

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:

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

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

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

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

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

18 [The agency may charge a nominal fee for providing such information,
19 not to exceed the direct cost thereof. Notwithstanding any other
20 provision in this section, a test agency shall permit a test subject to
21 elect in writing this opportunity both at the time the test subject
22 registers to take a test and at the time the test agency reports test
23 scores to the test subject; provided, however, that the provisions of
24 this paragraph shall not apply where either the materials described in
25 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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1 administration. The form permitting such election shall describe the
2 opportunity offered pursuant to this subdivision in clear and plain
3 English and shall be part of and included in the test registration form
4 and in a form provided to the test subject at the time test scores are
5 reported to the test subject.]

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

17 2-A. TEST SUBJECTS WHO TAKE A TEST VIA A COMPUTER AND DO NOT SIGN A
18 WAIVER, SHALL PROVIDE THE TEST AGENCY WITH AN E-MAIL ADDRESS TO WHICH
19 THE INFORMATION SET FORTH IN SUBDIVISION TWO OF THIS SECTION SHALL BE
20 DELIVERED. TEST SUBJECTS WHO TAKE A WRITTEN TEST AND DO NOT SIGN A WAIV-
21 ER SHALL RECEIVE THE INFORMATION SET FORTH IN SUBDIVISION TWO OF THIS
22 SECTION THROUGH THE MAIL.

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