

R 9-1-4 Security Regulations

Only secure test materials shall be used in conjunction with the WV-MAP. Apart from the scheduled test administration to students, the use of secure test materials (paper and electronic) to retain, reproduce, paraphrase, or discuss in any manner the booklets or excerpts from the booklets is unethical and inappropriate. A County Test Coordinator, Principal, Building Level Coordinator, or County/School Personnel found to have inappropriately used test materials in this manner will be subject to penalties, including but not limited to, revocation of professional license, as set forth in §126-14-8 Investigation of Alleged Breach of Testing Security/Copyright Infringement.

Responsibilities of the Coordinator

The county test coordinator shall acknowledge that all test materials within the WV-MAP are secure by completing the required training for each assessment and by reviewing, signing and returning the WVBE *County Test Coordinator's Secure Materials and Test Procedures Agreement (Appendix B, SBP 2340)* to the West Virginia Department of Education prior to the 15th day of September each year

Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured, central location by the county test coordinator consistent with test security procedures outlined in the *Testing Code of Ethics (Appendix A, SBP 2340)*.

Responsibilities of the Principal

The school principal shall acknowledge that all assessments within the West Virginia Measures of Academic Progress (WV-MAP) are secure tests by completing the required training for each assessment and by reviewing, signing and returning the WVBE *Principal's Secure Materials and Test Procedures Agreement (Appendix C, SBP 2340)* to the county test coordinator prior to the last day of September each year. This agreement must be on file with the county test coordinator before any test administration materials will be released to the principal.

- ❖ The Building Level Coordinator, if applicable, shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing and returning the WVBE *Building Level Coordinator's Secure Materials and Test Procedures Agreement (Appendix D)* to the County Test Coordinator prior to the last day of September each year. This agreement must be on file with the County Test Coordinator before any test administration materials will be released to the principal.
- ❖ Test materials must be stored in locked and secured central locations prior to and following each daily testing session. Test materials are to be stored in a school in accordance with the administration guidelines of each assessment. Access to secure test booklets and answer sheets by all persons other than the County Test Coordinator, Principal, and Building Level Coordinator shall be restricted to the scheduled dates of test administration as outlined in the *Testing Code of Ethics (Appendix A)*.
- ❖ Individual student test data will be stored in a locked and secured area. All personally identifiable student test data will be maintained under conditions consistent with the requirements of FERPA.

- ❖ The test administration area shall be maintained in a secure manner accessible only to those students to whom the assessment is being administered, the Examiners, the Principal and/or the Building Level Coordinator(s), and authorized County/School Personnel.

Responsibilities of the Examiner

The examiners shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing and returning the *WVBE Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement (Appendix E)* to the appropriate test administrator five instructional days prior to the beginning of testing each year. This signed agreement must be on file with the Principal and verification of all trained personnel with signed security agreements for each assessment must be on file with the County Test Coordinator/Principal five instructional days prior to the beginning of testing each year.

The examiners shall not review any specific information from secure tests with students or use the information to create review worksheets or any other test item related aids that would improve students' test scores.

Reporting Violations of Security Regulations

The WVDE and OEPA will routinely review county, school and classroom test data reports to identify irregularities in testing security procedures, modifications of test answer sheets, or other alleged unethical practices. The repercussions for testing security violations and/or copyright infringements are outlined in §126-14-8 Investigation of Alleged Breach of Testing Security/Copyright Infringement and *SBP 2320*.

Any alleged cheating, security breach, testing administration breach or copyright infringement shall be reported according to the following protocol:

- ❖ Any alleged violation that occurs in the school shall be reported to the school principal.
- ❖ School principals shall report alleged violations to the county test coordinator.
- ❖ The county test coordinator shall report alleged violations to the Superintendent and to the Office of Student Assessment Services, WVDE.
- ❖ The Office of Student Assessment Services/Legal shall report alleged breaches to the Office of the State Superintendent of Schools, WVDE
- ❖ The Office of Student Assessment Services and the WVDE hold the authority to determine whether or not a breach form of the test will be administered.
- ❖ When the circumstances of reporting an alleged breach directly to an administrator may place an informant in jeopardy, said alleged breach may be reported directly to the Office of Student Assessment Services, WVDE which represents the State Superintendent of Schools.

Investigation of Security Violations

Any written complaint and/or oral report of alleged cheating, security breach, testing administration breach or copyright infringement shall be reported immediately, according to the protocol set forth in §126-14-7.7 of this policy, to the Principal or County Test Coordinator with a copy to the County Superintendent (or organization) in which the alleged breach(es) occurred.

The County Test Coordinator shall immediately contact the Office of Student Assessment Services, WVDE, which will advise the county about the procedures to follow regarding any investigation.

All complaints, whether reported by a named individual or anonymously, will be reviewed and a decision will be made as to whether an investigation will be conducted.

An investigation must occur in a timely and efficient manner and shall be jointly conducted by the designated staff of WVDE and the County Superintendent (or the designated staff) of the county in which the alleged breach occurred, or solely conducted by the staff of WVDE when requested by the County Superintendent.

The investigation must, at a minimum, consist of personal interviews with the reporter, if known; the individual(s) against whom the allegation(s) is/are filed; and any other individual who may have knowledge of the alleged incident.

- ❖ The investigative team must take immediate steps to protect the rights of the complainant, students, teachers, administrators, and other personnel including the individual(s) against whom the allegation(s) is/are made pending the completion of an investigation of cheating, a security breach, a testing administration breach or copyright infringement. Therefore, the local school district shall maintain confidentiality and shall not conduct investigations at the county level prior to notification to the West Virginia Department of Education.
- ❖ The investigation may also consist of any other methods and review of the circumstances deemed pertinent by the investigators within the bounds of the law.

Upon completion of the investigation, written findings and final recommendations based on all the facts and surrounding circumstances must be submitted within ten working days to the Office of the State Superintendent of Schools followed by a copy to the County Superintendent and shall include:

- ❖ A determination of whether a breach did or did not occur or whether a breach could not be determined; and
- ❖ If a violation has been determined, one or more of the following recommendations shall be made:
 - invalidating the test scores of students/classes/schools/county;
 - if the testing window has not closed, retesting of students with the equivalent form of the test will be considered with the county (or school if requested by county) assuming the cost of both purchasing and scoring of the equivalent form;
 - re-aggregating the test data for valid test results for students school/county/state; and
 - using the equivalent form in the next year's administration for the affected grades.

Upon receipt of the investigative team's findings the County Superintendent may request in writing any recorded conversations, written statements, and/or other documents or materials obtained during the investigation. The requested materials shall be mailed to the County Superintendent via certified mail with proof of receipt.

Within 60 days of receipt of the letter from the State Superintendent of Schools accepting the recommendations of the investigative team, the County Superintendent shall report in writing to the State Superintendent of Schools any action taken. This report shall include the following:

- ❖ Action taken by the County Superintendent:

- no action;
 - written reprimand;
 - improvement plan; or
 - other.
- ❖ Action taken by the county board:
 - no action;
 - suspension;
 - termination; or
 - other.

Within 90 days of the receipt of the county's written report, the State Superintendent of Schools will review the action taken by the county to determine whether to close the case or to initiate licensure revocation. The County Superintendent and individual(s) against whom the complaint was filed will be notified of the decision within said timeframe.

The State Superintendent of Schools may revoke the teaching license of any person who commits acts of immorality or untruthfulness (WVC §18A-3-6) or decline to grant a license or a license renewal for not being of good moral character or mentally or emotionally qualified to perform the duties of a teacher (WVC §18A-3-2a) to any person who knowingly and willfully acted with the intent to compromise the integrity of assessments in the WV-MAP. Behavior giving rise to such action by the State Superintendent includes but is not limited to:

- ❖ giving unauthorized access to secure test questions and/or answer keys or infringement of copyrighted materials;
- ❖ retaining, reproducing, paraphrasing, or discussing all or any portion of a secure test;
- ❖ prompting or assisting examinees during testing or altering examinees' responses in any way;
- ❖ providing a false certification on any WVBE Secure Materials and Test Procedures Agreement or County/School Personnel Secure Materials Agreement;
- ❖ manipulating the test administration, demographic data, or the students' answers or data; or
- ❖ participating in, directing, aiding or abetting, or assisting in any of the acts prohibited in SBP 2340, WV-MAP and WVC §18-2E-1a.

The WVBE in conjunction with the State Superintendent of Schools shall have the authority to enforce copyright laws to ensure the integrity of the assessments in the WV-MAP, WVC §18-2E-1a(4).