

**TESTIMONY OF HARRY FEDER, EXECUTIVE
DIRECTOR OF THE NATIONAL CENTER FOR FAIR AND
OPEN TESTING (FAIRTEST) IN SUPPORT OF HOUSE
BILL 23-1239, A BILL CONCERNING MEASURES TO
DEVELOP INNOVATIVE ASSESSMENTS IN SUPPORT
OF DEEPER LEARNING**

Members of the Committee:

My name is Harry Feder and I am the Executive Director of The National Center for Fair and Open Testing. Since 1985, FairTest has been advocating against the misuse and overuse of standardized testing. We promote the development and use of superior educational assessments, such as performance-based assessments, that allow students across the socioeconomic and ability spectrum to validly demonstrate knowledge and skills in applied ways reflecting the real world expectations and accepted disciplinary methodologies. I speak in enthusiastic support of House Bill 23-1239.

With the passage of this bill, Colorado would have the opportunity to be among the national leaders in moving educational assessments beyond off-the-shelf standardized tests that have impeded deeper learning, classroom inquiry and student engagement. By supporting the development and use of locally created and subsequently scaled performance-based assessments, the state of Colorado could use its robust and historic sense of local educational accountability to create dynamic communities of teaching and learning.

As we painfully learned during the pandemic, real academic and social learning requires the work of live well-trained teachers exercising their professional judgment on a daily basis. Teachers constantly engage in acts of student evaluation. Simply lobbying in externally produced summative tests that either bear no relation to local determinations of how to meet state standards and classroom practice, or demand excessive concentration and teaching to a single instrument, does a disservice both to teachers and students. Schools and teachers need support to develop tasks, assessments and fair, reliable and equitable grading practices that allow students to not just show that they understand material, but that they can use what they are learning.

House Bill 23-1239, by creating supported communities of practice around performance assessment, by seeking resources for the development of tasks and assessments, by creating resource and task banks, by encouraging professional development, by insuring alignment and coherence of systems, and by providing for research of practices, would go a long way towards creating a climate for deeper learning in the state. Only by supporting and systematizing school-based and locally developed assessments can the state both honor where students and communities are coming from and ensure that broader learning standards and skill development needs and goals are being met.

Schools and districts, given the right infrastructure, can learn best practices from one another. In the last go around of Colorado state innovation grants, the state facilitated the creation of some domestic models that can be looked to. The graduation capstone program of the Canon City school district is one that could be further studied, developed and replicated by interested

districts. Their graduates go through a robust interdisciplinary process that requires them to develop a project based on academic learning and explain and defend their process and results. Rather than make it harder for districts like Canon City to engage in assessment innovation, Colorado should seek ways to support those changes and encourage other localities to learn from such examples. This bill would help facilitate that process.

There are those who will scare you into thinking that this bill ignores the practicalities of accountability. They would tell you that Colorado needs single statewide standardized instruments to rank and sort its students and schools. Nothing could be farther from the truth.

What is the meaning of accountability? Schools need to be accountable to their communities for student learning. Developing those assessments locally while enabling comparisons provides the best measures of accountability. When students go on to higher education and persist and graduate; when they successfully learn skills and enter a high paying trade; when they meet their personal and civic responsibilities as adults; those are measures of true accountability of a school system. When a community can witness presentations and student defenses of their work, that creates a culture of local accountability.

There are ways of comparing results on assessments. House Bill 23-1239 supports the development of common rubrics, standard setting, and inter-rater reliability studies for performance assessments. The evaluation of performance

assessments can be made just as valid and reliable a measurement of student achievement as standardized tests; in fact, because the assessments are authentic and not external to student learning they are in many respects a more valid measure.

House Bill 23-1239 does not interfere with Colorado's compliance with ESSA. The state will still administer the minimum required math, reading and science tests. But other, richer assessments can be developed to improve student learning. It has been said that the federal Department of Education (DOE) is not granting testing waivers or does not have the appetite for innovation. That is on the road to changing. The DOE has asked for public comment to ways it can amend rules governing the Innovative Assessment Demonstration Authority (IADA), a program accessed by very few states because of the quick scaling requirements and the comparability language that, without a more flexible interpretation, makes it difficult for states to truly engage in assessment innovation. This bill positions Colorado to be at the front of the line when rules governing the IADA program open up to encourage greater assessment innovation, like the development of performance based assessments.

Other states, notably New York, Kentucky and Nebraska, have received Competitive State Assessment Grants from the DOE to pursue forms of performance-based assessment and local assessment innovation. House Bill 23-1239 would have Colorado participate in that program. There are other states, like neighboring New Mexico, that have made locally developed performance assessment in the form of capstones an avenue for high school graduation. The Colorado Department of Education itself already has a component of performance assessment

support through its Division of Postsecondary and Workforce Readiness and Assessment. That office could be part of the mechanism implementing the requirements of the bill.

Finally, rather than simply send Colorado's existing assessment system to a task force to study the problem (again), Colorado could support innovative performance assessment while simultaneously allowing its task force to operate. Time is not the friend of students currently in the K-12 system. This is particularly true in under-resourced and marginalized schools and districts where this kind of innovation is most essential. They need the benefit of better assessment to foster critical thinking, deeper learning, and true content knowledge now.

Thank you.