

DOCUMENT RESUME

ED 102 210

95

TM 004 511

AUTHOR Read, Peter B.
TITLE (On the Confidentiality of Student Test Scores. Report No. 32.
INSTITUTION ERIC Clearinghouse on Tests, Measurement, and Evaluation, Princeton, N.J.
SPONS AGENCY National Inst. of Education (DHEW), Washington, D.C. Office of Dissemination and Resources.
REPORT NO ERIC-TM-32
PUB DATE Dec 74
CONTRACT OEC-0-70-3797 (519)
NOTE 32p.

EDRS PRICE MF-\$0.76 HC-\$1.95 PLUS POSTAGE
DESCRIPTORS Civil Liberties; *Confidentiality; Confidential Records; Court Litigation; Data Collection; Educational Accountability; Educational Legislation; Equal Protection; *Guidelines; Institutions; Legal Problems; Parent School Relationship; Policy; Record Keeping; *Student Records; Student School Relationship; *Testing; Testing Problems; Test Interpretation; *Test Results

ABSTRACT

A discussion of the limited meaning of test scores, testing as an invasion of privacy, the abuse of test scores as confidential information and privileged communication, recording and storing of test results, access to test scores, and the demand for accountability forms the basis for recommendations for the release of individual and group test scores. These suggestions are consonant with recommendations of various professional organizations composed of psychologists, counselors, and educators; the guidelines prepared by a conference sponsored by the Russell Sage Foundation in 1970; and numerous court cases which have established legal precedents on the release of test data or confidential information. (EH)

ED102210

On the Confidentiality
of
Student Test Scores¹

by
Peter B. Read

ERIC/TM Report 32

December 1974

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

¹ The report upon which this article is based was funded by the ERIC Clearinghouse on Tests, Measurement and Evaluation. The Clearinghouse operates under contract with the National Institute of Education, U.S. Department of Health, Education and Welfare. Contractors undertaking such projects under government sponsorship are encouraged to express freely their judgment in professional and technical matters. Points of view or opinions do not therefore represent official National Institute of Education position or policy.

TM 004 511

ON THE CONFIDENTIALITY
OF STUDENT TEST SCORES

BEST COPY AVAILABLE

Peter B. Read
Graduate School
City University of New York

INTRODUCTION

In recent years, the growth in the number of techniques to evaluate student abilities, an expansion of computerized data storage facilities, and the increased interest in evaluating school programs have led to the accumulation of vast quantities of information on students. Serious questions have been raised concerning what types of information should be collected, how this information should be recorded and stored, and who should have access to it.

Initially, there existed little in the way of legal precedent or codified policies to guide educators in the management of these records. When they received apparently legitimate requests for information on students from third parties, institutions were caught between the demands of their students for confidentiality and the concerns of their staff over liability. The professional organizations of psychologists, counselors, and educators (APA, APGA, NEA, AACRAO) responded to this dilemma by developing record-keeping policies for inclusion in their ethical standards.

During the 1960s, there were several important court cases relating to student records, and in the Spring of 1969, the Russell Sage

Foundation sponsored a conference of educators and legal experts to examine issues related to the collection, maintenance, and dissemination of information on students. This conference published its recommendations, Guidelines For the Collection, Maintenance and Dissemination of Pupil Records (Russell Sage Foundation, 1970), and the literature on student records since 1970 indicates that for many institutions this document has served as a sound basis for the formulation and implementation of record-keeping procedures.

Student test scores have received renewed importance as part of a student's record, primarily because of the growing concern for accountability. Communities and public agencies have indicated a growing desire to evaluate experimental educational programs and to develop evidence on the performance of their schools. This desire to judge the contribution of various school efforts to student performance leads inevitably to the selection and administration of appropriate tests, which leads just as inevitably to the recording of various scores on student records. Frequently these individual scores are then accumulated to provide performance data on classes, grades, schools, and districts.

The release of student test scores poses two sets of problems relating to the confidentiality of student information. When an individual student's score is revealed to a parent, school staff member, or outside party, one must question the degree to which such information is essentially confidential.

To whom and under what conditions should these individual scores be released? The development and release of group test scores, which provide anonymity for individual students, raises an entirely different set of questions, however. In these cases, the issue is not one of personal confidentiality but institutional privacy. Public reaction to published group test scores often places the blame for unsatisfactory performance on teachers, administrators, a school's educational program, on families or community resources. Such conclusions, though often incorrect or premature, can result in controversies which disrupt school business and accusations which unfairly threaten individual school staff members. Because of these potential consequences, group test scores must be considered highly sensitive information which a school or district may justifiably wish to consider confidential.

This paper examines the development of policies concerning the confidentiality of information about students and places a special emphasis upon the release of test scores, both individual and group. This summary of the published discussion of record-keeping policies requires a separate consideration of testing procedures, privacy, confidentiality, privileged communications, and accountability. Review of these issues will lead to policy recommendations for the administration, recording, storage, and release of individual test scores as well as recommendations for the release of group test scores.

It is the deceptive simplicity of test score information which makes it potentially the most harmful aspect of a student's record. Raw numbers express a permanence and precision of meaning far beyond their inherently limited ability to assess student performance. Teachers as well as parents may rely upon test score data as the ultimate measure of a student's intellectual growth and personal development. This perception of test results fails to consider the specific intent of a given test, the conditions of its administration, and its limited meaning. Yet, because such perceptions are so prevalent, test scores become highly sensitive data within a student's records.

The desire to limit the release of student test scores to some extent stems from the complex conditions which surround the measurement of student attributes. These conditions include the diversity of student characteristics that may be measured, the training and competence of the staff administering tests, the background of the students being tested, and the extent of interpretative information provided with the test scores. Professionals concerned with the development of tests and testing procedures have long expressed a concern for these factors in the application of tests. Moreover, the increased use of various tests has made it necessary for students, parents, and educators

also to be acquainted with the extent to which these factors determine the meaning of a test score.

The extensive literature on testing and measurement indicates that the following questions should be asked when the implementation of a test is being considered or when scores on a particular test are being disclosed:

1. What specific characteristics of a student does the test purport to measure? Tests available for use in schools vary considerably in their content, in their manner of administration, and especially in the dimensions of student aptitude or performance they are designed to measure. School counselors and psychologists employ various projective techniques and personality inventories to assess nonacademic characteristics, while the measurement of students' academic characteristics may include general intelligence tests, aptitude tests, and various area achievement tests. Schools must exercise care to select tests which accurately measure the relevant student trait or traits.

It is generally agreed that a battery of several tests in a school setting, unless the appropriateness of each has been determined, generates data which may be difficult to record and interpret. In respect to the measurement of both academic and nonacademic traits, there exists considerable disagreement concerning the degree of validity and predictability of the instruments employed. The literature on testing reveals consensus on two crucial points, however:

- . In addition to measuring an intended student characteristic, test scores also reflect the conditions of test administration, student background characteristics, and the emotional and physical health of the student at the time of administration.
- . Only a wide range of different tests can provide a fair profile of a student's total potentials and skills.

2. How competent are the personnel who administer the test and are the appropriate procedures followed? All tests should be administered according to the conditions prescribed by the test designer and only by school staff who are knowledgeable and skilled in the employment of the test. Any deviation in the procedures of administration or competence of personnel will severely restrict the validity of results obtained.
3. What are the social, cultural, and linguistic backgrounds of the students being tested? The cultural relativity of many tests is widely recognized. Though some tests have been revised to eliminate these biases, the decision to implement a particular test, or to present its results, must evaluate the contribution of background factors to test performance and relate findings to the norms for relevant social groups.
4. What does a test score mean for the student or groups involved? It has generally been concluded that the presentation of raw test scores alone is useless and often harmful. Test scores, whether published publicly or revealed privately, require competent and careful interpretation. Interpretive

information from the tester should include a description of scoring procedures, a statement of the relationship of the student's score to relevant group norms, and a statement of the extent to which the student's score reflects actual ability or potential on the measured characteristic.

Recently many educators (see Harvard Educational Review, 43, 3 [November] 1973 and 44,1 [February] 1974) have expressed a growing concern for the definition and protection of student rights. These rights extend to the manner in which students are evaluated and how the resulting evaluations are used. In deciding to implement a school testing program, the failure to seek adequate answers to the four questions outlined above may violate at least five rights of children (Mercer, 1974), rights which have been asserted in two legal cases (Larry P. v. Wilson Riles, California, 1972 and Diana v. State Board of Education, California, 1970):

1. The right to be evaluated in a culturally appropriate normative framework
2. The right to be assessed as multi-dimensional human beings
3. The right to be fully educated
4. The right to be free of labels
5. The right to cultural identity and respect

II. TESTING AS AN INVASION OF PRIVACY

The right to privacy remains a vaguely defined legal area, yet the notion of a "private personality" which deserves society's protection from unwarranted and damaging intrusions is now widely recognized. It has been argued (Ruebhausen and Brim, 1965) that privacy is, in fact, a unique freedom which allows individuals to determine to whom they will reveal information about themselves and under what conditions. Though this right to privacy has been recognized as an individual constitutional right in one U.S. Supreme Court decision (Griswold v. Connecticut, 1965), the legal right to privacy must be determined by individual cases and is considered an aspect of tort law involving the "public disclosure of private facts" (Prosser, Handbook of Law of Torts). Under these conditions, making a case for the invasion of privacy would involve proving the following four facts (Shirey and Shirey, 1973):

1. The information disclosed was initially obtained in private circumstances.
2. The disclosure was indeed public.
3. The plaintiff was publicly identified.
4. The disclosure was offensive to persons of reasonable sensitivities.

As of 1973, there were no recorded cases involving the release of student records by a school official on the basis of invasion

of privacy. Thus, making such a case for the release of test scores would seem extremely difficult.

The administration of tests creates unusual conditions for the invasion of privacy, conditions which were carefully examined in a 1965 Congressional Inquiry (See American Psychologist, 1965, 20, 857-988). This investigation revealed two factors in the testing situation which could pose a serious threat to privacy: 1. the extent to which a test is voluntary and 2. the extent to which a test may cause individuals to reveal personal information either explicitly (questions concerning sex, religious affiliation, and so on), or in a fashion which leaves the individual unaware of the information he is providing. It has been recognized that many testing situations are socially coercive, giving the appearance that participation is mandatory. The Russell Sage Foundation Guidelines (1970) have strongly urged that school authorities begin with the principle that "no information should be collected from students without the prior informed consent of the child and his parents" (Guidelines, Principle 1.0). This "freely given" and informed consent is the best deterrent of coercive testing.

The requesting of personal information in a test has been increasingly criticized as an invasion of privacy. Students should be informed that not only is participation in an entire test voluntary, but responses to individual items may be omitted

if they are viewed as invasion on privacy. It must be recognized, however, that researchers and educators frequently require such information in order to perform their functions effectively, so it has been suggested (Ruebhausen and Brim, 1965) that requests for such information not be prohibited, but rather that "wisdom and restraint" be exercised in determining the need for such information. Frequently this personal information can be obtained when procedures are established to maintain the anonymity of respondents and the students are informed of these procedures.

One dilemma concerning the privacy of certain student information has not been resolved by existing policies. The results of certain research efforts and psychological testing would be invalidated if students were accurately and completely informed of a test's purpose. In these situations, the potential gain of knowledge or assistance to the student must be weighed against the harm caused from a less-than-totally "informed" consent and accompanying invasion of privacy.

III. TEST SCORES AS CONFIDENTIAL INFORMATION

The confidentiality of information obtained from students is a matter of professional ethics (Shah, 1969). It is essentially a right held by the student that information obtained will remain undisclosed outside the relationship in which it is originally obtained. A student may waive this right or may

consent to certain exceptions to this confidentiality. In all cases, the student should be informed that total confidentiality is not always possible. Unless the information exists as part of a privileged communication (see next section), courts may subpoena records or existing state or county laws may permit certain outside agencies to examine records. For example, in New Jersey, pupil records may be inspected by representatives of the Selective Service, FBI, and U.S. Army and Navy, subject to the approval of local board of education.

The extent to which the confidentiality of student information can be maintained depends upon three sets of factors:

1. Existing statutes protecting information as part of a privileged communication (see next section)
2. Adequate procedures for the safe storage of recorded information, insuring that there is no unauthorized access
3. Adherence of school personnel and researchers to the principle of confidentiality and to the appropriate ethical standards for their profession (APA, APGA, AACRAO)

Previous research on actual practices in the release of student information (Goslin and Bordier, 1969, Vane, 1971, Boyd, 1973) has indicated that in most instances, school personnel readily accede to requests for information on students, particularly test data, by outside agencies. Frequently it is the students and parents themselves who have the most limited access to information (Goslin and Bordier). This apparently "loose"

approach to the release of student information runs counter to the growing concern for privacy and to existing professional ethical standards. The consequences for unauthorized disclosure of student information are varied and will probably be applied with increasing frequency. They include disciplinary action by professional organizations; removal of state license or certification; and civil actions or suits by client involved.

The question is often raised as to who actually owns a test record. Legally the student owns his test protocol but it is the psychologist or educator who owns any analysis and comments concerning the student's responses. Thus, a unique relationship between the test agent and student is established. If the student is to understand the meaning of his scored test, he requires the competent professional interpretation which is not legally in his possession. At the same time, the student surrenders his test responses to the test agent with the understanding that the information will be used only for its stated purposes. Both specific responses and a total test score are viewed by the student as confidential communications, and existing professional ethical standards indicate that they should be treated as such by those receiving the scores.

IV. TEST SCORES AS PRIVILEGED COMMUNICATIONS

Unlike privacy and confidentiality, which to date have ambiguous legal boundaries, the area of privileged communications exists

BEST COPY AVAILABLE

solely under the umbrella of state statutes. These statutes assert the client's right to prevent information from being revealed in legal proceedings. Though by common law the attorney-client relationship is universally considered one of privileged communications, the relationship of students to school psychologists, counselors, and other school staff members has not received strong legal support. As of 1969, thirty-four states defined the psychologist-client (student) relationship as one involving privileged communication while only three (Michigan, Indiana, and Wisconsin) had established privileged communication between students and counselors. Even existing statutes frequently state exceptions to the protection of information, as in the communication of criminal intent or when the mental condition of the client is in question. Courts have resisted developing statutes which would establish the relationship of school staff to students as one involving privileged communications. It is generally agreed that such protection of confidential communications is required only if it preserves the integrity of the individual or a government and only if the relationship requires full trust (for example, therapist-client, husband-wife). In order for the latter condition to apply, legal experts customarily apply four criteria (Shah, 1969):

1. The original communication was indeed confidential.

2. Confidentiality is essential to maintain the relationship.
3. The injury of disclosure is greater than any benefit.
4. It is desirable for society to foster the relationship.

In order for test scores and other student information maintained in the files of school personnel other than psychologists to be protected from subpoena, these four criteria for a privileged communication must be met. It is doubtful that new statutes will be developed to extend the right of privileged communication to the relationship of students to school personnel other than licensed psychologists.

Two areas of access to student records and test scores have been established legally—the right of parents (or guardians) and the right of students themselves to view school records. In two court cases during the early 1960s (Van Allen v. McLeary, N.Y., 1961 and Johnson v. Bd. of Education, City of New York, 1961), the court upheld the right of parents to examine all their children's records. In respect to test scores, the Van Allen v. McLeary decision was particularly explicit in stating that "raw numerical data such as achievement test scores and I.Q.'s should be presented to parents with appropriate professional interpretation." More than twenty states developed statutes providing parental access to student information. On November 20, 1974 a national privacy law went into effect as part of the Elementary

and Secondary Education Act (Section 438, Title V, Educational Amendments, 1974). This law states that no federal funds will be available to any educational institution that refuses the parents of a student, or the student himself if he is over 18, the right "to inspect and review any and all official records, files and data directly related to" the student. Parents now have an unforfeitable right to all pertinent information concerning any of their children who are under 18 years of age.

A student's right to view his own records and admissions materials was upheld in the Bates College case (Creel v. Brennan, Maine, 1968) and, as already noted, the new privacy amendment to the Elementary and Secondary Education Act allows students over 18 to view their records. However, there still exists ambiguity concerning the rights of students under 18. The Russell Sage Foundation Guidelines recommends that these students be given access to their official academic record (which includes grades and standardized achievement scores), but parental permission is required for them to see other information such as verified scores on standardized intelligence tests, aptitude tests, and personality inventories. Clearly, parental access to test scores (and all student records) has received stronger legal support and is provided more frequently than student access to the same materials.

A major criticism of Guidelines (Teitlebaum and Goslin, 1971) has concerned the failure to define this parent-child relationship

as it affects the collection of and access to student information. For example, what policy should apply if a student under 18 years of age wishes to view part of his record, but the parent refuses permission? This problem has not been resolved.

Though the new federal privacy law now provides a solid legal basis for parental and student (over 18) access to school records at least three important objections have been raised to the regulation, particularly by colleges and universities:

1. Current student records contain information obtained prior to enactment of the law. How should these materials be treated?
2. College and university files frequently contain letters of recommendation written as confidential communications to the institution from third parties. Student access in these cases would appear to violate this initial confidentiality.
3. The new law vaguely confers access to "all official records, files, and data directly related to" students. This statement appears to grant access to the files and notes of all school personnel, including perhaps material which was never intended for parents or students to see.

Solutions to these difficulties can only be resolved through reasonable interpretations and implementations of the new law. Despite these apprehensions, many educators are hopeful that the new law will lead to long-needed evaluations of the materials which educational institutions maintain in student files.

In respect to test scores, these evaluations should include

a serious questioning of the necessity for administering some tests and in some instances might lead to the elimination of test results which are no longer required.

V. ACCESS TO INDIVIDUAL STUDENT TEST SCORES—A SUMMARY

This review of issues discussed in the literature relating to the confidentiality of student test scores has revealed the relatively meager legal basis which exists to assist educators in formulating policies. In most instances, decisions concerning the release of student information (including all test scores) must rest entirely upon local board of education policies or ethical standards established by professional organizations (APA, NEA, APGA, AACRAO). Frequently, school boards have not set policies and school staff have not been familiar with the appropriate ethical standards. Unfortunately, this situation can lead to the unauthorized disclosure of confidential student information, and the few studies which have examined actual practices in the release of student information support this fear. There is universal concern among educators that this situation is intolerable, yet a recent commentator on the problem was forced to conclude that "the educational community sorely lacks a definitive and workable policy on the uses of student information" (Blue, 1973).

As an aid to those concerned with the development of policies concerning the confidentiality of student test scores and by way of summarizing literature on the subject, the author presents here a brief set of recommendations for the collection, maintenance, and release of individual student test scores. These recommendations reflect existing ethical standards and rely heavily upon the Russell Sage Foundation Guidelines. Reactions in the published literature on student records indicates that this document has been helpful to many institutions developing record-keeping policies. It therefore seems advisable, as a first recommendation to those concerned with policy development, that a copy of this document (or for institutions of higher learning, Student Records in Higher Education) be obtained from the Russell Sage Foundation. Many important qualifications and details of implementation for the following recommendations will be found in these publications.

I. Recommendations Concerning the Administration of Tests

1. Every effort should be made to select a test appropriate to measure the relevant student characteristic and whenever possible adapted to the cultural and linguistic composition of the population to be tested.
2. All tests should be administered under the standard conditions prescribed for the test to be used.
3. All tests should be administered by personnel who are familiar with the proper testing

procedures, and if a special competence is required; they should possess the proper training or certification.

4. No test should be administered without the informed consent of both the student and his parents. In order that the consent be fairly informed, the following information should be communicated:

- a. the purpose of the test
- b. the voluntary nature of participation
- c. who will have access to the scores and under what conditions

II. Recommendations For the Recording and Storage of Individual Test Scores

1. Every effort should be made to insure that proper scoring procedures are employed.
2. If there is any reasonable doubt concerning the accuracy of a score, particularly if machine scoring is utilized, the protocol in question should be examined and checked for errors.
3. Every effort should be made to insure an accurate transfer of a student's score to a permanent record.
4. As with all student information, test scores should be stored in a secure location where access by unauthorized parties is prohibited. This can best be accomplished by placing such records under lock and key, with one person designated to control access.
5. Schools should periodically review the information maintained in student records and when there seems no reasonable justification for retaining certain test scores, they should be removed and/or destroyed.
6. Test scores (with the possible exception of routine achievement tests) should be considered

"sensitive" confidential information (Guidelines categories B and C). It is advisable, therefore, that whenever possible, test scores should be recorded apart from the student's official administrative record and accorded special conditions of access (see section III below).

III. Recommendations For the Release of Individual Test Scores

1. Any release of student test scores to students, parents, parties outside the school, or school staff who are unfamiliar with the tests involved should include a clear and thorough interpretation of the test score. This interpretation should be made by a competent staff person and in the native language of the person to whom the interpretation is given. This interpretation should include:
 - . A statement of what the test is intended to measure
 - . A sample of the types of questions employed
 - . A statement concerning the limited accuracy of the specific score, indicating the impact of normal measurement error, student health, and other factors external to the characteristics measured
 - . A statement that the score on one test measures only a single trait at one point in time. Any overall evaluation of a student requires numerous types of information.
 - . A statement relating the specific score to appropriate group norms
 - . A statement indicating past and possible future trends for the student's performance on the test

- . A statement indicating the importance of nontest data relevant to the characteristic measured by the test
2. Parents should be allowed to view all test scores. This release should occur in a conference situation subject to the conditions outlined in paragraph III-1 above.
3. Unless parents or school staff perceive clearly harmful or undesirable consequences, a student should be allowed to view his own test scores, again subject to the conditions in III-1.
4. If there is a justifiable educational reason, school personnel should be allowed access to student test scores. These staff are, of course, bound by the same principles of confidentiality for the information they receive.
5. Individual test scores should not be released to agencies or parties outside the school unless the student and parent grant consent or there is a subpoena for the relevant information. A subpoena may be resisted if there is a State statute forbidding such disclosure on the basis of privileged communication.

VI. TEST SCORES AND THE DEMAND FOR ACCOUNTABILITY

There has been a growing demand for research on the determinants of successful learning and for evaluations of various educational programs. In addition, there has been increasing public pressure to produce evidence of student development in the schools. Each of these demands requires additional testing or the use of existing test scores for different purposes. Test scores employed for these purposes are usually grouped and do not require the

identification of individual students. In addition, the data is frequently collected by agents external to the school and stored on computer tapes. Even prior to the current concern for accountability, the collection of group data by researchers posed a significant problem for the schools. The benefits of increased scientific knowledge had to be balanced against costs in school time as well as the added potential invasion of a student's privacy. The basic tension between the public desire to know and the institutional and personal desire to protect privacy has been amplified by the demand for accountability. Taxpayers have a legitimate right to know how their schools are performing, but educators have just as genuine a right to determine the type and quantity of measures employed and the conditions for disclosing relevant findings. Unlike research results which usually involve only one segment of the student population and which are released within the specific context of a professional research design, test scores released as accountability data generally apply to entire schools or school systems and often are not accompanied by a professional interpretation of their meaning. In addition, while research studies often require the collection of new information which is then recorded and stored away from the schools themselves, accountability data often consists in the simple aggregation of existing achievement scores.

Thus, though the definition of accountability has been debated at length in the literature, a reasonable operational meaning would contain three elements: 1. the large-scale testing of student populations with standard achievement tests 2. the accumulation of individual scores into data on groups, (such as classrooms, schools districts) 3. the publication of the resultant data through public media (newspapers, television, radio). While it is customary for researchers to explicate carefully the possible causes for their findings, the publication of student achievement data rarely includes such an interpretive effort.

When published achievement data show significant differences between student groups, one naturally questions the causes for such differences. In the absence of professional interpretation, the public is quick to attribute any observed poor performance in student groups to teachers, administrators, or other aspects of a school program for which they might harbor preconceived criticisms or resentment. Thus, the public release of student achievement scores cannot be separated from questions concerning the responsibility for differences observed in these scores.

The growing controversy over accountability has focused upon six central questions concerning the use of tests:

1. Does the provision of accountability data require the collection of new data and an unjustified invasion of privacy?

2. What measures are appropriate to evaluate student achievement in the schools?
3. Who should perform an evaluation-- the school system itself or an outside agency (performance contracting)?
4. Who should be held accountable for the results, and what are the consequences?
5. Should test scores become the final determinant of the type of educational programs which schools implement?
6. When and under what conditions should results be publicly released?

The primary concern of this paper is with the last question-- problems related to the release of test scores. These issues are quite different from those involved in the release of individual test scores, where the protection of personal, confidential information is essential. Accountability data is presented in aggregate form, and the literature on the confidentiality of this information reveals two central concerns--that the anonymity of individual respondents be maintained and that the presentation of scores for programs, grades, schools, and districts not be misinterpreted by the public. There exists unanimous agreement on the first concern--that every effort be taken to protect the identity of individual respondents. Many systems have been devised to accomplish this end, even when longitudinal data on individuals is required. The accepted technique is to develop a series of identifying numbers (preferably generated unsystematically) for

individual students. All test results then are recorded with only the identifying number while a separate record of the student's number and identity is maintained for future use if needed. A more elaborate "link file" method has been developed and implemented by the American Council on Education for its data bank and is recommended for large-scale longitudinal research when the budget can support the process. (For a description of this procedure, see Boruch, 1969).

Different solutions have been proposed to counteract misinterpretations resulting from the public release of group test scores. Some educators argue that since the meaning of the scores themselves is problematical, they should not be released at all. Others believe that since many interpretations of results are possible, the public should be presented with only the raw scores and be allowed to draw its own conclusions. A third position would have all scores presented with an accompanying description of the tests involved and a reasonable professional interpretation of the results. For those who actually possess performance data, the choice is a difficult one, and the literature reviewed indicates no clearly superior alternative. Public demand for information on the performance of its schools makes it virtually impossible to adopt the stance of withholding information. Assuming that individual student anonymity is maintained, the issue becomes not one of confidentiality but what are the conditions of release. Is there apt to be greater misuse and misinterpretation of information when

no analysis accompanies scores or when some professional commentary is provided? Few question the fact that presenting raw achievement scores by school or district can be stigmatizing for student groups and result in inflammatory accusations of who is to blame for poor performance. Alternatively, a published interpretation accompanying results could be inaccurate or unfairly detract from important findings.

After reviewing the published debate on the issue of how to publicize accountability findings, the author is persuaded by what could be called the "logical release" of test score information (Jacobs, 1973). This position involves not only the presentation of relevant descriptive and analytical materials with all test results but asks that such results appear within an ongoing flow of information from the school to its community. Confusion and the misconception of test results can best be prevented through a continual communication process which should include public meetings and media releases which incorporate community-school profiles. In this context, the release of test scores is far less likely to produce misinterpretations. Assuming that the recommendations for administration, recording, and storage of individual test scores suggested earlier would be adhered to, the following recommendations are made concerning the release of group test scores:

RECOMMENDATIONS FOR THE RELEASE OF GROUP TEST SCORES

1. When individual scores are accumulated to form group data, every effort should be made to protect the anonymity of individual respondents. If the aggregate data is recorded on computer tapes, any identifying student information should be removed. If longitudinal data is required, a system of identifying numbers should be developed so that a student's identity and associated number are recorded apart from the data with identifying numbers.
2. Efforts should be made to acquaint all school personnel with the justification for accumulating group scores and the condition for their release.
3. Efforts should be made on a continuing basis to inform the school community concerning the nature of the school's educational program, the types of tests to be administered, the conditions under which scores will be released, and what can be reasonably concluded from published results.
4. Group test scores should be released to the public only by an authorized agent of the board of education which initiated the testing program.
5. Group test scores should not be released to other individuals or groups for research purposes without the consent of the board of education.
6. The public release of group test score information should be accompanied by a competent interpretive statement which minimally would include:
 - . A description of the purpose for which the test was given
 - . A description of the type of test employed, with examples of test items where appropriate
 - . A description of the student population which was tested

- . Wherever appropriate, a comparison of the results with relevant group norms
- . An accounting of the various factors which influence test results. This statement should caution against attributing the blame for group differences incorrectly (specific school staff) or prematurely (before long-range results make the findings certain)
- . Where trends over time are important, a presentation of previous results to provide appropriate comparisons or establish a relevant standard

American Association of College Registrars and Admissions Officers (AACRO). A guide to an adequate permanent record and transcript, 1971.

American Personnel and Guidance Association (APGA), Ethical standards. Personnel and Guidance Journal, 1971, 50, 327-330.

American Psychological Association. Testing and public policy. Special issue of American Psychologist, 1965, 20, 857-938.

Ethical standards of psychologists. American Psychologist, 1968, 23, 357-361.

Anastasi, A. Psychology, psychologists and psychological testing. American Psychologist, 1967, 22, 297-306.

Blue, R. Pupils' rights and the paper invasion. Elementary School Journal, 1973, 74, 2-8.

Doruch, Robert F. Educational research and the confidentiality of data. ACE Research Report 4, 1969.

Boyd, Robert E. et. al. Counselor and client confidentiality. Counselor Education and Supervision, 1973, 12, 278-288.

Clark, P. The use, misuse and abuse of tests. Report of First Annual Meeting of New England Association for Measurement and Evaluation in Guidance, March 1970.

Frymier, Jack R. Who is accountable to whom and for what? AERA Annual Meeting, February 1973.

Goslin, David A. and Bordier, M. Record keeping in elementary and secondary schools. In S. Wheeler (ed.) On record: files and dossiers in American life, New York: Russell Sage Foundation, 1969.

Jacobs, James W. Releasing test scores: urgent or unthinkable. Paper presented February 24, 1973 at meeting of American Association of School Administrators.

Mercer, Jane R. A policy statement on assessment procedures and the rights of children. Harvard Educational Review, 1974, 44, 125-141.

National Education Association. Code of student rights and responsibilities, 1971.

BEST COPY AVAILABLE

- Ruebneusen, O. and Brim, Orville G. Privacy and behavioral research. American Psychologist, 1966, 21, 425-437.
- Russell Sage Foundation. Guidelines for the collection, maintenance and dissemination of pupil records, 1970.
- Shah, Saleem A. Privileged communication, confidentiality and privacy. Professional Psychology, November 1969 - Spring 1970, Vol. 1, 1-3.
- Shirey, Wayne A. and Shirey, W. An attorney views and release of student information. Prepared for AACRAO, April, 1973.
- Sparks, Richard K. and Strauss, Hermina. You say you want to write teachers work standards into your new contract? Here are the things to watch out for. American School Board Journal, 1973, 160, 32-34.
- Teitlebaum, Vivien Stewart and Goslin, David A. The Russell Sage guidelines: reactions for the field. Personnel and Guidance Journal, 1971, 50, 311-317.
- Vane, Julia. What information do school clinical psychologists give individuals evaluated? Hofstra, 1971.