

# HOUSE BILL No. 5999

November 8, 2012, Introduced by Rep. Opsommer and referred to the Committee on Education.

A bill to require a student testing service to allow test takers to opt out of certain requirements to submit a photograph or likeness.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the "test  
2 taker privacy act".

3       Sec. 2. As used in this act, "student testing service" means a  
4 private entity in the business of administering or coordinating  
5 standardized testing to assess the educational achievement, skills,  
6 or aptitude of prospective students for use in applications for  
7 admission to postsecondary educational institutions.

8       Sec. 3. (1) If a student testing service that administers or  
9 coordinates standardized testing in this state requires a test  
10 taker to submit a photograph or likeness that the student testing

1 service intends to keep, copy, add to a database, or otherwise  
2 retain in its records, it shall provide the test taker an  
3 opportunity to opt out of that requirement. The student testing  
4 service shall not charge additional fees, require alternative  
5 testing times, require the provision of additional biometrics  
6 beyond a signature, or otherwise discriminate against an applicant  
7 for a test that the service administers or coordinates because the  
8 applicant opts out of that requirement. A student testing service  
9 shall not require a test taker to submit a photograph in advance of  
10 testing.

11 (2) Subsection (1) does not prohibit a student testing service  
12 from doing any of the following:

13 (a) Requiring a test taker to show photographic identification  
14 at a test site for purposes of verifying the identity of the test  
15 taker.

16 (b) Requiring a test taker to sign a statement acknowledging  
17 that he or she is not impersonating another individual, that any  
18 photographic identification he or she has provided is not altered  
19 and accurately identifies the test taker, and that he or she has  
20 been advised that impersonation could result in criminal charges.

21 (3) A student testing service that creates or helps to create  
22 a test-taker database of information that it shares with high  
23 school and college administrators shall submit a security plan to  
24 the state department of education that describes in detail the  
25 information that is included in the database, the persons or  
26 entities the information is shared with, and the security protocols  
27 in place to protect the database from unauthorized access or theft

1 of data. The student testing service shall promptly supply any  
2 updates of the plan to the department of education.

3 (4) A student testing service that creates a test-taker  
4 database shall make a copy of its privacy policy available on the  
5 internet and shall provide a written copy of its privacy policy to  
6 each test taker at the time of testing.