

House Concurrent Resolution No. 51

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

2664H.011

D. ADAM CRUMBLISS, Chief Clerk

2 **WHEREAS**, according to article I, section 1 of the Constitution of Missouri, “all
3 government of right originates from the people . . . and is instituted solely for the good of the
4 whole”; and

5 **WHEREAS**, article I, section 3 of the Constitution of Missouri guarantees that “the
6 people of this state have the inherent, sole and exclusive right to regulate the internal government
7 and police thereof . . .”; and

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9 **WHEREAS**, subsection 2 of section 160.526 states that “[w]ithin six months prior to
10 implementation of or modification or revision to the statewide assessment system, the
11 commissioner of education shall inform the president pro tempore of the senate and the speaker
12 of the house of representatives about the procedures to implement, modify, or revise the
13 statewide assessment system, including a report related to the reliability and validity of the
14 assessment instruments, and the general assembly may, within the next sixty legislative days,
15 veto such implementation, modification, or revision by concurrent resolution adopted by majority
16 vote of both the senate and the house of representatives”; and

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18 **WHEREAS**, the Code of Fair Testing Practices in Education prepared by the Joint
19 Committee on Testing Practices, a cooperative effort among the American Counseling
20 Association, the American Educational Research Association, the American Psychological
21 Association, the American Speech-Language-Hearing Association, the National Association of
22 School Psychologists, the National Association of Test Directors, and the National Council on
23 Measurement in Education that has since disbanded, safeguards the rights of test takers and
24 indicates that test developers should “[p]rovide evidence that the technical quality, including
25 reliability and validity, of the test meets its intended purposes” and should also “[p]rovide clear
26 descriptions of detailed procedures for administering tests in a standardized manner”; and

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28 **WHEREAS**, Commissioner of Education, Chris Nicastro, submitted a letter, dated
29 September 30, 2014, to the speaker of the house of representatives and the president pro tempore
30 of the senate that included appendices A through U in fulfillment of subsection 2 of section
31 160.526; and

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33 **WHEREAS**, neither the letter from Commissioner Nicastro nor the appendices
34 accompanying the letter included assurance of the validity and reliability of the Smarter Balanced
35 Assessments in accordance with the Essential Validity Elements for Summative and Interim

36 Assessments identified in the Smarter Balanced Assessment Consortium: Comprehensive
37 Research Agenda (Appendix E of the letter from Commissioner Nicastro); and

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39 **WHEREAS**, on February 5, 2015, Assistant Commissioner of Education Sharon Helwig
40 disseminated a memorandum to school administrators describing an intent to change the delivery
41 of the Smarter Balanced Assessment by using a “fixed form” of the assessment “[i]n order to
42 ensure a smooth administration of the new assessment system”; and

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44 **WHEREAS**, validity and reliability of assessments shall be established before
45 implementation so that they have merit in the decision-making process about the data; and

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47 **WHEREAS**, neither Commissioner Nicastro nor Assistant Commissioner Helwig
48 provided evidence of established validity and reliability of the Smarter Balanced Assessments
49 in their communications; and

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51 **WHEREAS**, Commissioner Nicastro’s letter provides no evidence of informed consent
52 regarding the security of the assessment data and data management and no evidence of disclosure
53 of any potential for liability as it relates to stakeholders:

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55 **NOW THEREFORE BE IT RESOLVED** that the members of the House of
56 Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate
57 concurring therein, hereby ask the Commissioner of Education to provide evidence of established
58 validity and reliability of the Smarter Balanced Assessments; of informed consent regarding the
59 security of the assessment data and data management; and of disclosure of any potential for
60 liability as it relates to stakeholders to the speaker of the house of representatives and the
61 president pro tempore of the senate; and

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63 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
64 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
65 Commissioner of Education.

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