Hidden Legal Levers and Lenses for Fostering Positive Conditions for Learning

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Disciplined Inquiry --
central role in:

- **Student Learning**
  - Authentic achievement: Students engage in *disciplined inquiry* to *create new knowledge* that has *real-world significance*. Impact on traditional achievement measures. (Newmann, Wehlage, et al.)

- **Improving School Practice**
  - Learning communities engaged in disciplined inquiry (id.)

- **The Profession of School Psychology**
  - Discipline-based methods of inquiry into students and learning environments

- **The Law**
  - Laws that demand robust inquiry-based learning and change processes
Title I: Elements of a High-Quality Education

The school must provide each child with:

- An accelerated and enriched curriculum, aligned with standards for all
- Instructional methods that are effective in enabling each child to attain the skills/knowledge
- Highly qualified* teachers, who in turn are provided high-quality professional development
- Timely and effective individual assistance whenever s/he experiences difficulty learning any of the skills/knowledge in the standards
Title I School Plan – Must:

- Spell out *how* each of the required elements will be carried out;

- Be based on a thorough assessment of the current implementation of each element;

- Be developed *jointly* with the parents of the school.
  
  – Through a process spelled out in the *jointly developed and agreed upon* parent involvement policy.
Title I

State and District Obligations to:

– Ensure that schools carry out these responsibilities

– Ensure that schools have the capacity to, and are assisted to, carry them out.

School, district, and state implementation?
In relation to actual use:

1. Measurement of the skills and knowledge in the standards
2. Validity / reliability of inferences about cut-off scores
3. Match with what has been taught -- opportunity to learn
4. Expected/actual consequences of the testing scheme itself
5. Validity/reliability for particular populations (in relation to 1-4)
Title I -- Assessment

Under Section 1111(b)(3)(C) of the Elementary and Secondary Education Act, the required assessments of students’ proficiency in relation to the state’s standards “shall . . .

“(iii) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards; . . . .

“(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding.
Due Process: 14th Amendment

“[N]or shall any State deprive any person of life, liberty, or property, without due process of law”

– When is a person deprived of life, liberty, or property?

– What process is then due?
Civil Rights as an Inquiry-Based Process
Title VI, EEOA, Title IX, and 504

Responding to Disparate Outcomes and Impacts:

1. Identify Source of Disparity – Policies and Practices

2. Demonstrate Educational Necessity
   a. Non-Discriminatory, Important Educational Purpose
   b. Validated Means for Serving That Purpose

3. Use Less Disparate, Effective Alternatives
AERA/APA/NCME Joint Standards

- Unified theory of validity: Chain of inferences

- Examining and weighing the evidence supporting or running counter to the inferences
Validity Arguments

"Validation logically begins with an explicit statement of the proposed interpretation of test scores, along with a rationale for the relevance of the interpretation to the proposed use." (Joint Standards, page 9)
1. "The decision about what types of evidence are important for validation in each instance can be clarified by developing a set of propositions that support the proposed interpretation for the particular purpose of testing. For instance, when a mathematics achievement test is used to assess readiness for an advanced course, evidence for the following propositions might be deemed necessary: (a) that certain skills are prerequisite for the advanced course; (b) that the content domain of the test is consistent with these prerequisite skills; (c) that test scores can be generalized across relevant sets of items; (d) that test scores are not unduly influenced by ancillary variables, such as writing ability; (e) that success in the advanced course can be validly assessed; and (f) that examinees with high scores on the test will be more successful in the advanced course than examinees with low scores on the test." (pages 9-10)
2. "Identifying the propositions implied by a proposed test interpretation can be facilitated by considering rival hypotheses that may challenge the proposed interpretation." (page 10)

3. "Because a validity argument typically depends on more than one proposition, strong evidence in support of one in no way diminishes the need for evidence to support the others." (page 11)
Cut Scores

"When proposed score interpretations involve one or more cut scores, the rationale and procedures used for establishing cut scores should be clearly documented.

"Comment: . . . Adequate precision in regions of score scales where cut points are established is prerequisite to reliable classification of examinees into categories." (Standard 4.19)
Validity - in relation to new uses

"If a test is used in a way that has not been validated, it is incumbent on the user to justify the new use, collecting new evidence if necessary." (Standard 1.4)

"When a test is to be used for a purpose for which little or no documentation is available, the user is responsible for obtaining evidence of the test's validity and reliability for this purpose." (Standard 11.2)
Differential Validation

"In order to verify that the same knowledge and skills are being measured, separate validity evidence for each relevant subgroup should be collected when credible research reports that test scores differ in meaning across examinee groups."

OCR high-stakes testing guide (summarizing the Joint Standards)
The higher the stakes . . .

"The higher the stakes associated with a given test use, the more important it is that test-based inferences are supported with strong evidence of technical quality. In particular, when the stakes for an individual are high, and important decisions depend substantially on test performance, the test needs to exhibit higher standards of technical quality of its avowed purposes than might be expected of tests for lower stakes purposes. . . .
"...Although it is never possible to achieve perfect accuracy in describing an individual's performance, efforts need to be made to minimize errors in estimated individual scores in classifying individuals in pass/fail or admit/reject categories. Further, enhancing validity for high stakes purposes, whether individual or institutional, typically entails collecting sound collateral information both to assist in understanding the factors that contributed to test results and to provide corroborating evidence that supports inferences based on test results" (Joint Standards, Pages 140-141)
"In educational settings, a decision or characterization that will have major impact on a student should not be made on the basis of a single test score. Other relevant information should be taken into account to enhance the overall validity of the decision." (Standard 13.7)
Example #1 - Simultaneous use of state tests for school accountability and student accountability.

**Student Accountability**: Inference that students have been adequately taught what they are being held accountable for mastering (Debra P.)

**School accountability**: Inference that test is identifying schools that have not been adequately teaching those things.

The students who are subject to sanctions under “student accountability” are primarily concentrated where?
Example #2 - Multiple measures, “N” size, and confidence intervals

“N” size and confidence intervals – why?
- Drawing conclusions from a sample?
- Uncertainty about the measure / conclusions from a single test

Multiple measures requirement
- Purpose?
- History

Impact
- On entire system
- On particular populations
Example # 3 – Students with Disabilities: Section 504

- **Achievement expectations** -- Played out in standards and assessments under Title I

- **Mainstreaming** into the regular program – is there a single “regular” program?

- **Teacher qualifications** – content and pedagogy
Career and Technical Education – What’s That?

One conception -- Perfecting the Match

– Career Goals
– Labor Market Openings
– Skills Needed
Another conception:

“[E]ducational activities that—

“(A) offer a sequence of courses that—

“(i) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

“(ii) provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

“(iii) may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.”
All Aspects of an Industry

Aspects
- Planning
- Management
- Finances
- Underlying Principals of Technology
- Labor Issues
- Community Issues
- Health, Safety, and Environmental Issues

Benefits

Approaches
Other Perkins Act Foci

- Special Populations
- Participatory Decision-Making