

# Test Publisher™

News and Information for providers of assessment products and services from the Association of Test Publishers

Volume 14, Number 2

ATP: *The intelligent voice for testing*

Summer 2007

## Restricted Test List Repealed in Indiana

### *Decision ends decade-long struggle in a victory for test publishers*

Legislation providing the Indiana Psychology Board's authority to create a restricted test list (RTL) has been repealed.

HB 1821 removes language originally included in the counselor licensure law which passed in 1997. While this language has been part of the Indiana Statutes for ten years, a RTL was never successfully adopted despite multiple attempts by the Indiana Psychology Board in the last ten years. Over the years, various proposed RTL lists contained many tests published by ATP members, which lead to opposition of the RTL and support for a "competency-based" solution. Effective July 1, 2007, the new law removes the authority of the Indiana Board of Psychology to create a Restricted Test List (RTL).

The Fair Access Coalition on Testing (FACT), of which ATP was a founding member, and which includes multiple state and national organizations, worked successfully to advocate against the formation of an RTL and the repeal of the RTL language. Equally significant, a number of Indiana-based professional organizations involved in testing were part of an effective coalition that lead to this year's successful outcome.

ATP's Executive Director, Dr. William G. Harris, testified in

**IMPORTANT NOTICE**  
ATP is changing its mailing address July 1, 2007. The new address will be:  
601 Pennsylvania Ave., NW. Suite 900  
Washington D.C. 20004



Indiana on two separate occasions, and ATP submitted written testimony and comments several times during crucial decision making hearings.

"We always addressed our view that a competency-based system was required to assure appropriate access to assessments for all qualified professionals who use testing, and we provided input and assistance in drafting proposed legislation numerous times during the ten years," said Alan Thiemann, ATP's Legislative Counsel.

In a statement released following passage of HB 1821, FACT expressed "appreciation to all organizations and their individual members who were active in this advocacy effort...(which) included contacting legislators at key times over the last ten years and research to aid in the efforts."

The FACT release also pointed out that, "The success of repealing the RTL happened because of the collective efforts of state and national organizations, their individual members, and others concerned about this legislation. By working together, we helped key decision makers understand the importance of appropriate professional accessibility to instruments that ultimately leads to the greatest accessibility of quality services for the citizens of Indiana."

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# Association Notebook

**Next Board Meeting...**March 6, 2008 at the Gaylord Texan Resort, following the Innovations in Testing Conference 2008. Members can have business placed on the agenda by emailing the ATP Board of Directors c/o LScheibatATP@aol.com

**Next Conference...**March 3-5, 2008 at the Gaylord Texan resort in Dallas, Texas.

**ATP Career Center...**The ATP Career Center is open for business. Visit the Career Center at [www.testpublishers.org](http://www.testpublishers.org). Post job opportunities or your own resume, peruse job openings or job applicants. Members receive discounts for ad listings.

## Call for Awards 2008

The Association of Test Publishers invites members to nominate individuals for two prestigious career awards in testing. Nominations are sought for *The Career Achievement Award* and the *Professional Contributions and Service to Testing*. Members can download an informational document on these two awards at [www.testpublishers.org](http://www.testpublishers.org). Go to Member Login and then to Announcements.

To obtain more information, email [LScheibatATP@aol.com](mailto:LScheibatATP@aol.com)

**The deadline for submissions is July 13, 2007 for the Career Award and August 24, 2007 for the Professional Contributions Award**

## Gaylord Texan site of *Innovations in Testing 2008*

Surrounded by rolling pastureland and overlooking beautiful Lake Grapevine, the magnificent Gaylord Texan will be the site of ATP's *Innovations in Testing 2008* conference to be held March 3-5, 2008.

Conference attendees will experience the best of the Lone Star State under the Gaylord's signature glass atrium where guests can dine, shop, socialize and be entertained among four-and-a-half acres of indoor gardens, including a working vineyard.

For rest and relaxation, there is a luxurious 25,000-square-foot world-class spa and fitness center with indoor pool, 18-

hole championship golf at the adjacent Cowboys Golf Club and grotto-style outdoor pool.



At the same time the conference will offer high quality learning and networking opportunities. On a survey reviewing this year's conference an attendee wrote: "(ATP) was the best organized and run conference I've ever attended during my 15 years of attending conferences." And another wrote, "The high quality of the content sessions contributed to making this conference a success."

[Look for more information on *Innovations in Testing 2008* in the coming months at [www.testpublishers.org](http://www.testpublishers.org)].

## ATP thanks its Sponsors and Contributors for their support of *Innovations in Testing 2007*

**Platinum:** ACT, Alpine Testing Solutions, AMP, ATA, Castleworldwide, Caveon, Cito, The College Board, ETS, Integral 7, Internet Testing Systems, Kryterion, Pearson VUE, Prometric and Questionmark.

**Gold :** ANSI, Buros Center for Testing, Certification Management Services, Chicago Press Corp., Comira, Enlight, Hogan Assessment Systems, LaserGrade, pan-A-TALX, PES, Professional Testing, Vantage Learning and vcampus corporation.

**Silver:** The Donath Group, GMAC, IPAT, Law School Admission Council, Measured Progress, Media Tec, PTC and Zoomorphix Systems.

**Contributors:** HP and Pearson Assessments.

# News from the Divisions

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## From the Desk of the Education Division Chair...

Dr. Stephanie Gertz of Stephanie Gertz Consulting

I'm pleased to report a strong response to a survey we sent out to the Education Division.

I've just started looking at the data, but preliminary analyses show that the respondents feel networking is one of the most valuable ATP benefits -- and the advocacy/lobbying done by ATP is another important benefit.

Although most of the respondents were from larger companies, there were companies of all sizes represented in the respondent pool. We therefore have a valuable opportunity to

look at what small company concerns are, as well as on what priorities larger companies are focused. There were several comments regarding the conference which will be helpful to our program planning. We are looking forward to making the 2008 program even more relevant to our members and the survey results will help us do just that.

[For more information contact Dr. Stephanie Gertz at [stephjl@aol.com](mailto:stephjl@aol.com).]

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The Education Division will be having an informal meeting at the CCSSO Large-Scale Assessment Conference. Stay tuned for details!

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## From the Desk of the Clinical Division Chair...

Joe Grosdidier of Pearson Assessments

The Clinical Division has three major initiatives for 2007: continued collaboration with other ATP Divisions; influencing insurance reimbursement for psychological testing; and, membership expansion.

We have taken initial actions and have ongoing activities related to the above. However, we would like to see additional participation from both our Divisional membership and our colleagues in other ATP Divisions.

Our Insurance Reimbursement Workgroup is a task force charged with gathering existing knowledge from the membership on insurance reimbursement issues and developing an advocacy position within ATP. For further information on this

workgroup contact Krista Isakson. Email: [Krista.isakson@pearson.com](mailto:Krista.isakson@pearson.com).

Another objective for our Division is membership expansion. Because the Clinical area is a special focus with a very limited number of companies, our goal is to get 100% membership and participation within our industry segment. Therefore, if there are any significant companies that have a Clinical focus or interest and are not ATP members, then we would like to recruit them, and I would encourage our membership to do the same. Together, as an association, we can accomplish more if we have everyone participating. Anyone who is interested or considering Clinical membership can contact me at [joe.grosdidier@pearson.com](mailto:joe.grosdidier@pearson.com).

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**Division Meeting Planned** As in past years, the Clinical Division will hold its summer meeting in conjunction with the American Psychological Association (APA) meeting (August 17th-20th in San Francisco). This meeting is open to all members of ATP as well as anyone interested in the becoming a member. We encourage you to join us if you will be at APA this year. A more specific date and meeting time will be forthcoming.

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# From the Desk of the Certification/Licensure Division Chair...Dr. Joan Knapp of Knapp & Associates International Inc.

2007 is slipping away, but the Certification/Licensure Division has made great progress on several fronts.

The C/L Division is pleased to respond to a request from the ATP Chair to lead an effort to transition the Internal Alignment Committee to a standing committee: the Division Leadership Committee. The leadership teams for the other Divisions seem eager to support this idea, and we have proposed a rationale and committee charge to the ATP Board. It seems that last year's IAC accomplishments put the committee front and center, and the Board wants us to continue to collaborate on cross divisional issues.

Other projects underway....We are revving up to conduct a survey of C/L members and C/L ATP conference attendees to learn more about the value of ATP to those involved in certification and licensure testing. Additionally, Dick Soule is leading an effort to develop a testing software catalogue (see below). Last but not least, we are aware that the call for program proposals for the 2008 conference will be initiated very soo. Please contact Dick Soule at dsoule@smt.com if you wish to be a proposal reviewer.

[For more information contact Dr. Joan Knapp at jknapp@knappinternational.com].

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## Look for the C/L Leadership team at the following meetings where we will host an ATP Division meeting:

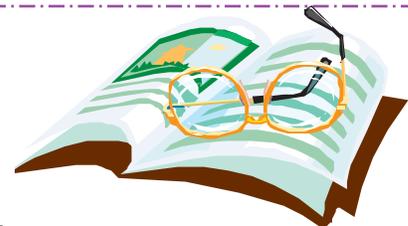
Council for Licensure,  
Enforcement and Regulation  
September 6-8  
Atlanta, GA

Performance Testing Council  
Summit  
October 17-19  
Phoenix, AZ

National Organization for  
Competency Assurance  
November 14-17  
San Antonio, TX

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## Certification and Licensure Division working on development of Testing Software Catalog



The Certification and Licensure Division is currently working on a project to develop a Testing Software Catalog. The goals of the project are twofold : To provide a single source electronic (.pdf) presenting software designed to build, use and maintain testing programs associated with certification and licensure programs that is available for purchase, lease, subscription and/or online use by credentialing agencies; And to allow ATP members to showcase such software offerings

The types of products that will be in the catalog include: Products related to job analysis/role delineation studies; Products related to item writing and banking; Products related to standard setting; Products related to psychometric analysis of test results; Products related to exam administration, including scheduling; And products related to credential data management.

Members of the project committee include: Dick Soule of Schroeder Measurement Technologies; Ben Cantlon of Integral7; Christine Niero of Professional Testing, Inc.; Cliff Donath of The Donath Group; Elisa Kahn-Ellis of Project Management Institute; Lance Blackstone of Pearson; Luther Smith of American Society of Agronomy; and Robert Mahlman of Ohio State University.

The project committee held its first meeting on Monday, May 21, and, as a result of this meeting, has a planning document they will use to govern subsequent steps of the project. The committee is targeting a deadline that will make the Catalog available at the 2008 conference. The committee invites ATP members who have software products they would like to have cited in the catalog to contact Dick Soule at dsoule@smt.com.

# From the Desk of the Europe-ATP Division Chair...

Eric Shepherd of Questionmark, Inc.

The European Division recently organized a successful meeting with 20 attendees in Dublin, Ireland with support from Q-Validus, Trinity College and the E-ATP leadership team.

The meeting started with introductions and then proceeded with a review of the E-ATP wiki site, and review of the Divisions' three primary goals; Networking, Best Practices and Lobbying. Eugene Burke of the SHL Group then provided the group with an update of the ISO working group and the ATP Security initiative.

The group discussed the possibilities for running a European Conference and it was considered a highly desirable goal if the critical mass could be generated to support such a conference. In the meantime the group thought it wise to submit as many proposals as possible for consideration by the ATP Program Committee. The European Division was charged, with supplying

between 10 and 20 proposals but the group thought that this number should be increased. Cor Sluijter (Cito) will coordinate with the ATP Conference Program Committee to discuss these issues, to solicit proposals and to generally coordinate this activity.

**Wiki initiative:** The European Division has established a wiki (<http://eutestpublishers.wikispaces.com/>) to provide an open, transparent and meaningful way to reach the Division's goals with open communications between professionals. The wiki consists of an information (non-editable) section and a working section with three sub-sections to list European Organizations, a Best Practices Repository and other useful links.

The European Division expects to meet again twice this year, however, the exact dates and locations are still to be decided. [For more information contact the European Chair, Eric Shepherd at [eric@questionmark.com](mailto:eric@questionmark.com)].

# From the Desk of the Industrial/Organizational Division Chair...

Dr. Joseph Orban of Vangent, Inc.

The ATP Industrial/Organizational Division has met and achieved several accomplishments since the last newsletter.

All the credit for these accomplishments goes to Reid Klion, I/O Division Vice Chair, for providing time and effort for our Division meeting at SIOP and initial planning meetings for the 2008 annual conference. The Division also sent a current events news flash to members regarding the May 16 EEOC public meetings. The EEOC is looking at testing and may prepare additional guidelines for the use and validation of tests. Details of the meeting can be found on the EEOC web site at [www.eeoc.gov](http://www.eeoc.gov) and specifically at <http://www.eeoc.gov/abouteeoc/meetings/5-16-07/>. If you did not receive our news e-mail on this item and would like to in the future, then please send your e-mail to one of the I/O Division officers and we will send you the news item and put your e-mail on our list.

**ATP I/O Divisional Meeting at SIOP:** The ATP I/O Division had its annual meeting at SIOP in New York City in late April 2007. Approximately 20 current and potential members attended. Attendees were brought up to date on a number of issues currently being addressed by ATP. One area of concern is legislation in committee in New York state that may require any test used for certification or licensure be released to the public immediately after use. This legislation is being closely monitored by ATP.

ATP Chair, Dr. Wayne Camara, of the College Board, attended the meeting and briefed those in attendance on ISO/PC230—Standards for Occupational Assessment. This is an effort to develop international standards for occupational assessment. ATP will be spearheading efforts in the U.S. with Dr. William G. Harris serving as chair of the ANSI Technical Advisory Group (comprised of AERA, APA, ATP, NCME, and NOCA). Information about this will be shared as it becomes available. [For more information contact Dr. Joseph Orban at [joe.orban@pearson.com](mailto:joe.orban@pearson.com)].

# Excelsior Wins \$7.8M For Stolen Exam Questions\*

By Jesse Greenspan, jesse.greenspan@portfoliomedia.com

[\*This article was first published in the December 12, 2006 edition of IP Law360 and has been re-printed with permission from Portfolio Media, Inc.]

A federal jury has awarded \$7.8 million to Excelsior College, which had accused a test preparation service of misappropriating its copyrights and trade secrets in regards to a series of nursing exams and content guides.

The verdict was one of the largest ever reached for the infringement of test questions, according to David Miranda, a partner with Heslin Rothenberg Farley & Mesiti P.C., who represented the college in the case. "We are extremely pleased by the jury's verdict, and believe that it is reflective of the value placed on intellectual property by institutions of higher learning," Miranda said.

Albany, N.Y.-based Excelsior is one of three main colleges in the country that allows students to earn a degree through credit-by-examination testing. In its nursing department, students must pass seven examinations, which are offered at testing sites throughout the country, before they can take their clinical nursing exam and get a degree. According to the complaint, which was originally filed in March 2004 before the U.S. District Court in San Diego, test preparation

service Professional Development Systems School of Health Sciences had their own employees take Excelsior's nursing exams and also encouraged other test takers to tell them whatever questions they could remember. The company and its owner, Charles M. Frye, then used that information to sell compilations of the exams, the complaint said. "These exams were kept secret," Miranda said. "The only time anyone had

access to them was for the purpose of taking the examination."

Once Excelsior became aware of the alleged infringement, it pulled all seven examinations and revised them at

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***We are extremely pleased by the jury's verdict, and believe that it is reflective of the value placed on intellectual property by institutions of higher learning.***

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*--David Miranda, Esq.*

what it described as substantial cost.

"The purpose of the lawsuit was to cover those costs and make sure this type of conduct wouldn't occur again," Miranda said. In the suit, Excelsior also accused Professional Development Systems School of Health Sciences of directly copying three content guides and then using that material to apply for approval to award degrees.

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## Legislative Update

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ATP monitors state, federal and international legislation Following are some initiatives currently being tracked by ATP. For a complete copy of any of these or other bills members can login into the Members section of the website at [www.testpublishers.org](http://www.testpublishers.org), click on Legal/Legislative and click on State Net.

NY S 5030 sponsored by LaValle (R), *Standardized Test Procedures*, introduced 4/25/2007, located in Senate Higher Education Committee: Establishes procedures and guidelines for which a test subject may request and obtain information and materials regarding a standardized test.

NY S 5147 sponsored by LaValle (R): *Bias in Standardized Testing*, introduced 4/25/2007, located in Senate Higher Education Committee: Enacts safeguards to prevent bias in standardized testing for teacher certification.

USH2189 sponsored by DeLauro(D), *Pre and Post Deployment Mental Health Screenings*, introduced 5/07/2007, located in House Committee on Armed Services: Requires pre-and post-deployment mental health screenings for members of the Armed Forces; relates to other purposes.

# Introducing the ATP Career Center



<http://careercenter.testpublishers.org>

## Employer Benefits:

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