

CHAPTER 53
FORMERLY
SENATE BILL NO. 78
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE ASSESSMENT SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 14, Chapter 1, §151 of the Delaware Code by deleting the words “student testing program” as they appear in the heading and replacing them with the words “assessment system”.

Section 2. Amend Title 14, Chapter 1, §151 of the Delaware Code by deleting subsection (b) in its entirety and relettering the existing subsections accordingly.

Section 3. Amend Title 14, Chapter 1, §151 of the Delaware Code in the newly relettered subsection “(c)” by deleting the phrase “(c)” as it appears between the words “subsection” and “of” in said subsection and replacing it with the phrase “(b)”.

Section 4. Amend Title 14, Chapter 1, §151 of the Delaware Code in the newly relettered subsections “(d)” and “(e)” by adding the phrase “(b) and” between the word “subsection” and “(c)” wherever they appear in said subsections.

Section 5. Amend Title 14, Chapter 1, §152(c) of the Delaware Code by deleting the phrase “(g)” and replacing it with the phrase “(f)”.

Section 6. Amend Title 14, Chapter 1, §153(a) of the Delaware Code deleting the number “5” as it appears therein and replace it with the number “4”.

Section 7. Amend Title 14, Chapter 1, §153(b) of the Delaware Code by deleting the phrase “, after consultation with the Student Assessment and Accountability Committee established pursuant to §158 of the title,” as it appears therein.

Section 8. Amend Title 14, Chapter 1, §153(c) of the Delaware Code by deleting the word “DSTP” as it appears twice in the subsection and replacing it with the phrase “assessment(s) in the state assessment system” in both places.

Section 9. Amend Title 14, Chapter 1, §153(d) of the Delaware Code by adding the words “reading and mathematics” between the words “the” and “assessments” in the first sentence, and further by adding the language “and (c)” between the phrase “(b)” and the word “of” as they appear therein.

Section 10. Amend Title 14, Chapter 1, §§153(d)(1), (2), (3), and (4) of the Delaware Code by adding the language “and (c)” between the reference “§151(b)” and the word “of” at each location therein, and further by deleting the word “DSTP” wherever it may appear and replacing it with the words “statewide assessment”.

Section 11. Amend Title 14, Chapter 1, §153(d)(6) of the Delaware Code by adding the language “and (c)” between the reference “§151(b)” and the word “of” as they appear twice in the paragraph, and further by deleting the number “2,” as it appears therein.

Section 12. Amend Title 14, Chapter 1, §153(d) of the Delaware Code by deleting paragraph “(7)” in its entirety and renumbering the subsequent paragraphs accordingly.

Section 13. Amend Title 14, Chapter 1, §153(d) in the newly renumbered paragraph “(7)” of the Delaware Code by adding the language “and (c)” between the phrase “§151(b)” and the word “of” as they appear in the paragraph.

Section 14. Amend Title 14, Chapter 1, §153(e) of the Delaware Code by adding the language “and (c)” between the reference “§151(b)” and the word “of” as they appear four times in the paragraph.

Section 15. Amend Title 14, Chapter 1, §153(g) of the Delaware Code by deleting the phrase “(g)” as found therein and replacing it with the phrase “(f)”.

Section 16. Amend Title 14, Chapter 1, §154(a) of the Delaware Code by deleting the number “5” and replacing it with the number “3” in the third sentence, and by deleting the phrase “‘Academic Review, Academic Progress’” as found therein, and further by adding the following sentence at the end of the subsection:

“A public school may additionally be identified as ‘Under Improvement’ pursuant to criteria of the Federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. § 6301 et seq.”

Section 17. Amend Title 14, Chapter 1, §154(d) by deleting the phrase “‘Academic Review, Academic Progress’ and” as it appears in the first sentence, and by adding the language “and ‘Under Improvement’” at the end of the sentence.

Section 18. Amend Title 14, Chapter 1, §155(a) of the Delaware Code by deleting the number “5” and replacing it with the number “3” in the third sentence, and by deleting the phrase “‘Academic Review,’ ‘Academic Progress’” as it appears therein.

Section 19. Amend Title 14, Chapter 1, §155(a) of the Delaware Code by adding the following sentence to the end of the subsection:

“A school district may additionally be identified as ‘Under Improvement’ pursuant to criteria of the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. § 6301 et seq.”

Section 21. Amend Title 14, Chapter 1, §155(d) of the Delaware Code by deleting the phrase “‘Academic Review,’ ‘Academic Progress’ and” as it appears therein, and by adding the words “and ‘Under Improvement’” after the phrase “‘Academic Watch’”.

Section 22. Amend Title 14, Chapter 1, Subchapter IV. of the Delaware Code by deleting “Student Testing Program” as it appears in the subchapter title and replacing it with the words “State Assessment System”.

Section 23. Amend Title 14, Chapter 1, §170(1) of the Delaware Code by deleting the phrase “Delaware Student Testing Program (DSTP)” and substituting the phrase “State Assessment System” in lieu thereof, and by deleting the word “testing” and replacing it with the word “assessment”, and by deleting the word “and” after the semicolon “;”.

Section 24. Amend Title 14, Chapter 1, §170(5) of the Delaware Code by deleting the word “Test” and replacing it with “Assessment”, and by adding the words “including those delivered via the computer” between the words “materials” and “through”, and further by deleting the period “.” at the end of the sentence, and replacing it with a semicolon “;”.

Section 25. Amend Title 14, Chapter 1, §170 of the Delaware Code by adding the following new subsections thereto:

“(6) ‘Log-in’ means the process of accessing the assessment website;

(7) ‘Secure browser’ means the computer browser that prevents the student from accessing functions of the computer that are not allowed during assessment;

(8) ‘Student Identification Number’ means the unique identification number assigned to each student in the State of Delaware under which his or her student records are maintained; and

(9) ‘Assessment site’ means the physical location of the assessment administration, including a computer lab, classroom, or other room.”

Section 26. Amend Title 14, Chapter 1, §171(a) of the Delaware Code by deleting said subsection in its entirety and substituting the following in lieu thereof:

“(a) The Department shall promulgate rules and regulations to ensure the security of the assessment administration, training of personnel and collection and reporting of assessment data.”

Section 27. Amend Title 14, Chapter 1, §171(b)(1) of the Delaware Code by adding the word “printed” between the words “the” and “materials” as they first appear, and by deleting the word “testing” and replacing it with the words “assessment administration” as it appears twice in the paragraph, and by deleting the words “tests and test” as they appear between the words “secure” and “materials” and replacing them with the word “assessment”.

Section 28. Amend Title 14, Chapter 1, §171(b) of the Delaware Code by inserting a new paragraph “(2)” as follows and renumbering the existing paragraphs (2) and (3) as (3) and (4) respectively:

“(2) Procedures to safeguard computer access information and use of the secure browser, including the printing of assessment content;”

Section 29. Amend Title 14, Chapter 1, §171(b) of the Delaware Code in the newly renumbered paragraph “(3)” by deleting the words “tests” and “test” as they appear therein and replacing them with the words “assessments” and “assessment” respectively.

Section 30. Amend Title 14, Chapter 1, §171(b) of the Delaware Code in the newly renumbered paragraph “(4)” by deleting the word “DSTP” and replacing it with the words “state assessment system”.

Section 31. Amend Title 14, Chapter 1, §172 of the Delaware Code by deleting the word “Testing” as it appears in the section title and replacing it with the word “Assessment”.

Section 32. Amend Title 14, Chapter 1, §172 of the Delaware Code by deleting “a testing” and “DSTP test” as they appear in the first sentence and replacing them with the phrases “an assessment” and “state assessment system” respectively.

Section 33. Amend Title 14, Chapter 1, §172 of the Delaware Code in paragraphs (1), (2), (3), (5), (6), (7), (10) and (11) by deleting the word “test” wherever it appears therein and substituting the word “assessment” in lieu thereof.

Section 34. Amend Title 14, Chapter 1, §172(1) of the Delaware Code by deleting “DSTP” as it appears at the end of the sentence and replacing it with “state assessment”.

Section 35. Amend Title 14, Chapter 1, §172(3) of the Delaware Code by adding a comma “,” after the word “use” and adding the word “the” between the words “of” and “secure” as they appear therein.

Section 36. Amend Title 14, Chapter 1, §172(4) of the Delaware Code by deleting said subsection in its entirety and substituting the following in lieu thereof:

“(4) Provide answers during the assessment administration either orally, in writing, or by any other means to an examinee;”

Section 37. Amend Title 14, Chapter 1, §172 (5) and (6) of the Delaware Code by deleting in said subsections the word “testing” and replacing it with the words “assessment administration” at each location.

Section 38. Amend Title 14, Chapter 1, §172(7) of the Delaware Code by adding the following language after the semi-colon “;”:

“fail to remove or cover non-allowable resources from the assessment site during the assessment administration; or fail to destroy scratch paper used by students during the assessment administration;”

Section 39. Amend Title 14, Chapter 1, §172 (8) through (11) by redesignating said subsections as (13) through (16) respectively.

Section 40. Amend Title 14, Chapter 1, §172 of the Delaware Code by adding the following new subsections thereto:

“(8) Fail to prohibit students from accessing or using electronic equipment (e.g., cellular phones, personal digital assistant devices, iPods, electronic translators), other than those authorized for use by the Department for the assessment administration;

(9) Fail to confirm proper identification of students being administered the assessment or intentionally give a student the wrong student identification number during the log-in, causing any student to log in and take the assessment under another student's records;

(10) Fail to collect and destroy any materials bearing student identification number(s) and student name(s) used to provide student(s) with this information during the assessment administration;

(11) Produce unauthorized copies of assessment content from the computer website; fail to properly destroy authorized copies; or allow copies to be taken outside the assessment site;

(12) Allow assessment administration by unauthorized personnel or personnel who have not received assessment administration certification;"

Section 41. Amend Title 14, Chapter 1, §172 of the Delaware Code in the newly renumbered subsection "(13)" by deleting the words "DSTP tests" and replacing them with the word "assessments".

Section 42. Amend Title 14, Chapter 1, §173 of the Delaware Code in subsections (1) and (2) by deleting the word "test" as it appears in those subsections and replacing it with the word "assessment" at each location and further by deleting the word "tested" and replacing it with the words "administered the assessments" as it appears at each location therein.

Section 43. Amend Title 14, Chapter 1, §173(3) of the Delaware Code by deleting the reference "DSTP" and replacing it with the words "state assessment".

Section 44. Amend Title 14, Chapter 1, §174(a)(1) of the Delaware Code by deleting the word "test" and replacing it with the word "assessment".

Section 45. Amend Title 14, Chapter 12, §1218(a)(3) of the Delaware Code by deleting the words "student testing program" and replacing them with the words "state assessment system".

Section 46. Amend Title 14, Chapter 12, §1270 of the Delaware Code by deleting subsections "(d)" and "(e)" in their entirety and relettering the remaining subsections accordingly.

Section 47. Amend Title 14, Chapter 12, §1274 of the Delaware Code by deleting the phrase "§1270(h)" therein and substituting "§1270(f)" in lieu thereof.

Approved June 22, 2011