



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-**
RULE NAME **West Virginia Measures of Academic Progress (Policy 2340)** **014**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, February 10, 2017 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Dr. Vaughn Rhudy
WVDE Office of Assessment
Capitol Building 6, Room 825
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Jill M Newman -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-014



Rule Id: 10380



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
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AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**
RULE NAME **West Virginia Measures of Academic Progress (Policy 2340) 014**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

The proposed changes will reflect the changes in the tested grades levels for science from grade 4 to 5 in elementary school and grade 6 to 8 in middle school granted in the WVBE-approved waiver in October 2016 and will require the Office of Assessment to administer end-of-course (EOC) exams in selected core high school courses, beginning with English Language Arts (ELA) and mathematics and science in the school year 2017-18, if possible, and when available, replace the Smarter Balanced high school ELA and mathematics assessments, preferably by 2018-19.

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**
RULE NAME **West Virginia Measures of Academic Progress (Policy 2340) 014**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PRIMARY CONTACT

Office of Assessment
West Virginia Department of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, STATE ZIP

SECONDARY CONTACT

Virginia Harris
West Virginia Board of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, STATE SECONDARY ZIP SECONDARY

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Education**
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RULE NAME **West Virginia Measures of Academic Progress (Policy 2340) 014**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

Adoption of this policy will have an impact on costs, but the exact amount of the costs will vary depending on the number of high school end-of-course (EOC) tests developed and the method of development. The state will see some reduction in expenditures from a reduction in some hand scoring, with the exception of the ELA performance tasks for writing; however, costs for WV state-owned items will run about \$2,000 per item. Additional one-time costs will be incurred for test design needed for each EOC, form construction, standard setting, peer review and other research studies. The figures provided below are rough estimates.

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Education**
 RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**
 RULE NAME **West Virginia Measures of Academic Progress (Policy 2340) 014**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	2,464,717.89	9,231,798.08
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY	Education				
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	126-
RULE NAME	West Virginia Measures of Academic Progress (Policy 2340)				014

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

Adoption of this policy will result in an estimated decreased expenditures of \$280,000 as a result of a reduction in the need for hand scoring of some responses in grades 9 and 10.

However, adoption of this policy will result in an estimated increase in expenditures of \$2,744,717.89 as a result of tasks needed to develop high school end-of-course exams for selected core high school courses beginning in the school year 2017-18 with the intention of having the end-of-course exams replace the Smarter Balanced high school ELA and mathematics assessments by the school year 2018-19. Adding end-of-course testing in grades 9-12 in high school is estimated to increase full-year implementation costs to \$9,231,798.08, but this is an estimate. The total amount might be less depending on the number of end-of-course tests to be developed and administered.

Jill M Newman -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-014



Rule Id: 10380



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**
RULE NAME **West Virginia Measures of Academic Progress (Policy 2340) 014**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Jill M Newman -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Education				
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	126-
RULE NAME	West Virginia Measures of Academic Progress (Policy 2340)				014

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

West Virginia Board of Education Policy 2340 provides an operational framework to administer an effective and efficient statewide assessment program, provide procedures to protect integrity of test data, and support the use of assessment data to improve instruction. Under the Every Student Succeeds Act (ESSA), an Elementary and Secondary Education (ESEA) reauthorization passed by Congress and signed into law in December 2015, states are required to administer to all students annual statewide assessments in reading/language arts and mathematics in grades 3-8 and once in high school, as well as assessments once in each grade span in science for all students.

The proposed changes will reflect the changes in the tested grades levels for science from grade 4 to 5 in elementary school and grade 6 to 8 in middle school granted in the WVBE-approved waiver in October 2016 and will require the Office of Assessment to administer end-of-course (EOC) exams in selected core high school courses, beginning with English Language Arts (ELA) and mathematics and science in the school year 2017-18, if possible, and when available, replace the Smarter Balanced high school ELA and mathematics assessments, preferably by 2018-19.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Jill M Newman -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-014



Rule Id: 10380



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EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 2340 – West Virginia Measures of Academic Progress

Background:

West Virginia Board of Education Policy 2340, titled West Virginia Measures of Academic Progress, provides an operational framework to administer an effective and efficient statewide assessment program, provide procedures to protect integrity of test data, and support the use of assessment data to improve instruction.

Under the Every Student Succeeds Act (ESSA), an Elementary and Secondary Education (ESEA) reauthorization passed by Congress and signed into law by President Obama in December 2015, states are required to administer to all students annual statewide assessments in reading/language arts and mathematics in grades 3-8 and once in high school, as well as assessments once in each grade span in science for all students.

West Virginia currently administers the West Virginia General Summative Assessment in English language arts (ELA) and mathematics in grades 3-11. The West Virginia Board of Education approved a waiver in October 2016 to change the grade levels in which the science assessment is given from grade 4 to grade 5 in elementary school and from grade 6 to grade 8 in middle school. Science will continue to be assessed in high school in grade 10. The change in the grade levels in which science is assessed allows the state to fulfill federal regulations, as well as provide students and parents with score reports for science. At the same time, the change allows the state to develop and field test new science assessment items to be used to develop grade-band science tests in elementary and middle school and to field test new items to develop a grade 10 science test focusing on life science.

With the adoption and implementation of the West Virginia College- and Career-Readiness Standards, West Virginia seeks to administer end-of-course (EOC) exams in selected core high school courses, beginning with English Language Arts (ELA) and mathematics and science in the school year 2017-18, if possible, and when available, replace the Smarter Balanced high school ELA and mathematics assessments, preferably by 2018-19.

Proposals: The following changes to Policy 2340 are proposed:

§126-14-1. General. Change language to reflect new effective date.

§126-14-3. Definitions. Change “Office of Professional Preparation” to “Office of Educator Effectiveness and Licensure” in §126-14-3.5 and 3.17.b. Delete references to the ESEA Flexibility Waiver (§126-14-3.14.a and b) and delete reference to the West Virginia Accountability Index (WVAI) (§126-14-3.54); adjust numbering because of deleted definitions; add phrase “and student success indicators” in definition for West Virginia Accountability System (WVAS); change tested

grade levels for science from 4 to 5 and from 6 to 8; and change “Next Generation Content Standards and Objectives (CSOs)” to “state-approved content standards.”

§126-14-4. Program Regulations. Change tested grade levels for science from 4 to 5 and 6 to 8 for both the alternate and general summative assessments; add §126-14-4.1.c to read “The WVDE Office of Assessment will administer the West Virginia High School End-Of-Course (WVEOC) exams in selected core high school courses, beginning with English Language Arts (ELA) and mathematics and science. WVEOC Exams will begin in the school year 2017-18, if possible, and, when available, replace the Smarter Balanced high school ELA and mathematics assessments, preferably by 2018-19. In all phases of development of the WVEOC Exams, the Office of Assessment will consult with and, where appropriate, involve West Virginia classroom teachers, administrators and other appropriate stakeholders. The WVEOC Exams will be aligned to the West Virginia College- and Career-Readiness Standards for corresponding courses and designed in such a manner as to assure that their implementation and administration will not disrupt the standards-based accountability system found in W. Va.126CSR13, WVBE Policy 2320, A Process for Improving Education: Performance Based Accreditation System (Policy 2320). The Office of Assessment will keep the WVBE informed of its progress, and final adoption of any assessment will be subject to the approval of the WVBE.”

Impact:

The proposed changes will reflect the changes in the tested grades levels for science from grade 4 to 5 in elementary school and grade 6 to 8 in middle school granted in the WVBE-approved waiver in October 2016 and will require the Office of Assessment to administer end-of-course (EOC) exams in selected core high school courses, beginning with English Language Arts (ELA) and mathematics and science in the school year 2017-18, if possible, and when available, replace the Smarter Balanced high school ELA and mathematics assessments, preferably by 2018-19.

Response to Comments:

126CSR14

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 14
WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS (2340)

§126-14-1. General.

1.1. Scope. -- This policy establishes rules governing the administration and operation of the West Virginia Measures of Academic Progress.

1.2. Authority. -- West Virginia Constitution, Article XII, §2; W. Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8(c)(1), 18A-3-6, and Public Law ~~107-110~~114-95, Elementary and Secondary Education Act (ESEA).

1.3. Filing Date. -- ~~December 18, 2015.~~

1.4. Effective Date. -- ~~January 19, 2016.~~

1.4.a. Unless specified otherwise within the policy.

1.5. Repeal and Replace. -- This rule amends W. Va. 126CSR14 West Virginia Board of Education (WVBE) Policy 2340, West Virginia Measures of Academic Progress (WV-MAP), filed ~~December 15, 2014~~December 18, 2015 and effective ~~January 18, 2016~~January 19, 2016.

§126-14-2. Purpose.

2.1. The purpose of this policy is to provide an operational framework to administer an effective and efficient statewide assessment program, provide procedures to protect the integrity of test data, and support the use of assessment data to improve instruction.

§126-14-3. Definitions.

3.1. Accommodations. Changes in the administration of an assessment that do not affect what is intended to be measured by the assessment or the meaning of the resulting scores. Types of accommodations include scheduling, timing, presentation format, and response mode. Allowable accommodations and the process of monitoring are in the West Virginia Department of Education's (WVDE) *West Virginia Guidelines for Participation in State Assessments* and applicable examiner's or administration manuals.

3.2. Aide. A person who meets or exceeds the qualifications of Aide II pursuant to W. Va. Code §18A-4-8(i)(9) and is hired to work with special needs students in an instructional setting, has been trained as an examiner and has been pre-approved by the WVDE may serve as an examiner for the assigned students.

3.3. Alternative Education Program. As defined by W. Va. 126CSR99, WVBE Policy 4373, Expected Behavior in Safe and Supportive Schools, (Policy 4373) a temporary authorized departure from the regular school program designed to provide educational and social development for students whose disruptive

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behavior places them at risk of not succeeding in the traditional school structure and in adult life without positive interventions.

3.4. Annual Measureable Objectives (AMOs). Expectations for annual progress established for all schools and subgroups within the federally-approved West Virginia Accountability System. Progress towards these AMOs are reported publicly each year.

3.5. Building Level Coordinator. A building level coordinator is designated by a principal to assist him/her with the administration of any assessments included in the WV-MAP. The building level coordinator must be a currently employed educator who holds a valid West Virginia teaching license or certification granted by the Office of ~~Professional Preparation~~ Professional Preparation Educator Effectiveness and Licensure and has signed the *WVBE Building Level Coordinator's Secure Materials and Test Procedures Agreement*. Principals may designate assistant building level coordinator/s to assist the building level coordinator.

3.6. Classroom/Formative Assessment. A process of student-involved, ongoing and inter-connected assessment of explicit learning targets that occurs during learning to reveal patterns in student learning and to reflect progress toward mastery of objectives. Classroom/formative assessment enables teachers to diagnose and respond to student needs, adjust instruction based on results and provide descriptive feedback to students. Classroom/formative assessment enables students to take responsibility for their own learning by engaging in self-assessment, reflection, goal-setting, self-monitoring and communicating their own progress. The classroom/formative assessment process includes the use of many assessment methods to provide a continuous stream of accurate evidence of learning.

3.7. Cheating. A willful or intentional act of dishonesty by an administrator, teacher, examiner, or student that has an impact on and/or jeopardizes the integrity of the test or the accuracy of the test results. Cheating may occur at any point in the testing process, by altering records, or through the use of unauthorized electronic devices. Personal electronic devices, including, but not limited to cell phones, tablets, mp3 players, e-readers, or any devices capable of taking pictures, must be turned off and stored out of view during all test administrations. Personal electronic devices used in alleged cheating cases, will be confiscated until such time as the district, in consultation with local legal counsel and the parent/guardian, has determined the device contains no secure testing information. Student's personal electronic devices will then be released to the parent/guardian. Cheating will result in the invalidation of test scores and tests as per the recommendation of the investigative team and the determination of WVDE. Cheating may result in a loss of licensure/certification for employees as per §126CSR14-8.7.

3.8. Computer Adaptive Test (CAT). An interactive test that adapts to the student's level of ability and selects questions based on the student's response to previous questions.

3.9. Copyright Infringement. The retention, reproduction, or paraphrasing in any manner of secure test material in paper or electronic format, including test booklets, answer sheets or online submissions. Copyright infringement may result in a loss of licensure/certification as per §126CSR14-8.7.

3.10. Criterion-Referenced Test (CRT). An assessment that measures a student's achievement of a specified set of criteria.

3.11. Designated Supports. Supports for the statewide general summative assessments whose features are available for students who are English language learners, students with disabilities, English language learners with disabilities, or students with a Student Assistance Team plan.

3.12. District. Any entity recognized by the WVBE as a local education agency (e.g., county, West Virginia Schools for the Deaf and Blind, Institutional Education Program schools).

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3.13. District Personnel. Any person employed in any manner by a district, including all public school personnel.

3.14. Elementary and Secondary Education Act (ESEA) Public Law ~~107-110~~114-95. The ESEA is federal law that requires school districts to be accountable for teaching children in order for those districts to continue receiving federal funds.

~~3.14.a. ESEA Flexibility. Provides flexibility regarding specific requirements of the No Child Left Behind Act of 2001 in exchange for rigorous and comprehensive plans designed to improve educational outcomes for all students, close achievement gaps, increase equity and improve the quality of instruction.~~

~~3.14.b. The West Virginia ESEA Flexibility Waiver was approved by the United States Department of Education May 20, 2013.~~

3.15. English Language Learner (ELL) Student. A student meeting the federal government definition as described in ESEA and in W. Va. 126CSR15, WVBE Policy 2417, Programs of Study for Limited English Proficient Students (Policy 2417).

3.16. English Language Learner (ELL) Committee. A school level committee that includes English as a Second Language (ESL) and/or regular classroom educators and/or parents who meet annually to address issues impacting student instruction and assessment on an individual basis for ELL students.

3.17. Examiner. The person who administers the test.

An examiner:

3.17.a. must be a currently employed educator and/or an approved employee of the state, district or RESA, or a currently employed educator of a nonpublic school;

3.17.a.1. All nonpublic school educators must be approved by the WVDE.

3.17.b. must hold a valid West Virginia teaching license or certification granted by the Office of ~~Professional Preparation~~Educator Effectiveness and Licensure;

3.17.c. must have been trained and must have on file a signed *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP and pilot tests and field tests sanctioned by WVDE;

3.17.d. may be a substitute teacher or an aide serving as an examiner for special needs students when instructionally assigned;

3.17.d.1. All aides must be providing services to the student during instruction and must be approved by the WVDE.

3.17.e. may not be a student teacher; unless he or she is a teacher in residence.

3.17.e.1. Teacher in Residence. An intensively supervised and mentored residency program for prospective teachers during their senior year that refines professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in West Virginia public schools. (W. Va. Code §18A-3-1.)

126CSR14

3.17.f. may not administer WV-MAP assessments to family members.

3.17.f.1. Decisions regarding other potential conflicts of interests involving test administration will be the responsibility of the district coordinators.

3.18. Family Education Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) (FERPA). A federal law that protects the privacy of student education records. It is implemented by W. Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data (Policy 4350).

3.19. Grade Level. The class designation, Pre-K through 12, in which the student is enrolled as indicated on the student West Virginia Education Information System (WVEIS) record for public school students. Grade level for nonpublic school students is the class designation, Pre-K through 12, in which the student is enrolled in the nonpublic school.

3.20. Home-Instructed (Home-Schooled) Students. Those students defined under W. Va. Code §18-8-1, Exemption C, who are not enrolled in a public school within the Local Education Agency and who are instructed by a person or persons providing home instruction. Home-instructed students may be enrolled in a course(s) in the public school system.

3.21. Homebound Students. Those students enrolled in a public school who, for any reason as certified in writing by a licensed physician, are temporarily confined to home or hospital for a period that has lasted or will last more than three consecutive weeks and who meet the eligibility criteria in W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs (Policy 2510) for home/hospital instruction.

3.22. Individualized Education Program (IEP). A written plan, developed by a team as defined in W. Va. 126CSR16, WVBE Policy 2419, Regulations for the Education of Exceptional Students, (Policy 2419) describing the specially designed instruction and appropriate accommodations, if any, needed for an eligible exceptional student to master the content standards and objectives (CSOs) and/or be prepared for the workplace.

3.23. Interim Assessments. Optional assessments that allow local school districts and staff to monitor students' progress toward mastery of the CSOs.

3.24. Local Education Agency (LEA). County, district or regional education service agency.

3.25. Locked and Secured Location(s). Any location that can be locked and secured with access limited to only the principal and/or building level coordinator.

3.26. Medical Emergency. Refers to a situation in which a student is suffering from a terminal illness or physical or psychological emergency. These students may qualify for a participation rate exemption. Information about the appeals process is available from the Office of Research, Accountability and Data Governance.

3.27. "N" Count. The number of students tested in a specific group. For reporting/accountability purposes, the "N" count must be large enough so students in that group cannot be individually identified. The "N" counts are chosen by states and approved by the federal government for reporting out in the State Report Card and calculating/reporting school designations as per the West Virginia Accountability System.

3.28. National Assessment of Educational Progress (NAEP). A national assessment of a representative sampling of America's students in grades 4, 8 and 12. NAEP measures what America's students know and can do in various subject areas. Assessments are conducted periodically in reading, mathematics, science, writing, U.S. history, civics, geography, the arts and other subjects. As defined in ESEA, NAEP reading and mathematics assessments are required to be administered to 4th and 8th graders. W. Va. Code §18-2E-2 states NAEP shall be administered in academic areas at various grades designated by National Assessment of Educational Progress officials.

3.29. National Assessment Governing Board (the Governing Board). A board of elected and appointed officials; the Governing Board oversees the content and operation of the NAEP.

3.30. National Center for Education Statistics (NCES). An agency charged with collecting, analyzing and making available data related to education in the United States and other nations.

3.31. Not Tested Window. An opportunity for districts to submit reasons why students were not assessed. Each issue will be examined to determine whether the reason is allowable for exemption for all or some accountability calculations (e.g., participation rate, proficiency, growth).

3.32. Nonpublic School Student. A student enrolled in an elementary, middle or high school that is not established or maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12.

3.32.a. Nonpublic Schools. Private schools, such as schools operated by religious groups. If nonpublic schools choose to participate in WV-MAP, it is understood the nonpublic school staff must adhere to policy requirements. This requirement also applies to the Mountaineer Challenge Academy and any other elementary, middle or high school that is not established or maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12.

3.33. Norm-Referenced Test (NRT). An NRT is an assessment that compares a student's performance to the performances of other similar test takers.

3.34. Office of Education Performance Audits (OEPA). Assists the WVBE, the Legislature, and the Governor to establish and maintain a system of education performance audits. These audits measure the quality of the education students are receiving and their level of preparation for continued studies and/or careers. To assure a thorough and efficient system of education in West Virginia, the OEPA uses standards and measures based on student, school and school-system processes, performance and progress.

3.35. Out-of-State Placements. Out-of-state placements by the West Virginia Department of Health and Human Resources include students who have been placed by a non-IEP decision in out-of-state schools/facilities due to special education needs and related services. These students are not instructed using the CSOs; therefore, they are not assessed using the West Virginia accountability assessments or included in measures of school and subgroup annual progress calculations. Out-of-state placements by districts include students who have been placed by an IEP decision in out-of-state schools/facilities due to special education needs and related services. These students are instructed as defined by the CSOs, and therefore, are assessed using the West Virginia accountability assessments and are included in WVAI measures.

3.35.a. Court-based placement. When the West Virginia Department of Health and Human Services places a student in an out-of-state school or facility, the decision is considered to be a non-IEP decision.

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The placement decision is based on factors other than disability status. However, some of these students in out-of-state placements do have IEPs. These students should not be assessed with the West Virginia general or alternate summative assessments. The schools will provide documentation to the district test coordinators explaining why these students were not tested and are to be excluded from accountability calculations (e.g., participation, proficiency, growth). A copy of the court-based placement is sufficient documentation and should be kept on file at the district level.

3.35.b. District Placement. Students placed in out-of-state schools/facilities by the IEP teams. These students should be assessed using the West Virginia general summative assessment and the West Virginia alternate summative assessment and included in school calculations (e.g., participation, proficiency, growth) if they are enrolled as a student in WVEIS.

3.36. Public School Student. A student enrolled in an elementary, middle or high school established and maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12.

3.36.a. Foreign Exchange Student. A public school student for the year he or she attends an assigned public school; if tested, the foreign exchange student is not included in WVAI measures.

3.37. Regional Education Service Agency (RESA). Agencies charged with providing high quality, cost effective education programs and services to students, schools, and school systems within their geographic area through cooperation between district school systems and other education-related agencies. Each district in West Virginia is assigned to a RESA. All eight RESAs are governed under the WVBE.

3.38. Revocation/Suspension. The removal of licensure/certification by the State Superintendent of Schools pursuant to W. Va. Code §18A-3-6.

3.39. Student Assistance Team (SAT). Team that develops a Student Assistance Plan for a student which includes designated supports per Policy 2510.

3.40. Scribe. Copies student responses, exactly as written, from oral/signed student responses, large print, braille, handwritten essay, or damaged test booklet/answer sheet into the regular test booklet, answer sheet, or online format. A scribe must be a trained examiner with a signed *WVBE Secure Materials and Test Procedures Agreement*, as set forth in this policy.

3.41. Section 504 Committee. A committee established in accordance with district procedures and meets annually to address issues that impact instruction and assessment for students who have been determined to have a disability as defined by Public Law 93-112, Section 504 of The Rehabilitation Act of 1973 (Section 504).

3.42. Section 504 Plan. An annually reviewed, written plan describing the accommodations to be provided to a student determined by district procedures to have a disability as defined by Section 504.

3.43. Security Breach. The failure to observe/follow the documented procedures established in the WVBE Testing Code of Ethics, the tests procedures agreements, and/or the testing manuals by any person administering or assisting with the administration of an assessment included in the WV-MAP and pilot tests and field tests sanctioned by the WVDE. These procedures are designed to protect, maintain and implement the testing process. See this policy for the protocol to use in reporting an alleged breach.

3.44. Students with Disabilities. Students who are eligible, in accordance with the definitions, eligibility criteria, procedures and safeguards contained in Policy 2419, and who meet the definition of disability under Section 504 of the Rehabilitation Act of 1973.

3.45. Special Education: Out-of-School Environment. An IEP placement option in which an eligible student with a disability temporarily receives specially designed instruction and related services in a non-school environment as defined in Policy 2419.

3.46. Standard Conditions. The prescribed procedures to be followed during the administration of a specific assessment.

3.47. State Education Agency (SEA). The sole state educational agency for all public schools. The WVDE is the SEA for West Virginia.

3.48. Student Data Accessibility, Transparency and Accountability Act. The Student Data Accessibility, Transparency and Accountability Act, found in W. Va. Code §18-2-5h, delineates state, district, and school responsibilities for data security and inventory; provides for a data governance officer; and established parental rights regarding access to information.

3.49. Technology Specialist. An individual employed by or contracted through the RESA, district or school responsible for maintaining, processing and troubleshooting computer systems/operations.

3.50. Testing Administration Breach. Any failure to follow the documented test administration procedures that could alter the results or testing environment of the assessment for one or more students, e.g., timing an untimed test, not implementing required accommodations, etc. See this policy for the protocol to use in reporting an alleged breach.

3.51. Testing Code of Ethics. The *WVBE Testing Code of Ethics* (Appendix A), as set forth in this policy, defines the moral and principled practice of handling, training, and administering secure assessment materials.

3.52. Testing Irregularity. Any unexpected event that significantly disrupts the testing environment of two or more students, e.g., sounding of the fire alarm or power outage. The examiner must report test irregularities on a testing irregularities form to the principal or district test coordinator, as appropriate.

3.53. Testing Window. The specific calendar dates during which assessments under the WV-MAP shall be administered in accordance with W. Va. Code §18-5-45(l) and this policy.

~~3.54. West Virginia Accountability Index (WVAI). The established measurement methods and calculations of school performance within the West Virginia Accountability System (WVAS) resulting in a school grade designation.~~

3.545. West Virginia Accountability System (WVAS). The comprehensive system of measurements that defines school-specific expectations for continuous improvement using student performance, ~~and~~ student growth, and student success ~~to~~ indicators to guide and focus improvement and technical assistance.

3.556. West Virginia Alternate Academic Achievement Standards. The achievement standards for students with the most significant cognitive disabilities.

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3.567. West Virginia Alternate Summative Assessment. A customized test specifically designed for students with significant cognitive disabilities whose performance cannot be adequately assessed through the general summative assessment instrument, even with accommodations. These students are assessed in the same content areas and at the same grade levels as students who take the West Virginia general summative assessment. Students who are administered the West Virginia alternate summative assessment must be instructed using the appropriate grade level Alternate Academic Achievement Standards as per the IEP.

3.578. West Virginia Data Access and Management Guidance. The document developed by the WVDE data governance committees, vetted by WVDE leadership, and approved by the WVBE. It outlines the roles, responsibilities of WVDE, and the processes put into place to protect the confidentiality and security of student data.

3.589. West Virginia General Summative Assessment. A customized test consisting of selected criterion-referenced response items used to measure a student's level of achievement of the West Virginia CSOs in mathematics and English Language Arts/Literacy (ELA) in grades 3-11 and science in grades 45, 68, and 10.

3.5960. West Virginia Guidelines for Participation in State Assessments (Participation Guidelines). This document outlines requirements for all students being assessed, including students with IEPs, 504 Plans or ELL and SAT plans. The accommodations set forth in this document are nationally recognized accommodations and have been approved by a national technical assistance team and the federal government.

3.601. West Virginia English Language Proficiency Assessment. An assessment of language proficiency for English Language Learners. For more information, refer to WVBE Policy 2417 and the Participation Guidelines.

3.612. West Virginia Measures of Academic Progress (WV-MAP). The comprehensive assessment system that measures student performance. These measures include the West Virginia general summative assessment, the West Virginia alternate summative assessment, a mutually agreed upon grade 12 college readiness assessment, NAEP, and pilot tests and field tests sanctioned by WVDE.

3.623. West Virginia state-approved content standards.~~Next Generation Content Standards and Objectives (CSOs)~~. Statements of the knowledge and skills that students are expected to acquire ~~as a result of schooling~~.

§126-14-4. Program Regulations.

4.1. All public school students enrolled in grades 3-11 shall be assessed using the West Virginia general summative assessment or the West Virginia alternate summative assessment at the grade level in which they are enrolled in the spring of each year.

4.1.a. The West Virginia general summative assessment assesses the content areas of ELA and mathematics in grades 3-11 and science in grades 45, 68, and 10.

4.1.b. The West Virginia alternate summative assessment assesses the content areas of ELA and mathematics in grades 3-11 and science in grades 45, 68, and 10.

4.1.b.1. ESEA established a one-percent cap on the number of proficient West Virginia alternate summative assessment scores that may be included in accountability measures at the school and district. WVDE will randomly select scores to count as proficient in calculations for any school or district whose

number of students participating in the West Virginia alternate summative assessment exceeds the one percent cap.

4.1.c. The WVDE Office of Assessment will administer the West Virginia High School End-Of-Course (WVEOC) exams in selected core high school courses, beginning with English Language Arts (ELA) and mathematics and science. WVEOC Exams will begin in the school year 2017-18, if possible, and, when available, replace the Smarter Balanced high school ELA and mathematics assessments, preferably by 2018-19. In all phases of development of the WVEOC Exams, the Office of Assessment will consult with and, where appropriate, involve West Virginia classroom teachers, administrators and other appropriate stakeholders. The WVEOC Exams will be aligned to the West Virginia College- and Career-Readiness Standards for corresponding courses and designed in such a manner as to assure that their implementation and administration will not disrupt the standards-based accountability system found in W. Va.126CSR13, WVBE Policy 2320, A Process for Improving Education: Performance Based Accreditation System (Policy 2320). The Office of Assessment will keep the WVBE informed of its progress, and final adoption of any assessment will be subject to the approval of the WVBE.

4.2. All ELL public school students shall participate in the West Virginia general summative assessment or the West Virginia alternate summative assessment in the grade level in which they are enrolled. The ELL Committee will determine the appropriate accommodations, if any (Policy 2417), using the *ELL Assessment Participation Form*.

4.2.a. All public school ELL students eligible to participate in the state's English language proficiency assessment shall do so with accommodations as determined by their respective ELL Committees, IEP Teams, SAT Teams, or Section 504 Committees. The documentation procedure for ensuring accommodations are provided on the state's language proficiency assessment is outlined in the *West Virginia Guidelines for Participation in Statewide Assessments*.

4.2.b. When an ELL student is also identified as a student with a disability under Policy 2419, the IEP Team will determine the appropriate assessment and accommodations. The team membership should include an English language specialist. The IEP will address the specific accommodations relevant to the identified disabilities in the IEP. The *ELL Assessment Participation Form* will address designated supports relevant to the ELL status of a student.

4.2.c. When an ELL student is also identified as a student with a disability under Section 504, the Section 504 Committee will determine the student's appropriate accommodations. The team membership should include an English language specialist. The 504 plan will address the specific accommodations relevant to the identified disabilities in the 504 Plan. *ELL Assessment Participation Form* will address designated supports relevant to the ELL status of a student.

4.2.d. Former ELL students' West Virginia general summative assessment or the West Virginia alternate summative assessment scores will be included in the ELL subgroup for two years after they have attained English proficiency.

4.3. All public school students with disabilities who are eligible for services as defined in Policy 2419 shall participate in the West Virginia general summative assessment or the West Virginia alternate summative assessment at the grade level in which they are enrolled with appropriate designated supports and accommodations, if any, as determined by their IEP Team.

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4.3.a. All public school students with significant cognitive disabilities and who meet the criteria for participation in the West Virginia alternate summative assessment as determined by their IEP Teams shall participate in the West Virginia alternate summative assessment.

4.3.a.1. The process for ensuring IEP accommodations are provided in the Participation Guidelines.

4.3.b. All public school students with disabilities as defined by Section 504 shall participate in the West Virginia general summative assessment in the grade level in which they are enrolled. Appropriate designated supports and accommodations, if any, must be determined by the student's Section 504 Committee and documented in the student's Section 504 Plan and incorporated into the West Virginia Education Information System (WVEIS).

4.3.c. All public school eligible students with disabilities under Policy 2419 whose IEP placement is Special Education: Out-of-School Environment are to be assessed at the school in which the student is enrolled or an alternate testing site approved by the district test coordinator. All participating educators and students shall be required to follow all testing guidelines and security procedures set forth in this policy.

4.4. All public school students with a SAT Plan shall participate in the West Virginia general summative assessment at the grade level in which they are enrolled with appropriate designated supports and accommodations, if any, as determined by their SAT Team.

4.5. All public school students enrolled in Transition Mathematics for Seniors and/or Transition English Language Arts for Seniors courses, with the exception of those who meet the criteria to take the West Virginia alternate summative assessment, will take a mutually agreed-upon assessment to determine whether a student has met the college- and career-readiness standards prior to graduation from high school. Students will take this assessment with accommodations as determined by their respective IEP Teams, SAT Teams, Section 504 Committees or ELL Committees in a specified testing window during their senior year.

4.5.a. Students enrolled in Transition Mathematics for Seniors and/or Transition English Language Arts for Seniors courses will be excused from taking the mutually agreed-upon assessment upon provision of appropriate documentation of the West Virginia general summative assessment, ACT or SAT scores that meet the placement standard(s) prior to the beginning of the testing window for the mutually agreed upon assessment.

4.6. All public school students enrolled at grades 4, 8 and 12 who are part of the NAEP state sample shall participate in the NAEP, a component of the WV-MAP. Principals or their designee shall complete the required school questionnaires. Teachers of the sampled students shall complete the teacher questionnaire for the assessed target. The participant(s) of this test will be determined by a random sample at the national level. All students on the school roster shall be given the opportunity for selection. Students participating in the West Virginia alternate summative assessment and students with IEPs, SAT Plans, Section 504 Plans, or ELL Assessment Participation Forms who cannot be accommodated by NAEP may be excluded from participation or assessed and not scored after having been randomly selected. Any student being considered for exclusion should be reported to the NAEP State Coordinator.

4.7. All homebound public school students are to be assessed at the schools in which the students are enrolled or at alternate testing sites approved by the district test coordinators. All participating educators and students shall be required to follow all testing guidelines and security procedures set forth in this policy.

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4.8. Appeals can be submitted for a limited number of reasons through the Office of Research, Accountability and Data Governance during the specified appeals window.

4.9. All public students enrolled in alternative education programs shall participate in the WV-MAP. The test scores for students in alternative programs shall be aggregated in the results of the home district/school of referral as defined by Policy 4373.

4.10. Home-instructed (home-schooled) students may participate in the WV-MAP under standard conditions administered in the public schools of the district in which they reside. Each academic year, the home instructor must notify the district test coordinator of the intent to participate in the WV-MAP. Students may participate in the West Virginia general summative assessment provided that the home instructor notifies the district test coordinator of the intention to participate at least two months prior to the testing window. Home-instructed students will be assigned: 1) a location for testing with an approved educator who has completed the required training as an examiner/scribe and signed the *WVBE Examiner's/Scribe's Secure Materials and Test Procedures Agreement*, and 2) test dates by the district test coordinator during the testing window. All educators and home-instructed students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures set forth in this policy. Violations of this policy shall result in the loss of testing privileges.

4.11. All nonpublic school students may participate in WV-MAP. Each academic year, the nonpublic school administrator must submit a Participation Form and a Verification of Certification Form to the Office of Assessment and to the district test coordinator in the district where the nonpublic school is located by a date to be determined by the Office of Assessment. The district test coordinator, not the nonpublic school, will receive all testing material and release the testing materials to the nonpublic principal/assigned building level coordinator upon completion of the required training and receipt of signed *WVBE Principal and/or Building Level Coordinator Secure Materials and Test Procedures Agreement* (required annually). All educators and nonpublic school students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures set forth in this policy. All educators who have access to secure test materials must be trained annually. The district test coordinator, in conjunction with the principal/building level coordinator at the participating nonpublic school, will determine training dates. Violations of this policy shall result in the loss of testing privileges.

4.12. Each district board of education shall establish a local system to analyze the assessment results, evaluate pupil, school, and district performance related to test results, use the data to increase student learning and improve school achievement according to ~~W. Va. 126CSR13, WVBE Policy 2320, A Process for Improving Education: Performance Based Accreditation System (Policy 2320).~~

4.13. The WVBE shall provide an appeal process for districts when it is believed there are statistical errors in the assessment data. This appeal process shall be available to the district superintendent as per Policy 2320.

§126-14-5. Administration Regulations.

5.1. The WV-MAP assessment shall be administered according to the schedule published by the WVDE Office of Assessment. A reasonable effort shall be made to provide each student with a make-up test during the scheduled testing window.

5.1.a. All school systems must establish a district testing window which falls within the WVDE mandated testing window. Once established, no district's window may be changed without WVDE approval.

5.2. The WV-MAP assessment program shall be managed by a district test coordinator who has completed training in administering the testing instruments used in this program. The district test coordinator/alternate district test coordinator or a WVDE-trained designee shall be available either in person or by telephone during the testing windows to address any questions/concerns.

5.2.a. Districts shall ensure that all appropriate district office staff are trained on security and school personnel are adequately trained in administration and security of WV-MAP assessments and the interpretation and use of test data.

5.2.b. Districts shall ensure that principals and building level coordinators, when designated by the principal, must deliver adequate training and professional development to all educators who administer WV-MAP assessments.

5.2.c. Each district test coordinator shall develop and implement procedures regarding the administration of the WV-MAP and shall collaborate with district office staff and school personnel to develop and implement procedures for the analysis and application of test results.

5.3. Public/nonpublic school educators who meet the definition of examiner shall administer any portion of the WV-MAP for children as assigned by the principal or building level coordinator.

5.3.a. All requirements stipulated in the Appendices of the WVBE Policy 2340, must be adhered to in all test administration, including pilot tests and field tests sanctioned by the WVDE.

5.3.b. Any West Virginia public/nonpublic school employee involved in any phase of the testing program shall be trained in secure materials and/or assessment administration procedures as defined in policy.

5.3.c. Examiner. An examiner:

5.3.c.1. must be a currently employed educator and/or an approved employee of the state, district or RESA, or a currently employed educator of a nonpublic school;

5.3.c.1.A. All nonpublic school educators must be approved by the WVDE.

5.3.c.2. must hold a valid West Virginia teaching license or certification granted by the ~~Office of Professional Preparation~~; Office of Educator Effectiveness and Licensure.

5.3.c.3. must have been trained and must have on file a signed *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP, including pilot tests and field tests sanctioned by the WVDE;

5.3.c.4. may be a substitute teacher or an aide serving as an examiner for special needs students when instructionally assigned;

5.3.c.4.A. All aides must be providing services to the student during instruction and be approved by the WVDE.

5.3.c.5. may not be a student teacher; unless he or she is a teacher in residence; and

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5.3.c.5.A. Teacher in Residence. An intensively supervised and mentored residency program for prospective teachers during their senior year that refines professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in West Virginia public schools. (W. Va. Code §18A-3-1.)

5.3.c.6. may not administer WV-MAP assessments to family members.

5.3.c.6.A. Decisions regarding potential conflicts of interests involving test administration will be the responsibility of the district coordinator.

5.3.d. Districts shall ensure that all principals and building level coordinators, as well as all other appropriate district office and school building level professional staff and personnel are, as appropriate, adequately trained in test administration, interpretation and use of test data. All irregularities that represent cheating, security breaches, testing administration breaches or copyright infringements shall be reported according to guidelines outlined in §126CSR14-7.7.

5.3.e. Principals/building level coordinators at nonpublic schools that administer any portion of the WV-MAP are required to have a valid West Virginia teaching license/certification as do public school principals and building level coordinators.

5.4. Any West Virginia nonpublic school employee involved in any component of the testing program shall be trained in appropriate assessment administration and test security procedures. Test administrators shall hold a valid West Virginia teaching license/certification and must be approved by WVDE.

5.5. Any person who transcribes must: (1) be a trained examiner as defined by this policy, (2) sign the *Scribe Verification Form* at the conclusion of the transcription; and (3) list the name of each student whose work was transcribed, each student's enrollment grade and the parts of the test that were transcribed on the *WVBE Scribe Verification Form*. The form is to be sent to the principal or building level coordinator upon completion.

5.6. All allowable designated supports and testing accommodations identified on the student's current school year, finalized, on-line IEP, Section 504 Plan, SAT Plan or ELL Assessment Participation Form must be provided during the test administration, as established in his/her plan. Students needing accommodations will be identified by the principal or building level coordinator and the designated accommodations shall be implemented by the examiner or through technology.

5.6.a. Schools and districts are to monitor and report the implementation of accommodations as defined in the Participation Guidelines.

5.7 All irregularities of student misconduct that represent student cheating, security breaches, testing administration breaches or copyright infringements shall be reported according to guidelines outlined in this policy.

§126-14-6. Reporting Regulations.

6.1. All students who participate in the WV-MAP and their parents/guardians shall be provided the individual student assessment results in a timely manner by the district, with the exception of NAEP. The availability for explanation and interpretation of those results will be provided by professional staff at each school under the direction of the principal or building level coordinator.

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6.1.a. The WVDE is required to publicly report scores for West Virginia general summative assessment and West Virginia alternate summative assessment only, as per ESEA.

6.1.b. West Virginia NAEP assessment results for grades 4, 8, and 12 are aggregated by state and are not available for individual students, schools, or districts. The release of NAEP results is determined by the Governing Board and announced by the State Superintendent of Schools or designee. Explanation and interpretation of NAEP results in the context of state, regional, and national results are available at the NCES web site.

6.2. The WVDE shall release student, school, district, and assessment results, as per the state and federal requirements.

6.2.a. The WVDE shall release to the public only those results that do not identify a student or small group of students in accordance with FERPA; the Student Data Accessibility, Transparency, and Accountability Act; Policy 4350; and the WVDE Data Access and Management Guidance, which indicates that no counts less than ten will be reported in order to protect personally identifiable student data.

6.2.b. Secure test materials and test items will not be released.

6.3. To facilitate instruction and school improvement, the professional staff under the direction of the principal shall be provided assessment data (except NAEP) by individual, grade level, and subgroup for the students in their schools and/or classrooms.

6.4. Upon receipt of individual student results, the school will release the results to parents/guardians and to the teachers to whom the students are assigned in a timely manner.

6.4.a. Each public school principal/designee will confirm to the local superintendent the individual student results for the ESEA assessments were sent to the parent/guardian of the child(ren). The local superintendent will confirm to the state superintendent the individual student results were sent by each of the public schools in said district. All confirmations will be available at school and district level for federal and state monitoring.

6.5. State, district, and school results from the West Virginia general summative assessment and the West Virginia alternate summative assessment shall be disaggregated and reported by the WVDE, as required by ESEA.

6.5.a. Performance on the West Virginia general summative assessment and the West Virginia alternate summative assessment shall be reported by state, district, and school in terms of the percentage of students who achieved at each performance level in each grade by subgroup in all content areas.

6.5.a.1. Performance on the West Virginia general summative assessment shall be reported by achievement levels based upon cut scores for each assessed content area. (Cut scores are published in the technical report.)

6.5.a.2. Performance on the West Virginia alternate summative assessment shall be reported by achievement levels based upon cut scores for each assessed content area. (Cut scores are published in the technical report.)

6.5.b. School performance on the West Virginia general summative assessment and the West Virginia alternate summative assessment shall be reported in terms of the percentage of students who

achieved a minimum level of proficiency in order to meet AMOs in each subgroup in the required content areas.

6.6. The WVDE reporting requirements may be met by any or all of the following: hardcopy, CD, DVD, web-based, or other digital media.

6.7. The Wrong-to-Right erasure report, disaggregated by school, by grade, by content, and by examiner, provided by the accountability vendor will be reviewed by the WVDE Office of Assessment. A determination will be made by the WVDE as to whether the data warrant additional investigation pursuant to this policy.

6.8. Individual student level assessment data are maintained securely to protect student confidentiality as per the FERPA (20 U.S.C. §1232g; 34 CFR Part 99), the Student Data Accessibility, Transparency, and Accountability Act, Policy 4350, and the WVDE Data Access and Management Guidance.

§126-14-7. Test Security.

7.1. The *WVBE Testing Code of Ethics*, as found in Appendix A, is incorporated by reference into this policy.

7.2. Only secure test materials shall be used in conjunction with the WV-MAP assessments, as well as pilot tests and field tests sanctioned by the WVDE. Apart from the scheduled test administration to students, it is unacceptable and unethical to use, retain, reproduce, paraphrase, or discuss in any manner secure test materials (paper and electronic), including test booklets, answer sheets, online tests or submissions, or excerpts from the tests. A district test coordinator, principal, building level coordinator, or district/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/certification, as set forth in this policy.

7.3. Test security training must be incorporated as part of the required training for each WV-MAP assessment, as well as pilot tests and field tests sanctioned by the WVDE, as verified on the *Verification of Training for Principals, Building Level Coordinators, District/School/RESA Personnel (Examiners/Scribes/Other School Personnel)* (Appendix I).

7.4. The district test coordinator shall acknowledge that all assessments within the WV-MAP, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing and returning the *WVBE District Test Coordinator's Secure Materials and Test Procedures Agreement* (Appendix B) to the WVDE before access to secure test materials is provided each year and by completing the required training prior to each assessment.

7.4.a. Apart from the scheduled test administration, the district test coordinator shall ensure that secure test materials shall be stored in a locked and secured location(s) by the district test coordinator consistent with test security procedures outlined in the *WVBE Testing Code of Ethics* (Appendix A).

7.5. The district technology coordinator shall acknowledge that all assessments within the WV MAP, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing and returning the *WVBE District Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement* (Appendix C) to the WVDE before access to secure test materials is provided and by completing the required training prior to each assessment.

7.5.a. The district technology coordinator shall ensure that all secure content and security features have been installed and/or updated on all devices to be used for administering statewide assessments, and shall ensure the school's wireless connections are secure for testing.

7.6. The principal shall acknowledge that all assessments within the WV-MAP, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing and returning the *WVBE Principal's Secure Materials and Test Procedures Agreement* (Appendix D) to the district test coordinator and by completing the required training for each assessment. This security agreement must be on file with the district test coordinator and required training for each assessment must be completed before any test administration materials will be released to the principal.

7.7. The building level coordinator, if applicable, shall acknowledge that all assessments within the WV-MAP, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing and returning the *WVBE Building Level Coordinator's Secure Materials and Test Procedures Agreement* (Appendix E) to the district test coordinator and by completing the required training for each assessment. This agreement must be on file with the district test coordinator and the required training for each assessment must be completed before any test administration materials will be released to the principal.

7.7.a. Test materials must be stored in locked and secured location/s 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, as well as any secure online content, by all persons other than the district test coordinator, principal, and building level coordinator shall be restricted to the scheduled dates of test administration as outlined in the *WVBE Testing Code of Ethics* (Appendix A).

7.8. 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 Student Data Accessibility, Transparency and Accountability, found in W. Va. Code §18-2-5h, Policy 4350, and WVDE Data Access and Management Guidance.

7.8.a. 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 district/school personnel.

7.9. The examiners and technology specialists shall acknowledge that all assessments within the WV-MAP, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing and returning the *WVBE Examiner's/Scribe's Secure Materials and Test Procedures Agreement* (Appendix F) or the *WVBE WVDE/RESA/District/School Technology Personnel Secure Materials and Test Procedures Agreement* (Appendix H) to the appropriate test administrator and by completing the required training for each assessment no later than five instructional days prior to the beginning of testing each year. This signed agreement, along with the verification of all trained personnel for each assessment (Appendix I), must be kept on file at the school by the principal/building level coordinator.

7.9.a. The examiners and technology specialists 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.

7.9.b. The examiners and technology specialists shall not review or examine in any manner a student's test booklet, answer sheet and/or online entries throughout the test administration.

7.10. The WVDE will routinely review districts, schools classrooms, and testing labs 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 this policy.

7.10.a. The OEPA will routinely review districts and school test administration and security practices.

7.11. Any allegations of cheating, security breach, testing administration breach or copyright infringement shall be reported according to the following protocol:

7.11.a. Any allegations that occur in the school shall be reported to the principal.

7.11.b. The principals shall report allegations to the district test coordinator.

7.11.c. The district test coordinator shall report allegations to the district superintendent and to the WVDE Office of Assessment.

7.11.d. The WVDE Office of Assessment, in conjunction with the WVDE Office of Legal Services, shall report allegations which compromised the administration or the integrity of a WV-MAP assessment to the State Superintendent of Schools.

7.11.d.1. The WVDE Office of Assessment holds the authority to determine whether to invalidate a test and whether a retake will be administered.

7.11.e. 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 WVDE Office of Assessment, which represents the State Superintendent of Schools.

§126-14-8. Investigation of Alleged Cheating/Security Breach/Testing Administration Breach/Copyright Infringement.

8.1. Any written complaint and/or oral report alleging cheating, security breach, testing administration breach or copyright infringement shall be reported immediately, according to the protocol in this policy, to the principal and district test coordinator with a copy to the district superintendent (or organization) where the allegations occurred. The district test coordinator shall immediately contact the WVDE Office of Assessment, which will advise the district about the procedures to follow regarding any investigation.

8.1.a. All complaints, whether reported by a named individual or anonymously or initiated by WVDE based on analysis of test data, will be reviewed and a decision will be made as to whether an investigation will be conducted.

8.2. An investigation must occur in a timely and efficient manner and shall be jointly conducted by the designated staff of the WVDE in consultation with the district superintendent (or designated staff) where the allegation(s) occurred unless the WVDE agrees to an alternate investigative plan.

8.3. The local school district shall maintain confidentiality and shall not conduct investigations at the district level prior to notification to proceed from the WVDE.

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8.3.a. 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 allegations.

8.3.b. The investigative team must take immediate steps to protect the confidentiality 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.

8.3.c. The investigation may consist of any other methods and review of the circumstances deemed pertinent by the investigators within the bounds of the law.

8.4. Upon completion of the investigation, a report consisting of written findings and final recommendations based on all the facts and surrounding circumstances must be submitted for the district to the State Superintendent of Schools in a timely manner and shall include a determination of whether misconduct did or did not occur or whether misconduct could not be determined.

8.4.a. If a violation has been determined to have occurred, one or more of the following recommendations shall be made:

8.4.a.1. invalidating the test scores of students/classes/schools/district,

8.4.a.2. if the testing window has not closed, retesting of students will be considered with the district (or school if requested by district) assuming the cost of both purchasing and scoring of the forms,

8.4.a.3. re-aggregating the test data for valid test results for students school/district/state,

8.4.a.4. retraining of administrator/examiner/technology specialist involved in investigation,

8.4.a.5. banning administrator/examiner/technology specialist from handling of or administering WV-MAP secure materials for any determined misconduct, and

8.4.a.6. action from district superintendent as per §126CSR14-8.7.a or district as per §126CSR14-8.7.b.

8.5. Upon acceptance of the report by the State Superintendent of Schools, a copy of said report will be sent to the district superintendent along with the State Superintendent of School's letter of acceptance of the report.

8.6. Upon receipt of the investigative team's report, the district 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 district superintendent via certified mail with proof of receipt.

8.7. Within 60 days of receipt of the letter from the State Superintendent of Schools accepting the recommendations of the investigative team, the district superintendent shall report in writing to the State Superintendent of Schools the status of further proceedings and any action taken. This report shall include the following:

8.7.a. action taken by the district superintendent or RESA director:

8.7.a.1. no action,

- 8.7.a.2. written reprimand,
- 8.7.a.3. improvement plan, or
- 8.7.a.4. other, including ongoing investigation/s.

8.7.b. action taken by the district board:

- 8.7.b.1. no action,
- 8.7.b.2. suspension,
- 8.7.b.3. termination, or
- 8.7.b.4. other.

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

8.8.a. The State Superintendent of Schools may revoke the teaching license/certification pursuant to W. Va. Code §18A-3-6 or decline to grant a license or a license renewal pursuant to W. Va. Code §18A-3-2a for any person who knowingly and willfully acted in a manner that may compromise the integrity of assessments in the WV-MAP and pilot tests and field tests sanctioned by WVDE. Behavior giving rise to such action by the State Superintendent of Schools includes but is not limited to:

8.8.a.1. giving unauthorized access to secure test questions and/or answer keys or infringement of copyrighted materials,

8.8.a.2. retaining, reproducing, paraphrasing, or discussing all or any portion of a secure test,

8.8.a.3. prompting or assisting examinees during testing or altering or creating examinees' responses in any way,

8.8.a.4. providing a false certification on any *WVBE Secure Materials and Test Procedures Agreement* or *WVBE RESA/District/School Personnel Secure Materials Agreement*,

8.8.a.5. manipulating the test administration, demographic data, or the students' answers or data, and

8.8.a.6. participating in, directing, aiding or abetting, or assisting in any of the acts prohibited in Policy 2340, and W. Va. Code §18-2E-1a.

8.8.b. 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 this policy, and W. Va. Code §18-2E-1a(4).

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8.9. WVDE/RESA/district/school personnel shall not engage in any action that may compromise the certification, accreditation or accountability designation of a school or school program.

§126-14-9. Severability.

9.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Appendix A

The *WVBE Testing Code of Ethics* addresses special concerns regarding appropriate professional practices within the West Virginia Measures of Academic Progress (WV-MAP), as well as appropriate professional conduct. The *WVBE Testing Code of Ethics* supplements the practices and procedures set forth by W. Va.126CSR14, WVBE Policy 2340.

ETHICAL TESTING PRACTICES

Test Security

1. District school personnel shall establish and implement procedures to ensure maximum test security and limit access of secure materials to applicable district/school personnel.
2. Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured location by the district test coordinator in accordance with the test administration guidelines of each assessment.
3. The district test coordinator shall be responsible for the test booklets/answer sheets received by the district and shall maintain a record of the booklets sent to each school in accordance to the test administration guidelines of each assessment.
4. Before each test administration, materials must be distributed and stored according to instructions provided with the test. Tests must be secured at all times during test administration, including all breaks in the testing sequence. All test booklets (used and unused) and answer sheets, if applicable, must be counted, reconciled, and returned to a locked and secured area immediately upon the completion of each daily testing session.
5. Secure test materials in a school must be stored in a locked and secured location(s) prior to and following each daily testing session. Secure test materials are to be stored in the building prior to and after testing in accordance to the test administration guidelines of each assessment. Testing, including makeups, must occur during the testing window. Access to test booklets and answer sheets shall be restricted to the scheduled dates of test administration.
6. Any allegations of cheating, security breach, testing administration breach, copyright infringement, loss of materials, or other deviation from acceptable and ethical security procedures shall be reported immediately to the principal, district test coordinator, district superintendent, and the WVDE Office of Assessment. The WVDE Office of Assessment, in conjunction with the WVDE Office of Legal Services, shall report allegations to the State Superintendent of Schools according to the protocol set forth in this policy.
7. No secure test materials, test questions or student responses/answer sheets shall be reviewed, retained, reproduced, paraphrased, or discussed in any manner. Additionally, teachers and/or students may not alert examinees to the correct answer choice by pointing to the correct answer, eliminating answer choices, or mouthing the correct answer.
8. Personnel responsible for the testing program shall be properly instructed and participate in the training for each assessment's appropriate test administration procedures as set forth in Appendices B-H in this policy.

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9. Each district test coordinator shall complete each required WVDE's assessment training and sign a *WVBE District Test Coordinator's Secure Materials and Test Procedures Agreement*. The agreements shall be filed at the WVDE before access to secure test materials is provided.
10. Each district technology coordinator shall complete each required WVDE assessment training and sign a *WVBE RESA/District/School Technology Personnel Security Agreement*. The agreement shall be on file with the district test coordinator before access to secure test materials is provided.
11. Principals shall complete each required district test coordinator's assessment training and sign a *WVBE Principal's/Secure Materials and Test Procedures Agreement*. The agreement shall be on file with the district test coordinator before access to secure test materials is provided.
12. Building level coordinators shall complete each required district test coordinators training and sign WVBE Building Level Coordinator's Security Agreement to remain with the district test coordinator before access to secure test materials is provided.
13. Any individual who administers, handles, or has access to secure test materials at the district or school shall complete each required assessment's training and sign the appropriate training verification form to remain on file in the appropriate office each year.
14. No one shall compromise test security or the accuracy of the test data score results by manipulating the test administration, test equipment, demographic data, or the students' answers or data.
15. Student test scores or test performance shall not be disclosed to unauthorized persons as per the FERPA, the Student Data Accessibility, Transparency, and Accountability Act, Policy 4350, and the WVDE Data Access and Management Guidance and Policy 2340.

Test Administration

1. Tests shall be administered only during the testing window established by the WVBE, except when requested, in writing, by the district superintendent and district test coordinator and subsequently approved by the WVDE Office of Assessment.
2. Examiners of standardized tests shall rigorously follow the appropriate administrative procedures as directed in the test's administration manual(s).
3. All examiners shall strive to create a positive testing environment.
4. Students shall not have access to secure test content and materials.
5. Examiners shall limit assistance to students to only those issues concerning the mechanical aspects of selecting answers, clarifying directions, and finding the right place on answer sheets or electronic display. Examiners shall not indicate answers, point out the rationale of an item, or prompt students in any manner.
6. Students, examiners, and technology specialists shall be monitored to ensure that appropriate test taking procedures and test security measures are followed.
7. Specific information, as specified by the test manual, shall not be displayed in the room during test administration.
8. Only references or tools specifically designated in test manuals are provided to students.

9. Accommodations and designated supports, as appropriate, for students with IEPs, SAT Plans, Section 504 Plans, or *ELL Assessment Participation Forms* shall be provided as established by their respective plans.

10. An examiner shall not administer tests to his/her family.

11. Appropriate test preparation is recommended and may include the use of diagnostic and interim assessments, classroom formative assessment, standards-focused instruction, and the development of study skills and test-taking strategies.

Test Notification

1. Students and parent(s)/guardian(s) shall be

a) given notification before testing;

b) provided information on the purposes and descriptions of the test and uses of the test results; and

c) encouraged to follow test preparation procedures.

Appendix B

State of West Virginia West Virginia Board of Education
 District of _____ West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(4), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

District Test Coordinator's Secure Materials and Test Procedures Agreement

I acknowledge that I will have access to secure assessments in the West Virginia Measures of Academic Progress. I also acknowledge that I have read, understand, and agree to adhere to West Virginia Board of Education Policy 2340, including the Testing Code of Ethics, Appendix A, for all assessments within the West Virginia Measures of Academic Progress. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment’s required training.

I therefore pledge:

1. I will not retain, copy, reproduce, paraphrase, distribute, or review/discuss secure test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned from each school shall be kept.
4. I am responsible for the shipment of the test booklets/answer sheets to the schools no earlier than five instructional days prior to the testing window and returned to me by the schools on the date determined by the district. I will ensure that test materials are securely stored in the buildings according to the instructions provided with the test and that all testing must occur during the testing window.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the district superintendent and to the Office of Assessment.
6. I will properly instruct the principals and building level coordinators in appropriate test security and test administration procedures, including the *WVBE Testing Code of Ethics*.
7. I will collect and retain the signed *WVBE Principal’s Secure Materials and Test Procedures Agreement* and *WVBE Building Level Coordinator’s Secure Materials and Test Procedures Agreement* if applicable, for each school in the district by the last of September.
8. I will not release secure test administration materials to a school without the signed *WVBE Principal’s Secure Materials and Test Procedures Agreement* and verification of training of all other applicable school personnel.
9. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in FERPA, the Student Data Accessibility, Transparency, and Accountability Act, Policy 4350, the WVDE Data Access and Management Guidance and Policy 2340.
10. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students’ answers or data.

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11. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
12. I will not give students access to test questions or answer keys.
13. If serving as an examiner for an online assessment, I will not offer technical (accessing dictionary, grammar checks, formatting functions, etc.) assistance that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
14. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *District Test Coordinator's Secure Materials and Test Procedures Agreement* to the WVDE, Office of Assessment before access to secure test materials is provided.

Signature: _____

Print Name: _____

Date: _____

*If this form is not on file, it will be considered a breach of security by
the district and state boards of education.*

*This agreement is valid for the academic year of signatory date and shall be signed prior to the
administration of any tests.*

Appendix C

State of West Virginia West Virginia Board of Education
District of _____ West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(4), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

District Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement

I acknowledge that I will have access to secure assessments in the West Virginia Measures of Academic Progress. I also acknowledge that I have read, understand, and agree to adhere to West Virginia Board of Education Policy 2340, including the Testing Code of Ethics, Appendix A, for all assessments within the West Virginia Measures of Academic Progress. I understand that these materials are secure, and it is my professional responsibility to protect their security.

I therefore pledge:

1. I will not retain, copy, reproduce, paraphrase, distribute, or review/discuss secure test items, testing materials or student responses.
2. I will implement or follow (as my position requires) procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the district superintendent and to the Office of Assessment.
4. I will not release or upload secure test administration materials, questions, answer keys or other testing materials to a school before having signed the *WVBE District Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement*.
5. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in FERPA, the Student Data Accessibility, Transparency, and Accountability Act, Policy 4350, the WVDE Data Access and Management Guidance and Policy 2340.
6. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.
7. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
8. I will not provide access to test items or answer keys.
9. If serving as an examiner for an online assessment, I will not offer technical (accessing dictionary, grammar checks, formatting functions, etc.) assistance that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
10. I understand that, if I am a district employee, and if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.
11. I understand that, if I am a vendor or employed by a vendor, and if a breach of test security or copyright infringement occurs as a direct result of my actions the vendor contract may be revoked and other action may be taken.

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Please print your name, sign, and return the *District Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement* to the WVDE, Office of Assessment before access to secure test materials is provided.

Signature: _____

Print Name: _____

Date: _____

*If this form is not on file, it will be considered a breach of security by
the district and state boards of education.*

*This agreement is valid for the academic year of signatory date and shall be signed prior to the
administration of any tests.*

Appendix D

State of West Virginia West Virginia Board of Education
 District of _____ West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(4), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

Principal's Secure Materials and Test Procedures Agreement

I acknowledge that I will have access to secure assessments in the West Virginia Measures of Academic Progress. I also acknowledge that I have read, understand, and agree to adhere to West Virginia Board of Education Policy 2340, including the Testing Code of Ethics, Appendix A, for all assessments within the West Virginia Measures of Academic Progress. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment’s required training.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned from my assigned school shall be kept.
4. I am responsible for the test booklets/answer sheets shipped to and returned from my school and will ensure that test materials are securely stored in locked and secure central location(s) prior to and immediately following each daily testing session.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the district test coordinator.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the *WVBE Testing Code of Ethics*.
7. I will collect and retain the signed *WVBE Examiner’s/Scribe’s Secure Materials and Test Agreement* and *WVBE RESA/District/School Personnel Secure Materials Agreement* for all applicable personnel in the building no later than five instructional days prior to the first day of testing. Verification of all trained school personnel with a signed *WVBE Examiner’s/Scribe’s Secure Materials and Test Procedures Agreement* and *WVBE RESA/District/School/Personnel Secure Materials Agreement* will be on file with the district test coordinator no later than five instructional days prior to the first day of testing.
8. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in FERPA, the Student Data Accessibility, Transparency, and Accountability Act, found in W. Va. Code §18-2-5h, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.
9. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students’ answers or data.

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10. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
11. I will not give students access to test questions or answer keys.
12. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
13. I will check testing rooms prior to the beginning of test administration to ensure that all specific information, as specified by the test manual, is not displayed in the room during the test administration.
14. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, SAT Plans, Section 504 Plans, and *ELL Assessment Participation Forms* when so designated in the test manual.
15. I am responsible for monitoring and verifying that the building level coordinator(s), if applicable, has fulfilled his/her assigned duties.
16. If serving as an examiner for an online assessment, I will not offer technical (accessing dictionary, grammar checks, formatting functions, etc.) assistance that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
17. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *Principal's Secure Materials and Test Procedures Agreement* to the district test coordinator before access to secure test materials is provided.

Signature: _____

Print Name: _____

School: _____ Date: _____

If this form is not on file, it will be considered a breach of security by the district and state boards of education.

This agreement is valid for the academic year of signatory date and shall be signed prior to the administration of any tests.

Appendix E

State of West Virginia West Virginia Board of Education
 District of _____ West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(4), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

Building Level Coordinator's Secure Materials and Test Procedures Agreement (Other than Principal)

I acknowledge that I will have access to secure assessments in the West Virginia Measures of Academic Progress. I also acknowledge that I have read, understand, and agree to adhere to West Virginia Board of Education Policy 2340, including the Testing Code of Ethics, Appendix A, for all assessments within the West Virginia Measures of Academic Progress. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment’s required training.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I will distribute the secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned to my school shall be given to and kept by the principal.
4. I am responsible, to the principal, for the test booklets/answer sheets shipped to and returned from my school and will ensure that test materials are securely stored in locked and secure location(s) prior to and immediately following each daily testing session.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the principal.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the *WVBE Testing Code of Ethics*, if assigned by the principal to do so.
7. I will collect, if assigned to do so, and give to the principal, the signed *WVBE Examiner’s/Scribe’s Secure Materials and Test Procedures Agreement* and *WVBE RESA/District/School Personnel Secure Materials Agreement* for all applicable personnel in the building no later than five instructional days prior to the first day of testing. Verification of all trained school personnel with a signed *WVBE Examiner’s/Scribe’s Secure Materials and Test Procedures Agreement* and *WVBE RESA/District/School Personnel Secure Materials Agreement* will be given to the principal no later than five instructional days prior to the first day of testing.
8. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in FERPA, the Student Data Accessibility, Transparency, and Accountability Act, found in W. Va. Code §18-2-5h, Policy 4350 and Policy 2340.
9. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students’ answers or data.

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10. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
11. I will not give students access to test questions or answer keys.
12. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
13. I will check testing rooms prior to the beginning of test administration to ensure that all specific information, as specified by the test manual, is not displayed in the room during the test administration.
14. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, SAT Plans, Section 504 Plans, and *ELL Assessment Participation Forms* when so designated in the test manual.
15. If serving as an examiner for online assessment, I will not offer technical (accessing dictionary, grammar checks, formatting functions, etc.) assistance that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
16. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *Building Level Coordinator's Secure Materials and Test Procedures Agreement* to the district test coordinator before access to secure test materials is provided.

Signature: _____

Print Name: _____

School: _____ Date: _____

*If this form is not on file, it will be considered a breach of security by
the district and state boards of education.*

*This agreement is valid for the academic year of signatory date and shall be signed prior to the
administration of any tests.*

Appendix F

State of West Virginia West Virginia Board of Education
 District of _____ West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(4), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

Examiner’s/Scribe’s Secure Materials and Test Procedures Agreement

I acknowledge that I will have access to secure assessments in the West Virginia Measures of Academic Progress. I also acknowledge that I have read, understand, and agree to adhere to the West Virginia Board of Education Policy 2340, including the Testing Code of Ethics, Appendix A, for all assessments within the West Virginia Measures of Academic Progress. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment’s required training.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
2. I will not use test items, test booklets/answer sheets, or any of the information contained in an assessment to review/prepare students for a test.
3. I will not allow access to the test materials or answer keys to any student or any other person not so authorized by the principal.
4. I will not alter students’ responses in any manner (indicate answers, point out rationale, prompt, etc.).
5. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
6. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in FERPA, the Student Data Accessibility, Transparency, and Accountability Act, found in W. Va. Code §18-2-5h, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.
7. If serving as an examiner for the alternate assessment, I will adhere to the prompting hierarchies and document all applicable assistive technology to ensure the accuracy of student responses.
8. If serving as an examiner for students with IEPs, SAT Plans, Section 504 Plans, or *ELL Assessment Participation Forms*, I will adhere to the accommodations listed therein and monitor using the appropriate process (WV 326).
9. If serving as an examiner for an online assessment, I will not offer technical (accessing dictionary, grammar checks, formatting functions, etc.) assistance that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
10. I have read Policy 2340.
11. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

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Please print your name, sign, and return the *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* to the appropriate test administrator five instructional days prior to administering any assessment.

Signature: _____

Print Name: _____

Position: _____

School: _____ Date: _____

*If this form is not on file, it will be considered a breach of security by
the district and state boards of education.*

*This agreement is valid for the academic year of signatory date and shall be signed prior to the
administration of any tests.*

Appendix G

State of West Virginia West Virginia Board of Education
District of _____ West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(4), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

RESA/District/School Personnel Secure Materials Agreement

(For all personnel with access to secure materials who will **not** administer or transcribe an assessment.)

I acknowledge that I will have access to secure assessments in the West Virginia Measures of Academic Progress. I also acknowledge that I have read, understand, and agree to adhere to West Virginia Board of Education Policy 2340, including the Testing Code of Ethics, Appendix A, for all assessments within the West Virginia Measures of Academic Progress. I understand that these materials are secure, and it is my professional responsibility to protect their security.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
2. I will not allow access to the test materials or answer keys to any person, unless authorized to do so by the district test coordinator or principal.
3. I will not alter students’ responses in any manner.
4. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
5. I will immediately report any loss of materials, damages, or other deviations from acceptable security procedures to either district test coordinator or principal.
6. I will not offer technical (accessing dictionary, grammar checks, formatting functions, etc.) assistance that might alter the accuracy of student responses in the web-based assessment, before, during, or after the administration of the test.
7. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification, if applicable, may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *RESA/District/School Personnel Secure Materials Agreement* to the district test coordinator or principal before access to secure test materials is provided.

Signature: _____

Print Name: _____

Position: _____

School/Department: _____ Date: _____

If this form is not on file, it will be considered a breach of security by the district and state boards of education.

This agreement is valid for the academic year of signatory date and shall be signed prior to the administration of any tests.

Appendix H

State of West Virginia West Virginia Board of Education
District of _____ West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(4), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

WVDE/RESA/District/School Technology Personnel Secure Materials and Test Procedures Agreement
(For all technology personnel with access to online testing systems.)

I acknowledge that I will have access to secure assessments in the West Virginia Measures of Academic Progress. I also acknowledge that I have read, understand, and agree to adhere to West Virginia Board of Education Policy 2340, including the Testing Code of Ethics, Appendix A, for all assessments within the West Virginia Measures of Academic Progress, including pilot tests and field tests sanctioned by WVDE. I understand that these materials are secure, and it is my professional responsibility to protect their security.

I therefore pledge:

1. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
2. I will ensure that all secure content and security features have been installed and/or updated on all devices to be used for administering statewide assessments, and shall ensure the school’s wireless connections are secure for testing.
3. I will not access operational test materials or answer keys.
4. I will not provide access to test items or answer keys.
5. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
6. I will not answer any items on the operational test as a student or with a fictitious name.
7. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
8. I will immediately report any loss of materials, damages, or other deviations from acceptable security procedures to either district test coordinator or principal.
9. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification, if applicable, may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *WVDE/RESA/District/School Technology Secure Materials Agreement* to the district test coordinator or principal before access to secure test materials is provided.

Signature: _____

Print Name: _____

Position: _____

School/Department: _____ Date: _____

If this form is not on file, it will be considered a breach of security by the district and state boards of education.

This agreement is valid for the academic year of signatory date and shall be signed prior to the administration of any tests.

POLICY 2340: WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS

COMMENT PERIOD ENDS: February 10, 2017

COMMENT RESPONSE FORM

NOTICE: Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on Policy 2340: West Virginia Measures of Academic Progress . Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-14-1. General.
§126-14-3. Definitions.

126CSR14

§126-14-4. Program Regulations.

§126-14-5. Administration Regulations.

Please direct all comments to:

Dr. Vaughn Rhudy
Office of Assessment
West Virginia Department of Education
Capitol Building 6, Room 825
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: vrhudy@k12.wv.us
Fax No.: (304) 558-1613.