

In Pursuit of the Status Quo: ASWB's Research, Grantmaking, and Regulatory Practices

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Abstract: *The Association of Social Work Boards (ASWB) Examination Program is used in all 50 states to regulate the practice of clinical social work and in the majority of states to regulate the practice of master's- and bachelor's-level social work. After releasing descriptive data demonstrating biases in exam pass rates by race, age, and dominant language, ASWB engaged in research and regulatory actions that violate social work ethics and psychometric best practices. This article will critique the research, grantmaking, and regulatory practices that support the ASWB Examination Program, using extensive citations to psychometric standards. The article will also critique ASWB's publications and exam documentation and the researchers' experiences engaging with ASWB to study the cause of exam score disparities. The analysis will reveal how, after their 2022 release of data demonstrating exam bias with respect to race, age, and language, ASWB funded researchers already affiliated with ASWB to support what it already tells test takers in its exam guidebook—only structural factors bias exam scores, not psychometric flaws internal to the examination. Moreover, ASWB implemented solutions to exam bias without proper investigation and psychometric support. Because of ASWB's position as the sole publisher and purchaser of licensing examinations, individual state boards are unable to make incremental changes to prevent biased ASWB examinations from closing the profession of social work to groups for whom the exam is invalid, unreliable, and unfair.*

Keywords: *ASWB, licensure, exams, ethics, psychometrics, regulation*

Controlling the Message

Despite decades-long demands to produce validation and equity data (e.g., Albright & Thyer, 2010; Garcia, 1990), the Association of Social Work Boards (ASWB) has refused to produce data demonstrating its claim that their social work examinations are “statistically free from race and gender bias” (ASWB, 2022a, p. 3). In an open letter to social work educators, ASWB's CEO Dwight Hymans (2020) stated, “ASWB does not collect and thus does not release exam outcomes based on demographics. It is the written policy of ASWB as directed by the ASWB Board of Directors” (para. 5). During a later Facebook Live panel, he clarified that the data being sought by the National Association of Deans and Directors (NADD) and the Council on Social Work Education (CSWE) existed, but the “board of directors, at this time, has taken the position that we are not able to share that data” (NASW, 2020, 53:00). When advocates pushed back again, CEO Hymans and ASWB Senior Director of Examination Services, Lavina Harless, explained that the ASWB Board of Directors policy against sharing such data was due to “legal, privacy types of issues” (NASW-Minnesota, 2021, p. 6). Only with the 2022 publication of the *Exam Pass Rate Analysis* (ASWB, 2022e) did ASWB verify that this information

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existed and revealed the massive disparities that many in the social work community had experienced for decades. ASWB does not publish its examination's technical specifications, and it has not published information about exam validation since 2010. Thus, stakeholders must derive psychometric properties of the examinations from the limited public statements made by ASWB—none of which are subject to peer review.

First-Time vs. Eventual Pass Rates

To manage the public perception of inequitable exam outcomes, ASWB selectively reported more favorable statistics in its infographics. Although factual, the infographics present the least representative portrait of exam equity, according to ASWB's methodology section, which stated:

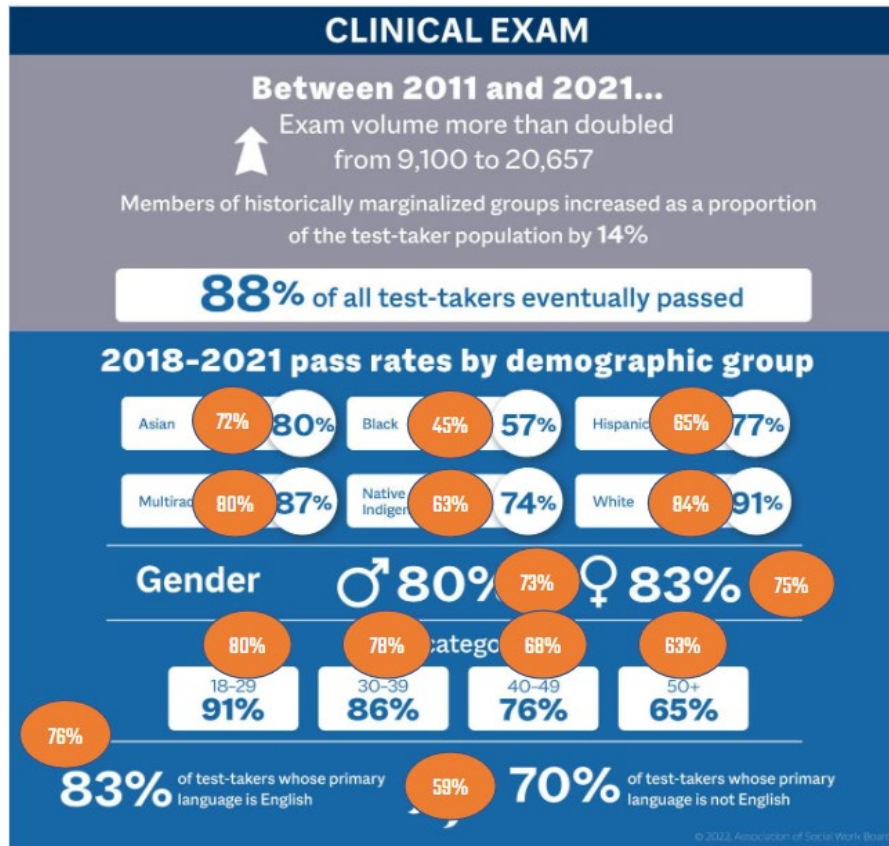
More emphasis will be placed on the presentation of first-time participant counts and pass rates than eventual counts and pass rates [because,] despite being lower overall for all groups, [it] reflect[s] the most methodologically “clean” data [and] allows for the most equivalent comparisons across groups [and] for making the most direct comparisons...with respect to how demographic groups are performing on the exam. (ASWB, 2022e, p. 5)

Yet, in its scholarly communications with the public, its infographics contained eventual pass rates, which are 10-13% higher than first-time pass rates for all groups.

A corrected infographic for the clinical examination is shown in Figure 1. ASWB shared similarly misleading infographics via email and social media for the bachelor's and master's examinations, leaving a more positive view of ASWB exams in the profession than would be gleaned from reading the full report and attending closely to the methodology section. Although pass rates for White social workers were only overstated by 7% from first-time to eventual pass rates, the scores for Black and Latine social workers were overstated by 12% and Native American/Indigenous by 11%. This deliberately misleading scientific communication obfuscates decades of legal precedent in examinations, a record ASWB has an ethical responsibility to state accurately. Legal precedent states that “adverse impact is appropriately measured by the first time a candidate sits for the [employment exam] and fails it” (Gulino v. Board of Education, 2015, p. 19).

Misleading communications such as these violate Standard 1.01 Ethics and Values in the Standards for Technology in Social Work Practice—which ASWB helped to develop (NASW et al., 2017). Such violations are particularly egregious, given ASWB's conflict of interest in preserving the examination program that drives its 17% average annual profit margin (DeCarlo & Nienow, 2025). The NASW Code of Ethics specifically requires “social workers engaged in evaluation or research should be alert to and avoid conflicts of interest” (NASW, 2021, sec. 5.02p). Otherwise, a test-maker like ASWB, could use its data monopoly to control the release of unfavorable information.

Figure 1. *Corrected ASWB Infographic Comparing Groups BY First-Time Pass Rates*



ASWB Changes the Examination Guidebook to Create Empirical Need

Prior to publishing the *Exam Pass Rate Analysis* (ASWB, 2022e), ASWB (2022a) changed how they talked about bias in the examination. From 2014 to June 2022, every social worker taking an ASWB exam was told that “results over several years have shown that ASWB exams are statistically free from race and gender bias” (ASWB, 2022a, p. 3). Quietly, ASWB replaced the untenable untruth with a new one: “there may be differences in exam performance outcomes for members of different demographic groups because exam performance is influenced by many factors external to the exams” (ASWB, 2023a, p. 12). ASWB cites no data to support their contention that variation in exam scores is entirely due to external factors and not internal psychometric flaws in the exam. In an attempt to provide credibility to its claims, ASWB used its regulatory and research position to fund favorable research projects that match what they already tell test-takers is true about exams—biases in scores are society’s fault or the individual’s fault, not ASWB’s fault.

An Unethical Request for Proposals

To explain the cause and solution to the exam score disparities from the *Exam Pass Rate Analysis* (ASWB, 2022e), ASWB distributed a request for proposals (RFP), *Regulatory Research Proposal to Advance Equity*. ASWB promised the RFP would “support the association and the entire social work profession in gaining a deeper understanding of the causes and impacts of various forces on racial disparities and other disparities present within the licensing exam pass rate data” (ASWB, 2023d, p. 1). In contrast to the stated purpose, eleven of the twelve focus areas in the RFP were unrelated to the exam (e.g., telehealth, enforcement, supervision), indicating research on exam equity was not the main priority for the RFP.

Even more troublingly, ASWB managed the RFP internally. Email announcements from ASWB to researchers seeking to apply for the RFP indicated the RFP would be managed by the Regulatory Research Committee (RRC), members of which are appointed by the President of ASWB’s Board of Directors. Other public announcements stated the American Foundation for Research and Consumer Education in Social Work Regulation would “provide data sets and limited funding for approved proposals” (ASWB, 2023b, para. 8). While this would appear to be a neutral third party, the foundation is actually ASWB’s “research arm,” (para. 8) having been absorbed formally into ASWB in 2017 under both organizations’ CEO, Mary Jo Monahan. Regardless of which internal organ ASWB used, the ASWB volunteers who evaluated applications were furthering their organization’s interest, an act prohibited by the NASW (2008) *Code of Ethics* (Section 5.02, para. p). These conflicts of interest could have been avoided by using a multi-stakeholder process with psychometric expertise to address the equity concerns of stakeholders and the social work community as a whole.

ASWB Controls Dissemination

ASWB has historically ignored calls from the community to be forthcoming with data regarding the validity, reliability, and fairness of its exams (e.g., Albright & Thyer, 2010; Biggerstaff, 1994; Cherry et al., 1989; Woodcock, 2015). By controlling access to exam data, ASWB can censor research findings which conflict with their rhetoric that the exams are psychometrically sound. Dissemination of research findings using ASWB exam data is governed by ASWB bylaws which restrict researchers from publishing their findings without ASWB’s final edit. ASWB “reserves the right to require review and approval of any research product developed under [the Research Support] policy prior to the product’s dissemination” (ASWB, 2022c, p. 23). Because ASWB controls and directs the flow of research on its exams, it can direct support of millions of dollars in funding and access to exam data to serve its financial interest over the public interest. This was stated clearly by the previous CEO, Dwight Hymans, at the MN State Board of Social Work meeting in which he answered calls for accountability by clarifying that ASWB is

not a social work advocacy organization...ASWB is a private not-for-profit organization. The exam program is proprietary. ASWB can make decisions about their information/data within that context. We will exercise rights within certain

parameters to do what is right for the organization (Minnesota Board of Social Work, 2021, pp. 8-9)

ASWB also required any applicants to the RFP to share intellectual property with ASWB, as all proposals were “considered proprietary to ASWB and the bidder” and could not be discussed “with any other parties, including competitors, at any time” (ASWB, 2023d, p. 8). When the second author of this article proposed a collaborative project for this RFP, ASWB rejected the proposal because they lacked coordinating agreements with proposed partners, agreements they were contractually forbidden from engaging in prior to ASWB awarding the grant. Of the 13 proposals submitted, 3 were funded, and the community does not know which empirical questions were rejected by ASWB and why.

ASWB Unethically Dictates Hypotheses for Researchers

ASWB exercised monopoly control over the research proposal and selection process, ensuring only its preferred question was answered: What is the impact of external factors on exam outcomes? In an apparent breach of research and social work ethics, ASWB’s RFP suggested hypotheses for researchers which absolved ASWB created exams of any responsibility for disparate outcomes. All proposals funded by ASWB through this RFP adhered to the suggested research questions, helping ASWB manifest an empirical record that matches what ASWB already states to test takers in their guidebook (ASWB, 2023a).

ASWB’s public statements demonstrate their clear intention to manufacture a scientific consensus on external factors to the exclusion of other explanations. The RFP states “research proposals might address correlating *external* [emphasis added] variables that may influence the disparities in the licensing exam pass rate data...includ[ing] *upstream factors* [emphasis added]” (ASWB, 2023d, p. 4). The exam guidebook states: “there may be differences in exam performance outcomes for members of different demographic groups because exam performance is influenced by *many factors external to the exams* [emphasis added]” (ASWB, 2023a, p. 12). In their Testing Experience webinar, ASWB specified the purpose of the RFP was to “look at *upstream factors* [emphasis added] and relevant correlations we might make with test scores and *the larger society* [emphasis added]” (ASWB, 2023g, 30:03). While hypotheses suggested in the RFP include upstream factors such as “life experiences from ‘early childhood’” (ASWB, 2023d, p. 2), not included are more obvious explanations such as the psychometric tests and procedures, test validation and fairness analysis, all required by the *Joint Standards* (American Educational Research Association [AERA] et al., 2014)—such as differential test functioning, small sample methodologies, and cognitive tryouts. Despite these compliance gaps, ASWB states they follow the *Joint Standards* (ASWB, 2023c).

ASWB Rejects Measurement Equivalence Study

Nevertheless, two psychometricians and the first author submitted a proposal to ASWB to assess the test information curve, test characteristic curve, and dependability indices for pass/fail decisions. The proposal did not ask for any funding, just access to exam equity data to perform the analyses required by the *Joint Standards* and best practices in

psychometric testing. Following open scientific practices, the researchers proposed analyzing ASWB's confidential test data in the open-source statistics software R. ASWB could check the authors' analysis, confirm results, and, if insightful, implement it for free in examinations moving forward. The proposal was difficult to fit into the RFP's funding language; however, researchers were hopeful the analysis would investigate these previously unexplored, yet legally and methodologically required test-level psychometric specifications. ASWB first rejected the proposal because it did not ask for money. Upon pointing out the proposal asked for data, ASWB then clarified the proposal was rejected for not specifying which data were requested for analysis. A full summary and demonstration can be found in DeCarlo and Bean (2024).

ASWB Ignores Required Psychometric Tests

The *Joint Standards* identify several other methodological tools that test developers should use when the fairness of examinations is in question. Contrary to the funding priorities in the RFP, the *Joint Standards* require ASWB to test hypotheses internal to the examination. Specifically, the *Joint Standards* state: "especially where credible evidence of potential bias exists, small sample methodologies should be considered. For example...small-scale tryouts that use *cognitive labs* and/or *interviews* or *focus groups* [emphasis added] to solicit evidence on the validity of interpretations made from test scores" are indicated (AERA et al., 2014, p. 52). Cognitive labs would:

use approaches involving structured interviews or think-aloud protocols with selected test takers...to identify irrelevant barriers to responding correctly that might limit the accessibility of the test content [and] provide evidence that the cognitive processes being followed by those taking the assessment are consistent with the construct to be measured. (AERA et al. 2014, p. 82)

ASWB has never publicly reported conducting such studies nor considering them in response to exam score inequities.

Biased Focus Groups on External Factors

One research practice ASWB has implemented in response to their release of the exam disparity data is focus groups. As a participant in those groups, the first author can summarize their experience with the unethical practices contained within the protocol. The groups focused heavily on one's long-term "social work journey" with no questions about the validity or cultural sensitivity of the examination. Other participants publicly reported being told by facilitators that "we are not here to talk about" exam pass disparities, chiding participants' "strong opinions" and questioning why they attended (Kays, 2023). When recruiting participants, ASWB publicly maintained focus group "data will be reported alongside the August 2023 publication of pass rate data and used as we evaluate...potential modifications to exam delivery" (ASWB, 2023e, para. 7). Contrary to the promise of open data, focus group results were published in a cursory report with no access to the underlying data. As of the writing of this article in the fall of 2025, ASWB has not published exam equity data for 2022 or 2023.

In the focus group session attended by the first author, participants were told the facilitators from HumRRO were not associated with ASWB prior to helping them produce the exam pass rate analysis. However, after participating, the first author discovered they had mistakenly consented to having their data collected by the consultants responsible for ASWB's "third-party" psychometric consulting since 2014 (ASWB, 2023f). After filing an ethical complaint, the consent form was changed to reflect that the consultants responsible for the focus groups also oversaw the questionable psychometric practices of ASWB exams. The conflict of interest was manifest when, rather than directing focus groups towards the examination itself, ASWB and their long-time consultants unnecessarily broadened the conversation to participants' "journey through licensure" which explored the external factors that shaped people's examination experiences. It was not the role of focus group participants to talk about difficulties in the examination, but it was "the role of a community conversation participant...to share their lived experiences, providing information about their careers, educational backgrounds, and current circumstances" (ASWB, 2023f, para. 4). Focus groups were conceptualized and analyzed using ASWB's preferred hypothesis that exam bias is caused by inequities in the workforce pipeline, ignoring questions that could elucidate psychometric flaws in the examinations.

ASWB Funds Only Internal Researchers to Investigate Equity

Three research teams won the RFP process—all of which were previously affiliated with ASWB. The first team was from the Utah Division of Professional Licensing, which is using computer modeling to estimate the impact of policy changes on licensure, inviting social workers to "turn the knobs and see the impact" (ASWB, 2023h, para. 10). As they are professional regulators in Utah, they are ASWB members.

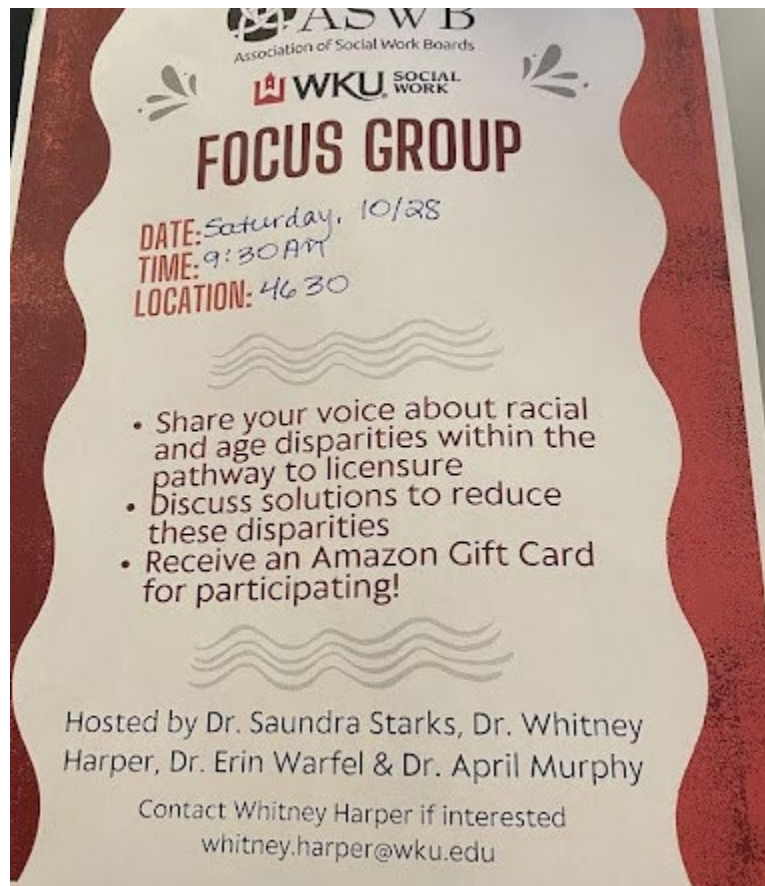
The second team from Western Kentucky University (WKU, 2023) included an "external consultant" who was a former member of the ASWB committee providing the grant and had served in senior roles at ASWB for two decades (Starks, 2019). This person's role was not external. She facilitated focus groups at social work conferences, and recruited participants with a form listing ASWB as the primary organization, as indicated in Figure 2.

The final team is led by a researcher funded through ASWB's previous RFP in 2020, Dr. Joy Kim. In personal communication with the first author, she confirmed that her research project would assume ASWB examinations are psychometrically sound and subject to industry-standard scrutiny (J. Kim, personal communication, March 14, 2024). As a result, Kim and Joo's reports ignore internal psychometric validity and reliability entirely, focusing instead on the "individual, institutional, and community factors that test-takers carry with them throughout their lives" (ASWB, 2024a, para. 1). Because these reports follow ASWB's preferred hypotheses, this research project was the only team permitted to access ASWB's exam equity data. Nevertheless, the team revealed how little "external factors" impact exam outcomes.

Far worse than the descriptive disparities reported in ASWB's 2022 *Exam Pass Rate Analysis*, Black social workers are 6.5x more likely to fail the exam than White social workers, Latine social workers are 2.8x more likely to fail the exam, and "the odds of exam

failure for Asian examinees were 2.055 times higher than the odds for white examinees” (Kim & Joo, 2024, p. 28). Controlling for external factors in the workforce pipeline reduced these disparities by a mere 10-30%, according to the report. Kim and Joo’s report is published by ASWB and featured prominently on its webpage for understanding ASWB exam pass rates. Its results indicate that external factors are a small factor in exam score inequities across racial, linguistic, and age groups.

Figure 2. *Consent Form From a Social Work Conference Indicating Primary Role of Dr. Starks and ASWB*



The team’s Qualtrics survey asked for the level of agreement to the team’s six focus group questions and omitted the “external” consultant’s role from the consent form. No questions addressed problems in the examination itself. ASWB paid the researchers \$160,000 (WKU, 2023).

Wrong Solutions for the Wrong Problems

Because it did not fund studies examining the true psychometric causes of exam biases, ASWB has implemented solutions, without attention to psychometric standards, that give

the appearance of solving the problem of inequitable pass rates on the licensure exam. Some of these solutions have included test prep resources, reducing the number of answer responses, and remote proctoring. Each of these solutions creates its own set of negative consequences, and none of them has been introduced with any published evidence supporting their efficacy.

Unhelpful Test Prep Resources

Acknowledging the impact of test effects on passing ASWB exams, ASWB now offers all test-takers the option of completing a free “test mastery” curriculum, developed by FifthTheory. According to the Test Mastery Inclusion manual (Dages & Jones, 2024), FifthTheory provides many services to employers to “promote a strong customer experience,” and for professional disciplines like education and social work, “offers educational and career assessments...related to high-stakes test taking and occupational interests” developed by industrial organizational psychologists (Dages & Jones, 2024, p. 2).

Starting in 2023, everyone who failed an ASWB examination received an optional “brief, online assessment of...test mastery mindset” measured by 16 competencies, including how “mentally tough,” “internally controlled,” and “self-disciplined” a test-taker is (ASWB, 2022b, p. 1). FifthTheory and ASWB’s program is a purportedly race-neutral program whose racial impact was never tested by ASWB prior to implementation, leaving open the possibility that the test mastery curriculum is orthogonal or in opposition to progress on exam equity. In FifthTheory’s promotional literature, it explains lower exam scores might be caused by test takers’ “basic mindset” as defined by a “tendency to lack a driving force to prepare, carelessly prepare for tests, lack confidence within tests, and be negative and worried when completing tests” (FifthTheory, 2022, p. 3). According to these resources, a test taker who questions whether the examination is flawed is exhibiting negative, pessimistic thinking. Biases in scores are not the result of shoddy psychometrics but test takers “struggling with their poise, as evidenced by a loss of self-confidence and increased feelings of stress and worry” who need to adapt and “self-manage their competencies so that they can increase their levels of motivation, responsibility, self-confidence, and resiliency when preparing for and taking high-stakes exams” (ASWB, 2022b, p. 3). These explanations appear to gaslight and blame the victim for their own oppression by situating the “many factors external to the exams,” that ASWB admits are there, within the control of the individual test taker (ASWB, 2023a, p. 12).

FifthTheory touts its curriculum as “valid, reliable...and meets APA and professional standards” (FifthTheory, 2022, p. 2); however, ASWB and FifthTheory provide neither scholarly citations nor industry studies for users of the service to assess the scientific merit of the test mastery curriculum. FifthTheory and ASWB test mastery products provide no supporting evidence with a footnote disclaiming:

is important to note that research studies do not exist for all of the test taker coaching interventions...on the *FifthTheory TestPrep Profile* [emphasis in original] report... published research exists for certain types of recommended interventions (e.g., shifting from rational to irrational self-talk and learning

relaxation skills), while some interventions are based on case study reports. (ASWB, 2022b, p. 18)

In addition to the lack of evidence underlying the program or efficacy in changing social workers' test mastery, it should be noted that the cost of FifthTheory's services for 7,500 test takers is \$15,000 per year (FifthTheory, 2022), a fraction of ASWB's overall wealth (ProPublica, n.d.). The utility of the resources was panned by social workers who used the program and responded to the ASWB evaluation. Only 11% of users responded to the evaluation and nearly half of these social workers disagreed or strongly disagreed that the resources "helped them understand their test mastery mindset." A majority of social workers disagreed or strongly disagreed that the resources helped them feel "better prepared to retake the exam" (ASWB, 2024b para. 3). Despite the fact that most social workers disagreed FifthTheory resources were helpful, and only 11% of those who used the services provided feedback, ASWB declared the pilot study successful and now provides test mastery resources to all test-takers. This to worsen stereotype threat, as these materials problematize the person's self-efficacy rather than systemic biases in the exams (Steele, 2010).

Make Items Easier to Guess Correctly

ASWB also recently announced that they are transitioning to using three-answer items, increasing the likelihood respondents can guess the correct answer by eliminating an incorrect option (ASWB, 2022f). Although the *Joint Standards* require ASWB to collect test-level statistics when important changes are made as part of the psychometric specifications, they have not done so (AERA et al., 2014; ASWB, 2022f). ASWB's public statements announcing 3-option items state only that "this change follows psychometric expertise that confirms the validity of three-option multiple-choice questions" (ASWB, 2022f, para. 2).

ASWB believes an improved experience will not change the statistical performance of the examination enough to require a new round of validation to remain legally defensible. ASWB's examination guidebook states that "no test-taker receives an advantage or disadvantage because of the version of exam received" (ASWB, 2023a, p. 26); yet it would seem unavoidable that test takers with one fewer distractor would guess more accurately, and this would vary based on the number of three-answer questions received. Social work boards must deny this logic and rely on ASWB's vague assurances of test validity and fairness. Moreover, there are no empirical studies from ASWB demonstrating scores collected from January 2023 through the full rollout—which contain an uneven number of 3-option and 4-option questions—are equivalent to exams with a fixed number of answers per question.

ASWB Blocks Incremental Changes by State Boards

Social workers serving on state boards have attempted to reduce the exclusionary impact of examinations through moderate policy changes. However, state boards are required to use the examinations as ASWB intended. Deviating, for example, by allowing

recent MSW graduates to take the clinical exam, would require boards to “justify the new interpretation [of the exam] for that use, providing a rationale and collecting new evidence, if necessary” (AERA et al., 2014, p. 24)—a costly endeavor.

Exceptions to ASWB Exam Use Policy

Exceptions to ASWB exam policies are allowed. Many states allow test takers to sit for examinations while enrolled in their last semester of a BSW or MSW program, relying on the rationale that soon-to-graduate students are virtually identical to recently graduated students. However, when Florida, North Carolina, and other states allowed recent master’s graduates to sit for the clinical examination, ASWB used their power as exam developer to stop that practice. They justified the enforcement decision by pointing out that “allowing licensure candidates to take the exam before [two years of clinical supervision] can erode the exam’s reliability, and consequently its validity” (ASWB, 2019, para. 3). The psychometric methodology ASWB uses to develop its exams, in turn, provides the exam’s “legal defensibility as a fair and consistent tool helping boards make minimum competence decisions as part of the licensure process” (ASWB, 2021, p. 17).

This action was part of the 2016-2021 Exam Use Policy enforcement campaign which saw 28 states and provinces flagged for implementing examinations in potentially invalid ways (ASWB, 2016). As ASWB said to boards, “enforcing appropriate use of the exams helps maintain the highest psychometric and legally defensible standards on behalf of our members that use the exam(s) as part of their licensing process” (p. 2). ASWB’s enforcement highlights how subaltern boards are in their relationship with ASWB and how the logic underlying ASWB’s examination program becomes enshrined in state law. As part of the enforcement campaign, ASWB gave its members (i.e., state boards) three options: “change the necessary jurisdictional laws/regulations/policies; request an exception; [or] cease using the exam(s) for the noncompliant purpose” (ASWB, 2016, p. 2). State boards are also discouraged from any reform efforts because, according to ASWB:

Examination programs...are highly complex, expensive operations that require constant maintenance. For most boards, mounting a defensible examination program would be impossible. Through ASWB...boards can have access to and control over a valid and defensible examination program, a program that provides consistency that strengthens regulation. (ASWB, 2021, pp. 9-10)

Slow-Walking Exceptions for Test-Takers Facing Unemployment

Social workers not in their last semester of school find exceptions to ASWB’s exam use policy difficult to procure. California’s 2021 contract with ASWB tried to create another exception. It specified that a candidate who fails an examination “within five (5) test items of the passing score” may retest within the normally prohibited 90-day window “when a candidate’s employment is in jeopardy...documented in writing by the employer, and...approved by the member board” (California Board of Behavioral Sciences [CA BBS], 2021, p. 13). This option was foreclosed during a January 2023 meeting of the California BBS because:

After several meetings, it was determined that the ASWB database could not meet the Board's current re-exam system parameters and that the process for managing these waivers would have to be a manual process performed by Board staff. Managing and monitoring these requests has become a significant workload for exam staff...To allow for the 90-day waiver option, ASWB would need to take over the reexam approval process. For this service, ASWB would require a \$60 fee from each requesting candidate. Based on the volume of approved 90-day waivers, the amount of candidates that utilized their waiver, and the possible added cost to each candidate, staff determined it was not a feasible option. The Board will continue to approve candidates for the re-exam once the 90-day waiting period passes. (Atkins, 2023, p. 1)

As California's experience demonstrates, even when required by contracts and member boards to provide exceptions to exam use policies, ASWB can make compliance infeasible for its member boards. State boards are deeply overworked and under-resourced; made up of volunteers and a small number of paid staff. In contrast, ASWB is an immensely profitable company with over \$40 million in net assets (DeCarlo & Nienow, 2025). Bearing the additional cost and staffing would not be an unreasonable expectation for an organization serving its member boards.

ASWB: We Will Leave if you Change

Ultimately, it is ASWB who determines whether states can regulate social workers because they are the monopoly provider of licensing exams, in some cases codified in statute as the only provider of social work exams in a state (e.g., Pennsylvania, Delaware). Without ASWB's exam program, state boards could not license new social workers. Moreover, many states require that social workers pass the examination within a set time period or lose their ability to practice social work, as governed by title protection and licensure statutes (Landsman & Rathman, 2023). If boards wish to modify exams to ease workforce challenges, they erase the validation that accompanies ASWB exams (AERA et al., 2014).

ASWB: Evidence for Public Protection is "Bleaker Than ASWB Expected"

The empirical and policy data demonstrate that examinations gatekeep the workforce. Data from the Social Workers for Equity & Anti-Racism (SWEAR) in the Greater Washington, DC area noted that if non-White social workers passed LBSW, LMSW, and LCSW exams at the rate of white social workers, an additional 1,227 social workers in Maryland and 474 social workers in DC would have been licensed over the past decade (Doyle, 2023a, 2023b). Perhaps even inequitable gatekeeping would be partially justifiable if exams contributed to public safety. However, although ASWB's public statements proclaim the efficacy of exams at gatekeeping unethical social workers, a comprehensive review funded by ASWB and reported by Kim (2023a, 2023c) demonstrates ASWB's core claim of public protection lacks supporting evidence.

Previously, when asked for evidence of public protection, ASWB cited the number and type of complaints and enforcement actions. Once they commissioned a researcher to “present a summary of empirical evidence (or lack thereof)” of ASWB’s regulations, ASWB found “the reality was much bleaker than ASWB expected” (ASWB, 2022d, para. 2). Kim’s (2023a) ASWB-sponsored research found that

data are not available at the national and regional levels regarding the proportions of social worker degree holders who practice social work but are exempt from licensure requirements. Second, perhaps most importantly, it is unknown if and to what extent public health and safety are compromised by licensure exemptions. It is even difficult to find empirical evidence supporting that social work licensure protects the public from harm. (p. 113)

ASWB’s research communications clearly state there is “very little documentation and research” on any “specific regulatory practices in social work,” (ASWB, 2022d, para. 2) and \$107,799 in ASWB funding (Kim, 2023b) and an accomplished regulatory researcher could only find one study out of the 400 examined by Kim and colleagues (2023c) that provides “evidence supporting the use of a standardized licensure exam” for public protection (p. 11). This dissertation and pilot study from 1995 surveyed decades of Kansas social work disciplinary records but did not measure race. This is the only study, according to ASWB’s own research, that supports the contention that social work examinations fulfill their express purpose: public protection.

Implications

Unjust restrictions in the supply of social workers cause 163 million Americans to live in a mental health professional shortage area as defined by the Health Resources & Services Administration (HRSA, 2023). This paper demonstrated how the Association of Social Work Boards uses its regulatory and testing monopoly position to shape the narrative about its examinations and maintain the regulatory status quo. ASWB negotiates with itself, hires itself to produce examinations, and funds internal researchers to pursue hypotheses, prioritizing the regulatory status quo over rigorous science.

Social Work Board & Employer Liability

ASWB regularly claims its examinations provide a legally defensible measure of entry-level competency. However, its practices mirror problems with examinations that courts have found discriminatory and have led to billions of dollars in payments to test takers by human service employers. A recent federal court decision in *Gulino v. Board of Education* (2015) held that the Liberal Arts and Sciences Test, which was required for all public school teachers by New York City Department of Education, violated Title VII of the Civil Rights Act because: (a) the pass rate for many minoritized groups of test takers was “at most 80% of the pass rate” (p. 2) for white test takers; (b) it was not properly validated according to professionally acceptable methods; and (c) it was not manifestly related to legitimate employment goals (Croft, 2017). The class action lawsuit included over 32,000 claims filed by New York City teachers who were denied promotions and lost their employment due to failing a biased examination.

After the New York City Department of Education finally lost the 27-year-old case, it set aside \$1.35 billion to pay the anticipated claims over the next few years (New York City Comptroller; Lander, 2023). Individual teachers are receiving multi-million-dollar payments, underscoring the devastating impact biased exams have on occupational, financial, and life trajectories. A future court decision testing ASWB examinations will likely make the same determination. When ASWB was sued by three test-takers in New York, its entirely reasonable defense was that ASWB was not an employer like in *Gulino*. Thus, if social work exams go to court, state boards, government agencies, and social work organizations may face liability for requiring biased examinations, particularly when they are unrelated to job tasks.

Worsening the Workforce Crisis

The impact of keeping an exam with no reported validity that systematically excludes minority graduates of accredited social work programs is felt by both clinicians and communities. Examinations impact the supply of social workers. When Illinois removed the examination requirement for pre-clinical licensure, they saw an over 700% increase in the number of licensed social workers (DeCarlo, 2022). Although ASWB stated that these changes were “fraught with public protection peril” (Atkinson, 2021, para. 19), NASW-Illinois noted that there was no accompanying increase in licensure complaints (DeCarlo, 2022). Indeed, NASW-Illinois’ and NASW-Minnesota’s presidents emphasized that public safety was threatened by the status quo. ASWB’s biased exams kept qualified clinicians in positions and paraprofessional roles unregulated by the licensing board (DeCarlo, 2022). Creating an alternative pathway to licensure increased the number of social workers whose practice was now supervised by the social work board’s public protection mission (Skeen & Goodenough, 2023).

We cannot rely on ASWB to police itself. Now that the 2024 practice analysis has concluded, the results should be published openly so that the community can probe the data for potential sources of invalidity during item generation. Open scientific practices and the *Joint Standards* require ASWB to document its sample size, statistical procedure, and outputs as well as share its data so community researchers could validate exam scores and probe for sources of biased functioning. The second author attempted to work with ASWB leadership to form a Regulatory Community of Practice whose purpose would be to fill the dearth of empirical research on social work regulation. However, when it was discovered the second author was presenting data to stakeholders on the exam disparities (with the first author), the initial meeting of the group was canceled by the ASWB Director of Research, Jennifer Henkel, due to “the misalignment of values surrounding entry to practice” (personal communication, March 26, 2024).

As the researchers’ experiences demonstrate, ASWB will not produce the psychometric documentation and statistics needed for impartial psychometricians to evaluate ASWB exams or create alternative National Qualifying Examinations (NQE), as the social work licensing compact calls them. The production of the NQE should be subject to an open and competitive bidding process in which the psychometric qualities of each examination are evaluated by qualified professionals unaffiliated with the exam developer.

Furthermore, states looking to address exam equity should look towards the Oregon Board of Licensed Social Workers' Alternative Pathways to Social Work Licensure Committee. Although the alternative pathways implemented by Illinois and Minnesota relieve the bottleneck of broken exams in the workforce pipeline, they unjustly impose additional years of supervision on groups for whom the examination does a poor job of measuring competence. The direct financial penalty of paying for hourly supervision is compounded by lost job opportunities and delaying the post-licensure increase in income of 10.6% (Kim et al., 2021). Policy compromises and incremental changes are laudable and worthy outcomes. However, Farr et al. (2024) conclude that for social work exams "nothing less than abolition can achieve an equitable pathway to licensure" (p. 21).

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