S T A T E O F N E W Y O R K

1444

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the disclosure of standardized test scores

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 342 of the education law, as added by chapter 813 of the laws of 1980, the closing paragraph as amended by chapter 565 of the laws of 1986, is amended and a new subdivision 2-a is added to read as follows:

2. Within ninety days after filing a standardized test pursuant to subdivision one of this section and for a period of not less than ninety days after the offer is made, the test agency shall provide [to the test subject the opportunity to secure] ALL TEST SUBJECTS WHO DO NOT SIGN A WAIVER WITH:

a. a copy of the test questions used to calculate the test subject's raw score;

b. a copy of the test subject's answer sheet, or answer record where there is no answer sheet, together with a copy of the correct answer sheet to the same test with questions used to calculate the test subject's raw score so marked; and

c. a statement of the raw score used to calculate the scores reported to the test subject.

[The agency may charge a nominal fee for providing such information, not to exceed the direct cost thereof. Notwithstanding any other provision in this section, a test agency shall permit a test subject to elect in writing this opportunity both at the time the test subject registers to take a test and at the time the test agency reports test scores to the test subject; provided, however, that the provisions of this paragraph shall not apply where either the materials described in paragraph (a) or (b) of this subdivision are provided during the test

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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administration. The form permitting such election shall describe the opportunity offered pursuant to this subdivision in clear and plain English and shall be part of and included in the test registration form and in a form provided to the test subject at the time test scores are reported to the test subject.]

THE COST OF PROVIDING SUCH INFORMATION SHALL BE INCLUDED IN THE REGISTRATION FEE, NOT TO EXCEED THE STANDARD COST OF PROVIDING SUCH INFORMATION. A TEST AGENCY SHALL PROVIDE ALL TEST SUBJECTS WITH THE OPPORTUNITY TO SIGN A WAIVER ELECTING NOT TO RECEIVE SUCH INFORMATION, BOTH AT THE TIME THE TEST SUBJECT REGISTERS TO TAKE A TEST AND AT THE TIME THE TEST AGENCY REPORTS THE SCORES TO THE TEST SUBJECT; UNLESS SUCH WAIVER IS PROVIDED DURING THE TEST ADMINISTRATION. WAIVERS SHALL BE FINAL AND TEST INFORMATION MAY ONLY BE MADE AVAILABLE TO A TEST SUBJECT WHO HAS WAIVED THEIR RIGHT TO SUCH INFORMATION WHERE EXTENUATING CIRCUMSTANCES EXIST. TEST SUBJECTS SHALL RECEIVE SUCH INFORMATION WITHIN A TIME NOT TO EXCEED NINETY DAYS FROM SUCH TEST SUBJECT'S RECEIPT OF HIS OR HER SCORE.

2-A. TEST SUBJECTS WHO TAKE A TEST VIA A COMPUTER AND DO NOT SIGN A WAIVER, SHALL PROVIDE THE TEST AGENCY WITH AN E-MAIL ADDRESS TO WHICH THE INFORMATION SET FORTH IN SUBDIVISION TWO OF THIS SECTION SHALL BE DELIVERED. TEST SUBJECTS WHO TAKE A WRITTEN TEST AND DO NOT SIGN A WAIVER SHALL RECEIVE THE INFORMATION SET FORTH IN SUBDIVISION TWO OF THIS SECTION THROUGH THE MAIL.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.