

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1365 Session of  
1989

INTRODUCED BY RICHARDSON, CAWLEY, CARN, GLADECK, ROBINSON,  
ACOSTA, BISHOP, EVANS, HARPER, HUGHES, JAMES, LINTON, OLIVER,  
PRESTON, ROEBUCK, WILLIAMS AND R. C. WRIGHT, MAY 1, 1989

REFERRED TO COMMITTEE ON EDUCATION, MAY 1, 1989

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 The following words and phrases when used in this act 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 postsecondary or

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

8 "Test agency." Any organization, association, corporation,  
9 partnership or individual who develops, sponsors or administers  
10 a test. The term shall not include any organization,  
11 association, corporation, partnership or individual that solely  
12 provides space or proctoring services for the administration of  
13 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 this 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) Contents of submission.--Within 30 days after the  
30 results of any test have been released, the test agency shall

1 submit to the board:

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

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

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

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

10 Section 5. Information for test subjects.

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

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

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

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

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

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

1 Section 6. Information for prospective test subjects.

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

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

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

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

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

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

30 Section 7. Confidentiality.

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

15 Section 8. Rules and regulations.

16 The board shall, in the manner provided by law, promulgate  
17 the rules and regulations necessary to implement this act.

18 Section 9. Penalties.

19 Any test agency which violates any provision of this act  
20 commits a summary offense and shall, upon conviction, be  
21 sentenced to pay a fine of \$300 for each violation.

22 Section 10. Effective date.

23 This act shall take effect in 60 days.