

# National Assessment Governing Board

## Executive Committee

### Report of November 18, 2010

**Attendees:** David Driscoll, Chair, Mary Frances Taymans, Vice Chair, David Alukonis, Lou Fabrizio, Alan Friedman, David Gordon, Kathi King, Tonya Miles, Eileen Weiser. Other Board Members: Shannon Garrison, Doris Hicks, Brent Houston, Hector Ibarra, Henry Kranendonk, W. James Popham, Andrew Porter, Jennifer Ranji (representing Governor Markell). NAGB Staff: Cornelia Orr, Mary Crovo, Ray Fields, Susan Loomis, Lawrence Feinberg, Michelle Blair, Stephaan Harris. NCES Staff: Stuart Kerachsky, Peggy Carr, Suzanne Triplett, Steven Gorman, Andrew Kolstad, Drew Malizio, Brenda Wolff. ETS: Steve Lazer, Jay Campbell, David Freund, Andres Oranje, Greg Vafis. HumRRO: Laress L. Wise, Steve Sellman. Pearson: Brad Thayer, Connie Smith. AIR: George Bohrnstedt. Westat: Marcie Hickman. NAEP ESSI: Kim Gattis. Measured Progress: Luz Bay. McGraw-Hill Education: Larry Snowwhite.

#### 1. Call to Order

Chair David Driscoll called the meeting to order at 4:30 p.m. Mr. Driscoll introduced new Board members Shannon Garrison, Brent Houston, and Hector Ibarra. He also introduced Jennifer Ranji, aide to new Board member Governor Markell, who will represent him at Board meetings when he is not able to attend. Mr. Driscoll noted that Blair Taylor will not be at this meeting, but did attend the November 5, 2010 orientation program for new Board members. Mr. Driscoll also welcomed new Executive Committee members David Alukonis, incoming Chair of the Nominations Committee, and Tonya Miles, the new Vice Chair of the Committee on Standards, Design and Methodology. Mr. Driscoll expressed congratulations for Mary Frances Taymans being elected Vice Chair by the Board in August 2010; Eileen Weiser, for her election to the Michigan State Board of Education; and Anitere Flores, having been elected Florida State Senator.

#### 2. Governing Board Committee Updates

##### David Driscoll, Chair, Executive Committee

The Executive Committee met by teleconference on October 18, 2010. At the August 2010 meeting, the Governing Board delegated authority to the Executive Committee to act on options for implementing the planned NAEP/TIMSS linking studies in mathematics and science at grade 8 in 2011. The Board granted the delegation of authority to the Executive Committee because the FY 2011 appropriation had not been enacted, the President's request for FY 2011 includes an increase for NAEP and NCES to implement the linking studies, and NCES needed a decision on whether to proceed with its planned linking studies by November 1, 2010, that is, prior to the November 2010 Board meeting.

Governing Board staff presented two options that had been offered by NCES under the scenario in which the requested increase of \$8.5 million for the linking studies in FY 2011 is not provided. Under one option, the current rigorous design for the linking studies would be implemented, with possible reduction of the assessment schedule in future years. Under the second option, the rigor of the linking study designed would be seriously curtailed, but no adjustment to the schedule would be required.

The Executive Committee unanimously agreed that it is essential to carry out the linking studies with the rigorous design as planned and instructed staff to advise NCES to proceed accordingly. The Executive Committee did not take action to change the schedule of assessments, but will revisit the available options for the NAEP budget once the FY 2011 appropriation is enacted.

During the teleconference, the Executive Committee also reviewed the agenda for the November 2010 Board meeting and began discussing issues related to NAEP reauthorization that are reflected in the background paper at Attachment C in the Executive Committee tab of the briefing book.

Lou Fabrizio, Chair, Committee on Standards, Design and Methodology (COSDAM)

The Committee will receive a briefing on the recently awarded contract to conduct the achievement level-setting process for writing at grades 8 and 12 in 2011 and grade 4 in 2013, which was awarded to Measured Progress. The remainder of the meeting will be focused on issues related to grade 12, including progress on the 12<sup>th</sup> grade preparedness research program and on research underway or planned with respect to 12<sup>th</sup> grade participation and motivation.

David Alukonis, Chair, Nominations Committee

New members joining Andrew Porter, Warren Smith, Mary Frances Taymans, and Eileen Weiser on the Nominations Committee are Alan Friedman, Tonya Miles, and Sue Pimentel. The seven vacancies to be filled for terms beginning October 1, 2011 are: chief state school officer, 12<sup>th</sup> grade teacher, local school superintendent, testing and measurement expert, curriculum specialist (2), and state board of education member. Current Board members in these positions are eligible for reappointment, except for Kathi King (12<sup>th</sup> grade teacher) and David Gordon (local school superintendent), both of whom are completing their second 4-year terms this year. As a result of more comprehensive outreach to broader audiences by email through Constant Contact, an on-line marketing service, nominations increased by 35 percent. Of the invitations sent to potential nominators, many fewer were sent in paper form by U.S. mail, with 90 percent being sent by email. Of the 149 nominations received, 70 percent were submitted by email. The Nominations Committee will begin reviewing the submissions on Saturday, November 20, 2010.

Kathi King, Chair, Assessment Development Committee

Shannon Garrison, Brent Houston, and Hector Ibarra have joined the Assessment Development Committee (ADC) and, under the Board's new initiative, are paired, respectively, with committee members Kathi King, Henry Kranendonk, and Alan Friedman, who serve as their mentors. Since the August 2010 Board meeting, the Assessment Development Committee has met several times to review assessment items. The committee members met on November 18, 2010 to receive a briefing on the evidence-centered design approach for developing the grade 8 Technology and Engineering Literacy Assessment scheduled for 2014. The ADC also reviewed

task outlines for the assessment, which will be administered by computer. On November 19, the Committee will meet in closed session to receive a report on the 2010 pilot for the 2011 grade 8 and 12 writing assessment, also to be administered by computer. On November 20, a presentation on the 2011 writing assessment will be made to the full Board in closed session as a part of the “Inside NAEP” series.

David Gordon, Chair, Reporting and Dissemination Committee

The Reporting and Dissemination Committee will review the release of the 2009 12<sup>th</sup> grade reading and mathematics results that was conducted on November 18, 2010. The committee will take action on the communications plan for NAEP and the Governing Board, and on the release plans for NAEP reports, including the 2009 Science Report Card (national and state), the 2009 Trial Urban District Science Report Card, and the 2009 High School Transcript Study. The committee also will review proposed background questions for the 2013 NAEP assessments.

### **3. Governing Board Meeting Locations**

Cornelia Orr directed Executive Committee members’ attention to a map in the briefing book displaying the location of all Governing Board meetings conducted outside of Washington, DC. In 2011, the March meeting will be conducted in Miami, Florida and the May meeting will be conducted in Portland, Oregon. For 2012, per the suggestion of Board member Doris Hicks, the march Governing Board meeting will be held in New Orleans, Louisiana. Ms. Orr said that a location is being sought for the May 2012 meeting, and invited suggestions from Board members.

## **ACTION ITEM**

### **4. Proposed Amendments to the Governing Board By-laws**

Ray Fields presented the proposed amendments to the Governing Board By-laws for final action. The proposed amendments were first presented and reviewed at the August 2010 Board meeting. During the discussion in August, Executive Committee members approved editorial revisions which did not result in substantive changes. The proposed amendments were prepared by Governing Board staff, as part of a periodic review. This review resulted in proposed amendments to clarify provisions of the By-laws and to better align the By-laws with Board practice. None of the proposed amendments is controversial. A motion to present the proposed amendments for action by the Governing Board was moved, seconded, and unanimously approved by the Executive Committee.

## **ACTION**

**The Executive Committee recommends adoption by the Governing Board of the amendments to the Governing Board By-laws as presented at Attachment B of the Executive Committee tab of the November 18-20, 2010 Governing Board briefing book.**

## **5. Future of the Governing Board and NAEP**

Chair David Driscoll said that the discussion begun at the May 2010 Board meeting on the future of the Governing Board and NAEP will continue during the plenary session on November 20, 2010 and at future Board meetings. Mr. Driscoll views this as a continuing Board activity, not as a task with an explicit endpoint. He said it is essential to continue to challenge ourselves and to challenge the nation to take action to improve student achievement and reduce achievement gaps between student demographic groups. He said that there is a healthy tension with Board staff, who will work to achieve concrete outcomes, but that it is important not to see results as an end, but rather as part of a process of continual renewal. Exemplifying this healthy tension, Cornelia Orr described a staff-designed activity to begin prioritizing among the ideas generated by Board members during the May 2010 discussion. Ms. Orr said that Board members will see posters in the main meeting room on Friday with the Board-generated ideas from the May 2010 discussion listed. Board members will be given five dots to indicate priorities for these ideas, and the results will be a starting point for the full-Board discussion on November 20, 2010. Mr. Driscoll concluded by saying that the future role of the Executive Committee should also be under consideration. He said that, over the years, the role of the Executive Committee has changed, at times limited to oversight and coordination, and at times more expansive, with active engagement in specific projects. He encouraged committee members to begin thinking about options for the future role of the Executive Committee.

## **6. NAEP Reauthorization: Issues Overview**

Ray Fields reported that the NAEP authorizing legislation expired at the end of FY 2009. NAEP and the Governing Board have continued to operate through the enactment of appropriations, thus NAEP reauthorization is likely to be on the congressional agenda.

There are three laws that have provisions that affect NAEP directly:

- The National Assessment of Educational Progress Authorization Act (the NAEP Act)
- The Education Sciences Reform Act (ESRA--the authorizing legislation for the Institute of Education Sciences)
- Title I of the Elementary and Secondary Education Act of 1965, also referred to as the No Child Left Behind Act (ESEA/NCLB)

### **ESRA/NAEP ACT—Budget**

While these three laws are intertwined where NAEP is concerned, the most salient are the NAEP Act and ESRA. The NAEP Act authorizes NAEP, authorizes NCES to carry out NAEP, and establishes the Governing Board to set policy for NAEP. ESRA establishes the Institute of Education Sciences (IES), of which NCES is a part. It also establishes a board to approve priorities for IES. With prescience and wisdom, Congress included provisions in ESRA to set NAEP apart and make it a special case, for example, specifically exempting both the Governing Board and NAEP from the IES board and IES priorities. However, this is done imperfectly, with negative impacts in two important areas—the budget and reporting.

The NAEP Act assigns the Governing Board responsibility for determining the schedule of assessments. The schedule of assessments is the primary driver of the NAEP budget. However, the Governing Board has no role in developing or reviewing the annual budget request for NAEP; this is handled by IES and NCES through the Department of Education standard processes. The Governing Board is not informed about what has been requested for the annual NAEP budget until the President's request is made public. Both the NAEP and Governing Board budgets are structured as part of the IES total account and can be negatively impacted by competing projects within IES. This is clearly antithetical to the Board's congressionally mandated role in determining the schedule of assessments and counter-productive to effective program planning and management for NAEP.

### **ESRA/NAEP ACT—Reporting**

In 2002, Congress assigned the Governing Board a new responsibility: to plan and execute the initial release of NAEP reports; the text of this provision includes a prohibition of anyone releasing NAEP data before such release by the Governing Board—the application of which includes IES, NCES, and the Secretary. Although ESRA contains provisions authorizing IES/NCES to publish, disseminate and report the results of their studies, the word “release” does not appear anywhere in ESRA, only in NAEP with respect to the role of the Governing Board. As with the budget, lack of coherence between these two laws has created ambiguity about the respective roles and responsibilities of the Governing Board and NCES regarding the release and reporting of NAEP results.

A positive approach would be to clarify roles in relation to the fundamental strengths and purposes, respectively, of NCES and the Governing Board. As a statistical agency, NCES' strengths are in achieving statistical rigor and ensuring the accuracy of data reported. As a policy body, the Governing Board's strengths lie in determining the policy affecting the reporting of results. With all of the data that NAEP collects, the decisions about what to include in NAEP reports and how conclusions about the results are framed are crucial policy matters.

There is a need for greater clarification of respective roles and responsibilities regarding NAEP data review and report preparation. This clarification should result in changes to both the NAEP Act and ESRA, with the aim of achieving coherence between the two related laws and the clear assignment of appropriate roles and responsibilities between the Governing Board and IES/NCES with respect to NAEP.

### **ESEA/NCLB**

There are two provisions in ESEA/NCLB that directly affect NAEP. The first requires states to assure, in the plans they submit to the Department of Education for Title I funding, that they will participate every two years in the NAEP state 4<sup>th</sup> and 8<sup>th</sup> grade reading and mathematics assessments. The second provision requires LEAs receiving Title I funds to assure, in the plans they submit to their SEA, that they will participate every two years in the NAEP state 4<sup>th</sup> and 8<sup>th</sup> grade reading and mathematics assessments if their schools are selected for the sample. These two provisions make participation in state NAEP mandatory for the 4<sup>th</sup> and 8<sup>th</sup> grade reading and mathematics assessments, as long as the Department pays the cost of test administration.

There are companion provisions in the NAEP Act, primarily aimed at ensuring that the NAEP assessments are in place so that mandatory state participation can occur. Therefore, any changes in the ESEA provisions bearing on NAEP will require counterpart changes in the NAEP Act.

**IDEA**

Another law deserving attention that is due for reauthorization is the Individuals with Disabilities Education Act (IDEA). Maximizing the participation in NAEP of students with disabilities and reducing the variability in exclusion rates across jurisdictions are continuing objectives of the NAEP program. Amendments to IDEA intended to acknowledge that states are required to participate in NAEP and providing information about NAEP can help advance these objectives and should be presented for consideration.

**7. Status of FY 2011 Appropriations**

Ray Fields reported that the FY 2011 appropriation has not been enacted, that currently the federal government is operating under a continuing resolution at FY 2010 funding levels through December 3, 2010, and that congressional appropriations staff have shared that there is not yet certainty about whether there will or will not be an FY 2011 appropriation enacted before the next session of Congress begins in January 2011.

**CLOSED SESSION: 5:15 – 6:00 P.M.**

**8. Contract Costs FY 2010-2012**

The Executive Committee met in closed session from 5:15 p.m. to 6:00 p.m. Peggy Carr, NCES Associate Commissioner, discussed contractor costs and contract options under NAEP contracts.

The meeting was conducted in closed session because the disclosure of technical and cost data would significantly impede implementation of the contract awards and is therefore protected by exemption 9(B) of section 552b(C) of Title 5 U.S.C.

I certify the accuracy of these minutes.



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David P. Driscoll, Chair

November 19, 2010

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Date