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## A BILL FOR AN ACT

RELATING TO STANDARDIZED TESTING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new subpart to part II to be appropriately  
3 designated and to read as follows:

4           " .   **EFFECTIVENESS IN STANDARDIZED TESTING**

5           **§302A-A Effectiveness in Standardized Testing Act of 2015.**

6 It is the purpose of this Act to restore the integrity of  
7 standardized testing in the public schools of this State by  
8 establishing criteria and procedures for the use of testing in  
9 the context of proven educational systems and methods.

10          **§302A-B Findings.** The legislature finds the following:

- 11          (1) Excessive use of standardized testing in public  
12             elementary and secondary schools is counterproductive;
- 13          (2) Educators care about how students learn and should be  
14             held responsible for using available data, including  
15             appropriate test scores, to inform and differentiate  
16             instruction for each student;



- 1           (3) Since the enactment of the federal No Child Left  
2           Behind Act of 2001, this State has been obliged to  
3           shift its focus in public education from teaching to  
4           testing;
- 5           (4) Although standardized testing is a legitimate partial  
6           measure of performance in school, undue emphasis on  
7           testing leads to a situation in which teachers spend  
8           more time preparing students to take tests and less  
9           time educating, while students spend more time taking  
10          tests and less time learning;
- 11          (5) Standardized testing is different from and should not  
12          be confused with testing for purposes such as  
13          individualized education program development and  
14          advanced placement examinations for college credit;
- 15          (6) Even though federal requirements currently do not  
16          allow the State to implement fully proven reforms as  
17          grade span testing across all subject matter areas, it  
18          is within the power of the State to establish  
19          procedures to mitigate the deleterious effects of the  
20          testing requirements of the federal No Child Left  
21          Behind Act of 2001;



1 (7) It is the responsibility of the board to establish a  
2 standardized testing protocol that, given the current  
3 restrictions imposed by federal law, minimizes the  
4 possible negative effects of testing and maximizes the  
5 integration of testing into an aligned curriculum; and

6 (8) It is the policy of the legislature that the protocol  
7 referred to in paragraph (7) shall include:

8 (A) The establishment of conditions for standardized  
9 testing; and

10 (B) The setting of standards for post-test activity  
11 requirements, as described in section 302A-C and  
12 section 302A-D, respectively.

13 **§302A-C Conditions for standardized testing in public**  
14 **schools.** As necessary, the board, by rule or otherwise, shall  
15 ensure that:

16 (1) The results of all standardized tests are returned to  
17 the appropriate school authorities in a timely manner;

18 (2) All standardized tests are aligned, appropriate, and  
19 authentic, and are developed with substantial teacher  
20 participation; and



1           (3) Test assessment literacy is incorporated into each  
2           teacher preparation program and is made available as  
3           part of required professional development for current  
4           practitioners.

5           §302A-D Post-test activity requirements with respect to  
6           standardized testing in public schools. As necessary, the  
7           board, by rule or otherwise, shall ensure that:

8           (1) Educators use data, including standardized test  
9           scores, to differentiate instruction for students;

10          (2) School leaders and school districts use data derived  
11          from standardized tests to inform improvements in  
12          school climate and system design;

13          (3) Parents have access not only to standardized test  
14          scores but also to accompanying reports that identify  
15          areas of strength and improvement for the students  
16          involved;

17          (4) Educators and schools supplement the reports in  
18          paragraph (4) with specific plans for classroom and  
19          school support; and

20          (5) Adequate amounts of funds made available for  
21          supplemental educational services under the federal



1 Elementary and Secondary Education Act of 1965 are  
2 used to provide specialized instructional support,  
3 targeted programs, and other services designed to  
4 address the educational needs of students whose needs  
5 are identified by data derived from standardized  
6 tests.

7 **§302A-E Parental appeals.** The board shall develop  
8 procedures for parental appeal of standardized test scores. The  
9 procedures may provide for reassessment based upon clear proof  
10 that the scores appealed are not reflective of the abilities of  
11 the students involved. The proof permitted may include grades  
12 received on classroom work during the test year, scores received  
13 on previous tests based on state academic standards, and other  
14 state-approved factors that are designed to measure academic  
15 performance.

16 **§302A-F Students with disabilities.** In the administration  
17 of standardized testing, the board shall ensure that students  
18 with disabilities are provided with the testing accommodations  
19 specified in their individual education programs under the  
20 federal Individuals with Disabilities Education Act or their  
21 section 504 accommodation plans under section 504 of the federal



1 Rehabilitation Act of 1973. The board shall make reasonable  
2 accommodations under this section notwithstanding any protocol  
3 of any standardized test publisher to the contrary.

4       **§302A-G English language learners.** The board shall  
5 develop testing accommodation guidelines for English language  
6 learners, including guidelines for time extensions, separate  
7 test locations, translated editions, bilingual dictionaries and  
8 glossaries, oral translations for lower-incident languages, and  
9 written responses in native languages. The board shall make  
10 reasonable accommodations under this section notwithstanding any  
11 protocol of any standardized test publisher to the contrary.

12       **§302A-H Waivers for extenuating circumstances.** The board  
13 shall develop procedures to grant one-time waivers from taking  
14 any standardized test. The board may grant a waiver under this  
15 section for extenuating circumstances or for other good cause  
16 shown, as determined under rules adopted by the board.

17       **§302A-I Quadrennial audits of standardized testing**  
18 **protocols.** (a) The board shall provide for comprehensive,  
19 independent audits of standardized testing protocols used in the  
20 public elementary and secondary schools in the State. The  
21 audits shall review and evaluate the entire range of educational



1 issues relating to the integrity of standardized testing,

2 including matters such as:

3 (1) Modalities of standardized test preparation;

4 (2) Assurance of fairness and lack of bias in standardized  
5 testing;

6 (3) Presence of proper pre-testing;

7 (4) Methods of determination of grade appropriateness, as  
8 shown by factors such as the percentage of  
9 standardized test items found to be above grade level;

10 (5) Proper administration and accurate scoring of  
11 standardized tests; and

12 (6) The level of effectiveness of school administrators in  
13 responding to concerns, complaints, and appeals of  
14 teachers, students, and parents.

15 (b) The board shall conduct audits under subsection (a) at  
16 least one school year in each period of four school years. Not  
17 later than the end of the sixth month after the last month of a  
18 school year that is audited, the board shall submit its findings  
19 and recommendations, including any proposed legislation, to the  
20 governor and the legislature.



1 (c) Each audit under subsection (a) shall be performed by  
2 an independent contractor that:

3 (1) Has a background and expertise in educational testing;  
4 and

5 (2) Is not affiliated with any standardized testing  
6 agency.

7 §302A-J Statewide survey. (a) No later than July 1,  
8 2016, the board shall begin a one-year statewide survey of  
9 school administrators and teachers to determine:

10 (1) The amount of time spent on preparation for  
11 standardized testing; and

12 (2) The impact of the use of the preparation time on the  
13 quality of instruction.

14 (b) The survey shall include questions related to:

15 (1) The effect of standardized testing on the morale of  
16 students and teachers;

17 (2) The relationship between the amount of time spent on  
18 standardized test preparation and the amount of time  
19 that is available for implementation of the approved  
20 curriculum;





1 (3) The amount of time teachers devote to alignment of  
2 curriculum with standardized tests;

3 (4) The percentage of standardized test items that are  
4 above grade level;

5 (5) The overall impact of standardized testing on the  
6 classroom environment; and

7 (6) Other questions that are relevant to the impact of  
8 standardized testing on the quality of public  
9 education in the State.

10 (c) Respondents to the survey under this section may  
11 choose not to be identified.

12 (d) Not later than six months after the completion of the  
13 survey, the board shall submit to the governor and the  
14 legislature a detailed report that:

15 (1) Compiles the survey data, displayed in categorized  
16 form that is designed for analysis and use by  
17 teachers, school administrators, legislators, and  
18 educational policymakers; and

19 (2) Presents conclusions and recommendations for  
20 standardized testing strategies to be implemented for  
21 the benefit of public schools in the State.



1           §302A-K Right to opt out. The board shall notify students  
2 and their parents or guardians about the right to opt out of  
3 participating in statewide standardized testing."

4           SECTION 2. In codifying the new sections added by section  
5 1 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8           SECTION 3. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:



JAN 29 2015



# H.B. NO. 1406

**Report Title:**

Board of Education; Standardized Testing; Public Schools

**Description:**

Requires the BOE to administer standardized tests early in the school year in order to use the tests to inform instruction in the school year in which the test is administered. Establishes conditions for standardized testing. Requires periodic audits of standardized testing protocols and reports to the legislature and the governor.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

