

Standards Citations in Law and Supreme Court Decisions

PL 103-227 - Goals 2000: Educate America Act – Sec. 211 Purpose States “the National Education Standards and Improvement Council shall.. (5) certify State assessments submitted by States or groups of States on a voluntary basis, if such assessments-- (A) are aligned with and support State content standards certified by such Council; and (B) are valid, reliable, and consistent with relevant, nationally recognized, professional and technical standards for assessment when used for their intended purposes.” The Federal Register, 43, pp. 38290-38315.) defines assessment under Goals 2000 act as, “ASSESSMENT -- Any method used to measure characteristics of people, programs, or objects. (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education. (1985). Standards for educational and psychological testing. Washington, DC: American Psychological Association.)”

Title I – ESEA (Guidance on Standards, Assessments, and Accountability) “Title I requires that the assessment system be used for purposes that are valid and reliable and that it meet nationally recognized professional and technical standards...The primary reference for technical quality of educational assessments is *Standards for Educational and Psychological Testing* (1985), developed by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.”
(see http://www.ed.gov/policy/elsec/guid/standardsassessment/guidance_pg4.html).

ALBEMARLE PAPER CO. v. MOODY, 422 U.S. 405 (1975)

422 U.S. 405

ALBEMARLE PAPER CO. ET AL. v. MOODY ET AL. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.

No. 74-389. Argued April 14, 1975. Decided June 25, 1975.

The EEOC has issued "Guidelines" for employers seeking to determine, through professional validation studies, [422 U.S. 405, 431] whether their employment tests are job related. 29 CFR pt. 1607. These Guidelines draw upon and make reference to professional standards of test validation established by the American Psychological Association. 29 The EEOC Guidelines are not administrative "regulations" promulgated pursuant to formal procedures established by the Congress. But, as this Court has heretofore noted, they do constitute "[t]he administrative interpretation of the Act by the enforcing agency," and consequently they are "entitled to great deference." *Griggs v. Duke Power Co.*, 401 U.S., at 433-434. See also *Espinoza v. Farah Mfg. Co.*, 414 U.S. 86, 94 (1973).

The message of these Guidelines is the same as that of the *Griggs* case - that discriminatory tests are impermissible unless shown, by professionally acceptable methods, to be "predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated." 29 CFR 1607.4 (c).

(Footnote 3) ...” the EEOC Guidelines are not universally accepted. For example, the Guideline relating to "differential validation," upon which the Court relies in this case, ante, at 435, has been questioned by the American Psychological Association. See *United States v. Georgia Power Co.*, 474 F.2d 906, 914 n. 8 (CA5 1973). [422 U.S. 405, 454].”

(Footnote 29) “American Psychological Association, *Standards for Educational and Psychological Tests and Manuals* (1966) (hereafter APA Standards). A volume of the same title, containing modifications, was issued in 1974. The EEOC Guidelines refer to the APA Standards at 29 CFR 1607.5 (a). Very similar guidelines have been issued by the Secretary of Labor for the use of federal contractors. 41 CFR 60-3.1 et seq.”

WASHINGTON v. DAVIS 426 U.S. 229 (1976)

426 US, 229

**WASHINGTON, MAYOR OF WASHINGTON, D.C., ET AL. v. DAVIS ET AL.
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT**

No. 74-1492. Argued March 1, 1976, Decided June 7, 1976

(Footnote 13) "It appears beyond doubt by now that there is no single method for appropriately validating employment tests for their relationship to job performance. Professional standards developed by the American Psychological Association in its Standards for Educational and Psychological Tests and Manuals (1966), accept three basic methods of validation: "empirical" or "criterion" validity (demonstrated by identifying criteria that indicate successful job performance and then correlating test scores and the criteria so identified); "construct" validity (demonstrated by examinations structured to measure the degree to which job applicants have identifiable characteristics that have been determined to be important in successful job performance); and "content" validity (demonstrated by tests whose content closely approximates tasks to be performed on the job by the applicant). These standards have been relied upon by the Equal Employment Opportunity Commission in fashioning its Guidelines on Employee Selection Procedures, 29 CFR pt. 1607 (1975), and have been judicially noted in cases where validation of employment tests has been in issue. See, e. g., *Albemarle Paper Co. v. Moody*, [422 U.S. 405, 431](#) (1975); *Douglas v. Hampton*, 168 U.S. App. D.C., at 70, 512 F.2d, at 984; *Vulcan Society v. Civil Service Comm'n*, 490 F.2d 387, 394 (CA2 1973)."

WATSON v. FORT WORTH BANK & TRUST, 487 U.S. 977 (1988)

487 U.S. 977

**WATSON v. FORT WORTH BANK & TRUST
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

No. 86-6139. Argued January 20, 1988, Decided June 29, 1988

"The American Psychological Association, co-author of Standards for Educational and Psychological Testing (1985), which is relied upon by the EEOC in its Uniform Guidelines, has submitted a brief as amicus curiae explaining that subjective-assessment devices are, in fact, amenable to the same "psychometric scrutiny" as more objective screening devices, such as written tests. Brief for the American Psychological Association as Amicus Curiae 2. See also Bartholet, Application of Title VII to Jobs in High Places, 95 Harv. L. Rev. 947, 987-988 (1982) (discussing feasibility of validating subjective hiring assessments)."