

# **National Assessment Governing Board and Voluntary National Tests: A Tale of Tribulations without Trials**

**Michael Guerra**

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Michael Guerra was a member of the National Assessment Governing Board from 1993 to 2000. He retired in 2006 as Executive Director of the National Catholic Educational Association.

## **NAEP and NAGB: Centrist Progeny of Partisan Parents**

As the National Assessment Governing Board marks its 20th anniversary, it looks back at its stewardship of the National Assessment of Educational Progress (NAEP) with understandable pride. NAEP existed for 20 years before the Board was established to provide an independent governance structure for the assessment. During its first two decades, NAEP tested only national and regional samples of students. Its reports were generally considered technically excellent. But while they may have been groundbreaking in the assessment field, they were little noticed and played virtually no role in shaping educational policy or practice. NAEP received little political heat in exchange for casting modest educational light—a tacit trade making NAEP non-controversial and inconsequential.

In the 1980s, the national conversation about education began to heat up. Was the nation truly at risk, threatened by a rising tide of educational mediocrity, as the Presidential Commission on Excellence in Education claimed? What could NAEP tell the nation about the condition of American education and the knowledge and skills of America's students? When proposals were made to have NAEP shed more light, including state comparisons and performance standards, the political heat rose. If NAEP were to become the nation's report card, it would have to be seen as free from political manipulation. Federal control of an expanded and more ambitious NAEP became a political issue, and it reignited the perennial question of what role the federal government might appropriately play in American education.

To lay the groundwork for expansion of NAEP, the Secretary of Education, William Bennett, appointed a bipartisan blue ribbon study group. It was co-chaired by Lamar Alexander, who then was Governor of Tennessee and chairman of the National Governors Association, and by Thomas James, former president of the Spencer Foundation. Its 22 members were broadly representative and conspicuously bipartisan. The Commission included a number of notable figures: Francis Keppel, who had served as Commissioner of Education under Presidents Kennedy and Johnson; Pascal Forgione, who at the time was chief of the Office of Research and Evaluation of the Connecticut State Department of Education, and who later served as commissioner of the National Center for Education Statistics; and Hillary Rodham Clinton, who was then First Lady.

The Alexander-James Commission, as it came to be called, made two major recommendations in its report, which was issued in January 1987. The first was that NAEP collect state-representative data, in addition to its national samples, so that reliable state-by-state comparisons could be made. This was needed, the Commission said, to meet the “rising public demand for thorough information on the quality of...schools.”

Its second recommendation was to create “a new governance structure for NAEP.” The Commission recommended that the new structure should be headed by “an independent governance agency” rather than having NAEP remain simply a part of the

U.S. Department of Education, with an advisory policy committee appointed by the test contractor.

The report called the new governing body the Educational Assessment Council and said it should be “broadly representative” and “prestigious,” that it should be “accountable to the public,” and also, most importantly, that it must be “buffered from manipulation by any individual, level of government, or special interest within the field of education.”

These recommendations, somewhat scaled back, were enacted into law by Congress, then controlled by Democrats in both houses. The chief sponsor of the bill was Senator Edward Kennedy, (D) Massachusetts. It was signed by President Ronald Reagan, a Republican, on April 20, 1988. And so the Board was born—bipartisan, independent, and broadly representative of America’s citizens, educators, and politics. While some may consider the Alexander-James vision of a “prestigious” panel a bit of a reach, the key elements, “broadly representative, accountable to the public, and buffered from manipulation by...government,” were written into the law, and have been reflected in the Board’s membership and stewardship of NAEP for the past 20 years.

Membership on the Board, defined in the law, includes two Governors, one from each major party, and two state legislators, also drawn from different political parties. The rest of the Board’s membership represents a collection of state and local school administrators, teachers, testing and measurement experts, a nonpublic school administrator or policymaker, and representatives of the business community and the general public. A sole government official, the director of the Institute of Education Sciences, is a nonvoting, ex officio member of the Board.

For 20 years, the Board has provided strong, independent leadership for NAEP, opening discussions about assessment frameworks and performance standards, working for consensus on these and other issues, but always accepting responsibility and accountability for its policy decisions. For the past 20 years, the Board has been second-guessed often, but never criticized for politically motivated decisions.

The Governing Board’s political purity explains why the Board was eventually given the job of developing the Voluntary National Tests (VNT). Whether the Board’s political innocence also contributed to the VNT’s eventual quiet disappearance is a question to be examined, along with others, when we consider possible lessons to be learned from the Board’s relatively brief involvement with the VNT. But first, how did it all begin?

### **The VNT: A Center That Didn’t Hold**

In his State of the Union Address on February 4, 1997, President Clinton proposed VNT in fourth grade reading and eighth grade mathematics, and the U.S. Department of Education began developing the tests. The Administration announced that the tests would

be based on NAEP and would use NAEP's achievement levels. The Administration wanted to move quickly—to have the first tests ready for students to take in spring 1999, more than a year before the conclusion of President Clinton's final term in office. And so, using the authority and funds that had been previously authorized and appropriated for the Department's Fund for the Improvement of Education, the Department of Education developed the general outline of the tests' design and then awarded contracts for the test specifications and test development.

In the months that followed, while the Department was working to identify the terms of the contract it would put out for bids, voices in opposition to the plan to launch voluntary national tests began to grow louder and more strident. During this period, the Governing Board was not involved with the national tests at all. But in May 1997, Michael Cohen, President Clinton's education advisor, spoke at the Board's quarterly meeting. He said the Administration was considering how it might involve the Board in the governance of the VNT, and he asked the Board to give the Administration advice about what its role should be.

On June 2, 1997, with the approval of the executive committee, the Board's chairman, William Randall, sent a letter (which included the Board's advice) to Education Secretary Richard Riley. Randall made the case that since the proposed tests would be based on NAEP frameworks and achievement levels, which were the Board's responsibilities, and would rely on the reputation and credibility of NAEP to gain public acceptance, the tests should come under the NAEP umbrella and be shaped by policies set by NAEP's Governing Board.

There was no judgment in the letter about whether national tests for individual students were a good idea or not. But, inevitably, the letter pointed out, having such tests based on NAEP meant that NAEP would affect the VNT and vice versa. To keep control of NAEP and the VNT completely separate could well lead to confusion and duplication, and certainly to inefficiency and added costs. Randall's letter concluded, "For the sake of the integrity, effectiveness and coherence of the National Assessment and the Voluntary National Tests initiative, logic and experience argue for the National Assessment Governing Board to be the policy body for the Voluntary National Tests initiative."

Two months later, on August 2, 1997, Secretary Riley sent his response to chairman Randall. The Secretary's letter described Randall's proposal as a "sensible direction," but it made no specific commitments. The Secretary did add that the upcoming reauthorization of NAEP and the Board might be "a time when the issue of governance of the Voluntary National Tests can be addressed."

Events seemed to be moving slowly during the six months between the President's announcement of the VNT in his February State of the Union Address and Secretary Riley's August response to Randall's June letter recommending that the Board be

identified as the policy body for the VNT. But the month of August saw the pace pick up, as the project went from slow motion to fast-forward.

On August 18, 1997, the Department of Education issued a press release announcing “*Contract to Develop Voluntary National Tests Awarded to Alliance of Major Testing Firms.*”

The release included a number of important statements:

- An alliance that includes the nation’s most respected test publishers and a bipartisan council on basic skills will be responsible for developing the voluntary national tests in fourth grade reading and eighth grade mathematics.
- The \$13 million contract awarded today is for the first year of a 5-year project.
- The tests will be used first in **1999** (emphasis added).
- The \$13,035,848 contract was awarded competitively following a review and recommendation by an evaluation panel that includes state and school district representatives as well as reading, math, assessment, and civil rights experts.
- Advisory panels will be named to oversee test development, including subject matter, technical issues, and accommodations for limited English proficient students and those with disabilities. They will build on work already done by committees of expert teachers, administrators, parents, policymakers, and business and community leaders, as well as findings from public meetings and hearings that solicited the views of parents, teachers, and communities.
- Test items and scoring criteria are to be developed this fall with a field test to be ready next spring (1998). Sample tests will be posted on the Internet in fall 1998.
- Six states, 15 cities, and the Department of Defense Schools—encompassing nearly 20 percent of the nation’s fourth and eighth grade public school enrollment—have already signed on to participate in the voluntary national tests.
- Funds for the test development contract are from the department’s Fund for the Improvement of Education in the Office of Educational Research and Improvement.

The announcement made no mention of the Governing Board. One might infer that the newly named advisory committees that “would build on work already done by [other] committees” might be a tacit acknowledgement of relevant work that had been carried out under the Board’s responsibilities for NAEP, but clearly the VNT would spawn its own advisory groups. The inclusion of prospective participants representing “nearly 20 percent of the nation’s fourth and eighth grade public school enrollment” seemed to describe a train that had not only left the station but was rapidly gaining speed. Who would dare stand in its way?

Congressman William Goodling, (R) Pennsylvania, Chair of the House Committee on Education and the Workforce, seemed prepared to stop the train. On August 19, the day after the Department announced plans, the Washington Post reported that Congressman

Goodling had pledged to "...derail, even abolish the groundbreaking testing plan by prohibiting the Education Department from spending any money on it... We already have plenty of testing... Why another measurement instrument to tell us what we already know?"

Goodling, like Gandhi, was not alone in taking up his position on the tracks to stop the VNT train. Opposition was drawing support from all sectors of the political spectrum. Chester Finn, a former Board member and Assistant Secretary of Education, described the shift against the VNT as a coalition of liberals and conservatives coming from different assumptions to a shared conclusion. Finn, at that time a senior fellow at the Hudson Institute, said he once believed that the VNT might be "...one of the odd Nixon-in-China moments when Democrats could deliver the liberal critics and enough Republican governors and congressmen could deliver conservatives for it to come together. But if this falls apart it will be because of liberals who hate the word 'testing' and conservatives who hate the word 'national,' and it looks like that's beginning to come true."

Diane Ravitch, a future Board member and an original supporter of the VNT, resigned from a VNT steering panel in July because she was disappointed in the direction of the testing plan. She believed that the Administration's decision to allow the U.S. Department of Education to supervise the test would lead to a widespread perception that the test was a political instrument. In an op-ed article that appeared in the Washington Post on August 26, 1997, Ravitch wrote "...the Internet is humming with charges that the national tests will be stacked to favor 'whole language' theories of reading and against phonics, and to promote 'fuzzy math' ...and against computation. ...I do not know whether any of these fears are valid, but the Administration's partisan control of the test development processing has inflamed such feverish concerns."

On August 26, the same day that the Ravitch op-ed article appeared in the Washington Post, the Department of Education issued a press release calling attention to Secretary Riley's announcement on CBS's *Face the Nation* (on August 24) that he planned to "ask Congress to authorize the bipartisan National Assessment Governing Board (NAGB) to set policy for the voluntary national tests in fourth grade reading and eighth grade mathematics." President Clinton made the same point in his weekly radio address on Saturday, August 30:

Some people worry that the federal government would play too large a role in developing the [voluntary national] test. To meet that concern, I have instructed my staff to rewrite our proposal to make sure these tests are developed not by the Department of Education, but by an independent, bipartisan Board created by Congress many years ago. This will make sure these tests measure what they should—nothing more, nothing less... We're working to make sure this doesn't become a partisan issue.

On September 4, Secretary Riley testified before a congressional subcommittee on the Voluntary National Tests. Three of the points in Riley’s testimony echoed points that Board chairman Randall had made in his June letter to the Secretary:

- Our proposal for voluntary national tests is not revolutionary. We are simply taking the National Assessment for Educational Progress (NAEP) tests one step further. Right now, NAEP does not test all students, and it provides no information at all on individual students, schools, or districts. We want to change that, and that is why I call the new national tests a “personalized version of NAEP,” because they will test individual students in participating schools or states. These tests will tell parents, teachers, policymakers, and students about what it takes to reach national and even international standards of achievement—something no other test currently does.
- I have attached a chart to my testimony. ...You can see that on some state tests, students appear to be doing high-level proficient work. But students don’t do as well when measured against NAEP’s high standards of excellence. This means that some parents are being told that their children are doing “A” level work, when in reality they’re only getting a “C” in education. Voluntary national tests linked to high standards will give parents and teachers a much clearer, more realistic picture of how their children are doing (appendix A).
- Now, I know that some in this Congress and elsewhere have expressed concern about the tests. ...The Administration transmitted legislation to Congress which would authorize an already established, independent, bipartisan board to oversee the tests—the National Assessment Governing Board or NAGB. We urge Congress to pass this legislation without delay. ...These tests are not part of any attempt to create a national curriculum. Individual test scores will not be collected by the federal government. States and school districts will have control over the results, and they are designed to help teachers, principals, school boards, and parents to shape their own curricula.

Secretary Riley’s first two points underscored the inextricable link between the VNT and NAEP and the credibility of NAEP as an assessment based on rigorous standards. His third point underscored the inextricable link between NAEP and the Board, protecting NAEP from perceptions of political manipulation. In effect, Riley accepted Randall’s contention that to give the VNT a strong dose of NAEP’s credibility and trustworthiness, it was essential to acknowledge the Board’s role as its trustee.

On September 11, by an 87 to 13 vote, the Senate went even further than the Administration had proposed, giving the Board full control of both the policy and operations of the VNT while allowing the tests to move ahead with no restrictions. The measure to do this was introduced by Senator Dan Coats, (R) Indiana. It was strongly endorsed by the Clinton Administration and by former Education Secretary William

Bennett, who had spoken publicly in support of the VNT, provided the program was not controlled by the Department of Education.

However, on September 16, the House voted 295 to 125 (another bipartisan vote) to ban any funds for the tests—with no mention of the Governing Board at all. Both the House and Senate measures were amendments to the appropriations bill for the Departments of Education, Labor, and Health and Human Services for fiscal year (FY) 1998, which began October 1, 1997. President Clinton threatened to veto the bill if the House ban on national testing was included.

The deadline for enacting the appropriations bill was extended through a series of continuing resolutions. Eventually, a compromise was negotiated between the two Houses of Congress and the White House. The legislation produced by that compromise was signed into law by President Clinton on November 13. The law had four main points:

1. The Board was given “exclusive authority” over the 5-year contract for developing national tests that had been awarded by the Department of Education in August to the American Institutes for Research (AIR) and a group of major test publishers.
2. No FY 1998 funds could be used for pilot testing or field testing of any national test.
3. The National Academy of Sciences was instructed to conduct a series of studies and evaluations on the proposed test itself and on several related testing issues.
4. The Governing Board was instructed to review the existing test development contract and decide within 90 days whether to approve, modify, or rescind it.

There was also language in the House-Senate conference report on the bill directing that the tests must be “based on the same content and performance standards as are used for NAEP” and must be “...linked to NAEP to the maximum extent possible.”

Speaking for the Governing Board on December 2, Board chairman Mark Musick accepted the job the law gave to the Board: “We will carry out the job Congress has asked us to do—develop an individualized version of the National Assessment of Educational Progress.” But he was careful to note that the Board had not taken a position on whether having such tests was a good idea. “The Board has not endorsed the voluntary national tests,” Musick said, “and the Board has not opposed the voluntary national tests.”

But in the next few months, the Board moved quickly. It reviewed the contract that had been signed with AIR and negotiated several major changes. This was completed by the February deadline set by the new legislation. The Board adopted specifications for the reading and mathematics tests that were closely based on the NAEP frameworks and achievement levels the Board had adopted in previous years. This work was completed in early March 1998, allowing test development to move forward.



These Board decisions were generally regarded as appropriate and sound, but the Board made another decision that was controversial, and drew strong criticism from the Administration. The Governing Board changed the calendar for test development so that pilot testing would be conducted in March 1999 and field testing would be held in March 2000; the first tests of fourth and eighth grade students would be offered in March 2001. The revised calendar was contingent on congressional action supporting continued development and not renewing the ban on pilot and field testing. The existing law prevented the use of FY 1998 funds for pilot and field testing, but left open the possibility of using funds from other fiscal year appropriations to support pilot and field testing.

The Board's decision to change the Administration's originally proposed calendar was based on the Board's acceptance of technical advice that it would be better to conduct pilot testing and field testing at the same time of year as the operational exam, with students in the trials and implementation at exactly the same point in grade levels.

The Board's decision about the VNT calendar had political impact because it would put the implementation of the VNT beyond the tenure of the Administration that had proposed the VNT and had committed a good measure of its political capital to support it. Secretary Riley issued a statement that made it clear the Department of Education did not agree that any further delay was necessary. But the Board, having accepted "exclusive authority," remained convinced that its revision of the calendar was important to the integrity and quality of the VNT. In short, the Board felt strongly that it was more important to do the job right than to do it fast, and it was convinced that the issue of quality had to be its first priority.

In an interview with *Education Week*, Board chairman Mark Musick acknowledged that some advocates of the national tests feared that the delay would cause a loss of momentum and give opponents more time to derail the plan. But Musick concluded, "Without assurance of quality, momentum won't be worth much."

During the months that followed, the Board worked closely with its contractors to move the project forward. At the same time, opposition to the VNT pressed Congress to shut the program down when it took up the FY 1999 budget. In his 1998 State of the Union address, President Clinton reported, "Thanks to the actions of Congress last year, we will soon have, for the very first time, a voluntary national test based on national standards." Ten months later, House Speaker Gingrich emerged from budget negotiations with the White House to announce, "...And there will be no national testing." President Clinton had been overly optimistic; Speaker Gingrich was overly confident, but ultimately prescient.

The Omnibus Consolidated Appropriations Action for FY 1999 that emerged from negotiations between the White House and congressional leadership was signed by President Clinton on October 22, 1998. The legislation did not eliminate the VNT. In fact, the language of the bill explicitly authorized continued test development under the exclusive authority of the Governing Board. But it also limited test development by

stipulating that no funds could be used for pilot testing or field testing of any “federally sponsored national test...that is not specifically and explicitly provided in the authorizing legislation enacted into law.” The previous year’s restrictions had been limited to FY 1998 funds. The new restriction was comprehensive, effectively closing the window on the use of past or future funds from related budgets, e.g., The Fund for the Improvement of Education (appendix B).

The legislation also gave the Board new tasks. The Board was required to prepare several reports for Congress and the White House, which would be considered in deliberations on the future of the VNT. The Board was to report on three VNT issues:

1. The purpose and use of the proposed tests.
2. A definition of the term “voluntary” as it pertains to the administration of the tests.
3. A description of the achievement levels and reporting methods to be used in grading the tests.

The Board was also required to prepare a separate report on its response to a National Academy of Sciences report, which repeated criticism from some earlier evaluations that the process for setting achievement levels was “fundamentally flawed.” Both reports were due “not later than September 30, 1999,” the last day of FY 1999. The Board decided to prepare and submit these reports by June 30, 1999, in order to provide Congress and the White House time to consider the reports during deliberations about the future of the VNT in the context of developing the FY 2000 budget.

In the following months, the Board made a conscientious effort to meet its responsibilities for the VNT. It oversaw the development and evaluation of several thousand questions written for the reading and math exams. The Board held public hearings and focus groups around the country. Reflecting the wide range of views it heard, the Board developed an interesting set of alternatives for understanding how the term “voluntary” could be defined in the implementation of the Voluntary National Tests, and how the identification of the decision makers would shape the understanding of the VNT’s intended use, reporting, administration, and consequences (appendix C). Again, the Board did not take a position about the relative merits of the alternatives. This good work, buried in the Board’s archives, was rendered moot by the comprehensive prohibition against testing in the law, a prohibition that has never been lifted. The Board’s contract with AIR to develop test items and reporting models continued until March 2001. All the test questions prepared by AIR and its subcontractors were transferred to the Board and then to a NAEP contractor. According to the Board’s staff, most of the questions have been used in subsequent versions of the Reading and Math NAEP.

Thus the VNT ended quietly, with neither a bang nor a whimper. Its supporters and its opponents moved on to other issues. The Administration that proposed it was replaced

by an Administration interested in bipartisan support for its own education initiative, *No Child Left Behind*. Apart from the unexpected addition of several thousand useful questions for NAEP's larder, which may have allowed the Board to meet the accelerated NAEP calendar that the *No Child Left Behind* legislation called for, what wisdom can be gleaned from the short and not altogether happy life of the VNT?

### **The Dog That Didn't Bark**

Why did the VNT initiative fail? Why didn't the center hold? Did the Board's refusal to accelerate the pilot and field testing deal a fatal blow to the VNT initiative? Chairman Musick acknowledged the concerns of advocates that the delay would strengthen the opposition, but the delay also weakened supporters in an Administration that would be out of office before the tests were launched.

As Chester Finn and others have observed, opposition to the VNT came from both liberals and conservatives, but so did support for the VNT. Why then did the opposition prevail? An early New York Times article had suggested that there was a reasonable balance of forces: "Experts disagree on how much of what is happening reflects a long-term shift toward greater Federal involvement or is a result of a historical moment: a politically adroit President intensely focused on education, aging baby boomers who have made education a leading national issue, and an absence of competing issues."

The opposition to the VNT included many who would seem to have been largely protected from any impact by the voluntary nature of the test. But there was always suspicion that what was advertised as voluntary would soon become an expectation if not a mandate. One of the most articulate and energetic opponents of the VNT was the advocacy group representing home schoolers. The Home School Legal Defense Association began to organize families shortly after President Clinton first announced the VNT initiative in February 1997. When the permanent ban on pilot and field testing was written into the FY 1999 Omnibus Spending bill, they considered the issue settled, the battle won. The cover story of the Home School Court Report was titled, "Home Schoolers Win Ban on National Test." The article concluded, "...We have a clear understanding of the constitutional limits of the federal government over education and the risks associated with the **imposition** (emphasis added) of any test..."

The imposition of a voluntary test is obviously not an oxymoron to many who believe that the federal government has no role in education. So it is not surprising that Congress called on the Board to clarify what "voluntary" would mean. To its credit, the Board listened to many voices before preparing a report that identified alternative scenarios. But, by that time, the issue was moot. There would be no VNT in the foreseeable future.

If the Board had accepted the Administration's original launch calendar, would the outcome have been different? If the Administration had brought the Board in earlier, would the outcome have been different? Diane Ravitch has written that an Administration official told her privately that he had opposed the Board's involvement in the VNT because "...the Board would just talk it to death." Ravitch goes on to write that "In truth, the Board needed to talk...because there were so many unresolved issues." And she concludes, "...the fact was that the political consensus needed for decisive action was not available."

Given the strong feelings of VNT opponents and the somewhat dispassionate convictions of its supporters, I suspect Ravitch's judgment is correct. And so return to an earlier question—did the Board's political innocence contribute to the VNT's eventual quiet disappearance? I would argue...probably not. Political independence is, for the Board, and therefore for NAEP, the heart of the matter. To its credit, the Board has always resisted political pressure, even when the issue might seem as relatively innocuous as the timing of a report. And yet, it is also true that the Board has not refused to play an advocacy role when it believed in the merits of an issue, even when it was controversial. The Board has maintained its commitment to reporting strong achievement levels, and has accepted responsibility for taking positions about what students **should** know and be able to do, in spite of critics who claim the Board's judgments are fundamentally flawed.

Was the VNT an initiative that deserved Board support on the merits? And if it had been an advocate for the VNT, would the Board then have put its own credibility as NAEP's nonpartisan governing board at risk with members of Congress and others who saw the VNT as a quintessentially political initiative? Or is that itself a political question?

The dog didn't bark, and the case is closed.