

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 314

6
7 H.P. 260

House of Representatives, January 31, 1985

8 Reference to the Committee on Education suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Crouse of Caribou.

Cosponsored by Representative Bost of Orono, Representative Randall of East Machias and Representative Matthews of Caribou.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Provide for a Truth in Testing Act.
18

19 Be it enacted by the People of the State of Maine as
20 follows:

21 20-A MRSA c. 613 is enacted to read:

22 CHAPTER 613

23 TRUTH IN TESTING ACT

24 §17001. Short title

25 This chapter may be cited as the "Truth in Test-
26 ing Act."

27 §17002. Definitions

28 As used in this chapter, unless the context oth-
29 erwise indicates, the following terms have the fol-
30 lowing meanings.

1 1. Standardized test or test. "Standardized
2 test" or "test" means a test that is given in this
3 State at the expense of the test subject and designed
4 for use and used in the process of selection for
5 post-secondary or professional school admissions or
6 for qualifying examinations for initial teachers or
7 used in the statewide assessment of student progress
8 as defined in chapter 222. These tests shall in-
9 clude, but are not limited to, the Preliminary Scho-
10 lastic Aptitude Test, Scholastic Aptitude Test, Grad-
11 uate Record Examination, Medical College Admission
12 Test, Law School Admission Test, Dental Admission
13 Testing Program, Graduate Management Admission Test
14 and Miller Analogies Test and National Teacher Exami-
15 nation. This chapter does not apply to the use of
16 any state, federal, or local civil purpose or other
17 nonadmission purpose developed and administered by an
18 individual school or institution solely for its own
19 purposes or any test, or portion of a test, designed
20 to evaluate manual skills or other physical abili-
21 ties.

22 2. Test agency. "Test agency" means any organi-
23 zation, association, corporation, partnership, indi-
24 vidual or person that develops, sponsors or adminis-
25 ters a test of the department.

26 3. Test subject. "Test subject" means an indi-
27 vidual to whom a test is administered.

28 §17003. Background reports

29 1. Filing of study, evaluation or report with
30 commissioner. Whenever any test agency prepares or
31 causes to have prepared research which is used in any
32 study, evaluation or statistical report pertaining to
33 a test operational after January 1, 1986, that study,
34 evaluation or report shall be filed with the commis-
35 sioner.

36 2. Deletion of certain information prior to fil-
37 ing. If any reports or other documents submitted
38 pursuant to this section contain information identi-
39 fiable with any test subject or test user institu-
40 tion, that information shall be deleted prior to fil-
41 ing with the commissioner.

1 3. Reports, documents to be public records. All
2 reports or other documents submitted pursuant to this
3 section shall be public records.

4 §17004. Disclosure of test contents

5 1. Information to be filed with commissioner.
6 Within 30 days after the results of any standardized
7 test are released, the test agency shall file or
8 cause to be filed with the commissioner:

9 A. A copy of all test questions used in calcu-
10 lating the test subject's raw score;

11 B. The corresponding acceptable answers to those
12 questions; and

13 C. All rules for converting raw scores into
14 those scores reported to the test subject, to-
15 gether with an explanation of those rules.

16 2. Information provided to test subject. Within
17 90 days after filing a standardized test pursuant to
18 subsection 1 and for a period of not less than 90
19 days after the offer is made, the test agency shall
20 provide to the test subject the opportunity to se-
21 ecure:

22 A. A copy of the test questions used to calcu-
23 late the test subject's raw score;

24 B. A copy of the test subject's answer sheet, or
25 answer record where there is no answer sheet, to-
26 gether with a copy of the correct answer sheet to
27 the same test with questions used to calculate
28 the test subject's raw score so marked; and

29 C. A statement of the raw score used to calcu-
30 late the scores reported to the test subject.

31 The agency may charge a nominal fee for providing
32 this information, not to exceed the direct cost
33 thereof.

34 3. Designation of dates upon which test forms
35 will be used. Prior to the beginning of a test agen-
36 cy's testing year, the test agency shall designate

1 the dates upon which test forms to be filed with the
2 commissioner will be used. The test agency shall in-
3 form potential test subjects of these dates.

4 4. Application; filing of information. Subsec-
5 tions 1, 2 and 3 do not apply to College Board
6 Achievement Tests or Graduate Record Examination Ad-
7 vanced Tests. With respect to these tests, the test
8 agency shall file with the commissioner the follow-
9 ing:

10 A. A copy of all test questions used in calcu-
11 lating the test subject's raw score from one test
12 form administered during the period;

13 B. The corresponding acceptable answers; and

14 C. All rules for converting raw scores into
15 those scores reported to the test subject, to-
16 gether with an explanation of these rules.

17 5. Documents to be public records. Documents
18 submitted to the commissioner pursuant to this sec-
19 tion shall be public records.

20 §17005. Special administrations

21 1. Administration on days of religious observ-
22 ance. When regular test administrations are given on
23 days of religious observance which prevent attendance
24 by test subjects, regular administrations shall be
25 offered with the same frequency as regular adminis-
26 trations as soon after or before as is possible, at
27 comparable times, places and cost.

28 2. Number of special administrations. A test
29 agency shall not be required to offer a greater num-
30 ber of special administrations than were offered dur-
31 ing the base year commencing July 1, 1984, and ending
32 June 30, 1985, unless the number of regular adminis-
33 trations is increased in any subsequent testing year,
34 in which case the provisions of subsection 1 shall
35 apply.

36 3. Denial of opportunity to take test by reason
37 of religious belief. No test subject may by reason
38 of religious belief be denied by a test agency the

1 opportunity to take a test which shall be disclosed
2 pursuant to subsections 1 and 2 during any 12-month
3 period.

4 §17006. Notice

5 1. Information to be provided. Each test agency
6 shall provide, along with the registration form or
7 score report for a test, the following information:

8 A. The purposes for which the test is con-
9 structed and is intended to be used;

10 B. Statements designed to provide information
11 for interpreting test results, including, but not
12 limited to, explanations of the test score scale,
13 the standard error of measurement of the test,
14 and a list of available correlations between test
15 scores and grades, successful completion of a
16 course of study and parental income. Where a
17 range of the correlations of such studies is
18 given, a median correlation must also be pro-
19 vided;

20 C. How the test scores will be reported, whether
21 the raw test scores will be converted in any way
22 before being reported to the test subject and
23 whether and how the test agency will use the test
24 score in raw or transformed form by itself or to-
25 gether with any other information about the test
26 subject to predict in any way the subject's fu-
27 ture academic performance for any post-secondary
28 educational institution, or for qualifying exami-
29 nations for initial teachers or used in state-
30 wide assessment of student progress;

31 D. A complete description of any promises or
32 covenants that the test agency makes to the test
33 subject with regard to accuracy of scoring, time-
34 ly forwarding of information, policies for noti-
35 fying test subjects regarding inaccuracies in
36 scoring or score reporting and privacy of infor-
37 mation relating to the test subject;

38 E. Whether or not the test scores are the prop-
39 erty of the test subject, the time period during
40 which the results will be retained by the test

1 agency and policies regarding storage, disposal
2 and future use of test score data; and

3 F. How the test subject may obtain the informa-
4 tion required to be disclosed under section
5 17004.

6 2. Information provided to test score recipi-
7 ents. Any institution which is a test score recipi-
8 ent shall be provided with the information specified
9 in this section. The test agency shall provide this
10 information prior to or coincident with the first re-
11 porting of a test score or scores to a recipient in-
12 stitution. This institution shall be encouraged to
13 provide interpretive processing by qualified person-
14 nel when such personnel are available.

15 §17007. Regulations

16 The commissioner shall adopt rules to implement
17 this chapter.

18 §17008. Violations

19 A willful violation of any requirement of this
20 chapter is a Class E crime.

21 STATEMENT OF FACT

22 There are increasing requirements for the taking
23 of standardized tests for entrance into
24 post-secondary institutions of higher education; for
25 entrance into the teaching profession in Maine; and
26 for state assessment of student progress at various
27 grade levels and for various subject areas. This
28 bill is patterned after legislation adopted in New
29 York state.

30 The result of the law in New York state has pro-
31 vided the opportunity for the individuals who take
32 the tests to successfully challenge the test agency's
33 incorrect answers and to have test scores adjusted
34 accordingly. No longer may the test agencies which
35 administer the tests in New York state shield the
36 test scores in secrecy, unchallenged as to the accu-

1 racy of the scoring of the tests. With Maine's in-
2 creasing reliance on test scores for qualifying for
3 entry into the teaching profession and statewide as-
4 sessment of student performance, in addition to qual-
5 ifying scores on examinations taken for admittance to
6 post-secondary institutions of higher education.
7 Maine also needs this type of bill.

8 Specifically, this bill requires that background
9 reports on standardized tests be submitted to the
10 Commissioner of Educational and Cultural Services;
11 that there is established a process for disclosing
12 test contents; that there are special administrations
13 of tests when regular test administrations fall on
14 days of religious observance; that the test agency
15 must disclose the purposes for which the test results
16 will be interpreted and reported; and how the test
17 subject may obtain the test results.

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