

# EXHIBIT OO

Case No. 1:14-cv-00857-TSC-DAR



April 7, 2000

Ms. Jill Morningstar, Legislative Assistant  
U. S. Senator Paul Wellstone  
136 Hart Senate Office Building  
Washington, DC 20510

Dear Jill:

We very much appreciate your seeking the endorsement of the American Psychological Association (APA) for the bill introduced by Senator Wellstone this week on Fairness and Accuracy in Student Testing. We wanted to get back to you quickly with an interim response about the Association's views.

As we mentioned on the phone earlier this week, APA is not in a position to endorse the bill at this time. APA policy on this issue is guided by *The Standards for Educational and Psychological Testing*, the 1999 version of which was developed over a six-year period with the American Educational Research Association and the National Council on Measurement in Education. While we are drafting a more comprehensive response for the Senator, we wanted to let you know the general areas of our concerns. First, we believe that the most fair and appropriate way to approach the problems Senator Wellstone seeks to address is to investigate high stakes decision-making in educational settings, how such decisions are informed, and the impact on educational outcomes. The critical issue is not tests, per se (provided they are valid, reliable instruments) but rather the instances wherein they and other measures of accountability (i.e. grades), are used inappropriately in making these decisions. Second, the bill appears to misstate the intent of both the *Standards* and the National Academy of Sciences (NAS) report by holding tests for tracking, retention and graduation to the same standard. The NAS study and the *Standards* treat those uses differently. Both documents treat graduation tests as certification tests, and do not prohibit assigning them determinative weight, but offer recommendations for implementing them fairly.

We understand the Senator wants to offer this amendment to the Elementary and Secondary Education Act soon and would appreciate APA's assistance in doing so. Regrettably, APA has not yet adopted a policy that goes beyond the *Standards* to address the issues of how high stakes decision-making in schools affects education and educational outcomes more broadly, particularly for certain groups of children. Accordingly, it would be impossible for us to offer you language that the Association could endorse within your timeframe. However, we would welcome the opportunity to work with you on your Plan B: an amendment to authorize specific evaluation research that would provide additional needed information about the impact of high stakes decision-making on the educational opportunities of different populations of children, and on the educational system more generally. The NAS report and other sources point to significant gaps in the data. We hope to provide specific draft language to you late next week.

Again, we appreciate your willingness to work with us. Senator Wellstone has been a champion of many of the issues most important to psychologists, and we are grateful to him.

Sincerely,

Ellen G. Garrison, Ph.D.  
Director of Public Interest Policy

Patricia C. Kobar  
Director of Science Policy

