

# Test Publisher Volume 12, Number 2 Fall 2006

## Inside this Issue

Gaylord Palms in Florida to be site of 2006 Conference

Wonderlic to Lead ATP

van der Lind Receives Career Achievement Award

ATP FOCUS ON... Test Security

Legislative Updates

Association Notebook

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**The Gaylord Palms Resort in Orlando, FL will be the site of ATP's Innovations in Testing Conference, February 6-8, 2006: *Keynote Speakers will address the importance of both measurement and humor for professionals***

Measurement and humor may be odd partners, but they will be tied together by this year's keynoters at the Association of Test Publishers seventh annual Innovations in Testing Conference to be held February 6-8, 2006 at the Gaylord Palms Resort in Orlando, Florida.

Keynote Speakers include David A. Wilson, president and chief executive officer of the Graduate Management Admission Council, who will discuss the importance of measurement as a management tool in business and performance management; and Ronald A. Berk, professor of biostatistics and measurement at the School of Nursing, Johns Hopkins University, who will address humor as a coping strategy to reduce professional stress.

## **Charlie Wonderlic to Lead ATP**

Author of articles on employment practices and a frequent speaker for various associations and organizations, Charlie is president and CEO of Wonderlic, Inc., a provider of consulting services, assessments and online services that support quality and continuous improvement in the employment decision-making process. Charlie has actively promoted the test publishing industry on NBC's Dateline, Lifetime Television, CNN FN, WGN, FOX, Forbes, Entrepreneur, Sports Illustrated and a wide variety of national and local radio and newspapers. He holds a B.S. in Finance from Miami University, Ohio and an MBA from the Lake Forest Graduate School of Management.

## **Professor Wim J. van der Linden, from the University of Twente in the Netherlands, to receive ATP's 2006 Career Achievement Award**

Wim J. van der Linden, Ph.D., professor of research, methodology, measurement and data analysis at the University of Twente in the Netherlands will be presented with the 2006 Career Achievement Award at the Association of Test Publishers' annual Innovations in Testing Conference.

“Professor van der Linden’s selection for this prestigious award was based on his professional and educational achievements, his dedication to the field of testing, and for his highly regarded contributions to the testing industry,” noted ATP Executive Director, Dr. William G. Harris.

Professor van der Linden will be presented with the career achievement award at the ATP General Meeting which will be held February 6, at 3:45 p.m. (EST).

Wim J. van der Linden holds degrees in Psychology and Mathematical Sociology from the Universities of Utrecht, and in Psychometric Theory from the University of Amsterdam. His research interests include test theory, computerized adaptive testing, large-scale educational assessments, optimal test assembly, and decision theory and its application to problems of educational decision-making.

### **ATP FOCUS ON...Test Security**

Every month it seems the headlines get more shocking. Just this November The Dallas Morning News ran this headline: “Missing, 20,000 Standardized Tests”. In October the Macon, Georgia Telegraph ran an article entitled High-tech ways to cheat, outlining ways in which students use every tool at their disposal including cell phones to cheat on exams. And just when you thought the problem was local, try the October 18, issue of People’s Daily Online in Beijing China who ran this headline: Hundreds of students suspected of cheating in China’s self-study college entrance exam. So what is a Test Publisher supposed to do?

That is the question to be pondered by a new initiative being launched by the Association of Test Publishers.

“In an effort to further enhance the value of our current offerings and drive the value of prospective membership in the Association of Test Publishers (ATP), the ATP Board of Directors has approved the Certification and Licensure Division to pursue a new organizational initiative related to test security,” reported ATP Certification Division Chair Casey Marks of the National Council of State Boards of Nursing, Inc.

Marks noted that goals for this new committee will potentially include: identifying and developing best security practices, assimilation of materials developed by the former Council for Secure Testing (CST), acting as a forum for test vendors and test sponsors to act together on issues of common interest related to test security and sharing the latest information in test security as well as the possible development of new security guidelines. The participants at the meeting will assist in developing a steering group of interested volunteers and a prioritized work plan for the new committee.

This new standing committee will initially have its operations fall under the guidance of the Certification and Licensure Division, however, Marks maintained that activities of the group will be broad based and applicable to the security needs of all of the divisions of ATP.

“Cross division participation is supported and interface with other security related ATP initiatives is encouraged,” Marks said.

Certification Vice Chair Jamie Mulkey of Caveon Test Security said that the Certification Division was chosen to house the new standing committee based on the division’s past successes of spearheading important initiatives. She pointed to the establishment of the successful ATP Annual Innovations in Testing Conference and the Guidelines for Computer-Based Testing. But she too emphasized that security is not a concern for just one division -- whether it be certification or education. “Security is at the top of concerns for all testing industry professions,” Mulkey said. And she encouraged all ATP members to “get in on the ground floor of this initiative and have

your voice heard.”

NOTE: For more information contact Casey Marks a [cmarks@ncsbn.org](mailto:cmarks@ncsbn.org) or Jamie Mulkey at [jamie.mulkey@caveon.com](mailto:jamie.mulkey@caveon.com).

## **Legislative Updates**

√ The Association of Test Publishers submitted comments on the Individual with Disabilities Education Act (IDEA)-2004, notice of proposed rulemaking. These comments are available on the ATP website at [www.testpublishers.org](http://www.testpublishers.org)

√ Circuit Court Reverses District Court Opinion - declares MMPI a medical exam. The Americans with Disabilities Act ("ADA") mandates that medical examinations not be administered until a conditional offer of employment has been tendered to job applicants. On May 6, 2004, a U.S. District Court in Illinois ruled that the MMPI assessment, as used in a defendant's particular situation (management hiring and promotion), was not a medical examination under the ADA. On June 14, 2005, the U.S. Court of Appeals for the Seventh Circuit, reversed the District Court's opinion, indicating that the MMPI is a medical examination under the ADA. Publishers should be aware of this holding insofar as certain writers have misconstrued the opinion's applicability and content. . This opinion can be read online at [www.testpublishers.org](http://www.testpublishers.org)

√ In the fall of 2004, the Association of Test Publishers participated in discussions with several publishers adversely affected by an order issued by the California Department of Education (CDE) concerning the disclosure of test protocols to parents under the California Education Code. Although ATP proposed proper procedures and a non-disclosure agreement (“NDA”) for use in such cases, the CDE eventually refused to endorse ATP’s recommended approach. As a result, the litigation brought by the school district went forward, and in May 2005, it was ruled that giving parents copies of test protocols that are student records constitutes "fair use" and does not violate federal copyright law. Further action in that case is under review by ATP.

The California proposed procedures and NDA represent a useful method for addressing how secure tests and test materials should be released to parents or others seeking their disclosure. The ATP remains committed to pursuing litigation and/or legislative opportunities to protect copyrighted products and ensure that they are not compromised by release under state Public Records or Student Records laws that might be interpreted as requiring such outcomes. The Uniform Disclosure Policy for Test Protocols can be read online at [www.testpublishers.org](http://www.testpublishers.org).

## **Association Notebook**

ATP Welcomes as Members....ATP Welcomes its newest members: Board of Certification for Emergency Nursing (BCEN), Stephanie Gertz Consulting, Organization Analysis & Design.

Next Board Meeting... February 9, at the Gaylord Palms Resort, Orlando, FL. Members can have business placed on the agenda by emailing the ATP Board of Directors c/o [LScheibatATP@aol.com](mailto:LScheibatATP@aol.com)