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Early Childhood Assessment Strategies

ECH547

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September 4, 2005

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According to the text *Assessing and Guiding Young Children's Development and Learning* (McAfee & Leong, 2002), teachers must “assume professional responsibilities specific to assessment. Legal and ethical responsibility relates to giving children equal opportunity to learn” (p. 26). After researching many articles, I now have a better understanding of the ethics and legalities educators must keep in mind concerning assessment as well as the need to remain professional at all times. Further, my understanding of the need for fairness in testing practices is much more extensive and will most likely guide the way in which I consider testing and assessment in the future.

The first article that I found concerns the recent revision of the Code of Fair Testing Practices in Education, initially created in 1988, which can be defined as “a guide for professionals in fulfilling their obligation to provide and use tests that are fair to all test takers regardless of age, gender, disability, race, ethnicity, national origin, religion, sexual orientation, linguistic background, or other personal characteristics” (Behuniak, Bond, Boodoo, & Camara, et al., 2005). According to the article, this Code concerns both test developers and test users, and “applies broadly to testing in education...regardless of the mode of presentation, so it is relevant to conventional paper-and-pencil tests, computer-based tests, and performance tests” (Behuniak et al.). The article also states that, although the Code is not mandatory for teachers to follow when preparing tests for classroom use, “teachers are encouraged to use the guidelines to help improve their testing practices” (Behuniak et al.). The Code offers specific guidelines that should be followed in the areas of test development, selection, administration, and scoring; interpreting and reporting test results; and informing test takers of their rights and responsibilities. Before reading this article, I had assumed that such a guide had probably been

created but I had never researched its actual existence. Now I realize that, while it does exist, I doubt if many teachers are aware of its existence. Further, I find myself questioning whether many school administrators and local or state policy makers realize that this Code has been created and should be consulted when selecting the tests that will be administered to their students.

The second article that I found describes a situation in which a school administrator in England is being investigated to determine if cheating might have occurred or even been encouraged during the annual achievement tests administered to eleven-year-olds in May of 2005. According to the report, “The school has seen its results in the English, [math] and science tests rocket in recent years despite many pupils not speaking English when they arrive... The school, where about half the pupils qualify for free meals, has recorded some remarkable improvements... Despite the high turnover of teachers, the school scored its best ever results...” (Hayes, 2005). Apparently, due to the discrepancy between the “uneven” quality of teaching, as reported in a recent inspection report (Hayes), and high levels of student performance on the SATs, there has been a question regarding the procedures that were in place during the preparation for and administration of the tests. The ethical, legal, and professional actions taken by the headteacher of the school have been put under investigation as a result. Although I find it necessary to investigate the actions that were taken, I also find myself wondering how others would have faced the same situation. Evidently there is as much pressure placed on schools to perform well in the United Kingdom as we find in the United States, the results being “used to rank schools in national league tables” (Hayes). While it is somewhat reassuring to understand that America is not alone in its assessment-driven need for accountability, it is still disheartening

to know that some administrators and teachers would go to unethical, illegal lengths to ensure higher test results.

Another related article that I found discusses the increasing achievement gap between students from different ethnic groups on the New Jersey High School Proficiency Assessment (HSPA) test, “which most students are required to pass to graduate from high school” (Mulvihill, 2005). According to the article, “A national study finds that white and Asian-American students do better on [the] tests than black and Hispanic students and especially students who are not native English speakers... The findings...were no surprise to educators in New Jersey, who have long been trying to narrow those gaps” (Mulvihill). To help combat this problem and address the requirements of the No Child Left Behind education act of 2002, the state of New Jersey has developed a “state-funded, all-day preschool [program] for 3- and 4-year-olds in [thirty-one] poor cities. That program has been credited with raising test scores, especially in language arts, for third-graders in poor cities. But the program is still so new that it could be close to a decade before it is known whether early childhood education affects the number of students who pass the high school exit exam” (Mulvihill). While I believe that providing quality early childhood education experiences will positively affect the results of the high school proficiency tests, I believe the difference will not be as significant as the state education department is hoping, simply because there is no way to guarantee that the majority of students who currently attend the state-funded, public preschools will actually attend high school in New Jersey. Further, until fairness in testing as specified in the Code of Fair Testing Practices in Education can be demonstrated by offering test translation to the many English Language Learners throughout the state of New Jersey, combined with the inclusion of cultural differences

as represented throughout the state, I believe that the HSPA test scores will continue to show an achievement gap between ethnic groups.

The final article that I found includes statements from teacher-education instructors and educational psychologists concerning the rising pressure placed on teachers to “focus on tested subjects [while] other subjects are being eliminated” (Holt). Bill McDiarmid, a teacher-education professor from the University of Washington, said, “assessment-focused education is based today mostly on the three R's - reading, 'riting and 'rithmetic - leaving to chance a whole range of subjects that otherwise might lead to participation in America's democracy...” (Holt). Deborah McCutchen, the associate dean for research at the University of Washington’s School of Education, further stated that standardized achievement tests and high school proficiency tests now have graduation requirements and federal mandates attached to them and, as a result, the tests are being used for purposes for which they were never intended (Holt). To me, this brings back the Code of Fair Teaching Practices in Education, which states, “Test users should select tests that meet the intended purpose and that are appropriate for the intended test takers” (Behuniak et al., 2005). While I realize that this Code is “not intended to be mandatory, exhaustive, or definitive, and may not be applicable to every situation” (Behuniak et al.), I must agree with the foundation of fairness that it represents. If such tests were never intended to be an all-inclusive assessment of a student’s overall educational performance nor to be the sole determinant of whether a student is capable of functioning as an educated, responsible citizen, then I must wonder why the policy makers and leaders determined that these tests and their results be used in this manner.

The research and information that was uncovered during this assignment has enlightened me in a number of ways. First, the discovery of the Code of Fair Teaching Practices in

Education was both informative and inspirational. Realizing that there are, indeed, research- and standards-based guidelines that should be followed in the development, selection, and administration of tests was very helpful and was the guidance that I needed to complete this assignment. Second, I realized that there might truly be no limit to the ways in which administrators and classroom teachers may use to help their students perform well on the standardized achievement tests. While it encourages me to know that such people and methods will probably be investigated, it disheartens me to realize that teachers and administrators are becoming so overwhelmed by the pressure to raise test results that such actions might be even considered. Additionally, I realized that, while educators seem to understand the need for changes in testing practices that would help reduce the achievement gap between ethnic groups, it is likely that state and national policy makers will continue to put more demands on teachers and less emphasis on helping those students who face challenges, all under the premise of leaving no child behind. Finally, I find that I am especially disheartened in the ways in which test results are being used that may significantly impact the future lives of our students, whether in school or in society. The pressure that is placed on raising test scores is increasingly resulting in teaching to the test, eliminating meaningful educational experiences for many children. As a result of my readings, I believe that the ethical and professional integrity of all persons involved in the decision-making process regarding the ever-increasing use of standardized assessment in education should be scrutinized, especially after realizing the way in which tests should be chosen and reviewing the manner in which test results should be utilized.

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