



## **The Elementary and Secondary Education Act: Why Congress Should Reauthorize Section 9529 to Prohibit Nationalized Testing**

**May 25, 2010**

As Congress prepares to reauthorize ESEA, we respectfully urge Congress to retain Section 9529 in ESEA to prohibit federal funds from being used to establish a nationalized testing.

Section 9529 was inserted into the No Child Left Behind Act in 2001. We believe that Section 9529 has helped to ensure that home schools, religious and private schools, and public schools, are free to choose the type of test, or the test content, that is best for their own students. At the same time, this section has not kept the federal government from enacting education programs that are designed to help state and local education associations, public schools, and public school students. For these reasons, we urge that Section 9529 be retained unchanged.

- **Section 9529 [20 U.S.C. 7909]: No federal funds for nationalized testing**

““SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.

“(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 and administered to only a representative sample of pupils in the United States and in foreign nations.”

### **Why nationalized testing should be opposed**

Many of these reasons are the same reasons why we believe that the federal government should not provide funds for nationalized curriculum. Nationalized testing would reduce local control and would impede teachers and state and local education associations from being able to tailor their curriculum to the specific geographic, cultural, or educational needs of their own students.