2) Templates, such as the self-evaluation form given in "Interactive Writing," help students assess strengths and weaknesses.

3) "SEEN" (Schwartz, Conduit) includes a built-in bulletin board where peer review can take place.

4) Programs for teacher and peer response to paper drafts, including (a) "Chat and Comments," developed by Christine Neuwirth at Carnegie Mellon which facilitates discussion and peer review; (b) "PROSE" (Prompted Revision of Student Essays by Davis, Kaplan, Martin, McGraw Hill) which allows summary comments; comments embedded in the paper; revision notes; and handbook-like responses with an overview of the error, further explanation, and then interactive tutorials on each of 18 features; and (c) "Prentice Hall College Writer" which is a word processor that allows access to an on-line handbook and allows the insertion of comments that can include excerpts from the on-line handbook.

The discussion that followed centered on examples of software described and demonstrated by the speakers.

LEGAL RAMIFICATIONS OF WRITING ASSESSMENT

Speaker: William Lutz, Rutgers University, Camden

Introducer/Recorder: Chris Anson, University of Minnesota

William Lutz, who holds a law degree and is a member of the Pennsylvania Bar, addressed the importance of considering the legal constraints under which testing must operate. Lutz began by distinguishing the different kinds of testing programs: those conducted within an institution and those conducted outside the institution. External testing programs, such as those conducted by a school district or by a state agency, are governed by a series of laws and court decisions. Internal testing programs, such as course placement and proficiency testing, are governed by institutional constraints and exist, at present, in a legal nether world. However, there is enough legal precedent to warrant caution by anyone involved in any testing program.

According to Lutz, testing programs may be attacked from a variety of legal approaches. Title VI of the Civil Rights Act prohibits any practice that would have the effect of restricting an individual, on the grounds of race, color, or national origin, "in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit." It is important to note that this law would judge a testing program by its effect, not its purpose. Moreover, the burden of proof in any legal action would fall on those conducting the test. Thus, under this law, testing programs with disproportionate effects on minority students are subject to close judicial scrutiny. If a state has a law guaranteeing an education to all its citizens, then all citizens have a property interest in an education. A testing program in that state can be attacked as a denial of a property right without due process. Such attacks have succeeded.

Lutz pointed out that a testing program can be attacked as a denial of a liberty interest. Due process guarantees a right to liberty, and this liberty interest is infringed where a stigma attaches to the student as a result of the test. The 14th Amendment to the Constitution states that "No person shall . . . deny to any person within its jurisdiction the equal protection of the laws." While state laws may treat differently for various purposes by classification "persons who are similarly situated with respect to the purpose of the law," they must be accorded equal treatment. In hearing cases brought under this Amendment, the court will ask two questions: (1) has the state acted with an unconstitutional purpose? (2) has the state classified together all and only those persons who are similarly situated? For example, if someone wanted to attack a placement test there are two possible arguments under the 14th Amendment which might be used. First, the test itself can be attacked by arguing that while testing may be a legitimate means of classification, this particular test is so inadequate that one cannot possibly tell whether a particular student is ready for or has the ability to do college level work. A second approach is to attack the tests results by arguing that while the means used to classify a student may be legitimate, these means are so imprecise that one cannot possibly tell whether the student has been classified correctly.

There are some vague areas here, or the legal nether world as Lutz calls it. Before the due process requirements of the 14th Amendment can apply to a cause of action, two questions must be answered: (1) do the concepts of liberty or property encompass the asserted interest? and (2) if due process does apply, what formal procedures does due process require to protect the interest adequately? In other words, an individual must have a legitimate claim of interest before due process can apply. Thus far, a college education has not yet been found to be a benefit for which someone can assert a claim of entitlement. However, a claim of liberty could apply because testing may affect an individual's opportunity to choose his or her own employment. This issue is still open for litigation.

Based upon a review of federal court decisions, Lutz offered the following Guidelines for Testing:

1. The purpose of the test must be clearly delineated. The test must be matched with
specific skills and/or specific curriculum objectives.

2. Mere correlation between the test and the curriculum is not sufficient. There must be evidence, obtained from a regular process, that classroom activities are related to curriculum goals and test specifications.

3. All test items must be carefully developed and evaluated to ensure that they conform to curriculum and instructional practices. Moreover, there must be evidence that any bias related to racial, ethnic, or national origin minority status has been eliminated.

4. If possible, other measures of performance and ability should be used in conjunction with test results.

5. Cut-off scores should be the result of a well-documented process of deliberation that conforms to state and federal statutory requirements. There should be no suggestions of arbitrariness or capriciousness in setting cut-off scores.

6. Students should be informed well in advance of what it is they need to know to perform well on the test. Students should also be informed in advance as to the nature of the test.

7. Options should be available for those students who fail the test. These should include, at the very least, the option to re-take the test, and institutional help to prepare and/or correct deficiencies.

8. Students should have access to their test scores and a full explanation of those scores.

Finally, Lutz suggested that anyone conducting a testing program should do the following immediately:

1. Conduct a full, impartial review of the testing program, and document this review.

2. Examine all the documentation in the program, and write any necessary additional documentation.

3. Correct all the deficiencies identified in the program, and then document the process by which the deficiencies were identified and corrected.

4. Institute two procedures as a permanent part of the testing program:

   (1) a formal process for administering and conducting the testing program, including full documentation;

   (2) a formal review of the program conducted at regular intervals by an outside, impartial, objective reviewer.

Lutz concluded by saying that we live in a litigious age, and prudence suggests that those involved in testing be professional and institute the guidelines and take the steps he outlined in his talk.

SOME NOT SO RANDOM THOUGHTS ON THE ASSESSMENT OF WRITING

Speaker: Alan C. Purves, The State University of New York, Albany

As I near the end of a seven-year long comparative study of student performance in Written Composition sponsored by the International Association for the Evaluation of Educational Achievement, I should like to set forth some conclusions I have reached about writing assessment.

1. Written Composition is an ill-defined domain. There have been a few recent efforts at mapping the domain through an examination of writing tasks and through an examination of perceived criteria, but in general these have been ignored in most assessments of student performance. Most assessments tend to rely on a single assignment selected at random.

2. Written composition is a domain in which products are clearly the most important manifestation; the texts that students produce form the basis for judgments concerning those students. Teachers and assessors know that and so do students.

3. These products are culturally embedded, and written composition is a culturally embedded activity. The culture may be fairly broad or it may be relatively narrow such as the culture of a Lee Odell or an Andrea Lunsford, but students inhabit and produce compositions that reflect these cultures.

4. When a student writes something in a large scale assessment in the United States, what is usually written is a first-draft on an unknown assignment that is then rated by a group of people who make a judgment as to its quality. The result is an
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