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SB 345

lines 13-15

ambiguity?

call when scheduled -
Sarah K
at law

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 345

Title An Act relating to the prescription and administration of dimethyl sulfoxide(DMSO).

Requested by Kerttula

Date 4-9-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions - Admin/Boards

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL		2.5				
300 CONTRACTUAL		.5				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL	0	3.0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	0	3.0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL - in FY'82 only

Hotel regulation hearings, one day each; Anchorage,

Fairbanks, Juneau

Medical Board members and 1 Dept. staff person

2,500.00

CONTRACTUAL

Room rental for hearings, transcription of hearings,

publication and printing costs

500.00

IV. DATE 4-9-81

PREPARED BY Marigrie Odland, Regulations Specialist

AGENCY Division of Occupational Licensing

PHONE 465-2536

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (If Not Legislator Named)

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Rocky -
pls notify
when the bill
comes up

Leo Duran called from NYC
public affairs consultant
212 - 688 - 0771
3 hrs. ahead of Alaska

Introduced: 3/31/81
Referred: Health, Education
& Social Services and
Judiciary

1 IN THE SENATE BY STIMSON

2 SENATE BILL NO. 348

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of standardized tests to
7 determine admission to institutions of higher educa-
8 tion."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. It is the purpose of this Act to

11 (1) ensure that persons, institutions, and agencies, and the
12 general public are fully informed about the characteristics, limitations,
13 and appropriate uses of standardized tests which are used to determine
14 admission to postsecondary programs of study;

15 (2) improve the quality of standardized tests, by promoting
16 accuracy, validity, and reliability in the development and administration of
17 standardized tests and to improve the use of the tests by better under-
18 standing of their characteristics and limitations and better interpretation
19 of test results; and

20 (3) protect the public interest by making available more informa-
21 tion about standardized tests.

22 * Sec. 7. AS 14 is amended by adding a new chapter to read:

23 CHAPTER 14. STANDARDIZED TEST DISCLOSURE.

24 Sec. 14.14.010. USE OF STANDARDIZED TESTS TO DETERMINE ADMISSIONS
25 TO INSTITUTIONS OF HIGHER EDUCATION. An institution of higher educa-
26 tion in the state may not use the results of a standardized test as a
27 basis for the admission of a student to a program of study, unless that
28 institution complies with this chapter and with the regulations adopted
29 under it.

1 Sec. 14.34.015. RIGHT OF PRIVACY. Standardized test answers and
2 scores are confidential and are not a public record. The test agency
3 shall protect the test subject's right to privacy under regulations
4 issued by the commission. The regulations shall provide for release of
5 the answers and scores to the test subject or his designee.

6 Sec 14.34.020. DISCLOSURE STATEMENTS. An institution of higher
7 education which uses the results of a standardized test as a basis for
8 admission of a student to a program of study at that institution shall
9 file with the commissioner, in the manner and form the commissioner
10 determines, a disclosure statement relating to that test. The dis-
11 closure statement shall include a statement describing the following:

12 (1) the purpose of the test and the purpose for which the
13 test results are to be used;

14 (2) the accuracy of the test in terms of

15 (A) reliability,

16 (B) validity, and

17 (C) measurement error;

18 (3) the procedures used in determining norms used for the
19 test;

20 (4) the format of the test, including the percentage of the
21 items which require true or false responses, essay responses, multiple-
22 choice responses, analogy responses, and other types of responses;

23 (5) the time allowed for test subjects to complete various
24 sections of the test and the rationale for using any time limitations
25 so imposed;

26 (6) the time allowed for scoring and returning the tests,
27 which time may not exceed 30 days;

28 (7) any minimum scores used by the institution or recommended
29 by the test agency and the purposes and rationale for the minimum
30

1 scores;

2 (8) the extent to which the test has been reviewed for
3 inherent racial, ethnic, sex, regional, and cultural biases;

4 (9) when the test was most recently updated and the policy
5 of the test agency for periodic updating of the test; and

6 (10) the costs of the test, including the costs of develop-
7 ment, production, promotion, administration, scoring, and reporting the
8 test.

9 Sec. 14.34.030. REGULATIONS. The commissioner shall adopt regu-
10 lations respecting any test for which a disclosure statement has been
11 filed in accordance with AS 14.34.020. These regulations shall provide

12 (1) that there shall be on file with the commissioner

13 (A) a copy of the test questions used in calculating
14 the test subjects' raw scores;

15 (B) the corresponding responses expected by the test
16 agency to these questions; and

17 (C) a description of the manner in which the raw scores
18 are transferred into the scores reported to the test subjects, to-
19 gether with an explanation of the procedures used in transferring
20 raw scores into reported scores;

21 (2) that, upon the request of a test subject, the test
22 agency or institution of higher education using the test shall make
23 available to the test subject at least 30 days after a test has been
24 scored

25 (A) a copy of the test questions used in determining
26 the subject's raw score;

27 (B) the test subject's individual answers to those
28 questions and the expected response to those questions; and

29 (C) a statement of the raw score used to calculate the

1 scores reported to the test subject;

2 (3) that reasonable fees may be charged to cover the cost of
3 making test results available to test subjects; and

4 (4) that test subjects' rights to privacy are protected and
5 that test results and scores are not made available to the general
6 public.

7 Sec. 14.34.090. DEFINITIONS. In this chapter

8 (1) "institution of higher education" means an educational
9 institution which is legally authorized to provide a program of study
10 beyond secondary education in Alaska and which provides an educational
11 program for which it awards credit toward an associate's degree, a
12 bachelor's degree or a higher degree;

13 (2) "program of study" means a course of study for a period
14 of at least one academic year for which credit toward a degree or
15 certificate is awarded;

16 (3) "standardized test" means a test that is given at the
17 expense of the test subject and is designed for use, or is used, in the
18 process of selecting students for admission to programs of study at
19 institutions of higher education;

20 (4) "test agency" means an organization, association,
21 corporation, partnership, or individual that develops, sponsors, or
22 administers a standardized test;

23 (5) "test subject" means a person to whom a standardized
24 test is administered.

25 Sec. 14.34.100. SHORT TITLE. This chapter may be cited as the
26 Standardized Test Disclosure Act.
27
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29

Standardized Testing and Minority Students

ROBERT L. GREEN and ROBERT J. GRIFFORE

In The Journal of Negro Education

TESTING is pervasive and powerful in its influence on modern life. The negative aspects of testing procedures are especially apparent with respect to racial minorities, since tests can serve as a convenient tool for rationalizing discriminatory practices. Because of past discrimination in all aspects of American life, racial minorities as a group have not performed well on standardized tests when compared with their white counterparts. To the extent that this difference has been attributed to genetic factors, some educators might have reached the conclusion that minorities cannot be expected to perform acceptably in educational or employment settings. When, however, the experiences of one group of test subjects have been marked by inferior schools, inferior housing, inferior opportunities for employment, inferior incomes, and inferior health care, it is difficult to imagine that their innate abilities would allow them to compete on an equal basis with members of a group not similarly and deliberately discriminated against. It is imperative to reserve judgment concerning innate abilities until society has been reconstructed to

provide equality from the very beginning in all areas of life for all citizens.

In addition to issues related to the general discrimination in American life, a consideration of current testing practices requires attention to two specific issues: unfairness in the tests themselves and unfairness in the use of tests and test scores.

Unfairness in the test itself, or test bias, is present when a test does not measure the same dimensions of achievement across different groups. Test bias can, first, be due to the content of the test. Test constructors have traditionally been white and middle-class. In addition, "tryout groups" for standardized tests may fail to in-



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clude minority children, with the result that too many questions inappropriate for such children are included (a problem the solution for which is within the control of publishers). Dialect or language differences between majority and minority students also can be a source of bias. And certain test items may have irrelevant difficulty for children of low socioeconomic status (by calling for middle class common knowledge, for example).

Test bias can also arise from inappropriate test norms. The issue is the selection of the samples of students used in establishing a "national norm." If the sample leaves out or misrepresents some major ethnic, racial, regional, community type, or income group, the term "national norm" is a misrepresentation. The standardization sample used for the Metropolitan Achievement Test in 1958, for example, overrepresented middle-class, rural, and southeastern students. When "biased" norms such as these are used to make decisions concerning poor or minority children, needless errors to their detriment can result. There may be occasions when school systems or researchers need to make group comparisons for evaluation purposes, however, it should never be necessary to compare *individual* elementary school children to "national norms."

Other problems emerge when scores are reported as grade equivalents, which may easily be mistaken for standards of minimum

performance. Teachers and principals want all of their students to be at or above grade level. When some do not—an almost certain eventuality—it is tempting to judge the low-achieving students as inherently inadequate. If between-child comparisons need to be made, local norms are more appropriate.

Test validity can also be harmed by "atmosphere variables" such things as speededness (time allowed for testing), test-wisness, answer sheet format, item type, examiner characteristics, expected use of the test results, and achievement motivation. Although the data are not entirely clear, several studies done with naive test-takers have found that significant score improvements were made under unspeeded conditions when compared to speeded conditions. Since young, educationally "under-classed" children may be especially test-naive, the time limits of early achievement tests could present an important source of test unfairness for these less privileged children. There is also evidence that children of middle socioeconomic status are more sophisticated in test-taking than educationally underclass children, that this difference can affect test performance, and that test-taking skills can be taught to school children.

Using Tests Unfairly

Whether or not a test is relatively unbiased, it can be used unfairly. According to E. A. Cleary's

definition, a test is unfair to a group if the success of that group on the criterion is predicted with less accuracy than that of other groups. Under Clary's model, an aptitude test should be able to explain a substantial proportion of the variance that occurs in the criterion.

While predictors are not perfect, one would expect instruments which can so powerfully influence major life decisions of so many individuals to be at least moderately good predictors. From some data, though, it appears that standardized aptitude tests do not approach an acceptable level of predictive validity for academic performance. Most college admissions decisions are made using a combination of aptitude test score and previous grade point averages. Yet Allan Naim and his associates report that the combination of Scholastic Aptitude Test (SAT) scores and high school grades still accounts for an average of only about 17 percent of the variance in first-year college grades. Furthermore, even course grades are known to be unreliable measures of performance.

Another problem is that the correlations which establish the predictive validity of aptitude tests are attenuated. Criterion scores are available only for students who are admitted. It is not known how much higher the correlation would be if scores from all applicants were used. In any case, students who score low and are rejected should not be viewed simply as an in-

pediment to calculating correct validity coefficients. These young people's futures are dramatically altered by their rejection; they might very well have performed at a high level if accepted.

Other factors may influence test performance—test anxiety, for example. To the extent that anxiety acts as a debilitating factor, test performance is motivated by fear of failure, which might result in lower test performance. Indeed, performance on the SAT has been found very susceptible to examinees' anxiety. And test anxiety appears to be inversely related to social class and also more prevalent among minority examinees. Academic performance, also, is not necessarily influenced by anxiety to the extent that standardized test scores are so influenced. Test-taking motivation may be different from the motivation that produces performance in the classroom. Different cognitive styles and students' academic self-concepts are likely to influence aptitude test scores as well.

To Decrease Bias

It is not our intention to suggest that all tests should be abandoned. Indeed, in the absence of standardized tests, selection and placement decisions might become wholly subjective and even more unfair. However, it is extremely important that standardized testing practices involve less unfairness, and that the tests themselves have less inherent bias. In response to these

needs, we offer the following recommendations:

1. A National Bureau of Standards for Educational and Psychological Tests and Testing should be established. Such a review agency is necessary in a society which has come to rely on testing as a primary standard for selection, classification, and placement decisions in many aspects of the lives of the citizens.

2. The National Institute of Education should allocate funds for conducting independent validation and reliability studies on widely used educational and psychological instruments.

3. There should be full involvement of minority professionals in developing, revising, and reviewing standardized achievement tests.

4. Corporations that produce standardized tests should take an active approach toward limiting test misuse. The assumption of a neutral position is not realistic.

5. Test producers should join with school systems, educators, and measurement specialists to seek ways in which instruments can be designed to enhance the educational status of all children through improvement of instruction.

6. Educators must acknowledge the social, political, and economic ramifications of testing. Tests and their uses do make a difference in children's lives.

7. Testing companies should be urged to allocate a specified portion of their resources to research

on test unfairness and bias and to the development of alternatives. The alternative to such internal efforts might be other external monitoring procedures such as the current so-called "truth in testing" bills.

8. Test-naïve students should be given instruction and practice to enable them to compete better with children who have already developed effective test-taking strategies.

9. Test producers and test users should become aware of what standardized achievement tests can and cannot do.

10. Companies that refuse to examine seriously all aspects of test bias, that refuse to broaden their standardization sample to include a range of racial and class groups when gathering normative data, and that refuse to include black, Hispanic, and Native American professionals in the construction and full assessment of their instruments should not be supported in their marketing efforts by public schools or by institutions of higher education.

Test bias and the misuse of tests can have a negative impact which reverberates throughout society. That a particularly deleterious effect is felt by minorities has been emphasized by the literature. Yet the testing companies continue to prosper. For the protection of future generations, it is time to check the unmonitored and uncontrolled growth of the testing industry.