

TESTIMONY BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND
VOCATIONAL EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR,
HOUSE OF REPRESENTATIVES

by
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I am Albert Shanker, President of the American Federation of Teachers, AFL-CIO. I am here today representing over 520,000 teachers, paraprofessionals and health care workers who have a profound interest in the future role of both aptitude and achievement tests in our society. Our members have an interest in the proper use of quality tests not only because of their effect on the futures of children they teach, but also because of their use in partially regulating entry into the teaching and health professions.

I believe that there are two simple questions that must be asked and answered in considering the merits of the two testing bills you have before you, H.R. 3564 and H.R. 4949. The first is, what are the pressures and problems they attempt to address? The second is, do they provide an appropriate response?

These are not simple questions. Certainly I do not have all the answers. Proponents of this type of legislation don't either. Only Monday the New York Times reported that New York state senator Kenneth P. LaValle, who marshalled similar legislation through the New York State legislature, was considering recommending changes in it because of unforeseen problems that had arisen since that bill became law in July 1979. I now believe that the haste with which the legislation was passed in New York was a mistake, even though the AFT affiliate there supported it. I urge this committee to carefully consider all the implications of the legislation before you, since any mistakes that are made will affect the extremely delicate business of measuring educational achievement throughout the nation.

Let me point out that I find some of the consumer-interest concerns reflected by some supporters of this legislation very understandable. Much of the press reporting on education would have us overemphasize the use of tests in making key decisions without fully considering their limits. The American Federation of Teachers has stated its opposition to this practice, as have some members of this committee. But our Executive Council will shortly reconsider the specifics of positions we have taken in the light of what has already happened in New York State and with a clearer view of the possible consequences of similar legislation.

The basic purpose behind the development of objective aptitude and achievement tests was to provide us with an objective standard of quality, that could be used in conjunction with various subjective measures like student grades and personal interviews, in making decisions about admissions to various postsecondary undergraduate and graduate programs. An objective test like the SAT, for example, can just as well be used to "discover" the bright student who has done poorly by subjective grade standards as to raise questions about the possibly inflated subjective reports on a grade-A student. There is every indication that the public continues to want objective and comparative test standards. The continuing support for elementary and secondary minimum competency tests at the state and local level are clear evidence of this. The push for this bill must be balanced by taking these sentiments into account.

Today the issue of tests is being considered in two, highly polarized ways. On the one hand is the continuing push to weigh test scores more and

more heavily in decisions related to grade promotion, high school graduation and postsecondary school admissions? On the other is the attack being waged against tests by those who cannot bear to face the implications of what their results tell us. Neither extreme position serves us well. Some testing advocates, failing to consider the real limits of test use, are too willing to rely on test information alone in making educational decisions. Test detractors on the other hand, readily dismiss the value of all comparative test information, and along with this the importance of what tests expose about unequal educational opportunity. I would hope that in considering these bills, the members of this committee will take care that the legislation they recommend does not have the effect of siding with either extreme. My fear is that it will seriously impede our ability to test and to use test information well.

Let me discuss these pressures in relation to the effects of what I believe to be the most controversial provision of either bill, Section 5 of H.R. 4949, which requires test publishers to provide test takers with the test and their corrected answer sheets. Advocates of such a measure assume two things -- first, that faulty test items will be exposed and open to criticism by students and others; and second, that the student will benefit from seeing where he was wrong. I believe that the first of these intentions is what moves supporters of this bill the most and that its potential effect must be examined very carefully.

Constant Standards

What will the effects of this exposure be on tests, when the obvious purpose is to subject each item to rigorous scrutiny and at the same time

make it difficult to use that item again? While it must be acknowledged that tests, and the individual items in them are sometimes flawed, I believe that the potential negative consequences of politicizing test scrutiny, accompanied by the remaking of tests, far outweigh whatever benefits may derive from these processes. Let me explain why.

The most basic benefit from good educational tests, consistently applied over long periods of time, is that they provide us with the only constant standards we have over time for assessing educational progress and achievement. Constant standards are essential because without them, we cannot be certain whether children are learning more or less than they did in previous years and we cannot be certain whether some methods of helping children learn are more effective than others. These are vital social facts: educators, legislators, and other policy makers must have them to do their jobs properly; parents, children and taxpayers in general also need them and have a right to them as citizens and as consumers.

That right is threatened by the provision for the blanket disclosure of test questions. Good intentions notwithstanding, such provisions are dangerous because they severely undercut the key method used to maintain constant standards. This method is known as equating and it involves including samples of previously used test questions on each new version of a test to make sure that each new edition of the test is no easier or no harder than the old ones. Different tests require different methods of equating and the restrictive provisions of these laws may make constant equating difficult if not impossible for some tests. This is a very serious matter. Any insistence on the disclosure of all or more test questions after each test administration necessarily and inevitably jeopardizes test constancy and the essential educational truths it permits us to see.

We are aware that some test-producers have promised to try to maintain test constancy in spite of these blanket disclosure requirements, but we find these vague promises totally unsatisfactory. We would also question their ability to produce an endless series of quality tests with all new questions in every single edition. We doubt that the testing agencies can or will maintain test constancy given the factual circumstances confronting them.

Quality Tests

There is another consideration that must be raised here, the issue of quality. Once the process of test development is speeded up, and at the same time each test is subject to the rigorous scrutiny of test critics, I believe that the quality level of the tests will also be subject to dangerous fluctuation. Some will argue that particular items are inappropriate for a given region of the country, or a particular sex group, or a particular ethnic group, or for people who live in rural areas, ad infinitum. I believe that particularist groups will argue for items peculiar to their own experience or orientation and this will have the effect of eroding a common quality standard.

Too Much Federal Control

This legislation's potential effect on test quality and constant standards are the most compelling arguments against it, but there are others well worth noting. Why should the requirements it outlines be a matter for the federal government? Do we really want the federal government to determine that "no educational or occupational admissions test which tests knowledge or achievement (rather than aptitude) shall be graded (for purposes of determining the score

required to pass the test for admission) on the basis of the relative distribution of scores of other tests subjects." (H.R. 3564)? Do we really want the federal government defining admissions standards in such detail? Besides, what is wrong with evaluating comparative performance, and selecting the most competitive candidates?

I have predicted that the creation of a new and separate bureaucracy for education at the federal level will bring increased federal intrusion into educational matters that are more appropriately decided by individual states, school districts and universities. I cannot help noticing that many supporters of this intrusive legislation are also among those who advocated that separate Department of Education, and who are waging a campaign against testing.

I opposed the creation of a national test when it was proposed by Admiral Hyman Rickover two years ago, and I oppose federal government regulation of tests today for many of the same reasons. The reports required of test publishers and of the Commissioner of Education by this legislation actually amount to a series of federally mandated conclusions about the effects of the tests given. These requirements are virtually designed to produce conclusions that will amount to national verdicts on tests, and I view this as one step short of granting the federal government the authority to approve some tests and not others -- in effect, to nationally control tests.

Why, for example, should each testing agency provide a comparison of the average score and percentiles of test subjects by major income groups only, unless the legislation's authors think this is the only meaningful set of relationships for test publishers to look at?

Why should the Commissioner report to Congress on the relationship between the scores of test-takers and income, race, sex, ethnic and handicapped status only, unless it is assumed that these are the only meaningful sets of relationships he and the Congress both should look at?

These kinds of provisions in the law amount to the legislation of a particular research methodology. Why not look at test scores as related to family size, for example, or class size, or school size, or family composition, or number of books in the home, or any of the many other variables researchers suspect may relate to test performance? Should federal legislation insist that a federal official view limited data in a limited way? Obviously the answer is, no. These types of provisions are extremely dangerous. They are precisely why we should be very cautious about legislating in this area.

Cost, Availability and Other Arguments

There are other arguments which must be considered, many of which have already been presented to this committee:

- ° The cost of test development, and ultimately to students will inevitably go up. Should the application of disclosure requirements be made to employment testing and oral examinations, as is provided for in H.R. 3564, the cost to government and to private industry would magnify as well.
- ° The number of times a test is offered will inevitably go down as a result of cost factors.

While some in New York -- ourselves included -- had a tendency to dismiss these arguments as simply the contrived opposition of the testing industry, their validity must be given some weight when we now see that test publishers are voting with their feet by deciding not to administer some tests in the state

and not to forward test results to New York Colleges and Universities.

- ° The federal government does not require what this legislation would require for its own civil service examinations and armed services examinations. In fact, its testing records are specifically protected from disclosure. Since this legislation has clear implications for existing government policies their apparent inconsistencies should be thoroughly examined.

While the intentions of this legislation's authors are good, I do not believe that the ramifications of the enactment of either of these bills has been adequately thought through. I welcome the discussion that has surrounded them as a great contribution to education of the public and educators on the subject, including that of my own organization. But, after reviewing criticisms that have been made of this legislation by others, and after witnessing the initial confusion that is accompanying the enactment of similar legislation in New York, I am convinced that federal legislation of this type would be dangerously premature. My concern for the preservation of test quality and constant standards, and my fears regarding a drastically altered federal role in education are behind my recommendations to you to delay quick consideration of these measures until all of their potential hazards have been thoroughly reviewed.

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