

Assembly Bill No. 1234

CHAPTER 288

An act to amend Section 99157 of the Education Code, relating to standardized tests.

[Approved by Governor September 12, 2019. Filed with
Secretary of State September 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, Patterson. Standardized tests.

Existing law requires a test sponsor of a standardized test to provide test subjects materials for not fewer than 50% of regular test administrations, rounded to the nearest larger whole number.

This bill would change the required calculation for the number of test administrations from which a test sponsor must provide test materials to a test subject to 50% of regular test administrations, unless the resulting number is a fraction, in which case the number would be rounded down to the nearest whole number, instead of up.

The people of the State of California do enact as follows:

SECTION 1. Section 99157 of the Education Code is amended to read:
99157. (a) Except for test administrations described in subdivision (d), the test sponsor shall provide to test subjects the test materials specified in subdivisions (b) and (c) for 50 percent of regular test administrations, as determined by the test sponsor, unless the application of 50 percent results in a number that includes a fraction, in which case the number shall be rounded down to the nearest whole number.

(b) Within 90 days of the release to the test subject of the results of a standardized test as specified in subdivision (a), and upon the request of the test subject, the test sponsor shall provide to the test subject an opportunity to examine operational test questions and answers under closely monitored conditions. The examination shall occur at a location to be mutually agreed upon by the test sponsor and test subject.

Unless authorized by the test sponsor, questions, answers, or copies of questions or answers shall not be removed from the facility, except by a representative of the test sponsor. During the examination of test materials, the test subject may file with a representative of the test sponsor, and with an educational institution or institutions seeking results of the test examined, a written protest to any question or answer.

(c) As an alternative to the procedure described in subdivision (b), and within 90 days of the release of the results of any standardized test score to

the test subject, and upon request of the test subject, the test sponsor shall make available to the test subject the test materials, including operational test questions, a copy of the test subject's response to each question, the test subject's raw scores, a copy of scoring and scaling instructions, a copy of the correct responses, and a copy of the conversion factor or table, or both.

Each test sponsor shall, before the administration of a test, give written notification to the test subject of the test subject's right to request and receive test disclosure as provided in this section.

(d) In order to accommodate test subjects who, because of religion, are unable to participate in regular test administrations, the test sponsor shall provide test materials specified in subdivisions (b) and (c) to test subjects of not fewer than one non-Saturday test administration during every 12-month period following December 1, 1984.

(e) Each test sponsor shall, before the administration of a test, give written notification to the test subjects of their right to request and receive test materials as provided in subdivisions (a), (b), and (c), provided that the request has been made within 90 days of the release of the test score to the test subject.

(f) The test sponsors may charge a nominal fee, not to exceed the direct costs thereof, for test materials provided pursuant to this section.

(g) For the purposes of this section only, a "standardized test" or "test" means any test administered in California to at least 3,000 individuals during a testing year and which is designed for, and formally required by, institutions of postsecondary education in California for the purposes of admission to those institutions for undergraduate studies. This section does not apply to tests that have been administered for less than five years, the College Board Achievement tests, the Advanced Placement tests, the Medical College Admissions tests, or the test of English as a foreign language.