

Adopted: May 18, 2002



National Assessment Governing Board

Policies and Procedures for Complaints Related to the National Assessment of Educational Progress

The National Assessment Governing Board views parents, students, representatives of participating states and schools, and members of the public as primary producers and consumers of National Assessment of Educational Progress (NAEP) data. As such, their experience with NAEP is of utmost concern and an important source of information for its continual improvement. It shall be the policy of the Governing Board to respond promptly to written complaints about NAEP submitted to the Governing Board. The Governing Board intends the process of handling complaints to be a means both of answering complaints that have been submitted and of enhancing the quality, integrity, and service orientation of NAEP.

Introduction

The NAEP legislation provides parents and members of the public the right to view, under secure conditions, all NAEP data, questions, and test instruments (Section 303(c)(1), P.L. 107-279). The Governing Board has approved a Policy Statement on Public Access to Test Questions and Instruments of NAEP, which is referenced herein.

The same section of the legislation also provides parents and members of the public the right to submit complaints to the Governing Board about procedures or test questions (Section 303(c)(2)):

“Parents and members of the public may submit written complaints to the National Assessment Governing Board... [The Board], in consultation with the Commissioner [of the National Center for Education Statistics (NCES)], shall review such complaints and determine whether revisions are necessary and appropriate. As determined by such review, the Board shall revise, as necessary and appropriate, the procedures or assessment items that have generated the complaint and respond to the individual submitting the complaint, with a copy of such response provided to the Secretary, not later than 30 days after so acting.”

The NAEP legislation explicitly extends to representatives of state or local educational agencies and chief state school officers the right to submit complaints about NAEP to the Governing Board (Section 303(d)(4)).

The legislation gives the responsibility for addressing complaints about NAEP to the Governing Board. The purpose of this document is to provide policies and procedures for handling such complaints.

Complaint Process: Procedures

What must be included in a complaint?

1. A complaint about NAEP must be submitted in writing to the Governing Board. The complaint must include the name and address of the person submitting the complaint and a description of the complaint. The complaint may also include the remedy being sought.

2. If the complaint is about a test question, special care must be taken by the person submitting the complaint because the security of test questions not released to the public must be protected. Unauthorized release of secure test questions is a felony, subject to fines and imprisonment. To protect the security of test questions, therefore, an individual submitting a written complaint about a test question should describe the specific complaint in a manner that does not reveal the content of the test question itself.

Where should complaints be sent?

1. The mailing address is: National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, DC 20002-4233. The e-mail address is NAGB@ed.gov. If submitting a complaint by e-mail, the person submitting the complaint must provide his/her full name and a mailing address because the response to the complaint will be in the form of a letter and will be sent by regular mail.

What happens to complaints after they are received by the Governing Board?

1. Complaint Receipt

- a. A log shall be maintained of all complaints submitted. The log shall contain sufficient information to monitor the status of each complaint, such as the date received, date assigned, date acknowledged, and final disposition.
- b. Within 5 calendar days of receipt of a complaint, an acknowledgment letter shall be sent to the individual who submitted the complaint.
- c. The Executive Director shall:
 - i. forward, within 30 days of receipt, copies of the complaint to the NCES Commissioner, the Secretary of Education, and the State and local educational agencies from which the complaint originated;
 - ii. provide for consultation with NCES (as required by the legislation);

- iii. forward copies of the notification to the person submitting the complaint and the Secretary, not later than 30 days after the final disposition has been determined.

2. Complaint Review

- a. Administrative Review. In the first level of review, a complaint shall be answered by the Governing Board Executive Director, with assistance from staff.
- b. Background information related to the complaint shall be obtained, working in consultation with staff of the NCES, as appropriate.
- c. The Executive Director shall determine whether additional information is necessary.
- d. The Executive Director, after consulting with the Commissioner of Education Statistics, shall respond in writing to the person submitting the complaint. The response shall describe the Executive Director's administrative determination in response to the complaint and the opportunity to appeal the administrative determination.

3. Appeals

- a. An individual may appeal an administrative determination of the Executive Director. The individual must submit the appeal in writing to the Governing Board at the address given above. The appeal must be postmarked or sent by e-mail no later than 25 calendar days after the date the Executive Director's determination is mailed.
- b. In response to an appeal of the Executive Director's administrative determination, the Chairman of the Governing Board shall decide whether the appeal will be addressed by the full Governing Board or by a panel of no less than three members of the Governing Board that will act on behalf of the Board.
- c. The complaint record shall be reviewed and a determination made of whether additional information is needed to complete the review of the complaint.
- d. A final decision on the complaint shall be made after consulting with the Commissioner of Education Statistics.
- e. The Executive Director shall provide written notification to the individual who submitted the complaint about the disposition of the complaint, with a copy of such notification to the Secretary, no later than 30 days after the Governing Board has taken final action with respect to the complaint.
- f. Decisions of the Governing Board are final and not subject to further appeal.

Related Governing Board Policy: Policy Statement on Public Access to Test Questions and Instruments of NAEP, Adopted May 18, 2002.