

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE JOINT
RESOLUTION NO. 1051

By: Smaligo

AS INTRODUCED

A Joint Resolution disapproving certain rule of the State Department of Education relating to requests to view or take possession of Oklahoma School Testing Program documents; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to determine that a rule is not consistent with legislative intent and disapprove such rule or any portion thereof; and

WHEREAS, effective May 26, 1994, the State Department of Education promulgated OAC 210:10-13-10 which established restrictions relating to requests to view or take possession of Oklahoma School Testing Program documents; and

WHEREAS, such rule does not reflect the intent of the Oklahoma Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. Permanent rule of the State Department of Education OAC 210:10-13-10 effective May 26, 1994, relating to requests to view or take possession of Oklahoma School Testing Program documents is hereby disapproved by the Oklahoma State Legislature. The language of OAC 210:10-13-10 which is disapproved by this resolution reads as follows:

"210:10-13-10. Requests to view or take possession of documents

Responses to requests to view or take possession of test documents shall be executed as follows:

(documents shall include student test booklets containing secured test items; student answer sheets; and test administrator manuals)

(1) No person shall be allowed to take possession of an original version or copy of any test materials which contain secured test items or answers to said items.

(2) No person who will be serving as test administrator or test monitor for the OSTP shall be allowed to view test documents before the tests are administered (70 O.S. 1991, Section 1210.512, amended in 1992).

(3) A parent or legal guardian of a student participating in the OSTP shall be allowed to view achievement or criterion-referenced test documents only under the following conditions:

(A) The person shall submit his or her request in writing to the State Department of Education's Student Assessment Section Director.

(B) The viewing shall take place in the State Department of Education's Student Assessment Office at a mutually agreed-upon time with the Student Assessment Director or his/her designee.

(C) The viewing of test documents shall be limited to no more than two viewers during a single time period.

(D) The Student Assessment Director or his/her designee shall remain in the room with the viewers throughout the viewing of test documents.

(E) Students will not be allowed to view tests.

(F) Viewers of tests shall be prohibited from duplicating, paraphrasing, or summarizing test items in any form -- by hand-written means or through use of any mechanical tool

(i.e., audio or video tape recorder; copy machine; still picture camera; or other).

(G) Tests and test materials shall be considered secured documents. No viewer shall be allowed to remove secured documents from the viewing room.

(H) No unauthorized person shall be allowed to view an OSTP writing assessment prompt until after that prompt has been administered in Oklahoma as a test item. Viewing of writing test prompts shall be subject to the same procedures and conditions as viewing of other test materials.

(I) Prior to the viewing of any test materials, all viewers shall sign an affidavit stating that

(i) the viewer is the parent or legal guardian of the student whose documents they wish to view

(ii) they shall not reveal any test items, writing prompts, or other secured information to any person; and

(iii) they shall neither serve as a test administrator nor test monitor for the OSTP at the grade level of the document(s) viewed.

(J) A student's answer sheet or writing assessment essay may be viewed only by the student's parent or legal guardian. Any person requesting to view student test documents shall provide proof of his or her status as the parent or legal guardian of the student whose documents are required for viewing. Proof of identification shall be provided in one of the following forms:

(i) the student's birth certificate; and

(ii) a driver's license containing a picture of the requesting person; or

(iii) other recognized official form of identification. In addition, the person shall provide proof of his or her status as parent or legal guardian of the student whose documents are requested for viewing."

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Director of the State Department of Education and the Editor of "The Oklahoma Register".

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-7489

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