STATE OF NEW YORK

8639

IN SENATE

May 10, 2018

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

AN ACT to amend the education law, in relation to standardized test administration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5-b of section 342 of the education law, as added by chapter 295 of the laws of 1999, is amended to read as follows:

5-b. Subdivisions one, two, three, four, five, five-a and six of this section shall not apply to [~~the~~] SAT [~~II:~~] Subject Tests. With respect to such tests, the test agency shall maintain on file with the commissioner a complete sample test, reflecting tests currently in use, of each type of SAT [~~II:~~] Subject Test to be administered in New York and provide to the test subject the opportunity to secure a copy of a representative complete sample test of a Subject Test. Whenever a new Subject Test is added the test agency shall file and publish updated information consisting of descriptions and sample items prior to the administration of any such test in New York. Whenever a substantial change is made in any subject, the test agency shall file and publish updated information consisting of complete sample tests prior to the administration of any such test in New York.

§ 2. Paragraph b of subdivision 10 of section 342 of the education law, as added by chapter 714 of the laws of 1996 and the opening paragraph as amended by chapter 295 of the laws of 1999, is amended to read as follows:

b. Subdivisions one, two, three, four and six of this section shall not apply to the SAT [~~I: Reasoning~~] Test during the nineteen hundred ninety-six--ninety-seven test year or any subsequent test year so long as the College Entrance Examination Board discloses in each such testing year:

(i) four test forms used to administer the SAT [~~I: Reasoning~~] Test in New York, or

(ii) if fewer than four regular SAT [~~I: Reasoning~~] Test administrations are offered in New York during a test year, the same number of

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

LBD15500-01-8

SAT [~~I: Reasoning~~] Test forms as regular SAT [~~I: Reasoning~~] Test administrations in New York in that test year.

§ 3. Subdivision 10 of section 342 of the education law is amended by adding a new paragraph b-1 to read as follows:

b-1. Subdivisions one, two, three, four and six of this section shall not apply to the ACT college entrance examination during the two thousand nineteen test year or any subsequent test year, so long as the ACT college entrance examination board discloses in each such testing year:

(i) four test forms used to administer the ACT college entrance examination in New York, or

(ii) if fewer than four regular ACT college entrance examinations test administrations are offered in New York during a test year, the same number of ACT college entrance examination Test forms as regular ACT college entrance examination test administrations in New York in that test year.

§ 4. Section 347 of the education law, as added by chapter 672 of the laws of 1979 and as renumbered by chapter 813 of the laws of 1980, is amended to read as follows:

§ 347. Violations. Any test agency which violates any section of this article shall be liable for a civil penalty of not more than [~~five hundred~~] **two thousand** dollars for each violation.

§ 5. This act shall take effect immediately.