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

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I N A S S E M B L Y

May 15, 2014

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 biologically identifying questions from being asked prior to standardized testing

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

Section 1. Section 340 of the education law is amended by adding a new subdivision 10 to read as follows:

10. "BIOLOGICALLY IDENTIFYING QUESTIONS" MEANS ANY QUESTION OR GROUP OF QUESTIONS THAT IMPLICITLY ACTIVATE A SOCIAL IDENTITY THAT CAN EITHER FACILITATE OR HINDER PERFORMANCE, INCLUDING RACE, GENDER, FAMILY INCOME, RELIGION, AND SEXUALITY.

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

S 344-D. PROHIBITED QUESTIONS. NO STANDARDIZED TEST GIVEN PURSUANT TO THE PROVISIONS OF THIS ARTICLE SHALL CONTAIN ANY BIOLOGICALLY IDENTIFYING QUESTIONS ABOUT THE TEST SUBJECT OR HIS OR HER FAMILY PRIOR TO THE INITIATION OF THE TEST.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

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