

CRS Report for Congress

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National Tests: Administration Initiative

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Summary

The Clinton Administration is encouraging states and local educational agencies (LEAs) to administer new national tests to 4th grade pupils in reading and 8th grade pupils in mathematics each year beginning in 2000. Participation in the tests would be voluntary and would not affect a state or LEA's eligibility for federal aid programs. These tests would be based on existing assessments that were developed with federal financial support. The federal government would oversee development of the tests, paying the costs for this as well as technical assistance, and the initial round of test administration, using funds under the Fund for the Improvement of Education (FIE).

According to the Administration, the testing program is authorized under current statutes, and results from these tests are necessary to inform pupils and their parents about their achievement in comparison to national and international norms. Opponents of the national test initiative argue that: it is not authorized; it should be scrutinized by the Congress before implementation; the new tests are unnecessary; and the initiative may indirectly lead to inappropriate federal influence on state and local curricula. FY1998 appropriations legislation prohibits field testing or other administration of the tests in FY1998, but test development may continue. In addition, test oversight responsibility was given to an independent, bipartisan board; and the National Academy of Sciences was directed to undertake studies on the national tests, linking of scores on existing tests, and appropriate uses of test scores. H.R. 2846, passed by the House on February 5, 1998, would prohibit national test-related activities beyond those provided for in the FY1998 appropriations act. Similar provisions in the Senate version of H.R. 2646 are not included in the conference version of that bill.

The Initiative

In his 1997 State of the Union address, President Clinton announced an initiative under which states and individual local educational agencies (LEAs) are being encouraged to administer specific tests to 4th grade pupils in reading and 8th grade pupils in mathematics. Steps have already been taken toward development of the tests, and if the initiative is implemented, the tests would be administered annually, beginning in the

spring of 2000. These tests would be based on two existing tests developed by a non-governmental entity with federal financial support — the National Assessment of Educational Progress (NAEP) 4th grade reading test and 8th grade mathematics test. Scores on the new national tests could be linked to aggregate scores on not only these NAEP tests but also, in the case of mathematics, scores on the Third International Mathematics and Science Study (TIMSS).¹ The federal government would pay the costs of necessary modifications to the tests; technical assistance; and in at least the initial year, for test administration and scoring. This report provides an overview of the initiative, issues that have arisen with respect to it, and the congressional response.

According to the Administration, “[C]omparing the results of these voluntary tests to NAEP and TIMSS will give parents and teachers a very clear ‘benchmark’ to measure how their children and students are performing in relation to those of other states. And, in the case of mathematics, they will also be able to know where they stand in terms of the international average.”² These would be “national tests” in the sense that the same tests would be administered to all, or nearly all, pupils³ in the relevant grades in participating states or LEAs throughout the Nation. No current test fits this description. While one or more tests are administered to virtually all pupils of selected grade levels in almost all states, these tests vary from state to state. Some states develop and administer their own tests, others are members of multi-state consortia that develop assessments (e.g., the New Standards Project), while still others administer tests developed by commercial publishers (e.g., the Stanford Achievement Tests). Additional current tests are taken by only a relatively small sample of pupils (e.g., NAEP), or are taken only by pupils intending to apply to postsecondary educational institutions (e.g., the Scholastic Assessment Test).

Participation in the testing program would be voluntary for states, or for LEAs that individually choose to participate. Participation would presumably not be voluntary for LEAs in states that choose to participate, schools, or students. Thus far, 7 states⁴ and a number of individual LEAs have agreed to administer the proposed tests. The Administration states that participation in or results from these tests would not affect a state or LEA’s eligibility for assistance under federal aid programs.⁵ Test results for individual pupils would be reported to them and their families, as well as schools and

¹ The TIMSS tests were developed and administered under the auspices of the International Association for the Evaluation of Educational Achievement (IEA), members of which include education research organizations and government agencies in a variety of nations.

² Testimony by Secretary of Education Richard Riley before the House Subcommittee on Early Childhood, Youth and Families, April 29, 1997 (hereafter cited as “Riley testimony”).

³ The Administration’s stated intention is that the tests be administered to as many pupils as possible, including those with disabilities or limited proficiency in English. There has been debate over Administration statements that the reading test would be offered only in English.

⁴ Alaska, Kentucky, Maryland, Massachusetts, Michigan, North Carolina, and West Virginia. In California, the state superintendent of public instruction has agreed to participate, but the Governor has not, and it is unclear how this dispute will be resolved.

⁵ Unless otherwise noted, information on the national test initiative discussed in this report is based on material found on the “Voluntary National Tests” site on the Internet’s World Wide Web (<http://www.ed.gov/nationaltests>).

LEAs, but other dissemination of scores would be limited to aggregate data, and “no data from individual students will come to the U.S. Department of Education.”⁶

FY1997 and FY1998 appropriations for Title X, Part A, of the Elementary and Secondary Education Act (ESEA), the Fund for Innovation in Education (FIE), are being used for development of the national tests. Administration officials have stated that they believe the FIE provides authority for this initiative, and they have not proposed any additional authorizing legislation. Approximately \$10 million from the FY1997 FIE appropriation, and \$12 million from the amount requested for FY1998, are being used for national test development and field testing.⁷ ED has estimated that an additional \$15 million from FY1999 FIE appropriations will be used for further test development and related studies. Administration statements have varied regarding whether the federal government, or states and LEAs, would be responsible for paying the costs of test administration after the initial year.

Use of NAEP Frameworks for the National Tests. The national tests would be based on the frameworks of the existing NAEP tests for 4th grade reading and 8th grade mathematics. NAEP tests are developed and administered through a cooperative agreement between the National Center for Education Statistics⁸ (NCES) and the Educational Testing Service, a non-governmental organization. Test frameworks are established through collaboration with teachers, local and state education officials, subject area and testing specialists. The process is overseen by an independent, bipartisan National Assessment Governing Board (NAGB).

Major differences between the proposed tests and the NAEP assessments include:

- NAEP assessments are administered to a representative sample of students in the nation, regions, and states, as required by the authorizing statute.⁹ In contrast, states and LEAs would be encouraged to administer the new national tests to **all** students;
- No individual pupil takes an entire NAEP test in any subject area or grade level. In contrast, participating pupils would take the proposed national tests in their entirety;
- The national tests would be designed to yield scores for individual pupils, as well as average scores for schools, LEAs, and states; the NAEP tests are not so designed. While the NAEP legislation does authorize “state assessments,”¹⁰ numerous limitations are placed on such tests in the NAEP statute (e.g., a limited authorization period and use of sampling techniques);
- All national test questions would be released to the public after each administration of the proposed tests (test questions would be different each year). Currently, only selected items are released after each administration of NAEP tests.

⁶ Riley testimony.

⁷ Riley testimony.

⁸ Section 411-413 of the National Education Statistics Act (NESA), Title IV of P.L. 103-382

⁹ Section 411(b)(1) of the NESA.

¹⁰ States may voluntarily participate in selected NAEP tests. In these cases, the size of the sample group of pupils tested is increased, so that their scores may reliably predict the performance of all pupils in the state. Most states have chosen to participate in “state NAEP” tests.

Authorization for the Initiative. ED officials have stated that they have authority to conduct the testing initiative under the FIE.¹¹ The FIE statute provides broad authority for discretionary activities intended to promote educational reform. While testing activities precisely resembling those of the Administration initiative are not specifically mentioned in the FIE legislation, general categories of activity that are similar in nature are included in the authorizing language. For example, "...the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals" (Section 10101(a)). More specifically, "[F]unds...may be used for...the *development and evaluation of model strategies for...assessment of student learning*" (Section 10101(b)(1)(A)(ii), emphasis added).

Specific authority for federal support of the development of some types of tests is contained in certain other legislation; however, the types of tests referred to in legislation other than the FIE are significantly different from those under the initiative.¹² With respect to possible federal legislative *restrictions* against the test initiative, the current statutory prohibitions against federal control of education¹³ focus on areas such as curriculum and staff; they contain no explicit or specific references to "tests" or "assessments."

Selected Issues Related to the Administration's Testing Initiative

Possible Need for More Specific Legislative Authority. Some have questioned whether the broad, ambiguous language in the FIE statute is sufficient authority for ED to develop and administer the national tests, and whether the Administration should propose legislation to the Congress to specifically authorize the testing initiative. Further, some in Congress oppose the implementation of the test initiative without debate and consideration of limitations to the program or possible alternatives; a compromise on FY1998 ED appropriations legislation does not directly address this issue (see below).

Purposes of the Tests and Possible Alternatives to them. The Administration has argued that the proposed tests should be developed and administered because they would serve a unique and valuable role. The tests would provide to *individual* students and their parents information on their achievement which could be compared to that of other pupils not only in their school, LEA, and state, but also the nation at large, and for 8th grade mathematics, a variety of other nations. In addition, the tests might provide a national benchmark against which the wide variety of state and local standards for curriculum content and pupil performance might be measured. The Administration has argued that

¹¹ Hearings by the House Committee on Appropriations, Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies, 1998, Part 5, p. 411.

¹² For example, Section 220 of the Goals 2000: Educate America Act (P.L. 103-227), Assessment Development and Evaluation Grants, authorizes the Secretary of Education to make grants to states, LEAs, or consortia for developing, testing, and evaluating **state** assessments.

¹³ Section 103 of the Department of Education Organization Act (P.L. 96-88), Section 438 of the General Education Provisions Act, and Section 318-319 of the Goals 2000: Educate America Act.

parents will be sufficiently motivated to support higher academic standards only when the standing of their own child in comparison to national and international averages is made known to them. No current testing program would provide such information.

However, it may be questioned whether new *individual* pupil tests are necessary for this purpose. Existing tests such as NAEP and TIMSS already make it possible to compare *aggregate* national, and in most cases state, scores with those of the Nation as a whole and many foreign nations. Further, some argue that pupil achievement scores could be compared to national or even international averages without pupils having to take the same test. For example, it might be possible to statistically link scores on varying state and other tests currently being administered to NAEP and TIMSS scores. FY1998 ED appropriations legislation provides for a study of such linking possibilities by the National Academy of Sciences (NAS). An interim report, *Equivalency and Linkage of Educational Tests*, was released by the NAS on June 12. It concludes that it is “not feasible” to compare “the full array of currently administered commercial and state achievement tests to one another”, due to wide variation in the nature and purposes of these tests. The NAS is still considering the feasibility of linking scores on “specified subsets” of current commercial and state tests, to be discussed in their final report.

Possible Evolution of the Nature and Role of the Tests. While participation in the proposed tests would be voluntary for states, or LEAs that participate individually, and would not have any effect on federal aid programs, some have expressed concern over the possible evolution of the testing initiative. At some future time, might participation be *required*, or might test results affect federal aid eligibility? Some have speculated that the current or a different Administration may also want to make state participation in the testing program mandatory in the future, or condition the receipt of federal aid on progress in raising state average scores on the tests, especially since the tests are being developed under broad authority without direct statutory limits on their use.

The President has been quoted as saying that he would like to see voluntary tests developed in additional subject areas and grade levels in the future,¹⁴ but there have been no official statements from the Administration about long-term plans for this initiative. It is unclear whether new authorizing legislation would be required for expansion of the range of tests included in the initiative, but presumably any effort to make the tests mandatory or to link eligibility for federal financial aid to test participation or scores would require specific statutory authorization. Nevertheless, at a more subtle level, it is possible that widespread, voluntary adoption of the tests might *indirectly* influence curriculum content in states and LEAs. If, as some argue, school systems tend to “teach what they test”, then expanded administration of tests based on NAEP frameworks, especially if substantial consequences are attached to test results, might significantly influence choices about what pupils are taught.

There are prohibitions against any sort of direct federal “control” of school curricula, and states or LEAs that participate in the national tests will presumably continue to administer, and devote primary attention to, their own assessments. Further, the new tests will be based on the NAEP frameworks, which have been developed by independent

¹⁴ Clinton Hopes Test Proposal Would Be Only the Beginning. *Education Week*. May 29, 1997. p. 1.

committees of state and local education officials, subject area specialists, and others, not ED officials, and under the oversight of NAGB.

Some have questioned whether the process of developing the tests is sufficiently insulated from influence by ED officials. In response, the Administration and some in Congress sponsored legislation to give NAGB responsibility for overseeing the national tests, and this proposal has been adopted (see below). Finally, some policymakers argue that the national tests would be unfair to many disadvantaged pupils who attend schools with limited resources. Advocates for recent immigrants and other limited-English proficient (LEP) pupils in particular have argued that the reading test should be offered in Spanish and other non-English languages. FY1998 appropriations legislation requires that the needs of LEP pupils be considered in test development (see below).

Legislation

P.L. 105-78, FY1998 appropriations legislation for ED, provides that no FY1998 funds may be used to field or pilot test, administer, distribute, or implement any national tests. However, the development of the national tests in 4th grade reading and 8th grade mathematics may continue. Oversight responsibility for the national tests has been given to NAGB, which is responsible for assuring that the tests reflect NAEP content and performance standards; are free from racial, cultural, and gender bias; are in a form likely to yield accurate information on achievement; and provide for equal participation of all children, including LEP and disabled pupils. The NAS is to conduct 3 studies, due to be completed by September 1, 1998: one on the feasibility of linking pupil scores on different commercial standardized achievement tests and state assessments with each other and with NAEP test scores (see discussion of the interim report above); a second on the technical quality of test items developed for the 2 national tests, including their reliability, validity, and freedom from racial, cultural, or gender bias; and a third on safeguards and appropriate uses of pupil scores on the national and other tests. Finally, P.L. 105-78 provides that no state, LEA, or school may be required to participate in any pilot or field test of the national tests currently being developed; no student may be required by the *federal* government to participate in any national test (including pilot or field tests); nor may any private, parochial, or home-schooled student be required by *any* government agency to participate in such national tests without written parental consent.

More recently, on February 5, 1998, the House passed H.R. 2846, which would prohibit the use of ED funds for development, testing, or administration of any federally sponsored national test without specific and explicit statutory authorization. Thus, it would allow the test development activities in FY1998 to continue, but would not allow any further test development after FY1998, and would extend the prohibition against assessment testing or administration beyond the end of FY1998. No Senate action has yet occurred on H.R. 2846. Provisions similar to those of H.R. 2846 in the Senate version of H.R. 2646, the Education Savings Act for Public and Private Schools, are not included in the conference version of the latter bill.