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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 25-H 5158, RELATING TO LICENSE PROCEDURE FOR SOCIAL WORKERS February 5, 2025

The ACLU of Rhode Island strongly supports this legislation which would eliminate the requirement that an applicant for a licensed clinical social worker (LCSW) pass a standardized written test in order to qualify for the license. It is important to note at the outset that this testing requirement would still apply to licensed independent clinical social workers (LICSW).

The ACLU has long been concerned about the use of standardized written tests and the way they often serve as unwarranted barriers to occupational licenses. They also often have a racially discriminatory impact that depresses the number of students of color entering important professions.

The General Assembly has some familiarity with the problems associated with high stakes testing. In 2014, for example, the legislature enacted a law that averted the planned implementation of a high stakes testing requirement as a condition of high school graduation. More directly, the General Assembly at one time also had the same concerns about standardized testing for the teaching profession itself. Over 30 years ago, Rhode Island required aspiring teachers to pass a standardized test known as the National Teachers' Examination (NTE). It had a devastating impact on applicants of color. As a result, the General Assembly in 1991 passed a critical law to address this problem. While individuals who scored below a certain level on such a test could be required to undergo a successful job performance review for three years, the law barred the state from denying certification to teachers solely on the basis of that score. There was no meaningful evidence that scores on these written tests had any relationship to one's teaching capability, while the statistical evidence was also very clear that these written tests *did* have a disproportionate and adverse impact on students of color.

Unfortunately, in 2003, the law was repealed due to federal mandates in the now-extinct No Child Left Behind Act. While it was in operation, however, the state law had a noticeable salutary effect, allowing for the certification of many Black and Latinx teachers who had previously been denied a certificate based on their test scores. We assume it also had a very positive psychological effect in encouraging more students of color to participate in teacher prep programs, since the discriminatory impact of the NTE was well known at the time. It is also worth noting that despite the repeal of that law, a restriction on high-stake testing for teaching assistants that was enacted around the same time still exists, and does so without untoward effects.

It is our understanding from social work professionals at RIC that the discriminatory impact of the standardized written exam mirrors that of the NTE. Amazingly, the Association of Social Work Boards (ASWB), the entity that is responsible for the exam, has failed to present any demographic data relating to the racial impact of the test, despite numerous entreaties from social work advocates to do so. In this day and age, that lack of information is inexcusable. Vague assurances from the ASWB that they care about equity issues and are working on it are simply not sufficient in 2025.

We note that Illinois has passed legislation to eliminate the exam, and we urge Rhode Island to follow in that state's footsteps and eliminate this unnecessary barrier for dedicated people who want to help those in need.