NOTES – TESTS & THE LAW

14TH AMENDMENT (SECTION 1) – Equal Protection under the Law

SECTION 1 – ... No State Shall Make or Enforce Any Law Which Shall Abridge the Privileges or Immunities of Citizens of the United States; Nor Shall Any State Deprive Any Person of Life, Liberty, or Property, Without Due Process of Law; *Nor Deny to Any Person Within its Jurisdiction the Equal Protection of the Laws*.

PLESSY v FERGUSON (1896) – Separate-but-Equal

BROWN v BOARD OF EDUCATION (1954) – Overturned Plessy V Ferguson

TITLE VII OF THE CIVIL RIGHTS ACT (1964) – EEOC

Uniform Guidelines on Employee Selection Procedures

No Discriminate on Basis of Race, Color, Gender, National Origin, Religion

4/5 RULE & ADVERSE IMPACT

- **100 White Applicants – 50 Selected (50%)**
- **10 Black Applicants – 4 Selected (40%)**
- **40% Is 4/5 of 50% ... [.80 X 50 = 40]**
- **Controversy => If Many Minority Groups Hired, Fewer N's in Each Group**

CRITERION VALIDITY – If Over-selection Occurs ...
Employer must Provide Evidence for V of Procedure

- **Technical Feasibility – Sample & Job Data**
- **Analysis of Job – Unbiased Measures of Job Perf**
- **Criterion Measures – Adequate Outcome Measures**
- **Representativeness of Applicant Sample**
- **Appropriate Statistical Analysis**
  - **Corr B/n Test and Job Performance ... $p < .05$**
  - **Corr Coeff's of Sufficient Magnitude**
  - **Cross-Validated Study to Ensure V Claims**
- **Fairness of Procedure**
  - **Crit. V Evidence [Pred of Actual Job Perform]**
  - **Standard Administration, Etc.**

SEXUAL HARASSMENT (1980) – EEOC Addition

- **Unsolicited Sexual Advances or Requests for Sexual Favors in Context of Employment**

PL 94 - 142 (1975) – Guarantees Public Education for All Handicapped Children

- **Individual Educational Plan – Psych Testing ... [R & V]**
- **Least Restrictive Placement – Mainstreaming**

CIVIL RIGHTS OF 1991 ... [Burden of Proof]

Wards Cove Packing Company V Antonio

Reversed Griggs v Duke Power

Democratic Congress – Civil Rights Act of 1991

CASES

STELL v SAVANNAH-CHATHAM COUNTY BOE (1936)

Significance => Pro School Segregation Decision
Based on IQ ... [Genetic Differences (IQ 81-101)]

Later Reversed by Brown v BOE

HOBSON v HANSEN (1967) ... [Track Placement]

Significance => a Pro Civil Decision Against Tracking in Desegregated Schools ... [DC School System]
[H, R, G, B]

First Major Case to Examine Validity of IQ Tests

LARRY P. v WILSON RILES (1972)

Significance => IQ Tests Racially & Culturally Biased for Use in Consigning to EMR Tracks

Consequences => Testing Halted ... Unvalidated IQ Tests
6000 Black CA Kids Retested
Gifted Black Kids Discriminated Against
Labeling

PARENTS IN ACTION ON SPECIAL EDUCATION v HANNON (1980) ... [EMH Tracks]

Significance – Similar Situation to Larry P ... but Judge Reached Opposite Conclusion ... [Few Items Biased]