§ 341-a. Standardized testing; reports. 1. Definitions. As used in this section and section three hundred forty-six-a of this article, the following words and terms shall have the following meanings:

a. "Test" means a standardized test as defined in section three hundred forty of this article; provided however, that the test of English as a foreign language shall not constitute a test for purposes of this section;

b. "Test subject" means a test subject as defined in section three hundred forty of this article.

2. Not later than July first, nineteen hundred eighty-eight, and for one year thereafter, test agencies shall ask each test subject to report on the test answer sheet, test registration form, or other appropriate means all of the following information:

a. The test subject's race or ethnicity, including the following groups: Black, White, American Indian, Asian, Hispanic or other;

b. The test subject's gender, expressed as male or female; and

c. The test subject's linguistic background, expressed as whether English was the dominant language of the test subject's household.

3. The test agency shall advise all test subjects that they are not required to provide the information requested under paragraphs a and c of subdivision two of this section, that they will not be penalized if they do not provide the information, and that the information provided will be used exclusively for research, recruitment, talent identification and planning purposes.

4. a. Not later than September first, nineteen hundred eighty-nine, the test agency shall prepare and file or cause to be filed with the committee described in section three hundred forty-six-a of this article a report relating to each test administered and disclosed pursuant to section three hundred forty-two of this article by the test agency in

New York between July first, nineteen hundred eighty-eight and July first, nineteen hundred eighty-nine. Such report shall be subject to the provisions of subdivisions two and three of section three hundred forty-one of this article.

b. Each such test report shall show by race or ethnicity, linguistic background and gender, the mean-scaled scores of test subjects, the standard deviation of scaled scores, and the distribution of scaled scores.

5. a. Not later than September first, nineteen hundred eighty-nine, the test agency shall prepare and file or cause to be filed with the committee an item report relating to each question used in calculating the subject's raw score on each test form administered and disclosed pursuant to section three hundred forty-two of this article in New York between July first, nineteen hundred eighty-eight and July first, nineteen hundred eighty-nine. Such report shall be subject to the provisions of subdivisions two and three of section three hundred forty-one of this article.

b. Each such item report shall show for each question used in calculating the test subject's raw score, the item's content area specification, and where disclosed pursuant to section three hundred forty-two of this article, information identifying the text of the item, and the correct answer-rates and R-biserial correlations for all test subjects, combined and separately by race, ethnicity, gender or linguistic background as reported under subdivision two of this section. Such item report shall also calculate the correct answer rates and R-biserial correlations comparing performance by gender and language dominance, within race and ethnic subgroups, including language dominance by the total gender group. Content area specification shall be reported for each exam to indicate area of knowledge, skill or ability that an item purports to measure according to the examination's manufacturer or sponsoring agency. Correct answer-rates shall be calculated by dividing the number of correct answers for a question used in calculating the subject's raw score on all test forms administered and disclosed pursuant to section three hundred forty-two of this

article between July first, nineteen hundred eighty-eight and July first, nineteen hundred eighty-nine by the number of test subjects to whom those test forms were administered. R-biserial correlations shall be calculated by correlating performance on a question used in calculating the subject's raw score on each test form administered between July first, nineteen hundred eighty-eight and July first, nineteen hundred eighty-nine with performance on the tests as shown by total scores.

c. The test agency shall not be required to include in such test and item reports under this subdivision and subdivision four of this section information for any group comprising fewer than one hundred test subjects.

d. The test report will also include data showing measures of differential item functioning on individual questions that take into account differences in overall test performance. Data will be provided for test items which contribute to the candidate scores and for which differential item data are available. Differential item functioning data shall be reported for comparative purposes between the following pairs of groups: (Black-White), (Hispanic-White), (American Indian-White), (Asian-White), (Other-White) and (Male-Female). Documentation as to the methods by which these data have been calculated will accompany the data. Differential item functioning data shall not be required for pairs of groups comprising fewer than four hundred test subjects in each group.

e. The committee may request additional data, where already available and published, from the test agencies to clarify the data previously reported pursuant to this subdivision and subdivision four of this section.