

2638

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. SEPULVEDA -- 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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