

will be evaluated based on the selection criteria described above. The Department will also consider the number of children in the State eligible to be counted under section 1124(c) of the ESEA, in relation to the number of such children in all States.

Waiver of Rulemaking

Because the Department intends to fund all applications meeting the minimum requirements for approval of applications described in this notice and proposing to use grant funds for the purpose of paying test fees, Department regulations governing the selection of new discretionary grant projects, codified at 34 CFR 75.200–75.222, will apply only to the section of the application that proposes to use grant funds for activities authorized under section 810(d)(1) of the 1998 Amendments. While it is generally the practice of the Secretary to offer interested parties the opportunity to comment on a regulation before it is implemented, section 437(d)(1) of the General Education Provisions Act exempts from formal rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). In order to make awards on a timely basis, the Secretary has decided to publish this regulation in final under the authority of section 437(d).

APPLICABLE STATUTE AND REGULATIONS:

Title VIII, Part B of the 1998 Amendments (20 U.S.C. 1070a–11, note). The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 76, 77, 79, 80, 81, 82, 85, and 86.

The following definitions and other provisions are taken from the Advanced Placement Incentive Program statute, in Title VIII, Part B of the 1998 Amendments (20 U.S.C. 1070a–11, note). They are repeated in this application notice for the convenience of the applicant.

Definitions

As used in this section:

(a) The term “advanced placement test” includes only an advanced placement test approved by the Secretary of Education for the purposes of this program.

(b) The term “low-income individual” has the meaning given the term in section 402A(g)(2) of the [HEA].

Note: Under section 402A(g)(2) of the HEA, as amended, the term “low-income individual” means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level

determined by using criteria of poverty established by the Bureau of the Census (20 U.S.C. 1070a–11(g)(2)).

Information Dissemination

The SEA shall disseminate information regarding the availability of test fee payments under this program to eligible individuals through secondary school teachers and guidance counselors.

Supplementation of Funding

Funds provided under this program must be used to supplement and not supplant other non-Federal funds that are available to assist low-income individuals in paying advanced placement test fees.

FOR APPLICATIONS OR INFORMATION

CONTACT: Frank B. Robinson, U.S. Department of Education, School Improvement Programs, 400 Maryland Avenue, S.W., Room 3C153, Washington, D.C. 20202–6140. Telephone (202) 260–2669. Internet address: frank—robinson@ed.gov
Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) upon request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Electronic Access to this Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>
<http://www.ed.gov/news.html>

To use the pdf, you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll free, 1–800–222–4922. The

documents are located under Option G—Files/Announcements, Bulletins, and Press Releases.

Note: The official version of a document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 1070a–11, note.

Dated: March 4, 1999.

Judith Johnson,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 99–6071 Filed 3–10–99; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Hearings

AGENCY: National Assessment Governing Board; Department of Education.

ACTION: Notice of Hearings.

SUMMARY: The National Assessment Governing Board is announcing four public hearings related to proposed voluntary national tests. The purpose of the hearings is to obtain public comment to inform the development, by the Governing Board, of a report required under the Omnibus Consolidated Appropriations Act for Fiscal Year 1999 (the Act). Section 305 (c)(1) of the Act states that “The National Assessment Governing shall determine and clearly articulate in a report the purpose and intended use of any proposed federally sponsored national test. Such report shall also include:

(A) a definition of the term “voluntary” in regards to the administration of any national test; and
(B) a description of the achievement levels and reporting methods to be used in grading any national test.”

The Act states that the report is to be submitted to the White House and to the cognizant Senate and House authorizing and appropriations committees by September 30, 1999. However, the Governing Board intends to submit the report by June 30, 1999.

Interested individuals and organizations are invited to provide written and/or oral testimony to the Governing Board. In order to assist the public, the Governing Board has developed two possible scenarios related to the proposed voluntary national tests. These scenarios, explanatory information, and issues to consider are included in **ADDITIONAL INFORMATION**, below.

The Governing Board has contracted with the American Institutes for

Research to assist in the conduct and reporting of the public hearings. Public Law 105-78 and the Act vest exclusive authority to develop the voluntary national tests in the Governing Board. Section 447 of the

General Education Provisions Act prohibits the use of federal funds for pilot testing, field testing, implementation, administration, or distribution of voluntary national tests.

SCHEDULE OF DATES AND LOCATIONS: The schedules of dates and locations of the four public hearings have been set as follows:

Cities	Dates	Locations
Chicago, IL	March 29, 1999 Register by March 25, 1999	Chicago Marriott Downtown 540 North Michigan Avenue.
Atlanta, GA	March 30, 1999 Register by March 26, 1999	Westin Peachtree Plaza 210 Peachtree Street, N.W.
Washington, DC	April 7, 1999 Register by April 5, 1999	The Charles Sumner School, The Great Hall, 1201 17th Street NW.
San Francisco, CA	April 12, 1999 Register by April 8, 1999	The Argent Hotel 50 Third Street.

The hearing schedule for each site will be as follows: 10:00 am—12:00 noon and 1:00 pm—3:00 pm.

Individuals wishing to present oral testimony should register in advance by the registration date indicated above in the schedule for the specific hearings. To register in advance, contact Ms. Molly Pescador at American Institutes for Research at 1-888-944-5001 extension 5313 from 8:30 a.m. to 4:30 p.m. Eastern Standard time. Requests to speak will be accommodated until all time slots are filled. Individuals who do not register in advance will be permitted to register and speak at the meeting in order of registration, if time permits. Each speaker is intended to have fifteen minutes; however, the actual time available will be determined in part by the volume of registered speakers. While it is anticipated that all persons who desire will have an opportunity to speak, time limits may not allow this to occur.

Written testimony is invited and welcomed. All testimony will become part of the public record and will be considered by the Governing Board in preparing the report to the White House and the Congress on the purpose, intended use, definition of "voluntary," and reporting for the proposed voluntary national tests.

WRITTEN STATEMENTS: Written statements submitted for the public record should be postmarked by April 12, 1999 and mailed to the following address: Mark D. Musick, Chairman, (Attention: Ray Fields), National Assessment Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002-4233.

Written statements also may be submitted electronically by sending electronic mail (e-mail) Ray_Fields@ED.GOV by April 12, 1999. Comments sent by e-mail must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Inclusion in the public record cannot be guaranteed for written statements, whether sent by mail or

electronically, submitted after April 12, 1999.

One or more members of the Governing Board will preside at each hearing. The proceedings will be recorded for print transcription. The hearings also can be signed for the hearing-impaired, upon advance request.

ADDITIONAL INFORMATION:

Overview: Determining the Purpose, Intended Use, Definition of the Term Voluntary, and Reporting for the Proposed Voluntary National Test

Background

Following below are materials designed to prompt public discussion about the proposed voluntary national tests. The public discussion of these materials is intended to assist the National Assessment Governing Board complete an assignment it received in legislation passed by Congress, enacted in October 1998. The assignment Congress gave the Board is to determine the purpose and intended use of the proposed voluntary national test (VNT), defined the term voluntary, and described the means for reporting results. The Governing Board is required to report to Congress and the President by September 30, 1999. The Governing Board intends to submit its report by June 30, 1999.

The materials, described in more detail below, consist of the following:

- Two draft scenarios for the VNT.
- Appendix: Implementation and other issues related to the VNT.
- Related questions to help focus public comment.

Voluntary National Tests and the National Assessment of Educational Progress

In November 1997, as part of a compromise with the President, Congress passed legislation giving the Governing Board the task of developing the voluntary national tests that had been proposed by President Clinton and

subsequently were being developed by the Department of Education. This included reviewing the test development contract awarded by the Department and revising it as the Board deemed appropriate. In assuming this task, the Governing Board stated publicly that it neither supported nor opposed the voluntary national test initiative, but would work diligently to develop good tests. The Board also would ensure that VNT development was effectively coordinated with policy developed for the National Assessment of Educational Progress (NAEP), developing NAEP policy being the board's primary mission. This coordination is important because Congress directed the Board to base the VNT on the content and the performance standards used for NAEP and to link the VNT to NAEP to the maximum extent possible.

Neutral Role

The Governing board is well aware of the fact that this current assignment to determine the purpose, intended use, definition of voluntary and reporting methods has the potential of being perceived by some as advocacy for the VNT initiative. The questions the Board was given, and is attempting to answer, are *IF* through the political process an agreement is reached to proceed with the voluntary national test initiative: What should be the purpose of the tests? What should be the intended uses? How should the VNT be reported? What should be the definition of the term "voluntary" in the context of the VNT?

Thus, underlying the Board's work in this regard is the assumption of agreement on the initiative. The Board understands that such an agreement does not exist and may not be reached. Written into law is a prohibition against pilot testing and filed testing the questions for the VNT that the Governing Board is developing. While not advocating for or against the initiative, the Board interprets the

congressional assignment to involve presenting the "best case" that can be made about the potential purpose and use of the voluntary national tests, if there is to be such a test.

The Draft Scenarios

Two Draft scenarios are presented below. They are intended to prompt discussion to assist in determining the purposes, intended use, definition of voluntary, and reporting approaches for the proposed voluntary national tests. The two scenarios were developed based on who makes the decision to volunteer to participate—either parents or school authorities. Other scenarios are possible and are expected to surface through public comment and Governing Board deliberation will be conducted between the March 4–6 and June 23, 1999 meetings of the Governing Board.

The scenarios are presented in table format with bulleted text for ease of presentation and comparison. Some elements or attributes in the table apply to both scenarios, some only to one, and are displayed accordingly.

Public Policy Model

One element in the draft scenarios needs explanation: what is referred to as the "Public Policy Model." This model describes how decisions to participate would be made by public and private school authorities. It is hierarchical. For public schools, its first principle is to rely on state/local law and policy in determining the appropriate level for making the decision to participate in the VNT. Under this model, the decision passes from state, to district, to school. States decide first whether they will volunteer to participate. If they do, then state law and/or policy determines whether district participation is mandatory or discretionary.

If states do not volunteer, or volunteer but don't require district participation, then school districts decide whether to volunteer. If a school district volunteers, local policy determines whether school participation is mandatory or discretionary. If school participation is not mandatory, then each school determines whether it will volunteer. At each level, state/local law and policy will determine whether parents have the right to have their child "opt out" of testing.

For the non-public sector, appropriate private school authorities would decide whether to volunteer.

Statement of Purpose: Focus on 4th Grade Reading and 8th Grade Mathematics

In reviewing the test development contract for the voluntary national test, the Governing Board considered the subjects and grades to be covered. The legislation vesting the Board with responsibility for VNT test development does not specify or limit the subjects and grades to be tested. However, the accompanying conference report does direct that the VNT be based on NAEP content and NAEP performances standards and be linked to NAEP to the maximum extent possible. The Governing Board in August 1996 had adopted a policy on NAEP redesign. The redesign policy provides for testing at grades 4, 8, and 12 at the national level in 10 subjects and, based on the needs and interests expressed by states, at grades 4 and 8 at the state level in reading, writing, mathematics and science. Grades 4, 8, and 12 are transition points in American Schooling. Consistent with the NAEP redesign policy and the congressional directive to parallel NAEP, the Governing Board limited the test

development contract to cover grade 4 reading and grade 8 mathematics. Proficiency in these subjects, by these grades, is considered to be fundamental to academic success.

Appendix: Implementation and Other Issues

In making its assignment, Congress did not ask the Governing Board to address implementation procedures for the VNT. Likewise, the assignment does not include defining the VNT by describing what it is *not* intended to do. However, the Governing Board believes that these matters inevitably will be raised throughout the deliberative process; that they afford a necessary context for discussing purpose, intended use, definition of voluntary, and reporting; and that it would be naive to ignore these matters. As a result, the draft scenarios are accompanied by an appendix that addresses delivery models, possible uses of the VNT by others, test administration considerations, and possible unintended consequences. This information is to serve as a backdrop for the discussion. The Board's primary goal remains: to prepare the required report to Congress and the President for submission by June 30.

Related Questions

The last part of these materials are questions and issues about the draft scenarios. They are intended to aid in discussion about the scenarios. They are organized according to the four required components of the report: purpose, intended use, definition of voluntary, and reporting. The questions will be a basis for organizing comments received from the public. However, the public is encouraged to address other issues as well, as they see fit.

DRAFT SCENARIOS FOR THE PROPOSED VOLUNTARY NATIONAL TEST

	Public policy model	Individual decision model
Purpose	To measure individual student achievement in 4th grade reading and 8th grade mathematics, based on the rigorous content and rigorous performance standards of the National Assessment of Educational Progress (NAEP), as set by the National Assessment Governing Board (NAGB).	
Voluntary (Federal Role)	The federal government shall not require participation by any state, district, public or private school, organization or individual in voluntary national tests or require participants to report voluntary national test results to the federal government.	
Voluntary (Who decides)	<ul style="list-style-type: none"> Public and private school authorizes volunteer State and/or local law and policy determines decision level (i.e., public policy model begins at the state level, then proceeds through district, and school—see Overview for description). Parents "opt out" as determined by state/local law and policy. 	<ul style="list-style-type: none"> Parents decide whether student participates.
Inteded Use	To provide information to parents, students, and authorized educators about the achievement of the individual student in relation to rigorous content and rigorous performance standards based on NAEP, as set by NAGB.	To provide information to parents and students about the child's achievement in relation to rigorous content and rigorous performance standards based on NAEP, as set by NAGB.

DRAFT SCENARIOS FOR THE PROPOSED VOLUNTARY NATIONAL TEST—Continued

	Public policy model	Individual decision model
Reporting	<ul style="list-style-type: none"> • Results reported by NAEP performance standards (i.e., achievement levels—Basic, Proficient, Advanced) • Explanation of achievement levels in light of test questions taken by student • All test questions, student answers, and answer key returned in timely fashion • Easy to understand, readable • Parents, students, and authorized educators received reports. • Some norm-referenced information (e.g., percent of students nationally at each achievement level, taken from the filed test results). • No aggregate data will be provided automatically (i.e., by class, school, district, and state), but individual data can be compiled by state/local participants, who will bear responsibility for suing resulting data in valid, appropriate ways. • Guidance provided on technical criteria for aggregate reporting if done by participants. 	<ul style="list-style-type: none"> • Parents and students received reports. • Some norm-referenced information (e.g., percent of students nationally at each achievement level taken from the field test results), but no comparisons at class, schools, district, or state levels.

APPENDIX: IMPLEMENTATION AND OTHER ISSUES

	Public policy model	Individual decision model
Possible uses by others*	<ul style="list-style-type: none"> • General indicator of individual achievement against rigorous external standards established through a national consensus process. • Parent/teacher follow up recommended but decided at state/district/school as appropriate. • Results can be compared to student performance on state and/or local tests as a basis for examining the content of state/local standards. • Local decision to use as one of several criteria about individual student; should be validated. • States may want to use as an external anchor to their state tests. • Since only one grade/two subjects, not much information for use as part of school accountability system; any such use should be validated. 	<ul style="list-style-type: none"> • Follow up with school/teacher is up to the parent.
The VNT is Not	<ul style="list-style-type: none"> • It is NOT tied to a preferred curriculum, teaching method or approach. • It is NOT intended for diagnosing specific learning problems or English language proficiency. • It is NOT intended as sole criterion in high stakes decision about individual student. • It is NOT intended for evaluating instructional practices, programs, or school effectiveness. 	
Possible Test Delivery Models.	<p><i>Central Management and Oversight:</i> A federal agency takes the VNT as developed by the Governing Board; develops policies for quality control, security and reporting; contracts for printing, testing, scoring and reporting services; disseminates information about the test schedule; handles the “sign-up” of participants; monitors the testing; and ensures the quality control of results.</p> <p><i>Free Market Model:</i> The VNT is developed by NAGB, licensed for marketing by commercial test publishers, and marketed like any commercial test for use by any appropriate public or private educational agency, testing center, or individual. Parents may “opt out” as determined by state law and policy and may “opt in” by purchasing private testing services if the test is not offered at their child’s school. Quality control monitoring, rigor of test security, training of test administrators, content of reports, development of “non-standard” versions of tests, use of norms, etc., determined by costs and market.</p>	
Administration	<ul style="list-style-type: none"> • Dissemination strategy to public and private education decision makers. • Testing in participating schools • Training of test administrators • Testing during specified date in March • Quality control monitoring of testing • Guidance to teachers on appropriate test preparation practices. • Reports sent to states, districts, schools, teachers and parents per state/local policy. 	<ul style="list-style-type: none"> • Similar to SAT/ACT “Self-select” model. • Dissemination strategy to parents. • Parents sign-up at cooperating schools/test centers. • Testing at cooperating schools/test centers. • Testing during specified date in March. • Quality control monitoring of testing. • Reports sent to parents. • Q&A system available for parents.
Who Pays: Three Options ...	<p><i>Option 1:</i> Federal Gov’t pays all costs: test development, testing, scoring & reporting.</p> <p><i>Option 2:</i> Fed. Gov’t pays for test development; volunteer (whether state district, school, or parent) pays for testing, scoring & reporting.</p> <p><i>Option 3:</i> Fed. Gov’t pays all costs initially; volunteer pays for all costs but development after year 1.</p>	
Possible Consequences <i>Positive:</i>	<ul style="list-style-type: none"> • Parents become more involved with child’s education. • Students study harder and learn more. • Teachers work more to emphasize important skills and knowledge in the subjects tested. • Parents, students, and teachers have a means for better communications about the child’s achievement. 	
<i>Negative:</i>	<ul style="list-style-type: none"> • VNT test-preparation “industry” for economically advantaged students. • Inappropriate test preparation practices and over-emphasis on test-taking techniques. • Misuse of test results. 	

APPENDIX: IMPLEMENTATION AND OTHER ISSUES—Continued

	Public policy model	Individual decision model
	<ul style="list-style-type: none"> • Cheating scandals; security breaches. • Litigation against NAGB. 	

* This list is intended to be illustrative, not exhaustive, of uses that can be imagined that others may want to make of the VNT. Any use of the VNT beyond the intended use described in the draft scenarios should be validated for its applicability and appropriateness by the respective user.

The Draft VNT Scenarios: Questions and Issues

Purpose

1. What are the pros and cons of defining the purpose of the VNT as follows:

To measure individual student achievement in 4th grade and reading and 8th grade mathematics, based on the rigorous content and rigorous performance standards of the National Assessment of Educational Progress, as set by the National Assessment Governing Board.

2. What changes to this definition of purpose of the VNT follow from your analysis of the pros and cons?

Voluntary (federal role)

3. The draft scenarios state that the federal government will not require any individual or organization to participate in the VNT for any reason and will not require the reporting of VNT results to the federal government.

Please discuss the implications and pros and cons of this position.

Voluntary (who decides)

4. What are the pros and cons, and practical implications of the scenario in which parents make the decision about whether their children participate in the VNT (i.e., the Individual Decision Model)?

5. What are the pros, cons, and practical implications of placing the decision to participate in the VNT with public and private school authorities (i.e., the Public Policy Model)?

(The Public Policy Model is hierarchical. Its first principle is to rely on state/local law and policy in determining the appropriate level for making the decision to participate in the VNT. Under this model, the decision passes from state, to district, to school. States decide first whether they will volunteer to participate. If they do, then state law and/or policy determines whether district participation is mandatory or discretionary.

If states do not volunteer, or volunteer but don't require district participation, then school districts decide whether to volunteer. If a school district volunteers, local policy determines whether school participation is mandatory or

discretionary. If school participation is not mandatory, then each school determines whether it will volunteer. At each level, state/local law and policy will determine whether parents have the right to have their child "opt out" of testing.

An analogous approach would apply to private schools.)

6. If, under the Public Policy Model, the state, district or school decides *not* to participate in the VNT, how important is it to provide parents an opportunity to decide whether their children will participate in the VNT?

Intended Use

7. What are the pros and cons of defining the only intended use of the VNT as follows:

To provide information to parents, students, and authorized educators about the achievement of the individual student in relation to rigorous content and rigorous performance standards based on the National Assessment of Educational Progress, as set by the National Assessment Governing Board.

8. What other uses of the VNT should be considered? By what criteria and evidence should they be approved? What authority should grant such approval?

9. What should be done

(a) to prevent inappropriate uses of the VNT?

(b) in response to inappropriate uses of the VNT?

Reporting

Under both the Public Policy Model and the Individual Decision Model scenarios, reports would be provided for individual students only. Results would be reported according to the performance standards used by the National Assessment of Educational Progress—Basic, Proficient, and Advanced. It may be possible to return the student's test booklet and answer sheet, along with an answer key, so that the recipients can see how the student performed on each test item.

No aggregate data would be provided automatically. There will be no national results collected or reported. State, district, school, or class level results would be possible to report under the

Public Policy Model if states, districts, or schools elect to aggregate and analyze the data themselves. However, the validity and technical quality of the analyses would be the responsibility of the state, district, or school. The Governing Board would provide technical guidelines describing the criteria for such aggregation and analyses. Student results would not be aggregated under the Individual Decision Model.

10. What is the most meaningful way to report student results using performance standards?

11. What should be done about reporting results for students whose performance is below the Basic level?

12. What specific guidance should be given to states, districts, and schools on technical criteria for aggregating VNT data, for those that make the decision to do so?

13. No test is perfectly accurate. If students could be tested again on the same test, they may not get exactly the same score. How can this variability in test scores best be communicated to parents, students, and teachers?

Steps After Hearings: A transcript will be prepared for each hearing as well as a written summary of the testimony. After the four hearings have been completed, a report will be prepared synthesizing the testimony presented at all of the hearings. The Governing Board will consider this information in preparing the report required under the Act.

Public Record: A record of all Governing Board proceedings with respect to the public hearings will be available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays, in Suite 825, 800 North Capitol Street, N.W., Washington, DC 20002.

Dated: March 8, 1999.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 99-6023 Filed 3-10-99; 8:45 am]

BILLING CODE 4000-01-M