



Leadership Conference on Civil Rights

1629 "K" St., NW, Suite 1010
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MEMORANDUM

TO: Marshall S. Smith
Acting Deputy Secretary
Department of Education

FROM: Wade Henderson
Executive Director

DATE: September 29, 1997

RE: Meeting on National Voluntary Tests

Thank you for the invitation to the Leadership Conference on Civil Rights to meet on September 30, 1997 from 3:00 - 4:30 p.m. at the Department of Education, 600 Indiana Avenue, S.W., Room 6200 (Secretary's Conference Room) regarding the issue of national voluntary tests. The following individuals will attend the meeting:

Wade Henderson, LCCR
William Taylor, Vice-Chair, LCCR
Georgina Verdugo, MALDEF
Thomas Henderson, Lawyers Committee for Civil Rights Under Law
Judy Appelbaum, National Women's Law Center
Janice Weinman, AAUW
Nancy Zirkin, AAUW
Robert McAlpine, National Urban League
Maria Fisher, National Council of La Raza
Janell Byrd, NAACP / LDF
Paul Weckstein, Center for Law and Education
Mike Lux, People For The American Way

FOR MIKE COHEN



Leadership Conference on Civil Rights

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September 4, 1997

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

The undersigned members of the Leadership Conference on Civil Rights write to urge you to adopt several important changes in your plan for voluntary national tests in reading and mathematics. If these changes are made, it would enable many of our member organizations to support implementation of the national test proposal.

At the outset we wish to express our appreciation for the attention you have given to the improvement of public education and our support for the broad goals contained in the proposals you have made. Our organizations oppose discrimination in the schools based on race, national origin, sex or condition of disability. We represent many children of color, children with limited proficiency in English and children with disabilities and girls — all of whom have suffered discrimination and stereotyping in the public schools, have been denied critical teaching resources and have had their life chances impaired by the failure of the schools to offer them a chance to succeed.

Thus, we feel we have much at stake in the battle to make the public schools responsive to the children with the greatest needs. And we agree with what we understand to be the central tenets of the Administration's proposal: 1) that *all* children can learn and that high standards should be established for all children; 2) that schools, school districts and states should be held accountable for children achieving these standards; and 3) that active, well-informed parents are key actors in achieving accountability.

Our concern then is not with the Administration's goals but with whether your testing proposal will help achieve these goals. For the major reasons we will now set forth, we are convinced that in its present form, the national test proposal

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National Council of Churches
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American Association of University Women
Anita Perez Ferguson
National Women's Political Caucus
Matthew Finucane
Asian Pacific America Labor Alliance
Marcia Greenberger
National Women's Law Center
Harry Guenther
National Council of Senior Citizens
Rebecca Isaacs
People For The American Way
Patricia Ireland
National Organization for Women
Elaine Jones
NAACP Legal Defense & Educational Fund, Inc.
Joseph Lowery
Southern Christian Leadership Conference
Leon Lynch
United Brotherhood of Carpenters
Kwesi Mfume
NAACP
Laura Murphy
American Civil Liberties Union
Hugh Price
National Urban League
David Saperstein
Union of American Hebrew Congregations
Richard Womack
AFLOO
Patricia Wright
Disability Rights Education and Defense Fund
Stephen P. Yoch
International Union, United
Automotive Workers of America
Paul Yzourine
National Council of La Raza
**COMPLAINTS/ENFORCEMENT
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Karen McGill Lawson
LEGISLATIVE ASSISTANT
Brian Komar

(Deceased)

"Equality In a Free, Plural, Democratic Society"

will not serve the children most in need of educational opportunity:

1) The Administration's Proposal Allows School Authorities to Exclude or Refuse to Accommodate Students Who Have Limited English Proficiency or Have Disabilities.

With respect to children with limited proficiency in English, the most serious failure is the Administration's refusal thus far to require that the fourth grade reading assessment be given in languages other than English. Much research informs us that children who are able to read in a foreign language will soon be able to read in English. Similarly the math test should be given in languages other than English and Spanish.

Similarly, large numbers of children with disabilities are likely to be excluded based on inappropriately low expectations in their education plans. Nor for that matter does anything appear to prevent school authorities from inducing minority or children from low-income families to stay home on the day of the assessment. If the purpose of the Administration's proposal is to assure accountability, it must come to grips with the fact that children who are not permitted to participate will become non-persons with no accountability by school authorities for their progress. These accommodations will in no way compromise the high standards that should be expected of all students.

2) The Administration's Proposal Fails to Provide Safeguards Against the Invalid and Inappropriate Use of Test Results. Absent firm action by the Administration, there is every reason to believe that the results of the national test will be used by many school officials for high-stakes purposes such as ability grouping, tracking, retention in grade and graduation. Any such use would be harmful to the children we represent and would be totally inappropriate since the tests have not been and will not be validated for any of these purposes. One among many inappropriate uses would be the use of tests for high stakes purposes where children have not had an opportunity to learn the skills and knowledge being tested. The Administration must take steps to prohibit these harmful and inappropriate uses.

3) The Administration's Proposal Fails to Hold School Authorities Accountable by Requiring Public Reporting of Results so that Parents and Others can Take Informed Action. Administration officials have told us on numerous occasions that the most important rationale for testing all students in a participating district is to galvanize parents into action. But the current proposal will not achieve that result. A parent will know the scores of her own child, but will not know how her child's school is performing compared to other schools or how her school district is doing compared to other districts. Unless school authorities choose voluntarily to disclose this information, parents will be left in the dark and without the facts that would enable them to secure accountability. Many of our groups have worked for years to empower parents to compel responsiveness from public officials. We believe we speak from experience in advising you that in its current form, your proposal will not achieve its objective. And, as noted later, this is a problem that is correctable.

4) The Administration's Proposal Does Not Take Even Modest Steps to Identify Denials of Critical Educational Resources that Have a Significant Impact on Test Results. We recognize that the Administration's test proposal cannot realistically serve as the vehicle for redressing the vast inequities in the distribution of education resources that deny the opportunity to learn to millions of poor and minority children throughout the nation. At the same time the Administration must recognize that unless these resource barriers facing so many poor and minority children are recognized, identified and ultimately addressed, the national test will fail to improve educational opportunity for the children who are most in need of assistance. One modest step would be to include with the test some basic questions—concerning the teacher's certification and other qualifications in mathematics and reading, class size and the availability of books in the classroom—that licensees would be required to answer. Such information is now collected on a sample basis by the National Assessment of Educational Progress. While modest, gathering this data would be consistent with provisions of the Title 1 reform that the Administration sponsored calling on school districts to deliver such critical resources to poor children and calling upon states to assure that local districts have the capacity to meet the responsibility.

5) The Administration Must Take the Necessary Steps to Assure that the Laws and Policies According Rights to Equal Educational Opportunity Will Be Effectively Enforced: As presently proposed, the Administration's plan will be implemented by a complex and interlocking network of largely private test developers, management contractors and licensees. It does not appear that the Administration has thought through how it will assure that civil rights, often spottily enforced even when only government agencies are involved, will not be denied and that where violations occur there will be prompt redress. The Administration must develop a plan for enforcement. It will not suffice to leave this problem in the hands of private civil rights groups which do not have adequate resources to cope with the violations that are likely to occur.

If you agree that fundamental guarantees of fairness and equality of opportunity should be part of any plan for a national test, it will not be difficult to devise appropriate language to accomplish the task. Indeed, specific provisions of the Improving America's Schools Act of 1994 deal with many of the same issues of inclusion and accommodation of limited English proficient and disabled students and with the public reporting of the results of assessments. And, as noted, NAEP already has some experience in gathering basic information about the distribution of vital educational resources. Our organizations would be willing and eager to work with your Administration in developing suitable language to carry out these basic ground rules.

We recognize that there will be some elected officials and school authorities who will view the steps we have called for as the intrusive hand of the federal government interfering with state and local control. There may even be a few states or districts that will base their refusal to participate on the existence of

these requirements. But such opposition is not different in character from the resistance over the years by some to any step to implement the equal protection clause of the Fourteenth Amendment and the Supreme Court's decision in *Brown v. Board of Education*. Where Presidents have stood firm, such resistance has ultimately melted away.

We believe that if you are prepared to fight to assure that the least advantaged and most discriminated against children in the nation reap the benefits of your national test and other education proposals you will prevail and leave a legacy of which we can all be proud.

We of course stand ready to meet with you or your designees at your convenience to pursue these matters further.

Sincerely yours,

Antonia Hernández
President and General Counsel
Mexican American Legal Defense
& Education Fund

Elaine Jones
Director Counsel
NAACP- Legal Defense & Education Fund, Inc.

Raul Yzaguirre
President
National Council of LaRaza

Barbara Arnwine, Director
Thomas Henderson
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Lawyers Committee for Civil Rights

Marcia Greenberger
Co-President
National Womens Law Center

Mike Lux
Senior Vice President
People For the American Way

Nancy Zirkin
Director of Government Relations
American Association of University Women

Paul Weckstein
Co-director
Center for Law and Education

by: Wade Henderson *Wade Henderson/te*
Executive Director
William L. Taylor *Bill Taylor*
Vice Chair
Leadership Conference on Civil Rights

cc: Secretary Riley



UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

September 11, 1997

Mr. Wade J. Henderson
Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, Suite 1010
Washington, DC 20006

Dear Mr. Henderson:

President Clinton has asked me to respond to your letter of September 4, 1997, regarding our proposal for national standards and national tests. Before turning to the specific issues you have raised, let me first share my view of the larger context in which the debate about national standards and tests is occurring.

President Clinton and I are firmly convinced that one of the biggest obstacles to improved educational opportunities and results for low-income and minority students has been the widespread and mistaken belief that students from these backgrounds cannot learn to the same high levels as other, more advantaged students can. This belief -- the foundation of what I have called a tyranny of low expectations -- has pervaded the schooling experience of our most disadvantaged youngsters, resulting all too often in watered down curricula, poorly prepared teachers and under investment by the public in their schooling.

Challenging national standards and tests are a fundamental tool for overcoming these obstacles. They will help raise expectations for all of our students in the basic skills. They will provide parents and communities with accurate, reliable information about student and school performance. They will make it impossible for schools to mask inadequate performance and to claim that students and schools are performing satisfactorily when in fact they are not. And they will help mobilize parents and community leaders in serious national, state and local efforts to raise student achievement in the basics, including through the commitment of additional, needed resources.

Student testing has often been a difficult and controversial issue. I know that tests have all too often been used to penalize rather than expand opportunities for minority students, and that there is great fear that these national tests may also do more harm than good. But they can, and I believe will, ultimately help lead to increased student achievement and greater opportunities for the students we all care about.

The President and I are aware that not everyone will do well on these tests the first time around and that some will need extra help to master the basic skills. But, difficult as this may be for students, teachers and schools, we believe that there is far greater risk for our most disadvantaged

students in accepting the status quo. These tests will empower parents and communities, and challenge students to realize their full potential. Denying these tests to parents and students will simply perpetuate lower expectations, limited accountability, and continued poor results for the most vulnerable young people in our society.

Raising standards and measuring student and school progress toward meeting them works. Last week I was in Philadelphia when Superintendent Hornbeck announced the results of such efforts. One year after instituting a program of higher standards and tough tests, Philadelphia students made significant gains in reading, math and science at the 4th, 8th, and 11th grades. They were able to achieve these impressive gains at the same time that student participation in the tests also increased substantially, with some 40% of the increased participation brought about by increasing the number of students with disabilities, limited-English-proficient students, and low-income students taking the tests. This is a tribute to the parents, students and teachers in Philadelphia who were willing to make real, constructive reforms that made progress possible.

We have similar evidence from Milwaukee, where only 21% of the school district's eleventh grade students initially passed a rigorous mathematics proficiency examination required for high school graduation. The next year, students, staff, and the community, including business groups, worked together to help students pass the tests, by providing special classes before and after school, instituting Saturday academies, utilizing business volunteers, upgrading teaching, and increasing parental involvement. As a result, 98% of the seniors in the class of 1996 passed the test. This shows that high standards and rigorous tests can indeed mobilize whole communities to support student achievement.

In this context, let me address a number of the issues you have raised:

Safeguards against invalid and inappropriate use of test results: The President and I have strongly encouraged states and local school districts to institute policies that require students to demonstrate they have met challenging academic standards before moving from elementary school to middle school and middle school to high school, and in order to graduate from high school, and that require schools to provide students who need it extra help in order to meet the standards. Such policies would help make standards real in every school and classroom, underscore the seriousness of increased expectations, better focus and increase the efforts of both students and teachers, and strengthen each school's accountability for the success of every child.

Decisions about promotion and graduation policies are and must remain primarily state and local matters. We believe it would be a mistake to institute policies with respect to the national tests that would limit the ability of state and local policymakers to incorporate student performance on the national tests into sound, non-discriminatory promotion policies.

However, we believe just as strongly that promotion policies must be sound and fair, and that test results should not be used for high-stakes purposes -- such as for school-to-school promotion or graduation -- unless they have in fact been validated for those purposes. Because test validity for

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high-stakes purposes depends heavily on the extent to which local curriculum prepares students for the test, it can only be demonstrated in the specific local or state context in which the tests will be used. Therefore, it is the responsibility of state and local school systems wishing to use the national tests for high-stakes purposes to first demonstrate their validity for these purposes, prior to implementation.

To support state and local school systems in making sound and appropriate decisions about the use of national tests, and to avoid the misuse of tests, the Education Department is developing a strategy designed to eliminate potential problems before they occur. Our approach will include the following steps:

- o Guidance from the Office for Civil Rights: Within the next three months, the Office for Civil Rights at the Department of Education will issue final guidance for its regional enforcement offices to assist in the evaluation of cases surrounding the discriminatory use of tests, including but not limited to the national tests. The guidance will set forth well-established federal legal standards relating to the use and misuse of tests, and will clearly articulate the existing principles of law that should guide any decision regarding the use of tests under Title VI of the Civil Rights Act of 1964 or Title IX of the Education Amendments of 1972.

This guidance has been made available to the public in its draft form, and the settled legal principles set forth in the guidance have established the basis of OCR's test-related work. When the guidance is issued in final form, it will reflect extensive Department of Education review, as well as that of the National Academy of Sciences Board on Testing and Assessment. In addition, we plan to make it widely available to school systems and the public, so that educators, policymakers, parents and community groups can all be well-informed about the requirements a test must meet in order to be used for high-stakes purposes. I believe that this approach will go a long way toward helping state and local school systems make appropriate judgments about the use of tests, and ensure that they take the steps necessary to validate the tests as needed. The Department welcomes your continued input regarding this guidance prior to its issuance in final form.

- o Technical Assistance to State and Local School Systems: The Office for Civil Rights will offer technical assistance to state and local school systems based on the guidance discussed above. OCR regional office staff will work with school systems to ensure they understand the practical implications of the legal principles set forth in its guidance, and can incorporate them into their own efforts. Moreover, relevant offices within the Department, including the Office of Educational Research and Improvement and the Office of Elementary and Secondary Education, along with OCR, will also work to identify and disseminate best or promising practices with regard to the validation and use of tests, and will offer information about "what works" in specific cases where feasible. Along with the guidance, this technical assistance strategy can help prevent potential misuse before it occurs. We welcome your thoughts and strategies for ensuring that the best information regarding model practices is widely available.

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o Enforcement: The Office for Civil Rights will continue to conduct compliance reviews and conduct investigations to ensure that the nondiscrimination requirements of the law are met. While we do not oppose use of the tests for high-stakes purposes, we will do everything within our power to ensure that such uses comply with all legal requirements.

As you know, we are working to ensure that the President's request for funding for OCR in FY 1998 -- a \$ 6.6 million increase -- is supported by Congress. Without adequate funding, much of the core work of OCR -- enforcement of antidiscrimination laws at our schools and colleges nationwide based on complaints of discrimination -- will be in jeopardy. If all students are to achieve to high standards, they must be able to learn in environments free of discrimination.

o National Tests -- Guidelines for Test Use: The Department plans that guidelines for test use -- which would acknowledge the need to validate the national tests if they are to be used for high-stakes purposes -- will be developed by the test contractor and approved by the National Assessment Governing Board. These guidelines will be used by school districts and states as part of their participation in 1999.

o National Tests -- Independent Evaluation: Our proposal includes an overall evaluation of the national tests to be conducted by the National Academy of Sciences. The Academy will report on how states, districts and schools are using the tests, along with how they have handled test administration and reporting. This evaluation will provide objective and independent information that will help determine if the tests are being used appropriately.

Public Reporting and School Accountability: I believe we are in complete agreement that the tests will accomplish their intended purpose only if they are reported to the public on a school-by-school and school-district-by-school-district basis, and only if these reports show the performance of racial, ethnic and socioeconomic subgroups and of males and females, as well. Such public reporting is at the heart of increased public accountability for results. I will urge NAGB to require testing contractors to provide states and school districts with aggregate results for districts and schools, and to provide disaggregated data by race, ethnicity, gender, and other populations. This will go a long way toward facilitating the provision of this information to the public.

Further, states and school districts throughout the country are already well on the way to reporting all test score results in this fashion. For example, according to a recent study by the Council of Chief State School Officers, 42 states already require or use school profiles or school performance reports to make public the results of student assessments, and 38 also require district level reports.

At present, some 17 states require the disaggregation of results at the school- or district-level for at least one demographic subgroup. While this is a good start, it is not enough, and we must do better if schools are to be held accountable for the performance of all students.

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An important tool to improve the current situation is through the implementation of the Title I assessment and reporting requirements, which have historically had a powerful impact on state and local practice. Title I requires states to fully implement their assessment systems by school year 2000-2001. By that time, state assessment and reporting systems must enable the disaggregation of test data at the State, local school district and school levels, by gender, major racial and ethnic group, English proficiency status, migrant status, students with disabilities compared to students without disabilities, and economically disadvantaged students as compared to students who are not economically disadvantaged. In addition, each local school district is required to publicize and disseminate the results of the annual review of all schools in individual school performance profiles to parents, teachers and other school staff, administrators, students, and the broader community.

Because Title I funds are received by every state, nearly every local school district (and every school district serving significant numbers of low-income and minority students) and two thirds of all public schools, the Title I requirements in this area will affect the reporting of test results in virtually every school and school district in the Nation. And, with respect to the public reporting of test results, they will accomplish exactly what we agree is needed.

In order to accommodate and support state and local efforts to raise academic standards and implement assessments aligned with the standards, Title I appropriately provides states with ample time to implement the testing and reporting requirements. Once the implementation deadline is reached, this Department will vigorously enforce compliance with it.

Based on experience and on conversations with state and local officials around the country, I am convinced that jurisdictions that participate in the national tests will report the results in a fashion consistent with how they will report the results of other test scores. The Council of Great City Schools has recently indicated that the cities participating in the national tests have pledged to do precisely that. Indeed, enhanced public accountability for schools compared with national standards and international benchmarks is clearly one of the main reasons for state and local interest in the national test initiative. State and local school officials in jurisdictions participating in the tests would be hard-pressed to justify a more restrictive and less informative reporting policy for national tests than for state and local tests.

Appropriately reporting individual test results to parents is as important as reporting aggregate results to the public. The Department of Education will undertake an aggressive campaign to help parents understand the reading and math standards on which the tests will be based, so they can have a very clear understanding of the kind of work expected of their children. Test publishers that provide the tests to states and local school districts will be required to provide the results to parents in easily understandable formats, including providing the test results and other appropriate information to parents in languages they understand. And the Department of Education's Office of Bilingual Education and Minority Languages Affairs will work with a group of urban school districts that enroll large numbers of LEP students to develop strategies and materials to help inform parents about the purposes of the tests, and to help prepare students to meet the standards.

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Title I requirements will reinforce these efforts. Under Title I parent involvement provisions, each school and local school district is required to provide assistance to parents in understanding assessments and monitoring their children's progress, and to provide appropriate interpretations of individual student assessment results.

Accommodations for students with disabilities: I must respectfully disagree with your assessment that large numbers of students with disabilities are likely to be excluded from the assessment. We are working hard to make precisely the opposite the case, and I am committed to seeing these tests as a model for inclusion of students with disabilities.

Under our proposal, final decisions on inclusion guidelines as well as on the type and format of accommodations will be made by the National Assessment Governing Board (NAGB), after broad public participation and input. Our intention is that the national tests be a model for how to best accommodate students with disabilities and to be as inclusive as possible. I will urge NAGB to act in accord with this intent. And test publishers that provide the tests will be required to incorporate the approved accommodations and inclusion criteria into the tests.

The test development contractor, in consultation with test advisory committees and others will develop draft guidelines for the inclusion of students with disabilities, as part of the development and field test process. Studies of accommodations for students with disabilities will be conducted by the test development contractor, and will be included in the evaluation by the National Academy of Sciences (NAS). These studies will include examinations of the validity of the test results for students with disabilities tested with accommodations, using data from the 1998 field test. The NAS evaluation will examine the actual accommodations offered, and adherence to the inclusion guidelines during test administration.

The development and refinement of accommodations will also be informed by National Assessment of Educational Progress (NAEP) research on the most effective types of accommodations. Accommodations that will be considered during the test development and field test process include extended time and/or multiple testing sessions; one-on-one testing or small group sessions; the use of a scribe or computer; assistance with test directions (though not with test items); an audiocassette version of the mathematics test; a sign language interpreter; a microphone worn by the test administrator; the use of magnifying instruments; or other appropriate accommodations. Students with disabilities will receive accommodations as specified in the student's Individualized Education Plan developed under IDEA. Under the IDEA Amendments of 1997, students with disabilities must be included in assessments and each student's IEP must state the accommodations the student needs to participate in assessments.

Accommodations for limited-English-proficient (LEP) students: Similarly, we will strongly encourage NAGB to develop appropriate accommodations and inclusion criteria for LEP students.

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Our proposal includes the development of a bilingual Spanish-English version of the mathematics test by 1999, and bilingual versions in languages other than Spanish in subsequent years. This will enable students to demonstrate their competency in mathematics regardless of their English language proficiency.

As you know, we have a difference of opinion regarding the language of testing for 4th grade reading. As I indicated in my September 3, 1997, letter to members of the Hispanic Caucus, in our proposal, the purpose of the 4th grade test is to test student proficiency in reading in English, not general reading comprehension. Therefore, we do not propose to develop the 4th grade national test in other languages.

As I also indicated in that same letter, we will work vigorously to assist states and local school districts in meeting the LEP-related assessment requirements of Title I, including assessing general reading comprehension in the language in which students can best demonstrate competency.

There are a number of high quality native language reading tests, and at least one that, according to its publisher, is by design based on the NAEP 4th grade reading framework and achievement levels and yields individual scores reported in terms of the NAEP achievement levels. Any district that, at its option, wishes to test LEP students in reading comprehension in terms that are consistent with NAEP, and would like to do so in coordination with its administration and reporting of the national reading test, already can do so.

In addition to these specific responses, let me also point out that President Clinton and I see these national standards and tests as an integral part of an overall strategy of improving education by raising standards and increasing our federal investments in education where they can do the most good. Since the beginning of this Administration, we have increased federal investments in elementary and secondary education by \$4.1 billion, some 30%.

For example, since the beginning of the Clinton Administration, we have increased Head Start funding by 55% including the increase secured in the Bipartisan Budget Agreement. Title I and IDEA have both increased by more than \$1 billion. We have initiated significant new funding for education reform in support of higher standards, with a total of \$1.3 billion for Goals 2000 since its enactment in 1994, and we will continue to urge Congress to fully fund the Safe and Drug-Free Schools Program. We have provided substantial new resources to help schools use computers in the classroom, with \$425 million secured this year toward a goal of \$2 billion over five years. In addition, the FCC has approved a plan that will provide discounts worth \$2.25 billion annually to help schools and libraries bring technology into the classroom and gain access to the Internet at a fraction of the full cost -- meaning a discount of up to 90% for our poorest schools. We are working to help ensure that these funds go to schools and classrooms most in need.

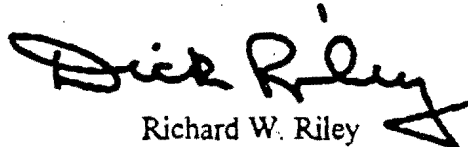
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We have also made significant increases in higher education spending as well, including record increases in Pell Grant and work-study funding and \$35 billion in tax cuts to help families pay for college.

In addition, for the coming fiscal year, we fought to ensure that the Budget Agreement included an effort specifically targeted to children who need extra help in learning to read, as well as a 27% increase in funding for bilingual education, to nearly \$200 million, and a 50% increase, to \$150 million, for immigrant education. We will continue to propose increases in the federal investment to strengthen education, including new initiatives such as President Clinton's five-year, \$350 million initiative to attract and prepare nearly 35,000 talented people of all backgrounds for teaching at low-income urban and rural schools across the nation. The Administration will continue to push Congress to help address the serious need for renovating and building schools nationwide.

All of these investments are important, because they provide families and schools with resources to help all children achieve high standards. We need to challenge our students to reach high standards and challenge our schools to respond to their needs. At the same time that we press forward to raise standards for our nation's students, we will continue to fight for the necessary investments as well.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dick Riley", with a stylized flourish at the end.

Richard W. Riley

Letter

RESPONSES TO CIVIL RIGHTS CONCERNS

DRAFT -- September 5, 1997

- **National tests will exclude limited English proficient (LEP) students.**

Math: The 8th grade math test will be provided in English and Spanish versions since the test is seeking to measure math proficiency rather than an ability to read English instructions or word problems. Additionally, the test contractor will conduct research into the feasibility, reliability and validity of other accommodations, such as glossaries in languages other than Spanish for use by LEP students on the math test.

Reading: The purpose of the fourth grade reading test is to test student proficiency in reading *in English*, not general reading comprehension. Therefore, the voluntary national test itself will not be developed in other languages. However, we will be making appropriate accommodations which may include giving LEP students extra time for completing the test, or making the test an "untimed test" in which all students are given the time they need to complete the test, short breaks, one-on-one testing, small group sessions, help with test directions (not items), oral reading of test items in English (math test) and glossaries (math test)

- **National tests will not accommodate disabled students.**

The intention is to make these tests as accessible to students with disabilities as possible. Braille and large print versions of the tests will be developed by the test developers. An audio cassette version of the mathematics test will also be developed. Tests administrators will be expected to provide additional accommodations at the testing site. These accommodations would include extended time, one-on-one testing and other accommodations normally provided to the particular student when he or she participates in other tests at the school. Ongoing research will be conducted to identify other accommodations that would improve access to these tests for disabled and LEP students.

- **Proposal fails to provide safeguards against the inappropriate use of test results.**

High standards and high-stakes testing can co-exist with the enforcement of civil rights. Prevention of test misuse and abuse is a key priority for the Department of Education's Office for Civil Rights (OCR) which is charged with enforcing civil rights laws to provide equal access to educational opportunities. The voluntary national tests cannot be used inappropriately in ways that result in discrimination on the grounds of race, color, national origin, sex, disability or age. OCR is providing guidance to schools and school districts on the strict legal requirements for high-stakes testing, namely: the tests must be validated for a specific purpose and the students must be taught the material to be tested. The national tests are not exempt from this requirement. The Department of Education will continue to instigate compliance reviews and conduct investigations to ensure that the laws requirements of nondiscrimination are met.

- **Proposal fails to require the reporting of results.**

The administrators of the national tests will be required to provide parents with the individual scores of their children. Aggregate reporting of scores, such as those done on a school-wide or district-wide basis will be reported in accordance with state or local procedures and policies.

- **Some communities have not access to sufficient education resources.**

President Clinton has worked vigorously to strengthen existing federal programs and has fought

Definitely
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for new resources to improve local schools and help students reach high standards. The President's Budget Agreement with Congress includes the largest increase in our investment in education in 30 years and the largest single boost in college aid since the G.I. Bill.

Moreover, the Clinton Administration's Improving America's Schools Act of 1994 overhauled Title I, which provides extra help with basic and advanced skills to disadvantaged students in elementary and secondary schools. As a result of this Act, states now hold more than ten million low income students to the same high standards set for all other students in the state, and hold schools accountable for the results. The new law also provides funds for teacher training, and strengthened requirements for parental involvement. Under the Clinton Administration, investment in Title I has grown by over \$ 1 billion.

The President has also recently announced a new teacher recruitment and training initiative to recruit talented new teachers to teach in underserved, poor urban and rural areas. This initiative will help mobilize a new corps of teachers with high skills and training in order to help all children reach the same high standards.

- **Proposal should include provisions for gathering data about the schools .**

Based on what we have learned from the Third International Math and Science Study (TIMSS), it does appear that there are helpful data that can be gathered for parents and school officials on school instruction and curriculum. As we move forward on test implementation, those types of items may be added as funding permits.

- **There is no plan for civil rights enforcement regarding the national tests.**

The Department of Education's Office for Civil Rights has embarked on a multi-pronged approach to help prevent and remedy all test abuse and misuse. The national tests will also be included in this high-priority enforcement activity which includes: (1) coordinated enforcement of test misuse and abuse; (2) provision of draft guidance on proper test administration to schools and school districts; (3) targeted delivery of technical assistance on how to properly use and validate tests; and (4) identification of likely problem-areas and corrective actions for test misuse.

Specifically, with regard to the national tests, OCR will provide education and technical assistance to schools and school districts to increase the understanding of, and compliance with, federal nondiscrimination requirements. Also, the test development contractors will consult with civil rights organizations both during test development and after field-testing.

- **Test bias.**

During the test development stage, a considerable amount of time will be spent on the review and revision of the test items for biases by teams of content experts. Then using large samples of students, the test will undergo rigorous field testing to further ensure fairness. Moreover, broadly representative advisory committees are involved in the test development that include reading and math teachers, parents, local and state education leaders, and test experts. The U.S. Department of Education has oversight to enforce civil rights protections regarding the validity, administration and use of the voluntary national tests.

4/8/96
5512

Accommodations

Our intention is for the voluntary national tests to be as inclusive as possible. The VNT development contractor, in consultation with the test advisory committees and others, will draft guidelines for the inclusion of students with disabilities and limited English proficiency (LEP). Final decisions on the type and format of accommodations will be made with broad participation and in a public forum. Test publishers that market the tests will be required to incorporate these accommodations into test administration procedures.

Studies of accommodations for students with disabilities or limited English proficiency will be conducted by the VNT development contractor, and also by the National Academy of Science as part of the evaluation of the VNT. The test contractor will investigate the validity of the VNT results for disabled and LEP students, tested with accommodations, using data from the 1998 field test. During the evaluation phase, information will be collected and reported on the actual accommodations offered for disabled and LEP students and on adherence to the inclusion guidelines. The development and refinement of accommodations will also be informed by NAEP research on the most effective types of accommodations.

Students with Disabilities

A student identified as having a disability should be included in the assessment, if possible, based on that student's individualized education plan (IEP). Accommodations that will be considered include:

- accommodations specified in the student's IEP
- extended time and/or multiple testing sessions
- one-on-one testing or small group sessions
- scribe or use of computer
- help with test directions, but not items
- for mathematics, an audio cassette English version
- sign language translator, microphone worn by administrator, use of a magnifying instrument or other appropriate accommodations.

Limited English Proficient (LEP) Students

A bilingual Spanish-English version of the mathematics test will be developed for 1999 and bilingual versions in languages other than Spanish will be developed over time. Students who have not been instructed in English for at least three years may be exempted from the English reading test; students who have not been instructed in English or Spanish for at least three years may be exempted from the math test. Some of the accommodations being considered for LEP students include:

- Accommodations offered to students by schools in usual test situations (e.g. frequent breaks and reading instruction only aloud in English)
- Extended time
- One-on-one testing and small-group sessions.

Test Use Guidelines/Civil Rights Enforcement

For at least the last three years, the Department of Education's Office of Civil Rights (OCR) has made test misuse and abuse a key priority. The voluntary national tests cannot be used

inappropriately in ways that result in discrimination on the grounds of race, color, national origin, sex, disability or age. That means, prior to any use for high-stakes purposes, the VNT must be properly validated. OCR's objective is to develop a broad education program, through distribution of its guidance and the provision of technical assistance, to eliminate potential problems before they occur. OCR also continue to enforce the protections of Title VI with regard to the national tests, and any other tests used for high-stakes purposes.

Guidance

OCR will issue guidance for its regional enforcement offices to assist in the evaluation of cases surrounding the discriminatory use of tests. The guidance will set forth well established (federal) legal standards relating to the use and misuse of high-stakes tests. The guidance will articulate the existing principles of law that should guide any decision regarding the use of tests under Title VI or Title IX. Draft guidance has been made available to the public -- a final version of this guidance will be available shortly and will also be made public.

Technical Assistance

OCR will offer technical assistance to states and school districts regarding the practical implications of the legal principles set forth in its guidance. OCR will also work to identify promising or best practices among schools, and where information can be offered about "what works" in a case specific way, OCR will do so.

Enforcement

OCR will continue to investigate compliance reviews and conduct investigations to ensure that the laws requirements of nondiscrimination are met. During tests development and prior to implementation, OCR will develop a civil rights enforcement plan, with input from stakeholders, to address possible misuses of the VNT. For example, once pilot results are in, OCR can convene appropriate experts to advise the Department on the types of disclosures needed and the best practices that exist for avoiding test abuse.

Reporting

This Administration believes strongly that, for test results to be of maximum benefit as a tool for raising achievement, they should be reported not only for the individual student, but also by school and district. Such reporting is important so that parents, teachers, and others in the community can see which schools and districts are making progress and which ones aren't, and then press for needed improvements.

The administrators of the national tests will be required to provide parents with the scores of their individual children. Aggregate reporting of scores, such as on a school-wide or district-wide basis will be reported in accordance with state or local procedures and policies. While the Administration proposal would not impose a federal requirement, the large majority of states and school districts are already moving to provide district and school level information on progress in raising student achievement. Forty-two states (including all 7 participating in the Voluntary National Tests) report requiring or using school profiles or school performance reports for public reporting. In addition, the majority of state assessment systems require reporting at the district (38) and school levels (37), including 6 of the 7 states participating in the Voluntary National

Tests. Moreover, test publishers report routinely being asked to provide disaggregated test results to states, districts and schools.

Helping foster the move towards school and district level accountability are the requirements of Title I. Under Title I, each participating LEA must publicize and disseminate the results of an annual review of all Title I schools in individual school performance profiles, to parents, teachers and other staff, students, the community and administrators. Because Title I serves 66 percent of public schools and 75 percent of public elementary schools, a very high proportion of schools (especially of those serving disadvantaged youngsters) either have in place or will soon be establishing systems to disseminate school-level data; it is highly unlikely that such districts would elect to participate in the voluntary national tests, but withhold information on school performance.

Given these clear trends, and the clear desire that communities have for this information, we are confident that the vast majority of jurisdictions participating in the tests will provide parents, teachers and others with information on school and district performance in addition to reporting individual student results.

CLINTON ADMINISTRATION EDUCATION AGENDA: HELPING STUDENTS REACH HIGH STANDARDS

[T]he struggle for excellence for all must be our great mission. We must demand high standards of every student; our schools and teachers must meet world-class standards. But we must demand that every child be given the opportunity to meet those standards. Every child must have a chance to succeed in this new economy.

President Clinton, Speech to the NAACP National Convention,
July 17, 1997

High Expectations for All Students and Resources to Help Them Learn

A hallmark of President Clinton's efforts to improve American education has been that we should have high expectations for every student. He has urged states and school districts to adopt challenging academic standards in all core subjects, and to adopt high national standards in the basics of reading and mathematics. The President has strengthened existing federal programs and fought for new resources to improve local schools and help students reach these standards. President Clinton's Budget Agreement with Congress includes the largest increase in our investment in education in 30 years and the largest single boost in college aid since the G.I. Bill. But we still have much to do in order to meet the President's goal of insuring that all Americans have the best education in the world.

Strengthening Existing Programs

- **Expanding Head Start to Reach 1 Million Children a Year.** President Clinton has made Head Start an Administration priority. For over 30 years, Head Start has helped low-income families create an environment where their children are ready to learn by taking a comprehensive approach to child development - improving children's learning skills, health, nutrition, and social competency. Under the Clinton Administration, funding for Head Start has increased 80% to \$4 billion in 1997. These additional funds have enabled Head Start to serve 180,000 more children and their families. And President Clinton's Budget Agreement with Congress continues expansion of Head Start toward the President's goal of serving 1 million children in 2002.
- **Raising Standards for Over Ten Million Low Income Students.** The Clinton Administration's Improving America's Schools Act of 1994 overhauled Title I, which provides extra help with basic and advanced skills to disadvantaged students in elementary and secondary schools. As a result of this Act, states now hold more than ten million low income students to the same high standards set for all other students in the state, and hold schools accountable for the results. The new law also provides funds for teacher training, and strengthened requirements for parental involvement. Under the Clinton Administration, investment in Title I has grown by over \$ 1 billion.
- **Making Schools Safe, Disciplined and Drug Free.** The Clinton Administration passed the Safe and Drug-Free Schools and Communities Act and successfully fought Republican efforts to cut this program, which supports school security, drug prevention and education programs.

- **Bilingual and Immigrant Education.** The President's budget includes major increases in bilingual and immigrant education. These increases are specifically protected in the balanced budget agreement.

New Initiatives Already Working to Strengthen Local Schools

- **America Reads.** President Clinton launched the America Reads Challenge, a nationwide effort to mobilize a citizen army of a million volunteer tutors to make sure every child can read independently by the end of third grade. The President's Balanced Budget provides for a child literacy initiative consistent with these goals.
- **Goals 2000.** Goals 2000, President Clinton's education reform initiative enacted in 1994, helps States establish standards of excellence for all children, and plan and implement steps to raise achievement. Communities in every state are using Goals 2000 funds to upgrade curriculum, improve teaching, increase parental involvement in schools, and make greater use of computers in the classroom. Since Goals 2000 was enacted in 1994, over \$1.3 billion has been invested in this vital initiative.
- **Strengthening the Skills of Classroom Teachers.** Under the Clinton Administration, funding for the Eisenhower Professional Development has increased by over 25%, strengthening the ability for teachers to improve their teaching skills in math, science and other core subjects. In addition, the President has called for supporting the work of the National Board for Professional Teaching Standards to help certify 100,000 master teachers - at least one for every school -- over the next ten years.
- **Expanding school choice and accountability in public education.** The President has challenged every state to let parents choose the right public school for their children. The Clinton Administration is helping teachers, parents and community groups start charter schools -- innovative public schools that stay open only as long as they produce results and meet the highest standards. The President's proposed budget doubles funding to \$100 million help start charter schools so that there will be more than 3,000 charter schools at the dawn of the 21st century.
- **Expanding Access to Educational Technology**
Bringing Computers to the Classroom. The President's 1997 Budget Agreement with Congress doubles the funding for America's Technology Literacy Challenge, catalyzing private-public sector partnerships to put the information age at our children's fingertips. The President is committed to helping communities and the private sector ensure that every student is equipped with the computer literacy skills needed for the 21st century. For 1998, the budget proposes \$425 million, more than doubling the \$200 million that Congress provided in 1997.

Linking Schools and Libraries to the Internet. The Clinton Administration is implementing a plan to create an "E-Rate," a discounted education rate for telecommunications services so schools and libraries will be able to bring technology into the classroom, set up phone lines and access the Internet at a fraction of the cost. The FCC has already approved a plan to make discounts worth \$2.25 billion annually available to our schools and libraries, with low-

income schools eligible for discounts of up to 90%.

- **Expanding School-To-Work.** The Clinton Administration is providing hundreds of thousands of students with school-to-career opportunities, where they experience work-based learning and gain access to pathways from high school to good jobs and post-secondary education. In 1994 and 1995, over 500,000 young people in 1,800 schools throughout the nation, as well as 135,000 employers, participated in school-to-work systems that integrate academic and vocational instruction and provide work-based learning.

New Proposals to Improve Student Learning

- **Attracting and Preparing Tomorrow's Teachers.** President Clinton has proposed a 5-year initiative to attract nearly 35,000 talented people of all backgrounds into teaching at low-income urban and rural schools across the nation, and to dramatically improve the quality of training and preparation given to our future teachers. The President's initiative will help recruit and prepare teachers nationwide to help our neediest students succeed in the 21st century.
- **Create 1,000 after-school safe havens in communities across the country.** The President's budget calls for extending learning opportunities for children and their families at schools across the country, keeping schools open late, on weekends, and in the summer so young people will stay off the streets and out of trouble.
- **School Construction.** The Administration will continue its push to help address the serious need for renovating and building schools nationwide.

Widening Access to College and Lifelong Learning

- **The largest Pell Grant increase in 20 years.** President Clinton has already increased Pell Grants from \$2,300 in 1993 to \$2,700 in 1997. These grants will provide a total of 3.8 million low-income students the opportunity to attend college this year. And he plans to do more. The President's Budget Agreement with Congress includes the largest increase in Pell Grants in two decades -- a funding boost of 25%. The maximum award will reach \$3,000, \$700 more than in 1993. In the 1998 budget alone, an additional 348,000 students will receive grants: 130,000 young people from moderate income families, and 218,000 low income students over the age of 24.

Higher education tax cuts. The balanced budget agreement calls for roughly \$35 billion in tax cuts to help families pay for college. Congress has enacted the President's \$1,500 HOPE Scholarship tuition tax credit, to make the first two years of college universally available. Students beyond the first two years, or part-time students seeking to improve or acquire job skills, can now receive a 20% lifelong learning tax credit for up to \$5,000 of tuition and required fees through 2002, and \$10,000 thereafter.

- **Expanding Educational Opportunity Through Service.** The Clinton Administration has enabled 70,000 volunteers to earn money for college by serving their communities and their country in the AmeriCorps program since the inception of the program.

NATIONAL STANDARDS AND TESTS PROMOTE EXCELLENCE AND EQUITY FOR ALL STUDENTS

Looking ahead, the greatest step of all — the highest threshold of the future we now must cross — and my number one priority for the next four years is to ensure that all Americans have the best education in the world."

—President Clinton, State of the Union, February 4, 1997

CONSISTENCY. National standards and tests in the basic skills will ensure consistent, high standards for all students. No matter where they live, all children will have the same expectations for a strong foundation in the basics of reading and math. The voluntary national tests will provide information for parents on what all students should know to do well in school. Consistent standards will help identify schools that need improvement, and students that need extra help, so that we begin to eliminate lower expectations for students in cities/low income areas.

ACCOUNTABILITY. National standards and tests are not just an assessment of the student, but are an assessment of the school — and a tool to be used by the parents and local communities. Along with demanding more of our students, we must hold schools and teachers to higher standards. Standard measures of excellence will allow parents and communities to compare how well their schools are doing in educating their students in the basics. These tests will help schools to focus their efforts to strengthen curriculum, improve teacher training and increase investments in technology in those areas where the most help is needed.

INFORMATION. National standards and tests will empower parents. For the first time, parents will know how well individual students do compared to challenging, widely accepted national standards in 4th grade reading and 8th grade math. Reading well by fourth grade and mastering mathematics — including algebra by grade 8 — are the gateways for further learning and achievement. No other test currently provides parents with the information they need in order to determine if their children are on track in the basic skills. With this information, parents can act on behalf of their children to demand the necessary changes in the schools to ensure that all children succeed.

INVOLVEMENT. National standards and tests in the basic skills will mobilize communities around learning. The national tests can become a rallying point for local efforts to strengthen curriculum, provide training to teachers, increase parental and community involvement, and support the necessary investments at the local, state, and national levels to improve our schools. Educators and parents can use results of the tests to provide valuable help to low performing students, while communities can use the results to hold schools accountable for poor performance.

FAIRNESS. Rigorous test development process to provide protections against test bias. During the test development stage, a considerable amount of time will be spent on the review and revision of the test items for biases by teams of content experts. Then using large samples of students, the test will undergo rigorous field testing to further ensure fairness. Moreover,

broadly representative advisory committees are involved in the test development that include reading and math teachers, parents, local and state education leaders, and test experts. And as always, the U.S. Department of Education has oversight to enforce civil rights protections regarding the validity, administration and use of the voluntary national tests.

APPROPRIATENESS. Civil rights enforcement and high standards, high-stakes testing can co-exist. The Department of Education will continue to enforce Title VI of the Civil Rights Act of 1964 to secure equal access to education. The voluntary national tests cannot be used inappropriately in ways that result in discrimination on the grounds of race, color national origin, sex, disability or age. As with other federal education programs, the Department's Office for Civil Rights retains responsibility to investigate complaints and conduct compliance reviews to ensure that the stringent federal requirements of nondiscrimination are followed.

ACCOMMODATIONS. Participation of limited English proficient students in the voluntary national tests.

(1) 8th grade math test: A bilingual math test in Spanish will be provided since the test is seeking to measure math proficiency rather than an ability to read English instructions or word problems.

(2) 4th grade reading test: The reading test will not be developed in other languages since the purpose is to measure the ability to read in English, although appropriate accommodations will be offered.

(3) Accommodations for the math and reading tests are being developed and may include giving LEP students extra time for completing the test, or making the test an "untimed test" in which all students are given the time they need to complete the test, accommodations offered to students in usual test situations (short breaks), one-on-one testing, small group sessions, help with test directions (not items), oral reading of test items in English (math test) and glossaries (math test).

(4) Parents of LEP students who have been in U.S. schools for less than three years may request that their children take the reading test.

(5) Under Title I, local school systems, including those participating in the national assessments, must include LEP students in assessments of reading comprehension. The Department will work with school districts serving high numbers of LEP students, and with commercial test publishers, to provide technical assistance on the assessment requirements and to identify existing high-quality native language reading comprehension tests that are consistent with high national standards.

**DELAYING THE VOLUNTARY NATIONAL TESTS WOULD
WOULD BRING BACK THE TYRANNY OF LOW EXPECTATIONS FOR
MINORITY STUDENTS IN URBAN AND RURAL AREAS**

*When we don't expect or encourage our children to learn we indirectly encourage them to fail.
When we set high standards and when we insist on them, there's no end to what our kids can do.*
— President Clinton, July 25, 1997

- The Voluntary National Tests would make it clear that all children, wherever they live, whatever their color, and whatever their language background, can and should achieve to the same high standards as students throughout the nation. Any delay in these tests sends a terrible signal that we doubt whether our kids can achieve.
- Over the long run, the national tests in 4th grade reading and 8th grade math will most benefit the kids in poor urban and rural areas who currently need the most help.
- Last week fifteen major urban school systems, including the three largest (New York City, Los Angeles, and Chicago), as well as cities ranging from Atlanta and San Antonio, to El Paso, Philadelphia and Detroit, boldly pledged that their students will participate in the national tests beginning in 1999 and that they will work to prepare their students to excel on those tests.
- For the first time ever, parents, teachers and the public in these communities will know how well students perform compared to national standards in reading and math and to students in other cities and states throughout the nation, making it harder to shortchange any student when it comes to learning.
- The national tests can become a rallying point for local efforts to strengthen curriculum, provide training to teachers, increase parental and community involvement, and support the necessary investments at the local, state, and national levels to improve our schools.
- Educators and parents can use results of the tests to provide valuable help to low performing students, while communities can use the results to hold administrators and teachers accountable for poor aggregate performance.

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broadly representative advisory committees are involved in the test development that include reading and math teachers, parents, local and state education leaders, and test experts. And as always, the U.S. Department of Education has oversight to enforce civil rights protections regarding the validity, administration and use of the voluntary national tests.

APPROPRIATENESS. Civil rights enforcement and high standards, high-stakes testing can co-exist. The Department of Education will continue to enforce Title VI of the Civil Rights Act of 1964 to secure equal access to education. The voluntary national tests cannot be used inappropriately in ways that result in discrimination on the grounds of race, color national origin, sex, disability or age. As with other federal education programs, the Department's Office for Civil Rights retains responsibility to investigate complaints and conduct compliance reviews to ensure that the stringent federal requirements of nondiscrimination are followed.

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Raymond C. Pierce
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COMMENTS Mike:

Several weeks ago I addressed the
National Bar Associations civil rights section at their
annual convention. There was stiff opposition to
the National Tests. They passed a resolution urging
delay of the Test. I will be meeting with the
chief of their Civil Rights section next week. FYI
Raymond

RESOLUTION

WHEREAS, President Bill Clinton has proposed that the U. S. Department of Education develop a national competency test to be administered to students nationwide; and

WHEREAS, the U. S. Department of Education has failed to develop or establish national minimum standards or criteria for instruction to assure that students are actually taught the material on which they would be tested; and

WHEREAS, the establishment and administration of a national competency test without first insuring that students are receiving adequate instruction will doom thousands of African American students to failure and further diminish their level of self esteem and promote hopelessness within our communities;

IT IS HEREBY RESOLVED:

That the National Bar Association, the Nation's oldest minority bar association representing more than 17,000 African American lawyers and judges, we the members of the National Bar Association, urge and implore President Bill Clinton to delay implementation of a national competency test to be administered to students nationwide until minimum instructional standards have been established to insure that our nation's students are receiving the kind of education and training which would enable them to have a reasonable opportunity for successfully mastering a national competency examination.

INTERNAL

10/8/97

National Test Issues and proposals

A. High Stakes Testing

*Enforce
School
Fall
Year*

1. OCR: Develop a strategy and plan for technical assistance and for monitoring compliance with Title VI. Widely disseminate existing guidelines and the new guidelines that are in final stages of preparation. Underscore that the guidelines must follow the federal legal requirements. We can suggest that they follow the APA/AERA/NCME standards that, among other things, hold that single tests should not be used alone for making high stakes decisions for students such as promotion, tracking, or graduation. OCR will also put out a clear, readable statement that sets out their guidelines in a few pages, as well as specifically addresses the voluntary national tests.

*Raise
at the
end of the*

2. NAGB: Specify in conference report language that NAGB should put out clear guidelines for use of the national tests in high stakes situations for students. The guidelines should follow the federal legal requirements and the APA/AERA/NCME guidelines.

3. The Department will issue a publication for teacher, parent, and community use to talk about how to use the tests most effectively.

4. OBEMLA and OESE would publish a clear brochure for parents about the uses of the test and how they can be used by parents. There also are MOUs for the development of materials on the use of the tests with NSF. In addition, the test contractor will be putting out materials on the use of the tests.

B. LEP Testing:

Propose the Use of Private Sector Developed Reading Tests in Spanish: Our goal is to assist and enable interested local school districts to administer high quality, privately developed reading tests in Spanish, which are consistent with the national reading test framework and performance standards. These tests would be administered at the same time as the national reading tests, and the results would be reported along with the national results. From the point of view of LEP students and parents, there would

be no difference between taking the Spanish language version of the tests and taking the English version of the test.

We are working with CGCS to identify and analyze existing tests to determine which are suitable for these purposes. Harcourt Brace has indicated that SUPERA, a Spanish-language version of Terra Nova, is based on the NAEP 4th grade reading framework, is linked to the NAEP performance standards, and is consistent with the draft specifications for the national test. The test is being analyzed to determine if this is in fact the case.

Once suitable tests are identified, we will work with interested school districts, NAGB, and the test contractor to ensure that test administration and reporting can occur simultaneously with the national test.

The Education Department will (work with local school districts) to develop and distribute sample Spanish reading questions and materials comparable to those that will be distributed each year when the national test items will be made public.

The Education Department will seek ways to pay for test administration, and determine if it is possible to add \$ to existing grant programs for these purposes. [When we talk about this, we need to be a little equivocal right now]

If no existing tests are suitable for these purposes, we anticipate that interested school districts will meet with test publishers and ask them to make necessary modifications to existing tests. We will provide the school districts with technical assistance in this effort if needed.

C. Reporting Requirements:

1. In conference report language, NAGB would be required to develop reporting requirements for the use of the test. The reporting requirements should meet the conditions set out in Title I.

2. NAGB would be required in conference report language to work with states to report state data.

3. Testing report materials would be developed to be as readable as possible by parents and teachers and others unfamiliar with testing. Focus groups, document design people, etc. would be used to insure that the materials are understandable and useful. R&D would be carried out on this to determine that the materials are in fact useful.

D. Accommodations:

CONVERSATION ONLY:

1. Conference Report language should make clear that NAGB will insure that all feasible and useful accommodations are made available for students that need them (LEP and disabled and others?).

2. The Department will develop a clear list of accommodations that have a core of must include accommodations, a set of desirable ones, and a set of possible accommodations that require research. The core of basic accommodations set must be equal to or exceed the highest standard set for a nationally available test.

Provisions in Development Contract dealing with Special Populations

Schools will be required to include all students with disabilities with appropriate accommodations specified in their IEP or other individualized accommodations provided pursuant to Section 504 or the ADA, unless their IEP or other plan or severe cognitive disabilities exclude them from standardized or group testing. Test administrators will be trained to appropriately serve such students.

LEP students receiving academic instruction in English for three years or more are to be included in the tests. LEP students receiving instruction in English for less than three years are to be included unless school staff judge them as being incapable of participating in the assessment. However, all Spanish-speaking LEP students are to be included in the math test.

Braille and large print versions of the reading and math tests will be developed by the contractor for the field and operational tests. Additionally, the contractor will develop an English audio cassette and a bilingual Spanish/English version of the math test.

In the first year of the contract, research will begin to be conducted into the comparability of the tests administered under non-standard conditions on the validity of the test scores, including looking at the feasibility and the impact on validity of native language glossaries for the math test for non-English and non-Spanish test takers, as well as the validity of the test for various uses, such as the performance in later grades, reading ability in other subjects, promotion, title I evaluation, etc.

Guidelines will be developed for providing appropriate accommodations to students with disabilities taking the test, via the consensus process.

Test use guidelines will be developed that specify the appropriate uses and interpretations of test results. These guidelines will be developed via consensus process and in accordance with the most recent version of the Standards for Educational and Psychological Testing. Subject-specific advisory panels and specialist committees will assist in the development and review of these test utilization guidelines which are targeted at the test user audience and which are to address appropriate educational uses of the test scores.

Steps will be taken to ensure that information about the tests is effectively communicated to parents who are disabled or do not speak English.

Test items and responses will be designed or selected that are accessible and/or can be put into accessible formats. Students and parents of students with disabilities and limited English proficiency will be included in cognitive labs, focus groups, and at other early stages of item development. The contractor's subject specific advisory panels, which will review items developed for the test, each have 2 persons (out of 16) with expertise in working with special populations. Additionally, some of the teachers on the panels have knowledge and expertise in working with special populations. Further, the expert committee of specialists with knowledge of special populations will be convened to work on specific issues dealing with special populations, including the development and review of the test use guidelines.

TEST ACCOMMODATIONS

National Assessment of Educational Progress

Contractor provides large print and Braille versions, as well as a bilingual Spanish version of the math assessment. Other approved accommodations for the 1998 administration are listed below, and must be provided by the school. Accommodations can only be used on the NAEP if they have been deemed necessary (e.g. IEP) and if they are normally used during testing situations.

- Administer the test in several sessions
- Extended time
- Change in time of day
- Adaptive or special furniture
- One-on-one testing
- Preferential seating (e.g. study carrel)
- Small group testing
- Interpreting oral directions (e.g. signing, cued speech)
- Magnifying equipment (visual or auditory)
- Simplifying oral directions
- Bilingual dictionary (not available for reading assessment)
- Scribe
- Typewriter/computer (not available for reading assessment)

Kentucky

Any adaptation or accommodation that is written on student's IEP or 504 form is used. Typical accommodations include:

- Paraphrasing, repeating directions
- Scribing, dictating
- Interpreter
- Reader (oral administration)
- Personal cueing system
- Technology

Stanford 9

Accommodations provided by test publisher:

- Braille
- Large print
- Spanish

Instructions suggest that school may provide extended time or make any other accommodations normally used for a student. However, no norms are available for these scores.



Voluntary National Test: Suggested Accommodations

(These are based on NAEP. They will be further developed by the contractor and approved by the Policy Board in an open, public process.)

Reading Test

Students with Disabilities

- Accommodations specified in IEP
- Extended time and/or multiple testing sessions
- One-on-one testing
- Small-group sessions
- Scribe or use of computer
- Help with test directions (but not items)
- Large print or Braille
- Other, such as sign language translator, microphone worn by administrator, use of magnifying instrument

LEP Students

- Accommodations offered to student by school in usual test situations (e.g., frequent breaks, read instructions aloud in English, etc.)
- Extended time
- One-on-one testing
- Small-group sessions

Mathematics Test

Students with Disabilities

- Accommodations specified in IEP
- Extended time and/or multiple testing sessions
- One-on-one testing
- Small-group sessions
- Scribe or use of computer
- Help with test directions (but not items)
- Audiocassette English version
- Large print or Braille
- Other, such as sign language translator, microphone worn by administrator, use of magnifying instrument

LEP Students

- Accommodations offered to student by school in usual test situations (e.g., frequent breaks, bilingual dictionaries, read aloud in English, etc.)
- Bilingual Spanish-English version
- Extended time
- One-on-one testing
- Small-group sessions

Gary Phillips
9/18/97



Suggested Inclusion Criteria for the Voluntary National Test

(These are based on NAEP. They will be further developed by the contractor and approved by the Policy Board in an open, public process.)

- **Students with Disabilities**

A student identified as having a disability; that is, a student with an Individualized Education Plan (IEP) or equivalent classification **should be included** in the assessment unless:

- The IEP team or equivalent group has determined that the student cannot participate in the test or similar assessments, **OR**
- The student's cognitive functioning is so severely impaired that she/he cannot participate, **OR**
- The student's IEP requires that the student be tested with accommodations that the test does not permit, and the student cannot demonstrate his/her knowledge of reading or mathematics without that accommodation.

- **Limited-English-Proficient Students**

A student who is identified as Limited English Proficient and who is a native speaker of a language other than English **should be included** in the test unless:

- The student has received language instruction primarily in English for less than three school years including the current year, **AND**
- The student cannot demonstrate his or her knowledge of reading in English even with an accommodation permitted by the test.

Gary Phillips
9/18/97

Voluntary National Tests
Accommodations for Limited English Proficient Students

Reading Test

Accommodations Currently Required by the Contract*

- Extended time
- Any accommodations already provided by the school

Desireable Accommodations*

- More breaks during testing
- Testing spread out over additional days without exceeding total time allowances
- Testing sessions over several days with extended time
- General education classroom with additional support person
- Take the test alone, e.g. in a testing carrel
- Take the test in a small group
- One-on-one testing
- Give oral responses to a scribe

Mathematics Test

Accommodations Currently Required by the Contract*

- Extended time
- Any accommodations already provided by the school
- Bilingual test in Spanish and English

Desireable Accommodations*

- More breaks during testing
- Testing spread out over additional days without exceeding total time allowances
- Testing sessions over several days with extended time
- General education classroom with additional support person
- Take the test alone, e.g. in a testing carrel
- Take the test in a small group
- One-on-one testing
- Give oral responses to a scribe

Reading Test (cont'd)

- Tape responses for later verbatim transcription by school personnel
- Simplification of test directions
- Repetition of directions, as needed
- Translating directions into student's primary language

Need Further Research

- Give responses in the primary language

Mathematics Test (cont'd.)

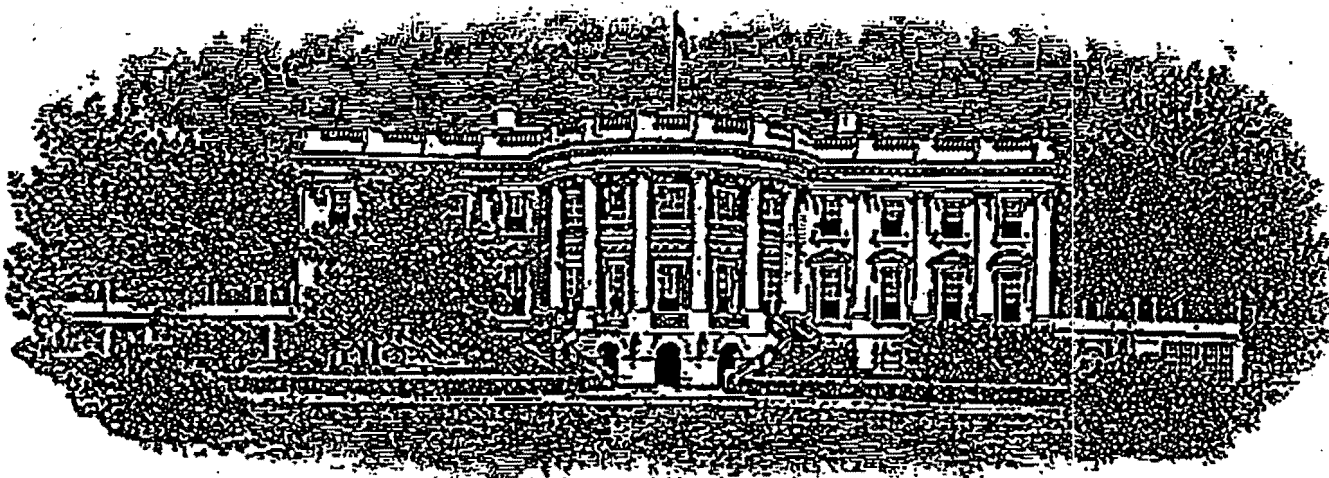
- Tape responses for later verbatim transcription by school personnel
- Simplification of test directions
- Repetition of directions, as needed
- Reading directions out loud in English
- Translating directions into student's primary language
- Use of dictionaries
- Use of word lists or glossaries

Need Further Research

- Alternative test with as low a language load as possible

*All accommodations would be included in the Department's research agenda.

The White House



Domestic Policy Council
Old Executive Office Building, Room 220
Washington, DC 20502

Telephone Number: (202) 456-2857
Alternate: (202) 456-2216

FAX Number: (202) 456-7028
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FAX COVER SHEET

TO:

Mike Cohen

Urgent

FAX:

205-~~222880~~ 5377

FROM: BILL KINCAID

THIS FAX INCLUDES THE COVER SHEET PLUS 2 PAGES.

IF YOU DID NOT RECEIVE THE COMPLETE FAX, PLEASE CALL (202) 456-2857.

MESSAGE:

A Draft letter to Archer; Rangel re:
Covrdell - circulated by OMB for approval
tonight. I think it looks ok. Also
attached is Shireman proposed add.
Please call before you leave ED - they
are waiting for your clearance

Standard 13.1

When the same test is used to serve multiple purposes, evidence of technical quality for each purpose is needed.

Comment: In educational testing, it has become common practice to use the same test for multiple purposes (e.g., monitoring achievement of individual students, providing information to assist in instructional planning for individuals or groups of students, evaluating schools or districts). No assessment system will serve all purposes equally well. Choices in test development and evaluation that enhance validity for one purpose may diminish validity for other purposes. Different purposes require somewhat different kinds of technical evidence, and appropriate evidence of technical quality for each purpose should be provided. If the test user wishes to use the test for a purpose not supported by the available evidence, it is incumbent on the user to provide the necessary additional evidence.

Standard 13.2

When a test is used as an indicator of achievement in an instructional domain or with respect to specified curriculum standards, analyses of the fit between the test domain and the instructional domain or curriculum standards should be provided. Both domains should be described in sufficient detail so that coherence between the domains can be evaluated. The analyses should make explicit those aspects of the target domain that the test represents as well as those aspects that it fails to represent.

Comment: Increasingly, tests are being used to monitor progress of individuals and groups towards local, state or professional standards. Rarely can a single test cover the full range of performances reflected in the standards. To guard against misinterpretation or overinterpretation of test scores as indicators of performance on these standards, it is essential to document and evaluate both the relevance of the test to the standards and the extent to which the test underrepresents the standards. When existing tests are selected by a school, district, or state to represent local curricula or standards, it is incumbent on the user to provide the necessary analyses. This information should be made available to all those who use test scores.

Standard 13.3

When a test is used as an indicator of achievement in an instructional domain or with respect to specified curriculum standards, empirical evidence of the extent to which the test in fact samples the range of knowledge and engages the processes reflected in the target domain should be provided. When such evidence is not available, users should be cautioned against unsupported generalizations from the test scores to the target domain.

Comment: For example, correlational studies among alternative indicators of performance, carefully conceived to reflect the full range of performance implied by the broader domain, accompanied by studies of the processes in which test takers engage, enable evaluation of the extent to which generalizations to the broader domain are supported.

Standard 13.4

When a test is used to make decisions about student promotion or graduation, there should be evidence that the test covers only the specific or generalized content, skill, and performances that students have had an opportunity to learn.

Standard 13.5

Students who must demonstrate mastery of certain skills or knowledge before being promoted or granted a diploma should have multiple opportunities or be provided with construct equivalent alternatives to demonstrate the skill.

Comment: If parallel test forms are not available, the provision of multiple trials on the same test form may erode the inference to the construct intended. Furthermore, some students may benefit from a different testing approach to demonstrate their achievement. Care must be taken that evidence of construct-equivalence of alternative approaches is provided as well as the equivalence of cut scores defining passing expectations.

When students are provided with multiple opportunities to demonstrate mastery, the specification of the time interval between the opportunities should consider the need to provide relevant instructional experiences to students.

Standard 13.6

A decision or characterization that will have major impact on a test taker should not automatically be made on the basis of a single test score. Other relevant information for the decision should also be taken into account by the professionals making the decision.

Comment: When the purpose of testing is to identify individuals with special needs, a comprehensive assessment should be conducted. The comprehensive assessment should involve the use of multiple measures, and data should be collected from multiple sources. It is important that in addition to test scores, other relevant information (e.g., school record, teacher observation, parent report) is taken into account by the professionals making the decision.

Standard 13.7

When test scores are used directly, without collateral information, to make decisions about individuals or programs, logical and empirical evidence of the validity of the decision should be provided.

Comment: At the individual level, test scores have been used, for instance, to make decisions about promotion, placement into special programs, and certification for graduation. At the program level, aggregate scores have been used to allocate resources or to designate schools in need of special assistance. When such decisions rest on test scores alone, empirical evidence should be provided of the meaningfulness of the proposed cut scores and the appropriateness of any associated decision.

Standard 13.8

If test results are used in making statements about the differences between aptitude and achievement for an individual student, any educational decision based on these differences should take into account the overlap between the two constructs and the reliability or standard error of the difference score.

Comment: When difference scores between two tests are used to aid in making educational decisions, it is important that the two tests are standardized on the same normative sample at about the same time. In addition, the reliability and standard error of the difference scores between the two tests are affected by the relationship between the

constructs measured by the tests as well as the standard errors of measurement of the scores of the two tests. In the case of comparing aptitude with achievement test scores, the overlapping nature of the two constructs may render the reliability of the difference scores lower than test users normally would assume. If the aptitude and/or achievement tests involve a significant amount of measurement error, this will also reduce the confidence one may place on the difference scores. All these factors affect the accuracy of difference scores between tests and should be considered by professional evaluators in using difference scores as a basis for making important decisions about a student.

Standard 13.9

When results of a test are intended to be used as a basis for educational placement, promotion, or implementation of prescribed educational plans, empirical evidence documenting the relationship among particular test results, the instructional programs, and desired students outcomes should be provided. When adequate empirical evidence is not available, users should be cautioned to weigh the test results accordingly in light of other information about the student.

Comment: The validity of test results for placement or promotion decisions rests, in part, upon evidence about whether students, in fact, benefit from the differential instruction. Similarly, in special education, when test results are used to develop specific educational objectives and instruction strategies, evidence is needed to show that the prescribed instruction enhances students' learning. When there is limited evidence about the relationship among test results, instructional plans, and student achievement outcomes, test developers and users should stress the tentative nature of the test-based recommendations and encourage teachers and other decision makers to consider the usefulness of test results in light of other information about the students.

Standard 13.10

Judgments about the technical quality of achievement tests should consider the impact of instructional history on performance. Findings from studies using uninstructed examinees should not be applied to instructed examinees without additional support, or conversely.

Comment: By design, achievement test scores are sensitive to the effects of formal

instruction. The psychometric properties of achievement test scores and their relations to other variables may vary substantially depending upon the instruction examinees have received. The same test item may call for complex reasoning on the part of one examinee and rote recall or routine application of a learned procedure on the part of another. Instruction may result in improved performance on test items of a certain kind without bringing about any concomitant improvement in performance on other kinds of items or tasks that call for similar knowledge or skills. When new assessment formats are introduced, it may be especially important to monitor score generalizability and correlations with other variables. Inferences about test quality will also depend upon the distribution of performance by examinees, another aspect of instructional history.

Standard 13.11

Those responsible for educational testing programs should ensure that the individuals who administer the test(s) are properly instructed in the appropriate test administration procedures and that they understand the importance of adhering to the directions for administration provided by the test developer.

Standard 13.12

Those responsible for educational testing programs should ensure that the individuals who use the test scores within the school context are properly instructed in the appropriate methods for interpreting test scores.

Comment: The interpretation of some test results is sufficiently complex to require that the user have relevant psychological training and experience. Examples of such tests include individually administered intelligence tests, personality inventories, projective techniques, and neuropsychological tests. As formal testing programs become a more prevalent strategy for guiding instruction, teachers expected to make inferences about instructional needs may need assistance in interpreting test results for this purpose.

Standard 13.13

Score reports should be accompanied by a clear statement of the degree of measurement error associated with each score or classification level.

Comment: This information should be communicated in a way that is accessible to persons receiving the score report. For instance, the degree of uncertainty might be indicated by a likely range of scores or by the probability of misclassification.

Standard 13.14

Reports of group differences in test scores should be accompanied by sufficient background information, where possible, to enable meaningful interpretation of these differences. Where appropriate background information is not available, users should be cautioned against overinterpretation.

Comment: Observed differences in test scores between groups (e.g., classified by gender, race/ethnicity, school/district, geographical region) can be influenced by factors like course taking patterns, differences in curriculum, or differences in access to educational resources. Differences in group performance across time may be influenced by changes in the population of students tested or changes in learning opportunities for students. Consumers should be made aware of the range of factors likely to contribute to any observed differences in test scores.

Standard 13.15

Whenever a test score is reported, the date on which the score was collected should be indicated. The age of the test score should be considered by test users in making inferences.

Comment: Depending on the particular construct measured, the validity of score inferences may be questionable as time progresses. For example, inferences from aptitude test scores may be more valid over a longer period of time than inferences from achievement measures. This is because achievement as a construct is more susceptible to intervention and therefore less stable than is aptitude. When a test score is used for a particular purpose, the date of the test score should be taken into consideration in determining its worth or appropriateness for making inferences about a student. For instance, a reading score collected six months ago for a student may no longer reflect his or her current reading ability. Thus, a test score should not be used if it has been determined that sufficient time has passed since the time of data collection and that the score no longer can be considered a valid indicator of a student's present functioning.

Standard 13.16

When testing programs are mandated by school, district, state, or other authorities, the ways in which test scores are intended to be used should be clearly described. Potential consequences of the proposed uses, both intended and unintended, should be considered. Those implementing the testing program should be cautioned against instructional and administrative practices likely to result in negative consequences. Where resources permit, evidence of the impact of the testing program, both intended and unintended, should be monitored.

Comment: Mandated testing programs are often justified in terms of their potential benefits for teaching and learning beyond those directly associated with the meaning of test scores. In conjunction, concerns have been raised about the potential negative impact of mandated testing programs, particularly when they result directly in important decisions for individuals or institutions. Concerns frequently raised include narrowing the curriculum to focus only on the objectives tested, increasing the number of dropouts among students who do not pass the test, or encouraging other instructional or administrative practices designed to raise test scores without a concomitant improvement in the quality of education. It is the responsibility of those who mandate the use of tests to monitor the impact of their use on the quality of education and to minimize potential negative consequences.

Standard 13.17

Documentation of design, models, scoring algorithms, and methods of classification should be provided for assessments administered and scored using multimedia or computer support when results will be used to make decisions about individuals or programs.

Standard 13.18

Sample sizes permitting, reports of average scores for demographic groups or geographic regions should be supplemented with additional information about the shape or dispersion of score distributions.

Comment: Score reports should be designed to communicate clearly and effectively to their intended audiences. In most cases, reports that go beyond average score

519 comparisons are helpful in furthering thoughtful use and interpretation of assessment
520 findings. Depending on the intended purpose and audience of the score report, additional
521 information might take the form of standard deviations or other common measures of
522 score variability, or of selected percentile points for each distribution. Alternatively,
523 benchmark score levels might be established and then, for each group or region, the
524 proportions of examinees attaining each specified level could be reported. Such
525 benchmarks might be defined, for example, as selected percentiles of the pooled
526 distribution for all groups or regions. Other distributional summaries of reporting formats
527 may also be useful. The goal of more detailed reporting must be balances against goals
528 of clarity and conciseness communicating assessment findings. Excessive detail may
529 invite overinterpretation of trivial or unreliable group differences.

OCR's Fairness in Testing Guidance: Central Principles

- **Federal law prohibits the use of a test for any high stakes purpose* if that test has not been validated for that purpose. Accordingly, the use of a test as a sole criterion in high stakes decision making is not appropriate if the test is not designed and validated for that purpose. This means, for example, that federal law prohibits the placement of students in special education classes solely on the basis of an IQ test that has not been designed as a single placement instrument for such purposes.**
- **Federal law prohibits the use of a high stakes test that has a statistically significant adverse impact on the basis of race, national origin, or gender unless the recipient of federal funds can demonstrate that the test is valid and reliable and there is no alternative with less disparate impact. This means, for example, that where a test designed to make decisions about students' promotions from one grade to the next (and, thus, must be instructionally valid) has a disparate impact on the basis of race, the use of that test constitutes a violation of federal civil rights laws if those students have not been provided with adequate instruction in the content areas tested.**
- **Federal law prohibits tests from being used for high stakes purposes where students are treated differently on the basis of race, national origin, and gender, without a legitimate nondiscriminatory reason.**

10/97

For the purposes of the OCR Guidance, high stakes tests are defined as those that have an impact on the educational opportunities of students -- through placement, promotion or graduation decisions, for instance. The Guidance does not apply to tests designed to assess student or institutional progress or advancement where such assessment has no performance or placement consequences for the student, individually.

OCR's Technical Assistance and Enforcement Strategy

OCR will enhance its national testing network (through which current trends, issues, and best practices are shared) and will supplement its current strategic planning and targeting of compliance reviews and technical assistance with an initiative in which two staff in each of OCR's four national divisions will be responsible for developing expertise in the area of testing misuse; monitoring developments in their respective jurisdictions regarding the use of tests for high stakes purposes; establishing relationships with stakeholders to ensure OCR's early opportunity to provide advice regarding federal legal standards and assistance; and providing input in national enforcement planning related to the initiation of compliance reviews or other proactive efforts to resolve problems of discrimination through the misuse of tests. Two national testing coordinators will support these efforts.

OCR anticipates the establishment of an external network of stakeholders, nationally, focused on this subject. OCR expects to broadly disseminate its testing guidance along with other related informational documents that will guide recipients regarding the appropriate uses of high stakes tests under federal law.

Work regarding these efforts is currently underway. OCR expects to establish 1998 timelines and detailed strategies in the fall of 1997.



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Date: _____

To:

Name: Mike Cohen

Organization: _____

Fax: 456-7028

From:

Name: Michael Cassady

Notes:

This is my 1st draft. Letter will go through several more revisions. Need your thoughts.

P.S. I still need to insert "assurances" as we talked about this morning. I have not forgotten.

Pages: _____ (including this one)

Council of the Great City Schools

1301 Pennsylvania Avenue, N.W. ♦ Suite 702 ♦ Washington, D.C. ♦ 20004
(202) 393-2427 ♦ (202) 393-2400 (fax)

September 8, 1997

DRAFT #1

The Honorable Maxine Waters
Chair, Congressional Black Caucus
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chair:

I am writing on behalf of the Council of the Great City Schools, the coalition of the nation's largest urban school systems, to describe our perspective on President Clinton's proposal for Voluntary National Tests and to address issues that the urban community has raised about them.

First, you should know that the Council opposes the Goodling amendment to the Labor/HHS/Education Appropriations bill barring federal funds from being used to develop or administer the tests. No doubt, you also know that 15 urban public school systems from our coalition recently volunteered to take these tests in 1999. Others cities did not volunteer, but others are expected to. I want you to know why.

Urban public school systems volunteered to take the National 4th Grade Reading Test and 8th Grade Math Test to put to rest, once and for all, the notion that we are satisfied with inferior standards for our kids. We want and expect the same or better for urban kids than what much wealthier communities expect for theirs. Our children of color have been tyrannized and subjugated by society's low expectations long enough.

The second reason is the flip side of the first: urban schools want to state emphatically that we are confident in the ability of our children to compete against any students in the nation, anywhere, anytime, on any standard--given the same opportunity to meet them.

And it is to these two goals--high standards for urban children and the opportunity to learn to those standards--that the Council of Great City Schools is committed with equal fervor and passion.

We hear too often from policy-makers, the media and others that investing more in urban children would simply be pumping good money after bad; that urban children cannot learn; and that urban communities do not seem to care about low performance from their schools. These are self-serving excuses by America for not

providing poor urban and rural kids with the resources that the average child has. We want to take that excuse away from America, not by setting the bar high and then allowing some kids to jump from a platform but by setting it high and making everyone leap from the same level. In short, our goal is to set high standards for urban school children and pursue the resources they need to obtain them. We think both are important to pursue simultaneously.

Before elaborating on that point, however, we would like to address concerns important to our communities that have been raised about the National Tests.

1. Testing in Languages Other Than English. The Council of Great City Schools shares the concerns raised by the Mexican American Legal Defense Fund (MALDEF) and others about the Clinton Administration's decision not to provide the 4th grade reading test in any language other than English. We are proud of our alliance with MALDEF in advocating that accommodations be made in the reading test for students who are still learning English. We were profoundly disappointed in the decision by the Administration and released a statement to the press following it indicating that we thought the intent of the exam to raise standards for all children had been compromised. The likely result of this decision is that some urban school districts which have volunteered for the test will reconsider their participation in the reading portion but participate in the math portion that will be offered in Spanish at least. The Council of Great City Schools has asked the Administration to revisit its decision.
2. Use of Tests to Track and Label Students. The Council also agrees with the concern about using the tests to track, label or retain students. Schools have had a bad history of using tests to do that, creating a two-tier system for poor students and students of color. The Council opposes the use of the National Tests, or any test for that matter, to track students or to create "high stakes" consequences for them. We are in favor of using them to create more accountability for adults. We will urge every district participating in these exams to use them only for purposes of system-wide assessment and parental information. If school districts use them in some other manner, we would like to know about it so we can intervene. The Council continues to support the testing initiative for districts wishing to participate, knowing that urban schools are not intending to use the test for tracking purposes.
3. Reporting of Results. The Council is not as concerned, however, about issues of reporting results as others have been. Urban school systems at one time were very reluctant to release the results of standardized testing, especially by race, income group or school. This is no longer the case. The vast majority of big city school systems report their scores according to these variables, and some even prepare school-by-school report cards. We are inclined to believe that the National Tests would further that trend rather than dampen it. The Council would also like to assure members that urban schools intend to share results with parents and the community, not hide them. We are, in fact, eager to inform parents about the results in order to encourage them to get more involved in the schools and to spur their pushing states and the federal government for greater funding of urban programs.
4. Educational Resources and Opportunity. The Council of Great City Schools agrees with many that the tests do not directly redress the vast opportunity gap between poor urban school children and wealthier communities. The Council will publish a report later this year

showing that the resources available to schools comprising the "First in the World Coalition" (i.e., of suburban Chicago school systems that out-scored every nation on the Third International Math and Science Study) are nearly twice those available to America's urban school students, a fact around which we announced new federal litigation in collaboration with the Rainbow Coalition. We agree that the challenge is to provide opportunity for achievement, not just the measurement of it. The sorry truth, however, is that we are never going to get to issues of opportunity until the debates on standards are more settled. The nation should be able to walk and chew gum at the same time as it pursues both ends of the school reform process, but apparently it cannot—or will not. Still, the data coming from the tests should give us better information from which to advocate better opportunity.

These concerns are critical. The Council of Great City Schools is supportive of the Voluntary National Tests because high standards in education have more significance to urban communities from which so little has been expected than anywhere else. America's thinking that we do not care much about performance contributes to the nation's reluctance to provide the resources we need to get the job done well. Again, we want to strip the nation of this excuse by not making it ourselves.

The initial test results, particularly out of urban schools, may—in fact—be low. That should catch few by surprise. It may astound more people that some city schools will do well and that many wealthier districts are not as good as they advertise. Few people have noticed yet that America's urban public schools are coming back. This recent ascendance has a lot to do with the attention they are paying to their bottom line: student achievement.

We are eager to work with the Congressional Black Caucus and other concerned individuals and groups to make sure that our mutual concerns are resolved, and that these tests are opportunities for our children's success rather than a barrier.

I would be pleased to discuss these issues with you at any time. Thank you for your consideration.

Sincerely,

Michael Casserly
Executive Director