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HOLD FOR RELEASE
Wednesday, September 15, 1999 10 A.M.

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**WHITE HOUSE
INITIATIVE
ON
EDUCATIONAL
EXCELLENCE
FOR
HISPANIC
AMERICANS**

States and Districts Should Move Carefully in Using High-Stakes Assessments For Latinos, President's Advisory Commission Warns

State Testing Policies Subject to Bias, Unfairness, and Potential for Misuse; Burden of Accountability Placed on Students, Not Schools, Reports Allege

Two Million Latino Students Underrepresented or Absent from State Testing Programs That Could Lead To Improvements in the Quality of Education for Hispanic Youth

WASHINGTON, D.C.— September 15, 1999 At a time when nearly 20 states have established high-stakes tests for students to advance from grade to grade or graduate from high school, the President's Advisory Commission on Educational Excellence for Hispanic Americans warned states and school districts to avoid discriminatory practices in testing that adversely impact students still learning English.

A report prepared for the Commission's Assessment Committee says that states and school districts are pursuing a series of questionable policy options, each of which is subject to "significant degrees of bias, unfairness, or denial of substantive due process." The paper, prepared by Sonia Hernandez, California's deputy state superintendent of education, and Richard A. Figueroa of the University of California at Davis, argues that in their rush to set world-class standards, state leaders "have compromised the future of Hispanic students by making high stakes decisions based on inaccurate data." The test data, the report says, is used to determine student promotion or retention for high school graduation, but rarely for genuine efforts to hold schools accountable. "When it comes to holding schools accountable for the academic achievement of our students, states allow Hispanic youngsters to become transparent inside the very system charged with educating them," the report says.

In a separate briefing document released today, the President's Advisory Commission, established by President Clinton in 1994 to guide federal policy aimed at bolstering Latino success in school and college, lauded the nation's movement to raise standards for students. But the Commission noted that despite its "fervent belief in the promise of meaningful reforms that can benefit all our children, we are greatly concerned increasingly alarmed—with the way in which some of the reforms are implemented. In particular, the rush to establish a statewide test as a single measure of mastery of coursework is of great concern in the many cases where students to be held accountable have not had the kind of instruction that they should have had to allow them to succeed."

According to the briefing document, *Educational Standards, Assessment, and Accountability: A New Civil Rights Frontier*, many of the new tests have not been sufficiently "stress tested" with the nation's most vulnerable population. While many Americans are growing concerned about a potential "train wreck" when too many students from middle-class backgrounds fail to meet high standards being established, efforts to introduce high-stakes testing without paying attention to minority and low-income populations are likely to adversely affect the Latino population still struggling to master the English language.

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In the early grades, research indicates that the reading and writing skills of students still learning English are 50 percent behind students for whom English is their native language. When it comes to learning to read, students learning English have to run the 150-yard dash, while native speakers of English have only to run 100 yards, the White House Initiative says. Many Hispanic students never even complete the race. Today, Hispanic high school students drop out at double the rate of non-Hispanics. Half of the Latino community's adult population is functionally illiterate.

According to estimates from the U.S. Department of Education, there are some 3.4 million Latino students still learning English. Most of these students are educated in five states – California, Texas, New York, Florida and Illinois – but English language learners are present in almost half of the nation's school districts. In ten states, (Alabama, Alaska, Florida, Idaho, Nebraska, Nevada, North Carolina, Oregon, South Carolina and Tennessee), the population of students still acquiring English more than doubled between school years 1992-93 and 1996-97.

Worrisome Policies

The briefing document summarizes much of the research on how Hispanic students learn language and become literate. Based on practice, policy and available research, the paper prepared for the Commission's Assessment Committee by Figuero and Hernandez identifies several possible options for states, districts, and schools concerning the measurement of Hispanic English language learners.

- 1) Tests can be administered in English which have been normed on student populations unlike the students who are given the test;
- 2) Testers can be given "cultural training" so that they can interpret the tests in ways that appear to be more valid;
- 3) Accommodations in the tests and the testing environments can be provided without regard for possible negative impact on student scores;
- 4) A moratorium on the use of individual scores for any high-stakes assessment can be put in place until research sorts out the complex issues associated with testing Hispanic students;
- 5) Tests can be used for holding systems legally and politically accountable for educational decisions that adversely impact Hispanic students as demonstrated in differential, negative outcomes;
- 6) Local norms can be developed in order to compare students against students with similar cultural, linguistic, and scholastic experiences; and
- 7) School systems can be supported to provide equitable opportunities-to-learn for Hispanic children across the United States thereby meeting the crucial assumption of tests that all students receive similar educational experiences.

Unfortunately, the paper says, only the first three options – the most limited of all – are in use, while the other four options have received no support or discussion or, in the case of creating equitable opportunities to learn, may take several generations to accomplish.

At the news event, Commissioners identified unacceptable practices that harm Latino students and students still learning English. These include requiring English only tests for high stakes decisions; providing no support for students to achieve new standards and requirements; and using tests that are not aligned to what is taught and learned in school.

Typically poor policies for English language learners solely focus on making up for deficit in English language proficiency at same time sacrificing progress in content areas. In some cases, schools attempt to give students a full dosage of English as a Second Language and nothing else so that students do not

get the content they need in academic courses. Also, there have been instances of school districts using completion of English oral proficiency as a prerequisite for important courses. Schools must not use lack of proficiency as a way to deny access to courses that meet graduation requirements.

Promising Practices

The Commission also pointed out promising efforts in states in school districts that use thoughtful assessment programs to propel achievement rather than punish students.

In Oregon, for example, state leaders have developed curriculum goals, content standards, performance standards and indicators aligned with the new performance-based assessments. The system offers assessments in English and Spanish to accommodate those limited English proficient students among the state's 4,000 Hispanic students. The tests are given in grades 3, 5, 8, and 10 so that school officials know early on what students can and can't do. Students who achieve the grade 10 performance standards in academic content areas will receive a Certificate of Initial Mastery. Students who achieve grade 12 performance standards in academic content areas and achieve career-related learning standards will receive a Certificate of Advanced Mastery.

To ensure the validity and reliability of the assessments, the state created a Spanish-language test with questions that matched the psychometric properties of the English version rather than translating the English test into Spanish. Questions that could not be matched have been dropped from both tests. Teachers are allowed to decide on a case-by-case basis, which students will take the Spanish version of the test and students who are not literate do not take the test. The test is designed to measure student progress and diagnose areas where more help is needed.

The Texas Education Agency is using one of the most stable yet flexible assessment programs to monitor the progress of three million students served in 1,042 districts served. The school accountability system, established in 1992, addresses the state's concern over twin issues of equity and excellence for all students while also ensuring that what gets tested is what gets taught. Student performance is measured through the state's assessment system as well as information collected from teachers. What is particularly unique about the Texas system is that, to be considered successful, a school or district must not only succeed in reaching high standards for its students as a whole but for distinct subgroups of students by race, ethnicity and socio-economic status.

In Minnesota, the absence of a statewide curriculum left state officials in the dark when it came to knowing what was going on in school districts. To remedy the problem, the state implemented a new statewide assessment system, prompting district officials to reexamine the scope and sequence of their curriculum. The state is currently developing performance level benchmarks. The new statewide accountability system factors in programs for economically disadvantaged students and those with limited English proficiency. A new English language skills test will be used to determine when LEP students are ready to participate in the statewide assessments, which are administered in English.

Basic Questions for Educational Decisionmakers

The Commission has identified some simple questions to use to determine how well or poorly tests work. Educational leaders should be able to answer the following questions:

- Are students being afforded or denied educational opportunities based on test scores?

- Even if not used for such high stakes purposes, are all students included in assessment systems that influence decisions about allocation of resources, interventions designed to promote better learning, and guidance provided to parents about their children's progress.
- Are there inequities in treatment of students or disparity in performance of particular groups of students? What are the explanations for those disparities?
- Is the test used with other information to make high-stakes decisions or is it the sole criterion?
- Are there educationally—and psychometrically—sound foundations for the judgments made about students when those decisions are based upon test scores.

New Areas of Work

In its role as an advisor to the Clinton Administration, the Commission will further explore the effects of standards on students learning English and the impact of federal programs, such as Title 1, on the achievement of Latino students. The Commission also will work closely with the U.S. Department of Education's Office of Civil Rights to help ensure that ELL students are afforded educational opportunities guaranteed under federal law and that the use of tests to make high-stakes decisions are fair and accurate.

Beyond these efforts, three key areas of work need to be addressed:

- **Further examination, research and dissemination of promising practices** concerning the administration, interpretation, and use of tests for English language learners. We particularly need to know more about what accommodations are most effective and what are the best practices that can help ensure valid decisions about placement, promotion, and graduation. A new tool kit for school districts seeking to better meet the needs of English Language Learners is now being developed by the Council of Chief State School Officers that can help make best practice everyday practice in schools.
- **Better public awareness** about the complexities of standards-based reform initiatives and issues surrounding the use of high-stakes tests for students with limited facility in English. A new resource guide on high-stakes testing being developed by the U.S. Department of Education's Office of Civil Rights will be a foundation for continuing dialogue and understanding.
- **Stronger engagement with state and local leaders** about the importance of using tests in ways that are valid and reliable and about the need for more equitable opportunities for Hispanic students to achieve desired results.

The Commission also challenges researchers, educators, and leaders of the Latino community to "compel state and local leaders and the public to face reality about the growing percentage of students who are still learning the language and what can be done to ensure that they not only master English but succeed in core academic courses necessary for careers and further education."

Copies of both documents are available from the White House Initiative on Educational Excellence for Hispanic Americans, 400 Maryland Avenue, SW, Room 5E-110, Washington, D.C, 20202, telephone: (202) 401-1411.

**OUR NATION ON THE FAULT LINE:
HISPANIC AMERICAN EDUCATION**

**TESTING OF HISPANIC
STUDENTS IN THE UNITED
STATES:
AN ACTION AGENDA**

**The President's Advisory Commission on Educational
Excellence for Hispanic Americans**

September, 1999

Prepared by: Sonia Hernandez

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Acknowledgements

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FORWARD

There is no more promising reform in public education today than the standards-based movement. It is the most widely accepted school change process which offers the greatest probability for leveling the playing field for all children by clearly stating expectations for instruction, assessing the progress of each child toward achieving the standards, and holding schools accountable for student learning. Where these three core elements of a standards-based system are in place, all students begin to experience success as never before. This is especially true for the growing Hispanic student population in America which has been traditionally excluded from access to rigorous mainstream instruction.

But in the current rush to implement world class standards supported by systems of accountability in the nation's public schools, state education leaders have compromised the future of Hispanic students by making high stakes decisions based on inaccurate and inadequate testing information. Hundreds of thousands of Hispanic students, many lacking functional fluency in English, are assessed with a myriad of tests entirely in English and, oftentimes, only in English. The resulting test data gleaned from the administration of these tests is used for student promotion or retention, for high school graduation, generally for high stakes decisions --but rarely for the purposes of true accountability. When it comes to holding schools accountable for the academic achievement of our students, states allow Hispanic youngsters to become transparent inside the very system charged with educating them.

State policies often require that Hispanic students be assessed in English with tests they may not even understand or with alternative but less rigorous tests in Spanish whether or not they are receiving instruction in that language. Neither approach produces accurate information about student learning. Nevertheless, the resulting data is often used to hold students accountable for their own success, rather than the educators or the systems of public schooling. **Who should be responsible for what Hispanic students learn in school?** The answer is simple: students,

educators, and parents all must share the responsibility. **But what kinds of assessments should be used to provide accurate information about what students have have been taught?** Regrettably, the answer to this question is not as simple. It will be explored in this document.

For now, students bear the weight of academic success or failure, with few exceptions, on the basis of one or possibly two test scores. Where exemptions from testing exist, Hispanics disappear from the accountability reports which trigger both positive and negative consequences for the responsible adults in the system. Thus more than two million Hispanic students in the US are underrepresented or absent from the rolls of students who are counted and who, therefore, count.

As America enters the new millennium, deliberate action by policymakers at every level must be taken to include the country's fastest growing and soon-to-be largest minority within the bounds of systems of accountability using accurate information for decisionmaking. It is our belief that Hispanic students, whether they are English dominant or English Language Learners, should be tested with appropriate test instruments in order to be included at all times in the states' accountability systems. If this does not occur, Hispanic children will not benefit from the powerful and promising standards movement.

The purpose of this series of reports is twofold: (1) to bring attention to the growing crisis of the invisible Hispanic students in public education to the nation's leaders and (2) to provide guidance to the nation and the states on taking the necessary steps to rectify the conditions which allow Hispanic students to be wrongly measured and unaccounted for in their own schools. It is our intent to help education leaders in this country choose wisely for the sake of the children.

The Commission Assessment Committee
The President's Advisory Commission on Educational Excellence For
Hispanic Americans

Washington, D.C.
September 15, 1999

INTRODUCTION

In a report on the testing of Hispanic students prepared for the President's Advisory Commission on Educational Excellence for Hispanic Americans in the Fall of 1999, several important issues were raised which called into question the testing policies and practices of states and districts. Some issues in the report clearly require a commitment to in-depth research; others require changes in state level practices; and still others require serious national conversations to create a consensus around a common testing framework to achieve fair and accurate assessment of Hispanic students. All require immediate action.

This document is a response in part to the problems raised in the report by Figueroa and Hernandez and an opportunity to outline our own action agenda on the testing of Hispanic students in the nations' public schools.

TESTING OF HISPANIC STUDENTS IN THE UNITED STATES: AN ACTION AGENDA

In initiating its work on the policies and practices of testing Hispanic students in this country, the President's Advisory Commission on Educational Excellence for Hispanic Americans has identified three goals which form the foundation for its current and future work in this area. These guiding principles are:

- (a) all Hispanic students must be tested with assessment instruments which are fair and accurate in order to be accounted for within accountability systems,**
- (b) all Hispanic students must be included in state systems of accountability at all times, and**
- (c) Hispanic students must be full participants in national assessments and projects which gauge the progress of states in achieving educational excellence for all students.**

To attain these goals, the commission has organized its action agenda to focus on a set of priorities. These priorities include engaging national and state policymakers and education leaders in reviewing their current practices. At the same time, the commission will continue its own data-gathering processes to determine the depth and breadth of corrective action necessary on a state-by-state basis.

I. THE NATIONAL PRIORITY

The starting point for the reform of unfair testing of Hispanic students is not simply a matter of "the tests;" it is the instructional context of schooling in too many of America's public schools, especially those serving minority students.

States and districts must ensure equity of standards, curricula and resources for all schools. To achieve equity, federal support is needed to provide guidance and incentives to change rather than to reinforce the status quo.

Access to accomplished teachers with the necessary knowledge and skills to help Hispanic children achieve to standards is a critical component of reform. Yet many states, both large and small, are beginning to experience a significant shortfall in recruiting and hiring qualified teachers. The depth and severity of this crisis is not just a state problem; it is a national crisis which requires an immediate national response. Creating a new teacher workforce for America's public schools is a top priority.

As opportunities to learn are made available, Hispanic students can and will achieve high levels of learning from elementary schools to graduate schools and beyond.

II. STATE PRIORITIES

It is important to distinguish among the testing needs of Hispanic students who are (a) fluent English speakers, (b) English Language Learners, and (c) fully bilingual and biliterate. Even within these distinctions, there are many more levels of language proficiency. These multiple levels of proficiency are further confounded by the limitations placed on teachers by virtue of state laws and regulations as well as local board policies. Few are based on reliable and replicable research. In some cases, assessments are closely aligned to content standards of instructions. In many states, they are not.

Recognizing this mural of complexities, it is still incumbent upon states to frame their testing policies to assure that Hispanic students are tested with assessment instruments specifically designed to measure their levels of English language proficiency for diagnostic and instructional purposes. Their achievement levels in core content areas of the curriculum must also be measured with assessment instruments in the language of their dominance to ensure substantial and timely progress toward meeting their state standards. States must be sure to use tests only for the purposes for which they were designed.

In states such as California where primary language instruction has been severely limited by law, state requirements that children be tested in a language other than English *in which they are not receiving formal instruction* makes no sense. States should revisit such requirements for immediate corrective action.

In designing their accountability systems, states must avoid the exclusion of Hispanic students as a result of exemptions to accommodate for language differences. For example, states such as Texas provide for a grace period to allow students to acquire English language skills. While this policy in and of itself is not necessarily negative, unless there is a process to measure substantial annual progress while students are learning English, they are in danger of falling through the academic cracks for long

periods of their formal schooling without anyone being held accountable for their learning. This benign neglect is not acceptable. Parents, educators, and students should be held accountable for student learning at all times. To that end, disaggregated data showing Hispanic student test scores should be reported publicly on an annual basis and consequences for the results should follow.

On the question of selecting appropriate tests and administering the tests to Hispanic students, it is important that states carefully track the latest research which can provide recommended improvements to the current testing technology. But while the national research agenda unfolds, schools, districts, and states should avoid making costly mistakes which may result in inaccurate testing of Hispanic students, especially English Language Learners. The following practices should be examined and, if deemed necessary, stopped in order to minimize the mismeasurement of Hispanic students:

(a) using translated versions of tests, whether purchased from a publisher or developed locally; there is little evidence that the translated versions of tests have the same technical properties of the original; using data from such tests for accountability purposes may be inaccurate and misleading;

(b) using interpreters in the administration of tests; this practice may destroy standardization and lead to invalid inferences and conclusions;

(c) using excessive testing in an attempt to determine the profile of students where current testing technology is inappropriate and insufficient; and

(d) using *diagnostic* tests administered to Hispanic students to make high stakes decisions, including high school graduation, promotion, and/or retention; the purposes for which the tests were designed must be preserved.

Before purchasing testing materials, states, districts and schools should require test developers and publishers to provide empirical evidence to support claims of equivalence between English

and Spanish versions of tests. Too often, the Spanish language test developed in the United States lacks the rigor built into the English version of the same test. The two tests may not be based on a common set of content and performance standards. Adopting non-equivalent testing materials diminishes the expectations and opportunities of many Hispanic children to keep up academically with their English fluent peers while acquiring language proficiency in English.

States are the gatekeepers for appropriate testing practices and policies affecting Hispanic students. Without their commitment to improve the conditions of testing, little will change.

III. NATIONAL RESEARCH AND INVESTIGATION PRIORITIES

In order to address the myriad of problems related to the fair and accurate assessment of Hispanic students, the US Department of Education should take a leadership role in supporting research that will inform practice in significant ways and ensure wide dissemination of findings which will affect testing policies across the country.

It should seek to answer questions that could bring resolution to technical design problems and remove barriers to the appropriate assessment of Hispanic students. Research could address issues such as:

- (a) determining whether Hispanic English Language Learners can be validly and fairly assessed with tests normed on monolingual student populations, or
- (b) investigating evidence of bias in tests used on Hispanic students.

The research agenda delineated by the National Research Council and published in its report, "Improving Schooling for Language-Minority Children," should be fully supported. The results of that body of work should be broadly communicated for the benefit of all children in the nation's public schools.

In order to evaluate the current level of mismeasurement of Hispanic students, it is critical to gather all of the relevant data from the states. This is not an easy task under any circumstances, but accurate information is crucial in making course corrections. The US Office of Civil Rights is best poised to do this work. OCR should investigate the use of tests on Hispanic students on a state-by-state basis and report its findings to the appropriate policymakers for further action.

Many state and local policy decisions affecting instruction and assessment are made based on questionable national trends or perceived guidance from independent national entities. No single data set is invoked more often than that of the National Assessment of Educational Progress or NAEP. The National Assessment Governing Board which oversees all aspects of the program should take decisive action to ensure that the NAEP is made relevant and useful for Hispanic students; issues related to cultural factors in achievement testing should be investigated and applied to the NAEP.

IV. THE COMMISSION'S AGENDA

To date, the President's Advisory Commission and the White House Initiative have (1) sponsored a series of forums in Washington D.C. which brought together researchers, practitioners, and policymakers to discuss current education policies, (2) produced a policy document framing many of the most important issues relative to the assessment of Hispanic students which resulted from the policy forums, (3) commissioned a study on the technical issues involved in testing Hispanic students prepared by Figueroa and Hernandez, and (4) outlined a testing reform agenda in this document. In the near future, a national report card will be released based on data gathered from each state with a significant Hispanic student population.

These activities and publications of the commission are planned to promote the educational opportunities for Hispanic students nationwide and, more specifically, to achieve the goals relative to inclusion in accountability systems using accurate and fair test results. Leveling the playing field and increasing opportunities-to-learn will assure the academic progress of Hispanic children.