

## Senate Bill No. 915

### CHAPTER 245

An act to add Section 99160.5 to the Education Code, relating to standardized testing.

[Approved by Governor August 22, 2014. Filed with  
Secretary of State August 22, 2014.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 915, Hill. Standardized testing: inadequate or improper test conditions.

Existing law imposes various requirements on a test sponsor, also known as a test agency, 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. Existing law provides that these requirements do not apply to instances where the cancellation of all test scores results from the complete disruption of the administration of the test, such as by natural disasters, national emergencies, inadequate or improper test conditions, answer sheet printing errors, or testing agency errors.

This bill would require a test agency, where there has been a complaint or a notice of inadequate or improper test conditions relating to an administration of an Advanced Placement test, to immediately initiate an investigation. The bill would require the school in charge of the test site to cooperate with the test agency's investigation by providing information requested by the test agency, as specified. If the test agency, upon completing the investigation, determines that the inadequate or improper test conditions will prevent it from reporting valid test scores, the bill would require the test agency to notify the school in charge of the test site of the decision within 2 business days. The bill would require the school in charge of the test site, following notification from the test agency of the decision that scores will not be reported, to notify the affected test subjects of the decision within 2 business days. The bill would require the school in charge of the test site to provide all affected test subjects with at least 5 business days' prior notice of an opportunity to retest. The bill would require such a retest to be administered within 30 calendar days of the completion of the investigation.

The bill would require proctors administering an Advanced Placement test to create a seating chart, including the seat location of each test subject, for each Advanced Placement test administered at the test site. The bill would further require the school in charge of the test site to retain and preserve each such seating chart for at least one year after the administration of the Advanced Placement test to which that seating chart applies. The bill would require the school in charge of the test site to submit these seating

charts to the test agency upon its request to assist with its investigation of a complaint or notice of inadequate or improper test conditions.

An intentional violation of these requirements would subject a test sponsor to the civil penalty referenced above.

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

SECTION 1. Section 99160.5 is added to the Education Code, to read:

99160.5. (a) A test agency shall immediately initiate an investigation upon learning of a complaint or a notice of inadequate or improper test conditions relating to an administration of an Advanced Placement test. In order to expedite the investigation and ensure a timely resolution, the school in charge of the test site shall cooperate with the test agency's investigation by providing information requested by the test agency within five business days. If, upon completing the investigation, the test agency determines that the inadequate or improper test conditions will prevent it from reporting valid test scores, the test agency shall notify the school in charge of the test site of the decision within two business days. Upon notification from the test agency that the test agency has determined that the inadequate or improper test conditions will prevent it from reporting valid test scores, the school in charge of the test site shall notify the affected test subjects of the decision within two business days. The school in charge of the test site shall provide all affected test subjects with at least five business days' prior notice of an opportunity to retest. That retest shall be administered within 30 calendar days of the completion of the investigation.

(b) Proctors administering an Advanced Placement test shall create a seating chart, including the seat location of each test subject, for each Advanced Placement test administered at the test site. The test agency shall provide seating chart templates for use by each test site. The school in charge of the test site shall retain and preserve each seating chart created pursuant to this subdivision for at least one year after the administration of the Advanced Placement test to which that seating chart applies. The school in charge of the test site shall submit these seating charts to the test agency upon its request to assist with its investigation of a complaint or notice of inadequate or improper test conditions.