

## Assembly Bill No. 2122

### CHAPTER 583

An act to add Section 99161.5 to the Education Code, relating to standardized testing.

[Approved by Governor September 26, 2012. Filed with Secretary of State September 26, 2012.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2122, Lara. Standardized testing: testing accommodations.

Existing law imposes various requirements on a test sponsor or test agency, as defined, with respect to the administration of standardized tests for purposes of postsecondary education.

Existing law provides that a test sponsor that intentionally violates these provisions is liable for a civil penalty not to exceed \$750 for each violation.

This bill would require the test sponsor of the Law School Admission Test to provide testing accommodations to a test subject who is disabled, as specified. The bill would require the process for determining whether to grant an accommodation to be made public, the outcome of the request to be conveyed to the requester within a reasonable amount of time, and the reasons for a denial of a request for accommodation to be stated to the requester in writing. The bill would require that test sponsor to establish a timely appeals process when a request is denied and to clearly post on the Law School Admission Test Internet Web site information regarding refund policies for individuals whose requests for accommodation are denied. The bill would prohibit that test sponsor from notifying a test score recipient that the score of any test subject was obtained by a subject who received an accommodation, and would prohibit that test sponsor from withholding any information that would lead a test score recipient to deduce that a score was earned by a subject who received an accommodation. Under this bill, an intentional violation of these requirements would subject a test sponsor to the above civil penalty.

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

SECTION 1. Section 99161.5 is added to the Education Code, to read:  
99161.5. (a) (1) The test sponsor of the Law School Admission Test shall provide testing accommodations to a test subject with a disability who makes a timely request to ensure that the Law School Admission Test accurately reflects the aptitude, achievement levels, or other factors that the test purports to measure and does not reflect the test subject's disability.

This paragraph does not constitute a change in, but is declaratory of, existing law.

(2) The process for determining whether to grant an accommodation under paragraph (1) shall be made public, and the decision whether or not to approve a request for an accommodation shall be conveyed to the requester within a reasonable amount of time. If the test sponsor of the Law School Admission Test does not approve a request for accommodation, the test sponsor shall state the reasons for the denial of the request to the requester in writing.

(3) The test sponsor of the Law School Admission Test shall establish a timely appeals process for a test subject who is denied an accommodation request. The test sponsor of the Law School Admission Test shall clearly post on the Law School Admission Test Internet Web site information regarding refund policies for individuals whose requests for accommodation are denied.

(b) Whenever a test subject has received formal testing accommodations from a postsecondary educational institution for a disability as defined in subdivision (j), (l), or (m) of Section 12926 of the Government Code, the test sponsor of the Law School Admission Test shall, consistent with existing law, give considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received by the test subject in similar testing situations when determining whether to grant an accommodation to the test subject.

(c) (1) The test sponsor of the Law School Admission Test shall not notify a test score recipient that the score of any test subject was obtained by a subject who received an accommodation pursuant to this section.

(2) The test sponsor of the Law School Admission Test shall not withhold any information that would lead a test score recipient to deduce that a score was earned by a subject who received an accommodation pursuant to this section.

(3) This subdivision does not constitute a change in, but is declaratory of, existing law.

(d) This section shall not be construed to limit or replace any other right or remedy that exists under state or federal law.

(e) This section shall not provide greater protections to persons with disabilities than those provided by Section 51 of the Civil Code.