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I N   A S S E M B L Y

May 15, 2014

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Introduced by M. of A. SEPULVEDA, ROSA -- read once and referred to the  
Committee on Education

AN ACT to amend the education law, in relation to prohibiting biologi-  
cally identifying questions from being asked prior to standardized  
testing

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

1     Section 1. Section 340 of the education law is amended by adding a new  
2     subdivision 10 to read as follows:  
3     10. "BIOLOGICALLY IDENTIFYING QUESTIONS" MEANS ANY QUESTION OR GROUP  
4     OF QUESTIONS THAT IMPLICITLY ACTIVATE A SOCIAL IDENTITY THAT CAN EITHER  
5     FACILITATE OR HINDER PERFORMANCE, INCLUDING RACE, GENDER, FAMILY INCOME,  
6     RELIGION, AND SEXUALITY.  
7     S 2. The education law is amended by adding a new section 344-d to  
8     read as follows:  
9     S 344-D. PROHIBITED QUESTIONS. NO STANDARDIZED TEST GIVEN PURSUANT TO  
10    THE PROVISIONS OF THIS ARTICLE SHALL CONTAIN ANY BIOLOGICALLY IDENTIFY-  
11    ING QUESTIONS ABOUT THE TEST SUBJECT OR HIS OR HER FAMILY PRIOR TO THE  
12    INITIATION OF THE TEST.  
13    S 3. This act shall take effect on the ninetieth day after it shall  
14    have become a law.

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

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