



FROM THE PRESIDENT

Anne R. Fitzpatrick, Educational Testing Service

Greetings, Everyone!

I hope that you all have had a fine summer!

In my column I want to update you on the work being done to prepare for next year's annual meeting. Also I want to provide you with some important information about the ballot that you will receive in October. Finally, I will give you news about other matters of interest to NCME members.



Preparations for the 2008 Annual Meeting in New York City

Call for Proposals: Graduate Student Issues Poster Session

The Graduate Student Issues Committee (GSIC) has posted on NCME's website (www.NCME.org) its call for proposals for the poster session that it will hold at NCME's 2008 Annual Meeting in New York City. The purpose of the poster session is to give graduate students an opportunity to share their work or work in progress and receive feedback from other professionals and graduate students.

I encourage all graduate students to submit proposals. I have heard from past presenters that the poster sessions provide a fine opportunity to share ideas and to learn.

Proposals are submitted through an online system that is accessible from the website. The deadline for submitting proposals is October 1, 2007. Please visit the website for more information and detailed instructions.

Activities of the Annual Meeting Program Committee

Tasha Beretvas (tasha.beretvas@mail.utexas.edu) and Karen Barton (karen_barton@ctb.com), co-chairs of the Program Committee, already have organized several exciting sessions for next year's annual meeting. In addition, an address by the recipient of the 2007 Career Award is planned, and symposia already have been arranged by NCME's Diversity Issues and Testing Committee, the National Association of Testing Directors, and the Graduate Students Issues Committee. Details about these highlights are provided on page 12 of this newsletter.

Karen and Tasha now are busy gathering reviewers' ratings of 350 (!) proposals for papers and symposia that were submitted online. They were thrilled to have so many submissions, and they thank all of the submitters for their interest in NCME.

Thanks also are owed to the 317 people who have volunteered to serve as reviewers of these proposals. These reviews will provide the Karen and Tasha with information that will be invaluable to them as they plan the 2008 program. It is important for reviewers to meet the deadline that Karen and Tasha have established for receiving proposal reviews. Tasha and Karen need time to compile the reviewers' feedback, select papers and symposia, and organize sessions so that that the program can be posted on NCME's website (www.NCME.org) and sent to you early next year! The 2008 meeting is scheduled for March 25 to 27, 2008.

An exciting upgrade we will offer to presenters at next year's meeting is the use of liquid crystal devices (LCD) instead of overhead projectors at their sessions. Renting the LCDs is more expensive, but most presenters prefer to use them. Presenters will need a computer to attach to the LCD projectors. We will be asking the session chairs to make sure that at least one computer is available for the session participants to use. If a presenter prefers to use an overhead, a special arrangement will have to be made for this with NCME's Central Office.

Activities of the Training and Development Committee

Alina von Davier (AVonDavier@ets.org), chair of the Training and Development Committee, and Jodi Casabianca, who has been assisting Alina, received a total of 24 proposals for training sessions, a large number indeed! These proposals are currently under review. Alina and Jodi would like to offer as many training sessions as possible at the 2008 annual meeting. Consequently we are investigating whether or not we can increase the number of rooms that can be used for training to accommodate more sessions at the meeting.

Fitness Run/Walk

So that you runners and walkers can begin preparing for NCME's strenuous fitness run/walk, I want to mention that at the annual meeting we will hold the run/walk on Thursday morning, the day after the NCME Breakfast. This will enable you to have both your eggs and your run/walk too.

Future Information

In early December we will be posting on NCME's website a great deal of information about the 2008 annual meeting. Please plan to go to the website at that time to find out about registration, housing, available training sessions, and more conference highlights. A brochure describing these things also will be mailed to you at that time.

Voting on the Election Slate and Revision of NCME Bylaws

On October 1, 2007, NCME's Central Office will be mailing to you a ballot for you to use to vote on the nominees for Vice-President and two positions on the Board of Directors. The names of the nominees appear on page 13 of this newsletter.

Also to be voted on at the same time is a revision of NCME's bylaws. As I noted in the last newsletter, NCME's Board of Directors began the revision process because it could not determine whether the bylaws permitted electronic balloting or required that paper ballots be used. Electronic balloting was deemed attractive since it is more economical and efficient than mailing paper ballots. Also, we had learned that other associations using electronic balloting observed increases in voter turnout, clearly a beneficial effect. We have developed wording to make electronic as well as paper balloting permissible, and we have identified some other, largely cosmetic changes in the bylaws that would be useful to make.

Please return your marked ballots to the Central Office in the envelopes that are enclosed with the mailing.

News and Notes

Calls for Award Nominations

Calls for nominations for all NCME awards were included in the last newsletter. NCME has so many talented individuals who have done fine work. Please consider nominating qualified individuals for these awards. The awards give people well-deserved recognition, and they are always deeply appreciated by the recipients.

Website

The new and improved NCME website will be launched in October! It will have a completely different appearance and improved navigational tools that will make the site very user-friendly.

The new website will have a members-only section that will permit you to renew your memberships online; you have been requesting this capability for a long time. When you renew, you will be asked to provide some demographic information that will help us to know more about the characteristics of our membership. Also we will ask for suggestions from you about possible nominees for awards and elected offices, and we will request your ideas about how the organization can improve things. Finally, we will continue to seek your help on committees and activities related to the annual meeting.

Publications

The three-year term for Scott Bishop, the esteemed editor of this newsletter, will end in December, 2008. We are beginning the process of soliciting nominations for Scott's replacement; we would like to have the new editor appointed by June, 2008. Please send nominations that you have to Steve Sireci (sireci@acad.umass.edu); Steve is the NCME Board member that is responsible for the Publications Committee.

In response to inquiries from authors about our capability for printing graphics in color, we have learned that it is possible! Wiley/Blackwell, publisher of NCME's *Journal of Educational Measurement* and *Educational Measurement: Issues and Practice* has let us know that it can publish color graphics in the online versions of these journals. In the print versions, we have decided that we must print the graphics in black and white, because color printing is too expensive for NCME. Authors submitting graphics in color should make sure that these graphics also can be published in black and white with no loss of meaning.

Meetings of the NCME Board of Directors

The Board of Directors held its summer board meeting on July 12 and 13, 2007, in Chicago. It was a wonderfully productive meeting. Many committee chairs described exciting plans for their work over the course of the year in their reports. To continue our strategic planning, we spent a morning discussing short and long-range goals for NCME. Details are provided in the minutes for the meeting, which will be posted on our website after they are approved by the Board.

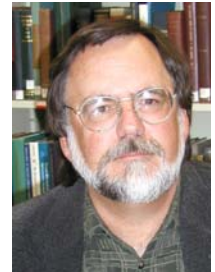
The NCME Board will hold its fall meeting on November 1 and 2, 2007, in Washington, D.C. If you have questions, concerns, or issues that you would like the Board to address, please let me know. My email address is Afitzpatrick@ets.org.

I send you my best wishes for a rewarding and productive fall.

AERA/APA/NCME STANDARDS AND ANSI UPDATE

Dan Eignor, Educational Testing Service

The Management Committee for the revision to the *Standards* (Suzanne Lane, representing AERA, Wayne Camara representing APA, and Dave Frisbie representing NCME) are in the process of collecting comments and suggestions for revisions or additions to the 1999 *Standards*. Comments or suggestions may be submitted on line at the Test Standards website (www.teststandards.org). The last day that comments may be submitted is October 15, 2007.



There are a series of slides from a presentation by the NCME Standards and Test Use Committee at CCSO now up on the NCME website (www.NCME.org). These slides contain important background information on the revision effort currently underway.

The Management Committee has put together an invited symposium on the *Standards* and the revision effort to be jointly sponsored by AERA and NCME and presented at the Annual Meetings being held in New York next March. Experts in the content areas covered in a number of chapters in the 1999 *Standards* will discuss any changes or additions to the 1999 *Standards* that they think are needed in the particular chapter they've looked at.

International Standard

Since the last NCME Newsletter, the American National Standards Institute (ANSI) Technical Advisory Group (TAG) has been quite active. As you will recall, the TAG is an advisory group to the International Organization for Standardization (ISO) committee working on the International Standard in the area of employment testing. ANSI TAG is made up of representatives from five U.S. organizations, ATP, AERA, APA, NCME, and NOCA. These representatives attend meetings of the ANSI TAG held in Washington and a subset of the representatives attend the ISO meetings. To date, G. Harris, executive director for ATP and chair for the ANSI TAG, has been representing the TAG and the organizations at the ISO meetings. Recently, Kurt Geisinger was appointed by the leadership of AERA, APA, and NCME to serve as their shared representative at all upcoming ISO meetings on the International Standard. Kurt will also serve as an active member of the ANSI TAG.

After the initial meeting of the ISO committee in Berlin in March, a working group of that committee met in London and produced a set of materials to help structure further meetings of the ISO committee. The materials included a cross-referencing of the Standard proposed by Germany to constitute the International Standard and the 1999 AERA/APA/NCME *Standards*, as well a set of slides outlining the topics that will likely be included in the ISO Standard. In this set of materials, the title and scope of the International Standard were clarified. The title is "Procedures and Methods to Assess People in Work and Organizational Settings." The Standard will contain requirements and recommendations for procedures and methods used to assess people in work and organizational settings. They will refer to:

1. The selection, integration, implementation, and evaluation of assessment procedures and methods;
2. The interpretation of the assessment results and subsequent judgment reports;
3. The requirements of the qualification of all individuals taking part in the assessment process;
4. Fairness and ethical principles and practices in the assessment process; and
5. Personnel decisions to be made, such as recruitment, selection, development, succession planning, and reassignment.

The Standard will not address the use of medical diagnosis procedures in the employment setting.

A meeting of the ANSI TAG took place on August 7 to begin to determine the TAG's response to the materials discussed above that were prepared by the ISO working group. These materials will form the basis for the discussion at the next meeting of the ISO committee working on the International Standard, which will take place October 11-12, 2007 in Vienna, Austria. There was consensus among ANSI TAG members who attended the August 7 meeting that the proposal prepared by the working group was weak with respect to established psychometric principles, but strong on procedures for the administration of assessments in work and organizational settings. In particular, there were issues as to how well the psychometric parts of these materials lined up with the 1999 *Standards*. For instance, the cross-referencing of the proposed International Standard with the 1999 *Standards* contained certain conceptual errors, particularly in the part on validity, and the ISO working group was unable to cross-reference any of their standards to constitute the International Standard with the standards in Chapter 14 of the 1999 *Standards* devoted to testing in employment settings. Finally, concern was expressed that key aspects of the assessment process, such as the provision of accommodations, were not addressed in the material on the International Standard.

The ANSI TAG is now preparing written materials documenting these concerns. A meeting of the ANSI TAG will be held on September 13, 2007 to formulate our response to the materials from the ISO working group. This will be presented at the October meeting of ISO in Vienna, Austria. At this point, one strategy the ANSI TAG may follow for the Vienna meeting may be to propose a distinction be made between process/procedural standards and psychometric standards and attempt to convince the ISO committee to focus on process/procedural aspects in the International Standard, with the understanding that psychometric standards are addressed elsewhere, such as in the AERA/APA/NCME *Standards*.

REVISING THE STANDARDS FOR EDUCATIONAL AND PSYCHOLOGICAL TESTING

Wayne Camara, David Frisbie and Suzanne Lane: *Management Committee*

A revision of the 1999 *Standards for Educational and Psychological Testing* has been approved by the three sponsoring associations—the American Educational Research Association (AERA), American Psychological Association (APA) and the National Council for Measurement in Education (NCME). The revision will begin with a general call for comments from members of the associations and other groups and individuals having expertise and interest in educational and psychological testing.

Announcing the Co-Chairs

In 2005, the sponsoring associations (AERA, APA, and NCME) appointed a management committee that is responsible for determining the general scope and emphasis of the revision, coordinating input and review of the revision, overseeing the financial and managerial aspects of the revision, and appointing the chairs and members of the Joint Committee who will conduct the revision. The Management Committee is pleased to appoint Barbara Plake, Emeritus Professor and former Director of Buros Testing Center at the University of Nebraska-Lincoln and Laureess Wise, President of Human Resources Research Organization as co-chairs for the upcoming revision of the Testing Standards. Both individuals have made broad and continuous scientific, applied and policy-related contributions to educational and psychological testing.

Dr. Plake has served on the National Research Council panel for the Assessment of Teaching and co-chaired the panel for the Redesign of the U.S. Naturalization Test. In addition, she served as co-editor of the *Mental Measurements Yearbook* and the *Tests in Print* series, and co-founded/co-edited the journal *Applied Measurement in Education*. She is a past President of NCME, a prior officer in AERA Division D, and a previous member of APA's Committee of Psychological Tests and Assessments. She has received Career Contribution Awards from both NCME and the Association of Test Publishers. She was on the faculty at the University of Nebraska-Lincoln and was a research associate for American College Testing Programs. She serves on the Technical Advisory Committees for several state assessment programs and for other assessment programs.

Dr. Wise has served on panels for both the National Academy of Education and National Academy of Science evaluations of the National Assessment of Educational Progress (NAEP) and as co-principal investigator on the National Academy of Sciences study to evaluate the Voluntary National Tests. Dr. Wise served on and later chaired the National Academy of Science Board on Testing and Assessment. Dr. Wise's work at HumRRO includes an ongoing evaluation of the impact of the California High School Graduation Test (since 2000) and quality assurance work for NAEP. Before joining HumRRO, Dr. Wise was the director of research and development for Armed Services Vocational Aptitude Battery (ASVAB), and prior to that, he was chief psychometrician for the Medical College Admissions Test.

CALL FOR COMMENTS ON THE REVISION OF THE STANDARDS FOR EDUCATIONAL AND PSYCHOLOGICAL TESTS

Wayne Camara, David Frisbie, and Suzanne Lane: Management Committee

The 1999 *Standards* are the 3rd revision of the joint standards, with separate standards on psychological and educational testing created by APA and AERA and NCME in 1955 and 1956, respectively. The *Standards* have been frequently cited in federal and state legislation, court decisions, and other policy and legal documents as the preeminent professional and scientific guidelines on the development, use, and validation of psychological and educational tests and assessments.

The American Educational Research Association (AERA), American Psychological Association (APA) and the National Council for Measurement in Education (NCME), sponsors of the Testing Standards, have approved the 4th revision of the Joint Testing Standards. The Management Committee and co-chairs, and Joint Committee will welcome your comments with regard to the revision of the *Standards*.

The Management Committee has posted a call for comments at <http://teststandards.org>. Individuals and organizations are welcome to submit comments online through mid-October. Once all comments have been received and reviewed, the Management Committee, with collaboration from the co-chairs, will determine the general areas or priorities for revision and the timeline. Based on the scope and focus of the revision, individual members with expertise in testing will be appointed to a Joint Committee to begin the revision of the *Standards* in 2008.

NCME MEMBERS WRITE CONGRESS ON NCLB

Dr. Lawrence M. Rudner, Editor, Practical Assessment Research and Evaluation

Dr. Susan M. Brookhart, Editor, Educational Measurement: Issues and Practice

Dr. Kurt F. Geisinger, Editor, Applied Measurement in Education

Dr. Drew Gitomer, Educational Testing Service

Dr. Xitao Fan, Editor, Educational and Psychological Measurement

At the request of the National Education Association (NEA), Lawrence M. Rudner, Susan M. Brookhart, Kurt F. Geisinger, Drew Gitomer, and Xitao Fan, all editors of measurement journals, drafted a letter advocating the use of "multiple sources of evidence" rather than "multiple measures" should No Child Left Behind (NCLB) legislation be revised. Sent to Chairman Kennedy, Chairman Miller, and Members of the U.S. Senate Health, Education, Labor, and Pensions Committee and the U.S. House of Representatives Committee on Education and Labor, the letter cited the *Standards for Educational and Psychological Testing* as being quite clear about not making high-stakes educational decisions on the basis of single test scores.

The full text of our letter follows:

TO:

Chairman Kennedy, Chairman Miller, and
Members of the U.S. Senate Health, Education,
Labor, and Pensions Committee and the U.S.
House of Representatives Committee on Education
and Labor

DATE

April 11, 2007

We are writing as an independent group of concerned educational assessment and measurement professionals in support of including the concept and the language of “multiple sources of evidence” in revising the No Child Left Behind Act. Consistent with professional standards, we are opposed to the use of a single measure to gauge educational outcomes.

Standards for the measurement profession, as described in the publication *Standards for Educational and Psychological Testing*, are quite clear about not making high-stakes educational decisions on the basis of single test scores. We believe that Federal policy should not be established in opposition to professional standards.

The *Standards* state that a single measure does not have the reliability and validity necessary to be the sole source of information used to make high stakes decisions. With regard to educational outcomes, standardized tests are an important, but limited, indicator of learning. They do not measure all the important outcomes of education, including many of the “soft skills” that are so important to success in the workplace. And of course, large segments of the curriculum are not addressed at all by the required assessments. Other relevant information must be taken into account to assure fairness and validity of data driven decisions.

We prefer the term “multiple sources of evidence” rather than the term “multiple measures.” “Multiple measures” has been subject to many definitions and misinterpretations. In the past “multiple measures” has often meant multiple opportunities to pass the same standardized test. While we agree with providing multiple opportunities for students to pass a test, this is not what the measurement community usually means.

“Multiple sources of evidence” can include variety in the forms of assessments such as district assessments, end-of-course examinations, and teacher developed classroom tests. In addition, it could include the use of properly constructed and rigorously evaluated performance measures such as writing, portfolios of work, and projects that have clearly defined rubrics. More importantly, however, multiple sources of evidence include the collection of data in areas other than standardized tests that indicate student learning. Examples include grades, homework completion, promotion and retention data, curricular rigor, high school completion and/or college attendance. Multiple sources of evidence do a better job of assessing the desired range of educational outcomes and are subject to less measurement error.

While current policy views standardized tests as appropriate measures of student learning, assessment experts, teachers, and other educators find alternative methods of assessment within the classroom are often more aligned with educational practice and what we know about how students learn. Because they are designed to specific curricular objectives, they are more informative about the effectiveness of instruction. Teacher judgment of student work following training on a set of criteria, for example, has been demonstrated to be valid, reliable, and useful for instruction. Such formal teacher ratings based on a standardized rubric coupled with standardized tests would be much more valid and meaningful than either source information alone.

As a nation, we want our schools to help our children acquire the ability to evaluate, judge, synthesize, and solve novel problems. We want to encourage creativity. These desired educational outcomes are often hard to assess and often slighted when we only encourage basic competencies that are most readily assessed through our current testing practices. The use of “multiple sources of evidence” in NCLB Act could authorize assessing a broader list of goals that interest more stakeholders both inside and outside of the school setting. The result would be more comprehensive and valid information about educational effectiveness together with enhanced motivation of both students and teachers.

We are in strong agreement with the underpinnings of NCLB that the educational system needs to be accountable for its impact on student learning. Yet, no business or other entity that regularly undertakes a public “accounting” would rely on a single measure as an index of its effectiveness. Rather, different data each contribute some valuable and unique information to the organization. Together, these indices help provide a comprehensive view of the effectiveness of the organization. Likewise, an accountability system that includes multiple forms of assessment in addition to other indicators would provide a much more useful and valid accounting of educational performance. We thank you for this opportunity to present our views. If we can be of further assistance to your Committees on the reauthorization of NCLB, please do not hesitate to contact us.

Sincerely,

Dr. Lawrence M. Rudner, Editor , *Practical Assessment Research and Evaluation*, LMRudner@gmail.com
Dr. Susan M. Brookhart, Editor , *Educational Measurement: Issues and Practice*, susanbrookhart@bresnan.net
Dr. Kurt F. Geisinger, Editor , *Applied Measurement in Education* , kgeisinger2@unl.edu
Dr. Drew Gitomer, Educational Testing Service , dgitomer@ets.org
Dr. Xitao Fan, Editor , *Educational and Psychological Measurement* , xfan@virginia.edu

There was immediate reaction to the letter. Jill Morningstar of Congressman Miller’s (D-CA 7th), followed-up with a personal contact. The letter has also been picked up as a news article in several places, including the *Title I Monitor*. The NEA paraded the letter around the hill.

References

American Educational Research Association, American Psychological Association, & National Council on Measurement in Education (1999). *Standards for Educational and Psychological Testing*. Washington, DC : authors.

Guskey, Thomas R. (Spring 2007). Multiple Sources of Evidence: An Analysis of Stakeholders' Perceptions of Various Indicators of Student Learning." *Educational Measurement: Issues and Practice*, 26 (1), 19-27

Winter, Phoebe C. *Combining Information from Multiple Measures of Student Achievement for School-Level Decision-Making: An Overview of Issues and Approaches*.

November 2001. Washington, DC : Council of Chief State School Officers. Available online:
<http://www.ccsso.org/Publications/Download.cfm?Filename=CASWinter.pdf>

EDUCATIONAL MEASUREMENT CAREERS IN STATE GOVERNMENT

Chris Domaleski, Associate Superintendent for Assessment and Accountability, Georgia Department of Education

If you go to dictionary.com, you'll find this definition for *bureaucrat*, "an official who works by fixed routine without exercising intelligent judgment." No kidding.

If government employees are considered bureaucrats, I'm afraid I'll have to take issue with this definition. In fact, this couldn't be further from the truth. I believe that two of the most distinguishing characteristics of educational measurement careers in the government sector are 1) a multi-faceted role that is anything but routine and 2) a weighty responsibility to exercise sound judgment on a regular basis.



Because state departments of education deal with both the policy and the practice of educational assessment, the work environment is quite dynamic. One works in many roles, serving diverse groups of stakeholders. While staff members may have a focused area of expertise, team members must be generally skilled in multiple areas to include assessment development, data analysis, content area expertise, school/system leadership, assessment administration, and contract management. Because there is rarely the luxury of working on a single project, one must be comfortable juggling multiple responsibilities simultaneously.

These responsibilities can be very diverse and, to some extent, cyclical. For example, during test administration windows many staff are supporting the logistics of test administration, such as clarifying procedures or responding to reports of irregularities. (There was the time some livestock from an FFA demonstration got loose in a school, causing quite a disturbance during the test administration. Oddly, there was nothing in the Examiner's Manual addressing procedures for this.) Following administration, the focus shifts to managing the scoring and reporting process, preparing results for stakeholder groups, and using assessment data to operationalize the accountability provisions of *No Child Left Behind* (NCLB). At other times our team works more closely with development activities such as conducting item review sessions, planning standard setting events, designing reports, or reviewing forms. Finally, a great deal of energy is exerted to ensure that school system personnel are adequately trained on critical topics to include proper administration procedures, appropriately assessing students with disabilities, and using results to inform instruction and improve achievement.

These activities are by no means mutually exclusive or restricted to a specific time of the year. Some programs have multiple administrations, such as Georgia's End of Course Tests (EOCT), which are administered nearly every month of the year. Moreover, one or more assessment programs are typically in some phase of revision or redevelopment. For example, our state curriculum was recently revised, which involves a multi-year phase-in process for changes. This requires, among other things, adjustments to the blueprints, development of new content, and establishment of new performance standards. Additionally, when there is a program or policy change, such as allowing calculators on a mathematics test or providing the option to test online, our team ensures that the proper research is conducted to appropriately incorporate these changes into the assessment programs. Indeed, a great deal of effort is expended year-round to ensure that assessments meet the highest standard of technical defensibility to pass muster with state and federal reviewers and establish legal defensibility.

Another dynamic aspect of working in a state department of education is the diverse group of people with which one interacts. It is not uncommon to make a presentation before the state board of education or at a school PTA meeting. One might take a call from a state legislator, a reporter, a university researcher, or a concerned parent. The schedule may call for a meeting with assessment contractors, technical consultants, or representatives from other state agencies. Naturally, such diverse interactions require adaptability and expertise in multiple areas.

I believe another unique aspect to working at a state department of education is that the measurement professionals in our agency are far outnumbered by those who are not. Because most interactions are with stakeholders—not developers—of assessments, one must be skilled at explaining complex technical issues in succinct and clear terms. While challenging, this also affords the measurement professional a lot of influence on educational policy and practice. State policy makers rely on the assessment team for guidance when it comes to design and implementation of accountability systems. The potential to shape educational practices is profound.

So, for the measurement professional aspiring to a position with a fixed routine, without a need to exercise intelligent judgment, I suggest you pass up openings at your state department of education. For the rest of us, the choice to work as a government bureaucrat can be rewarding.

CALL FOR NOMINATIONS FOR THE 2008 AWARD FOR SIGNIFICANT CONTRIBUTION TO EDUCATIONAL MEASUREMENT AND RESEARCH METHODOLOGY

Division D of AERA welcomes nominations for the 2008 Award for Significant Contribution to Educational Measurement and Research Methodology. This annual award recognizes published research that represents a significant advancement in theory and practice of educational measurement and/or educational research methodology. The research may be the work of an individual or a team of researchers. The winner of this award will be announced and honored at the 2008 AERA annual meeting with a plaque and a \$1000 cash award.

Guidelines

In selecting a winner for this award, the following guidelines will apply:

- Quality and potential impact of the research on educational measurement and research methodology are the primary criteria for this award.
- The recognized publication may be, but is not limited to, a refereed research article in either print or electronic refereed journal, conference paper published in a refereed conference proceeding, monograph, book chapter, and/or book. The work must have been published between August 1, 2005 and July 31, 2007.
- The nominee(s) must be the first or sole author(s) of the work and must be a member of Division D of AERA.

Application Procedure

A complete nomination consists of:

- The nomination letter (self nomination is welcome);
- A copy of the nominated research publication including its bibliographic citation. If the publication is a book or monograph, the nominator should indicate which portion of the book or monograph is nominated for this award;
- At least one additional letter of recommendation [from person(s) other than the nominator] addressing the quality and potential impact of the research; and
- The nominee' vita.

Submit the complete nomination (one copy only) by **November 30, 2007** to

Dr. Patricia A. Baron, Chair
Educational Testing Service
Rosedale Rd MS 13R
Princeton, NJ 08541
Phone: 609-734-1413
pbaron@ets.org

CALL FOR NOMINATIONS FOR THE 2008 MARY CATHERINE ELLWEIN OUTSTANDING QUANTITATIVE DISSERTATION AWARD

Division D invites nominations of dissertations that make outstanding contributions to quantitative methodology of educational research. The winner will be recognized by the American Educational Research Association. Dissertations completed during the 2006-2007 academic year or prior to December 1, 2007 will be eligible for consideration.

Nominations must include: a summary of the dissertation, prepared by the student (typed, double-spaced, 10-15 pages in length); the full dissertation; a letter stating that the summary was prepared by the student; a letter from the student's major professor attesting that the dissertation was completed by the student during the time period specified, and that the nominator chaired the dissertation committee; and, a letter from either the major professor or the student, providing a brief explanation (1-2 pages) of how the dissertation contributes to methodological understandings or practices. Materials may be submitted by email. In addition, the nomination should include email addresses of both the student and the nominator that can be used for all correspondence regarding the award. The winner of this award will be announced and honored at the 2008 AERA Annual Meeting with a plaque and a \$500 cash award.

All nominations are to be submitted by **November 30, 2007**. Late nominations or incomplete nominations will not be considered. Award winner will be contacted no later than February 8, 2008. Nominations for the quantitative awards may be sent to:

Sherri Miller, Chair
Assistant Vice President, EPAS Development
Education Division
ACT, Inc.
500 ACT Drive, P.O. Box 168
Iowa City, Iowa 52243-0168
Phone: 319-337-1458
Sherri.Miller@act.org

LEGAL CORNER: CALIFORNIA ELL DECISION

S.E. Phillips, Consultant

On May 25, 2007, a California state court judge issued a decision in the *Coachella Valley v. State of California* case denying plaintiffs' motion for a writ of mandate. A writ of mandate is a court order requiring a party to take a specific action. In this case, the plaintiffs, 9 school districts enrolling large numbers of Spanish-speaking English language learners (ELLs) and several advocacy groups, asked the court to order the state to provide NCLB tests for ELLs in Spanish or to provide these students with simplified English versions of the tests. The plaintiffs argued that the statutory language of the NCLB Act required the state to provide such testing for ELLs. The judge sided with the state argument that the NCLB provides discretionary authority to states to determine appropriate testing for ELLs and held that California's decision to test ELLs in English was not an abuse of its discretion. Therefore the court held that it did not have the legal authority to issue an order to the state requiring a change in its ELL testing policy.

California's ELL Testing Policy

The California ELL testing policy is consistent with the policies of the 14 states that had received or were expected to receive full approval from the U.S. DOE as of July 2006 and it has received approval from the U.S. DOE. Like all 14 full-approval states, California does not provide translated reading/language arts tests for AYP accountability, and like 2/3 of the approved states, also does not provide translated math tests. However, California does require administration of a designated primary language test (DPLT) to 1st year ELLs if available. The State Board has designated Aprenda 3 as the DPLT for Spanish-speaking students who comprise a majority of the California ELL population. Districts must also administer Aprenda 3 to ELLs beyond the first year if they are receiving academic instruction in Spanish by parental request. However, DPLT tests are in addition to, *not* a substitute for, administration of regular grade-level ELA and Math tests in English.

California also offers ELLs testing *accommodations* similar to those provided by the 14 full-approval states. These testing *accommodations* are available to ELLs who regularly use them in classroom instruction and assessment. The available ELL testing *accommodations* include primary language translation of test directions, student queries about test directions in the primary language, extended time and additional breaks within a single day for a test section, and a flexible setting for administration. English-to-primary-language translation glossaries/word lists not including definitions or formulas are permitted on the Math tests.

NCLB ELL Testing Provisions

Under the NCLB Act Regulations, recent immigrants (ELLs in U.S. schools less than one year) may be exempted from taking the state's reading/language arts test. However, these ELLs must be tested on English language proficiency and with the state's regular test in math. In addition, states may exclude the scores of recent immigrants from AYP calculations. The NCLB Act and its Regulations also require ELLs to be tested:

- on the same *grade-level* content standards as *all* other students,
- with measures most likely to yield *valid* and *reliable* results,
- with reasonable *accommodations*
- to the extent practicable, in the language and form most likely to yield accurate data until English proficient.

Similar to the decisions about content standards, proficiency standards, subgroup sizes for reporting results, and annual school targets that have been left to the states, with respect to ELLs, the NCLB Act and its Regulations permit each state to decide what is practicable, the criteria for English proficiency, *reasonable accommodations* for ELLs, and the language and form of testing that best aligns to the content standards required of all students in the state.

In reference to primary language testing of ELLs, the NCLB Act uses the qualifying phrase "to the extent practicable." The American Heritage Dictionary defines *practicable* as "feasible and capable of being used for a specified purpose." Among other things, the state argued that using primary language tests in Spanish as an alternative accountability test for some ELLs is not practicable in California because:

- It is not capable of being used for the accountability purpose of assessing *all* students (including ELLs) *in English* with the *same* ELA and Math content and performance standards at *grade level*.
- It is not feasible to provide the same benefit to the significant numbers of California ELLs who speak other languages due to insufficient resources to produce alternative tests in all relevant languages. Providing primary language tests for ELLs who speak one language but not for ELLs who speak other languages is contrary to the *Test Standards* fairness requirement that "The testing [process] should be carried out so that test takers receive comparable and equitable treatment" (Standard 7.12, p. 84).

Through its peer review process, the U.S. DOE has signaled its interpretation that states administering alternative tests to ELLs for NCLB accountability purposes must provide evidence of alignment to grade level content standards and comparability to the regular, on-grade-level tests administered to nonELLs. Due to differences in language and culture likely to produce differential alignment to the content standards and inherent difficulties in establishing equivalent performance standards, this requirement may be unattainable.

Similarly, the level of English language complexity expected of students in ELA and Math is a function of grade level. Simplified English tests are not psychometrically comparable or equivalent to the on-grade-level tests because they alter the content and difficulty of the corresponding test items to that appropriate for a lower grade level and require a lower level of skill to attain proficiency. In addition to lacking comparability, simplified English tests are not practicable because they would artificially narrow the gap between ELL and nonELL scores without improving ELLs' proficiency on the grade-level academic skills in English necessary for success on the high school graduation test, college admissions tests, vocational tests and employment tests that will affect their postsecondary options and equality of economic opportunity with their nonELL peers. In addition, the simplified English tests in Math advocated by Plaintiffs' experts appeared to be unnecessary because most Plaintiff Districts (7 of 9) met their 2006 NCLB math targets for ELLs tested in English.

Proposition 227

Beginning in the Fall of 1998, California Proposition 227 required that after a temporary transition period of approximately one year in an English Immersion Program, ELLs be taught English Language Arts and other academic subjects (e.g., math) in

regular classrooms where instruction is provided in English. A parental waiver provision permits parents of ELLs to choose an alternative instructional program including instruction in the student's primary language if the student is already proficient in English, if the student is at least 10 years old (typically in 5th grade or higher) and would benefit from an alternative program, or if the student has special needs that cannot be addressed during a one-month trial period in an English language classroom.

State Arguments

In the *Coachella Valley* case, the state argued that because the purpose of the NCLB tests is to determine academic proficiency in English, and because by statute in California, students in classrooms instructed in English and students in Bilingual classrooms are expected to learn the California academic content standards in English, it is appropriate and reasonable for the state to test ELLs with tests in standard English appropriate for grade level. Parents who sign waivers are choosing an alternate instructional method for achieving the same academic content standards required for all nonELL students and ELL students instructed in English. The instruction in the student's primary language is intended to be in addition to, not in place of, the goal of learning academic skills in English. Thus, under Test Standard 9.3, it is appropriate and valid to administer the NCLB tests in English to all ELLs even when English is not the ELLs' most proficient language.

The state also argued that NCLB accountability testing has provided positive benefits to California ELLs as indicated by improvements in the test scores of ELLs statewide and in Plaintiff Districts. Two of the 9 Plaintiff Districts have emerged from NCLB Program Improvement (PI) and another is close to doing so. Identification as PI in the remaining districts means that ELL students and staff will receive extra help in meeting their NCLB goals. Such assistance will benefit ELLs because longitudinal data indicate that in some Plaintiff Districts, most ELLs have not met state expectations for improvement in English language proficiency, many ELLs that had attended U.S. schools for 3 or more years are still scoring at the lowest levels of English language proficiency, and most ELLs with sufficient English proficiency have not achieved ELA or Math proficiency. However, ELLs in other California districts with similar demographics to Plaintiff Districts have made significant improvements in English language proficiency, have met their NCLB proficiency targets and their districts are not in PI. Thus, the state argued that allowing ELLs in Plaintiff Districts who need the most help to be tested with different standards (primary language tests) or lower standards (simplified English tests) and be labeled *proficient* would mislead students, parents and schools about actual grade level proficiency and would provide a disincentive for schools and districts to provide their ELLs with effective instruction in English. The appropriate remedy for ineffective instruction is improved instruction, not less valid tests that measure different skills than intended.

The Court's Position

In refusing to issue an order compelling the state to change its ELL testing policy, the court stated:

[G]iven that California has determined to teach students who lack English proficiency largely in English, it cannot be said that a decision to assess these same students in English for purposes of NCLB is arbitrary and capricious.

Further, given the extensive range of possible primary languages of students lacking English proficiency, it is certainly neither arbitrary nor capricious for California to determine that translation and evaluation of assessments in multiple languages is not practicable and that, accordingly, administration of assessments will be in English, the single language confirmed by the voters through Proposition 227 as the "official" language of our educational system.

... The task for this court ... is not to choose among competing rational alternatives and then mandate the judicially chosen one. To the contrary, decisions such as how to assess student performance for purposes of NCLB are best left to other branches of the government that are better suited to such matters and, so long as they do not act in an arbitrary, capricious, unlawful or procedurally unfair manner, great deference must be afforded to their decisions.

... California's manner of conducting student assessment for the purposes of NCLB does not violate any ministerial duty created by statute, nor as a matter of law does it constitute an abuse of any discretionary authority. Therefore, ... [plaintiffs'] motion [to compel a change in policy] is denied.

Related Case

In a related 2004 challenge by a Pennsylvania school district with 69% economically disadvantaged and 16% ELL students, *Reading School District v. Dept. of Educ.*, the court upheld the Department's determination that primary language testing was not practicable with 125 languages represented in Pennsylvania schools. The court also found no NCLB violation because primary language testing is not mandatory under the NCLB.

2008 Annual Meeting • March 25-28 • New York City

Meeting and program information will be available at the NCME website www.ncme.org by December 3, 2007. The NCME Annual Meeting & Training Sessions Brochure will be mailed to NCME members the week of December 10, 2007.

For more information, please call the NCME office at +1-608-443-2487, ext. 145.

PROGRAM HIGHLIGHTS

Presidential Address:

The Impact of Anchor Test Configuration on Students' Proficiency Classifications, *Anne Fitzpatrick*

Career Award Recipient Address:

Schrödinger's Cat, Rasch's P and the Most Dangerous Equation, *Howard Wainer*; Moderator: *Stephen Sireci*; Discussant: *Andrew Gelman*

Invited Symposia:

Open Hearing on Revising the 1999 Standards for Educational and Psychological Testing; Organizers/Moderators: *Wayne Camara, David Frisbie*; Organizer/Presenter: *Suzanne Lane*; Presenters: *Bob Brennan, Eva Baker, Michael Kane, Michael Kolen, Robert Linn, Randy Bennett, Martha Thurlow, Joan Herman, Dan Eignor*; Co-sponsored by NCME and AERA Division D

Policy, Technical and Operational Issues and School Accountability for Growth; Organizer/Presenter: *Huynh Huynh*; Presenters: *Charity Smith, Robert Kennedy, Anita Rawls, Do-Hong Kim, Eugene Kennedy*; Discussants: *Peter Behuniak, William Schafer*

Accessibility, Comparability and Validity: Evaluating Test Score Equivalence Across Test Forms and Subpopulations; Organizer/Discussant: *Stephen G. Sireci*; Presenters: *Neil Dorans, Walter (Denny) Way, Chow-Hong Lin, Katie Larson McClarty, Jadie Kong, Linda Cook, Cara Cahalan Laitusis, Ronald Hambleton, Avi Allalouf, Jamal Abedi*; Moderator: *Kadiyve Ercikan*

The Intersection of Accountability and Measurement: Policy and Psychometrics; Organizer/Moderator: *Phoebe Winter*; Presenters: *Kerri Briggs, David Abrams, Joseph Martineau, Rebecca Kopriva, Karen Barton*; Discussant: *Robert Linn*

Professional Development Programs in Formative Classroom Assessment: Do Changes in Teacher Practice Improve Student Achievement?; Organizer/Presenter: *Christina Schneider*; Presenters: *Caroline Wylie, Courtney Bell, Dylan Wiliam, Shelley Ragland, Ching Ching Yap, Pamela Kaliski, Susan Brookhart, Connie Moss, Beverly Long*; Discussant: *Bruce Randel*

Dualities of Validity in an International Context; Organizer: *William Lorie*; Presenters: *Michelle Boyer, Juan Enrique Froemel, Vyjayanthi Sankar, Sridhar Rajagopalan, Eugenio Gonzalez*

Future Directions for the Field of Educational Measurement (Graduate Student Issues Committee); *Gregory Cizek, Howard Wainer, Catherine Welch, Daniel Koretz*

English Language Learners and NCLB 101 (Diversity Issues in Testing Committee); Organizer: *Cara Cahalan Laitusis*; Presenters: *Jamal Abedi, Micheline Chalhoub-Deville, Charlene Rivera, John Young*

Cutting Edge Indicators of Educational Quality for Predicting Global Competitiveness (National Association of Testing Directors); Organizer: *Bonnie Strykowski*

NCME Fitness Run/Walk: Thursday, March 27, 5:45 a.m. - 7:30 a.m.

- Run 5K or walk 2.5K course • Commemorative t-shirts for all participants (even if you don't wake up in time to make it!)

New York City has many of the world's most recognizable buildings and some of the world's most celebrated architecture.



2008 NCME Election Slate

The NCME Nominations Committee is pleased to announce
the following nominees:

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Terry Ackerman
University of North Carolina, Greensboro

Catherine Welch
The University of Iowa

For Board of Directors from State/Federal

Susan Loomis
National Assessment Governing Board

Mary Pommerich
DMDC DOD Center – Monterey Bay

For Board of Directors at Large

Hua Hua Chang
University of Illinois, Urbana-Champaign

Kadriye Ercikan
University of British Columbia

Submitted by Daniel Eignor, Nominations Committee Chair

EVENTS OF REGIONAL INTEREST

Northern Rocky Mountain Educational Research Association (NRMERA) – 2007 Conference: Making Connections

The 2007 NRMERA conference, *Making Connections*, will be held October 4-6 2007, in beautiful Jackson Hole, WY. The conference provides an excellent forum for graduate students and emerging researchers. Check out the NRMERA website (www.nrmera.org) for upcoming conference announcements and details. Contact Chad Buckendahl (cbuckendahl2@unl.edu) with any questions about the conference.

23rd Annual Washington State Assessment Conference

The 23rd annual Washington State Assessment Conference will be held December 6-7, 2007 at the Seattle Airport Hilton Hotel Conference Center. A pre-conference training day will be held on December 6. This year's theme is "Testing Assumptions." The keynote speakers will be:

Laura Lipton, international consultant focusing on effective and innovative instructional practices
Tony Alvarado, former Chancellor of the New York City Board of Education and District 2 Superintendent

The conference, in addition to the keynoters, will feature over 50 breakout sessions presented by local educators, as well as members of the staff of the Washington State Superintendent of Public Instruction. Registration information will be available on the WERA Web site in September at www.wera-web.org.

Eighth Annual Maryland Assessment Conference: Alternate Assessment

The Eighth Annual Maryland Assessment Conference: Alternate Assessment will be held in the Grand Ballroom, Stamp Student Union, University of Maryland, College Park, MD on October 11 and 12, 2007. Registration and breakfast is from 7:00 to 8:30 a.m. Presentations will start at 8:30 a.m. and will finish at 5:30 p.m. on both days.

The 2007 Maryland conference will bring together prominent national experts to explore (1) the nature of the constructs that alternate assessments are designed to measure, (2) the unique assessment challenges that alternate assessments pose, (3) a range of approaches to these challenges that have been or are likely to be successful, and (4) documentation of the success of alternate assessments.

Inquiries regarding registration and Attendance should be directed to Mr. Ricardo Morales at 301-405-3629 or RMorales@umd.edu. The registration form is on the WEB at: <http://www.MARCES.org> or at <http://www.education.umd.edu/edms/events>.

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