



The Civil Rights Project

Proyecto Derechos Civiles

Excerpts from *Civil Rights in Brief – Testing: The Needs and Dangers*

<http://www.civilrightsproject.ucla.edu/resources/civilrights_brief/testing.php>

The Office for Civil Rights of the Department of Education has drafted testing guidelines in order to ensure that tests measure students' knowledge or academic ability without regard to their race, gender, national origin, or socio-economic background. These guidelines serve as a resource of educational and legal principles and as an information base for teachers, policymakers, and concerned citizens.

Research Findings

- Supporters of the use of high stakes testing claim that these exams raise the level of education received by students and increase the likelihood of their college attendance and early labor market success.
- However, a great deal of research on high stakes tests has found significant drawbacks. A major report from the National Academy of Sciences concludes that high stakes tests do not improve the overall level of education in schools but instead often penalize students – especially minority students – who have received inadequate instruction.
- If test results are related to important decisions and outcomes, then teachers often begin to "teach to the test." A National Science Foundation study in 1992 showed that teachers with a high percentage of minority students were significantly more likely to state that standardized tests affected their teaching style. Thus, there arise serious differences in curricula between classrooms with high and low percentages of minority students.
- High stakes tests do not necessarily make teachers and students more motivated in the classroom. Psychological studies have shown that motivation is highly complex and that people deal with it differently. Those students who are not motivated by the tests will begin to feel alienated by the tests and consequently, the educational process. High stakes testing is correlated with high drop out rates. Researchers from the State University of New York found that nine of the ten states with the highest drop out rates use high stakes testing, while none of the ten states with the lowest drop out rates do. Minority and low-income students are more likely than others to attend schools that use high stakes tests.
- Dropout rates have risen in the past few years.
- There is little evidence of a correlation between high test scores and job success.
- The use of high stakes testing results to make employment decisions is likely to be ineffective as well as harmful to minorities.

What You Can Do

- High stakes decisions should not be made on the basis of test scores alone – other factors must be considered. Be suspicious of any major decision based upon the results of one test which is subject to the influences of many factors. This violates a basic ethical principle of the testing profession.

Legal Action

If a school's use of testing hurts opportunities for minority students, the testing might be successfully challenged in court. Nonetheless, if a discriminatory test was even one factor among many, and a clear disparate impact on minority students is the end result, the educational decision may violate Title VI civil rights laws. If there is proof that a biased test was used purposefully to segregate students, the decision to use the test violates the Equal Protection Clause of the U.S. Constitution.