

# Blurring the lines between credentialing and employment testing



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# Background of *Gulino v. BOE of NYC*

- ▶ Educator credentialing examination program in NY
  - ▶ Liberal Arts and Science Test (LAST), Content Area, Pedagogy
  - ▶ Issuance of temporary licenses
- ▶ Adverse impact claim for LAST-2
  - ▶ Burden shifts to defendant to demonstrate job relatedness
- ▶ Consequences of decisions
  - ▶ Needed to be eligible for permanent license
  - ▶ Future earnings, benefits

# Professional and Legal Expectations

- ▶ *Standards for Educational and Psychological Testing* (AERA, APA, and NCME, 1999; 2014)
- ▶ *Principles for the Validation of Personnel Selection Tests* (Society for Industrial and Organizational Psychology [SIOP], 2003)
- ▶ *Uniform Guidelines on Employee Selection Procedures* (Equal Employment Opportunity Commission [EEOC], 1978)
- ▶ Caselaw (e.g., LAST-1) and legal precedent

# *Test Standards - Workplace*

- ▶ Selection, placement, and promotion in employment testing
  - ▶ Prediction of future job behaviors with a goal of influencing organizational outcomes such as efficiency, growth, productivity, and employee motivation and satisfaction.
  - ▶ Validation begins with job analysis (e.g., job duties, tasks, responsibilities, worker characteristics) - fundamental to prediction about future behavior or job performance; need a criterion variable of job performance

# *Test Standards - Credentialing*

- ▶ Focus on current skills/competence in a given domain for licensure and certification
  - ▶ Candidates possess knowledge, skills, abilities to perform occupational activities safely and effectively.
  - ▶ Validation depends mainly on content-related evidence, supplemented by other forms of evidence
  - ▶ Criterion-related evidence is of limited utility because it is not intended to predict performance in a specific job

# LAST-2 court proceedings

- ▶ I/O psychologist appointed to assist the judge
- ▶ Additional input by plaintiff and defendant resources
  - ▶ Evaluating archival documents and reports
  - ▶ Preparing reports and rebuttals
  - ▶ Providing oral testimony
- ▶ Previous rulings suggested LAST-1 was for employment
- ▶ Focus on job analysis methods and results

# Evaluating content evidence

- ▶ Substance over style
- ▶ Consistency with professional expectations
  - ▶ Qualified SMEs involved
  - ▶ Survey of educators
  - ▶ Results supported blueprint
- ▶ Weaknesses
  - ▶ Documentation was unorganized; difficult to find evidence
  - ▶ Representativeness of target population from survey; unit of analysis
  - ▶ Direct link to classroom job tasks (e.g., lesson planning, instruction)

# Court's LAST-2 holding

- ▶ Test was not properly validated for employment purposes
- ▶ Lack of evidence that LAST-2 content was job-related for **ALL** educators
  - ▶ Judge was very concerned about this
- ▶ Lack of documented evidence of the link between LAST-2 knowledge and classroom job tasks



# Conclusions

- ▶ Lessons learned
  - ▶ *Test Standards* were not seen as primary source
  - ▶ Legal precedent is difficult to change
- ▶ Implications for practitioners
  - ▶ Collect and evaluate adverse impact
  - ▶ Document evidence in advance of a challenge
  - ▶ Potential shift in interpretation of credentialing exams
    - ▶ Federal appeal, ALST ruling in August 2015

# Future opportunities for research

- ▶ Have credentialing examination programs created too many barriers to practice?
- ▶ What implications do changes in demographic variables have for evaluating adverse impact? DIF?
- ▶ Interpretation of graduation exams be interpreted as employment tests?
- ▶ What can the measurement community do to better promote and support the use of its *Test Standards*?