

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

8639--C

I N S E N A T E

May 10, 2018

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 5-b of section 342 of the education law, as
2 added by chapter 295 of the laws of 1999, is amended to read as follows:
3 5-b. Subdivisions one, two, three, four, five, five-a and six of this
4 section shall not apply to [the] SAT [II:] Subject Tests. With respect
5 to such tests, the test agency shall maintain on file with the commis-
6 sioner a complete sample test, reflecting tests currently in use, of
7 each type of SAT [II:] Subject Test to be administered in New York and
8 provide to the test subject the opportunity to secure a copy of a repre-
9 sentative complete sample test of a Subject Test. Whenever a new Subject
10 Test is added the test agency shall file and publish updated information
11 consisting of descriptions and sample items prior to the administration
12 of any such test in New York. Whenever a substantial change is made in
13 any subject, the test agency shall file and publish updated information
14 consisting of complete sample tests prior to the administration of any
15 such test in New York.

16 § 2. Paragraph b of subdivision 10 of section 342 of the education
17 law, as added by chapter 714 of the laws of 1996 and the opening para-
18 graph as amended by chapter 295 of the laws of 1999, is amended to read
19 as follows:

20 b. Subdivisions one, two, three, four and six of this section shall
21 not apply to the SAT [I: Reasoning] Test during the nineteen hundred
22 ninety-six--ninety-seven test year or [any subsequent] TO THE TWO THOU-

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

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1 SAND EIGHTEEN--TWO THOUSAND NINETEEN test year so long as the College
2 Entrance Examination Board discloses in each such testing year:

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

5 (ii) if fewer than four regular SAT [I: Reasoning] Test adminis-
6 trations are offered in New York during a test year, the same number of
7 SAT [I: Reasoning] Test forms as regular SAT [I: Reasoning] Test admin-
8 istrations in New York in that test year.

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

11 B-1. SUBDIVISIONS ONE, TWO, THREE, FOUR AND SIX OF THIS SECTION SHALL
12 NOT APPLY TO THE SAT TEST DURING THE TWO THOUSAND NINETEEN--TWO THOUSAND
13 TWENTY TEST YEAR OR ANY SUBSEQUENT TEST YEAR, SO LONG AS THE COLLEGE
14 ENTRANCE EXAMINATION BOARD DISCLOSES IN EACH SUCH TESTING YEAR:

15 (I) IF SEVEN OR MORE REGULAR SAT TEST ADMINISTRATIONS ARE OFFERED IN
16 NEW YORK DURING A TEST YEAR, FOUR SAT TEST FORMS USED TO ADMINISTER THE
17 SAT TEST IN NEW YORK;

18 (II) IF FOUR, FIVE OR SIX REGULAR SAT TEST ADMINISTRATIONS ARE OFFERED
19 IN NEW YORK DURING A TEST YEAR, THREE SAT TEST FORMS USED TO ADMINISTER
20 THE SAT TEST IN NEW YORK; OR

21 (III) IF THREE OR FEWER REGULAR SAT TEST ADMINISTRATIONS ARE OFFERED
22 IN NEW YORK DURING A TEST YEAR, THE SAME NUMBER OF SAT TEST FORMS USED
23 TO ADMINISTER THE SAT TEST IN NEW YORK.

24 § 4. Subdivision 10 of section 342 of the education law is amended by
25 adding a new paragraph b-2 to read as follows:

26 B-2. SUBDIVISIONS ONE, TWO, THREE, FOUR AND SIX OF THIS SECTION SHALL
27 NOT APPLY TO THE ACT COLLEGE ENTRANCE EXAMINATION DURING THE TWO THOU-
28 SAND NINETEEN--TWO THOUSAND TWENTY TEST YEAR OR ANY SUBSEQUENT TEST
29 YEAR, SO LONG AS THE ACT COLLEGE ENTRANCE EXAMINATION BOARD DISCLOSES IN
30 EACH SUCH TESTING YEAR:

31 (I) IF SEVEN OR MORE REGULAR ACT COLLEGE ENTRANCE EXAMINATIONS TEST
32 ADMINISTRATIONS ARE OFFERED IN NEW YORK DURING A TEST YEAR, FOUR ACT
33 COLLEGE ENTRANCE EXAMINATIONS TEST FORMS USED TO ADMINISTER THE ACT
34 COLLEGE ENTRANCE EXAMINATION TEST IN NEW YORK;

35 (II) IF FOUR, FIVE OR SIX REGULAR ACT COLLEGE ENTRANCE EXAMINATIONS
36 TEST ADMINISTRATIONS ARE OFFERED IN NEW YORK DURING A TEST YEAR, THREE
37 ACT COLLEGE ENTRANCE EXAMINATIONS TEST FORMS USED TO ADMINISTER THE ACT
38 COLLEGE ENTRANCE EXAMINATION TEST IN NEW YORK; OR

39 (III) IF THREE OR FEWER REGULAR ACT COLLEGE ENTRANCE EXAMINATIONS TEST
40 ADMINISTRATIONS ARE OFFERED IN NEW YORK DURING A TEST YEAR, THE SAME
41 NUMBER OF ACT COLLEGE ENTRANCE EXAMINATION TEST FORMS AS REGULAR ACT
42 COLLEGE ENTRANCE EXAMINATION TEST ADMINISTRATIONS IN NEW YORK IN THAT
43 TEST YEAR.

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

47 § 347. Violations. Any test agency which violates any section of this
48 article shall be liable for a civil penalty of not more than [five
49 hundred] ONE THOUSAND dollars for each violation.

50 § 6. This act shall take effect immediately.