
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 Students with disabilities.** In the administration
8 of standardized testing, the board shall ensure that students
9 with disabilities are provided with the testing accommodations
10 specified in their individual education programs under the
11 federal Individuals with Disabilities Education Act or their
12 section 504 accommodation plans under section 504 of the federal
13 Rehabilitation Act of 1973. The board shall make reasonable
14 accommodations under this section notwithstanding any protocol
15 of any standardized test publisher to the contrary.

16 **§302A-F English language learners.** The board shall
17 develop testing accommodation guidelines for English language
18 learners, including guidelines for time extensions, separate
19 test locations, translated editions, bilingual dictionaries and
20 glossaries, oral translations for lower-incident languages, and
21 written responses in native languages. The board shall make



1 reasonable accommodations under this section notwithstanding any
2 protocol of any standardized test publisher to the contrary.

3 **§302A-G Waivers for extenuating circumstances.** The board
4 shall develop procedures to grant one-time waivers from taking
5 any standardized test. The board may grant a waiver under this
6 section for extenuating circumstances or for other good cause
7 shown, as determined under rules adopted by the board.

8 **§302A-H Quadrennial audits of standardized testing**
9 **protocols.** (a) The board shall provide for comprehensive,
10 independent audits of standardized testing protocols used in the
11 public elementary and secondary schools in the State. The
12 audits shall review and evaluate the entire range of educational
13 issues relating to the integrity of standardized testing,
14 including matters such as:

- 15 (1) Modalities of standardized test preparation;
- 16 (2) Assurance of fairness and lack of bias in standardized
17 testing;
- 18 (3) Presence of proper pre-testing;
- 19 (4) Methods of determination of grade appropriateness, as
20 shown by factors such as the percentage of
21 standardized test items found to be above grade level;



1 (5) Proper administration and accurate scoring of
2 standardized tests; and

3 (6) The level of effectiveness of school administrators in
4 responding to concerns, complaints, and appeals of
5 teachers, students, and parents.

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

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

14 (1) Has a background and expertise in educational testing;
15 and

16 (2) Is not affiliated with any standardized testing
17 agency.

18 §302A-I Statewide survey. (a) No later than July 1,
19 2016, the board shall begin a one-year statewide survey of
20 school administrators and teachers to determine:



- 1 (1) The amount of time spent on preparation for
2 standardized testing; and
- 3 (2) The impact of the use of the preparation time on the
4 quality of instruction.
- 5 (b) The survey shall include questions related to:
- 6 (1) The effect of standardized testing on the morale of
7 students and teachers;
- 8 (2) The relationship between the amount of time spent on
9 standardized test preparation and the amount of time
10 that is available for implementation of the approved
11 curriculum;
- 12 (3) The amount of time teachers devote to alignment of
13 curriculum with standardized tests;
- 14 (4) The percentage of standardized test items that are
15 above grade level;
- 16 (5) The overall impact of standardized testing on the
17 classroom environment; and
- 18 (6) Other questions that are relevant to the impact of
19 standardized testing on the quality of public
20 education in the State.



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

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

6 (1) Compiles the survey data, displayed in categorized
7 form that is designed for analysis and use by
8 teachers, school administrators, legislators, and
9 educational policymakers; and

10 (2) Presents conclusions and recommendations for
11 standardized testing strategies to be implemented for
12 the benefit of public schools in the State."

13 SECTION 2. In codifying the new sections added by section
14 1 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

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



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. (HB1406 HD1)

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