



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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July 16, 2014

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The Honorable Bobby Jindal
Governor of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Dear Governor Jindal,

Four years ago you and BESE committed Louisiana to joining a consortium of states developing a better blueprint for standardized testing. Test questions yielded by this voluntary consortium, called the Partnership for Assessment of Readiness for College and Careers (PARCC), would measure student performance against the Common Core State Standards and would produce results that could be compared across more than a dozen states.

PARCC was not then, and is not now, a vendor of testing services (such services include assembling tests, distributing them, collecting them, grading them, analyzing them, and reporting on their results). PARCC is a voluntary group of states developing test questions that can be used by vendors or by states themselves. Superintendent White serves in an advisory capacity to the group, and since 2010, hundreds of Louisiana educators, as well as 45,000 Louisiana students, have participated in developing and vetting these test questions.

Over the course of the last year, you have developed concerns about PARCC test questions and about the Common Core State Standards generally. BESE has been responsive to your concerns every time you have raised them. With only four weeks left before the school year starts, we come to you today with another proposal responsive to your most recent concerns.

At a June 18 press conference you stated that testing services – distribution, collection, scoring, and other services – should be purchased through the state's standard procurement process. The Department of Education responded with a plan to continue using the testing services contracts already in place, established through the procurement process and approved by your administration, until their conclusion June 30, 2015.

In response, Commissioner Nichols suspended these approved contracts, including suspending tests for students with significant cognitive disabilities and for students still learning the English language, asserting purported concerns that such a plan would necessitate new subcontracts in the 2014-2015 school year. Though we did not agree with the basis for her orders, in a letter to you last week, we responded with a proposal that would not require any new subcontracts for 2014-2015 and would only acquire new test questions if they came without additional cost to the state.

Commissioner Nichols responded to that proposal by stating that the current testing services contracts are, in her view, null and void in their entirety, and cannot be used in the 2014-2015 school year, subcontracts or not. The state must, according to Commissioner Nichols, solicit new bids for a new contract for 2014-2015.

Governor, with fewer than four weeks left until the school year starts, our schools, educators, and families need guidance from the state as to the nature of state tests for the 2014-2015 school year. We need an expedient solution, so that teachers and parents have clarity as children return to school.

We believe such an expedient solution must respect our lawful roles in the policy making process.

Louisiana's Constitution states that BESE "shall supervise and control the public elementary and secondary schools."

State law gives BESE responsibility for determining the content of state standards and tests: "The state Department of Education shall, with the approval of the State Board of Elementary and Secondary Education, as part of the Louisiana Competency-Based Education Program, develop and establish statewide content standards for required subjects to be taught in the public elementary and secondary schools of this state.... Standards-based assessments in English language arts, mathematics, science, and social studies based on state content standards and rigorous student achievement standards set with reference to test scores of students of the same grade level nationally shall be implemented by the State Board of Elementary and Secondary Education."

Governor, we are ready to respond to your most recent concerns, but we fear that by insisting that the state enter into new contracts for testing services in the 2014-2015 school year, you intend to grant authority over the content of classroom tests to purchasing bureaucrats. We fear that a convoluted procurement process will serve as a politically-charged back room for decisions affecting hundreds of thousands of children. We fear that the administration is using its authority to regulate purchasing to override the body charged by the Constitution and state law with determining the content of state tests.

Today, in a final compromise proposal we make to you and would make to our fellow Board members, we ask your assurance that this is not the case.

Given your insistence that the state solicit a new contract for testing services for the 2014-2015 school year, though we disagree with its legal necessity and with the legality of the Division's suspension of current contracts, we propose to have the Department of Education issue a request for proposals immediately for 2014-2015 testing services.

In doing this, we request assurances that the entire process, from issuing the request for proposal through approving a contract, be completed not later than 90 days from the date such a request is issued, so that teachers and families have clarity as soon as possible as to the state's direction.

Furthermore, as the body charged with developing standards and implementing tests, we require that certain elements of high-quality tests be included in the request for proposals and not be removed or modified throughout the procurement process:

1. Responding vendors shall commit to including test questions that fully measure "nationally recognized content standards" and performance standards "set with reference to test scores of the same grade levels nationally," in accordance with our state's laws.
2. Questions in English and math shall be identical to questions administered to at least four million American public school children annually in multiple states, so that Louisianans can receive a full report on our state's competitiveness nationally.
3. Proposers shall commit to providing both formative (during the year) and summative (end of year) assessment test questions and test forms.

4. The vendor must be capable of releasing to the public at least one full test form annually in English and math per grade level, so that parents have a full view of an authentic test form.
5. As always, test questions shall be given a trial in Louisiana schools prior to being implemented, and Louisiana educators must be involved in a test question review process to ensure appropriateness for our state.

Governor, because of apparent confusion on this issue, we will re-state that PARCC is not a testing services vendor and cannot respond to a request of this nature. Neither Superintendent White nor we as Board officers have any intellectual or material interest in which organizations would respond to such a request for proposals or in which organization would be awarded such a contract. We are willing and anxious to work with any vendor meeting the above academic expectations at a reasonable cost, and we believe there exist multiple vendors capable of doing so.

While we have not agreed with the administration in recent weeks on several legal issues, we understand your concern that procurement processes comply with state law. We hope you can appreciate our concern that the product procured be one of educational quality and national comparability, in accordance with state law. On that matter, we cannot compromise and do not believe you or the people of Louisiana would have us do so.

As time is running short, we ask that you take this as a final proposal, made in good faith. With little time left before school starts, if you do not agree with what we have proposed, we must urge the Department and our fellow Board members to resolve the impasse through other means.

We are aware that Superintendent White will be meeting with you tomorrow, Thursday, July 17. As this is a matter of great urgency, and as we hope to reach an expedient resolution, BESE President Roemer will accompany the Superintendent to the meeting. We hope we are able to discuss this proposal with you at that time.

Sincerely,



Chas Roemer
President
District 6



Jim Garvey
Vice President
District 1



Holly Boffy
Secretary
District 7

c:

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Connie Bradford, Member-at-Large
Jay Guillot, District 5
Carolyn Hill, District 8
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Judy Miranti, Member-at-Large
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