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

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I N S E N A T E

June 15, 2012

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

AN ACT to amend the education law, in relation to pre and post test reporting requirements and test site registration and sign in

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

Section 1. Subdivision 3 of section 340 of the education law, as amended by chapter 813 of the laws of 1980, is amended and five new subdivisions 10, 11, 12, 13 and 14 are added to read as follows:

3. "Test subject" means an individual to whom a test is administered OR AN INDIVIDUAL WHO HAS REGISTERED TO TAKE A TEST.

10. "HOME HIGH SCHOOL" MEANS THE HIGH SCHOOL AT WHICH A TEST SUBJECT IS OR WAS A MATRICULATED STUDENT AT THE TIME OF TESTING.

11. "TESTING SITE" MEANS ANY LOCATION WHERE A STANDARDIZED TEST IS ADMINISTERED TO A TEST SUBJECT.

12. "TEST SITE PERSONNEL" MEANS A PERSON PRESENT AT A TESTING SITE WHO SIGNS IN TEST SUBJECTS WHO ARE REGISTERED TO TAKE THE TEST AT THAT SITE AND WHO OVERSEES THE ADMINISTRATION OF A STANDARDIZED TEST. FOR PURPOSES OF THIS DEFINITION, TESTING SITE PERSONNEL MAY INCLUDE, BUT NOT BE LIMITED TO, A PROCTOR, TEST CENTER SUPERVISOR, ASSISTANT SUPERVISOR OR A ROOM PROCTOR. EACH MAY HAVE A DIFFERENT ROLE IN TEST ADMINISTRATION OVERSIGHT.

13. "ACCEPTABLE PHOTO IDENTIFICATION" MEANS A SCHOOL IDENTIFICATION CARD, A SCHOOL IDENTIFICATION FORM PREPARED BY THE HOME HIGH SCHOOL, A STATE-ISSUED DRIVER'S LICENSE, A STATE-ISSUED NON-DRIVER'S LICENSE, A PASSPORT, A MILITARY IDENTIFICATION CARD OR A GOVERNMENT ISSUED IDENTIFICATION CARD. THE PHOTOGRAPH ON ANY SUCH IDENTIFICATION CARD MUST BE A CURRENT REPRESENTATION OF THE TEST TAKER'S IMAGE.

14. "PHOTO ADMISSION TICKET" MEANS A TICKET ASSIGNED TO A TEST REGISTRANT, UPON REGISTERING TO TAKE THE ACT ASSESSMENT (ACT) OR THE SAT WHICH IS PRODUCED BY THE TEST AGENCY ACCORDING TO SUCH AGENCY'S RULES, REGULATIONS OR PROTOCOLS.

S 2. The education law is amended by adding a new section 344-d to read as follows:

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

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S 344-D. PRE AND POST TEST REPORTING REQUIREMENTS AND TESTING SITE REGISTRATION AND SIGN IN REQUIREMENTS. 1. THIS SECTION SHALL ONLY APPLY TO UNDERGRADUATE COLLEGE ADMISSION EXAMS SUCH AS THE SAT OR THE ACT ASSESSMENT (ACT).

2. (A) UPON REGISTERING TO SIT FOR THE SAT OR ACT A TEST SUBJECT SHALL REPORT TO THEIR HOME HIGH SCHOOL THE TESTING SITE AT WHICH THEY ARE REGISTERED TO TAKE THE EXAM;

(B) UPON COMPLETION OF THE EXAM AND RECEIPT OF THEIR SCORE, THE TEST SUBJECT MUST REPORT SUCH SCORE TO THEIR HOME HIGH SCHOOL.

3. IN ORDER FOR A TEST SUBJECT TO SIT FOR SAT OR ACT THE TEST SUBJECT UPON SIGN IN, MUST PROVIDE TO THE APPROPRIATE TEST SITE PERSONNEL AT THE TESTING SITE, THE FOLLOWING:

(A) IF A TEST SUBJECT IS REGISTERED TO TAKE AND IS TAKING THE TEST AT THEIR HOME HIGH SCHOOL OR IF THE TEST SUBJECT IS REGISTERED TO TAKE THE EXAM AND IS TAKING THE EXAM AT A SITE THAT IS NOT THE TEST SUBJECT'S HOME HIGH SCHOOL, THE TEST SUBJECT MUST PROVIDE ONE FORM OF ACCEPTABLE PHOTO IDENTIFICATION AND A PHOTO ADMISSION TICKET.

(B) A TEST SUBJECT MUST PRE-REGISTER TO TAKE THE EXAM AND MUST TAKE THE EXAM AT THE TESTING SITE AT WHICH THEY ARE REGISTERED. WALK-INS TO A DIFFERENT SITE SHALL NOT BE ALLOWED TO SIT FOR THE EXAM.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY OTHER TEST DAY OR POST TEST DAY POLICIES AND PROCEDURES REQUIRED BY THE TEST AGENCY.

S 3. Reporting. The test agencies administering the SAT and ACT shall report to the higher education committees in the senate and the assembly one year from the effective date of this act. Any further reports shall be given upon request of either committee chair, after a reasonable time has been given for such test agencies to compile such report. Such report shall include but not be limited to:

(a) a review of current security procedures;

(b) the number of cases of suspected test score irregularity;

(c) the number of canceled test scores per year and the number of cases referred to the proper authorities; and

(d) a review of test site personnel training procedures.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.