test development for the voluntary national tests. We appreciate that confidence and have been working accordingly. But it is not an easy job. The Board is in the difficult and unusual position of having complete authority to develop the tests, but is not to assume that it has the authority to proceed after September 30. Although this assignment comes with a degree of uncertainty attached, we have been careful and deliberative in making judgments about what is appropriate to do and where to draw the line on allowable activities.

The law gave the Governing Board 90 days to review, and revise or terminate as deemed necessary by the Board, the test development contract the Education Department had let to American Institutes for Research. The legislation also called for the Board to make four determinations with respect to the test items developed under the contract, having to do with bias; accuracy; the needs of disadvantaged, limited English proficient, and disabled students; and informing parents and students about test content, purposes and uses. The conference report asked the Board to hold public hearings on its test development work and on the recommendations made by the National Academy of Sciences studies.

The Governing Board has worked hard to carry out the letter and the spirit of these provisions. At its November meeting, the Board established a special committee to review the contract. To meet the timeline, the Board scheduled an extraordinary meeting in January 1998, to review the recommendations of the special committee. A modified contract with the American Institutes for Research was signed within the 90-day time frame prescribed by the legislation. Among the changes the Board made were:

- Changing the contract period to end on September 30 rather than August 15 (as originally awarded) to align decisions about the contract with the timeline for expected guidance from Congress and the release of the National Academy of Sciences studies.
- Changing the test development schedule such that pilot testing would occur in March 1999 (absent a legislative prohibition), field testing in March 2000, and test administration in March 2001. This was in contrast to the previous contract, which originally had planned pilot testing in the fall of 1997, field testing in March of 1998, and test administration in March of 1999. (After the Department issued a stop-work order to the contractor in September 1997, this original schedule shifted to fall of 1998 for pilot testing, March 1999 for field testing, and March of 2000 for test administration.)

- Incorporating the prohibition on the use of FY 1998 funds for pilot testing, field testing, test administration or dissemination.
- Clarifying the Governing Board's exclusive authority over test development, pursuant to P.L. 105-78 and ensuring that all policy decisions are made by the Board.
- Ensuring extensive deliberation and public comment before the Board decides on accommodations to be used with disabled or limited English proficient students.
- Providing information for the Board to make the four determinations required under the law.

At its March meeting, the Board approved test specifications for the proposed voluntary national tests. These specifications replace those that had been developed under contract to the Department of Education. Under the Governing Board's test specifications:

- The 4th grade reading and the 8th grade mathematics tests would be based on current NAEP test frameworks and NAEP achievement levels would be the primary means for reporting results (consistent with the conference report admonition that the tests are "to be based on the same content and performance standards as [the National Assessment and] linked to NAEP to the maximum extent possible").
- Neither test would be tied to a preferred teaching method or approach.
- Credit would be given only for correct answers. There will be no "fuzzy" reading or "rainforest" mathematics.
- No questions will ask students about personal experiences, attitudes, or feelings.

At its May meeting, the Board took action on four proposals submitted by the contractor. These proposals include:

- The design for the March 1999 pilot test. The Board approved the general direction of the pilot test design and authorized the Board's Design and Methodology Committee to review and approve final refinements to the plan expected to be completed before August. The approval of the plan does not constitute approval to conduct the pilot test itself. The pilot test planned for March 1999 will not be conducted if it is prohibited by federal law.
- Work plans on accommodations, test use, and test reporting. The Governing Board approved the respective work plans on accommodations, test use, and test reporting. The three work plans describe activities and timelines by which the contractor will assist the Governing Board in developing policies in these areas. The work plans include hearings and other activities aimed at engaging experts and the public in developing policy. Although the Board took action on the work plans, it is important to note that the Board has not yet taken action on associated policies. As

with the pilot test design, activities under the work plans will not be conducted if they are prohibited by federal law.

To keep Congress informed on the Board's decisions and activities related to voluntary national tests, following each meeting we have provided reports on a bi-partisan basis to the cognizant leadership of the authorizing and appropriations committees and subcommittees. We also have offered to provide personal briefings at the request of interested Members of Congress. We believe that we are following the dictates and guidance of Congress as expressed in P.L. 105-78 and the accompanying conference report.

Making K-12 Categorical Aid Contingent on State Systems of Competency-based Assessments

I will limit my remarks about the proposal to make federal aid contingent on state systems of competency-based assessments to those aspects likely to affect the Governing Board and the National Assessment.

Under the proposal, states would certify to NAGB that they have competency-based assessments at each grade, from kindergarten to grade 12, and that students must pass the assessment in order to move to the next grade or graduate from high school. In addition to the certification, states would have to submit a report to the Board on their state content standards, state performance standards, and state assessments. NAGB would serve as a clearinghouse to make the information available to the public and provide comparisons of the standards and assessments, including their relative quality, one to another.

As Congress takes up this proposal, I believe that it is important to consider the potential implications for the National Assessment and for the Governing Board.

The proposal would change the role and character of the Board in very significant ways. Currently, the Board's main job is to oversee the National Assessment, ensuring that state, local, and public/parent perspectives are the basis for NAEP policy. The Board's general approach with NAEP is consensus building in a non-threatening environment, bringing together people who represent widely divergent perspectives. The proposal would transform the Board into a regulatory agency with the power, potentially, to limit federal categorical funding to states.

The proposal also could affect the National Assessment, changing its current voluntary nature to one that states would view as more prescriptive. For example, in evaluating the quality of state standards and assessments, it seems reasonable that the Governing Board might use its work on NAEP as a basis for the review of state standards and assessments. If federal funding were contingent upon state submissions, would states therefore give NAEP more weight in designing their standards and assessments than they would otherwise? Would states feel compelled to participate in NAEP in order to receive

federal funding? These questions, unanswered at present, indicate the potential for NAEP becoming a coercive policy instrument under the proposal.

Finally, I wonder whether the role proposed for the Governing Board does not duplicate that of Achieve, Inc. Achieve is a privately funded organization, established by the National Governors Association and the business community to serve as a clearinghouse to provide comparative information about state standards and assessments.

Mr. Chairman, thank you for this opportunity to provide views on the reauthorization of the National Assessment and the Governing Board. I would be pleased to answer any questions you may have.



National Assessment Governing Board

National Assessment of Educational Progress

FOR IMMEDIATE RELEASE

Contact: Lawrence Feinberg
(202) 357-6942

THE POLITICS OF THE VOLUNTARY NATIONAL TEST

MICHAEL J. GUERRA

Member, National Assessment Governing Board;
Executive Director, Secondary Schools Department,
National Catholic Educational Association

Remarks at Conference on Large-Scale Assessment [Edited]
Colorado Springs, CO - Monday, June 15, 1998

I am pleased to speak today on behalf of the National Assessment Governing Board.

As you may know, the National Assessment of Educational Progress is almost 30 years old. The National Assessment Governing Board is almost ten years old. The Voluntary National Tests have not yet begun, although the proposal to launch them was made by President Clinton a little over a year ago.

NAEP existed for 20 years before NAGB was invented. The reasons why the Board was invented and the role NAGB has played in the development of NAEP have a great deal to do with the role the Board is playing in development of the Voluntary National Tests and in the politics that helped shape the Board's role.

Let me first take you through some of the history, and then bring you up-to-date about where we are now.

During its first two decades NAEP tested only national and regional samples of students. Its reports were technically excellent. Indeed, they were ground-breaking in the assessment field. But they were little noticed. NAEP received little political heat in exchange for casting modest educational light. In the late 1980s, however, when proposals were made to have NAEP shed more light--to include state comparisons and performance standards--the political heat rose. Federal control of an expanded NAEP became a political issue, and it reignited the perennial question of what role the federal government might appropriately play in American education.

To lay the groundwork for expansion of NAEP, the Secretary of Education, William Bennett at the time, appointed a blue-ribbon study group. It was headed by Lamar Alexander, who then was governor of Tennessee and chairman of the National Governors Association, and by H. Thomas James, former president of the Spencer Foundation. Its 22 members were broadly representative and conspicuously bipartisan.

800 North Capitol Street, N.W.
Suite 825, Mailstop 7583
Washington, D.C. 20002-4233
Phone: (202) 357-6938
Fax: (202) 357-6945

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They included a number of notable names: Francis Keppel, who had been U.S. Commissioner of Education under Presidents Kennedy and Johnson; Pascal Forgione, Jr., who then was chief of the Office of Research and Evaluation of the Connecticut State Department of Education and now is Commissioner of the National Center for Education Statistics; and Hillary Rodham Clinton, who then was First Lady of Arkansas. Now, of course, she is First Lady of the United States.

The Alexander-James Commission, as it came to be called, made two major recommendations in its report, issued in January 1987. The first was that NAEP collect state-representative data in addition to its national samples so that reliable state-by-state comparisons could be made. This was needed, the commission said, to meet the "rising public demand for thorough information on the quality of...schools."

Its second recommendation was to create "a new governance structure for NAEP." This should be headed by "an independent governance agency," rather than having NAEP remain simply a part of the U.S. Department of Education, with an advisory policy committee appointed by the test contractor.

The report called the new governing agency the Educational Assessment Council, and said it should be "broadly representative" and "prestigious," that it should be "accountable to the public," and also that it must be "buffered from manipulation by any individual, level of government, or special interest within the field of education."

These recommendations, somewhat scaled back, were enacted into law by Congress--then controlled by the Democrats in both houses. The chief sponsor of the bill was Sen. Edward Kennedy (D-Massachusetts). It was signed by President Ronald Reagan, a Republican, on April 20, 1988. And so NAGB was born--bipartisan, independent, and broadly representative of America's citizens, educators, and politics.

Its membership--now up to 26--includes two governors--a Democrat, Roy Romer, of Colorado, and a Republican, John Engler, of Michigan. There are also two state legislators of different political parties, and a Noah's ark of state and local school officials, teachers, three testing and measurement experts, a nonpublic school administrator or policymaker, and business and public representatives. There is only one federal official on the Board, the Assistant Secretary for Educational Research and Improvement, who serves ex-officio without a vote.

[Right now three of NAGB's members are from Colorado--but the law is silent on the desirable number of Coloradans in the Board's membership.]

For ten years, in my judgment ten good years, NAGB has provided strong leadership for the National Assessment of Educational Progress, opening discussions about assessment frameworks and performance standards, working for consensus on these and other issues, but accepting responsibility and accountability for policy decisions. For ten years, NAGB has been second-guessed often; criticized for politically-motivated decisions, never.

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And now we come to the Voluntary National Test or VNT. [The acronymiacs haven't yet called it V-Net. Maybe the focus groups told them that sounds like a round-up of objectionable computer programs--but give them time.]

In February 1997, when President Clinton first proposed national tests for individual students in 4th grade reading and 8th grade math, the Education Department began developing the tests itself. The Administration announced that the tests would be based on NAEP and that they would use NAEP's achievement levels. But it wanted to move quickly--to have the first tests ready for students to take in the spring of 1999. And so, using authority and funds from FIE--the Fund for the Improvement of Education--it decided the general terms of what the design of the tests would be and then awarded contracts for test specifications and test development.

During this period--which lasted through most of 1997--the Governing Board was not involved with the national tests at all. But in May 1997 Michael Cohen, the President's education advisor, spoke at the Board's quarterly meeting. He said the Administration was thinking about how to involve NAGB in the governance of the national test and asked the Board to give advice on what it thought its role should be.

On June 2, 1997, after getting approval from the Executive Committee, Bill Randall, who then was NAGB Chairman, sent a letter to Education Secretary Richard Riley, giving the Board's advice. The gist of it was that since the proposed national tests would be based on NAEP frameworks and achievement levels--and relied on the reputation of NAEP to gain public acceptance--then the tests ought to come under the NAEP umbrella and be shaped by policies set by the Governing Board.

There was no statement in the letter about whether having a national test for individual students was a good idea or not. But, inevitably, the letter pointed out, having such a test based on NAEP meant that NAEP would affect the test and vice-versa. Keeping control of NAEP and the VNT completely separate could well lead to confusion and duplication and certainly to inefficiency and added costs.

Bill Randall's letter declared, "For the sake of the integrity, effectiveness, and coherence of both the National Assessment and the voluntary test initiative, logic and experience argue for the Governing Board to be the policy body for the voluntary national test initiative."

On August 2, Secretary Riley sent a reply to Bill Randall. He called Randall's proposal a "sensible direction," but was pretty non-committal about the timing and specifics, although he said the upcoming reauthorization of NAEP and NAGB, then scheduled for this year, might be "a time when the issue of governance of the voluntary national tests can be addressed."

As criticism of the tests increased, however, things moved more quickly. On August 24, on *Face the Nation*, Secretary Riley announced that the Administration would propose legislation to authorize NAGB to set policy for the national tests, just as it does for NAEP. President Clinton made the same point in his weekly radio address on Saturday, August 30.

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"Some people worry that the federal government would play too large a role in developing the [national] test," the President said. "To meet that concern, I have instructed my staff to rewrite our proposal to make sure these tests are developed not by the Department of Education, but by an independent, bipartisan board created by Congress many years ago. This will make sure these tests measure what they should--nothing more, nothing less."

The President explained: "We're working to make sure this doesn't become a partisan issue."

On September 11, by an 87-13 vote, the Senate went even further than the Administration had proposed, giving NAGB full control of both the policy and operations of the national tests while allowing the tests to move ahead with no restrictions. The measure to do this was introduced by Sen. Dan Coats (R-Indiana). It was strongly endorsed both by the Clinton Administration and by former Education Secretary William Bennett, who had spoken publicly in support of the Voluntary National Test, provided it was not controlled by the Department of Education.

However, on September 16, the House voted 295-125--another bipartisan vote--to ban any funds for the tests--with no mention of NAGB at all. Interestingly, both support and hostility for the VNT are thoroughly bipartisan.

Both the House and the Senate measures were amendments to the Appropriations bill for the Departments of Education, Labor, and Health and Human Services for the 1998 fiscal year, which began October 1. President Clinton threatened to veto the bill if the House ban on national testing was included.

However, the deadline for enacting the appropriations bill was extended through a series of continuing resolutions and eventually a compromise was negotiated between the two houses of Congress and the White House. It was signed by the President on November 13.

The law had four main points:

(1) NAGB was given "exclusive authority" over the five-year contract for developing national tests that had been awarded in August to American Institutes for Research (AIR) and a group of major test publishers.

(2) No FY 1998 funds could be used for pilot testing or field testing of any national test.

(3) The National Academy of Sciences was instructed to conduct a series of studies and evaluations on the proposed test itself and several testing issues.

(4) The Governing Board was instructed to review the existing test development contract and decide within 90 days whether to approve, modify or rescind it.

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There was also language in the House-Senate conference report on the bill, directing that the tests must be "based on the same content and performance standards as are used for NAEP" and must be "linked to NAEP to the maximum extent possible."

The position of the Board since the law was enacted has been straight-forward. Speaking for the Board on December 2, Chairman Mark Musick said: "We will carry out the job Congress has asked us to do--develop an individualized version of the National Assessment of Educational Progress."

To do that job we have completed two major tasks. First, we reviewed the contract with AIR and negotiated several major changes. This was done by February 11, the deadline set by law.

Secondly, we have adopted specifications for the reading and mathematics exams. These are based very closely on the NAEP frameworks and achievement levels that the Board had adopted in previous years. The specifications were adopted on March 7, allowing test development to move forward.

Probably the most controversial decision the Board has made was to change the calendar for test development so that pilot testing would be conducted in March 1999; field testing would be held in March 2000; and the first tests of fourth and eighth grade students would be offered in March 2001. All this is contingent, of course, on Congressional action.

The decision meant that operational use of the tests would be delayed for another year. It was taken as a result of technical advice that it would be much better to conduct pilot testing and field testing at the same time of year as the operational exam and with students at exactly the same grade-level.

Naturally, the delay has a political impact. The Administration opposed it, and Secretary Riley issued a statement that the Education Department did not agree that it was necessary. However, the Board felt strongly that it is better to do the job right than do it fast, and issues of quality have to come above all else.

As Mark Musick noted in an interview with Education Week, some advocates of the national test fear that the delay will cause a loss of momentum and give opponents more time to derail the plan. But as Mark said, "Without assurance of quality, momentum won't be worth much."

Other important contract changes made sure that the calendar for major decisions is in line with the Congressional calendar for legislation and appropriations for future fiscal years. The revised contract makes it clear that all policy decisions are to be made by the Governing Board, and that there will be plenty of time for deliberation and public comment before any important Board decisions on issues such as accommodations for disabled students or offering the test in Spanish or another foreign language.

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While giving responsibility to NAGB may have done much to settle the debate about whether these would be federal or national tests, it has not settled the question of whether a national test itself would be a good idea. Support for the VNT and opposition to the VNT have both been bipartisan, and the future of the national test is still uncertain. Both houses of Congress have passed amendments that no test development can go forward after this fiscal year without explicit authorizing legislation. But no bill containing this provision has emerged yet from a House-Senate conference or reached the President's desk.

The Board is simply moving ahead to meet its current mandate. At the same time we are attending to our major responsibilities to give direction to NAEP.

The question still comes up: Does NAGB support a national test?

Individual Board members have their own views. As citizens they are free to express them. The position of the Board was given by Chairman Mark Musick, speaking for the Board in a press statement released on December 2.

"The Governing Board has not endorsed a voluntary national test and we have not opposed a voluntary national test," Musick said. "The Board is doing what Congress has asked us to do.

"The position of the Board has been that if there is to be a test that essentially is an adaptation of NAEP, then it should come under the NAEP umbrella. If the country finds that useful and Congress funds it and moves forward, we hope to develop a test that is worthy of consideration."

So there we are: politics behind us, politics in front of us, politics to the right of us, and politics to the left of us. And NAGB stands--serenely independent, and, as always, squarely in the middle.

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