

JAN 29 2015

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) All federally mandated standardized tests are
17 administered at such a time in the school year that
18 allows standardized test results to be used to inform
19 instruction in the year of administration of the
20 standardized tests;



- 1 (2) The results of all standardized tests are returned to
- 2 the appropriate school authorities in a timely manner;
- 3 (3) All standardized tests are aligned, appropriate, and
- 4 authentic, and are developed with substantial teacher
- 5 participation; and
- 6 (4) Test assessment literacy is incorporated into each
- 7 teacher preparation program and is made available as
- 8 part of required professional development for current
- 9 practitioners.

10 **§302A-D Post-test activity requirements with respect to**
11 **standardized testing in public schools.** As necessary, the
12 board, by rule or otherwise, shall ensure that:

- 13 (1) Educators use the results of standardized tests as
- 14 formative data points to inform instruction in the
- 15 school year in which the standardized test is
- 16 administered;
- 17 (2) Educators use data, including standardized test
- 18 scores, to differentiate instruction for students;
- 19 (3) School leaders and school districts use data derived
- 20 from standardized tests to inform improvements in
- 21 school climate and system design;



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

5 (5) Educators and schools supplement the reports in
6 paragraph (4) with specific plans for classroom and
7 school support; and

8 (6) Adequate amounts of funds made available for
9 supplemental educational services under the federal
10 Elementary and Secondary Education Act of 1965 are
11 used to provide specialized instructional support,
12 targeted programs, and other services designed to
13 address the educational needs of students whose needs
14 are identified by data derived from standardized
15 tests.

16 **§302A-E Parental appeals.** The board shall develop
17 procedures for parental appeal of standardized test scores. The
18 procedures shall provide for reassessment based upon clear proof
19 that the scores appealed are not reflective of the abilities of
20 the students involved. The proof permitted may include grades
21 received on classroom work during the test year, scores received



1 on previous tests based on state academic standards, and other
2 state-approved factors that are designed to measure academic
3 performance.

4 **§302A-F Students with disabilities.** In the administration
5 of standardized testing, the board shall ensure that students
6 with disabilities are provided with the testing accommodations
7 specified in their individual education programs under the
8 federal Individuals with Disabilities Education Act or their
9 section 504 accommodation plans under section 504 of the federal
10 Rehabilitation Act of 1973. The board shall make reasonable
11 accommodations under this section notwithstanding any protocol
12 of any standardized test publisher to the contrary.

13 **§302A-G English language learners.** The board shall
14 develop testing accommodation guidelines for English language
15 learners, including guidelines for time extensions, separate
16 test locations, translated editions, bilingual dictionaries and
17 glossaries, oral translations for lower-incident languages, and
18 written responses in native languages. The board shall make
19 reasonable accommodations under this section notwithstanding any
20 protocol of any standardized test publisher to the contrary.



1 **§302A-H Waivers for extenuating circumstances.** The board
2 shall develop procedures to grant one-time waivers from taking
3 any standardized test. The board may grant a waiver under this
4 section for extenuating circumstances or for other good cause
5 shown, as determined under rules adopted by the board.

6 **§302A-I Quadrennial audits of standardized testing**
7 **protocols.** (a) The board shall provide for comprehensive,
8 independent audits of standardized testing protocols used in the
9 public elementary and secondary schools in the State. The
10 audits shall review and evaluate the entire range of educational
11 issues relating to the integrity of standardized testing,
12 including matters such as:

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



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

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

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

12 (1) Has a background and expertise in educational testing;
13 and

14 (2) Is not affiliated with any standardized testing
15 agency.

16 **§302A-J Statewide survey.** (a) No later than July 1,
17 2016, the board shall begin a one-year statewide survey of
18 school administrators and teachers to determine:

19 (1) The amount of time spent on preparation for
20 standardized testing; and



- 1 (2) The impact of the use of the preparation time on the
2 quality of instruction.
- 3 (b) The survey shall include questions related to:
- 4 (1) The effect of standardized testing on the morale of
5 students and teachers;
- 6 (2) The relationship between the amount of time spent on
7 standardized test preparation and the amount of time
8 that is available for implementation of the approved
9 curriculum;
- 10 (3) The amount of time teachers devote to alignment of
11 curriculum with standardized tests;
- 12 (4) The percentage of standardized test items that are
13 above grade level;
- 14 (5) The overall impact of standardized testing on the
15 classroom environment; and
- 16 (6) Other questions that are relevant to the impact of
17 standardized testing on the quality of public
18 education in the State.
- 19 (c) Respondents to the survey under this section may
20 choose not to be identified.



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

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

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

11 **§302A-K Waiver in case of conflict with federal mandate.**

12 If a conflict between the requirements of this Act and the
13 requirements of a federal law or regulation prevents
14 administration of a standardized test to any student who,
15 according to other measures authorized by state law, has
16 recently performed successfully, with respect to the subject
17 involved, the board shall apply for a waiver from the
18 application of the conflicting federal law or regulation."

19 SECTION 2. In codifying the new sections added by section
20 1 of this Act, the revisor of statutes shall substitute



S.B. NO. 1243

1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

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

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S.B. NO. 1243

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.

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