
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1083

Session of
1981

INTRODUCED BY RICHARDSON, WHITE, KUKOVICH, COHEN, PISTELLA,
WIGGINS, DAWIDA, MICHLOVIC, EMERSON, WOZNIAK AND WAMBACH,
MARCH 31, 1981

REFERRED TO COMMITTEE ON EDUCATION, MARCH 31, 1981

AN ACT

1 Relating to the openness of standardized tests used for
2 admittance to higher education institutions; imposing powers
3 and duties on the State Board of Education and its Council of
4 Higher Education; and providing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Truth in
9 Testing Act."

10 Section 2. Definitions.

11 As used in this act, the following words and phrases shall
12 have the meanings given to them in this section, unless the
13 context clearly indicates otherwise.

14 "Board." The State Board of Education and its Council of
15 Higher Education to the extent the board determines.

16 "Standardized test" or "test." Any form of a test given at
17 the test subject's expense, which is machine scored and is
18 designed for use or used in the process of post-secondary or

1 professional school admissions. This definition shall also
2 include all preliminary or preparatory tests including, but not
3 limited to the Preliminary Scholastic Aptitude Test. This
4 definition shall not be construed to include any local, State or
5 Federal Civil Service test, any test designed and used solely
6 for nonadmission placement or credit or any test administered by
7 an individual institution solely for its own purposes.

8 "Test agency." Any organization, association, corporation,
9 partnership or individual who develops, sponsors or administers
10 a test. This definition shall not be construed to include any
11 organization, association, corporation, partnership or
12 individual that solely provides space or proctoring services for
13 the administration of a test.

14 "Test results" or "test scores." The evaluation of a test
15 subject's performance on a test, as determined by the test
16 agency.

17 "Test subject." Any individual to whom a test is
18 administered within the Commonwealth.

19 Section 3. Filing by test agency.

20 The test agency shall file with the board a copy of any
21 study, evaluation or report that pertains to the reliability,
22 validity, bias, standard deviation or any other quality of a
23 test administered in this Commonwealth. If any such material
24 submitted contains any information identifiable with an
25 individual test subject, that information shall be expunged from
26 the material prior to submission. All such materials submitted
27 shall be a matter of public record.

28 Section 4. Submission of copies of test questions and answers.

29 (a) Within 30 days after the results of any test have been
30 released, the test agency shall submit to the board:

1 (1) A copy of all test questions used in computing the
2 test subject's raw score.

3 (2) A copy of the corresponding acceptable answers.

4 (3) All rules used to transfer raw scores into those
5 scores reported to the test subjects, together with an
6 explanation of such rules.

7 (b) All such information submitted shall be a matter of
8 public record.

9 Section 5. Information for test subjects.

10 (a) After the test has been filed with the board and upon
11 the request of a test subject, tendered within 90 days after the
12 test results have been released, the test agency shall send to
13 the test subject:

14 (1) A copy of the test questions used to determine the
15 test subject's raw score.

16 (2) A copy of the test subject's individual answer
17 sheet, together with a copy of the acceptable answers to that
18 test with the questions used to determine the test subject's
19 raw score appropriately marked.

20 (3) A statement of the raw score used to calculate the
21 test results already received by the test subject, together
22 with the rules used for transforming the raw score into the
23 reported test results.

24 (b) A test agency may deny a request from a test subject
25 received more than 90 days after the test results have been
26 released to the test subject.

27 (c) The test agency may charge a nominal fee for the
28 processing of such information not to exceed the actual cost of
29 processing.

30 Section 6. Information for prospective test subjects.

1 A test agency shall furnish a prospective test subject the
2 following information attached to the registration form:

3 (1) The purpose for which the test is constructed,
4 together with the subject matter of the test and the
5 knowledge and skills the test purports to measure.

6 (2) Statements in clear, nontechnical language designed
7 to facilitate the test subject's understanding of the methods
8 of reporting test results and the rules for transforming and
9 interpreting the raw scores into the test results received by
10 the test subject, including the reliability and standard
11 error of measurement of the test and the predictive validity
12 of the test including correlations between test scores and
13 the test subject's future academic performance.

14 (3) A complete description of any promises or covenants
15 that the test agency makes to the test subject with regard to
16 accuracy of scoring, timely forwarding of information,
17 policies for notifying the test subject regarding
18 inaccuracies in scoring or score reporting and privacy of
19 information relating to the test subject.

20 (4) Statements in regard to whether or not the test
21 results are the property of the test subject, the length of
22 time the test agency will retain the individual test
23 subject's results and the policies regarding storage,
24 disposal and future use of test result data.

25 (5) A complete description of the test subject's
26 opportunity to request information pursuant to section 5,
27 together with the amount of the fee charged for such
28 material.

29 Section 7. Confidentiality.

30 Unless specifically authorized by the test subject, or the

1 parent or guardian if the test subject is a minor, the test
2 agency shall not release or disclose the test results of any
3 test subject to any person, organization, corporation,
4 association, college, university or governmental agency or
5 subdivision. A test agency may, however, release all previous
6 results received by a test subject on a test to anyone
7 designated by the test subject to receive the current results.
8 This section shall not be construed to prohibit the release of
9 test results and other information in possession of the test
10 agency for the purposes of research leading to studies and
11 reports concerning the tests themselves. Any information
12 directly identifiable with any individual test subject shall be
13 expunged from the material prior to its disclosure.

14 Section 8. Rules and regulations.

15 The board shall promulgate regulations to implement the
16 provisions of this act.

17 Section 9. Penalties.

18 Any test agency which violates any provision of this act is
19 guilty of a summary offense and, upon conviction thereof, shall
20 pay a fine of \$300 for each violation.

21 Section 10. Effective date.

22 This act shall take effect in 60 days.