



BOARD OF ADMISSIONS AND RELATIONS WITH SCHOOLS (BOARS)
Michael T. Brown, Chair
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Assembly of the Academic Senate
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March 1, 2005

**GEORGE BLUMENTHAL, CHAIR
ACADEMIC COUNCIL**

Dear George,

I am writing on behalf of the Board of Admissions and Relations with Schools (BOARS) to request that you bring to the attention of appropriate Senate agencies and Senior Management officials at the Office of the President concerns BOARS has identified regarding the National Merit Scholars Program. We request that you ask these parties to reconsider any special recruitment efforts, scholarship programs, or other special benefits campuses may be giving to students who have received special recognition by the National Merit Scholars Program (NMSP). We make this recommendation because of questions and concerns BOARS has identified concerning the soundness and fairness of the NMSP's selection procedures.

BOARS identified three major issues of concern. First, BOARS has found no evidence that the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) has been validated for use to select "meritorious" students in the manner employed by the NMSP. It is the sole criteria for eliminating approximately 97% of test takers from National Merit Scholarship consideration. Second, the NMSP uses selection procedures that violate fundamental principles governing responsible use of standardized tests. Third, the criteria and selection procedures employed by the NMSP appear to have an educationally unwarranted negative impact on disadvantaged students – underrepresented minorities and low-income students. These questions and concerns have been detailed in a letter to the campus admissions committee chairs dated March 1, 2005 (attached).

BOARS has learned that a smaller, declining, but significant subset of UC campuses also give some consideration of National Merit Scholar status in evaluating students for admission. BOARS has recommended that each campus reconsider any admissions preferences it may give to students solely on the basis of their having been identified by the NMSP for special recognition.

In our review of the NMSP, BOARS found that National Merit Scholars often are recruited heavily by colleges and universities and are often offered special privileges. Most disturbing, BOARS found that universities that agree to sponsor National Merit Scholars must provide these students with merit scholarships regardless of their need, scholarships based on an inappropriate

and unsubstantiated definition of merit. In the case of University of California campuses, the funds used for such “merit” scholarships could otherwise go to needy students or support campus-based scholarship programs in which students awardees are selected on more comprehensive and supportable grounds. BOARS learned that most UC undergraduate campuses participate in the National Merit Scholarship Program, awarding \$1.4 million to 1,155 students systemwide in 2003-2004.

Some campus admissions committees provide policy and implementation oversight to scholarship and financial aid decision-making, but such policies and practices are beyond the immediate purview of BOARS. However, BOARS believes that the University’s participation in the National Merit Scholarship Program should be reconsidered particularly in light of compelling validity and adverse impact concerns regarding how the students are selected. BOARS asks your help in catalyzing this needed reconsideration

Fiat Lux,

A handwritten signature in cursive script that reads "Michael T. Brown".

Michael T. Brown, Chair
BOARS

Attachment: March 1, 2005 letter from Michael Brown, Chair of BOARS to Chairs of Campus Admissions Committees
October 27, 2004 letter from Dr. Patrick Hayashi to College Board Trustees

cc: Maria Bertero-Barcelo, Executive Director, Academic Senate
BOARS Members



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March 1, 2005

ROBERT COE, CHAIR
Committee on Admissions & Financial Aid (UCSC)

RICHARD FLACKS, CHAIR
Committee on Admissions, Enrollment & Relations with Schools (UCSB)

RAJU METHERATE, CHAIR
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DAVID STERN, CHAIR
Admissions, Enrollment & Preparatory Education (UCB)

KEITH STOLZENBACH, CHAIR
Committee on Undergraduate Admissions and Relations with Schools (UCLA)

Dear Colleagues,

The Board of Admissions and Relations with Schools (BOARS) has directed me to write and request that your campus's admissions committee review and reconsider any preferences you may be giving to applicants who have received special recognition by the National Merit Scholars Program (NMSP). BOARS has identified a number of concerns regarding the Program, including validity, educational soundness, and fairness of the NMSP's selection procedures.

As you know, BOARS conducts ongoing reviews of admissions criteria to ensure that each criterion used by campuses is consistent with University of California freshmen admission policies and guidelines and supports UC's academic and social mission.

BOARS' review of the NMSP's selection procedures was prompted by a letter by former Associate President Patrick Hayashi who served as a trustee of the College Board from 2000 to 2004. In a letter dated October 27, 2004 (attached), Dr. Hayashi wrote to his fellow College

Board trustees and raised several important questions regarding the NMSP, concerns initially raised by him four years previously. To date, the College Board has not provided answers to any of the questions he raised.

We note with regret that BOARS has experienced similar difficulties. Despite repeated requests, the College Board which owns and markets the Preliminary Scholastic Aptitude Test/National Merit Qualifying Test (PSAT/NMSQT) and administers it to over 3 million high school students each fall has not provided BOARS with information regarding whether validity studies have been performed that justify the NMSP's use of the PSAT/NMSQT to select meritorious students. Nor has the College Board provided UC with any information concerning the socio-demographic characteristics of students who earn PSAT/NMSQT scores qualifying them for special recognition by the NMSP.

Consequently, BOARS undertook its own review of the NMSP and how it uses the PSAT/NMSQT to identify "meritorious" students.

BOARS learned that each October, over 3 million high school students take the PSAT/NMSQT. The designed purpose of the PSAT/NMSQT is for high school students to practice for the SAT, but it has been used as a qualifying test for the National Merit Scholarship: a student must take the PSAT/NMSQT in October of his/her junior year to participate.

After receiving PSAT/ NMSQT scores, the NMSP establishes a simple cut-off score to identify a pool of students for the scholarship competition. Approximately 97 percent of the students are eliminated at this point on the basis of a single test score. From the approximately 3 percent who receive further consideration, the NMSP selects a smaller group of semi-finalists. A test score cut-off is used for this purpose but it varies by state in order to obtain some degree of statewide representation in the national pool of possible candidates (each of the 50 states has a quota based on a state's percentage of the nation's total graduating seniors).

In order to become a Finalist, semifinalists must submit a self-descriptive essay, their high school record, SAT scores (which they are required to take as a condition of consideration), and a recommendation from their high school principal. Less than 1 percent of all PSAT/NMSQT test takers are chosen to be finalists/National Merit Scholars (about half of which receive a scholarship award).

Finalists who say they are planning to attend a participating college/university receive non-need, merit scholarships awarded and funded by that college/university. Finalists are often given other benefits. For example, they are frequently recruited heavily, given preferential housing and course enrollment privileges, and access to special honors programs.

Upon close examination, BOARS has concluded that the criteria and procedures that the NMSP uses for selecting National Merit Scholars appear inconsistent with fundamental standards of responsible test use and fair assessment.

BOARS came to this conclusion for three reasons.

1. BOARS has uncovered no evidence that the PSAT/National Merit Scholars Qualifying Test (PSAT/NMSQT) has been validated for use to select “meritorious” students in the manner employed by the NMSP.

An exhaustive literature search undertaken by BOARS yielded no indication that such validity studies have ever been conducted. The College Board has not provided BOARS with a straightforward answer as to whether the PSAT/NMSQT has or has not been validated for use by the NMSP. On January 13, 2005, College Board Vice President James Montoya advised BOARS that “the validity of the PSAT/NMSQT has traditionally rested on its direct linkages with the SAT.” He referred BOARS to a report describing and illustrating a high correlation between PSAT/NMSQT and SAT scores. BOARS appreciated Vice President Montoya’s response but found the argument unpersuasive. Correlations between the PSAT/NMSQT and the SAT notwithstanding, a test cannot be validated by proxy. Even if PSAT/NMSQT scores are correlated with SAT scores, the question of validity must focus on whether the NMSP’s particular way of using the PSAT/NMSQT to identify scholarship recipients is supported by evidence.

2. The NMSP uses selection procedures that violate other fundamental principles governing responsible use of standardized tests.

The NMSP sets a simple cut-off score to make an initial distinction between “meritorious” and “non-meritorious students.” This cut-off score varies by state. Students who score above the cut-off score are given further consideration. Students who fall but one point below the cut-off score are summarily eliminated from further review. In other words, the answer to a single question (which is well-within the range of psychometric error) can cause students to miss the cut. One of the fundamental principles governing responsible use of standardized tests is that major decisions should never be made on the basis of small differences in scores.

Another fundamental principle is that standardized tests should always be used in conjunction with other relevant information. However, in making its initial determination, the NMSP uses no other pertinent academic information, e.g., high school grades or academic courses taken. In other words, when establishing its pool of potential scholarship winners, the NMSP does not take into account a student’s academic achievements. Nor does the NMSP, when making its initial cut, take into account the educational opportunities that a student enjoyed or the challenges that the student faced.

A third principle that is violated is that tests should be used for the purposes for which they have been designed and validated. BOARS has neither uncovered nor been provided with such evidence.

It should be noted that the use of the PSAT/NMSQT in the manner described violates standards set by the College Board itself (see *2004-05 SAT Program Handbook* and its link to *Interpreting and Using SAT scores*). In *Interpreting and Using SAT scores*, the College Board counsels programs to use “scores in conjunction with other indicators, such as secondary school record (grades and courses)” and to “evaluate test results and other information in the context of their (the students) particular background and experience.” The College Board adds that programs

should “ensure that small differences in test scores are not the basis for rejecting an otherwise qualified applicant” and that they should “guard against using minimum test scores unless used in conjunction with other information such as secondary school performance and unless properly validated (emphasis added).”

The practices endorsed by the College Board and employed by the NMSP also violate the *Code of Fair Testing Practices* developed by leaders of the test industry, including representatives of the College Board. This *Code* states that testing companies should counsel programs to “encourage test users to base decisions about test takers on multiple sources of appropriate information, not on a single test score.” The *Code* also recommends that testing companies caution decision-makers to “avoid using a single test score as the sole determinant of decisions about test takers ... (and) interpret test scores in conjunction with other information about individuals.”

BOARS has concluded that the NMSP’s practices – use of a test that has not been designed or validated for the purpose of selecting meritorious students, use of a simple cut-off score, use of test scores only – are not educationally sound and violate basic standards regarding responsible use of tests

3. The criteria and selection procedures employed by the NMSP have an educationally unwarranted negative impact on disadvantaged students – underrepresented minorities and low-income students.

The College Board, which owns, markets, and administers PSAT/NMSQT has not provided BOARS with data on the socioeconomic characteristics of students who make the first cut as compared to the overall pool of test-takers. However, other evidence, such as performance on the SAT with which it is highly correlated, strongly suggests that the PSAT/ NMSQT as used by the NMSP overwhelmingly favors a narrow group of affluent students attending well-endowed high schools, maximizing rather than minimizing adverse negative impact on disadvantaged students.

Each UC campus employs academic and other criteria for freshmen admission that allow it to fulfill its academic and social responsibilities and goals. When selecting those criteria, it is longstanding UC policy that campuses take great care to use academic criteria that (a) first, allow the campus to maintain high academic standards and to fulfill its institutional goals, and, (b) second, have the least possible negative impact on disadvantaged groups. In the absence of validity information, the adverse impact that attends use of National Merit Scholars status appears unwarranted.

Therefore, BOARS believes that it is important that all UC campuses reassess their support of the NMSP. BOARS learned that most UC undergraduate campuses participate in the National Merit Scholarship Program, awarding \$1.4 million to 1,155 students systemwide in 2003-2004. A significant portion of these funds is awarded to affluent students who have no demonstrated financial need, funds that could otherwise be used to support needy students. BOARS also learned that a smaller, declining, but significant subset of UC campuses also gives some preferential consideration of National Merit Scholar status in evaluating students for admission.

BOARS has been advised that such preferential consideration was never intended by the NSMP (January 4, 2005 email from Elaine S. Detweiler, Director of Public Information for the National Merit Scholarship Corporation to Chair Brown.)

With respect to scholarship and financial aid policy, BOARS has asked the assistance of Academic Senate Chair George Blumenthal in requesting appropriate Senate agencies and Senior Management officials at the Office of the President to evaluate the appropriateness of UC's participation in the National Merit Scholarship Program. BOARS is concerned about the shift in need-based to merit-based scholarships where "merit" is defined in a manner so contrary to UC standards and philosophy. Through a formal agreement, campuses wishing to sponsor National Merit Scholarships must promise the NMSC that they will award those students a "merit" stipend, regardless of need. The source of such dollars is fungible and could go to support campus-based scholarship programs or to support needy students.

With respect to admissions policies, BOARS recommends that each campus review any preferences it may give applicants solely because the National Merit Scholars Program has identified them for special recognition. At the same time, no student should be penalized for that reason. NMS students should be treated in the same manner as other applicants and be reviewed in accordance with UC freshmen admission guidelines and policies. Some of these students will show outstanding records and campuses may wish to grant them admission after a comprehensive review of their qualifications.

Fiat Lux,

A handwritten signature in cursive script that reads "Michael T. Brown".

Michael T. Brown, Chair
BOARS

Attachment: October 27, 2004 letter from Dr. Patrick Hayashi to College Board Trustees

cc: George Blumenthal, Chair, Academic Senate
Maria Bertero-Barcelo, Executive Director, Academic Senate
BOARS Members

October 27, 2004

Members of the Board of Trustees
The College Board
New York, New York

Dear Colleagues,

Four years ago, at my first Trustees' meeting, I asked a simple question: What percent of National Merit Scholars are Black, Hispanic or American Indian? Now four years later, the Board of Trustees still has not been given an answer. I am deeply troubled by the fact that the College Board has not addressed in a timely manner the issues I have raised.

Several of you have asked me to provide an overall summary of my concerns about the National Merit Scholars Program (NMSPP) before my term as a Trustee ends. In addition, some people have asked me to address specific questions that emerged during our September Trustees' meeting. I hope the following responses prove helpful to you during the coming year as you discuss whether the College Board should continue to endorse the National Merit Scholars Program.

1. Why did you become concerned about the National Merit Scholars Program?

During the ten years that I oversaw outreach, admissions and financial aid at Berkeley, each year we admitted and enrolled hundreds of National Merit Scholars. Not one was Black, Hispanic or American Indian. At the same time, the Berkeley campus ran its own merit scholarship program, the Regents and Chancellors Scholars Program. This program was extremely competitive. A faculty committee selected the students on the basis of their grades, test scores, extracurricular activities, their personal statement and an interview by a team of faculty. In contrast to the National Merit Scholars, the students selected by Berkeley's program were diverse in terms of race, ethnicity, income and language background – not as diverse as the student body as a whole, but diverse nevertheless. Once enrolled at Berkeley, the Regents and Chancellors Scholars did extremely well. In contrast, as a group, the National Merit Scholars did nothing to distinguish themselves academically or otherwise from other students.

This puzzled and disturbed me so I began looking into the National Merit Scholarship program. I found that the program defines merit, in the first instance, exclusively in terms of how well a student does on the PSAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT). The more I looked into the program, the more I became convinced that this is an illegitimate way of defining merit, one that does great harm to underrepresented minorities, poor students and non-native speakers of English.

2. What procedures does the National Merit Scholars Program use to select award recipients? Each October, 2.5 million high school students take the combined PSAT/NMSQT. The PSAT/NMSQT has three sections, two of which assess verbal

skills, one of which assesses math skills. In order to qualify for a National Merit Scholarship, students must take the PSAT/NMSQT in October of their junior year.

The NMSP takes the scores of these students and sets a simple cut-off score to yield a pool of approximately 50,000 high school juniors from which National Merit Scholars will be selected. I believe that the most damage is done at this step – when the cut-off score is used to sort students. Based on preliminary data shared with the PSAT/NMSQT subcommittee but not yet with the full Board, I estimate that 99.7 percent of Black, Hispanic and American Indian students and nearly all poor students from these groups are summarily eliminated at this point. These students, even if they have overcome great hardship or have earned stellar grades, are not given further consideration.

I emphasize that these are my estimates. Even though students who take the PSAT/MMSQT are asked to state their racial/ethnic background, the Trustees have received no precise data on the race, ethnicity and socioeconomic characteristics of the 50,000 students who make the first cut as compared to those of those who are rejected. As Trustees, we must have this basic information to fulfill our fiduciary responsibilities because, without it, we have no way of knowing if the College Board's partnership with the NMSP is compatible with our commitment to equity.

I believe it is not.

3. Who wins and who loses? When we do get the data, I anticipate that we will find that the vast majority of NMSP semifinalists and finalists are affluent white and Asian American students who have had the good fortune to attend well-endowed high schools. I believe that very few African American, Hispanic students or American Indian students, particularly those who are poor or non-native speakers of English, are selected to be National Merit Scholars. The data may prove me wrong, but I doubt it.

I estimate that the percent of National Merit Scholars who are Black, Hispanic or American Indian is close to zero and that the absolute number of poor students from these groups is also close to zero. If we ever learned the precise figures, then we would be forced to question the wisdom and morality of the College Board sponsoring a "merit" scholarship program that effectively locks out Black, Hispanic and American Indian students.

The Trustees should ask how we would design a merit scholarship program if one did not currently exist. I do not know the answer but one thing is clear. We would not design it like the NMSP. Put another way, if we wished to design a scholarship program that denies underrepresented minorities any real chance, we would be hard-pressed to come up with a more effective scheme than that employed by the NMSP. Needless to say, this was not the intent of the NMSP. It is, however, the effect.

4. How should merit be defined? We should not support a definition of merit based, in the first instance, solely on how well a student does on a standardized test.

The NMSP uses PSAT/NMSQT scores to sort very young students into two groups, those with merit and those without. A student who has perfect grades but falls but one point below the PSAT cut-off score is deemed to be without merit. This is not a definition of merit that the Trustees of the College Board should endorse. This way of sorting students does great harm to the vast majority of PSAT takers. It is educationally, psychometrically and socially indefensible.

We should require that any definition of merit be based in large measure on a student's grades. In contrast to test scores, grades reflect what a student actually achieved in school. They are also more powerful predictors of future academic success than test scores.

Most important, Trustees should insist that merit always be defined in much more complex terms than those used by the NMSP. At the very least, we should insist that any definition of merit endorsed by the College Board take into account a student's classroom achievements in light of the opportunities he/she enjoyed and the obstacles he/she faced.

5. What are the consequences of winning or losing? Winners get great benefits. Universities recruit them aggressively. At some universities, they get preferential housing, preferential course enrollment opportunities and access to special programs.

They also get advantageous aid packages. Universities that work with the NMSP are required to award National Merit Scholars "merit" stipends regardless of need. This, in effect, means that many affluent students receive aid that they do not need and that would otherwise go to poor students. In other words, by endorsing the NMSP, the Trustees endorse the practice of taking money from poor students and giving it to rich ones.

This is a practice that the Trustees should condemn, not support.

6. Is this a proper use of the PSAT/NMSQT? The PSAT was not developed to define and assess "merit" and has never been validated for that purpose. We have been given reports that show that there is a correlation between PSAT and SAT scores. We have also been informed that use of the PSAT to select winners and losers is cheaper than other methods. All this may be true, but it is all beside the point. These reports amount to little more than an attempt to justify the status quo.

Trustees should insist that the PSAT be used for its intended purpose – as a practice test that allows students to diagnose their strengths and weaknesses. Our partnership with the NMSP has turned the PSAT from a practice test into a very high stakes test.

Most important, Trustees should oppose the practice of using the PSAT to sort very young students into two groups: those who are meritorious and those who are not.

7. Why must the PSAT/NMSQT be validated for the purpose of selecting merit scholars? Standardized tests are powerful instruments. If misused, they can do great harm. They can be used to unfairly label and categorize students in ways that do lasting

damage. As Trustees of the College Board we have an ethical duty to ensure that all of our tests are used responsibly. That is why the PSAT/NMSQT must be validated before we allow it to be used to select “meritorious” students.

At minimum, any validity study should compare the top 50,000 “meritorious” students with the next 50,000 “non-meritorious” students. These students could be easily divided into those with higher and those with lower grades. This procedure would create four groups: Group A – “meritorious” students with higher grades; Group B – “meritorious” students with lower grades; Group C – “non-meritorious” students with higher grades; and Group D – “non-meritorious” students with lower grades. We could then check the grades these students earned in their first year at college. Through this simple analysis, we could begin to assess whether the PSAT/NMSQT does truly distinguish between “meritorious” and “non-meritorious” students.

I suspect that we have avoided doing this study because we know what we would find. We would most likely find that there is no significant difference between the academic performance of the “meritorious” and “non-meritorious” students and, thus, we would be forced to admit that the method used for dividing the students is unsound.

If we did find a difference, we would most likely find that students in Group C – “non-meritorious” students with higher grades – outperformed students in Group B – “meritorious” students with lower grades. Such a finding, which would be consistent with the College Board’s own research on standardized admissions tests, would leave us with the inconvenient and embarrassing result that the PSAT/NMSQT is used to select the wrong students and reject more deserving ones.

Unless and until we undertake rigorous validity studies, we have no justification for allowing the PSAT to be used by the NMSP.

More important, we must act in accordance with our own principles. We have long argued that our tests should be used responsibly. We have stated that standardized tests should never be used for purposes for which they have not been validated. We have also stated that our tests should be used in conjunction with other important information, most notably grades, because grades rather than test scores are the most powerful predictors of future academic performance. The College Board endorses NMSP practices that violate these basic principles. This is wrong. Our actions should match our words.

8. Is the NMSP fair to non-native speakers of English? The PSAT consists of two verbal sections and one math section. This double weighting of verbal skills, I understand, was the result of a legal settlement with groups that were concerned about fairness to female test takers. I fear that this settlement, however well-intentioned, has caused other inequities, namely that non-native speakers have been put at an unfair disadvantage.

We all know many non-native speakers who excel in school, earn top grades, and who are mastering English as a phenomenal rate, but who, nevertheless, fall below the cut-off score set by the NMSP.

We should have nothing to do with a program that deems these students are without merit.

9. Should we be in close partnership with any organization that ignores the racial/ethnic impact of its programs? We must consider the wisdom of collaborating intimately with the any organization that formally and steadfastly holds that the racial, ethnic and socio-economic impact of its program is of no consequence or concern.

The U.S. Supreme Court, in *Grutter v. Bollinger*, counseled that the future of our democracy depends on providing educational opportunities to young people of all races and ethnicities. The Court stated:

In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity.

The PSAT/ NMSQT is used to send the opposite message.

I believe that the College Board must always consider how its programs affect disadvantaged groups.

10. Can the National Merit Scholars Program be changed in a way that makes it consistent with College Board principles and values? I fear not. The NMSP is based on the following premise:

It is educationally desirable to divide fifteen and sixteen year old high school students into those who are meritorious and those who are not. It is educationally justifiable to make that division on the basis of whether they score above or below an arbitrarily set cut-off score on a two-hour examination that has never been validated for that use and that students take at the beginning of their junior year. It is socially responsible to confer substantial and enduring benefits on those who fall above the cut-off point at the expense of those who fall below. It is ethically defensible to be indifferent to the racial, ethnic and socioeconomic consequences of these actions.

At the very least, to be consistent with College Board principles and values, any program that purports to judge the merit of very young students must take into account what they actually achieved in the classroom and also what advantages they had and what hardships they overcame. To reflect these principles and values, the NMSP would have to make extensive and expensive changes in its selection procedures.

We have discussed the possibility of the College Board initiating its own merit scholarship program to complement the NMSP. We might, for example, identify some disadvantaged urban or rural high schools and give College Board merit scholarships to the top ranking students in these schools. Such a decorative, showcase program, however would not mitigate the great harm the NMSP does to the vast majority of students. Nor would such a program absolve the College Board of the moral responsibility we assumed when we embraced the NMSP, renamed the PSAT to the PSAT/NMSQT, and made it an integral part of the College Board's products and services. Our partnership legitimizes the NMSP, the peculiar way it defines merit, and how it uses that definition to confer prestige and distribute opportunity and assistance.

I have great appreciation for the national scholarship programs that have been developed for African American and Hispanic students. I believe, however, that the existence of these separate programs does not justify our partnership with the NMSP. I also fear that these separate programs may well reinforce racist stereotypes that underrepresented minorities cannot compete on equal terms with white and Asian American students.

In addition, some have argued that the fault lies not with the PSAT/NMSQT but with America's educational system. Because of the savage inequalities inherent in our educational system, there is an achievement gap between white and Asian American students, on the one hand, and underrepresented minorities, on the other. The PSAT/NMSQT, however, is being used to falsely widen and legitimize that gap. If grades rather than test scores were assessed and if the socioeconomic circumstances of students were considered, there would be many more underrepresented minorities and poor students who would be judged to have merit.

11. Who must bear responsibility for the National Merit Scholars Program? During our last discussion, some felt that responsibility for proper use of the PSAT/NMSQT rests with the NMSP, not with the College Board. Some expressed the view that College Board should do all that it can to persuade the NMSP to change its practices but that is the extent of our responsibility. The College Board, however, cannot evade moral responsibility quite so easily.

The NMSP does design and operate its own program. However, the College Board endorses it and gives it national reach and impact. We bundle it together with the PSAT and market it to a captive and unsuspecting audience of very young students. Without us, the NMSP would not have nearly the prestige, acceptance and impact that it does. It might exist, but it would harm far fewer students.

We encourage students to take the PSAT/NMSQT and we must take full responsibility for how the test is used or misused.

12. What should the College Board do? I believe the College Board should terminate its relationship with the National Merit Scholars Program immediately.

Some may balk at my recommendation on the grounds that such drastic action would be bad for business. Our partnership with the NMSP gives us a substantial competitive advantage over the ACT. This, however, is not a business decision. It is a moral decision with business consequences.

Moreover, forthright action would be good for the College Board's financial well-being. If the College Board owned up to the moral implications of its support of the NMSP and terminated its relationship with the NMSP, then we might partially allay the great suspicion and distrust our programs evoke among many underrepresented minority students and disadvantaged students.

A few people might be tempted to argue that our partnership with the NMSP is justified because it generates revenue the College Board uses to sponsor programs aimed at increasing opportunities for underrepresented minorities and disadvantaged students. This argument, however, is based on the premise that it is permissible to hurt students so that we can get the funds to help them. I am confident that all Trustees will summarily reject this self-justifying position.

It is critical that the College Board act now. The College Board is in the process of launching two national initiatives – SpringBoard and the new SAT I. If we want the support of minority and disadvantaged communities, we must earn it. We cannot earn that respect if we continue to endorse the NMSP and market it to PSAT/NMSQT takers while knowing full-well that an underrepresented minority student, particularly a student from a low-income background, has no real chance of being named a National Merit Scholar.

I wish to make clear that, while I am critical of the College Board's endorsement of the NMSP, I strongly support the PSAT. The College Board's efforts in Florida, for example, show how the PSAT can be used to open opportunities and inspire students. However, I am opposed to the College Board's partnership with NMSP because we are allowing the PSAT to be used to deny opportunity and discourage students.

I hope that you find the foregoing comments helpful. I appreciate that some will disagree with my views. I, therefore, recommend that we respect our governance structure and put these issues before the College Board's several councils and committees for formal review and advice. I recommend that we invite member institutions to join our discussion. In addition, I recommend that we make this a topic of discussion at all 2005 regional meetings and at the 2005 National Forum. I would welcome the opportunity serve on panels to discuss and debate these matters. Finally, because our partnership with the NMSP gives us a great market advantage over the ACT, I recommend that we ask an independent commission to review the issues that I have raised. Specifically, I recommend that we request Professor Gary Orfield, director of the Harvard Civil Rights Project which has sponsored ground-breaking studies of merit scholarship programs, to empanel a group of experts to review the issues and to make recommendations. This step would ensure that the College Board's review of these matters is untainted by market concerns and is conducted with complete integrity.

I realize that some may argue that the College Board need take no action, that, while some students may unfairly benefit from the NMSP, no student is injured. I disagree. I have spoken to many students who described their bewilderment as they watched classmates who had earned lower grades in less demanding courses being honored at high school assemblies and feted by local newspapers simply because they had been named National Merit Scholars. I have listened to students describe the discouragement they felt as they witnessed universities from around the country recruit their classmates by offering them substantial financial and other inducements. I have heard students describe the hurt they felt when, despite outstanding achievements inside and outside of the classroom, they were considered undeserving of special recognition or attention. Worst of all, I have heard students say that they began to devalue their accomplishments and doubt their ability because they had been judged to be without merit.

It is these students that the College Board should honor and protect. It is on their behalf that I put these issues before the Board of Trustees.

It pains me to speak so harshly about how the College Board is allowing the PSAT/NMSQT to be misused. However, I would not be fulfilling my duty as a Trustee if I did not state my concerns frankly and openly. I believe that one of our signature programs, the PSAT/NMSQT is being used in a manner wholly incompatible with our commitment to either equity or excellence.

I believe the College Board's endorsement of National Merit Scholarship Program enables it to advance a false definition of merit, one that harms especially underrepresented minorities, poor students and non-native speakers of English. The NMSP encourages unsound practices that confer significant and enduring benefits on the privileged at the expense of the disadvantaged. The College Board's partnership with the NMSP compromises fundamentally our efforts to work toward a system of American education that is both excellent and just.

Respectfully,

Patrick S. Hayashi
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