



## ATP Advocacy History and Milestones

**Milestone 1992 – The former Association of Personnel Test Publishers (APTP) is dissolved and the Association of Test Publishers (ATP) is incorporated.**

**In 1992-93 ATP was there when**

... a Rhode Island House Bill (H.B. 8781) would have prohibited employers from requiring job applicants to take some types of standardized tests. ATP representatives testified against this bill. ATP's intervention and education of legislators led to a solid defeat (14-1) of the bill in Committee.

**In 1994 ATP was there when...**

... test publishers found themselves threatened in the courts of Ontario, Canada, where the disclosure of test materials was being ordered. ATP intervened as amicus curiae in a judicial appeal and provided background information to assist the court in understanding how tests are developed, validated and how lack of security would adversely impact test publishers and test users. As a result, the court set aside the order, finding that disclosure of the student's test booklet and scores, and revealing items used for future testing, would be "patently unreasonable."

**In 1995 ATP was there when...**

... an initiative to give parents of students in Oregon the right to copy test questions was defeated. House Bill 2701 would have required school districts to make all instructional materials used in connection with any survey, analysis or evaluation available for inspection by parents. The bill's language was being interpreted to allow parents to reproduce or take notes on test items before their use. Before the bill was taken up on the House floor, at the joint request of both ATP and the Oregon Department of Education, the bill's sponsor agreed to exempt test questions and procedures from the inspection requirement. In the Oregon Senate, all language concerning parental inspection was stricken from the final bill, defeating the initiative.

**In 1996 ATP was there when...**

... the Florida State Board of Psychology attempted to restrict the use of certain psychological tests. ATP provided the Florida officials with new insights about publishers' test purchaser qualification requirements and the procedures test publishers use to screen test purchasers, thereby diminishing their concerns about the distribution of tests to unqualified individuals. The result of the meeting was a new, more favorable, draft of the Florida regulations

**Milestone 1997 - ATP welcomes the Certification Division to join its founding Divisions: Education, Clinical, Industrial/Organizational.**

## In 1997 ATP was there when...

... President Clinton signed into law the reauthorization of the Individuals with Disabilities Education Act, which included some of the most sweeping provisions ever adopted by the federal government for assessing students with disabilities. ATP monitored the bill every step of the way, making sure that key assessment provisions remained intact.

## In 1998 ATP was there when...

... an eleventh hour amendment to the Digital Millennium Copyright Act (H.R. 2281) would have granted broad access rights to parents to circumvent technological copyright protections and obtain copies of any "test, examination or other evaluation of a student's ability." ATP convinced House and Senate conferees to remove the harmful language before the legislation was passed and signed by President Clinton.

## In 1999 ATP was there when...

... a draft document released by the Department of Education's Office for Civil Rights ("OCR"), which took a position using "disparate impact" analysis in high-stakes testing situations that would have spawned litigation over the use of tests in state programs and sharply limited the use of test scores in college admissions and financial aid decisions. ATP, along with the Test Committee of the Association of American Publishers ("AAP"), worked together to propose a more balanced revised draft to emphasize the appropriate uses of tests.

## In 2000 ATP was there when...

... a test publisher was accused of selling a psychological instrument as a medical device without federal approval -- the Federal Food and Drug Administration ("FDA") notified the creator and distributor of the screening instrument that he was violating the law. The FDA ruled that the test was "considered a medical device because it was used to diagnose a medical condition," and therefore could not be used without prior FDA approval. Representatives from ATP and the American Psychological Association ("APA") met with FDA officials in Washington D.C. Later that year the FDA determined that the instrument did not fall within the agency's purview.

*Milestone 2000 - ATP launches its first conference: [Computer-Based Testing: Applications for the New Millennium](#), later it would change its name to: [Innovations in Testing](#)*

## In 2003 ATP was there when...

... the Florida State Court of Appeals reversed a lower court decision and supported the need to protect the security of items used in the statewide K-12 testing program. ATP filed a brief as amicus curiae, supporting the publisher and the Florida Department of Education. All three judges agreed that test booklets and questions were not student records, and therefore did not need to be made public.

## In 2004 ATP was there when...

...Representative Ruben Hinojosa (D-TX), chair of the Congressional Hispanic Caucus, needed help analyzing the National Reporting System used to assess children in the Head Start Program. Rep. Hinojosa later sent a letter of thanks to ATP in which he wrote: "I hope that I can continue to call on the Association of Test Publishers for expert analysis and guidance on this important topic."

## In 2005 ATP was there when...

...H.B. 42 was passed in the Utah legislature. This law would have allowed parents to receive copies of mental health tests prior to their administration in school settings. This would have inhibited the proper use of the tests, crippled the meaningfulness of test results and compromised the security and future usefulness of the assessments being used. ATP wrote to the Governor of Utah urging him not to sign this bill and energized local school psychologists to lobby for a veto of this bill as well. The bill was eventually vetoed by the Governor.

## In 2006 ATP was there when...

...U.S. Education Secretary Margaret Spellings invited leaders of the major test publishers, along with ATP, to her Washington, D. C. office to urge them to redouble their efforts to ensure accuracy and quality controls for scoring state assessments under the No Child Left Behind Act. In response, ATP took a leading role in working within the industry to establish best practices for large, high-stakes testing programs. This meeting provided the impetus for launching the Operational Best Practices initiative with the Council of Chief State School Officers, resulting in the publication of best practices for K-12 statewide testing programs, first in 2010 and then again in 2013.

## Milestone 2006 - ATP welcomes its first Regional Division - Europe-ATP ("E-ATP")

## In 2007 ATP was there when...

... the American National Standards Institute ("ANSI") informed the industry about a proposal for International standards that would have presented a serious conflict with Joint Standards. In response, over the next three years ATP played a leading role as administrator for the delegation for a U.S. Technical Advisory Group to ISO PC260 and Head of the U.S. Delegation, in organizing U.S. participation in the development of final International Standards for the delivery of tests in occupational settings, ISO 10667 (Parts 1 & 2).

## In 2008 ATP was there when...

... the U.S. Department of Justice requested comments on the issue of Non-discrimination on the Basis of Disability by Public Accommodations in Commercial Facilities. Because of the ATP comments, the U.S. General Accountability Office subsequently interviewed ATP to follow up on how to handle test administration issues for disabled test takers.

## Milestone 2009 - Europe-ATP launches its first Conference in Brussels

## 2009 ATP was there when...

... the U.S. Department of Education requested comments in regard to a proposal to fund "grants to consortia of States for the development of common, high-quality assessments aligned with the applicant consortium's common set of K-12 standards that are internationally benchmarked and that build toward college and career readiness." The notice was related to \$450 million in funding for Race to the Top assessments authorized under the American Recovery and Reinvestment Act of 2009. Also in 2009; ATP pointed out that commercial publishers produce innovative quality assessments and that the Department should encourage fair and open competition through transparent procedures, and design the initiative to avoid a "winner take all" outcome. Also in 2009, ATP filed comments with the EEOC regarding proposed amendments to existing regulations under the Americans with Disabilities ("ADA" ) of 1990. In the comments ATP contended that "while some of the proposed changes were appropriate under the ADA, others were predicated on erroneous and incomplete assumptions and should not be adopted as written."

## In 2010 ATP was there when...

... the Council of Chief State School Officers ("CCSSO") and ATP jointly released the first edition of *Operational Best Practices for Statewide Large-Scale Assessment Programs (OBP)*, following three years of work by the two organizations. That same year ATP also released the third edition of the *Model Guidelines for Pre-employment Integrity Testing*.

## Milestone 2011 - ATP welcomes its second Regional Division, Asia - ATP ("A-ATP")

## In 2011 ATP was there when...

... there was Call for Comments on the revision of the *Standards for Educational and Psychological Testing*. The ATP Standards Committee provided a unified voice for the test publishing industry in responding. Also in 2011, ATP's Interoperability Study Group produced a major paper with recommendations on improving interoperability of educational assessment systems, which was shared with the Schools Interoperability Framework and IMS Global, two competing standards organizations, and was later

shared with the U.S. Department of Education. That same year ATP participated in a meeting held by the Brookings Institute to consider the future of credentialing programs, and then submitted comments urging that the definition of credentials be expanded and how assessments should serve all such programs. Also that same year the ATP Security Committee ("ATPSC") released a major document dealing with *Security Messaging for Testing Programs*.

### In 2012 ATP was there when...

... the U.S. Government Accountability Office ("GAO") launched a study aimed at addressing testing irregularities, security breaches and cheating by students and teachers/principals. The GAO called upon ATP to provide insights and expertise to guide their efforts, including a survey of every state's testing program. In reporting the results of that survey to Congress, the GAO cited language and guidelines taken directly from ATP's 2010 *Operational Best Practices* publication. Also, that same year, ATP submitted comments on cheating and its impact on test integrity to the U.S. Department of Education.

### Milestone 2012 - ATP welcomes its third Regional Division, India-ATP ("I-ATP"), and ATP launches its first Public Sector Conference in Madrid, Spain.

### In 2013 ATP was there when...

... the Minister of Education for Oman specifically requested a meeting with ATP representatives and ATP members during a week-long tour of U.S. educational centers. Also in 2013: ATP organized industry comments to the U.S. Department of Education on changes to procedures on peer review of assessments built to the Common Core State Standards under Title 1 of the Elementary and Secondary Education Act; Version 2 of the *Operational Best Practices* was released, expanding the original document to focus on technology-based assessments and updated theories of student accessibility; and the ATP Security Committee ("ATPSC") released a major document: *Security Options, Considerations by Delivery Channel and Assessment Model*.

### In 2014 ATP was there when...

... the International Testing Commission invited test publishers to provide unified comments on Security Guidelines developed by the International Testing Commission; and the EEOC invited comments on its proposal to adopt regulations for what federal agencies need to do to be "model employers of individuals with disabilities."

### Milestone 2014 - ATP Member vote to amend the By-Laws making ATP an International organization thereby creating a global intelligent voice for testing.

### In 2015 ATP was there when...

...a White House Council report was released suggesting that a cap of 2% should be placed on standardized testing in the classroom. ATP sent a letter to the White House pointing out that no mandate should be about the amount of testing, but about the quality of testing -- and urging the administration to advocate using tests for the purpose they were created. Also in 2015 ATP joined forces with the Fair Access Coalition on Testing (FACT) to defeat a Kentucky regulation (201 KAR 26:121) that would have restricted the use of psychological tests by licensed health care practitioners.

### Milestone 2015 - ATP welcomes its fifth Practice-area Division, Workforce Skills Credentialing

### In 2016 ATP was there when...

...the European Union (EU) issued a new Privacy Directive that would impact ATP members doing business in Europe, ATP quickly assembled a 15-point checklist for organizations seeking to understand and comply with the new EU-US Privacy Shield regulations. Also in 2016...ATP was there when the Every Student Succeeds Act (ESSA) came up for review. ATP submitted comments to the U.S. Department of Education addressing concerns about proposed accountability regulations, such as N-size and Opt-Out provisions; observations about innovation quality and requirements for universal design, evidence, multiple

measures, peer review, alternate assessments and accessibility provisions; and, proposed regulations developed to implement the innovative assessment demonstration authority provision in the ESSA. Also in 2016, ATP was there when... the American Psychological Association (APA) proposed guidelines for Occupationally-Mandated Psychological Evaluations (OMPEs). ATP submitted comments noting several specific areas in which the guidelines could be improved including clear distinctions between professional practice guidelines and clinical practice guidelines, clearer guidelines for the alignment of assessments with their expressed purposes, additional guidance on the need for security policies and an added guideline stating that the use of non-clinical assessment instruments in pre-employment or employment settings should not be restricted to only licensed psychologists.

In 2017 ATP was there when...

... the U.S. Copyright Office the U.S. Library of Congress disregarded the rights of test publishers in crafting new copyright regulations that would have forced test publishers to disclose actual test items. ATP submitted a letter containing a comprehensive analysis of the legal violations of the Administrative Procedure Act and coordinated a letter-writing campaign among ATP members to the Copyright Office. In response the Copyright Office created a group registration plan and extended its deadline for comments – opening to the door to further input from ATP and its members. Also in 2017, ATP was there when ...Louisiana House Bill 748, as originally introduced, would have banned the use of the term "certification" by individuals, thereby having a negative impact on voluntary credentialing bodies. ATP joined with other certification groups in putting together a coalition in order to better educate the Louisiana legislature regarding the damaging effect that the initiative would have for individuals as well as for the certification industry. As a result of the coalition's action, the Senate amended the bill to remove all problematic references to limits on certification.

**Milestone 2018 – Following up its fourth annual Public Sector SIG meeting hosted by the UNDP in Copenhagen, the ATP Public Sector SIG is invited to hold its fifth annual meeting at NATO headquarters in Brussels.**

In 2018 ATP was there when...

...the new EU General Data Protection Regulations (GDPR) went into effect in Europe. ATP compiled and released a comprehensive publication providing an overview of the new regulations and specific guidance on compliance for testing organizations doing business in Europe.

**Milestone 2019 - ATP launches its first Middle Eastern Conference in Abu Dhabi and launches its Privacy in Practice Bulletin Series.**

In 2019 ATP was there when...

... a bill was introduced in the Nevada Assembly (AB132) that, if approved in its original form, would have banned the use of pre-employment personality tests. ATP sent a letter to members of the Nevada Assembly Committee on Commerce in Labor in opposition to the bill. Thanks to swift action on the part of ATP and its Industrial/Organizational (I/O) Division, the damaging section of the bill was entirely deleted prior to its approval.

Also in 2019... ATP submitted comments to the European Data Protection Board raising ATP members' concerns about a number of items contained within new Video Surveillance Guidelines proposed by the Board. In its comments, ATP cited its respect for the goals of the Guidelines to ensure that individual privacy is protected, but pointed out that there are certain circumstances common in the testing industry where video surveillance is both appropriate and necessary. In early 2020, the ATP Security Committee released "Privacy Guidance When Using Video in the Testing Industry," now available on Amazon.

**Milestone 2020 – In response to the Global Pandemic, ATP launches its first Virtual Global Conference and Security Summit, releases *Privacy Guidance When Using Video In The Testing Industry*, and launches its *New World of Testing Digital Webinar Series*.**

In 2020 ATP was there when the COVID-19 Pandemic hit...

...in March, April and July of 2020 ATP joined with other assessment companies and organizations ("Assessment Coalition") in sending letters to the leadership of the United States Senate calling for the inclusion of funding in Economic Stimulus packages to assist all education service providers to deal with the economic fallout from COVID-19.

Also in 2020... the US Copyright Office (Library of Congress) published an Interim Rule and Request for Comment on a new definition for the term "secure test" due to the COVID-19 pandemic. The interim rule allows otherwise-eligible tests that are administered online during the national emergency to qualify as secure tests. ATP had been asserting the need for a new definition of "secure test" for a number of years prior to the pandemic. ATP will continue to advocate for the testing industry in order to keep the up-dated wording permanent.

...This year, and next year, ATP will still be out there,

with the support of its members,

standing watch over the global test publishing/ assessment services industry.

Where will you be?

Join us!

[www.testpublishers.org](http://www.testpublishers.org)