and the trial transcript ran to more than 10,000 pages. However, as in the Debra P. case, there was conflicting testimony from expert witnesses; "renowned experts disagreeing sharply" as the court put it. In this instance, however, on the question of test validity and bias, federal court judge Robert Peckham ruled in favor of the plaintiffs, against the state. In an opinion issued October 16, 1979, the judge ruled:

> In violation of Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the Education for All Handicapped Children Act of 1975, defendants have utilized standardized intelligence tests that are racially and culturally biased, have a discriminatory impact against black children, and have not been validated for the purpose of essentially permanent placement of blacks into educationally dead-end, isolated, and stigmatizing classes for the so-called educable mentally retarded (p. 3).

So in just the past ten months, two federal court judges have reached quite different conclusions regarding the validity of standardized tests and the question of whether they are biased against minority students—though both these decisions are currently under appeal. Since both federal court judges and testing experts disagree sharply on these issues, it is not surprising that public opinion is divided as well.

Testing: Pro and Con

Two recently published and much publicized books present opposite sides in the public debate on standardized testing. Nader and Nairn's *The Reign of ETS*, mentioned earlier, is a case for the prosecution. Arthur Jensen's new book, *Bias in Mental Testing*, is very much a brief for the defense. The two volumes represent not just different views of standardized testing but very different genres and world views as well.

The Nader report is an attack on ETS, the "General Motors" of the testing industry, as much as it is an attack on standardized testing. The genre is muckraking journalism, and the report is based on many of

Update on Test Disclosure Legislation

Chris Pipho

Legislation requiring test disclosure is already on the books in two states, has been proposed in 13 others, and is expected in at least four more this year.

California became the first state to require disclosure of commercial test information with a law passed in 1978 that applies to any standardized test given for postsecondary admissions to more than 3,000 students. New York followed in 1979 with the now famous LaValle Bill that requires release to students of the complete test, the scores, and the answers within 30 days after the test. Legislation was introduced in eight other states in 1979, but none of the bills was enacted. In some instances they became the subject of interim study, carry-over legislation, and reintroduced bills.

When this report was assembled, the issue was alive in Connecticut, Indiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, South Carolina, and Tennessee. In all these states the primary thrust of the legislation has been to regulate admissions and other commercial tests used at the postsecondary level, but bills in New Jersey, Massachusetts, and Maryland also apply to testing in elementary and secondary schools. One Massachusetts bill calls for a special commission to study the College Entrance Examination Board (CEEB) and the use of postsecondary entrance tests in general.

It is difficult to assess the probability of these bills being enacted and even to know the current status of some of them. One state, for example, was rumored to have as many as seven bills in the hopper, but at the time I checked, only three were visible.

Generally the bills are assigned to the appropriate education committee. Some have been heard one or more times, while others will probably die in committee as happened in Oklahoma. Some may become the subject of interim studies.

On the federal scene, the issue has apparently cooled after the Weiss and Gibbons Bills were debated in the fall of 1979. The issue is potentially still alive but no new federal bills have been introduced in 1980.

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