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**U.S. Department of Education Public Meeting**  
**Race to the Top Assessment -- Procurement**  
**January 14, 2010**  
**Prepared Remarks**

Good morning. My name is Larry Berger and I am the CEO and co-founder of Wireless Generation. Wireless Generation serves more than 200,000 teachers and 3 million students in all 50 states. Our most recent product uses formative assessment data to provide students with optimized curricula based on individual needs. Wireless Generation also helped to create the country's largest and most comprehensive instructional improvement system for the NYC public schools. Currently, we are working with several researchers to invent a more curriculum-driven approach to summative assessment that we hope will contribute to the Race To The Top Assessment program.

I am likely to disagree with much of what my admittedly more knowledgeable colleagues say today because I believe strongly that there is a vast disconnect between the sorts of procurement schemes likely to be discussed today and the aspirations of the Assessment program.

Robert Mislevy characterized "the test theory that dominates educational measurement today as the application of 20th century statistics to 19th century psychology." The mechanically-scored, multiple-choice bubble sheet dates to 1937, the #2 pencil to 1870. The Race To The Top Assessment Program is our moment to race into the 21st century with an updated understanding of how we learn, with data that matter, and with technologies that are poised to deliver fundamental changes in teaching, learning, and assessing.

This program invites meaningful innovation in numerous dimensions of assessment:

- New and better *items, item types, and approaches to test construction*;
- Assessment at *different times of year, more often, and more embedded*;
- New *relationships between common standards, curriculum, and assessment*;
- New affordances for *assessing special populations*; and
- New technological platforms.

Innovating on so many fronts at once creates exponential, rather than simply additional, levels of difficulty. For this to be the practical, large scale breakthrough we seek, all of these complex elements will need to be woven together seamlessly into something that teachers are eager to use.

The Race To The Top and the states who will lead it are seeking to buy something that does not yet exist, something that has yet to be *designed*. We may therefore need a new kind of procurement that creates a space in which this kind of design can happen.

While I am not an expert on procurement law, I do spend my days working with educators and education agencies trying to expand the boundaries of educational design. From this experience, I have become convinced of what I call “the 50 hour rule,” which asserts that you need a team (in this case a team of teachers, principals, scholars, administrators, designers, engineers, statisticians and user interface experts) to put in at least 50 hours shoulder-to-shoulder at the whiteboard defining the needs, shaping a vision, and prototyping solutions before you really understand the top toward which you could be racing and the path you want to take there. The 50 hour rule is informally confirmed by my observations of the leading innovation efforts in education including the SERP program at the National Academies, the

Design, Educational Engineering, and Development program that Tony Bryk is leading at the Carnegie Foundation for the Advancement of Teaching, and the PEER effort at the Institute for Learning.

The timing of this need for collaborative design runs up against the procurement problem I raised during an earlier public meeting and that hangs over this whole process: that the procurement rules in some states seem to work against doing collaborative design with state agencies. Depending on widely-varying and uncertain state law, the work one might do to generate ideas with a state might preclude one from doing further work should the state obtain federal funding and solicit bids. This is a policy problem that threatens both the success of the federal government's program and state education goals. In some cases it is not just a matter of *when* the 50 hours can happen. It is a matter of *whether* they can happen at all.

There are, as my co-panelists today have discussed, ways to solicit information in a procurement process – and those are certainly helpful. But none of the methods easily fits the intensity of the collaboration between the private sector, the public sector, the research sector, and the technology sector that this moment calls for.

I have only one slide today. It addresses the question at the heart of my testimony: when could the 50 hours of collaborative design take place in the Race To The Top Assessment Program?

The timeline in this slide outlines what I take to be the likely steps in the Race To The Top Program. I think we have a few options about when this moment of collaborative design could happen. My humble proposal is that it might be enabled by creating a modified kind of

procurement that I'll call an "RFC" – Request for Collaboration. You might think of it as a "design bake-off."

Here's how it could work. A state or states would issue the RFC, and potential partners would respond by submitting sketchbooks or other summaries of their initial design ideas, accompanied by a description of their organizational capacities. On the basis of those submissions, the state or each consortium of states would short-list a small number of likely candidates, and go through the 50-hour collaborative design process with each. The results of those sessions would then help inform the selection of partners to do the implementation work, assuming the resulting proposal wins RTT funding. Participating in multiple fifty hour processes is a lot of time for a busy state, but it is a tiny fraction of the overall time a state invests in its assessment programs. And the time spent will be immensely valuable as a way to expand the thinking that all of us in the room do.

The slide I have prepared illustrates when the RFC might take place. The RFC could happen here, at the beginning of the process. This would make sure that states really understand their options and clarify their needs before joining a consortium. Or it could happen here, after states have defined their needs and affiliated, but in time to shape a breakthrough vision and pick external partners in time for their proposal to the feds. Or it could happen here, after states have defined their vision in some other way. It is this third one that I am dubious about. It worked for earlier consortia when there wasn't as much demand for breakthrough design innovations, but I think this would be too late in the process to achieve the aspirations of the Race To The Top Assessment program.

I think we want this to happen as early in the process as possible.

Doing so offers a way to arrive at clarity, transparency and deep collaboration. We need much greater *clarity* for innovators about how states expect their procurement rules to apply. We need *transparency* so that the formation of consortia is not a result of back room deals but instead takes place in an open marketplace of ideas. And we need a model of procurement that allows time and opportunity for collaboration so that innovation in design can remain at the heart of this race.

I would like to touch briefly upon the important question of how to continue fostering innovation after the initial design phase of the Assessment competition closes. Continued innovation is particularly challenging in light of the fact that neither the federal government nor a State is likely to have the resources to fund it fully. Nor should government be required to carry this burden alone. Rather, the Assessment program should create sufficient incentives for the business community to partner with government in making healthy, ongoing investments in innovation.

Although the Department need not prescribe a particular intellectual property scheme or business model to foster sustained innovation, it should reward creative solutions to this challenge. And it should do so with the knowledge that different models of intellectual property ownership will likely result in different consequences.

For example, a consortium might take a fully “open-source” approach by putting all assessment items and developed technology under an open source license. Although this approach would allow parties other than the original developer to use and build upon the consortia’s work, it could limit the amount of investment any one developer is willing to put into the project.

Another consortium might “open source” only content – perhaps assessment items or lessons – while permitting the developer to maintain rights to the technology platform. This approach could incentivize companies to invest and innovate now and later, as they look forward to returns at a later date.

Yet another consortium might build a fully “closed” platform of assessment items and technology, while providing an open “innovation zone” for Application Programming Interfaces (APIs) or similar opportunities for third parties to extend and enhance the platform.

There are other models, and each of them has benefits and disadvantages. The bottom line should be that the government’s program both inspires the most creative and innovative solutions and encourages non-government entities to invest in creating ever more innovative approaches to the education challenges our country faces.

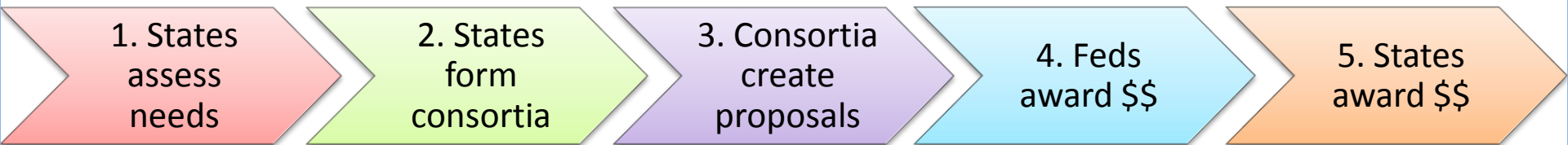
Thank you.

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# When should the 50 hours happen?



# When should the 50 hours happen?



1. States  
assess  
needs

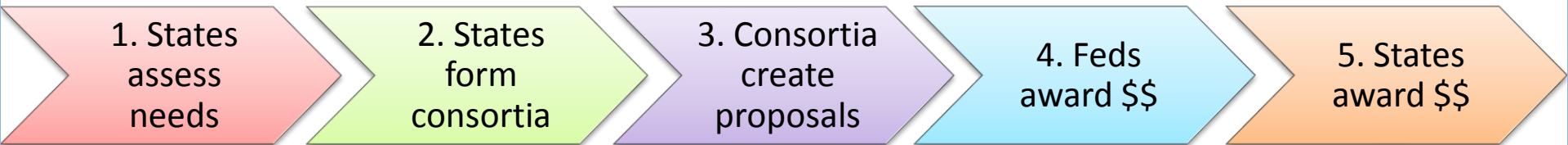
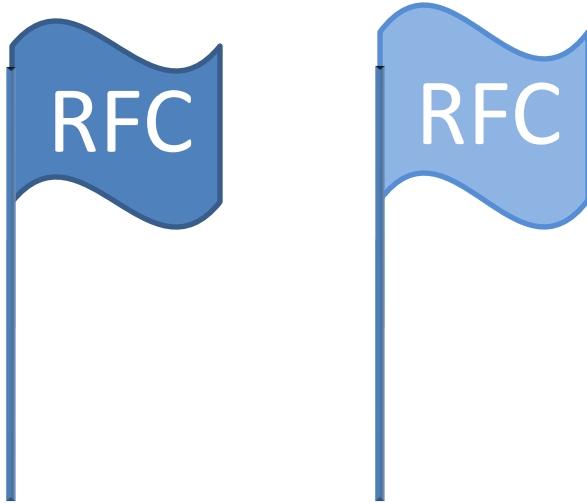
2. States  
form  
consortia

3. Consortia  
create  
proposals

4. Feds  
award \$\$

5. States  
award \$\$

# When should the 50 hours happen?



# When should the 50 hours happen?

