

MEMORANDUM

1776 I Street, NW, Suite 890
Washington, DC 20006
(202) 452-8200

To: The Honorable Newt Gingrich and the Honorable Trent Lott
From: William J. Bennett *WJB*
Date: November 3, 1997
Re: National Testing Impasse: One Last Chance

Below is a slightly different approach to national testing:

- 1) Scrap the Clinton tests and the work done so far on them.
- 2) Authorize the National Assessment Governing Board (NAGB) to take the existing "NAEP" tests and develop an individual version for states, communities and schools. (Perhaps limit initial authorization to fourth-grade reading -- and to a three-year period followed by Congressional review.)
- 3) Authorize the Board to "license" that individual test to interested states, test publishers and tutoring firms, perhaps to make a form of it available (via Internet) directly to schools and parents.
- 4) Strengthen the Board's independence (as the Senate amendment would do), give it full control of NAEP, and give it the necessary resources.
- 5) Beef up the Board's membership (and conservatism) by appointing people like John Engler, Lynne Cheney, E.D. Hirsch, Diane Ravitch, Checker Finn.

Background: the NAEP student tests are generally respected. However, no student takes the entire NAEP test (because it is such a large test) and students are given the test only on a "sample" basis. They are presently given to the whole country and to states that choose to participate (most states do.) Creating a "mini-NAEP" that would yield individual scores was more-or-less what the President set out to do, before his Education Department messed it up.

Politics: my hunch is that the White House would agree to this plan, and it's consistent with what the Senate voted for. The House might view it as a "pilot" project -- one subject, one grade level, voluntary participation, separated from the Education Department -- with expansion dependent on subsequent decisions by Congress.

Given the controversy surrounding this issue, I think this approach is substantively sound and politically smart. Call me if you would like to discuss it in more detail.

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Section 524. (a) Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act in fiscal year 1998, may be used to field test, pilot test, implement, administer or distribute in any way, any national tests.

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

Section 525. (a) **Study.**---The National Academy of Sciences, in consultation with the National Governor's Association, the National Conference of State Legislatures, the White House, the National Assessment Governing Board, and the Congress, shall, conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and State assessments to be compared with each other and the National Assessment of Educational Progress.

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

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

Section 526. National Assessment Governing Board. Notwithstanding any other provision of law, the exclusive authority over all policies, direction, and guidelines for developing voluntary national tests pursuant to contract RJ97153001 previously entered into between the United States Department of Education and the American Institutes for Research and executed on August 15, 1997, shall be vested in the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 USC 9011); *Provided*, That within 90 days after the date of enactment of this Act, the Board shall review the national test development contract in effect on the date of enactment of this Act, and modify the contract as the Board determines necessary and not inconsistent with this Act or applicable laws: *Provided further*, That if the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the tests, not inconsistent with this Act or applicable laws.

Section 527. Study. The National Academy of Sciences shall, not later than September 1, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government pursuant to contract RJ97153001, any

subsequent contract related thereto, or any contract modification by the National Assessment Governing Board pursuant to section 526 of this Act, for---

- (A) the technical quality of any test items for 4th grade reading and 8th grade mathematics;
- (B) the validity, reliability, and adequacy of developed test items;
- (C) the validity of any developed design which links test results to student performance;
- (D) the degree to which any developed test items provide valid and useful information to the public;
- (E) whether the test items are free from racial, cultural, or gender bias;
- (F) whether the test items address the needs of disadvantaged, limited English proficient and disabled students; and,
- (G) whether the test items can be used for tracking, graduation or promotion of students.

Section 528. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any pilot or field test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

(b) Nothing in section 528(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

SENT BY: ED N & THE WORKFORCE 11- 6-97 6:23PM 202225891 84005017 97

Section 529. No Federal, State or local educational agency may require any private or parochial school student, or home-schooled individual, to take any pilot or field test developed under this Act, contract RJ97153001, or any contract related thereto, without the written consent of the parents or legal guardians of the student or individual.

Draft Managers Report National Testing

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

To address this concern, the National Academy of Sciences will be commissioned to conduct a study of the feasibility of equating existing state and commercially available tests with each other and with the National Assessment of Educational Progress. The purpose of this study is to determine whether it will be possible to use existing tests administered by states and local school districts to compare individual student performance with existing, challenging national content and performance standards. The purpose is also to determine if the same tests can be used to compare the performance of students in different states and communities, on different tests, to each other. The NAS shall submit a report on this study to the Congress no later than June 15, 1997, and a final report no later than September 1, 1997.

The NAS will conduct this study in consultation with the National Governors' Association (NGA), the National Conference of State Legislatures (NCSL), NAGB, the Congress and the White House. While the NAS study is being conducted, NAGB will have exclusive authority over contract RJ97153001, as stated in this Act, which will be based on the same content and performance standards as are used for NAEP, and which are linked to NAEP to the maximum extent possible. However, no pilot testing of items for the national test may be conducted until September 1, 1997, the deadline for the NAS report.

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

In order to evaluate the work to develop national tests and to help inform future deliberations, the NAS is also directed to develop recommendations to prevent the misuse of tests, particularly for minority students. In particular, NAS is to recommend appropriate safeguards to ensure that tests are not used in a discriminatory manner or for tracking students or other "high stakes" purposes. It is also directed to recommend ways to ensure that such tests adequately assess students' reading comprehension and mathematics skills in a form most likely to yield accurate information.

Section 527. Study. The National Academy of Sciences shall, not later than September 1, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government pursuant to contract RJ97153001, any subsequent contract related thereto, or any contract modification by the National Assessment Governing Board pursuant to section 526 of this Act, for---

- (A) the technical quality of any test items for 4th grade reading and 8th grade mathematics;
- (B) the validity, reliability, and adequacy of developed test items;
- (C) the validity of any developed design which links test results to student performance;
- (D) the degree to which any developed test items provide valid and useful information to the public;
- (E) whether the test items are free from racial, cultural, or gender bias;
- (F) whether the test items address the needs of disadvantaged, limited English proficient and disabled students; and,
- (G) whether the test items can be used for tracking, graduation or promotion of students.

Section 528. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any pilot or field test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

(b) Nothing in section 528(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

Section 529. No Federal, State or local educational agency may require any private or parochial school student, or home-schooled individual, to take any pilot or field test developed under this Act, contract RJ97153001, or any contract related thereto, without the written consent of the parents or legal guardians of the student or individual.

Author: Mike Smith at WDCT01

Date: 11/4/97 11:04 AM

Priority: Normal

TO: Vicky Stroud

Subject: New Timeline for Voluntary National Tests

----- Message Contents -----

Attached is information about a new timeline for the voluntary national tests. Let me know if you need more.

OPTIONAL FORM 98 (7-80)	
FAX TRANSMITTAL	
# of pages 3	
To Mike Cohen	From Mike Smith
Dept./Agency	Phone # 401-1000
Fax # 456-5581	Fax # 401-3025
NSN 7540-01-317-7388	5088-101 GENERAL SERVICES ADMINISTRATION

Timeline

- **Pilot Test of Test Items**

Optimally, this would occur in March of 1998. It could, however, be delayed until October of 1998. It does not require a national probability sample, but it does require a diverse enough sample to ensure that items are tested with all types of students and schools, to ensure that they are free of bias, are clearly stated, measure what is intended, are not too easy or difficult for the grade level, etc. Current estimates are that about 600 schools and 46,000 students will be involved. The pilot test could probably be limited to the seven states and 15 districts that have signed up for the tests, but that would mean a heavier burden on those states and districts than would otherwise be the case. States and districts in addition to those that have signed up for the tests have expressed interest in participating in the pilot tests.

The National Academy of Sciences would issue a report on the pilot test by September 30, 1998.

- **Field Test of Test Forms**

This must occur in March of 1999, if the first administration of the test is to occur in March of 2000. The field test requires a national probability sample of schools. It could not be done in fewer than 35 states and might require more. However, current estimates are that it need involve only about 1,400 schools and 98,000 students. The field test will involve the administration of six separate test booklets for reading and six for mathematics.

The field test is intended to mimic all of the operational aspects of the actual administration of the tests. It is the source of information for norming studies, e.g., what proportion of students nationally score at each of the achievement levels, and therefore must be done in the spring, consistent with the actual administration date for the tests and consistent with NAEP. It could not be done in the fall.

Although it might be possible to conduct a "trial run" of the tests in March of 1999, at the same time that the field test is done, that will be complicated, because there will not be just one test form for each of reading and math to be used at that time. Six forms for each subject will be used, which means that any companies involved in the trial run would have to score six forms, rather than one. That would not be comparable to the actual administration and will be logistically difficult.

An analysis of the comparability of the content of the national tests and other

state and commercial tests can be done as soon as the specifications for the national tests are approved. However, the technical linking or equating of the tests cannot be done until the time of the field tests in the spring of 1999.

The National Academy of Sciences would issue a report on the field test by September 30, 1999.

• Availability of Sample Test

A sample test can be available within a few months of the field test, probably by May or June of 1999.

- Provides that no funds in this Act or any other Act shall be used to implement, administer, or disseminate for the purposes of national testing, national tests, unless specifically authorized in statute, except that funds may be used for development activities that precede the implementation or administration of such tests or to carry out the National Assessment of Educational Progress (NAEP) and the Third International Math and Science Study (TIMSS).
- Gives the National Assessment Governing Board (NAGB) the exclusive authority over all policies, direction and guidelines for establishing voluntary national tests.
- Directs NAGB to ensure that the content and standards for the test shall be the same as the current National Assessment of Educational Progress Test.
- Directs NAGB to ensure that all items selected for use on the tests are free from racial, cultural, or gender bias.
- Changes the composition of the 25 member NAGB to ensure that it is a bi-partisan and independent board and gives NAGB the authority to nominate individuals to that board.
- Requires NAGB to hold public hearings within 120 days after the test development period in which interested parties may comment on the testing program.
- Requires the National Academy of Sciences to submit a report to Congress no later than September 30, 1998 that (1) evaluates the technical quality of the test development, the adequacy of the administration of the field tests, the validity and reliability of the field tests, the validity of the design for linking test results to student performance, and the degree to which the tests provide valid and useful information to the public, and (2) recommends appropriate safeguards to ensure that such tests are not used in a discriminatory manner, and for student promotion, tracking or graduation.
- Requires the National Academy of Sciences, National Governor's Association and National Conference of State Legislatures to jointly conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests to be compared, and to submit a report to the authorizing and appropriations committees no later than March 31, 1998.
- Provides that the following shall apply to national tests if authorized:
 1. The federal government may not require any state or local educational agency to administer or implement national tests.
 2. No state, local educational agency, or school shall report, or be required to report, the scores of individual students on any national tests to any officer or employee of the Federal government.
 3. No state, local educational agency, or school may use national tests for student promotion, tracking or graduation.
 4. No state or local educational agency may require any private, parochial or home-schooled student or individual to take any test developed under this Act without the written consent of the parents or legal guardians of the student or individual.
 5. Nothing in this Act shall be construed to mandate, direct, or require that a state, local educational agency, or school change its curriculum, program of instruction, or allocation of state or local resources as a condition of participating in national testing program.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages ▶	
To	From
Dept./Agency	Phone #
Fax #	Fax 1
GENERAL SERVICES ADMINISTRATION	
NSN 7540-01-317-7368	
5099-101	

To: Mike Cohen

Fax # 456-5581

CONFERENCE PROPOSAL FOR 2264 (Labor, HHS)

1 SEC. 524. None of the funds appropriated in this ~~or~~
2 ~~any other~~ Act shall be used to implement, administer, or
3 disseminate for the purpose of national testing, national
4 tests, unless specifically authorized in statute: *Provided*,
5 That funds may be used for development activities (includ-
6 ing field-testing) that precede the implementation or ad-
7 ministration of such tests or to carry out the National As-
8 sessment of Educational Progress or the Third Inter-
9 national Math and Science Study (TIMSS).

10 SEC. 525. (a)(1) Notwithstanding any other provision
11 of law, the National Assessment Governing Board estab-
12 lished under section 412 of the National Education Statis-
13 tics Act of 1994 (20 U.S.C. 9011) (hereafter in this sec-
14 tion referred to as the "Board") shall hereafter have ex-
15 clusive authority over all policies, direction, and guidelines
16 for establishing and implementing voluntary national
17 tests: *Provided*, That within 90 days after the date of en-
18 actment of this Act, the Board shall review the national
19 test development contract in effect on the date of enact-
20 ment of this Act, and modify the contract as the Board
21 determines necessary: *Provided further*, That if the con-
22 tract cannot be modified to the extent determined nec-
23 essary by the Board, the contract shall be terminated and

1 the Board shall negotiate a new contract, under the
2 Board's exclusive control, for the tests.

3 (2) In exercising the Board's responsibilities under
4 paragraph (1) regarding the national tests, and notwith-
5 standing any action undertaken by the Department of
6 Education or a person contracting with or providing serv-
7 ices for the Department regarding the planning, or the
8 development of specifications, for the tests, the Board
9 shall—

10 (A) ensure that the content and standards for
11 the tests are the same as the content and standards
12 for the National Assessment;

13 (B) exercise exclusive authority over any expert
14 panel or advisory committee that will be or is estab-
15 lished with respect to the tests;

16 (C) ensure that the tests are linked to the Na-
17 tional Assessment to the maximum degree possible;

18 (D) develop test objectives, test specifications,
19 and test methodology;

20 (E) develop policies for test administration, in-
21 cluding guidelines for inclusion of, and accommoda-
22 tions for, students with disabilities and students
23 with limited English proficiency;

1 (F) develop policies for reporting test results,
2 including the use of standards or performance levels,
3 and for test use;

4 (G) have final authority over the appropriate-
5 ness of all test items;

6 (H) ensure that all items selected for use on the
7 tests are free from racial, cultural, or gender bias;
8 and

9 (I) take such actions and make such policies as
10 the Board determines necessary.

11 (3) The National Assessment Governing Board shall
12 hold public hearings at which interested parties may com-
13 ment on the testing program within 120 days after the
14 end of the test development period.

15 (b)(1) The National Academy of Sciences shall, not
16 later than September 30, 1998, submit a report to the
17 Board, the Secretary of Education, and Congress that—

18 (A) evaluates—

19 (i) the technical quality of the national
20 tests;

21 (ii) the validity, reliability, and adequacy of
22 the administration of the field tests;

23 (iii) the validity of the design for linking
24 test results to student performance; and

1 (iv) the degree to which the tests will pro-
2 vide valid and useful information to the public;
3 and

4 (B) recommends appropriate safeguards to en-
5 sure that such tests are not used—

6 (i) in a discriminatory manner; and

7 (ii) for student promotion, tracking, or
8 graduation, unless such tests have been prop-
9 erly validated for such purpose.

10 (2) The National Academy of Sciences, the National
11 Governor's Association, and the National Conference of
12 State Legislatures shall jointly conduct a feasibility study
13 to determine if an equivalency scale can be developed that
14 would allow test scores from commercially available stand-
15 ardized tests to be compared.

16 (3) The National Academy of Sciences, the National
17 Governor's Association, and the National Conference of
18 State Legislatures shall jointly report their findings to the
19 Committee on Education and the Workforce in the House
20 of Representatives and the Committee on Labor and
21 Human Resources in the Senate and the Committees on
22 Appropriations in the House of Representatives and the
23 Senate no later than March 31, 1998.

24 (c) Section 412 of the National Education Statistics
25 Act of 1994 (20 U.S.C. 9011) is amended—

1 (1) in subsection (b)(1)—

2 (A) by amending subparagraph (A) to read
3 as follows:

4 “(A) three Governors, or former Gov-
5 ernors, of whom not more than 1 shall be a
6 member of the same political party as the
7 President;”;

8 (B) by amending subparagraph (B) to read
9 as follows:

10 “(B) two State legislators, of whom not
11 more than 1 shall be a member of the same po-
12 litical party as the President;”;

13 (C) in subparagraph (H), by striking “one
14 representative” and inserting “three representa-
15 tives”;

16 (D) by amending subparagraph (I) to read
17 as follows:

18 “(I) two mayors, of whom not more than
19 1 shall be a member of the same political party
20 as the President;”;

21 (E) by striking subparagraph (J); and

22 (F) by redesignating subparagraphs (K),
23 (L), and (M) as subparagraphs (J), (K), and
24 (L), respectively;

25 (2) in subsection (c)—

1 (A) in paragraph (1), by striking "and
2 may not exceed a period of 3" and inserting
3 "and shall be for periods of 4"; and

4 (B) in paragraph (2), by inserting "con-
5 secutive" after "two";

6 (3) by amending subsection (d) to read as fol-
7 lows:

8 "(d) VACANCIES.—As vacancies on the Board occur,
9 new members of the Board shall be appointed by the Sec-
10 retary from among individuals who are nominated by the
11 Board after consultation with representatives of the indi-
12 viduals described in subsection (b)(1). For each vacancy,
13 the Board shall nominate at least 3 individuals who are
14 qualified by experience or training to fill the particular
15 Board vacancy."; and

16 (4) in subsection (e) by adding at the end the
17 following:

18 "(7) INDEPENDENCE.—In the exercise of its
19 functions, powers, and duties, the Board shall be
20 independent of the Secretary and the other offices
21 and officers of the Department. The Secretary shall,
22 by written delegation of authority, authorize the
23 Board to award grants and contracts, and otherwise
24 operate, to the maximum extent practicable, inde-
25 pendent of the Department."

1 (d) Not later than 30 days after the date of enact-
2 ment of this Act, the Secretary of Education, in consulta-
3 tion with the Speaker and Minority Leader of the House
4 of Representatives, and the Majority Leader and Minority
5 Leader of the Senate, shall appoint individuals to fill va-
6 cancies on the National Assessment Governing Board
7 caused by the expiration of the terms of members of the
8 Board, or the creation of new membership positions on
9 the Board pursuant to amendments made by this Act.

10 ~~(e) In the event that an authorization permitting the~~
11 ~~administration of a voluntary national test is enacted, the~~
12 test shall be administered in accordance with the following
13 provisions:

14 (1) The Federal Government may not require
15 any State or local educational agency to administer
16 or implement national tests.

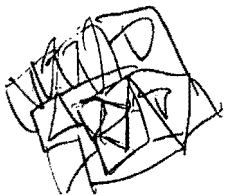
17 (2) No State, local educational agency, or
18 school shall report, or be required to report, the
19 scores of individual students on any national tests to
20 any officer or employee of the Federal Government.

21 (3) No State, local educational agency, or
22 school may use national tests for student promotion,
23 tracking, or graduation. *unless such test test are properly*
validated for such purpose.

24 (4) No State or local educational agency may
25 require any private or parochial school student, or

1 home-schooled individual, to take any test developed
2 under this Act without the written consent of the
3 parents or legal guardians of the student or individ-
4 ual.

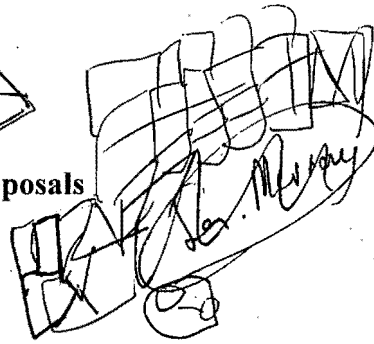
5 (5) Nothing in this Act shall be construed to
6 mandate, direct, or require a State, local educational
7 agency, or school to change its curriculum, program
8 of instruction, or allocation of State or local re-
9 sources as a condition of participating in the na-
10 tional testing program under this Act.



test not
used for
any purpose
not school



Negotiating Proposals



First Tier: We could live with any or all of these

1. Prohibitions on:

- Education Department or NAGB development of a national curriculum in reading or math
- requiring the test as a condition of receiving federal education funds
- Education Department and/or states requiring home schoolers to take the test
- Anything else?

2. Field Test in 1999 instead of implementation (with or without capped participation)

- We should try to get funding for state/local participation in the field test

3. NAGB authorized to develop and implement a process for linking state or local tests to the national test

- May need additional funds for this

\$4 million

4. No implementation for 90-days after delivering Congressionally mandated reports on pilot test (and field test, if included in compromise)

Second Tier: These would be tougher to live with

1. ~~Prohibition on implementing the test in FY98 unless specifically authorized~~

2. No funding for 1st year test implementation (probably coupled with test administration as an allowable use of Chapter 2 funds)

3. Require that participating states/districts use Title 1 reporting requirements

4. Prohibit high stakes use of test (for specified period of time)

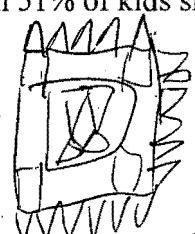
Still Unacceptable

1. No implementation unless specifically authorized

2. No implementation until jurisdictions with 51% of kids sign up



Linkers
- FY98 and
- analyze each state
- add \$9 million



30% of kids
in C

Chap 2
allow 1st yr
funds

ED approval to

FY99 - 16 div
20-30 in
4 - certain

Goodling Proposal #4
October 31, 1997, 1:00 p.m.

Section 1. (a) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), shall not be used to develop, implement, administer, field test, pilot test, or distribute in any way, any national tests that are not specifically and explicitly provided for in current or future authorizing legislation enacted into law.

(b) **Exception.**--- Subsection (a) shall not apply to the Third International Math and Science Study.

MA-B
Section 2. (a) **Study**---The National Academy of Sciences, in consultation with the National Governor's Association and the National Conference of State Legislatures, shall conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and State assessments to be compared.

(b) **Report of Findings to Congress.** The National Academy of Sciences shall report its findings to the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Resources in the Senate not later than March 31, 1998.

Section 3 (a) **Study.** The National Academy of Sciences shall, not later than September 30, 1998, submit a report to the Board, the Secretary of Education, the Committee on Education and the Workforce in the House of Representatives, the

Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that---

(1) evaluates---

(A) the technical quality of the national tests for 4th grade reading and 8th grade mathematics;

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

(C) the validity of the design for linking test results to student performance; and

(D) the degree to which the tests will provide valid and useful information to the public;

(E) the test items in the developed tests to determine whether the tests are free from racial, cultural, or gender bias; and

(2) recommends appropriate safeguards to ensure that such tests are not used in a discriminatory manner, and recommends safeguards to ensure that such tests shall not be used for tracking of students.

Section 4. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any national test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

(b) Nothing in section 4(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR EDUCATIONAL RESEARCH AND IMPROVEMENT

FAX COVER SHEET

DATE: 11/4

TIME: 11:40

TO: Mike Cohen

FAX#: 456-5581

FROM: Sue Betka

Number of pages including fax cover: 3

PLEASE CALL (202) 217-1335 IF THERE ARE ANY PROBLEMS
IN TRANSMITTAL.

Special Comments:

**Voluntary National Tests
Summary of Pilot and Field Tests
FOR INTERNAL USE ONLY, 11/3/97**

Pilot test

Pilot testing is an important part of the test development process, as it serves to identify as early as possible any problems with test items. In developing test items, it is often difficult to tell in advance how students will understand and interpret the questions; how different ethnic, racial or gender groups will respond to the questions; if the language is age appropriate and culturally sensitive; if the questions measure the content they are supposed to measure; or if the questions are too easy or too difficult for the grade level.

The pilot test requires a purposeful sample of students that is sufficiently diverse to get good item statistics and conduct bias analyses. While the pilot test does not require a national probability sample, various groups must be adequately represented, including different ethnic, SES and ability groups, as well as students with disabilities and LEP students.

Each set of pilot items needs to be tried out on at least 500 students. It is estimated that approximately 46,000 students in 600 schools will be involved (26,000 grade 8 students in 300 schools for math; 20,000 grade 4 students in 300 schools for reading).

It is believed that an adequate sample can be obtained by going to the states/districts that have already signed-on for the operational test. However, this will mean a heavier burden on those states/districts, since a total sample of at least 600 schools is needed. If all student populations are not adequately represented using this approach, a few outside schools may need to be included.

Students who participate in the pilot will not receive their results, since a booklet of test items does not represent a complete test at this stage of test development. Based on the pilot results, test questions will either be accepted, revised, or discarded.

Field tests

The field test will provide an opportunity to try out the test items that were revised after the pilot test and provide a "dress rehearsal" for all operational testing procedures.

Unlike the pilot test, the field test requires a national probability sample; therefore the sample size for the field test will be larger than that for the pilot test. A national probability sample is required to get national norms (e.g., the percent of students at each achievement level nationwide). The field test data will also be used to link the VNTs to NAEP and TIMMS, and to equate test forms to make sure that all forms (versions) of the tests are comparable in difficulty.

Approximately 2,500 students will take each field test booklet. It is estimated that the field test will include approximately 98,000 students in 1,400 schools (64,000 grade 8 students in 700 schools for math; 34,000 grade 4 students in 700 schools for reading).

While the current thinking is to include as many of the 50 states as possible in the field test, an alternative is to use a cluster sampling approach which would require going to approximately 35 states, as is currently done with NAEP.

Students who participate will receive their test results, to replicate as much as possible the conditions that will be in place once the test is operational.

Caps

If we were to set caps on the percentage of students and schools nationwide that could be included in the pilot and field tests, they should be set as follows:

Grade 4 students: 1% for the pilot, 2% for the field test

Grade 4 schools: 1% for the pilot, 2% for the field test

Grade 8 students: 1% for the pilot, 3% for the field test

Grade 8 schools: 2% for the pilot, 4% for the field test

Staff Draft**National Academy of Sciences, National Governor's Association and National Conference of State Legislatures Study**

Sec 1. (a) Contract Termination. The Congress of the United States hereby determines that termination of Contract RJ97153001 (between the United States Department of Education and the American Institutes for Research and which contract was executed on August 15, 1997) is in the government's best interest, and the contracting officer, as agent of the government, is hereby directed to terminate the contract.

(b) Such termination shall be effective upon enactment of this Act and carried out in accordance with 48 CFR 52.249-6 relating to contract terminations.

Sec. 2 (a) General Prohibition. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to develop, plan, implement (including pilot testing or field testing), or otherwise administer any national testing program in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

(b) **Exception.** Subsection (a) shall not apply to the Third International Math and Science Study. [note: NAEP would already be allowed to proceed because it is specifically and explicitly authorized]

FILE No. 520 10/27 '97 09:31 ID:

P. 4

10-24-1997 1:03PM FROM

Sec. 3 (a) Study. The National Academy of Sciences, the National Governor's Association and the National Conference of State Legislatures shall jointly conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests to be compared.

(b) Report of Findings to Congress. The National Academy of Sciences, the National Governor's Association, and the National Conference of State Legislatures shall jointly report their findings to the Committee on Education and the Workforce in the House and the Committee on Labor and Human Resources in the Senate no later than March 31, 1998, prior to the hearings leading up to the reauthorization of the existing NAEP national tests.

Sec 4. Congress is authorized to and does appropriate no more than \$3 million for purposes of carrying out section 3.

SENATE BILL LANGUAGE ON TESTING

- Gives the National Assessment Governing Board (NAGB) the exclusive authority over all policies, direction and guidelines for establishing voluntary national tests for 4th grade reading and 8th grade math.
- Directs the NAGB to ensure that the content and standards for the test shall be the same as the current National Assessment of Educational Progress Test.
- Changes the composition of the 25 member NAGB Board to ensure that it is a bi-partisan and independent board and gives NAGB the authority to nominate individuals to that board.
- Reaffirms that the use of the tests cannot be a condition of receiving federal funds.
- Reaffirms that no private, parochial or home-schooled student may be required to take the tests without the written consent of the student or individual.
- Requires the Office of Educational Research and Improvement to submit to the Senate Committees on Appropriations a spending plan for activities funded under that office.

PROPOSED ADDITIONS TO THE SENATE BILL LANGUAGE ON TESTING

- None of the funds in this Act shall be used to implement or administer any national testing program in reading or mathematics, except for activities necessary for development and field testing and for administration of the National Assessment of Educational Progress (NAEP) and the Third International Math and Science Study (TIMSS).

Or

- No funds in this Act shall be available exclusively for the purpose of implementing or administering any national testing program in reading or mathematics without specific authorization, except for activities necessary for development and field testing and for administration of the National Assessment of Educational Progress (NAEP) and the Third International Math and Science Study (TIMSS).

Or

CONFERENCE PROPOSAL FOR 2264 (Labor, HHS)

1 SEC. 524: (a) Notwithstanding any other provision
2 of law, the Office of Educational Research and Improve-
3 ment shall submit to the Committee on Appropriations of
4 the House of Representatives and the Senate a spending
5 plan for activities funded under this title under the head-
6 ing "EDUCATION RESEARCH, STATISTICS, AND IMPROVE-
7 MENT", prior to the obligation of the funds.

8 (b)(1) Notwithstanding any other provision of law,
9 the National Assessment Governing Board established
10 under section 412 of the National Education Statistics Act
11 of 1994 (20 U.S.C. 9011) (hereafter in this section re-
12 ferred to as the "Board") shall hereafter have exclusive
13 authority over all policies, direction, and guidelines for es-
14 tablishing and implementing voluntary national tests for
15 4th grade English reading and 8th grade mathematics:
16 *Provided*, That the tests shall be made available to a State,
17 local educational agency, or private or parochial school,
18 upon the request of the State, agency, or school, and the
19 use of the tests shall not be a condition for receiving any
20 Federal funds: *Provided further*, That within 90 days after
21 the date of enactment of this Act, the Board shall review
22 the national test development contract in effect on the
23 date of enactment of this Act, and modify the contract
24 as the Board determines necessary: *Provided further*, That

1 if the contract cannot be modified to the extent deter-
2 mined necessary by the Board, the contract shall be termi-
3 nated and the Board shall negotiate a new contract, under
4 the Board's exclusive control, for the tests.

5 (2) In exercising the Board's responsibilities under
6 paragraph (1) regarding the national tests, and notwith-
7 standing any action undertaken by the Department of
8 Education or a person contracting with or providing serv-
9 ices for the Department regarding the planning, or the
10 development of specifications, for the tests, the Board
11 shall—

12 (A) ensure that the content and standards for
13 the tests are the same as the content and standards
14 for the National Assessment;

15 (B) exercise exclusive authority over any expert
16 panel or advisory committee that will be or is estab-
17 lished with respect to the tests;

18 (C) ensure that the tests are linked to the Na-
19 tional Assessment to the maximum degree possible;

20 (D) develop test objectives, test specifications,
21 and test methodology;

22 (E) develop policies for test administration, in-
23 cluding guidelines for inclusion of, and accommoda-
24 tions for, students with disabilities and students
25 with limited English proficiency;

1 (F) develop policies for reporting test results,
2 including the use of standards or performance levels,
3 and for test use;

4 (G) have final authority over the appropriate-
5 ness of all test items;

6 (H) ensure that all items selected for use on the
7 tests are free from racial, cultural, or gender bias,
8 and

9 (I) take such actions and make such policies as
10 the Board determines necessary.

11 (3) No voluntary national tests for 4th grade reading
12 and 8th grade mathematics shall be implemented or ad-
13 ministered until the end of the 60-day period following the
14 development and field-testing of such tests, during which
15 period the National Assessment Governing Board shall
16 hold public hearings at which interested parties may com-
17 ment on the testing program.

18 (c) The Federal Government may not require any
19 State or local educational agency to administer or imple-
20 ment national tests for 4th grade reading and 8th grade
21 mathematics.

22 (d) No State, local educational agency, or school shall
23 report, or be required to report, the scores of individual
24 students on any tests described in this section to any offi-
25 cer or employee of the Federal Government.

1 (e) No State, local educational agency, or school may
2 use national tests for 4th grade reading and 8th grade
3 mathematics for student promotion, tracking, graduation,
4 or any other purpose unless such tests have been properly
5 validated for such purpose.

6 (f) No State or local educational agency may require
7 any private or parochial school student, or home-schooled
8 individual, to take any test developed under this section
9 without the written consent of the parents or legal guard-
10 ians of the student or individual.

11 (g) The National Academy of Sciences shall, not later
12 than September 30, 1998, submit a report to the Board,
13 the Secretary of Education, and Congress that—

14 (1) evaluates—

15 (A) the technical quality of the national
16 tests for 4th grade reading and 8th grade
17 mathematics;

18 (B) the validity, reliability, and adequacy
19 of the administration of the field tests;

20 (C) the validity of the design for linking
21 test results to student performance; and

22 (D) the degree to which the tests will pro-
23 vide valid and useful information to the public;
24 and

1 (2) recommends appropriate safeguards to en-
2 sure that such tests are not used—

3 (A) in a discriminatory manner; and

4 (B) for any purpose, including student pro-
5 motion, tracking, or graduation, unless such
6 tests have been properly validated for such pur-
7 pose.

8 (h) Nothing in this section is, or shall be construed
9 to mandate, direct, or require a State, local educational
10 agency, or school to change its curriculum, program of in-
11 struction, or allocation of State or local resources as a con-
12 dition of participating in the national testing program
13 under this section.

14 (i) Section 412 of the National Education Statistics
15 Act of 1994 (20 U.S.C. 9011) is amended—

16 (1) in subsection (b)(1)—

17 (A) by amending subparagraph (A) to read
18 as follows:

19 “(A) three Governors, or former Gov-
20 ernors, of whom not more than 1 shall be a
21 member of the same political party as the
22 President;”;

23 (B) by amending subparagraph (B) to read
24 as follows:

1 “(B) two State legislators, of whom not
2 more than 1 shall be a member of the same po-
3 litical party as the President;”;

4 (C) in subparagraph (II), by striking “one
5 representative” and inserting “three representa-
6 tives”;

7 (D) by amending subparagraph (I) to read
8 as follows:

9 “(I) two mayors, of whom not more than
10 1 shall be a member of the same political party
11 as the President;”;

12 (E) by striking subparagraph (J); and

13 (F) by redesignating subparagraphs (K),
14 (L), and (M) as subparagraphs (J), (K), and
15 (L), respectively;

16 (2) in subsection (c)—

17 (A) in paragraph (1), by striking “and
18 may not exceed a period of 3” and inserting
19 “and shall be for periods of 4”; and

20 (B) in paragraph (2), by inserting “con-
21 secutive” after “two”;

22 (3) by amending subsection (d) to read as fol-
23 lows:

24 “(d) VACANCIES.—As vacancies on the Board occur,
25 new members of the Board shall be appointed by the Sec-

1 retary from among individuals who are nominated by the
2 Board after consultation with representatives of the indi-
3 viduals described in subsection (b)(1). For each vacancy,
4 the Board shall nominate at least 3 individuals who are
5 qualified by experience or training to fill the particular
6 Board vacancy.”; and

7 (4) in subsection (c) by adding at the end the
8 following:

9 “(7) INDEPENDENCE.—In the exercise of its
10 functions, powers, and duties, the Board shall be
11 independent of the Secretary and the other offices
12 and officers of the Department. The Secretary shall,
13 by written delegation of authority, authorize the
14 Board to award grants and contracts, and otherwise
15 operate, to the maximum extent practicable, inde-
16 pendent of the Department.”.

17 (j) Not later than 30 days after the date of enactment
18 of this Act, the Secretary of Education, in consultation
19 with the Speaker and Minority Leader of the House of
20 Representatives, and the Majority Leader and Minority
21 Leader of the Senate, shall appoint individuals to fill va-
22 cancies on the National Assessment Governing Board
23 caused by the expiration of the terms of members of the
24 Board, or the creation of new membership positions on
25 the Board pursuant to amendments made by this Act.

1 SEC. 525. Notwithstanding any other provision of
2 this Act, none of the funds appropriated in this [or any
3 other] Act shall be used to implement or administer any
4 national testing program in 4th grade reading or 8th
5 grade mathematics, unless specifically authorized [in stat-
6 ute,] *Provided*, That funds may be used for development
7 and field-testing activities that precede the implementa-
8 tion or administration of such tests or to carry out the
9 National Assessment of Educational Progress or the Third
10 International Math and Science Study (TIMSS).

FAX TRANSMISSION

DEMOCRATIC OFFICE OF
THE UNITED STATES SENATE
COMMITTEE ON LABOR & HUMAN RESOURCES

TO: Mike Cohen

FROM: Nick Littlefield

FAX #: 456 - 5581

DATE: 10 - 30 TOTAL PAGES (INCLUDING COVER) 3

IF THERE ARE ANY PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL (202) 224-0767.

RETURN FAX #: (202) 274-5128

COMMENTS:

Smith, Cheryl

From: Hand, Lucy
 Sent: Wednesday, October 29, 1997 6:40 PM
 To: Mioduski, Mark; Smith, Cheryl
 Subject: FW: National Testing Compromise

This just in. The word certainly got out fast! I don't know where the Hispanic Caucus will be. I suppose it depends on the final wording of the agreement.

From: Wales, Courtney
 Sent: Wednesday, October 29, 1997 5:47 PM
 To: Tiplins, Nancy; Heck, Wade; Gans, Dan; Busching, Mark; Gray, Ann; Chambliss, Wendell; Poranzino, Mike; Medley, Dan; Guzick, Ting; Isaak, Jason; Mottley, Katherine; Shrader, Stacey; Hulen, Anthony; Davis, Mark; Nolan, Rich; Ring, Kevin; Johnson, Cynthia; Stephenson, Charles; Kavinsky, Paul; DeWitt, Charles; Pyle, Tom; Winters, Bob; Murrell, Vincent; Morell, Vince; Cochran, Bob; Joergensen, Dave; Randazzo, Vince; Cunningham, Paul; Wong, Peter; Allen, Leah; Mason, Marcus; Sheehy, Tom; Shockey, Jeff; Matthews, Dan; Ramay, Dave; Katolis, Chris; Dykema, Rick; Morales, Mauro; Uhlmann, Peter; Meck, Ray; Schroeder, David; Purcell, Frank; Simmons, Men; Bernhardt, David; Wadhwa, Susan; HoJo, Lawrence; Samuel, Joe; Rak, Allison; Jameson, Booth; Stafford, David; Young, Eve; Simmons, Ronnie; Klein, Bill; Crowe, Veronica; Pinkerton, Sharon; Kaufmann, Karl; DeLoatch, Pattie; Lankler, Greg; Windham, Stacey; McKivergan, Dan; Moorhead, Marrell; Burns, Stuart; Nicolson, Elizabeth; Schelbis, John; O'Callaghan, Jay; Humphrey, Elizabeth; Spear, Scott; Kennedy, Art; Burns, Diana; Gilyard, Beverly; Bryant, Bo; Taylor, David; Spielberg, Andrew; Lovinson, Dan; Cox, Christopher; Maddox, Mark; Gliblin, Chris; Woodall, Rob; Yemmaraja, Alan; Peek, Gregory; Holler, Will; Rosenblum, Susan; Weinstein, Hilary; Corr, Colleen; Fuentes, Jennica; Wolverton, Judy; Cohen, Ira; Bradner, Robert; Himpler, Bill; Wolgemuth, Kristin; Thomas, S. Tandi; Greene, Terry; Markva, Kurt; O'Donnell, Tom; Guidry, Chris; Blankenburg, Dan; Griffith, Cameron; Taylor, Jeff; Brown, Mark; Ojeki, Ziad; Dugan, Myrna; Hicks, Carolyn; Wallam, Kate; Judey, Nancy; Nelson, Ken; Wildes, David; Tate, Bill; Meade, Rich; Traub, Jon; McCoy, Scott; Austin, Karl; Webster, Paul; Yowell, Kevin; Kahrs, Jeff; Long, Karen; McCarthy, Helen; Craig, Kristi; Deaver, Jon; Carey, Steve; Cambo, Paul; Collins, Lionel; Simonsaux, Mimi; Glone, Bill; Phalen, Jim; Casteele, Christy; Taylor, Gordon; Place, Scott; Caligiuri, Anthony; Krasicki, Steven; Smith, Roxanne; Hall, Cindy; LaGrand, Chris; Foster, Behranda; Ferrera, John; Altaris, Scott; Rogers, Alec; Zappellin, Deron; Mutz, Carla; Williams, James; Wade, John; Hope, Karin; Brownell, Mark; Pedigo, Chris; Mattox, Richard; Rothrock, John; Melveney, Scott; Peranich, Stephen; Bogdanovich, Michelle; Kless, Kiki; Battles, Lara; Plunkett, David; Haggart, Duncan; LaVale, David; Feraci, Manning; Weaver, Kiet; Smith, Jodi; Winterbauer, Eric; Whitacre, Mark; Bensing, Scott; Swan, Stephen; Collins, Paul; Vaughan, Mathew; Thorsen, Carl; Bert, Bill; Gallant, Gary; Noonan, Mary McDermott; Wilson, Steve; Harrington, Michael; Krenik, Ed; Pisano, Paul; Hutton, Michael; Donithorpe, Bruce; Ehrlich, Andy; O'Hara, Kerry; Rogers, Cinnamon; Newton, Sherry; Reid, Kenya; Riggs, Doug; Milne, Emily; Hand, Lucy; Hall, Steve; Burger, Todd; Petramala, Frank; Goldston, David; Goldston, David; Julton, Art; Scolese, Paul; Moyers, Beth; Moyers, Beth; Gorney, Marlo; Barnes, Johnny; Podlasak, Katie; Peterson, Alicia; Merritt, Blaine; McDonald, Edward; Moffit, Ken; Myers, Roberta; France, Roger; Brayboy, Joyce; Smart, Mike; Nelson, Frederick; Pale, Barbara
 Subject: National Testing Compromise

URGENT! ATTN: NATIONAL TESTING OPPONENTS

**LEADERSHIP IS PUSHING A DAVID OBEY-PROPOSED COMPROMISE
WHICH SELLS US OUT!!**

The compromise allows a national test to be developed, pilot and field tested next year exactly as proposed by President Clinton. It purports to block **IMPLEMENTATION** next year, however the test was never to be implemented in 1998 in any event.

Thus, according to the summary of the Obey compromise, the "compromise" specifically continues to allow Clinton's testing proposal to go forward and gives **CONGRESSIONAL APPROVAL** to use funds to:

- (1) develop the test,
- (2) pilot test, and
- (3) field test a national exam.

Do you want to give your approval to national testing??

Local parents, teachers, and school administrators agree with us. They don't want a federal test crammed down their throats. They don't want to lose local control.

THIS IS A A BETRAYAL OF YOUR VOTE! AND A WASTE OF EDUCATION DOLLARS.

URGE ALL CONFEREES TO STAND FIRM AND UPHOLD THE GOODLING LANGUAGE BANNING DEVELOPMENT AND IMPLEMENTATION OF NATIONAL TESTING.

Americans don't want to surrender control of education to Washington!

**JOIN US IN DEFEATING THE RULE!
JOIN US IN DEFEATING THE BILL!**

Distributed by the Office of Congressman John Shadegg

October 30, 1998

The Honorable William Jefferson Clinton
The President
The White House
Washington, D.C.

Dear Mr. President:

We the undersigned are writing in opposition to the so-called 'compromise' on national testing, which would effectively block the implementation of voluntary 4th grade reading and 8th grade math tests that several states and school districts have already indicated their intention to use when they become available.

We believe that the voluntary new tests should be readied and states and local school districts should be allowed to make their own decisions about whether or not to use the voluntary new tests. For the first time in our nation's history, a voluntary national testing program would allow parents around the nation to compare the academic performance of their children, their neighborhood schools, and their local district with any other place in the nation.

However, the proposal now being considered would prevent states and districts from choosing to use voluntary national tests, because it specifically bans any implementation of voluntary national tests without specific Congressional authorization. In contrast to the Senate-passed compromise, which ensured that the tests were entirely voluntary and transferred authority to develop and implement the new tests to the independent and bipartisan National Assessment Governing Board, this proposal puts the fate of the voluntary national tests in the hands of its sworn opponents.

Because we support both letting states and districts make the choice about whether or not to use voluntary national tests, we would support your decision to veto the Labor-HHS-Education appropriations conference report if it included this provision.

10/27

Talking Points on Goodling "Compromise" on National Tests

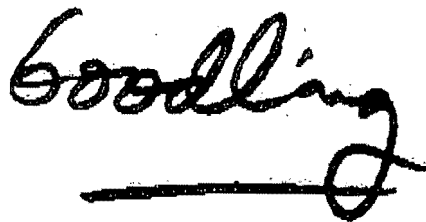
Background

Goodling's proposed "compromise" would:

- Require the Education Department to cancel the contract it has awarded to develop the national tests;
- Prohibit the Education Department from using any funds to develop, plan, implement or administer national tests; and
- Authorize the National Academy of Sciences to work with the National Governors' Association and the National Conference of State Legislatures to conduct a feasibility study to determine if test scores from different commercially available standardized tests can be compared

Administration Talking Points

- Mr. Goodling's proposal is not a compromise at all; it is more of the same. It contains the same provision the President has already vowed to veto: a prohibition on the development and implementation of national tests in reading and math. If a bill with this provision comes to the President, he will veto it.
- Mr. Goodling's plan to compare test scores from different commercially available tests is a step backward and away from high standards. This approach would result only in comparing students with each other, but it would do nothing to set tough standards for mastering the basic skills. As the President has proposed, we must measure students' reading and math performance against challenging national standards that define educational excellence. We need tests tied to tough standards, not more standardized tests. Mr. Goodling's approach--of measuring students against each other--will perpetuate the status quo, by continuing to tell students and schools that they are above average even when they do not measure up.
- As we have done in the Senate, we are willing to work with the Congress to address reasonable concerns about national standards and test and to find a compromise that will let us move forward together. We are not, however, willing to consider a proposal that will stop national tests in the basic skills, which are strongly supported by the American people, as a compromise.



National Academy of Sciences Study

- The Department of Education shall cancel the current national test development contract for reading and mathematics. No federal funds shall be used to develop, plan, implement, field test, pilot test or administer any national testing program in reading or mathematics, with the exception of the National Assessment of Educational Progress (NAEP) and the Third International Math and Science Study (TIMSS).
- Congress will appropriate no more than \$3 million for the National Academy of Sciences (NAS), the National Governor's Association, and the National Conference on State Legislatures to jointly conduct a feasibility study to determine if an equivalency scale can be developed, that would allow test scores from commercially available standardized tests, (i.e. The Iowa Test of Basic Skills, Stanford Achievement Tests, California test of Basic Skills) to be compared.
- They would report their findings to the Committee on Education and the Workforce in the House and the Committee on Labor and Human Resources in the Senate no later than March 31, 1998, prior to the hearings leading up to the reauthorization of existing "national tests" (NAEP).



555 NEW JERSEY AVENUE, N.W.
WASHINGTON, DC 20001-2079
202-879-4400

SANDRA FELDMAN
PRESIDENT

EDWARD J. MCELROY
SECRETARY-TREASURER

September 30, 1997

Conferees on Labor, Health and Human Services, Education Appropriations
Washington, D.C. 20510

Dear Conferee:

The American Federation of Teachers supports the development of national tests that provide students, parents and educators with valid, reliable information about individual students' achievement in reading and mathematics. As part of our push for higher academic standards, our organization began discussing the merits of national testing as early as 1990 under the leadership of Albert Shanker. We found overwhelming support on the side of national testing, both as a matter of stimulating higher student achievement overall and raising the traditionally lower standards to which our neediest students are held. AFT members' daily experiences with students and schools make them astute judges of the effectiveness of various education reform proposals, and AFT members overwhelmingly support national testing. In fact, support for national testing has been official AFT policy since 1992. AFT members' views are consistent with the overwhelming majority of American parents and citizens, across racial and other lines, all in support of national testing. The case for national testing -- and the AFT's support of it -- is more solid than ever.

I strongly urge you to reject the prohibition against voluntary national testing included in the House-passed Education Appropriations Bill and to make the provision on national testing embodied in the Senate version of the Education Appropriations Bill your starting point. The task before us should not be to debate whether states and school districts should be able to choose to participate in national testing. Rather, the task should be to ensure that the national tests meet the most rigorous standards and provide trustworthy and useful information to parents, students, educators and citizens so that, together, we can continue to go about the crucial task of improving American education.

We believe that the Senate-passed testing proposal takes a major step toward that end by establishing a firm relationship between the proposed national tests and the National Assessment Governing Board (NAGB). Ensuring that the tests meet the most rigorous standards and provide accurate, reliable information to students, parents, educators and the American public, however, requires bolstering, not diminishing, NAGB's capacity. To this end, we urge some improvements in the Senate proposal.

The Senate amendment removes four seats from NAGB: two technical experts and two curriculum specialists would be eliminated. This would be a serious mistake given that NAGB is currently responsible for national and state-by-state NAEP, as it presently is, in conjunction with the National Center for Education Statistics (NCES). To remove those seats while granting NAGB absolute authority over the complex technical and curricular issues involved in individual-level student testing and reporting would be a serious mistake. Given the additional responsibilities assigned to NAGB, we strongly urge restoring the two technical and two curriculum specialist seats to the Board. We also urge you to increase that number.

Depriving NAGB of the expertise it needs to make sound decisions while concurrently vesting it with exclusive control over every aspect of national testing would deprive NAGB of the checks and balances it needs to do its job properly and to command public and professional credibility. A good solution to this problem is contained in the Senate Report to accompany S.1061, which directs the Department of Education to contract with the National Academy of Sciences to conduct a study and report on the voluntary national testing initiative, including "the technical quality of the work performed under the test development contracts, the frameworks and test content, the adequacy of field tests, the reliability of the data produced by the field tests, and the degree in which the tests can be expected to provide valid and useful information to the public." If the conferees were to specify that this study be done at the same time as NAGB's work, we would have the checks and balance that would assure NAGB, the American public and America's students of the quality of NAGB's work on national testing.

I conclude as I began: with an unequivocally strong endorsement of the national testing initiative. It is the right thing to do, and it is what the American public wants us to do. We know how to do it correctly, right from the start. The challenge before the conference committee is to take this opportunity to do it right. The recommendations in this letter can help you enact the best approach to the development of a sound structure for the development of national tests.

Sincerely,



Sandra Feldman, President
American Federation of Teachers

SF/jf
opeiu#2aficio