



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Education TITLE-SERIES: 126-014  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: West Virginia Measures of Academic Progress (2340)  
CITE STATUTORY 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: 05/14/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Vaughn G. Rhudy, Executive Director

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

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.

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

Policy 2340 is being repealed and replaced to reflect new dates, ESSA incorporation, and revisions to definitions, regulations (program, administration, and reporting), testing security and to remove references to the Office of Education Performance Audits (OEPA) and RESAs.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The revision of W. Va. 126CSR14, Policy 2340, to remove the requirement that students no longer will be able to retake the state-provided mutually agreed upon college- and career-readiness assessment (SAT School Day) in grade 12 will result in savings of approximately \$500,000.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

Adoption of amended Policy 2340 will result in estimated decreased expenditures of \$500,000 as a result of students in grade 12 not having to retake of the state-provided college- and career-readiness assessment given in grade 11.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0		
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Adoption of amended Policy 2340 will result in estimated decreased expenditures of \$500,000 as a result of students in grade 12 not having to retake of the state-provided college- and career-readiness assessment given in grade 11.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Mary C Tuckwiller -- 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.**

## Policy 2340, West Virginia Measures of Academic Progress

### Executive Summary

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#### West Virginia Department of Education Division of Teaching and Learning/Office of Assessment

**Introduction:** Policy 2340, West Virginia Measures of Academic Progress, has been repealed and replaced to reflect new dates, ESSA incorporation, and revisions to definitions, regulations (program, administration, and reporting), testing security and to remove references to the Office of Education Performance Audits (OEPA) and RESAs.

**Background:** West Virginia Board of Education (WVBE) Policy 2340, 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 assessing science at least once in each programmatic level.

Because of new state legislation passed last year, WVBE Policy 2340 is being repealed and replaced to incorporate the administration of new statewide general summative assessments in grades 3-8 and in high school, modify language to reflect changes in the West Virginia Accountability System (WVAS) resulting from approval of West Virginia's ESSA State Plan, and remove the requirement that students enrolled in senior transition courses must retake the college- and career-readiness assessment administered in grade 11.

**Changes:** The following changes to Policy 2340 are proposed:

- §126-14-1. General. Change language to reflect new effective date and add phrase to incorporate reference to the ESSA.
- §126-14-3. Definitions. Revise existing definitions to reflect changes resulting from state legislation and changes in the WVAS resulting from approval of West Virginia's State ESSA Plan, as well as clarify terms. Remove definitions for terms that are no longer applicable (i.e., Annual Measurable Objectives (AMOs), Designated Supports, Office of Education Performance Audits (OEPA), Regional Education Service Agency (RESA), Student Assistance Team (SAT). Add new terms and definitions as necessary to reflect additional state testing that occurs (i.e., Career Technical Education Technical Assessment, international assessments administered in the United States by the National Center for Education Statistics (NCES). Remove redundancy of language describing procedures that appear elsewhere in policy and move descriptions of some procedures to other sections of policy.
- §126-14-4. Program Regulations. Revise language to reflect changes resulting from state legislation regarding new general summative assessments in grades 3-8 and high school, including the addition of a college- and career-readiness assessment as the statewide general summative assessment in grade 11. Revise language regarding ESSA's requirement that for each assessed

## Policy 2340, West Virginia Measures of Academic Progress

### Executive Summary

subject, the total number of students participating in the alternate assessment does not exceed one percent of the total number of all students in the state who are assessed in a given subject. Remove reference to students with a Student Assistance Team (SAT) plan. Remove the requirement that all public school students enrolled in Transition Mathematics for Seniors and/or Transition English Language Arts for Seniors take a mutually agreed upon assessment to determine whether a student has met the college- and career-readiness standards. Incorporate international assessments into policy. Add language that requires nonpublic schools that request to participate in state assessments but then choose not to participate to notify WVDE and district test coordinators by a date to be determined by WVDE that they no longer intend to participate. Clarify that nonpublic students and home-schooled students are not included in accountability measures. Add language to reflect that for the grade 11 college- and career-readiness assessment, nonpublic schools will receive all testing materials, but the nonpublic principal/assigned building level coordinator must complete all training and sign appropriate secure materials and test procedures agreement before receiving materials.

- §126-14-5. Administration Regulations. Add language as required by federal assessment peer review guidance that districts shall monitor test administration in schools to ensure that appropriate assessments, with or without appropriate accommodations, are selected for students with disabilities under IDEA, students covered by Section 504, and English learners so that they are appropriately included in assessments. Add language to ensure schools and districts monitor and report the implementation of accommodations to meet requirements of federal assessment peer review guidance.
- §126-14-6. Reporting Regulations. Modify language as necessary to incorporate the college- and career-readiness assessment for grade 11.
- §126-14-7. Test Security. Incorporate international assessments and add language regarding the storage of secure materials from NAEP and international assessments. Add procedures regarding personal electronic devices during testing. Remove language regarding OEPA.
- §126-14-8. Investigation of Alleged Cheating/Security Breach/Testing Administration Breach/Copyright Infringement. Remove references to RESA.
- Appendices. Remove references to RESA and Student Assistance Teams (SAT). Correct reference to code.

**Impact:** WVDE will continue to not administer statewide assessments to students in grades 9 and 10. Students in grade 11 will be administered a college- and career-readiness assessment as the state's high school accountability exam. Instead of receiving a science score in grade 10, students now will receive a science score in grade 11. WVDE will no longer administer a retake of the college- and career-readiness test administered in grade 11 to seniors who did not meet the acceptable benchmark scores in grade 11.

**Policy 2340, West Virginia Measures of Academic Progress  
List of Stakeholders**

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**West Virginia Department of Education**

**External Stakeholders**

- Ingrida Barker, Director of Secondary Education, Curriculum and Assessment, McDowell County
- Vicky Cline, Director of Technology and Student Services, Greenbrier County
- Harless Cook, Director of Guidance and Testing, Logan County
- Jon Duffy, Director of Counseling and Testing, Kanawha County
- Victor Fisher, Supervisor, Pupil Services, Harrison County
- Diane Furman, District Test Coordinator, Marion County
- Robyn Lopez, Director of Assessment and Accountability/Intermediate Curriculum and Instruction, Berkeley County
- Janet Murray, Director of Federal Programs and Assessment, Jackson County
- Carla Taylor, Director of Curriculum and Instructional Support, Roane County
- Bobbie Tuggle, Technology Director/Testing Coordinator, Monroe County
- Suzanne Viski, Director of Special Services, Taylor County
- Tammy Wells, Director of Secondary and Career Technical Education, Student Assessment, and Strategic Planning, Wetzel County
- Courtney Whitehead, Director of Assessment, Accountability and Counseling, Monongalia County

**Internal Stakeholders**

- Vickie Baker, Coordinator, Office of Assessment
- Timothy Butcher, Coordinator, Office of Assessment
- Adam Canter, Lead Coordinator, Office of Governor's Economic Initiatives
- Charlene Coburn, Coordinator, Office of Federal Programs
- Dawn Embrey-King, Coordinator, Office of Special Education
- Teresa Hammond, Coordinator, Office of Early Learning
- Mami Itamochi, Coordinator, Office of Federal Programs
- Betty Jo Jordan, Special Assistant, Office of the Superintendent
- Michael Knighton, Coordinator, Office of Special Education
- Dr. Andrea Lemon, Coordinator, Office of Middle and Secondary Learning
- Michelle Moore, Coordinator, Office of Leadership and Continuous Improvement
- Dr. Stacey Murrell, Coordinator, Office of Assessment
- Jason Perdue, Coordinator, Office of Assessment
- Sonja Phillips, Coordinator, Office of Assessment
- Josh Ratliff, Coordinator, Office of Technology Integration and Support
- Dr. Vaughn Rhudy, Executive Director, Office of Assessment
- Terri Sappington, Coordinator, Office of Assessment
- Robert Surface, Coordinator, Office of Assessment
- Charlotte Webb, Coordinator, Office of Early Learning
- Dr. Andy Whisman, Executive Director, Office of Education Information Systems
- Lori Wilson, Assistant Director, Office of Certification and Professional Preparation

**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 legislative rule establishes the regulations governing the administration and operation of the West Virginia Measures of Academic Progress (WV-MAP).

1.2. Authority. -- W. Va. Constitution, Article XII, §2; W. Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8c(1), 18A-3-6; and Public Law 114-95, Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) 2015.

1.3. Filing Date. -- .

1.4. Effective Date. -- July 1, 2018.

1.4.a. Unless specified otherwise within the policy.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR14, West Virginia Board of Education (WVBE) Policy 2340, West Virginia Measures of Academic Progress (Policy 2340), filed February 16, 2017 and effective March 20, 2017.

**§126-14-2. Purpose.**

2.1. The purpose of this rule 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) *Guidelines for Participation in West Virginia State Assessments (Participation Guidelines)*, located on the WVDE website, and applicable administration manuals.

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

## 126CSR14

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

3.4. Building Level Coordinator. An individual designated by a principal to assist him/her with the administration of any assessments included in the WV-MAP and who meets the requirements outlined in §5.2.b.2.

3.5. Career Technical Education (CTE) Technical Assessment. A technical assessment of specific career technical skills and knowledge. Upon completion of a state-approved CTE program of study, students are required to complete a CTE technical assessment as identified in the State's federal Carl D. Perkins plan.

3.5.a. Each CTE director shall designate an individual to serve as the building level coordinator for any center or school that houses a state-approved CTE program of study to oversee all aspects of implementing the technical assessment.

3.6. 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 and/or validity 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. 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 §8.8.

3.7. 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.

3.8. 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 §8.8.

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

3.10. District. Any entity recognized by the WVBE as a local education agency (LEA) (e.g., county, West Virginia Schools for the Deaf and the Blind, Office of Diversion and Transition Program facilities).

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

3.12. District Test Coordinator. The individual within a district who manages the WV-MAP assessment program for that district and who has completed training in administering the testing instruments used in this program.

3.13. ESEA Public Law 114-95, as amended by ESSA (2015). The federal law that requires school districts to be accountable for teaching children in order for those districts to continue receiving federal funds.

## 126CSR14

3.14. English Learner (EL) Student. A student meeting the federal government definition as described in ESEA and in W. Va. 126CSR15, WVBE Policy 2417, Regulations and English Language Proficiency Standards for English Learners (Policy 2417).

3.15. English Learner (EL) Committee. A school level committee that includes English as a Second Language (ESL) and classroom educators and parent(s)/guardian(s) who meet annually to address issues impacting student instruction and assessment on an individual basis for EL students.

3.16. Examiner. The person who administers the test and who meets the requirements outlined in §5.3.c.

3.17. 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 through W. Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data (Policy 4350).

3.18. Formative Assessment. A deliberate daily process used by teachers and students during instruction that provides actionable feedback used to adjust ongoing teaching and learning to improve students' achievement of intended learning outcomes. 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 formative assessment process includes the use of any assessment methods and tools to provide a continuous stream of accurate evidence of learning.

3.19. Grade Level. The class designation 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 in which the student is enrolled in the nonpublic school.

3.20. *Guidelines for Participation in West Virginia State Assessments (Participation Guidelines)*. A document that outlines requirements for all students being assessed, including students with IEPs, Section 504 Plans or EL. 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.

3.21. 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 LEA and who are instructed by a person(s) providing home instruction. Home-schooled students may be enrolled in a course(s) in the public school system.

3.22. 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/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.

3.23. 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 Students with Exceptionalities (Policy 2419), describing the specially designed instruction and appropriate accommodations, if any,

needed for an eligible student with an exceptionality to master the state-approved content standards and/or be prepared for the workplace.

3.24. Interim Assessments. Assessments that can be administered prior to the West Virginia General Summative Assessment (WVGSA) System that allow local school districts and staff to monitor students' progress toward mastery of the state-approved standards.

3.25. International Assessment. Assessments administered in the United States (U.S.) by National Center for Education Statistics (NCES) under the governing bodies of International Association for the Evaluation of Educational Achievement (IEA) and Organization for Economic Cooperation and Development (OCED). These assessments include but are not limited to Progress in International Reading Literacy Study (PIRLS), Program for International Student Assessment (PISA), Trends in International Mathematics and Science Study (TIMSS), Teaching and Learning International Survey (TALIS), International Computer Information Literacy Study (ICILS), International Early Learning Study (IELS).

3.26. Locked and Secured Location(s). Any location within a district, school, or approved testing facility that can be locked and secured with access limited only to the principal and/or building level coordinator.

3.27. Medical Emergency. A situation in which a student is suffering from a terminal illness, or physical or psychological emergency that may prevent the student from testing. These students may qualify for a participation rate exemption. Information about requesting a participation rate exemption because of a medical emergency is available in the *Participation Guidelines*.

3.28. Minimum Number of Students. The number of students tested in a specific group. For reporting/accountability purposes, the minimum number of students must be large enough so students in that group cannot be individually identified. The "minimum number of students" are chosen by states and approved by the U.S. Department of Education for calculating and reporting school performance determinations in accordance with the W. Va. 126CSR12, Policy 2322, West Virginia Accountability System (WVAS).

3.29. National Assessment of Educational Progress (NAEP). A national assessment of a representative sampling of the United States' students in grades 4, 8 and 12. NAEP measures what United States' 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, the administration of NAEP reading and mathematics assessments is required for students in grades 4 and 8. W. Va. Code §18-2E-2 states NAEP shall be administered in academic areas at various grades designated by NAEP officials.

3.30. National Assessment Governing Board (the Governing Board). A board of elected and appointed officials overseeing the content and operation of the NAEP.

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

3.32. 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.

3.33. 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.

3.33.a. Nonpublic Schools. 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. 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.

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

3.35. Out-of-State Placements. Students placed in out-of-state schools/facilities through court-based placement by the West Virginia Department of Health and Human Resources (WVDHHR) or district placement by IEP teams.

3.35.a. Court-based placement. Students placed in out-of-state schools/facilities by WVDHHR because of special education needs and related services. These placements are considered to be non-IEP decisions based on factors other than disability status. However, it is possible that some students in out-of-state placements have IEPs. Regardless of whether students placed in out-of-state schools/facilities because of court-based placement have IEPs or do not have IEPs, these students are not instructed using the state-approved content standards, are not assessed using the WVGSA system or the WVASA, and are not included in WVAS indicators. 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. 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 districts as determined by IEP teams because of special education needs and related services. These students are instructed using the state-approved content standards, are assessed using the WVGSA system or the WVASA, and are included in WVAS indicators if they are enrolled as students 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/she attends an assigned public school. A foreign exchange student may participate in the state assessments. If tested, the foreign exchange student is not included in accountability measures.

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

3.38. Scribe. A trained examiner who 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.

3.39. Section 504 Committee. A committee established in accordance with district procedures that 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).

3.40. Section 504 Plan. A document, reviewed annually, outlining the accommodations, aids, or services a student with disabilities needs to be educated in the least restrictive environment. The accommodations are usually minor adjustments in the general education classroom such as, but not limited to, seating arrangements, assignments, and lesson presentation. A school-based team determines if a student qualifies for a 504 plan based on Section 504 of the Rehabilitation Act of 1973.

3.41. Security Breach. The failure to observe/follow the documented procedures established in the *WVBE Testing Code of Ethics* (Appendix A), 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 §8 for the protocol to use in reporting an alleged breach.

3.42. 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.

3.43. 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.

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

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

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

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

3.48. 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 §8 for the protocol to use in reporting an alleged breach.

3.49. Testing Code of Ethics – *WVBE Testing Code of Ethics* (Appendix A). The moral and principled practices regarding test security, test administration, test notification, training, and handling of secure assessment materials.

3.50. Testing Irregularity. Any unexpected event that significantly disrupts the testing environment, e.g., sounding of the fire alarm or a power outage.

3.51. 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(g) and this policy.

3.52. West Virginia Accountability System (WVAS). The comprehensive system of measurements that defines school-specific expectations for continuous improvement using academic achievement, academic progress, four-year and five-year cohort graduation rates, progress toward English language proficiency (ELP), and student success indicators to guide and focus improvement and technical assistance.

3.53. West Virginia Alternate Summative Assessment (WVASA). A test specifically designed for students with significant cognitive disabilities. These students are assessed in the same content areas and at the same grade levels as students who take the WVGSA. Students who are administered the WVASA must be instructed using the appropriate grade level Alternate Academic Achievement Standards as per the IEP.

3.54. 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.

3.55. West Virginia General Summative Assessment (WVGSA) System. The entire statewide summative assessment system that includes the state's summative assessment for students used for state and federal accountability. This term encompasses both the WVGSA for students in grades 3-8 and the college- and career-readiness assessment for students in grade 11.

3.55.a. WVGSA for Grades 3-8. A customized test consisting of selected criterion-referenced response items used to measure a student's level of achievement of the state-approved content standards in mathematics and English language arts (ELA) in grades 3-8, and science in grades 5 and 8.

3.55.b. Grade 11 College- and Career-Readiness Assessment. A standardized college- and career-readiness assessment. The West Virginia grade 11 college- and career-readiness assessment is used for both state and federal accountability, as well as college entrance and placement.

3.56. West Virginia ELP Assessment for the 21<sup>st</sup> Century (ELPA21). An assessment of language proficiency for EL. For more information, refer to Policy 2417 and the *Participation Guidelines*.

3.57. West Virginia Measures of Academic Progress (WV-MAP). The comprehensive assessment system that measures student performance. These measures include the WVGSA for grade 3-8, the college- and career-readiness assessment for grade 11, the WVASA for grade 3-8 and 11, NAEP, the ELPA21, CTE technical assessment, and pilot tests and field tests sanctioned by WVDE.

3.58. West Virginia state-approved content standards. Statements of the knowledge and skills that students are expected to acquire.

**§126-14-4. Program Regulations.**

4.1. All public school students enrolled in grades 3-8 and 11 shall be assessed using the appropriate state-administered summative assessment, either general or alternate, at the grade level in which they are enrolled in the spring of each year.

4.1.a. The WVGSA for grade 3-8 assesses the content areas of ELA and mathematics in grades 3-8 and science in grades 5, and 8.

4.1.b. The college- and career-readiness assessment is administered as the general summative assessment in grade 11.

4.1.c. The WVASA assesses the content areas of ELA and mathematics in grades 3-8 and 11 and science in grades 5, 8, and 11.

4.1.c.1. ESSA requires that for each assessed subject, the total number of students participating in the alternate assessment does not exceed one percent of the total number of all students in the state who are assessed in a given subject. ESSA has placed a one percent participation rate cap at the state level only. This cap is not applicable at the district or school level. ESSA places a one percent cap on participation, rather than replacing a cap on accountability proficiency rates for the alternate assessment as in previous years.

4.2. All EL public school students shall participate in the appropriate WVGSA in the grade level in which they are enrolled. The EL Committee will determine the appropriate language supports, if any, using the *ELPA21 Assessment Participation Form*, located on the WVDE website.

4.2.a. All public school EL students eligible to participate in the ELPA21 shall do so with accommodations as determined by their respective EL Committees, IEP Teams, or Section 504 Committees. The documentation procedure for ensuring accommodations are provided on the West Virginia ELPA21 is outlined in the *Participation Guidelines*.

4.2.b. When an EL 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 *ELPA21 Assessment Participation Form* will address language supports relevant to the EL status of a student.

4.2.c. When an EL 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 Section 504 Plan will address the specific accommodations relevant to the identified disabilities in the Section 504 Plan. *ELPA21 Assessment Participation Form* will address language supports relevant to the EL status of a student.

4.2.d. Former EL students' WVGSA grade 11 college- and career-readiness assessment or the WVASA scores will be included in the EL 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 WVGSA in grades 3-8, grade 11 college- and career-readiness assessment, or the WVASA at the grade level in which they are enrolled with appropriate accommodations, if any, as determined by their IEP Team. The process for ensuring IEP accommodations are provided in the *Participation Guidelines*.

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

4.3.b. All public school students with disabilities as defined by Section 504 shall participate in the WVGSA or grade 11 college- and career-readiness assessment in the grade level in which they are enrolled. Appropriate 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 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 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 WVASA and students with IEPs, Section 504 Plans, or ELPA21 Assessment Participation Forms whose accommodation is not allowed 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 WVDE.

4.5. All public school students enrolled in the grade sample selected to participate in an international assessment shall participate in the assessment. Principals or their designee shall complete the required school questionnaires. Teachers sampled shall complete the teacher questionnaire. 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, Section 504 Plans or ELPA21 Assessment Participation Forms who cannot be accommodated may be excluded.

4.6. All homebound public school students are to be assessed at the schools in which the students are enrolled or at alternate testing sites meeting requirements in test administration manuals and 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.

4.7. Participation rate exemption appeals can be submitted for a limited number of reasons through the WVDE during the specified appeals window. Exemptions granted exclude those students from participation rate calculations for accountability purposes.

4.8. 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.

4.9. 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 in grades 3-8 may participate in the WVGSA and students in grade 11 may participate in the college- and career-readiness assessment provided that the home instructor notifies the district test coordinator of the intention to participate by a date to be determined by the WVDE. Home-schooled 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* (Appendix F), and 2) test dates by the district test coordinator during the testing window. All educators and home-schooled 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. Home-schooled students who choose to participate in state assessments are not included in accountability measures.

4.9.a. Home-schooled students who are enrolled part-time in public schools are considered as home-schooled students for assessment and accountability.

4.10. 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 WVDE and to the district test coordinator in the district where the nonpublic school is located by a date to be determined by the WVDE. Nonpublic schools that choose not to participate in WV-MAP after submitting the Participation Form must notify both the WVDE and the district test coordinator in the district where the nonpublic school is located by a date to be determined by the WVDE that they no longer intend to participate. Nonpublic schools which fail to provide notification are not eligible to participate in WV-MAP for a period of one year. For WVGSA grades 3-8, 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 the annually signed *WVBE Principal and/or Building Level Coordinator Secure Materials and Test Procedures Agreement* (Appendix D or Appendix E). For grade 11 college- and career-readiness assessment, the nonpublic school will receive all testing materials, but the nonpublic principal/assigned building level coordinator must complete all required training and sign the *WVBE Principal and/or Building Level Coordinator Secure Materials and Test Procedures Agreement* (Appendix D or Appendix E) before receiving materials. 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. Nonpublic students who participate in state assessments are not included in accountability measures.

4.11. 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.

**§126-14-5. Administration Regulations.**

5.1. The WV-MAP assessments shall be administered according to the schedule published by the WVDE. 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.b.1. The principal must be a currently employed educator who holds a valid West Virginia teaching license or certification granted by WVDE and has signed the *WVBE Principal's Secure Materials and Test Procedures Agreement* (Appendix D).

5.2.b.2. The building level coordinator must be a currently employed educator who holds a valid West Virginia teaching license or certification granted by WVDE and has signed the *WVBE Building Level Coordinator's Secure Materials and Test Procedures Agreement* (Appendix E).

5.2.b.2.1. Principals may designate assistant building level coordinator(s) to assist the building level coordinator.

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

5.2.d. Each district shall monitor test administration in its schools to ensure that appropriate assessments, with or without appropriate accommodations, are selected for students with disabilities under IDEA, students covered by Section 504, and EL so that they are appropriately included in assessments.

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 this policy, 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 1) a currently employed educator and/or an approved employee of the state or district, or 2) 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 WVDE.

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 (Appendix F)* 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 students with exceptionalities 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

5.3.c.5.A. Teacher in Residence. An intensively supervised and mentored residency program for prospective teachers during their senior year in college 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 test 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 this policy.

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* (Appendix F) 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* (Appendix F). 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, online IEP, Section 504 Plan, or ELPA21 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 shall monitor and report the implementation of accommodations as defined in the *Participation Guidelines* to ensure accommodations are:

5.6.a.1. Consistent with the state's policies for accommodations;

5.6.a.2. Appropriate for addressing a student's disability or language needs for each assessment administered;

5.6.a.3. Consistent with accommodations provided to students during instruction and/or practice;

5.6.a.4. Consistent with the assessment accommodations identified by a student's IEP Team or Section 504 TEAM for students with disabilities, or another process for an EL;

5.6.a.5. Administered with fidelity to test administration procedures.

5.7. The examiner must report test irregularities on a testing irregularities form to the principal or district test coordinator, as appropriate.

5.8. 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 only for the WVGSA for grades 3-8, the grade 11 college- and career-readiness assessment, and the WVASA, 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 is available at the NCES web site.

6.2. The WVDE shall release student, school, and district, 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, with the exception of the grade 11 college- and career-readiness assessment forms released according to the testing vendor's policies and procedures.

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 in a timely manner the results to parents/guardians and to the teachers to whom the students are assigned.

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 district superintendent will confirm to the state superintendent that the individual student results were sent by each of the public schools in the 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 WVGSA for grades 3-8, the grade 11 college- and career-readiness assessment, and the WVASA shall be disaggregated and reported by the WVDE, as required by ESEA.

6.5.a. Performance on the WVGSA for grades 3-8, the grade 11 college- and career-readiness assessment, and the WVASA 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 state-approved content areas.

6.5.a.1. Performance on the WVGSA for grades 3-8 and the grade 11 college- and career-readiness assessment shall be reported by achievement levels based upon cut scores for each state-approved content area. (Cut scores are published in the technical report.)

6.5.a.2. Performance on the WVASA shall be reported by achievement levels based upon cut scores for each state-approved content area. (Cut scores are published in the technical report.)

6.5.b. School performance on the WVGSA for grades 3-8, the grade 11 college- and career-readiness assessment, and the WVASA shall be reported in terms of the percentage of students who achieved a minimum level of proficiency.

6.6. The WVDE reporting requirements may be met by any or all of the following: hardcopy, 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 vendor will be reviewed by the WVDE. A determination will be made by the WVDE as to whether the data warrant additional investigation.

6.8. Individual student level assessment data are maintained securely to protect student confidentiality as per FERPA, 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* (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 and international 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/ Personnel (Examiners/Scribes/Other School Personnel)* (Appendix I).

7.4. The district test coordinator shall acknowledge that all WV-MAP assessments and international assessments, as well as 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 WV-Map assessments and international assessments, 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 WV-MAP assessments and international assessments, 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 WV-MAP assessments and international assessments, 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).

7.7.b. Building level coordinators will store the secure materials from NAEP and the international assessments in the provided storage envelopes and destroy the storage envelopes after the NAEP assessment and all international assessments as directed by the administration team for the assessment.

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, 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. 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. The student's personal electronic devices will then be released to the parent/guardian.

7.10. 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/ 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 Training for Principals, Building Level Coordinators, District/School Personnel (Examiners/Scribes/Other School Personnel)* (Appendix I), must be kept on file at the school by the principal/building level coordinator.

7.10.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.

7.10.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.

7.11. 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.

7.12. Any allegation(s) of cheating, security breach, testing administration breach, or copyright infringement shall be reported according to the following protocol:

7.12.a. Any allegation(s) that occurs in the school shall be reported to the principal.

7.12.b. The principal shall report allegations to the district test coordinator.

7.12.c. The district test coordinator shall report allegations to the district superintendent and to the WVDE.

7.12.d. The WVDE shall report allegations which compromised the administration or the integrity of a WV-MAP assessment to the State Superintendent of Schools.

7.12.d.1. The WVDE holds the authority to determine whether to invalidate a test and whether a retake will be administered.

7.12.e. When the circumstances of reporting an alleged breach directly to an administrator may place an informant in jeopardy, the alleged breach may be reported directly to the WVDE.

**§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, 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 by WVDE 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 identifies alternate investigative plan.

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

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 is determined a violation 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;

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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 §8.7.a or district board as per §8.7.b.

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

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 this timeframe.

8.8.a. The State Superintendent of Schools may: 1) revoke the teaching license/certification pursuant to W. Va. Code §18A-3-6, or 2) 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

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compromise the integrity of assessments in this policy 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 District/School Personnel Secure Materials Agreement* (Appendix G);

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 this policy 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 maintain security as outlined in W. Va. Code §18-2E-1a(8).

8.9. WVDE/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 WV-MAP, as well as appropriate professional conduct. The *WVBE Testing Code of Ethics* supplements the practices and procedures set forth by 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. The WVDE 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.

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* (Appendix B). 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 /District/School Technology Personnel Security Agreement* (Appendix G). 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* (Appendix D). 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* (Appendix E) 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, 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.
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, Section 504 Plans, or *ELPA21 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, 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 \_\_\_\_\_

Policy 2340, West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), 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 WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the *Testing Code of Ethics* (Appendix A), for all assessments within this policy. 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 WVDE.
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* (Appendix A).
7. I will collect and retain the signed *WVBE Principal’s Secure Materials and Test Procedures Agreement* (Appendix D) and *WVBE Building Level Coordinator’s Secure Materials and Test Procedures Agreement* (Appendix E 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* (Appendix E) and verification of training of all other applicable school personnel.

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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.
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 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 WVBE.  
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 \_\_\_\_\_

Policy 2340, West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), 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 WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the *Testing Code of Ethics* (Appendix A), for all assessments within this policy. 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 WVDE.
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 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 WVBE.  
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 \_\_\_\_\_

Policy 2340, West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), 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 WV-MAP Progress. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the *Testing Code of Ethics* (Appendix A), for all assessments within this policy. 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* (Appendix A).
7. I will collect and retain the signed *WVBE Examiner's/Scribe's Secure Materials and Test Agreement* (Appendix F) and *WVBE /District/School Personnel Secure Materials Agreement* (Appendix G) 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* (Appendix F) and *WVBE RESA/District/School/Personnel Secure Materials Agreement* (Appendix G) 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.

126CSR14

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.
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, Section 504 Plans, and *EPA21L 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 WVBE.  
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  
District of \_\_\_\_\_

West Virginia Board of Education  
West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), 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 WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the *Testing Code of Ethics* (Appendix A), for all assessments within the WV-MAP. 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* (Appendix A), 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* (Appendix F) and *WVBE /District/School Personnel Secure Materials Agreement* (Appendix G) 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* (Appendix F) and *WVBE /District/School Personnel Secure Materials Agreement* (Appendix G) will be given to the principal no later than five instructional days prior to the first day of testing.

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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.
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, Section 504 Plans, and *ELPA21 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 WVBE.  
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 \_\_\_\_\_

Policy 2340, West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), 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 WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to the Policy 2340, including the *Testing Code of Ethics* (Appendix A), for all assessments within this policy. 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, Section 504 Plans, or *ELPA21 Assessment Participation Forms*, I will adhere to the accommodations listed therein and monitor using the appropriate process (accommodation form 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.

**126CSR14**

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 WVBE.  
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 \_\_\_\_\_ Policy 2340, West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

**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 WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the *Testing Code of Ethics* (Appendix A), for all assessments within this policy. 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 *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 WVBE.  
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 \_\_\_\_\_ Policy 2340, West Virginia Measures of Academic Progress

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

**WVDE/ /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 WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the *Testing Code of Ethics* (Appendix A), for all assessments within this policy, 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/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 WVBE.  
This agreement is valid for the academic year of signatory date and shall be signed prior to the administration of any tests.*



**W. Va. 126CSR14, Policy 2340, West Virginia Measures of Academic Progress  
Comment Response Form**

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**Comment Period Ends:** May 14, 2018

**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.
§126-14-2. Purpose.
§126-14-3. Definitions.
§126-14-4. Program Regulations.
§126-14-5. Administration Regulations.
§126-14-6. Reporting Regulations.

**W. Va. 126CSR14, Policy 2340, West Virginia Measures of Academic Progress  
Comment Response Form**

**§126-14-7. Test Security.**

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

**§126-14-9. Severability.**

Please direct all comments to:

Dr. Vaughn G. Rhudy, Executive Director  
Office of Assessment  
West Virginia Department of Education  
Capitol Building 6, Room 652  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
E-Mail Address: vrhudy@k12.wv.us  
Fax No.: 304.558-2546.