

**Implementing ESEA's Testing Provisions:  
Guidance from an Independent Commission's Requirements**

An Analysis By

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## Abstract

The *No Child Left Behind Act of 2001 (P.L. 107-110)*, which reauthorized the Elementary and Secondary Education (ESEA) Act, requires states to administer annual tests based on challenging content standards, measure all students' yearly progress toward achieving those standards, and disseminate report cards describing such progress at the state, school district, and school levels. State policymakers soon will be turning their attention to ESEA's requirements. In fact, preliminary choices about the kinds of state tests that will be used to satisfy the law are apt to be made in the next few months.

In anticipation of the law's passage, in fall 2001 the Commission on Instructionally Supportive Assessment advanced nine requirements to help states meet the law's testing and accountability provisions. If states develop the kind of tests the Commission advocates, these assessments will not only meet ESEA requirements, they will also serve as an important stimulus for improving the quality of instruction provided to students. If, on the other hand, states satisfy ESEA's testing and accountability requirements by simply doing more of what they have been doing, the damaging effect that many state-level accountability tests are currently having on students will be exacerbated.

If states meet the Commission's requirements, they will be in a better position to accomplish the following tasks that are specified in the law:

- Align required annual assessments in reading and math (grades three through eight) with state academic content standards;
- Provide individual and itemized reports of students' performance on required annual assessment so parents and educators can address students' specific needs;
- Provide additional information about students' progress in meeting state standards;
- Ensure that all students have access to appropriate assessments via adaptations, accommodations, and alternatives;
- Meet technical standards related to quality test development;
- Provide professional development for principals and teachers; and
- Meet federal reporting requirements.

## A Commission Anticipates Passage of ESEA

On January 8, 2002, President Bush signed into law, the *No Child Left Behind Act of 2001 (P.L. 107-110)*, thereby reauthorizing the Elementary and Secondary Education Act (ESEA) for an additional six years. The new law reflects the President's commitment to make the reform of U.S. schools a major priority during his administration. Among ESEA's key provisions are requirements calling for

- (1) the annual math and reading assessment of all children in grades three through eight and
- (2) the installation of various procedures to hold schools more accountable for improving students' achievement.

In anticipation of the ESEA reauthorization, five national education associations<sup>1</sup> convened an independent commission of nationally recognized experts in assessment and instruction<sup>2</sup> to consider how best to build the additional tests the law would require. The Commission on Instructionally Supportive Assessment recognized the negative impact on education of many current state-level accountability tests, and it wanted state policymakers to give careful consideration to the kinds of assessment they would install to meet additional federal testing requirements.

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<sup>1</sup> The five convening associations were the American Association of School Administrators, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Education Association, and the National Middle School Association.

<sup>2</sup> Members of the Commission on Instructionally Supportive Assessment were Eva L. Baker, University of California, Los Angeles; David C. Berliner, Arizona State University; Carol Camp Yeakey, University of Virginia; James W. Pellegrino, University of Illinois at Chicago; W. James Popham, University of California, Los Angeles; Rachel F. Quenemoen, University of Minnesota; Flora V. Rodriguez-Brown, University of Illinois at Chicago; Paul D. Sandifer (Ret.), South Carolina Department of Education; Stephen G. Sireci, University of Massachusetts, Amherst; and Martha L. Thurlow, University of Minnesota.

This analysis is based on a review of the law’s testing and accountability requirements in relation to two reports the Commission issued in October 2001—a relatively brief report intended for state policymakers and a lengthier one written for state assessment personnel who might create the assessments required by ESEA.<sup>3</sup> The analysis is the author’s alone and should not be regarded as representative of the position of the entire Commission of which he was chair, or indeed, as reflecting the opinion of any other Commission member.

### **ESEA Includes Pivotal Assessment and Accountability Provisions**

Three provisions of the law—annual testing, adequate yearly progress, and report cards—will have a significant impact on state assessment and accountability programs.

#### ***Annual Testing***

By the 2005-2006 school year, states must, at a minimum, administer annual statewide assessments in math and reading (or language arts) to all students in grades three through eight, and at least once in grades nine through twelve. States may select or develop their own assessments, but the tests must be aligned with state-approved academic content standards and academic achievement standards (i.e., performance standards). No later than the 2007-2008 school year, states must administer comparable academic assessments in science not less than once in grades three through five, six through nine, and ten through twelve.

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<sup>3</sup>The Commission on Instructionally Supportive Assessment. (1) *Building Tests to Support Instruction and Accountability: A Guide for Policymakers*, (2) *Illustrative Language for an RFP to Build Tests That Support Instruction and Accountability*. Washington, DC: Author, 2001. Available online at [www.aasa.org](http://www.aasa.org), [www.naesp.org](http://www.naesp.org), [www.principals.org](http://www.principals.org), [www.nea.org](http://www.nea.org), and [www.nmsa.org](http://www.nmsa.org).

The law includes an appropriations “trigger” related to these assessment requirements and to mandatory participation in the National Assessment of Educational Progress (NAEP). If sufficient federal funds are appropriated to cover administration costs, beginning in the 2002-2003 school year, states must take part (on a sampling basis) in the NAEP biennial fourth- and eighth-grade state reading and math assessments. Congress also must appropriate funds annually for grade three through eight testing. If Congress fails to meet funding levels specified in the law, states may defer or suspend the administration of annual grade three through eight assessments for one year for each year that federal funds do not reach the amount set forth in ESEA. The states, however, must continue to develop the assessments.

In addition, states must generate individual reports and itemized score analyses of students’ performance on the required annual assessments so that educators and parents understand and can better address students’ specific academic needs. All students must participate in the assessments, and appropriate accommodations and adaptations must be made for students with disabilities and those with limited English proficiency. Moreover, for all students’ progress to be monitored effectively and recorded accurately, the scores for these and other subgroups must be reported.

### ***Adequate Yearly Progress***

By 12 years after the end of the 2001-2002 school year (that is, the 2013-2014 school year), states must ensure that all students meet or exceed a “proficient” level of academic achievement (as defined by each state) on required state assessments in reading and math.

To this end, states must establish annual measurable objectives for improvement that specify the proportions of students who must make at least minimum progress toward 100 percent proficiency. States must establish adequate yearly progress objectives for all students as well as for economically disadvantaged students, those from major racial and ethnic groups, those with disabilities, and those with limited English proficiency.

To establish a baseline for adequate yearly progress, the law requires states to use data from the 2001-2002 school year to ascertain a performance threshold. This starting point must, minimally, be based on the performance of the lowest-achieving demographic subgroup, or the school that scores at the 20<sup>th</sup> percentile in the state, whichever is higher. States are free, however, to choose a higher baseline.

Once the initial baseline is established, states must raise the level of student proficiency gradually over time to reach the 12-year “100 percent proficient” goal. More specifically, they must establish intermediate goals for yearly progress so that there are *equal* increments of improvement toward the 12-year goal. The first increase must be in two years. The thresholds must then be raised at least once every three years.

If, in any given year, a school fails to achieve state-set progress objectives for a particular subgroup, the school will be regarded as having made adequate yearly progress if the proportion of the subgroup performing below the proficiency level has been reduced by 10 percent of the difference between actual performance and the adequate yearly progress

target, and if there is evidence of the group's progress on one or more other indicators of academic growth.

If students fail to make the specified degree of adequate yearly progress for two consecutive years, however, the school is provided technical assistance, and is eligible for federal school improvement funds. In addition, students must be offered the opportunity to transfer to another public school within that school district in the third year.

If a school fails to make adequate yearly progress for three consecutive years, the district must continue to offer public school choice to all students, and it must provide such supplemental instructional services as tutoring to low-achieving disadvantaged students. After four years of consecutive failure to make adequate yearly progress, the district must implement corrective action in the school, such as replacing certain staff members or implementing a new curriculum. The district also must continue offering public school choice and provide supplemental services. If a school fails to make adequate yearly progress for five consecutive years, in the sixth year it must prepare a plan and make arrangements to restructure. And in the seventh year, the school must be restructured by, for example, reopening as a charter school, replacing the principal and most staff relevant to failure, entering into a contract with a private management company, turning school operations over to the state, or other significant restructuring to bring about major reforms.

### ***Report Cards***

Beginning in the 2002-2003 school year, states and school districts must issue report cards to parents and the public. The state report cards must contain information about students' performance on the required annual assessments, disaggregated by subgroup; a comparison of students' performance relative to the state's annual objectives for student progress; two-year trend data on students' achievement; the percent of students not tested; graduation rates; information on teachers' qualifications, and information on the performance of school districts in the state that are making adequate yearly progress, including the number and names of schools identified for improvement.

School district report cards must include the same information as the state report cards for the district and its individual schools. A school's report card must include identical information and must indicate whether the school has been identified for improvement. In addition, it must describe how students in the school have performed on state assessments compared to the district and state as a whole.

### **ESEA Poses Challenges and Includes Pitfalls**

What will be the effect of ESEA's annual testing, adequate yearly progress, and report card requirements? What will be the impact of a target of 100 percent student proficiency in a dozen years? What will be the outcome of singling out schools that fail to make adequate yearly progress toward this 100-percent-proficient goal? And what consequences can we expect from required state and school district annual report cards beginning in 2002-2003? The challenges and pitfalls associated with each of these requirements are substantial. If states attempt to meet

the new law's requirements without suitable circumspection, schools and students will certainly fail.

While students' performance on required grade-by-grade assessments in reading and math is, according to the law, the *dominant* determiner of a school's, district's, or state's educational success, the likely impact of ESEA extends to other related requirements. For example, the law requires states to establish challenging academic content standards in at least mathematics, reading (or language arts), and—beginning in the 2005-2006 school year—science. States also must link at least three levels of academic achievement standards (i.e., basic, proficient, and advanced) to their academic content standards.

As a practical reality, if many *truly challenging* academic content standards are chosen, and a state sets *truly challenging* academic achievement standards for those content standards, then to get *100 percent* of the state's students to be *genuinely* proficient in 12 years represents a task certain to daunt even the most optimistic educators—even in the highest performing schools.

Some state policymakers will regard it as a near certainty that in only 12 years, *all* of their state's students will *not* achieve true proficiency with respect to challenging academic content standards. Based on that likelihood, some policymakers may be tempted to (1) diminish the challenge of their state's content standards, that is, the skills and knowledge to be taught, and/or (2) reduce the rigor of their state's academic achievement standards, that is, the levels of performance required for a student to be deemed proficient.

In other words, one way for the architects of a state accountability system to implement ESEA in a manner that *appeared* to be successful would be to establish lower, less challenging expectations for students. The resulting educational “reform” strategy would only *seem* to promote adequate yearly progress during the next decade, and would do a disservice to students, educators, and the public. What we should want for our children is their high-level mastery of truly worthwhile skills and genuinely important bodies of knowledge. Watered down academic content standards or trivialized academic achievement standards should not be a state’s response to ESEA’s worthwhile aspirations.

## **The Commission on Instructionally Supportive Assessment Provides Guidance on ESEA**

The Commission on Instructionally Supportive Assessment’s nine requirements for state assessment systems provide considerable guidance to states as they comply with ESEA’s provisions related to annual testing, adequate yearly progress, and report cards. The Commission’s nine requirements are listed in Table 1.

**Table 1**

*The Commission on Instructionally Supportive Assessment's  
Nine Requirements for State Assessment Systems*

1.	Prioritized Content Standards	A state's content standards must be prioritized to support effective instruction and assessment.
2.	Clearly Described Content Standards	A state's high-priority content standards must be clearly and thoroughly described so that the knowledge and skills students need to demonstrate competence are evident.
3.	Standard-by-Standard Test Results	The results of a state's assessment of high-priority content standards should be reported standard-by-standard for each student, school, and district.
4.	Optional Classroom Assessments	A state must provide educators with optional classroom assessment procedures that can measure students' progress in attaining content standards not assessed by state tests.
5.	Monitoring Curriculum Breadth	A state must monitor the breadth of the curriculum to ensure that instructional attention is given to all content standards and subject areas, including those that are not assessed by state tests.
6.	Appropriate Assessments for All Students	A state must ensure that all students have the opportunity to demonstrate their achievement of state standards; consequently, it must provide well-designed assessments appropriate for a broad range of students, with accommodations and alternate methods of assessment available for students who need them.
7.	Time and Technical Adequacy	A state must generally allow test developers a minimum of three years to produce statewide tests that satisfy the Standards for Educational and Psychological Testing and similar test-quality guidelines.
8.	Professional Development Related to Assessment	A state must ensure that educators receive professional development focused on how to optimize children's learning based on the results of instructionally supportive assessments.
9.	Ongoing Evaluation To Improve Assessments	A state should secure evidence that supports the ongoing improvement of its assessments to ensure those assessments are (a) appropriate for the accountability purposes for which they are used, (b) appropriate for determining whether students have attained state standards, (c) appropriate for enhancing instruction, and (d) not the cause of negative consequences.

The relationship between the Commission’s requirements and ESEA’s testing and accountability provisions is displayed in Table 2, which shows how one or more of the Commission’s nine requirements relate directly to the three key ESEA testing and accountability provisions.

**Table 2**  
*How the Commission’s Requirements Relate to ESEA Testing and Accountability Provisions*

Commission Requirements	Key ESEA Provisions		
	Annual reading and math tests, grades 3-8	Adequate yearly progress	State, district, and school report cards
1. Prioritize content standards	X	X	X
2. Clearly describe content standards	X	X	X
3. Report test results standard-by-standard		X	X
4. Provide optional classroom assessments	X	X	X
5. Monitor curricular breadth		X	X
6. Provide appropriate assessments	X	X	X
7. Allow three years for test development	X	X	
8. Provide professional development	X		X
9. Evaluate the effects of required tests			X

If states meet the Commission’s requirements, they will be in a better position to accomplish the following tasks specified in the law:

- Align required annual assessments in reading and math (grades three through eight) with state academic content standards;
- Provide reports that are both individual and itemized of students’ performance on required annual assessments so parents and educators can address students’ specific needs;

- Provide additional information about students’ progress in meeting state standards;
- Ensure that all students have access to appropriate assessments via adaptations, accommodations, and alternatives;
- Meet technical standards related to quality test development;
- Provide professional development for principals and teachers; and
- Meet federal reporting requirements.

### *Aligning Annual Assessments with Standards*

The law’s stipulations that newly required annual tests must “be aligned with the state’s challenging academic content and student achievement standards, and provide coherent information about student attainment of such standards”<sup>4</sup> are particularly germane to the Commission’s requirement that a state’s content standards be prioritized: *A state’s content standards must be prioritized to support effective instruction and assessment (Requirement 1)*.

The Commission believes that an instructionally supportive accountability test must be focused on a modest number of “the most important or enduring skills and knowledge students need to learn in school.”<sup>5</sup> By prioritizing its challenging content standards and accurately measuring those content standards, a state can determine how effectively schools are promoting students’ attainment of these highest-priority instructional targets.

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<sup>4</sup> P.L. 07-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (ii)

<sup>5</sup> The Commission on Instructionally Supportive Assessment. *Building Tests To Support Instruction and Accountability: A Guide for Policymakers*. Washington, DC: Author, 2001.

The Commission views this prioritization as a critical first step in creating a useful state assessment system. Currently, so many content standards have been officially approved in many states that there is simply no way to teach all of them in the instructional time available to teachers. And, by the same token, there is no way to test students' attainment of all those content standards during reasonable allocations of test-administration time. All too often an annual state test is given that, allegedly, is aligned with content standards that may total *in the hundreds*. To make matters worse, students, educators, and parents receive a *single test score* that is supposed to reflect students' mastery of this immense collection of content standards. Such global, and essentially meaningless, score-reports can be more accurately characterized as *incoherent* than, as ESEA requires, "*coherent*." There is the pretense that students' performance relative to state content standards has been suitably measured, but this is not the case.

Prioritizing state content standards also relates to—and facilitates—the alignment called for in ESEA. The law calls for the academic assessments to be “aligned” with states' academic content standards. It does not require the assessments and content standards to be *coterminous*; that is, it does not require the state assessments to measure each and every content standard. State content standards represent the curricular targets that educators are supposed to help students attain.

Some standards will certainly be more important than others, even though most might legitimately be regarded as “challenging.” If the law obligated states to build tests that assessed *all* of a state's content standards, it would impose a realistically unattainable assessment requirement on that state. “Alignment” describes a state of agreement between assessments and standards. *State assessments that accurately measure students' attainment of the state's high-priority academic content standards are aligned with those standards.*

And when ESEA stipulates that academic assessments are to provide “coherent information” about academic content standards, how would an assessment that attempted to measure *every* state standard yield even an approximation of coherence? It seems likely that ESEA’s architects wish state authorities to do an accurate job of assessing as many challenging content standards as possible so that valid inferences can be drawn regarding students’ mastery of the most important things they should be learning.

### ***Producing Individual Reports of Student Performance***

ESEA calls for academic assessments to “produce individual student interpretive, descriptive, and diagnostic reports . . . that allow parents, teachers, and principals to understand and address the specific academic needs of students. . . .”<sup>6</sup> Moreover, the academic assessments must provide, in an understandable and uniform format, information to parents, teachers, and principals regarding individual students’ attainment of the specific academic content standards (and the related academic achievement standards) that are being assessed.<sup>7</sup>

The meaningful, comprehensive reports ESEA calls for cannot be produced without clear descriptions of the academic content standards being measured; hence the importance of the Commission’s second requirement: *A state’s high-priority content standards must be clearly and thoroughly described so that the knowledge and skills students need to demonstrate competence are evident (Requirement 2).*

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<sup>6</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (xii)

<sup>7</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (xii)

The Commission's second requirement reinforces ESEA's goal to inform all concerned constituencies—in language they can comprehend—about the progress of students, as a group *and individually*, toward meeting the challenging academic content and achievement standards being measured by the academic assessments the law requires.

As they plan how they will satisfy the law's demand for individual student score reports, states can meet the Commission's second requirement by analyzing the expectations for learners embodied in their high-priority content standards. Those analyses, then, should be transformed into educator-friendly descriptions of each high-priority content standard's meaning. These relatively brief descriptions would be particularly useful to educators as they plan or revise their instruction.

Developing clear descriptions for the skills and/or knowledge embodied in high-priority content standards will, however, be a major undertaking. Few high-stakes assessments are currently accompanied by unequivocal descriptions of what is actually being assessed. As a consequence, teachers are faced with the perplexing task of trying to prepare their students to master what are, in truth, almost mystery outcomes.

The absence of adequate descriptions of what is to be assessed is particularly prevalent in the case of nationally standardized achievement tests. But there is often the same lack of clarity for state-developed high-stakes tests. In some instances, this assessment ambiguity occurs because these state-customized tests attempt to measure far too many content standards. As a result,

teachers really don't know which content standards will or will not be assessed on a given form of the test. Worse, many states' content standards are so ill-defined that educators find themselves guessing about the intended meaning of most of those standards.

### ***Developing and Reporting Itemized Score Reports***

In addition to requiring individual reports of student performance on annual assessments in reading and math, the law goes a step further by requiring states to administer annual assessments from which “itemized score analyses [can] be produced and reported . . . to local educational agencies and schools.”<sup>8</sup> And the assessment results must be reported rapidly enough to do some good. The law indicates that results of state assessments “will be promptly provided to local educational agencies, schools, and teachers in a manner that is clear and easy to understand but not later than before the beginning of the next school year.”<sup>9</sup>

The Commission's third requirement, which provides for standard-by-standard reporting of assessment results, sets forth the basic steps states will need to take to generate the itemized student score reports the law stipulates: *The results of a state's assessment of high-priority content standards should be reported standard-by-standard for each student, school, and district (Requirement 3).*

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<sup>8</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (xv)

<sup>9</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (10) (A)

As noted previously, most states' accountability tests currently provide only a single, overall indication of the degree to which students are attaining myriad content standards. Members of the Commission were struck with the instructional futility of such global reporting. They argued for the importance of this third requirement by stressing that standard-by-standard reports of students' progress allows educators to evaluate the effectiveness of their instruction related to each standard and to improve that instruction when warranted. Equally important, "standard-by-standard reports also provide parents with more specific information about what their children are learning in school."<sup>10</sup>

If states implement the Commission's third requirement, they will have the information needed to address ESEA's numerous provisions to let parents know how their children are doing in school—not in a superficial and perfunctory manner, but in a way that allows parents to see *which* of the assessed academic content standards have been attained by their children and at *which level* of proficiency, as reflected in the academic achievement levels called for in the law. How can parents, not to mention educators, "understand and address the specific academic needs of students"<sup>11</sup> if standard-by-standard reports of students' status are not supplied?

Standard-by-standard reports of students' performance on the ESEA-required assessments also will enable states to meet more effectively the law's stipulation that states, school districts, and

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<sup>10</sup> Commission on Instructionally Supportive Assessment, p. 4.

<sup>11</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (xii)

schools issue annual report cards. If parents are to understand how well a child's school is performing, then standard-by-standard reporting is imperative. Parents need to know *which* academic content standards their children are or are not achieving. Without such per-standard reporting, the true performance of both students and schools will be masked.

In fact, assisting schools to do a better instructional job is another pervasive theme in the law, which calls for both financial and technical assistance so that school districts can assist their low-performing or failing schools. If standard-by-standard reports of students' performance are not available, how likely is it that the assistance provided to schools will be sufficiently on-target to result in improvements?

### ***Providing Additional Information on Students' Progress***

The law says that a state may include in its annual report card "other information it believes will best provide parents, students, and other members of the public with information regarding the progress of each of the state's elementary and secondary schools."<sup>12</sup> Examples in the law include school attendance rate, average class size, and the percentage of students taking and passing advanced placement tests.

The Commission's fourth requirement relates to another piece of assessment information that state and district report cards could include. The assessment information would be provided by optional classroom assessments: *A state must provide educators with optional classroom*

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<sup>12</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (h) (1) (D)

*assessment procedures that can measure students' progress in attaining content standards not assessed by state tests (Requirement 4).*

The Commission's fourth requirement works in tandem with the Commission's initial requirement that states create accountability tests focused on a smaller number of high-priority content standards and, as a consequence, contain sufficient numbers of items to yield standard-by-standard reports of the content standards measured. This requirement calls for optional classroom assessments related to the state's remaining content standards, that is, the standards that state academic assessments do *not* measure. For example, if six of eleven math content standards at grade four are assessed on the statewide math test, the state would provide educators with optional classroom assessments for the remaining five content standards. The results of these classroom assessments would be reported as part of the state's accountability requirements or, in this case, to help meet ESEA requirements.

There is nothing in the new law that requires or prohibits states from providing optional classroom assessment instruments to make it easier for educators to measure students' status on the entire array of content standards. The use of appropriate classroom assessments would further the law's goal of informing all relevant constituencies about students' educational progress by providing a complete picture of students' achievement on more of the state's content standards. And this Commission requirement is altogether in keeping with the law's focus on multiple measures of student achievement.

Similarly, there is nothing in ESEA that prohibits states from implementing the Commission’s fifth requirement: *A state must monitor the breadth of the curriculum to ensure that instructional attention is given to all content standards and subject areas, including those that are not assessed by state tests (Requirement 5).* The Commission recommends the use of quantitative and/or qualitative methods to satisfy this breadth-monitoring requirement. Using the same rationale as that underlying the previous requirement, this fifth Commission requirement calls for states, school districts, and schools to “monitor the breadth of the curriculum that students experience to ensure that it includes more than the content assessed on state tests.”<sup>13</sup>

States would be well advised to implement this Commission requirement as part of their compliance with ESEA because of the prominent role of required annual state assessments in the law. The danger of emphasizing reading and math, the subject areas states must assess annually, to the exclusion of other subjects is high. Similarly, there is a danger, even in math and reading, of emphasizing only state-assessed content standards. This Commission requirement is intended to ensure that students are provided with a rich and broad educational experience. In conjunction with the Commission’s fourth requirement, it increases the likelihood that schools will attend instructionally to a broader set of targets than only those measured by the assessments ESEA now requires.

### ***Providing Appropriate Assessments For All Students***

To ensure that all students participate in annual academic assessments, ESEA requires “reasonable adaptations and accommodations for students with disabilities (as defined under Section 602(3) of the Individuals with Disabilities Education Act)” and “the inclusion of limited

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<sup>13</sup> Commission on Instructionally Supportive Assessment, p. 6.

English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations. . . .”<sup>14</sup>

Further, the law explicitly requires the continuous and substantial improvement of students with disabilities as well as students with limited English proficiency in a manner that is consistent with a state’s definition of adequate yearly progress for both groups.

The Commission’s sixth requirement relates directly to these ESEA requirements: *A state must ensure that all students have the opportunity to demonstrate their achievement of state standards; consequently, it must provide well-designed assessment appropriate for a broad range of students, with accommodations and alternate methods of assessment available for students who need them (Requirement 6).*

The Commission believes that state tests must be designed and developed to allow participation of the widest range of students. In this way, educators and others are able to make valid inferences about the performance of all students. As states implement ESEA, the Commission urges them to develop guidelines for school districts regarding how all students can take part in the annual assessments required by the law without accommodation, with accommodations, and in alternate assessments that align with state content standards.

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<sup>14</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (ix) (II) (III)

### ***Meeting Technical Standards for Test Development***

ESEA calls states' attention to the importance of professionally approved technical standards for the creation of the annual assessments it requires. It stipulates that these assessments are to "be consistent with widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information."<sup>15</sup> In addition, the annual academic assessments must "be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards."<sup>16</sup>

The development of important tests such as those now required by the law demands more time than most people recognize. The Commission addresses this in its seventh requirement: *A state must generally allow test developers a minimum of three years to produce statewide tests that satisfy the Standards for Educational and Psychological Testing<sup>17</sup> and similar test-quality guidelines (Requirement 7)*. It will typically take at least three years to develop instructionally supportive tests that meet standards of technical adequacy and could function as ESEA's annual academic assessments in reading and math. Therefore, test development must begin immediately to meet the requirement that these tests be administered in the 2005-2006 school year.

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<sup>15</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (xiv)

<sup>16</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (b) (3) (C) (iii)

<sup>17</sup> American Educational Research Association, 1999. *Standards for Educational and Psychological Testing*, Washington, DC: Author.

### ***Providing Professional Development for Principals and Teachers***

The law makes it clear that states must provide districts and schools technical assistance and professional development. “The State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools, including technical assistance in providing professional development. . . .”<sup>18</sup> In addition, the law includes a flexible professional development program, which is funded at \$2.85 billion in 2002, for improving teacher and principal quality. The money can be used for a variety of purposes, including limiting class size, hiring teachers, and providing professional development.

The Commission’s eighth requirement centers on a specific application of professional development funds: *A state must ensure that educators receive professional development focused on how to optimize children’s learning based on the results of instructionally supportive assessments (Requirement 8).*

The state-developed assessments that the Commission envisions for meeting ESEA’s annual assessment requirements are decisively different from current state tests. The Commission is calling for a new genre of state accountability tests—a breed of tests deliberately designed to foster improved instruction. The Commission recognizes that if such instructionally supportive

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<sup>18</sup> P.L.107-110, Part A, Subpart 1, Sec. 111 (c) (4)

state assessments were created, many educators would need to learn how to capitalize instructionally on those assessments. The Commission, therefore, recommends that educators be given repeated opportunities to learn how best to use the information provided by such instructionally supportive state tests. It also recommends that educators be given opportunities to either use state-provided classroom assessments or to learn how to develop their own classroom assessments.

### ***Evaluating the Effects of ESEA's Testing and Accountability Provisions***

ESEA requires states to report annually to the U.S. Department of Education on their progress in developing academic assessments, on student achievement, on English acquisition by students with limited English proficiency, on the number and names of schools identified for improvement, and on the measures taken to address the identified problems, as well as on teachers' qualifications.

In addition, the law stipulates consequences for schools and their staffs if students fail to make adequate yearly progress on required state assessments in reading and math. (See the earlier discussion of adequate yearly progress for details.)

Therefore, the Commission's final requirement is relevant as states implement ESEA: *A state should secure evidence that supports the ongoing improvement of its state assessments to ensure those assessments are (a) appropriate for the accountability purposes for which they are used, (b) appropriate for determining whether students have attained state standards, (c) appropriate for enhancing instruction, and (d) not the cause of negative consequences (Requirement 9).*

The Commission believes that state tests—especially those academic assessments required by ESEA—need to be evaluated and improved on a continuing basis to ensure that they fulfill their intended purposes.

### **Avoiding the “Easy Way Out”**

The nine requirements advanced by the Commission on Instructionally Supportive Assessment not only support the *No Child Left Behind Act of 2001*, they also provide states with considerable guidance on how to address the law’s testing and accountability provisions related to annual testing, adequate yearly progress, and report cards.

The Commission crafted its nine requirements because its members believe that the educational harm currently being caused by ill-conceived state assessment programs *must be halted* (e.g., narrowing the curriculum, focusing on test preparation, and increasing dropout rates among some groups of students). Moreover, Commission members were fearful that ESEA’s expansion of state accountability tests could further erode educational quality if those tests were not constructed in a dramatically different manner. The Commission set forth in its first report guidance for policymakers about how to demand the installation of instructionally supportive assessments, and in its second report it offered nuts-and-bolts guidance about how its nine requirements might be satisfied.

The *No Child Left Behind Act* presents an enormous opportunity for America to improve the quality of its schools. If states meet the Commission’s nine requirements as they satisfy the law’s

provisions, ESEA can be the springboard for substantial improvements in the way that our nation's students are both tested and taught.

Unfortunately, some states may be tempted to satisfy ESEA's requirements by taking "the easy way out," that is, by adopting shortsighted and educationally expedient policies. For example, they may try to satisfy the law simply by using relatively inexpensive off-the-shelf traditional standardized achievement tests as their state's academic assessments. Or, perhaps, they will call for the creation of customized state assessments that purport to measure all of a state's standards but, in any instructionally meaningful fashion, do not.

In short, my most serious concern about the implementation of the new law is that its potential for educational enhancement will be missed because some states will choose to follow a least-resistance path of legal compliance. Adhering to the Commission's nine requirements when states implement ESEA's provisions will demand more effort than short-cut, less troublesome ways of satisfying the law. But an easy-way-out solution will not benefit the nation's children. And benefiting our children, of course, is what this law is all about.

## **About the Author**

### ***W. James Popham***

W. James Popham is Professor Emeritus, UCLA Graduate School of Education and Information Studies. He has spent most of his career as a teacher, largely at the UCLA Graduate School of Education and Information Studies, where he taught courses in instructional methods for prospective teachers and courses in evaluation and measurement for masters and doctoral candidates for nearly three decades. In January 2000, he was recognized by *UCLA Today* as one of the university's top 20 professors of the twentieth century, and was awarded the 1997 Lifetime Achievement in Educational Research and Measurement by the California Educational Research Association. In 1968, Dr. Popham founded IOX Assessment Associates, a research and development group that created statewide student achievement tests for a dozen states. In 1978, he was elected president of the American Educational Research Association (AERA), and is the founding editor of *Educational Evaluation and Policy Analysis*, AERA's quarterly journal. Dr. Popham has written 20 books, including *Testing! Testing! What Every Parent Should Know About School Tests*, 180 journal articles, 50 research reports, and 150 papers presented before research societies.

Dr. Popham was the chair of the Commission on Instructionally Supportive Assessment.