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Transcriber's Office

Education Committee  
February 17, 2009

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[CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Tuesday, February 17, 2009, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting public hearings on the Gubernatorial Appointments for Technical Advisory Committee for Statewide Assessment. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Bill Avery; Abbie Cornett; Robert Giese; Ken Haar; and Kate Sullivan. Senators absent: Brad Ashford. []

SENATOR ADAMS: We're going to open this hearing of the Education Committee today, and given that there's no crowd, I don't necessarily need to ask you to turn off your cell phones or any of those kinds of things. We'll just proceed on. What we are going to do today...we have some folks here in front of us that are appointees and are here for our opportunity to ask questions of them and then make recommendations to the body. And to initiate that, Brian Halstead from the Department of Ed is here to give the committee a little bit of background as to what these folks have been appointed to do. So Brian. [CONFIRMATION]

BRIAN HALSTEAD: Thank you, Senator Adams, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm assistant commissioner and general counsel for the Nebraska Department of Education. And I'm pleased to be here this morning or this afternoon with regard to the confirmation hearings you're about to take up. Some background information. Last session, the Legislature adopted LB1157 which was a change in the assessment means in which we in Nebraska are going to be testing students and reporting progress of students. We have shifted from a classroom based assessment system to developing statewide tests in the area of reading, mathematics, and science. We are going to continue with the writing test that we have been doing since 2000. Part of LB1157 included the requirement that the Governor appoint a Technical Advisory Committee that shall be made up of one teacher, one administrator, and three nationally recognized experts on assessment. The committee's responsibility is to advise the Governor, the state board and the department on the assessment instruments that are going to be developed and the statewide assessment plan that the state board of education is required under law to adopt, to carry out what the Legislature has enacted. Last fall, the Governor made the appointments to the Technical Advisory Committee. They have already met once, December 3 of last year, because the work needed to be done. And they are again meeting today and tomorrow here in Lincoln to go over the plan that's been developed and the implementation of that plan. It has been a pleasure for us at the department to be working with these people. It has been fascinating to watch the meetings and the discussion because it truly has been just a discussion. Points are raised and people jump in with ideas, comments, or whatever. It has been very valuable to us. So in that regard, from the perspective of the department, it has been our pleasure to work with these people. We certainly hope that you will recommend to the Legislature their

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confirmation to these positions. And I'd be more than happy to answer any questions you've got about the background. Otherwise, I think the members are here to address you and answer any questions you might have of them. The one comment they asked of me, since I am an attorney was to make sure I got all the tough questions and they got the easy ones. So you may feel free to load up on me if you want to.

[CONFIRMATION]

SENATOR ADAMS: So they trust you can answer tough questions? [CONFIRMATION]

BRIAN HALSTEAD: No. They expect me to be the victim of the questions in that regard.  
[CONFIRMATION]

SENATOR ADAMS: Okay. (Laughter) Well, committee, are there questions of Brian? Particularly our new members, regarding the passage of LB1157 and the purpose of this group? Yes, Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you very much, Senator Adams. What sort of time line are we talking about in terms of the work they need to accomplish and then also their terms of service? [CONFIRMATION]

BRIAN HALSTEAD: Well, in the sense of by statute, they are appointed by the Governor; they are on staggered terms in that regard. And I'm sure they can tell you what their specific terms are themselves. The time line, I would submit to you is a very short time line. I would submit to you we are already flying the airplane even though we haven't yet fully developed all of the plans or tested it. So in that regard, we have been doing lots of work. They have asked us questions to; it's interesting, today, we have the contracted Data Recognition Corporation is here at the meeting, because a number of the questions deal with our contractor's ability to deliver the tests, the manner in which those tests are going to be delivered, and all of the technical questions and issues that go on with that. It is a fascinating discussion to sit back and listen because I don't know anything about assessment, but I'm learning something every day when I just sit and listen. And this group has asked very good questions. They have made us think through things, and there are some things we've thought through that we pose to them to answer. So it's been a very good working relationship. Their knowledge exceeds anything I've got on the subject. And they've done, they bring different perspectives to it. So we're still building the airplane that we have to fly starting next year in its full capacity, but we want to test it yet this school year, and there are all the questions that go along with that. [CONFIRMATION]

SENATOR ADAMS: Senator Haar. [CONFIRMATION]

SENATOR HAAR: Thank you. I followed it in the newspapers, of course, what went on last year. When I was going door to door, I actually talked to quite a few teachers. And

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No Child Left Behind is a four-letter word for teachers. Will this replace that or compliment it or? [CONFIRMATION]

BRIAN HALSTEAD: Well, what this is going to do is deliver tests, not only for the state accountability system that this Legislature has enacted, but also to complement and meet the requirements of No Child Left Behind. So it's got a dual purpose. There's the state purpose which this committee and the Legislature has enacted. We also have a compliance agreement with the U.S. Department of Education that is largely built upon what LB1157, the Quality Education Accountability Act, requires us to do. The idea, I think is, in some ways, to lighten the load of teachers when it came to testing. And trying to meet the compliance requirements that the U.S. Department of Education is demanding, not only of Nebraska, but all 50 states and the territories. And some of the experts here that have been appointed are working with other states. They have some good knowledge as to what other states have tried and not worked or problems with that. So it's something we look forward, their knowledge, to help us do it right this time through. [CONFIRMATION]

SENATOR ADAMS: Are there other questions for Brian? Brian, I have a couple. When you said you didn't know anything about assessment, I remember that when I had you in class, you didn't know anything about assessment then either. But where are we at as far as developing standards and finalizing that portion of this? [CONFIRMATION]

BRIAN HALSTEAD: Well, now that I'm an attorney, I'd point out to you that FERPA still protects tests, the test results that you know about on me so you're not entitled to release those yet. With respect to the standards, we have, at the department, developed the language arts standards which include not only reading, but also writing, speaking, and listening. We have decided that that subject area is all-inclusive in those set of standards. They are currently, the board adopted them in December. We have incorporated them in Rule 10. That's the accreditation rule we enact for the public school districts and the private denominational and parochial schools that choose to be accredited. That is set for a hearing, as we're going through that process, I want to say it's March 11th or 12th. It's out on our Web site if you want to know the hearing date on that. What also was in the regulation is also the changes we need to make to come into compliance with LB1157. But the reading standards and the writing standards are incorporated in that. We are still working on the mathematics standards. It's our hope to have those finalized yet later this spring or this summer so that we can incorporate them into Rule 10 this fall. And we're starting work on the science standards that will again follow that. [CONFIRMATION]

SENATOR ADAMS: And teachers have been part of that process, have they not?  
[CONFIRMATION]

BRIAN HALSTEAD: Yes, actually. I think we had over 70 teachers and administrators

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that had been appointed by the board to work on just the reading tests and the reading standards. We've got a similar group on the mathematics. So they've all been greatly involved in it. It's good work that we're getting... [CONFIRMATION]

SENATOR ADAMS: Are we...are we still on schedule or maybe I heard wrong, to roll out a pilot state assessment in reading in the spring? [CONFIRMATION]

BRIAN HALSTEAD: Now we're going to get into the technical...are you talking about a pilot or a field test? And these people can tell you the difference between the two. Our goal is this spring for school districts to do a pilot so they can see how it is going to work. The field test, as I understand it, but I'll let these people correct me, is what we'll use as part of the information we need to validate the testing process to make sure our procedures, that the questions we're asking are going to generate the responses we need, and the field test again, we're also going to do this spring. I think we may also have a piece this fall, and I'm not sure on those two. But the field test would be the part we'd use as part of our validation of the reading tests we will implement next school year in order to report the results from the school districts here in Nebraska and also as part of the NCLB compliance. But there's the pilot which is more of a practice test for the schools to use, then there's the field test for which the actual data is gathered, and the comparability and all of the validity has to be done on which is already beyond my ability to discuss, so. [CONFIRMATION]

SENATOR ADAMS: Okay. Are there any other questions for Brian then? Thank you for the background, Brian. And we will begin today's confirmation hearings with Linda Poole. Linda, could you just take a moment and explain to the committee members your educational background and maybe your background in the area of assessment and then answer any questions they might have. [CONFIRMATION]

LINDA POOLE: Sure, I would be happy to. Good afternoon, Senator Adams and members of the Education Committee. My name is Linda Poole, and I was the Governor's appointment for the teacher on this task force. There was a question earlier about the length of terms. He has appointed me to a three-year term. I think some of the terms are two years and some are three years, and he did give me a three-year appointment on that. My background is I'm...by profession, I'm a teacher. I'm an educator. I began my teaching career in the Millard School District in 1982, taught there for five years, then I took 15 years off to stay home with my children. During that time, I have still been very involved in education. I have served 13 years on the Millard Board of Education. I served 10 years on the State Board...or on the Nebraska Association of School Boards. And I also served for a year on the National School Boards Association. So I've been involved at all three levels: my local board, the state board, and the national as well. Three years ago, I decided to go back into teaching after my children were raised and I now am employed in the Papillion School District where I'm a third grade teacher at Walnut Creek. So that's kind of my background. [CONFIRMATION]

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SENATOR ADAMS: Questions for Linda. Senator Haar. [CONFIRMATION]

SENATOR HAAR: Yes, thank you. And this is a question I'll ask of everybody. What are your opinions about No Child Left Behind? [CONFIRMATION]

LINDA POOLE: You know, I...from a...both a teacher's and a school board member's perspective, I think there's parts of No Child Left Behind that are good. I don't think, you know, as a teacher and as a board member both. I believe in accountability. I believe that we need to be accountable. And I don't think anybody is really afraid of that. I think there's some tweaks that need to be made to make it, the bill so all school districts in the state are not failing or across the country are not failing. So I think the basic premise of it is good, but I think there are some things that need to be changed in it as well. [CONFIRMATION]

SENATOR HAAR: And what are the tweaks that you're talking about?  
[CONFIRMATION]

LINDA POOLE: Well, you know, in years out...eventually, I believe it's in the year 2013 where a hundred percent of the students would have to be passing or the school would be deemed as a failing school district. I mean, I, you know, that's unrealistic, I believe. You know, there is certain things like that, you know, need to be fixed in that.  
[CONFIRMATION]

SENATOR HAAR: Thank you. [CONFIRMATION]

SENATOR ADAMS: Other questions for Linda? Senator Giese. [CONFIRMATION]

SENATOR GIESE: Thank you, Senator Adams. Mrs. Poole, so for a new freshman senator then what is our biggest challenge or what do you suggest for us as we go forward to keep in mind or suggestions you may have for us on this committee.  
[CONFIRMATION]

LINDA POOLE: You know, I think one of the big issues, and it kind of came up today is I think any time that you change the assessment, you know, in the past, districts have had their own local assessments. Now we're going to a statewide assessment. And with No Child Left Behind and with AYP, we can expect probably the scores for the next year, those tests to drop because it's the first year that we're giving them the assessment, and I think that's something you need to be aware of. Any time you change an assessment--probably for the first year--the scores are going to go down. I think we need to communicate that. I think we're going to need to communicate that. So they don't think necessarily that our schools are failing, but it's because of the change in the assessment. I just think communication is going to be a real big part. We talked today

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about the assessment that's going to be given in language arts, and it's a different assessment from what schools are used to seeing. And I think there's going to have to be a lot of communication there for the teachers in the classroom because it's different from what they have seen. [CONFIRMATION]

SENATOR ADAMS: Other questions? Senator Avery. [CONFIRMATION]

SENATOR AVERY: How are you? Welcome here today. [CONFIRMATION]

LINDA POOLE: Good, how are you? Thanks. [CONFIRMATION]

SENATOR AVERY: You were a classroom teacher. Are you still in the classroom? [CONFIRMATION]

LINDA POOLE: I am, I teach third grade in Papillion. [CONFIRMATION]

SENATOR AVERY: So you are familiar with STARS. [CONFIRMATION]

LINDA POOLE: Right. [CONFIRMATION]

SENATOR AVERY: And you, of course, know that there was no controversy surrounding our decision. [CONFIRMATION]

LINDA POOLE: Exactly. [CONFIRMATION]

SENATOR AVERY: Where do you see STARS winding up in this assessment change that we're making? You know, that was a part of our discussion last year about whether or not STARS would, you know, we put all this effort into STARS and now you're going to...it's crap, and you're going to make us do it all over again. You're going to a different system. Do you see that happening to STARS? [CONFIRMATION]

LINDA POOLE: You know, I think across the state, I think there's a difference, differing opinions. I told you I've sat, I sat on the Millard School Board and when this all came up about a statewide assessment and the Governor was kind of talking and saying, okay, who would stand up and say they want a statewide assessment? My board that I sit on said we will. You know, we'll go for that. The district I teach in said absolutely not. And I think you're hearing that all across the state. Some school districts are saying yes. Some school districts are saying no in terms of the statewide assessment. But I would think with just the number of assessments that this will require and with local assessments, I would think probably many school districts would give up their local assessments and probably just go toward the statewide. But I don't know, I guess that would be a local decision. [CONFIRMATION]

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SENATOR AVERY: We heard a lot of talk about STARS being a teaching tool. It would help the teachers know where their students are now and how to get them to the next point. And in that sense, it is an important pedagogical tool. Do we really want to scrap it? And I'm thinking that, it was my hope that we would be able to keep it. Not as the ultimate test. Not that you can even have an ultimate test, but that it wouldn't be the statewide test, but it would be still a good teaching tool. [CONFIRMATION]

LINDA POOLE: Right. Well, and I think with that too, a lot of those tests were given as point of instruction where this would be more a point of time test. So it, again, it's just a change in the testing all together. [CONFIRMATION]

SENATOR AVERY: You came from a school district that opposed the statewide testing bill that we passed? [CONFIRMATION]

LINDA POOLE: The school district I teach in, correct. [CONFIRMATION]

SENATOR AVERY: Did you personally oppose it? [CONFIRMATION]

LINDA POOLE: You know, I...tough question. Like I said, I wear two hats. The district I'm on the board on is fine with it. The district I teach for wants to keep their local assessment. Now they're on board, I mean, they realize that it is a state law and it is something that they have to do. But I know that they're going to continue to give their local assessments as well. [CONFIRMATION]

SENATOR AVERY: Thank you. [CONFIRMATION]

SENATOR ADAMS: Are there other questions. Well, certainly you...I would think you would agree that from a teacher's standpoint, there's still a huge amount of value in the capacity that we have developed amongst teachers in preparing local assessments. It was just trying to take those local assessments to the summative level that we were just in trouble with. So what...do you think it's dreaming to think that many school districts, given the capacity that they now have, in developing local assessment, would still use those devices. It's just now we don't have that validity and reliability ladder to have to climb with the local assessment. [CONFIRMATION]

LINDA POOLE: Yeah, I would agree with that. [CONFIRMATION]

SENATOR ADAMS: Other questions for Linda? Thank you, then. We appreciate you being here today. Next on the hot seat, Dr. Dallas Watkins. [CONFIRMATION]

DALLAS WATKINS: Dallas Watkins, D-a-l-l-a-s W-a-t-k-i-n-s. Chairman Adams, Senators, members of the Education Committee. The last time I was here there were lights and maybe they would be convenient this time. But I guess there's not today. I've

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been in education 32 years. I started as a teacher in Dalton in the Panhandle. I went to Holbrook for six years, and I've been at this school district that was Benkelman, became Dundy County and is now Dundy County Stratton Schools in southwest Nebraska. We...we've consolidated a few times, and we just keep adding names. We're about 55 miles wide and the district is 1,050 square miles. I've been an administrator in that...Dundy County Stratton Schools which was Benkelman when I went there, for 25 years. I was high school principal, activities director for six and the last 19, superintendent. When I was at Holbrook, I taught two years and I was a part-time teacher and principal for four, and then I was a teacher at Dalton. My undergraduate major was social sciences and history. I went to McCook College, UNK now. It was Kearney State then, and I did my doctoral work at the University of Wyoming and received the degree there, so. [CONFIRMATION]

SENATOR ADAMS: Are there questions? Senator Haar. [CONFIRMATION]

SENATOR HAAR: Thank you. Well, I'm going to ask the same questions, question of what do you think of No Child Left Behind? [CONFIRMATION]

DALLAS WATKINS: I think that we have political realities in this world and that as an educator, you know, I hope that all of us have always known that all people can learn. That they do come from different backgrounds, and there's tremendous challenges in our classrooms, and we have more diversity in Nebraska than we would, you know, from the outside looking in, we may not think that we do. But we're not a homogenous state. We have all kinds of issues. And we have east and we have west and we have rural and we have children of minorities and we have a tremendous economic status in our state. All of those are factors in education and to get back to your question about No Child Left Behind and the political realities, I don't think it's any different at the federal level when taxes are collected and then disbursed to states than it is at the state level. And that there is an expectation of accountability of schools, and I understand that. I think that schools are probably more challenged now, and I don't know that anybody would ever change that comment. It seems like we say that every year, and in the past, how things have changed. But we really are. The teachers, they work hard, you know, and to be measured by a single test is frightening to teachers. You know, and I don't, I don't know very many people that went into education for monetary reasons. And I think most people are very dedicated to their profession. But the political reality is, we do have tests, and I think it's something we have to understand. And it is a sense of measurement. And I hope that we would use testing to improve instruction, to improve learning and maybe even methodology. I think that we've learned a lot. To delve into some questions that I heard Linda answer very well. If nothing else from STARS, it made us go back to our undergraduate days when we were in teacher preparation classes that told us about, you know, you're going to teach something, here's how you're going to teach it. There's going to be delivery and then you are going to measure it, in the '70s. We just know the state and the national government was going to

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measure it, too. Maybe people would have went into other professions, but I hope not. And STARS did that for us and regardless of how we approach STARS and why it came about, we did back into our past. And educators had to ask themselves including those administrators watching, coaching, supporting, whatever it is we do, when it comes to daily instruction, you know, all we teach...are we testing, are we teaching what we're going to test? And what is the public's expectation? And I think that maybe STARS and No Child Left Behind and my mom told me about eighth grade exams in rural schools, and not very many of you are old enough to remember that, but some of you are. I think that the public probably wanted to know if there was competency. And when Thomas Jefferson talked about an educated citizenry being essential to a democracy, I think it so very true and still applicable today. So I think the public at the national and state and local level has always said, how do we know that a person can read to a certain level. And I think it was a minimum competency they were talking about with accountability so that we could preserve this democracy and this very wonderful country and state we have. We've made...it's become very complicated though. You know, and we have demographics, we have scores, we have validity and bias, and you will be real impressed with this scholarly man we've brought in and I hope you enjoy visiting with them and they can share some of that type of information. I am not a testing expert. You know, I hope I'm a good practitioner in a school. But there is accountability and there's political reality and there's still teaching and there's still kids with issues and it all mixes. [CONFIRMATION]

SENATOR ADAMS: Other questions? Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator Adams. Help me a little bit on, do I understand correctly that there are standards developed for writing and then your work, you've got reading, math and science. What about the rest of the subject matter areas? [CONFIRMATION]

DALLAS WATKINS: Those are the three that are expected. Any other testing areas would be a local decision. [CONFIRMATION]

SENATOR SULLIVAN: Oh, okay. All right. Very good. [CONFIRMATION]

DALLAS WATKINS: We...there's a lot of testing going on in schools. [CONFIRMATION]

SENATOR SULLIVAN: Yeah, because the reason I happened to be in Burwell yesterday and talked to a government class. And she had been expressing frustration with making sure that she was addressing the standards and was testing at the local level. But she said that there won't be any testing done at the statewide level in social studies. Is that correct? [CONFIRMATION]

DALLAS WATKINS: We have not got there yet. Is there a target date, Brian? Okay.

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With Senator Adams and I being social studies teachers, we are curious.  
[CONFIRMATION]

SENATOR AVERY: We will get you there. [CONFIRMATION]

SENATOR ADAMS: And as a matter of fact, I spoke at a Nebraska social studies teachers' conference a couple of weeks ago and they asked me the question, why weren't they included. And I said, well, now ask yourself that question again and be careful what you ask for. [CONFIRMATION]

DALLAS WATKINS: Be careful what you wish for. [CONFIRMATION]

SENATOR ADAMS: That was exactly right. But you know, there was a sense on the part of some of them that they feel the fact that social studies was excluded from the statute in some way makes social studies a second class curriculum or something like that in the grand scheme of things and that was never the intention. And then I think there was some after thought about maybe we don't want this to happen, so.  
[CONFIRMATION]

DALLAS WATKINS: Couldn't we ask questions? Well, I think it's a tougher curriculum area to define. Do you? [CONFIRMATION]

SENATOR ADAMS: I would agree. I would agree. And what we were trying to follow is we wrote the statute, the federal language that was there and that kind of kept us away from social studies a bit, too. I did not single-handedly have anything to do with saving social studies teachers from that. Dallas, may I ask of you, as a practitioner, how do you see local assessment and the capacity--I'll use that again--the capacity that has been developed amongst your staff transitioning with statewide testing. [CONFIRMATION]

DALLAS WATKINS: These would be generalizations. I, you know, from one teacher to another, I think it differs. I would say that there's frustration and confusion. But yet, what we've learned in the last five years has been enormous about how to use testing to improve instruction. I do think though that using it to evaluate a teacher's ability or a school's rank, you know, bothers people. I guess sometimes motivation comes in many forms. The...you know, whether it be a standardized or a criterion referenced test or who's developing the test and you know, if we had a statewide curriculum in the three areas we're testing and teachers understand what it is they're supposed to teach, and I think we're getting there. I don't think we'll have a statewide curriculum, but I think we have standards that could be called a statewide curriculum. And as they become more comfortable with that, but you know, when we changed Senator, it was drastic. When you taught, it was just starting to happen at the end of your career. The new teachers coming out and higher education, I think has prepared them better for it. So some of it is a little bit shock, and a common set of standards or things that we're teaching to, that

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we believe are important to a subject should be pretty common knowledge and strive for also. [CONFIRMATION]

SENATOR ADAMS: Okay. Are there other questions for Dallas? Yes, Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you, Mr. Chairman. Well, this is more an observation than it is a question, but maybe it's helpful. I have a school in my district, Jackson Elementary School that failed in some aspect of a statewide testing, so they're doing Saturday morning school now. And I go down there for an hour on Saturday morning just because I want to be supportive of them and give them that bit of my time. Plus it's kind of nice for me to actually, you know, actually be available to these kids and they're so grateful. But on thing I've realized in working with them is that these kids that are English as a second language are able to sound out the words and read the story in the book. But I'm not so sure that they know what the words mean. One little child was reading about the king who lived in the palace. And so I said, do you know what a palace is? He had no clue. I mean, it was just a concept that had not occurred to them. So I think we do have an obligation to make sure that along with being able to read through the book and you know, having good intonation with the words and things that they do have the opportunity to know what those words mean. I think it goes just a little bit deeper than the...being able to get to the end of the book. [CONFIRMATION]

DALLAS WATKINS: I agree. [CONFIRMATION]

SENATOR ADAMS: Are there other questions for Dallas? Hearing none, thank you sir, for being here. [CONFIRMATION]

DALLAS WATKINS: You're welcome. [CONFIRMATION]

SENATOR ADAMS: And now we move on to Wayne Camara. Wayne, welcome. [CONFIRMATION]

WAYNE CAMARA: Thank you, Mr. Chairman, members of the committee. My name is Wayne Camara. Very briefly, my background, I graduated from college, the University of Massachusetts about 30 years ago this year in psychology and did graduate work and have degrees in educational measurement. I worked as a school psychologist, so I have a degree in that area and completed a Ph.D. at the University of Illinois, Champaign-Urbana, specializing in psychology, but industrial organization. During the first couple of years before my doctorate, I worked in schools as a school psychologist certified as a guidance counselor. I did a little bit of that work as well. But my post-doctorate career really has been in testing and measurement. I worked as an executive director of science for the American Psychological Association in Washington, D.C. I did a lot of work on military and employment testing and assessment and have

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been with the college board as the vice president of research and development for about 14 years now where I direct all of the test development and all of the statistical analysis and research on tests like the SAT, the Advanced Placement Program, PSAT, so on and so forth. And so I'm very glad to be in Nebraska and hope to have some...provide some assistance to the state as you go down this new path for yourselves. [CONFIRMATION]

SENATOR ADAMS: Thank you, sir. Are there questions? Senator Avery.  
[CONFIRMATION]

SENATOR AVERY: Welcome to Nebraska. I'm looking at your CV here and I see you have, it looks like maybe a book under review on Professional Standards in Educational Assessment. So I presume that's of recent vintage. Would you be willing to summarize some of what you do in that book? [CONFIRMATION]

WAYNE CAMARA: Sure. Actually, the publication you're referring to is something that I'm on a management committee for. There's something called the Standards for Educational Psychological Testing and in all areas of testing; whether it's clinical, educational, employment, licensing, certification; those of you who are attorneys passed the Bar exam. This is--in essence--the bible. This document is developed by the professional associations: American Psychological Association and two others in education that really have a lot of expertise, practical as well as scholarly in testing. And so what the document does is it's something that states who are developing tests need to be familiar with. Test publishers need to be familiar with it, because it basically prescribes best practice, and it tells us what we need to do if we're developing a test that's going to be valid, fair, and reliable. And what the client, the state, the certification body needs to do. And so I've been involved with that for many, many years. The chairing of a management committee that's trying to revise those standards, and we do that about every 15 years. But it is important because this document has been cited by the Supreme Court, by the Congress favorably and when a state or an entity doesn't follow it; not so favorably for them because court decisions have gone against organizations that have failed to adhere to some of those standards. But it's much more of a professional guideline and guidance on how to do testing fairly and in a sense, scientifically, with best practices. [CONFIRMATION]

SENATOR ADAMS: Other questions? Senator Haar. [CONFIRMATION]

SENATOR HAAR: Thank you. What are the...what do you see as the shortcomings of this kind of assessment? I mean obviously you all are going to do a good job of what you're expected to do, but what do you see as some of the shortcomings?  
[CONFIRMATION]

WAYNE CAMARA: Well, this assessment is really, follows quite closely the mandate

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from NCLB and so some of the general assessments I see in those types of things are really that they are, that first of all, that they are a sample of behavior. And the general public and a lot of us overemphasize the results on standardized tests, whether it's the SAT or whether it's a test like this for school-based results. And we see into more than the test is able to give us in terms of reliable scores. They're an indication of a point in time and they can certainly, I think, identify students who have weaknesses and strengths. But we read much too much into them often. I think to some extent, one of the dangers of maybe not being included in content areas like social studies is they can lead educators to narrow the curriculum, to teach to the test, which may not be bad if the test is measuring what you really want to emphasize. But it can be...it can have negative consequences because of the domains whether it's computer science or social studies or foreign language are important for college success and certainly workplace success. So really the narrowing of the curriculum are issues and much like you probably heard when you went down this path to local assessment, it can, in a sense, swallow a lot of the energy--the professional development time for teachers. Teachers do need a lot of professional development time to really improve the curriculum and to be able to do other types of formative assessments. And I think they will...teachers will uniformly get more information from other types of assessments that are designed to serve other purposes. These assessments are designed really to give you a picture of where students and schools are at a particular point in time and to really measure progress towards specific goals over time within a state. I don't believe that they're nearly as accurate or useful in making comparisons across state lines, and I don't think they're nearly as accurate in really giving teachers the kind of information that they need to really determine where a student is and how to bring them to that next level. Other tests need to...need to be used, other assessments, other techniques and you don't want the resources and attention needed for those curriculum, professional development, and formative assessments to be taken away because of the visibility and pressure that states and localities have for this kind of testing. [CONFIRMATION]

SENATOR HAAR: So for example, to start to hinge or hook teacher pay, for example, to test results and stuff is kind of iffy? [CONFIRMATION]

WAYNE CAMARA: Yeah, I personally would not be a big supporter of that because there, one of the many reasons is simply that we all start out at a different level and we start out with different students and schools differ tremendously in the background of students. And one of the most important things we see, I was reminded by a manuscript that I just reviewed, about college success, is that irrespective of the quality of the high school and the ability of students, it still appears that one of the single most important predictors of who will graduate in four and six years in the country is the parental education and the parental income of families that they come from, even within the same high school. And if anything, the manuscript that I read was a bit depressing because it showed even from the better high schools, students who are at the low income range or the low parental education areas, are not faring nearly as well as

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students from middle SES families. And so there's a lot of success in educational outcomes that we don't like to admit readily, but are beyond the control or at least are not totally within control of educators and schools. We try our best, but there are a lot of other factors that are just as important: where the students live and what kind of support they have in their families. [CONFIRMATION]

SENATOR HAAR: Thank you very much. [CONFIRMATION]

SENATOR ADAMS: Other questions. Senator Giese. [CONFIRMATION]

SENATOR GIESE: Thank you. Just the opportunity to throw the question out there. Were any of those results based on teacher pay? [CONFIRMATION]

WAYNE CAMARA: No. No. [CONFIRMATION]

SENATOR ADAMS: Other questions? I have one. Being from the outside and coming in, how would you evaluate where we have been in Nebraska with assessment and where we are going? Have we wasted our time? [CONFIRMATION]

WAYNE CAMARA: Um, I don't think so. And I'll admit to not having a thorough understanding of the local assessments although I know one of the assessment directors in Lincoln and others throughout the state and have certainly heard about what Nebraska has done. I think on the very positive side that what you've done and hopefully will last is that you've provided a lot more expertise in the schools and among a lot of teachers in how to do assessments well. And that training hopefully will not be wasted. I would like to see the districts that have the resources and have acquired that level of understanding and skill to retool or reuse those resources in terms of developing or changing to more formative assessments, the types of assessments that are administered after a lesson is administered. That may not be terribly reliable to compare classes or schools between, but would be very informative for a teacher to understand before they move to multiplication. Do the students really understand well enough addition? If they don't, what kind of remediation, what kind of review, what kind of information can I give them so that they're prepared to go on to the next unit because learning often is somewhat sequential and we need to have better tools to determine if students really have learned what they've...what they've been exposed to. And so I think that kind of effort that you've got doing local assessments can really help in that way if there's enough support and if there's enough effort at the local level. So I, in many ways, I'm very supportive of the kind of assessments and training that happen in Nebraska. Given the mandate of NCLB, I don't think it was a very effective approach, and I wouldn't personally support it because NCLB and state accountability is really requiring standardization. And so the analogy I'd probably give is having run cross-country many, many years ago; if every school had a different track with different conditions and different lengths and you tried to make any kind of comparison or

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examine growth based on the local track, the local conditions, some are hilly, some are woodsy, some of them are mud, some are long, some are short, some are flat--it would be very difficult. And standardized tests, the one thing, the one benefit they have is that everybody has the same administration conditions and the same items. And at least to some extent, it levels the playing field in terms of metrics and in terms of how students are doing. So that is probably much more suited for an accountability model that NCLB has. On the other hand, it's not at all effective for the kind of instructional information that teachers want. So I'm very sympathetic to their needs. [CONFIRMATION]

SENATOR ADAMS: Thank you, sir. Are there other questions? Seeing none, thank you. Dr. Brian Gong, you will be next. Thank you for being here. [CONFIRMATION]

BRIAN GONG: Thank you for inviting me. I'm Brian Gong. I am currently the executive director of a small nonprofit consulting group called The National Center for the Improvement of Educational Assessment. We couldn't think of a longer name. We usually go by the Center for Assessment. I've been there ten years. We consult and provide technical assistance to states and other educational entities including the U.S. Department of Education and the Council of Chief State School Officers and others. Currently, I think we're working with 37 or 38 states. Before that, I was the director of assessment for Kentucky's state department. And before that I worked at Educational Testing Service developing classroom-based assessments which we usually don't think of ETS as that, but I was privileged to work there. [CONFIRMATION]

SENATOR ADAMS: Great. Questions? Senator Haar. [CONFIRMATION]

SENATOR HAAR: Yes, thank you. Could you tell me a little bit what your involvement will be? Will you be in Nebraska occasionally or how does this work? Or you kind of work out of your home office, but you'll be here occasionally. How will...how will your, how will this committee work together? [CONFIRMATION]

BRIAN GONG: The Technical Advisory Committee structure is, I think, still evolving for Nebraska. But I think that what it will consist of primarily is between two and four meetings a year of a day or a day and a half. And because I've been asked by the Governor to be the chair, I've worked with the department between those meetings to set the agendas and make sure that things are being done in a timely way. If the department feels that it needs additional advice from the Technical Advisory Committee between the meetings, then it's possible to convene them through a teleconference or something like that, still in compliance with the open meetings. But it's not...Nebraska's plan for the Technical Advisory Committee is very similar to most other states. It meets probably three or four times, at the most, a year. [CONFIRMATION]

SENATOR HAAR: And then, obviously, we're picking your mind, because we have these great experts in front of us. What do you see as the appropriate use of the kind of

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testing we're developing here in Nebraska for the classroom teacher?  
[CONFIRMATION]

BRIAN GONG: It has, I think, important, but limited use for the classroom teacher. The, and I'm not sure what the reasoning, all of the considerations behind it. Maybe...if I just take a couple of minutes to give my perspective for this. If you go back 40 years, there was a Colin Report that came out and it's a very famous report that, where sociologists looked at achievement of students and came to the conclusion that family background made most of the...could be statistically related to most of the student outcomes. And so that got translated, which wasn't quite correct, into this thing that schools didn't make a difference. The next year the Congress passed a law, a funding law. That was this Title I law that No Child Left Behind is the current version of that. Providing additional funding to make it so that children, particularly children who are economically disadvantaged could have some additional things so that school would help to overcome some of those problems. The Head Start program was started at the same time. So the primary reason behind the federal government's involvement has been an equity one. They're trying to say students who are disadvantaged, we're trying to help them make them up for some compensatory program and last and before No Child Left Behind, there was a change where the federal government required standards-based assessments. And the switch between norm reference and standard space, the standard space said there is a common set of content standards, things that we want students to know and be able to do, and there's a minimum performance. We want students to reach this proficiency. When that word came about because people were seeing of a lot of differences in the classrooms that people were finding in the '70s and '80s was due often to expectations. So we sort of expect you to do better and we treat you differently and you learn differently and if we don't expect you to learn, then it's sort of swimming upstream to do that. And so there's a long history behind why the tests that the federal government requires are the way they are. And they have to do primarily with this equity agenda that they have. No Child Left Behind, you can see that. It says students proficient, all students the same, we've got to do subgroups and it's funded by Title I. If you didn't take Title I funds, you wouldn't have to do No Child Left Behind. Okay? So it really is saying we're trying to have this equity concern. So the testing is designed to inform that type of decision. Are schools serving students so that they have this equal opportunity, but now it's moved from opportunity to outcomes. And so it's designed primarily for this policy, a very large policy thing, federal and then state. States are responsible and most states constitutionally for the state system. So the tests were not designed to inform instruction. They happen one time of the year. Most of the tests--and Nebraska will not be that different than many states. These tests are going to have about 50 questions, 50 items on them. And you think about trying to assess everything a student has learned in a year, you can get a reliable, that is a consistent snapshot statistically on that, but it's not going to tell you what you if a child in November or a particular thing. So the test is designed for a purpose. Nebraska's test will fulfill that purpose. The purpose is not to inform classroom instruction or even curriculum evaluation. If the district said, we have a

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program coming in, we want to know whether the program is working better here or here. This test is probably not the best instrument for that. [CONFIRMATION]

SENATOR HAAR: Okay. Well, maybe we should ask Mr. Watkins this one, but if it's really not designed to help the teachers, I mean, so you here you have a test and I know talking to teachers, they're pretty uncomfortable and they think, you know, they're going to be judged...even if we know that's not the way to judge teachers, they're going to be judged on that. But how do we get from that test results or how do we get teachers to achieve those kinds of things. And maybe that's more for the school personnel themselves? [CONFIRMATION]

BRIAN GONG: I think that this is, most states have taken this as a first step because the problem that we had before was you could have schools and districts where the performance might be very different on other measures, college going and things, and people would say, you know, what we are doing is either good enough for us, we're doing a pretty good job, or people will say, it's the best we can do. You know, given the students and the other situations, it's the best that we can do. So this accountability design that currently is in place has been...many states have been doing something like this for about 15 years. It's designed to counter those. So the assessment does three things. It sets a goal, it gives clear, it's supposed to give clear direction about what to teach, at least in the core. Not everything but at least in the core. And then it's supposed to give feedback and the Governor we talked to about this, he says, I want comparable feedback. I don't want to have one district say, we're doing well and another district to say well, we're doing well, and then to say; well, how do you compare and say we're using our own measures. He says that part is a problematic thing to begin with. So I think it can help in that, in that way. In terms of informing particular individual action, it's not intended to do that. [CONFIRMATION]

SENATOR ADAMS: Are there other questions? So in part then, I hear you saying that there is still a valuable place for formative assessment, but trying to use it as we have in the past here in Nebraska to meet statewide accountability and federal accountability? [CONFIRMATION]

BRIAN GONG: That is a stretch. [CONFIRMATION]

SENATOR ADAMS: It was a real stretch. [CONFIRMATION]

BRIAN GONG: That's right. I've worked with, I've worked in Kentucky. Kentucky is the only state, still--was and still is--the only state that was using classroom generated scores as part of the statewide assessment. That's their writing portfolio. Their writing portfolios are...the writing is done in classes, the, and not at a single point in time and the scoring was done locally and those scores are used for school accountability. It's the only measure that I'm aware of that's, where a local assessment is used in statewide

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accountability. Other states have tried different things and that hasn't worked. So you can see my discussion about the statewide test isn't very good for instructional things. I think if we had a similar thing, people would say, well, instructional tests probably aren't very good for some of these other things. And so most states have developed at least two-tiered systems. Now, Nebraska is far ahead of what many states...where many states are. Most states have put all their budget and time or most of their budget and time on these statewide assessments. Statewide assessments in many states give an objective and politically credible way to identify low performing schools. And then the state does some action. But it may not give much more information than what people, if you ask people...if you asked people who are well informed, they could say, well, we could tell you the districts that are already, that need assistance, but that's no basis for doing that. But where most states are now is when they identify a school district that is in need or a school is needing additional improvement, the first thing that they go to is they say, do you know how to improve? And a lot of times the school doesn't really know how to do that. They don't know how to do the local assessments. They don't know how to use data to improve their management of their curriculum to look at their thing. So every state that I know of is moving towards developing these local assessment systems that you already have in Nebraska. I hope that, if not the STARS program, the skills and the capacity that was represented by STARS doesn't fade away because you really need to have those two things work together in order to get school improvement and student learning going. [CONFIRMATION]

SENATOR ADAMS: Good. Good to hear that. Are there other questions? Thank you, sir. And finally, Dr. Richard Sawyer, if you would join us. Thank you, sir, for being here. [CONFIRMATION]

RICHARD SAWYER: Thank you, Mr. Chairman and members of the committee. My name is Richard Sawyer. I'll just give you a brief sketch of my background. I grew up in Texas, went to college there. In 1969, I moved to Iowa City to go to graduate school in statistics. During my graduate program, one of my professors started talking about educational measurement. It so happened that his spouse was an executive at ACT which is also located in Iowa City. And from that professor, I became interested in educational testing. When I finished my doctorate in 1973, a position came open at ACT and I applied for it and was lucky enough to be hired. And I've been at ACT ever since. Since then, I have had positions in research, in management, and now I am senior research scientist in the research area at ACT. My principle areas of work don't involve developing tests, per se. They involve studying, interpretation, and use of test scores. What do test scores mean and how can we use them to make good decisions for education? [CONFIRMATION]

SENATOR ADAMS: Okay. Are there questions for Dr. Sawyer? Senator Haar. [CONFIRMATION]

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SENATOR HAAR: Thank you. In the whole area of testing, and I worry about, you know, what if Einstein or Van Gogh had gone through this kind of system. And it becomes more personal because I have a granddaughter who is 12 and her IQ is in the 150s and she is getting D's in math because the teacher wants her to show her work and she, you know, she knows the answers instantly and she won't do that. (Laughter) So again, sort of the question is, you know, what's the appropriate use then of this kind of testing for those students who aren't sort of middle of the road? [CONFIRMATION]

RICHARD SAWYER: Are you speaking about the tests that are being developed currently? [CONFIRMATION]

SENATOR HAAR: Right. Yeah. Yes. [CONFIRMATION]

RICHARD SAWYER: Well, I do think they have some use for helping individual students, but I think the locally developed tests probably are more useful for formative assessment of individual students, and I hope that teachers would continue to be able to develop and use these tests. The standardized statewide test would provide important information from the point of view of comparability across different schools and different districts. But it can't provide the kind of focused information that an individual teacher or district could elicit from a locally developed test. [CONFIRMATION]

SENATOR HAAR: But it seems some, and I'm just exploring things here. I'm glad...this is such a great group of people here. I think it was Dr. Camara mentioned that it can tend to narrow how we, how we look at classroom instruction and so on. And again, I'm kind of concerned about these kids who fall outside the norm because in the attempt to get the class up, you know, often either the very bright or the dull kids are excluded. [CONFIRMATION]

RICHARD SAWYER: There's the issue of the test, you know, the...what's the content of the test themselves. But equally important is how they, how the test scores are used. One of the principal shortcomings in my personal opinion about NCLB is that it just simply says, we expect all of your students to meet your standards by a certain date. It doesn't give you any information about how to help schools or individual students improve. It also doesn't, current law doesn't give any money or much money to support that. I think comparing schools and knowing how many...what percentage of students meet standards is useful and important information, but it's only a piece of the picture. And I would hope that in the future, more attention could be focused on formative evaluation, and individual improvement. [CONFIRMATION]

SENATOR HAAR: Thank you very much. [CONFIRMATION]

SENATOR ADAMS: Senator Sullivan. [CONFIRMATION]

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SENATOR SULLIVAN: Thank you, Senator Adams. So just so I know exactly what your task is. You'll, as a group, will be developing what the tool is that will be used and how it's going to be administered and how the results will be used, basically?

[CONFIRMATION]

RICHARD SAWYER: Yes. We are going to give advice to the Department of Education on the technical specifications and characteristics of the test. Make suggestions for changing them or whether the contractor could do things better or differently to meet those specifications. [CONFIRMATION]

SENATOR SULLIVAN: And then will you make recommendations on how it is to be administered? Test giving directions? [CONFIRMATION]

RICHARD SAWYER: Yes. We had a discussion this morning along that line. Um-hum. [CONFIRMATION]

SENATOR SULLIVAN: Okay. And then will you also be listing, giving recommendations on how to use the results? [CONFIRMATION]

RICHARD SAWYER: That part of it hasn't, hasn't come up to my knowledge.  
[CONFIRMATION]

BRIAN GONG: Yes. The test, the score reporting, interpretation, and training is something that we have on the agenda for tomorrow. So it just hasn't come up yet.  
[CONFIRMATION]

SENATOR SULLIVAN: Okay, thank you. [CONFIRMATION]

RICHARD SAWYER: Okay, thank you, Brian. [CONFIRMATION]

SENATOR ADAMS: Are there other questions? One last one from me then. Do you feel comfortable with the time lines of the statute and what you see happening at the Department of Ed? [CONFIRMATION]

RICHARD SAWYER: I think the time lines are very challenging. I think they're doable. I think the department and the advisory committee will have to focus very carefully to make sure there aren't any major stumbling blocks. Because if there are, you can't do the time line. [CONFIRMATION]

SENATOR ADAMS: Great. Thank you, sir. Appreciate it. And I want to thank all of you for taking time to be here today, but probably more importantly for helping the state of Nebraska with this. And Linda, I was negligent in reminding the committee that Senator Pahls said really question her, whether she should be on this group or not, so?

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[CONFIRMATION]

LINDA POOLE: He used to be my boss. (Laughter) I used to work for him.

[CONFIRMATION]

SENATOR ADAMS: Yeah. Oh, is that it. Is that it? (Laughter) Well, thank you, all of you, I appreciate it. That will end the hearing on these confirmations. [CONFIRMATION]

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Chairperson

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Committee Clerk