

*National Center for State Courts
Language Access Services Section*

Policy for the Development and Modification of Test Inventory

Background

The National Center for State Courts (NCSC) oral test program requires budget allocations for annual ongoing activities, as well as intermittent, recurring activities. The following expense areas are examples of costs associated with exam-related activities:

1. Oral Examinations – Development and Modification
2. Rater Calibration Training
3. Test Administration and Oversight
4. Test Development
5. Recording and CD Production
6. Test Proctor Training

Ongoing activities that support the administration of oral interpreting exams nationwide require yearly budget allocations. The ongoing activities include, but are not limited to rater/proctor training and maintenance and test administration and oversight (test history searches, preparation of testing materials for shipment, etc).

Intermittent, recurring activities may occur on an as-needed basis. These activities include, but are not limited to, the development and modification of written and oral exam inventory, including recording and CD production. (Some exam maintenance, such as updating scoring dictionaries, does occur on an ongoing basis, while major modifications to exam material occur on an as-needed, less frequent basis.)

The primary purpose of this Budget Justification Tool is to assist the NCSC Language Access Services Section (LASS) in making budgetary justifications regarding the ongoing, intermittent, and recurring activities of development and modification of NCSC oral exams. Budget allocations for these competing interests must be based on objective data, the needs of the state court administrative offices, and available funds. In determining budget allocations for developing and modifying exams, the LASS must consider the national needs for the following essential components:

1. Developing exams in new languages;
2. Developing new versions of exams in languages for which there is already one or more exam; and
3. Modifying existing exams based on feedback loops, psychometric assessments, and regular reviews.

**Although this document does not specifically address the allocation of funds for ongoing activities, some mention of these activities are essential since they directly correspond to the intermittent costs associated with the development and modification of NCSC oral exams.*

Developing Exams in New Languages

The NCSC utilizes two models for the development of oral exams:

1. The standard model, which includes three sections: sight translation (which has two parts, English to foreign language and foreign language to English), consecutive interpretation, and simultaneous interpretation; or
2. The abbreviated model, which includes a simultaneous section and a measure of conversational proficiency in English.

The standard model is the presumptive model for new test development when 25% or more of the state court administrative offices request it and when the NCSC has sufficient resources to develop a glossary, if one is necessary, as well as two versions of the test. In all other circumstances, the abbreviated model must be followed.¹

Experience suggests the development of a standard model costs approximately \$40,000 and the cost of developing a glossary ranges from \$23,500 to \$35,000. The range of costs for the abbreviated model is from \$13,000 to \$18,000.

To assist with budget allocations, the LASS will conduct an annual survey of state court administrative offices to document national interest and need for test development in new languages. The survey will require each state to provide documentation, to the extent possible, of need for each language by providing data such as the following:

1. Jurisdiction-wide statistics on:
 - a. Volume of proceedings interpreted in that language;
 - b. Number of persons in the general population who speak the language, e.g., Census data or school enrollment data;
 - c. Estimated number of candidates in the jurisdiction who would take the test in the first year and for the four years thereafter;
 - d. Identification of at least one Subject Matter Expert (SME) who would meet the qualifications required by the NCSC for test writing and rating (see §4 of the *Test Construction Manual*) or identification of professional associations or other resources for locating SMEs in the selected foreign language; and

¹ If a language has been selected for the development of an abbreviated exam, a state court administrative office, alone or jointly with another state, may pay the difference between the estimated cost of developing the abbreviated exam and the actual cost of developing a standard model exam.

- e. Any other information or data that would indicate the extent of the need for a test in the language (e.g., grants available to offset the cost, advocacy by community groups, new laws or policies).

Developing New Versions of Exams in Languages for Which an Exam Already Exists

Once the NCSC has begun testing in a given language, it may become necessary to add one or more versions in that language. The specific factors necessitating additional versions, whether individual or in combination, include the following:

1. There is significant national interest in a new version to allow for retesting of candidates;
2. There is evidence indicating national or regional overexposure of test content due to the number of times an individual test form has been administered; or
3. A version must be retired because it has been compromised, become outdated beyond repair, lacks relevance due to change in language or the knowledge, skills, and abilities (KSAs) needed for the job, or the version does not perform well according to accepted standards of validity or reliability.

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Modifying Exams

Regular, ongoing maintenance of exams is essential. Maintenance can lead to major or minor modifications of test forms in the two following areas:

1. **Test content needs to be revised, which arises from several sources:**
 - a. Trends in rating patterns indicate difficulties or challenges with rating specific scoring units or other parts of test texts;
 - b. Psychometric research indicates particular test items do not perform well;
 - c. Periodic audits, which should be performed at least every five years, indicate a need for change due to a lack of content relevance in terms of job duties or linguistic considerations, or content has become obsolete or outdated; or
 - d. Revisions made to the *Test Construction Manual* require adjustments to exam content to ensure compliance with new provisions.

2. *Scoring dictionaries need to be revised:*

- a. Scoring dictionaries are extremely dynamic, living documents that require regular editing and updating. New, acceptable renditions for scoring units are regularly introduced at each rating session. Furthermore, incorrect interpretations that have not been heard before and are not identified as unacceptable are introduced at rating sessions. Both need to be incorporated into scoring dictionaries as funding permits and in accordance with annual testing priorities approved by the Language Access Advisory Committee (LAAC) to ensure reliability for the rating process.²

Ordinarily test maintenance requires minor modifications in test texts. However, in some instances the number or nature of the revisions may necessitate replacing a section of the exam. Replacement of an exam section may also be necessary if there is an indication that the section has been compromised without the entire exam being compromised.

The estimated annual cost to modify test content per exam for minor modifications can be as little as \$2,500, but can increase to approximately \$25,600, if major modifications or the development of a new test part is necessary, and the estimated annual cost to maintain an exam's scoring dictionary is between \$9,500 and \$12,000.³

Donated Exams

In accordance with the policy approved by the LAAC in July 2016, the NCSC will not include in its repository of exam materials, or provide to states for administration, previously donated oral exams that do not conform to the standards of the *Test Construction Manual*. Any future donated oral exams will be subject to full testing audits conducted by NCSC staff to ensure that these exams meet the standard specifications of the *Test Construction Manual*, and only those exams that meet outlined standards will be accepted by the NCSC for inclusion in its testing inventory.

² This does not imply that every single rendition that does not appear in the scoring dictionary must be incorporated in the dictionary. The *Test Rating Manual* provides guidance to raters on when and how to submit proposed revisions to the scoring dictionary, which are then reviewed by a team of experts for that language and, if approved, incorporated.

³ The routine, ongoing maintenance and revising of exams is different from the major one-time effort undertaken in 2011 to revise exams that have not enjoyed the kind of ongoing review and revision that will be performed in the future.

Retirement of Exams

Annual exam maintenance activities are based on the input of the Council for Language Access Coordinators (CLAC) and approved by the LAAC. The allocation of annual funds for test maintenance activities takes into account the national use and need of a particular exam language and/or version of the exam. In an effort to maintain currency of content for all exam versions available, NCSC may consider retiring an oral exam version that has not received maintenance in over ten years and that, due to very low national administration volume, would not likely be targeted for annual maintenance activities.

Ensuring an Adequate Pool of Qualified Raters

It is important to note that a sufficient supply of qualified, trained raters is essential for maintaining the NCSC's exams. Lacking a sufficient number of raters has required the discontinuance or postponement of exam administration in some languages at varying points in time. To maintain a valid and reliable exam process, raters must be recruited, trained, and maintained. The cost associated with the training of qualified raters varies from \$4,000 to \$6,500 per rater, depending upon the venue of the training and the make-up of the training faculty.