

EXHIBIT SS

Case No. 1:14-cv-00857-TSC-DAR



Highlights of APA's Involvement in Educational Testing Provisions of the "No Child Left Behind Act"

During the 106th Congress, APA's Public Policy Office (PPO), in a cross-directorate effort, was actively involved in developing and promoting legislative initiatives sponsored by Senators Jeff Bingaman (D-NM) and Paul Wellstone (D-MN), in consultation with APA's Committee on Psychological Tests and Assessment and the Committee on Urban Initiatives.

Senator Bingaman's amendment sought to improve accountability for individual schools and local educational agencies through the use of research-based initiatives in programs, models, and curricula. Among its many provisions, the amendment included a requirement for disaggregated data in the determination of adequate yearly progress to highlight gains made by students as a function of SES, race/ethnicity, English proficiency, disability, and gender. APA sent a letter to all Senators in support of the Bingaman amendment.

Senator Wellstone's amendment called for an independent evaluation by the National Academy of Sciences of the high stakes assessments used by state and local educational agencies to make decisions about students. Legislation that would have reauthorized the Elementary and Secondary Education Act (ESEA) died with the adjournment of the 106th Congress.

During the first Session of the 107th Congress, PPO staff worked with staff of Senator Paul Wellstone (D-MN) and Representatives George Miller (D, CA-7th) and Bobby Scott (D, VA-3rd) in drafting legislation to promote fairness in high-stakes educational decisions involving testing. A former congressional staff person from the office of Senator Jim Jeffords (R-VT) recently joined PPO's Education Policy staff to lead APA's efforts on ESEA reauthorization.

As part of a concerted effort to educate Congress about the critical issues involved, PPO and Science Directorate staff arranged for APA members Laurie Wise, Ph.D., of the Human Resources Research Organization, and Pat DeVito, Ph.D., of the National Research Council, to brief Rep. Bobby Scott (D-Va.), at his request, in March 2000. Later, PPO arranged for Drs. DeVito and Eva Baker, Ph.D., of UCLA, to testify at a congressional briefing on high-stakes testing in education chaired by Rep. Scott. In addition, Public Policy staff had numerous contacts with congressional staff to comment on suggested amendment language, provide information from the *Standards for Educational and Psychological Testing*, and recommend experts for testimony or consultation.

The "No Child Left Behind Act" (P.L.107-110), signed into law by President Bush on January 8th of this year, includes a new requirement for states to implement annual testing in math and reading for grades 3-8 beginning in 2006. Science standards must be developed by the 2005-6 school year and implemented by the 2007-8 school year in one grade within each grade span (i.e., 3-5, 6-9 and 10-12). State assessments must be: aligned with state academic standards; allow student achievement to be comparable from year to year; be of objective knowledge; be based on measurable, verifiable and widely accepted professional assessment standards; be used only if the state provides the Secretary of Education with evidence that the tests are of adequate technical quality for the purposes required under the Act; and not evaluate or assess personal or family beliefs or attitudes. APA advocated for the inclusion of testing provisions that helped to assure quality and fairness, some of which were adopted.

Below is the text of a letter sent in May, 2001, on behalf of two Wellstone amendments.

May 7, 2001

The Honorable
United States Senate
Washington, DC 20510

Dear Senator:

I am writing on behalf of the American Psychological Association (APA) in support of two amendments that will be offered by Senator Paul Wellstone during debate on S. 1. Senator Wellstone's amendments modify and clarify provisions relating to the use of tests and state assessments under the bill in an effort to ensure that the new testing provisions have the positive effects that the United States Senate intends. We encourage you to cosponsor these amendments and to support them when offered to the Elementary and Secondary Education Act during Senate floor consideration.

With 155,000 members and affiliates, APA is the largest association of psychologists in the world, and strives to advance psychology as a science, a profession, and a means of promoting human welfare. Psychologists have unique expertise to lend to policy discussions involving educational and psychological testing. Psychological scientists developed the first intelligence tests, educational achievement and ability measures, and personnel selection instruments. They continue to be at the forefront of assessment technology, and remain committed to the fair and appropriate use of tests, particularly in high-stakes situations with significant consequences for individuals.

APA's policy positions on testing questions are anchored by the *Standards for Educational and Psychological Testing* (1999), which is widely recognized as an authoritative document on test development and use. Co-developed with the American Educational Research Association and the National Council on Measurement in Education, the *Standards* has been adopted by the U.S. Department of Education, cited in policy guidance issued by the Equal Employment Opportunity Commission, and frequently relied upon in legal cases related to educational and employment testing.

Senator Wellstone's amendment on state assessments would ensure that states adhere to quality assurances when developing and implementing the new assessments required under S.1. One amendment would require that assessments meet *The Standards for Educational and Psychological Testing* (1999) as well as provide resources to States to develop assessments that are high quality and include multiple measures of student achievement. Finally, it would ensure that bonus funds authorized in the legislation are awarded to States that develop high quality tests; instead of those who simply create new tests the fastest. Another Wellstone amendment would clarify provisions relating to the use of certain tests by requiring that the new assessments authorized under S.1 be used for diagnostic purposes only and that adequate yearly progress be determined based on the tests already authorized under current law.

APA believes that together these amendments will assure that the new assessments authorized in S.1 are of high quality and are used appropriately for the benefit of school districts, schools and students - not to their detriment. If APA can be of assistance to you and your office in your deliberations on high-stakes educational decisions, please contact our Public Policy Office at (202)-336-6062.

Sincerely,