

# FairTest

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National Center for Fair & Open Testing

**TESTIMONY OF DR. MONTY NEILL  
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Thank you. My name is Monty Neill and I am the Interim Executive Director of FairTest, the National Center for Fair & Open Testing.

Before the nation can successfully implement better assessment practices, it must first reject the incorrect assumptions and flawed logic of No Child Left Behind (NCLB). To ensure effective education reform, including high-quality assessment, the Administration must overhaul NCLB, its draft requirements for Race to the Top (RTTT), and the "Assessment Program Design" to which we are responding today.

NCLB has failed to improve educational quality and equity. U.S. children have made less academic progress since NCLB came into effect than in the preceding period, and the achievement gap has not narrowed as significantly. Secretary Duncan's proposals to date would reinforce the errors of NCLB.

The problem is not only that tests used under NCLB are inadequate, but that the fundamental assumption behind the law has proven wrong: America cannot test and punish its way to better schools, no matter how good its standardized tests might become. That said, the nation does need high quality assessments that are properly used.

A revised RTTT could provide a great stimulus for states to overhaul their assessments. This would require developing new systems of local and state formative and summative assessments that can assist student learning, help gauge students' academic progress, and provide an important source of evidence for evaluating teachers, principals and schools. These new systems should be built within a framework that provides flexibility and diversity while ensuring high quality opportunity and expectations for all students.

Unfortunately, the framework before us today appears designed to ensure the continuation of highly centralized, top-down state assessment systems. To a great extent, it perpetuates the flawed conceptions of NCLB. It is far too limited and will inhibit the most necessary and valuable improvements in assessment. Its structure reduces teachers to administering and perhaps scoring tests. It does not even suggest that teachers should be part of the process of creating new,

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high-quality assessments. It completely misconstrues formative assessments, as if the issue were teachers selecting a test off a shelf instead of responding to the emerging needs of highly diverse learners engaged with a specific curriculum.

Therefore, FairTest's first specific recommendation is that the "Assessment Program Design" itself be overhauled. Fortunately, there exist well-thought-out approaches that can provide a new framework.

The Forum on Educational Accountability (FEA), an alliance of dozens of education, civil rights, religious, disability, parent and civic organizations that I chair, commissioned an Expert Panel on Assessment to develop recommendations on what a comprehensive, educationally beneficial assessment system could look like.

The report explains how to use multiple sources of evidence -- teacher evaluations of student work over time, locally developed assessments, performance assessments of various kinds, and statewide standardized exams -- to determine both achievement levels and student growth. It recommends external monitoring to assure the quality, accuracy and fairness of the various assessments. A system built from these elements would provide solid data for evaluating schools, districts and states. A growing body of evidence from the U.S. and other nations supports these recommendations.

Assessment is both a quantitative and qualitative endeavor. Thus, states should be able to use these federal funds to engage in qualitative evaluation, such as an inspection system, as recommended by the Broader, Bolder Agenda. Inspectors are trained experts who visit schools to observe, review data, and hold discussions, then evaluate the school and issue a report. This process is central to accountability in England and New Zealand.

Legislation introduced in Massachusetts and supported by FairTest would build a system that includes state standardized test results, incorporates an inspectorate, and relies most heavily on assessment of student classroom work. This legislation provides the three "legs" on which new assessment systems should stand.

In my written comments, I propose concrete steps the Department should support. These are based in large part on three attached documents - FEA, BBA and the Massachusetts bill. Some of these ideas can be incorporated into the "Assessment Program Design" before us, but many require or could be done far better and more easily if the Department significantly modifies the program design.

Thank you.