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Comments on Selected Provisions in Bills to Reauthorize the ESEA

The Senate and House bills for the reauthorization of the ESEA, each approved by its own house, have retained many of the provisions of NCLB, but have included changes, some of which will make it through the conference committee process and some of which will not. Below I discuss a few provisions that I believe have important implications regarding accountability assessment. There are many others.

“Annual” Testing

Actually, this term really means annual testing in grades 3 through 8 and one high school grade in English language arts and mathematics, as opposed to annual testing in fewer grades as in the early years of NCLB. This is not a new provision, but concerns about excessive testing led to efforts by some to reduce the amount of testing by going back to the earlier approach.

In reality, this requirement is not likely to change, but I believe it is worthwhile to mention three good reasons to continue the testing at seven grades.

- First, the monitoring of student growth over time is enabled by the testing at consecutive grades.
- Second, the “annual” testing requirement is supported by various groups advocating for students with special needs (students with disabilities, English language learners, etc.). These student groups have benefitted significantly from the attention NCLB has given them.

- Third, and something many seem to have forgotten, when testing occurred at just a few non-contiguous grades, the measurement community had to warn schools that their results could fluctuate a good bit from year to year simply because of ability differences of the groups of students passing through the tested grades. Their solution was to not put too much stock in one year’s results and to aggregate multiple-years’ results before making important decisions. Testing at all the grades from 3 through 8 was another solution to the problem, a solution that allowed more timely decision making.

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Multiple Measures

According to NCLB, assessments were to “involve multiple up-to-date measures of academic achievement, including measures that assess higher-order thinking skills and knowledge.” Little attention was given to this requirement in many state assessment programs, primarily because the reporting requirements and increased amount of testing necessitated the use of time- and cost-efficient testing approaches. Thus, the term “multiple-measures” came to mean “multiple-choice items with token use of items of some other format.” Interestingly, an earlier version of the current Senate bill interpreted the term to mean status and growth measures. This hardly captured two important ideas underlying the call for “multiple measures”—the basic “rule” about not basing important decisions on a single measure, and the reality that many accountability assessments had been short-changing the measurement of higher-order cognitive skills.

While the Senate and House bills accommodate the measurement of both status and growth, they also require the measurement of higher-order thinking skills. The Senate bill goes so far as to say that the assessment may be “partially delivered in the form of portfolios, projects, or extended performance tasks.” Both bills allow single summative assessments or multiple assessments during the course of the year, the results of which would be combined to provide reliable and valid summative scores.

This flexibility regarding multiple measures and through-course testing, should it remain, would allow for considerable creativity in the design of state assessment programs. For example, I’d like to see a program with very brief end-of-year summative components combined with state-approved, curriculum-embedded performance assessments used at several times during the school year. The House bill goes a little farther in allowing states to approve locally developed assessments in place of state assessments. However, whether this makes it into the final bill or not, I believe it is unlikely that locally

designed assessments, without state involvement in their development and piloting, would meet the requirements for technical quality, in particular the requirement for comparability of results across all schools in a state.

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Reporting

Both bills borrow from the original NCLB language regarding reporting. Of course, the requirement for disaggregated results by various subgroups is a hallmark of the legislation, consistent with its requirement to include “all students” in the assessments. Making schools accountable for the performance of all their students was something new and gave special populations of students the same status as the “general” population of students.

Another reporting requirement is not new, but merits comment—the NCLB requirement for student-level reporting in both bills. The assessments must “produce individual student interpretive, descriptive, diagnostic reports.” The idea that a short, summative assessment covering a whole year’s worth of content in a subject area/domain could be particularly diagnostic is simply ludicrous. Fortunately, a few subtest scores and general descriptions of students’ capabilities at each of four performance levels seem to have satisfied this requirement in the past. Nevertheless, reporting requirements often, more than anything else, dictate the design of an assessment program. In the future, if a state should choose to combine a brief summative component with curriculum-embedded performance assessment, perhaps the latter component alone could be the basis for far more meaningful individual student reporting.

Accountability Requirements

Supporters of the original NCLB most certainly consider the accountability requirements in that law to be the “teeth” of the legislation—the real force behind the desired improvements in student achievement. Yet the current Senate and House bills both have removed specific accountability requirements, leaving it to each state to determine how it will use the assessment results for accountability purposes. This change in the proposed legislation would probably not have occurred if the USDOE had not placed three requirements on states in order for them to receive Race to the Top monies:

- adoption of the Common Core State Standards,
- membership in one of the two major state assessment consortia, and
- significantly weighing student assessment results in the evaluation of teachers.

In fact, the two new bills specifically forbid these practices, and even go farther by specifying that assessment results only need to be comparable across schools within a state. Whether these restrictions of federal authority (already a feature of the Constitution) withstand the conference committee process and/or presidential veto remains to be seen. Personally, I like the two bills the way they are in this regard.

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Overall

With respect to accountability assessment, I believe the new bills provide greater clarity, offer greater flexibility to states, and reduce the likelihood that test results will be misused.

About Measured Progress

Measured Progress is a Dover, New Hampshire-based, not-for-profit organization dedicated to improving student learning and instruction in the standards-based classroom. Since 1983, Measured Progress has successfully partnered with more than 30 states and hundreds of districts across the nation in support of assessment programs that have affected millions of students. Measured Progress develops state- and district-level assessments and assessment materials, and is the nation’s leading provider of alternate assessment for students with cognitive disabilities. A not-for-profit organization, Measured Progress is deeply committed to its mission of helping educators improve student learning by connecting assessment, data, and instruction.

It’s all about student learning. Period.

