

109TH CONGRESS
2^D SESSION

H. R. 4852

To curtail the use of high-stakes tests in elementary and secondary schools.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2006

Mr. OWENS introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To curtail the use of high-stakes tests in elementary and secondary schools.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Morato-
5 rium Testing Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The enactment of the No Child Left Behind
9 Act of 2001 unleashed forces that threaten students,
10 teachers, and the basic integrity of the educational
11 process. The stakes are very high. On the basis of

1 test scores, students may be held back; teachers,
2 principals, and superintendents may be fired; schools
3 may be closed; and some school systems may be re-
4 structured or abolished.

5 (2) Elected officials at all levels have become
6 obsessed with test results. There is a rush to meas-
7 ure the output of the education community while
8 minimizing the resources contributed by Federal,
9 State, and municipal governments. The annual re-
10 lease of test score results provides a media oppor-
11 tunity for public officials profitably to “spin” the
12 education function in a partisan manner.

13 (3) The amendments to the Elementary and
14 Secondary Education Act of 1965 made by the No
15 Child Left Behind Act of 2001 established a dev-
16 astatingly one-sided environment for education re-
17 form. They implemented national standards for test-
18 ing with serious penalties for failure. At the same
19 time, there is a continuing refusal to recognize na-
20 tional standards for “Opportunities to Learn”.

21 (4) Provisions of the Elementary and Secondary
22 Education Act of 1965 pertaining to school con-
23 struction and the improvement of library, science
24 laboratory, and technology facilities and equipment
25 were not strengthened by the 2001 landmark legisla-

1 tion. While the testing process gallops forward, stu-
2 dents will not receive any new resources to improve
3 their performance. The tests will continue to reign
4 supreme unless some new initiative is launched to
5 control them.

6 (5) Added to the numerous arguments exposing
7 the danger of overreliance on testing is a newly
8 emerging crisis, namely incompetence and corruption
9 in the testing industry. The No Child Left Behind
10 Act of 2001 provided a great leap forward for the
11 testing market. The sheer volume of the surge in
12 new business has overwhelmed the newly expanding
13 industry.

14 (6) The scrubbing of test contents to avoid of-
15 fending right wing zealots is presently under attack
16 by scholars who protest the alteration of quotes from
17 Shakespeare and other classical writers.

18 (7) Recent reports highlight ongoing concerns
19 regarding the quality of test questions. Recent re-
20 ports in the New York Times and other national
21 newspapers raise serious issues regarding the integ-
22 rity of testing companies. Their failure to recognize
23 key processing errors highlight the need for more
24 Federal oversight.

1 (8) Groups representing the minority commu-
 2 nity have continued to oppose the use of high-stakes
 3 tests as the only criteria to measure achievement.
 4 The overreliance on tests will have a major negative
 5 impact on the African-American community.

6 **SEC. 3. DELAY IN IMPLEMENTATION OF ACADEMIC ASSESS-**
 7 **MENTS.**

8 Section 1111(b) of the Elementary and Secondary
 9 Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

10 (1) in paragraph (3)(C)—

11 (A) in clause (v)(II), by striking “2007–
 12 2008” and inserting “2008–2009”; and

13 (B) in clause (vii), by striking “2005–
 14 2006” and inserting “2008–2009”; and

15 (2) in paragraph (7), by striking “2002–2003”
 16 and inserting “2008–2009”.

17 **SEC. 4. ADMINISTRATIVE REQUIREMENTS.**

18 (a) ENCOURAGING MORATORIUM.—The Secretary of
 19 Education shall encourage States, during the 3-year pe-
 20 riod beginning on the date of the enactment of this Act,
 21 to place a moratorium on the administration of all stand-
 22 ardized tests.

23 (b) REPORT.—Beginning after such 3-year period,
 24 each State desiring to receive a grant under part A of title
 25 I of the Elementary and Secondary Education Act of 1965

1 (20 U.S.C. 6311 et seq.) annually shall submit to such
2 Secretary a report on all standardized tests administered
3 to elementary or secondary students in the State. A State
4 report submitted under this subsection may be submitted
5 as part of a consolidated report under section 9303 of
6 such Act (20 U.S.C. 7843).

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