



## **Executive Summary Policy 2340 Revision**

### **Purpose:**

This executive summary provides an overview of the minor revisions to West Virginia Measures of Academic Progress (WV-MAP) Policy 2340.

### **Background:**

The assessment policy governs the assessment 1) programs, 2) administration, 3) reporting, 4) test security and 5) investigations. State Code §18-2E-1(b) (4) requires the West Virginia State Board of Education to perform the following function: "ensure that all statewide assessments of student performance are secure." The policy revisions were determined by a stakeholder group of approximately 20 educators during the month of July 2008. Furthermore, Policy 2340 was sent electronically to all County Test Coordinators for comments/revisions. WVEA and AFT provided additional comments/revisions.

### **Comments/Minor Changes:**

#### § 126-14-1. General

Dates and addition of official name of policy.

#### § 126-14-2. Purpose

No revision.

#### § 126-14-3. Definitions

Added definitions for the following: Aide, Adequate Yearly Progress (AYP), Benchmark Assessments, Classroom Assessment, Out of State Placements, Public School Student (Foreign Exchange Students), West Virginia Alternate Academic Achievement Standards, West Virginia Guidelines for Participation in State Assessments, and added Online Writing as a subtest of WESTEST2. Minor clarifications were made to current definitions.

#### § 126-14-4. Program Regulations

Updates to program regulations include new names of programs, such as WESTEST is now WESTEST2.

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

Minor edits to administration regulations to include name changes clarification to current programs.

#### § 126-14-6. Reporting Regulations

Reporting Regulations section was revised to require the student assessment results be provided to parent/guardian in a timely manner by the county. Evidence of this is required in the federal Peer Review Process.

§ 126-14-7. Test Security

Minor revisions Test Security that include language clarification, office name, and clearly defining that the examiner may not review or examine the student test booklet/ answer sheet or online submissions once the test is completed. Removal of proctor language from the policy.

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

Minor edits that include name changes and further clarifying the investigation process which allows WVDE the option to have the local school district conduct the investigation.

Appendix A (Testing Code of Ethics)

Minor edits to include new name and clarification to current language to include answer sheets as being maintained as secure.

Appendix B (CTC Responsibilities/Agreement)

Minor edits to include new name and inclusion of answer sheets as being maintained as secure.

Appendix C (Principal Responsibilities/Agreement)

Minor edits.

Appendix D (Building Level Coordinator's Responsibilities/Agreement)

Minor edits.

Appendix E (Examiner's Responsibility/Agreement)

Minor edits and removal of *proctor* language.

Appendix F (Personnel Agreements)

Minor edits and removal of *proctor* language.

Appendix G (Verification of Training)

Minor edits, name change of programs, and removal of *proctor* language.

**Impact:**

The revisions to Policy 2340 will 1) clarify language, 2) clearly define security requirements for test administration to better inform and protect educators, and 3) improve the clarity of the overall requirements as set forth in the policy.

**Action:**

The Department requests the attached policy be placed on public comment for a 30 day comment period.

**Advisory Committee Members  
(Alpha Order by First Name)**

<b>Name</b>	<b>Title</b>	<b>Location</b>
Beth Cipoletti	ACT Coordinator	Office of Assessment and Accountability
Beth Judy	Lead Coordinator	Office of Assessment and Accountability
Betsy Mullett	County Test Coordinator	Monongalia County
Brenda West	Assistant Director	Office of Assessment and Accountability
Brenda Williams	Executive Director	Office of Technology
Carla Williamson	Executive Director	Office of Instruction
Carolyn Long	Superintendent	Braxton County
Diana Smith	Coordinator	Office of Assessment and Accountability
Diane Furman	County Test Coordinator	Marion County
Diane Boggess	County Test Coordinator	Wood County
Donna Miller	County Test Coordinator	Berkeley County
Jan Barth	Special Assignment	Office of Assessment and Accountability
Jane Sims	Math Coordinator	Office of Assessment and Accountability
Janet Murray	County Test Coordinator	Jackson County
Jason Perdue	Online Assessment Coordinator	Office of Assessment and Accountability
Jeff Smith	County Test Coordinator	Cabell County
Larry White	Assistant Director	Office of Assessment and Accountability
Lisa Beck	County Test Coordinator	Boone County
Margaret Pennington	County Test Coordinator	Fayette County
Pat Dillon	Social Studies Coordinator	Office of Assessment and Accountability
Ruth Boyles	County Test Coordinator	Mercer County
Sandra Foster	Writing Coordinator	Office of Assessment and Accountability
Sandra Starr	RLA Coordinator	Office of Assessment and Accountability
Shelia Lucento	County Test Coordinator	Raleigh County
Sue McGuire	County Test Coordinator	Ohio County
Suzanne Viski	County Test Coordinator	Taylor County
Timothy Butcher	Science Coordinator	Office of Assessment and Accountability
Tom Denne	County Test Coordinator	Mineral County
Vicky Cline	County Test Coordinator	Greenbrier County
William Mullett	County Test Coordinator	Kanawha County

**STATE OF WEST VIRGINIA  
COUNTY TEST COORDINATORS**

<u>COUNTY</u>	<u>TELEPHONE</u>	<u>FAX NO.</u>	<u>TEST COORDINATOR</u>	<u>E-MAIL ADDRESS</u>
02 Barbour	457-3030 E-121	457-3559	<b>Elaine Benson</b> 105 South Railroad Street, Philippi, WV 26416	<a href="mailto:eabenson@access.k12.wv.us">eabenson@access.k12.wv.us</a>
04 Berkeley	267-3510 E-3225	267-3506	<b>Donna Miller</b> 401 South Queen Street, Martinsburg, WV 25401	<a href="mailto:dgmiller@access.k12.wv.us">dgmiller@access.k12.wv.us</a>
06 Boone	369-8253	369-6789	<b>Lisa Beck</b> 69 Avenue B, Madison, WV 25130	<a href="mailto:ldbeck@access.k12.wv.us">ldbeck@access.k12.wv.us</a>
08 Braxton	765-5566 E-269	765-7148	<b>Barbara Cox</b> 411 North Hill Road, Sutton, WV 26601	<a href="mailto:becox@access.k12.wv.us">becox@access.k12.wv.us</a>
10 Brooke	737-3481 E-28	737-3480	<b>Kathy Kidder Wilkerson</b> 1201 Pleasant Avenue, Wellsburg, WV 26070	<a href="mailto:kkidder@access.k12.wv.us">kkidder@access.k12.wv.us</a>
12 Cabell	528-5063	528-5050	<b>Dr. H. Jeffrey Smith</b> 2850 Fifth Avenue, Huntington, WV 25702	<a href="mailto:hsmith@access.k12.wv.us">hsmith@access.k12.wv.us</a>
14 Calhoun	354-7011	354-7420	<b>Carla Taylor</b> HC 89 Box 119, Mt. Zion, WV 26151	<a href="mailto:crtaylor@access.k12.wv.us">crtaylor@access.k12.wv.us</a>
16 Clay	587-4266	587-4181	<b>Kenneth Tanner</b> 242 Church Street, P.O. Box 120, Clay, WV 25043	<a href="mailto:ktanner@access.k12.wv.us">ktanner@access.k12.wv.us</a>
18 Doddridge	873-1855	873-1958	<b>David Leda</b> 103 Sistersville Pike, West Union, WV 26456	<a href="mailto:the_real_lead_man@yahoo.com">the_real_lead_man@yahoo.com</a>
20 Fayette	574-1176 E-2146	574-3643	<b>Margaret M. Pennington</b> 111 Fayette Avenue, Fayetteville, WV 25840	<a href="mailto:mmpennin@access.k12.wv.us">mmpennin@access.k12.wv.us</a>
22 Gilmer	462-7386 E-15	462-5103	<b>Connie Frame</b> 201 North Court Street, Glenville, WV 26351	<a href="mailto:clframe@access.k12.wv.us">clframe@access.k12.wv.us</a>
24 Grant	257-1011 E-17 257-1011 E-13	257-2453	<b>Alice Ann Guyon (ELEM)</b> <b>Dennis Albright (SEC)</b> 204 Jefferson Avenue, Petersburg, WV 26847	<a href="mailto:aguyon@access.k12.wv.us">aguyon@access.k12.wv.us</a> <a href="mailto:djalbrig@access.k12.wv.us">djalbrig@access.k12.wv.us</a>
26 Greenbrier	647-6484	647-6484	<b>Vicky Cline</b> 202 Chestnut Street, Lewisburg, WV 24901	<a href="mailto:vccline@access.k12.wv.us">vccline@access.k12.wv.us</a>
28 Hampshire	822-3050 E-192	822-5382	<b>Dr. Edward Morgret</b> 111 School Street, Romney, WV 26757	<a href="mailto:emorgret@access.k12.wv.us">emorgret@access.k12.wv.us</a>
29 Hancock	564-3411 E-382	564-9028	<b>Sue Krukowski</b> 104 North Court Street, New Cumberland, WV 26047	<a href="mailto:skrukows@access.k12.wv.us">skrukows@access.k12.wv.us</a>
31 Hardy	530-2348 E-232	530-2340	<b>Barbara Whitecotton</b> 510 Ashby Street, Moorefield, WV 26836	<a href="mailto:bwhiteco@access.k12.wv.us">bwhiteco@access.k12.wv.us</a>
33 Harrison	326-7360	624-3361	<b>Vic Fisher</b> 408 E.B. Saunders Way, P.O. Box 1370, Clarksburg, WV 26302	<a href="mailto:vfisher@access.k12.wv.us">vfisher@access.k12.wv.us</a>
35 Jackson	372-7310	372-7312	<b>Janet Murray</b> One School Street, P.O. Box 770, Ripley, WV 25271	<a href="mailto:jmurray@access.k12.wv.us">jmurray@access.k12.wv.us</a>
37 Jefferson	728-9233 728-9242	728-9274 724-9071	<b>Patrick Blanc</b> <b>Ann Ebersole</b> 110 Mordington Avenue, Charles Town, WV 25414	<a href="mailto:pblanc@access.k12.wv.us">pblanc@access.k12.wv.us</a> <a href="mailto:cebbersol@access.k12.wv.us">cebbersol@access.k12.wv.us</a>
39 Kanawha	348-7720	348-1948	<b>Dr. William Mullett</b> 200 Elizabeth Street, Charleston, WV 25311	<a href="mailto:wmullett@boe.kana.k12.wv.us">wmullett@boe.kana.k12.wv.us</a>
41 Lewis	269-8300 E-120	269-8342	<b>Carol Williams</b> 239 Court Avenue, Weston, WV 26452	<a href="mailto:cgwillia@access.k12.wv.us">cgwillia@access.k12.wv.us</a>
43 Lincoln	824-3033 E-248	824-7947	<b>Bill Linville</b> 10 Marland Avenue, Hamlin, WV 25523	<a href="mailto:blinville@access.k12.wv.us">blinville@access.k12.wv.us</a>
45 Logan	792-2041	752-8677	<b>Wilma Zigmond, Supt.</b> 66 School Street, Logan, WV 25601	<a href="mailto:wzigmond@access.k12.wv.us">wzigmond@access.k12.wv.us</a>
47 Marion	367-2100	367-2111	<b>Diane Furman</b> <b>Sally Morgan</b> <b>JoAnn Nuzum</b> 200 Gaston Avenue, Fairmont, WV 26554	<a href="mailto:dfurman@access.k12.wv.us">dfurman@access.k12.wv.us</a> <a href="mailto:smorgan@access.k12.wv.us">smorgan@access.k12.wv.us</a> <a href="mailto:jnuzum@access.k12.wv.us">jnuzum@access.k12.wv.us</a>
48 Marshall	843-4400 E-317	843-4409	<b>Susan Jones</b> 2700 Fourth Street, P.O. Box 578, Moundsville, WV 26041	<a href="mailto:ssejones@access.k12.wv.us">ssejones@access.k12.wv.us</a>
49 Mason	675-4540	675-7226	<b>Stephen Kingery</b> 1200 Main Street, Point Pleasant, WV 25550	<a href="mailto:skingery@access.k12.wv.us">skingery@access.k12.wv.us</a>
51 Mercer	487-1551	425-1647	<b>Karen Hall</b> 1403 Honaker Avenue, Princeton, WV 24740	<a href="mailto:kghall@access.k12.wv.us">kghall@access.k12.wv.us</a>
53 Mineral	788-4218 E-13	788-6461	<b>Thomas Denne</b> 1 Baker Place, Keyser, WV 26726	<a href="mailto:tdenne@access.k12.wv.us">tdenne@access.k12.wv.us</a>

	<u>COUNTY</u>	<u>TELEPHONE</u>	<u>FAX NO.</u>	<u>TEST COORDINATOR</u>	<u>E-MAIL ADDRESS</u>
54	Mingo	235-7212	235-3410	<b>Karen Canterbury</b> Rt. 2, Box 310, Williamson, WV 25661	<a href="mailto:krcanter@access.k12.wv.us">krcanter@access.k12.wv.us</a>
56	Monongalia	291-9210 E-506	296-1379	<b>Betsy Mullett</b> 13 South High Street, Morgantown, WV 26501	<a href="mailto:emullett@access.k12.wv.us">emullett@access.k12.wv.us</a>
57	Monroe	772-3094 E-310	772-5020	<b>Becky Yost</b> P.O. Box 330/330 Willow Bend Road, Union, WV 24983	<a href="mailto:byost@access.k12.wv.us">byost@access.k12.wv.us</a>
58	Morgan	258-2430 E-29	258-9146	<b>Terry J. Riley</b> 247 Harrison Avenue, Berkeley Springs, WV 25411	<a href="mailto:triley@access.k12.wv.us">triley@access.k12.wv.us</a>
60	McDowell	436-8446 E-232	436-4219	<b>Barbara Miller</b> 30 Central Avenue, Welch, WV 24801	<a href="mailto:bemiller@access.k12.wv.us">bemiller@access.k12.wv.us</a>
62	Nicholas	872-3611 E-135	872-4626	<b>Damon Hanshaw</b> 400 Old Main Drive, Summersville, WV 26651	<a href="mailto:dhanshaw@access.k12.wv.us">dhanshaw@access.k12.wv.us</a>
64	Ohio	243-0318	243-0328	<b>Sue McGuier</b> 2203 National Road, Wheeling, WV 26003	<a href="mailto:smcguier@access.k12.wv.us">smcguier@access.k12.wv.us</a>
66	Pendleton	358-2573	358-7701	<b>Diane Smith</b> 108 Walnut Street, P.O. Drawer 888, Franklin, WV 26807	<a href="mailto:dsmith@access.k12.wv.us">dsmith@access.k12.wv.us</a>
67	Pleasants	684-2215	684-3569	<b>Donna Barksdale</b> 2272 N. Pleasants Hwy., St. Marys, WV 26170	<a href="mailto:dbarksda@access.k12.wv.us">dbarksda@access.k12.wv.us</a>
69	Pocahontas	799-4505	799-4499	<b>Maria Busick</b> 926 Fifth Avenue, Marlinton, WV 24954	<a href="mailto:mbusick@access.k12.wv.us">mbusick@access.k12.wv.us</a>
70	Preston	329-2635 E-225	329-0720	<b>Robert Ridenour</b> 300 Preston Drive, Kingwood, WV 26537	<a href="mailto:rridenou@access.k12.wv.us">rridenou@access.k12.wv.us</a>
72	Putnam	586-0500 E-111	586-0555	<b>Pat Homberg</b> 9 Courthouse Drive, Winfield, WV 25213	<a href="mailto:phomberg@access.k12.wv.us">phomberg@access.k12.wv.us</a>
74	Raleigh	256-4500 E-3323	256-4707	<b>Sheila Lucento</b> 105 Adair Street, Beckley, WV 25801	<a href="mailto:slucento@access.k12.wv.us">slucento@access.k12.wv.us</a>
75	Randolph	636-9150 E-253	636-9299	<b>Donna Simmons</b> 40 Eleventh Street, Elkins, WV 26241	<a href="mailto:dnsimmon@access.k12.wv.us">dnsimmon@access.k12.wv.us</a>
77	Ritchie	643-2991	643-2994	<b>Deborah Bever</b> 134 South Penn Avenue, Harrisville, WV 26362	<a href="mailto:dbever@access.k12.wv.us">dbever@access.k12.wv.us</a>
79	Roane	927-6411	927-6440	<b>Doris Weekley</b> 802 Madison Avenue, P.O. Box 609, Spencer, WV 25276	<a href="mailto:dweekl@access.k12.wv.us">dweekl@access.k12.wv.us</a>
81	Summers	466-6034	466-6008	<b>Robert Rodes</b> 116 Main Street, Hinton, WV 25951	<a href="mailto:rrodes@access.k12.wv.us">rrodes@access.k12.wv.us</a>
83	Taylor	265-2497 E-21	265-2508	<b>Suzanne Viski</b> P.O. Box 160, Grafton, WV 26354	<a href="mailto:sviski@access.k12.wv.us">sviski@access.k12.wv.us</a>
84	Tucker	478-2771	478-3422	<b>Deborah Calhoun</b> 501 Chestnut Street, Parsons, WV 26287	<a href="mailto:dqcalhou@access.k12.wv.us">dqcalhou@access.k12.wv.us</a>
85	Tyler	758-2145	758-4566	<b>Amanda Kimble</b> Dodd Street, P.O. Box 25, Middlebourne, WV 26149	<a href="mailto:akimble@access.k12.wv.us">akimble@access.k12.wv.us</a>
87	Upshur	472-4486 E-1070	472-4215	<b>Roy Wager</b> 102 Smithfield Street, Buckhannon, WV 26201	<a href="mailto:rwager@access.k12.wv.us">rwager@access.k12.wv.us</a>
89	Wayne	272-5116 E-325	272-3557	<b>Lynn Hurt</b> 212 North Court Street, P.O. Box 70, Wayne, WV 25570	<a href="mailto:churt@access.k12.wv.us">churt@access.k12.wv.us</a>
91	Webster	847-5638 E-106	847-2538	<b>Judith Woods</b> 315 South Main Street, Webster Springs, WV 26288	<a href="mailto:jlwoods@access.k12.wv.us">jlwoods@access.k12.wv.us</a>
92	Wetzel	455-2441 E-113	455-3446	<b>Tammy Wells</b> 333 Foundry Street, New Martinsville, WV 26155	<a href="mailto:thwells@access.k12.wv.us">thwells@access.k12.wv.us</a>
94	Wirt	275-4279	275-4581	<b>Angela Domico Cox</b> 793 Mulberry Street, P.O. Box 189, Elizabeth, WV 26143	<a href="mailto:amcox@access.k12.wv.us">amcox@access.k12.wv.us</a>
96	Wood	420-9670 E-133	420-9513	<b>Dianne Boggess</b> 1210 Thirteenth Street, Parkersburg, WV 26101	<a href="mailto:dboggess@access.k12.wv.us">dboggess@access.k12.wv.us</a>
98	Wyoming	732-6262 E-121	732-6744	<b>John Nolley</b> Route 10, P.O. Box 69, Pineville, WV 24874	<a href="mailto:jnolley@access.k12.wv.us">jnolley@access.k12.wv.us</a>
	Diocese	233-0880 E-324	233-8551	<b>Cathy Spencer</b> 11 Thirteenth Street, P.O. Box 230, Wheeling, WV 26003	<a href="mailto:cspencer@dwc.org">cspencer@dwc.org</a>
97	WV Schools Deaf/Blind	822-4863	822-3370	<b>John Yelenic, Superintendent</b> <b>Stephen Davis</b> 301 East Main Street, Romney, WV 26757	<a href="mailto:stdavis@access.k12.wv.us">stdavis@access.k12.wv.us</a>
34	Institutional Programs	558-8833 E-53252	558-5042	<b>Tracy Chenoweth</b> Building 6, Room 728, Charleston, WV 25305	<a href="mailto:tchenowe@access.k12.wv.us">tchenowe@access.k12.wv.us</a>

(AS OF 8/18/08)

FILED

126CSR14

2008 SEP 12 PM 1:57

TITLE 126

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 14**

**WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS (2340)**

**§126-14-1. General.**

1.1. Scope. - This policy establishes rules governing the administration and operation of the West Virginia Measures of Academic Progress (hereinafter WV-MAP).

1.2. Authority. - West Virginia Constitution, Article XII, §2; W. Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8(c)(1), 18A-3-6, and Public Law 107-110 *No Child Left Behind Act of 2001* (hereinafter *NCLB*).

1.3. Filing Date. - ~~November 13, 2006.~~

1.4. Effective Date. - ~~December 14, 2006.~~

1.4.1. Unless specified otherwise within the policy.

1.5. Repeal of Former Rule. - This rule amends ~~repeals and replaces~~ W. Va. 126CSR14 West Virginia Board of Education (hereinafter WVBE) Policy 2340, West Virginia Measures of Academic Progress (hereinafter WV-MAP), filed November 13, 2006 ~~June 13, 2003~~ and effective December 14, 2006 ~~July 13, 2003~~.

**§126-14-2. Purpose.**

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

**§126-14-3. Definitions.**

3.1. Accommodation(s). -Accommodation(s) refer to changes in the administration of an assessment, such as setting, scheduling, timing, presentation format, response mode, or others, including any combination of these that does not change what is intended to be measured by the

assessment or the meaning of the resulting scores. Allowable accommodations are defined in the West Virginia Department of Education's (hereinafter WVDE) (1) ~~Students with Disabilities: West Virginia Guidelines for Participation in State Assessments~~, (2) the *LEP Assessment Participation Document*, and (3) applicable examiner's or administration manuals.

3.2. ACT EXPLORE. -ACT EXPLORE is a norm-referenced test that generates English, mathematics, reading, and science scores for West Virginia 8th graders. In addition, information is collected about students' educational and career plans, interests, high school course work plans, and self-identified needs for assistance.

3.3. ACT PLAN. -ACT PLAN is a norm-referenced test that generates English, mathematics, reading, and science scores for West Virginia 10th graders. In addition, information is collected about students' educational and career plans, interests, high school course work plans, and self-identified needs for assistance.

3.4. Aide. For the purpose of testing, an aide is a person who meets or exceeds the qualifications of Aide II pursuant to W.Va. Code §18A-4-8 (i)(9) and is hired to work with special needs students in an instructional setting. These aides may serve as an examiner for the special needs students to whom they are instructionally assigned.

3.4-5. Alternative Education Program. An alternative education program, as defined by W. Va. 126CSR20, WVBE Policy 2418, Regulations for Alternative Education Programs for Disruptive Students (hereinafter Policy 2418), is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions.

3.6. Adequate Yearly Progress (hereinafter AYP). AYP is a NCLB requirement which requires each state to set a trajectory of performance which is defined by the percent of students who are at mastery or above in grades 3 through 8 and one grade level at high school. Each state must have the AYP trajectories approved in the State Accountability Workbook by the United States Department of Education.

3.7. Benchmark Assessments. Benchmark Assessments are those optional assessments that local school districts use to assess the instructional benchmarks within that instructional period, for example, six week periods or nine week periods. These assessments allow local school districts and staff to monitor progress toward the Content Standards and Objectives (CSOs) that are determined as the instructional benchmarks within that instructional period.

3.5-8. Building Level Coordinator. A Building Level Coordinator is designated by and serves under the direction of the Principal for the purpose of assisting the Principal with the administration of an assessment included in the WV-MAP. The Building Level Coordinator must be a currently employed educator at the school with a valid West Virginia teaching license or valid certification in school counseling who has been trained who holds a valid West Virginia teaching license or certification granted by the Office of Professional Preparation and has signed the Building Level Coordinator's Secure Materials and Test Procedures Agreement. Principals

~~of large schools may designate Assistant Building Level Coordinator(s) to assist the Building Level Coordinator.~~

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

~~3.6.10. Cheating.~~ –Cheating is a willful or intentional act of dishonesty by an administrator, teacher, examiner, or student involving preparing for tests, test taking, ~~or altering records or performance~~ that impacts and/or jeopardizes the integrity of the test or the accuracy of the test results. 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 as per §126-14-8.7.1.

3.711. Content Standards and Objectives (hereinafter CSOs). Content standards and objectives are statements of the knowledge and skills that students are expected to learn. ~~Content standards and objectives~~ CSOs indicate what students should know and be able to demonstrate as a function of schooling.

~~3.8.12. Copyright Infringement.~~ Copyright infringement is the violation by reproduction in whole or part of original works of authorship fixed in a physical medium of expression including, but not limited to, the use of secure test materials (paper and electronic) to retain, reproduce, paraphrase, or discuss in any manner excerpts from the booklets. For the purpose of this policy, copyright infringement consists of the retention, reproduction, or papaphrasing 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 as per §126-14-8.7.1.

~~3.913. County Personnel.~~ County personnel includes any person employed in any manner by a county.

~~3.1014. Criterion-Referenced Test (CRT).~~ –A ~~critierion-refereneed test~~ CRT is an assessment that measures a student's achievement of a specified set of criteria, such as West Virginia's content standards and objectives.

~~3.1115. Eligible Students with Disabilities.~~ –Students who are eligible, in accordance with the definitions, eligibility criteria, procedures and safeguards contained in W. Va. 126CSR16, WVBE Policy 2419, Regulations for the Education of Exceptional Students (hereinafter Policy 2419).

3.1216. Examiner. An examiner must be a currently employed educator and/or an approved employee of the state, county or RESA, or an educator of a ~~private or parochial nonpublic school with~~ who holds a valid West Virginia teaching license or certification granted by the Office of Professional Preparation. The examiner may also include substitute teachers or aides serving as an examiner for special needs students when they are instructionally assigned. Student teachers may not serve as examiners. The examiner ~~who has~~ must have been trained and must have on file a ~~has~~ signed an ~~Examiner's/Scribe's/Proctor's~~ *Secure Materials and Test Procedures Agreement* for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP.

3.1317. Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99) (hereinafter FERPA). FERPA is a federal law that protects the privacy of student education records. It is implemented by W. Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data (hereinafter Policy 4350).

3.1418. Grade Level. Grade level is the class designation, Pre-K through 12, in which the student is enrolled as indicated on the student West Virginia Education Information System (WVEIS) record.

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

3.1620. Homebound Students. Homebound students are those students enrolled in a public school ~~who, due to injury or for any other reason as certified in writing by a licensed physician or other licensed health care provider, are temporarily confined to home or hospital for a period that has lasted or will last more than three consecutive weeks and who meet the eligibility criteria in W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs~~ (hereinafter Policy 2510) for home/hospital instruction.

3.1721. Individualized Education Program (hereinafter IEP). An IEP is a written plan, developed by a team as defined in Policy 2419 describing the specially designed instruction and appropriate accommodations, if any, needed for an eligible exceptional student to master the content standards and objectives and/or be prepared for the workplace.

3.1822. Limited English Proficient (hereinafter LEP) Student. A limited English proficient student is classified according to the federal government definition as described in NCLB. An LEP student is classified as one:

3.1822.1. who is aged 3 through 21; and

3.1822.2. who is enrolled or preparing to enroll in an elementary school or secondary school; and

3.1822.3 -who was not born in the United States or whose native language is a language other than English; or

a. who is a Native American or Alaska Native, or a native resident of outlying areas; and

A. who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

b. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

3.1822.4. whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual

a. the ability to meet the State's proficiency level of achievement on state assessments;

b. the ability to successfully achieve in classrooms where the language of instruction is English; or

c. the opportunity to participate fully in society (W. Va. 126CSR15, ~~West Virginia Board of Education~~ WVDE Policy 2417, Programs of Study for Limited English Proficient Students, (hereinafter Policy 2417)).

3.19-23. LEP (~~Limited English Proficient~~) Committee. The LEP Committee is a school level committee that includes English as a Second Language (hereinafter ESL) and/or regular classroom educators and/or parents who meet annually to address issues impacting student instruction and assessment on an individual basis for limited English proficient students.

3.2024. Local Education Agency (hereinafter LEA). The LEA is defined as the county school district or regional education service agency.

3.2425. Locked and Secured Central Location. A locked and secured central location for storage of secure materials is any location that can be locked and secured with access limited to only the Principal and/or Building Level Coordinator.

3.2226. Medically Fragile. A medically fragile student is a student who is suffering from a terminal illness, injuries, medical or mental emergency, or receiving extraordinary short-term medical treatment for either a physical or psychiatric condition, and for whom a participation rate exemption may be requested through an appeals process with the Office of Education Performance Audits.

3.2327. -Migrant/Migratory Child. The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker,

or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work.

3.237.1. has moved from one school district to another; within the district/state in the preceding 36 months. Additionally, this definition includes the child who has accompanied such a parent or spouse in the preceding 36 months; or

3.237.2. in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

3.237.3. resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

3.248. "N" Count. The "N" count is the number of students tested in a specific group. For reporting/accountability purposes, the "N" count must be large enough so students in that group cannot be individually identified. The "N" counts are chosen by states and approved by the federal government for reporting out in the State Report Card and calculating/reporting NCLB Adequate Yearly Progress AYP.

3.25.9 National Assessment of Educational Progress (hereinafter NAEP). The NAEP is a national assessment of a representative sampling of America's students in grades 4, 8 and 12. NAEP measures what America's students know and can do in various subject areas. Assessments are conducted periodically in reading, mathematics, science, writing, U.S. history, civics, geography, and the arts. Under NCLB, ~~No Child Left Behind Act of 2001~~, NAEP reading and mathematics assessments are required to be administered to 4th and 8th graders.

3.26.30. National Assessment Governing Board (hereinafter NAGB). The ~~National Assessment Governing Board~~ NAGB is made up of elected and appointed officials; the Board oversees the content and operation of the ~~National Assessment of Educational Progress~~ (NAEP).

3.27.31. National Center for Education Statistics (hereinafter NCES). The ~~National Center for Education Statistics~~ NCES collects, analyzes and makes available data related to education in the United States and other nations.

3.28.32. Public Law 107-110, No Child Left Behind Act of 2001 (NCLB). NCLB is a federal law that requires school districts to be accountable for teaching children in order for those districts to continue receiving federal funds. NCLB was an attempt to get school districts to start making a difference in closing the achievement gap within all subgroups and bringing accountability to schools, local school districts and the state.

3.29.33. Nonpublic School Student. A nonpublic school student is a student who is not enrolled in an elementary, middle or high school established or 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.

3.33.1. Nonpublic Schools. Nonpublic schools include private schools, such as Mountaineer Challenge, schools operated by a religious groups or other nonpublic schools. If nonpublic schools choose to participate in WV-MAP, it is understood the school staff must adhere to policy requirements.

~~3.3034. Norm-Referenced Test (hereinafter NRT). A norm-referenced test NRT is an assessment that compares a student's performance to the performances of other similar test takers.~~

~~3.3135. Office of Education Performance Audits (hereinafter OEPA). The OEPA assists the WVBE, the Legislature, the Governor, and the Process for Improving Education Council in establishing and maintaining a system of education performance audits which measures the quality of education and the preparation of students based on standards and measures of student, school, and school system performance and progress and the processes necessary in providing a thorough and efficient system of education in West Virginia.~~

~~3.3236. Private and Parochial Schools. Private and parochial schools include private, parochial, church, and schools operated by a religious order or other non-public schools. If private and parochial schools choose to participate in WV MAP, it is understood the school staff must adhere to policy requirements.~~

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

3.3337. Public School Student. A public school student is 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.

3.37.1. Foreign Exchange Students are considered to be public school students for the year they attend an assigned public school; however, they are not included in the AYP calculations.

3.3438. Revocation. Revocation is the removal of licensure by the State Superintendent of Schools (hereinafter State Superintendent of Schools) pursuant to W. Va. Code §18A-3-6.

3.3539. School Personnel. School personnel include any persons employed to work in any manner by a school or LEA.

3.3640. Scribe. A scribe copies student responses, exactly as written, from oral/signed student responses, large print, Braille, handwritten essay, or damaged test booklet/~~score answer sheet~~ into the regular test booklet, ~~or score answer sheet~~, or online format. A Scribe must be a trained examiner with a signed *WVBE Secure Materials and Test Procedures Agreement*, as set forth in this policy.

3.3741. Section 504 Committee. A Section 504 Committee is established in accordance with ~~local education agency~~ LEA procedures and meets annually to address issues impacting student instruction and assessment for students determined to have a disability as defined by Public Law 93-112, Section 504 of The Rehabilitation Act of 1973 (hereinafter Section 504).

3.3842. Section 504 Plan. A Section 504 Plan is an annually reviewed, written plan describing the accommodations to be provided to a student determined by LEA procedures to have a disability as defined by Section 504.

3.3943. Security Breach. A security breach is the failure to observe/follow the documented procedures established to protect, maintain and implement the testing process, such as the Testing Code of Ethics, test procedures agreements, and/or procedures prescribed in the testing manuals by any person administering or assisting with the administration of an assessment included in the WV-MAP.

3.4044. Special Education: Out-of-School Environment. Out-of-School Environment is an IEP placement option in which an eligible student with a disability receives specially designed instruction and related services temporarily in a non-school environment as defined in Policy 2419.

3.4145. Standard Conditions. Standard conditions refer to the prescribed procedures to be followed during the administration of a specific assessment.

3.4246. State Education Agency (hereinafter SEA). An SEA is the sole state educational agency for all public schools. The WVDE is the SEA for West Virginia.

3.4347. Testing Administration Breach. A testing administration breach is 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, i.e.-e.g. timing an untimed test, not implementing required accommodations, etc. See §126-14-7.7 for the protocol to use in reporting an alleged breach.

3.4448. Testing Code of Ethics. *The Testing Code of Ethics*, as set forth in this policy, defines the moral and principled practice of handling, training, and administering secure assessment materials.

3.4549. Testing Irregularity. A testing irregularity is any unexpected event that significantly disrupts the testing environment of two or more students, e.g., sounding of the fire alarm or power outage. Test irregularities must be reported by the examiner on a testing

irregularity form to the Principal or County Test Coordinator, as appropriate, by the person administering or assisting with the administration of an assessment.

3.4650. Testing Window. The testing window is the specific calendar dates during which assessments under the WV-MAP shall be administered in accordance with W. Va. Code §18-5-45(1) and ~~WVBE Policy 2340, WV-MAP (hereinafter Policy 2340).~~

3.51. West Virginia Alternate Academic Achievement Standards are achievement standards in grades 3 through 8, 10 and 11 for students with the most significant cognitive disabilities and include the existing content standards, extended standards and performance descriptors.

3.4752. West Virginia Alternate Performance Task Assessment (hereinafter APTA). APTA is ~~an assessment~~ specifically designed for students with significant cognitive disabilities whose performance cannot be adequately assessed through the general assessment instrument, West Virginia Educational Standards Test 2 (hereinafter WESTEST 2), even with accommodations. Students who are administered APTA must be instructed using the appropriate grade level Alternate Academic Achievement Standards.

3.53. West Virginia Guidelines for Participation in State Assessments. This document provides guidelines for participation for students with disabilities or LEP as well as all students. The accommodation set forth in this document are nationally recognized accommodations and have been approved by a national technical assistance team and the federal government.

3.4854. West Virginia Measures of Academic Progress (WV-MAP). ~~WV-MAP is the comprehensive assessment system that measures student performance. These measures include WESTEST 2, APTA, WESTEST 2 Online Writing Assessment, APTA, ACT EXPLORE, ACT PLAN, and NAEP.~~

~~3.49. West Virginia Writing Assessment. The West Virginia Writing Assessment is an assessment that evaluates composition skills related to organization, development, word choice, sentence structure, and mechanics in grades four, seven, and ten.~~

3.5055. West Virginia Educational Standards Test 2 (WESTEST 2). WESTEST 2 is a customized test consisting of selected ~~and constructed~~ criterion-referenced response items used to measure a student's level of achievement of the West Virginia CSOs in mathematics, reading/language arts, social studies and science in grades 3-8~~11~~ ~~and mathematics, reading/language arts, and science in grade 10.~~

3.55.1. WESTEST 2 Online Writing. The WESTEST 2 Online Writing is a subtest of WESTEST 2. This assessment evaluates grade level writing skills defined in the CSOs related to organization, development, word choice, grammar usage, sentence structure, and mechanics in grades 3-11.

#### §126-14-4. Program Regulations.

4.1. All public school students enrolled in grades ~~3, 4, 5, 6, 7, 8, and 10~~ 3-11 shall be assessed at the grade level in which they are enrolled by the WESTEST 2 or the APTA ~~to be administered in the spring of each year, or the APTA.~~

4.2. All LEP public school students shall participate in the WESTEST 2 or APTA in the grade level in which they are enrolled. The LEP Committee will determine the appropriate accommodations if any (Policy 2417) using the LEP Assessment Participation Document.

4.2.1. When the ~~limited-English-proficient~~ LEP student is identified as a student with a disability under Policy 2419, the IEP Team will determine the appropriate assessment and accommodations to be implemented in addition to the accommodations required by the LEP Assessment Participation Document.

4.2.2. When the ~~limited-English-proficient~~ LEP student is identified as a student with a disability under Section 504, the Section 504 Committee will determine the student's appropriate accommodations.

4.3. All public school students with disabilities who are eligible for services as defined in Policy 2419 shall participate in the WESTEST 2 or APTA in the grade level at which they are enrolled with appropriate accommodations, if any, as determined by their IEP Team.

4.3.1. All public school students with significant cognitive disabilities who are unable to take the ~~WESTEST~~ WESTEST 2 and who meet the criteria for participation in the APTA as determined by their IEP Teams shall participate in the APTA.

a. The documentation procedure for ensuring IEP accommodations are provided on WESTEST 2 and APTA must be followed, as per WVS.326 outlined in the West Virginia Guidelines for Participation in State Assessments.

4.3.2. All public school students with disabilities as defined by Section 504 who do not have an IEP, shall participate in the WESTEST 2 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.

4.3.3. 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 County 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. ~~4.3.4.~~ All public school students enrolled in ~~grades 3-11~~ 4th, 7th and 10th grades, except those participating in the APTA shall participate in the WESTEST 2 Online Writing Assessment.

4.4.1. a. Students with disabilities, except those participating in APTA, participate in the WESTEST 2 Online Writing Assessment with appropriate accommodations, if any, as determined by their respective IEP Teams, Section 504 Committees, or LEP Committees.

4.4.2. b. ~~Limited English proficient LEP~~ students except those participating in APTA, participate in the WESTEST 2 Online Writing Assessment with appropriate accommodations, if any, as determined by their respective IEP Teams, Section 504 Committees, or LEP Committees.

4.5. All public school students enrolled in the 8th grade, except those participating in APTA shall participate in the ACT EXPLORE assessment with accommodations as determined by their respective IEP Teams, Section 504 Committees or LEP Committees in the fall of each year.

4.6. All public school students enrolled in 10th grade, except those participating in the APTA shall participate in the ACT PLAN assessment with accommodations as determined by their respective IEP Teams, Section 504 Committees, or LEP Committees in the fall of each year.

4.7. All public school students enrolled at grades ~~4, 8 and 12~~ 4, 8 and 12 who are part of the NAEP state sample shall participate in the NAEP, a component of the WV-MAP. 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 APTA and students with IEPs, Section 504 Plans, or LEP Assessment Participation Forms who cannot be accommodated by NAEP may be excluded from participation or assessed and not scored after having been randomly selected.

4.8. All homebound public school students are to be assessed at the schools in which the students are enrolled or at alternate testing sites approved by the County Test Coordinators. All participating educators and students shall be required to follow all testing guidelines and security procedures set forth in this policy. Appeals are available for those students who are too medically fragile to be assessed or who have other medical emergencies as documented by a physician. The appeals form is located at <http://oeqa.state.wv.us>.

4.9. All public students enrolled in alternative education programs shall participate in the WV-MAP. The test scores for students in alternative programs shall be aggregated in the results of the home county/school of referral as defined by Policy 2418.

4.10. Home instructed (home schooled) students may participate in the WV-MAP under standard conditions administered in the public schools of the county in which they reside. Students may participate provided that the home instructor notifies the County Test Coordinator of the intention to participate at least two months prior to the testing window. Home instructed students will be assigned: 1) a location for testing with an approved educator who has completed the required training as an Examiner/~~Proctor~~/Scribe and signed the *WVBE Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement*, and 2) a test date by the

County Test Coordinator during the testing window. All educators and ~~non-public~~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. Violations of this policy shall result in the loss of testing privileges.

4.11. All ~~private and parochial nonpublic~~nonpublic school students may participate in WV-MAP. Annually, the ~~private and parochial nonpublic~~ school administrator(s) must notify the County Test Coordinator of the school's ~~intent~~ request to participate at least two months prior to the testing window or by a date determined by the County Test Coordinator. The County Test Coordinator, not the ~~private or parochial nonpublic~~ school, will receive all testing material for the approved school and release the testing materials to the school official after that official and/or the Principal has completed the required training and signed the *WVBE Principal and/or Building Level Coordinator Secure Materials and Test Procedures Agreement* (required annually). All educators and ~~non-public~~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 training dates will be determined by the Principal or Building Level Coordinator of the participating ~~private/parochial nonpublic~~ school. Violations of this policy shall result in the loss of testing privileges.

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

4.13. The WVBE shall provide an appeal process for LEAs when it is that believebelieved there are statistical errors in the assessment data. This appeal process shall be available to the County Superintendent as per Policy 2320.

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

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

5.1.1. The ~~S~~state mandated testing window must be followed by all school systems unless prior approval from the WVDE has been obtained through a written request to extend the window due to unforeseen barriers or hardships. At no time may the window be extended without said approval.

5.2. The WV-MAP assessment program shall be managed by a County Test Coordinator who has completed training in administering the testing instruments used in this program. The County Test Coordinator shall be available either in person or by telephone during the testing windows for any questions/concerns.

5.2.1. Counties shall ensure that all appropriate central office staff and school personnel are adequately trained in administration of WV-MAP assessments and the interpretation and use of test data.

5.2.2. Counties shall ensure that Principals and Building Level Coordinator(s), when designated by the Principal, ~~will~~ must deliver adequate training and professional development to all educators who administer ~~and/or proctor~~ state assessments.

5.2.3. Each County Test Coordinator shall develop and implement procedures regarding the administration of the WV-MAP and shall collaborate with central office staff and school personnel to develop and implement procedures for the analysis, and application of test results.

5.3. ~~Public/private/parochial~~ nonpublic school teachers shall administer any portion of the WV-MAP for children as assigned by the Principal or Building Level Coordinator.

5.3.1. All requirements stipulated in the Appendices of the WVBE Policy 2340, WV-MAP ~~will~~ must be adhered to in all test administration.

5.3.2. Any West Virginia ~~public/private/parochial~~ 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.

5.3.3. ~~An Examiners shall be currently employed educators and/or approved employees of the state, county or Regional Education Service Agency (hereinafter RESA), or educators of a private or parochial school with a valid West Virginia teaching license who have been trained and signed a WVBE Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement~~ must be a currently employed educator and/or an approved employee of the state, county or Regional Education Service Agency (hereinafter RESA), or an educator at a private or parochial nonpublic school with who holds a valid West Virginia teaching license or certification granted by the Office of Professional Preparation. The examiner may also include substitute teachers, or aides serving as an examiner for special needs students when they are instructionally assigned-. Student teachers may not serve as examiners. The examiner who has must have been trained and must have on file a has signed Examiner's/Scribe's/Proctor's Secure Materials and Test Procedures Agreement for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP.

5.3.4. Counties shall ensure that all Principals and Building Level Coordinators, as well as all other appropriate central 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 the applicable *Secure Materials and Test Procedures Agreement*.

5.3.5. Principals/Building Level Coordinators at ~~private and parochial 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. 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 the applicable *Secure Materials and Test Procedures Agreement*.

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

a. Any ~~alleged breach~~ allegation that occurs in the school shall be reported to the school Principal.

b. Principals shall report ~~alleged breaches~~ allegations to the County Test Coordinator.

c. County Test Coordinators shall report ~~alleged breaches~~ allegations to the County Superintendents and to the WVDE, Office of Student Assessment and Accountability Services, WVDE.

d. The WVDE, Office of Student Assessment and Accountability Services, WVDE shall report ~~alleged breaches~~ allegations to the WVDE, Office of the State Superintendent of Schools, WVDE.

A. The WVDE, Office of Student Assessment of Assessment and Accountability Services, WVDE and the WVDE holds the authority to determine whether or not a breach form of the test will be administered.

e. When the circumstances of reporting an ~~alleged breach~~ allegation directly to an administrator may place an informant in jeopardy, the ~~alleged breach~~ allegation shall be reported directly to the WVDE, Office of Student Assessment of Assessment and Accountability Services, WVDE which represents the State Superintendent of Schools.

5.5. Any West Virginia ~~private/parochial 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.

5.6. All allowable testing accommodations identified on the student's IEP, Section 504 Plan, or LEP 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.

5.7. Any person who transcribes must: (1) be a trained examiner as defined by Policy 2340; (2) sign the *Scribe Verification Form* at the conclusion of the transcription; and (3) list the names of the students whose work was transcribed, students' enrollment grade and the parts of the test that were transcribed. The form is to be sent to the Principal or Building Level Coordinator upon completion.

#### **§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 county, 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.

6.1.1. The WVDE is required to publicly report scores for WESTEST 2 and APTA only, as per NCLB. Performance data on individual students, schools, and counties are made available for ACT EXPLORE, ACT PLAN, and WESTEST 2 Online Writing Assessment through reports provided by the WVDE.

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

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

6.2.1. 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. A federally approved "nN" count shall be used to protect personally identifiable student data.

6.2.2. Current secure test materials and test items will not be released.

6.3. In order 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 be released by the school release the results to parents/guardians and to the teachers to whom the students are assigned in a timely manner. Performance shall be reported as novice, partial mastery, mastery, above mastery and distinguished based upon cut scores for each assessed content area. [Cut scores are established in the technical report for the appropriate assessment.]

6.5. State, county, and school WESTEST 2 and APTA results shall be disaggregated and reported by the WVDE, as required by NCLB.

6.5.1. Performance on the WESTEST 2 and on the APTA shall be reported by state, county, and school in terms of the percentage of students who achieved at each performance level in each grade by subgroup in all content areas.

6.5.2. School performance on the WESTEST 2 and APTA shall be reported in terms of the percentage of students who achieved a minimum level of mastery in order to meet ~~adequate yearly progress~~ (AYP) in each subgroup in the required content areas.

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

### **§126-14-7. Test Security.**

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

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

7.3. The County Test Coordinator shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing and returning the *WVBE County Test Coordinator's Secure Materials and Test Procedures Agreement* (Appendix B) to the WVDE prior to the fifteenth day of September each year.

7.3.1. Apart from the scheduled test administration, the County Test Coordinator shall ensure that secure test materials shall be stored in a locked and secured, central location by the County Test Coordinator consistent with test security procedures outlined in the *Testing Code of Ethics* (Appendix A).

7.4. The Principal shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing, and returning the *WVBE Principal's Secure Materials and Test Procedures Agreement* (Appendix C) to the County Test Coordinator prior to the last day of September each year. This

agreement must be on file with the County Test Coordinator before any test administration materials will be released to the Principal.

7.4.1. The Building Level Coordinator, if applicable, shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing and returning the *WVBE Building Level Coordinator's Secure Materials and Test Procedures Agreement* (Appendix D) to the County Test Coordinator prior to the last day of September each year. This agreement must be on file with the County Test Coordinator before any test administration materials will be released to the Principal.

7.4.2. Test materials must be stored in locked and secured central 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 by all persons other than the County Test Coordinator, Principal, and Building Level Coordinator shall be restricted to the scheduled dates of test administration as outlined in the *Testing Code of Ethics* (Appendix A).

7.4.3. 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.

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

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

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

7.5.2. The examiner shall not review or examine in any manner a student's test booklet, answer sheet and/or online submissions once a test is completed by the student.

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

Cheating/Security Breach/Testing Administration Breach/Alleged Breach of Testing Security/Copyright Infringement and Policy 2320.

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

7.7.1. Any ~~alleged breach~~ allegations that occurs in the school shall be reported to the Principal.

7.7.2. The Principals shall report ~~alleged breaches~~ allegations to the County Test Coordinator.

7.7.3. The County Test Coordinator shall report ~~alleged breaches~~ allegations to the County Superintendent and to the WVDE, Office of Student Assessment and Accountability Services, WVDE.

7.7.4. The WVDE, Office of Student Assessment and Accountability Services/ in conjunction with the WVDE, Office of Legal Services shall report ~~alleged breaches~~ allegations to the ~~Office of the State Superintendent of Schools, WVDE.~~

a. The WVDE, Office of Student Assessment and Accountability Services and the ~~WVDE~~ holds the authority to determine whether or not a breach form of the test will be administered.

7.7.5. When the circumstances of reporting an alleged breach directly to an administrator may place an informant in jeopardy, said alleged breach may be reported directly to the WVDE, Office of Student Assessment and Accountability Services, WVDE, which represents the State Superintendent of Schools.

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

8.1. Any written complaint and/or oral report of ~~alleged~~ alleging cheating, security breach, testing administration breach or copyright infringement shall be reported immediately, according to the protocol set forth in §126-14-7.7, of this policy, to the Principal ~~or~~ and County Test Coordinator with a copy to the County Superintendent (or organization) ~~in which~~ where the ~~alleged breach(es)~~ allegations occurred. The County Test Coordinator shall immediately contact the WVDE, Office of Student Assessment and Accountability Services, WVDE, which will advise the county about the procedures to follow regarding any investigation.

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

8.2. An investigation must occur in a timely and efficient manner and shall be:

8.2.1. jointly conducted by the designated staff of WVDE in consultation with and the County Superintendent (or the designated staff) of the county in which where the alleged breach allegations occurred or unless the WVDE agrees to an alternate investigative plan.

~~8.2.2. solely conducted by the staff of WVDE when requested by the County Superintendent or:~~

8.3. The local school district shall maintain confidentiality and shall not conduct investigations at the county level prior to notification to proceed from the WVDE. The investigation must, at a minimum, consist of personal interviews with the reporter, if known; the individual(s) against whom the allegation(s) is/are filed; and any other individual who may have knowledge of the alleged incident.

8.3.1. 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.

8.3.12. The investigative team must take immediate steps to protect the rights 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. Therefore, the local school district shall maintain confidentiality and shall not conduct investigations at the county level prior to notification to the West Virginia Department of Education.

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

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 within ten working days for the county to the Office of the State Superintendent of Schools followed by a copy to the County Superintendent and shall include and shall include:

8.4.1. a determination of whether a breach misconduct did or did not occur or whether a breach-misconduct could not be determined.

8.4.2. If a violation has been determined, one or more of the following recommendations shall be made:-

- a. invalidating the test scores of students/classes/schools/county,
- b. if the testing window has not closed, retesting of students with the equivalent form of the test will be considered with the county (or school if requested by county) assuming the cost of both purchasing and scoring of the equivalent form,

c. re-aggregating the test data for valid test results for students school/county/state, and

d. using the equivalent form in the next year's administration for the affected grades,

e. retraining of administrator/examiner involved in investigation

f. banning administrator/examiner from handling of WV-MAP secure materials for any determined misconduct, and

g. action from County Superintendent as per §126-14-8.6.1 or County Board as per §126-14-8.6.2.

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

8.5-6. Upon receipt of the investigative team's findings-report the County Superintendent may request in writing any recorded conversations, written statements, and/or other documents or materials obtained during the investigation. The requested materials shall be mailed to the County Superintendent via certified mail with proof of receipt.

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

8.67.1. action taken by the County Superintendent:

- a. no action,
- b. written reprimand,
- c. improvement plan, or
- d. other, including ongoing investigation/s.

8.67.2. action taken by the county board:

- a. no action
- b. suspension,
- c. termination, or
- d. other.

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

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

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

8.78.2. 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 Policy 2340~~the WV-MAP~~, and W.-Va. Code §18-2E-1a(4).

## Appendix A

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

### ETHICAL TESTING PRACTICES

#### Test Security

1. County school personnel shall establish and implement procedures to ensure maximum test security and limit access of secure materials to applicable county/school personnel.
2. Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured, central location by the County Test Coordinator in accordance with the test administration guidelines of each assessment.
3. The County Test Coordinator shall be responsible for the test booklets /answer sheets received by the county 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 centrally located, 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 central 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 State scheduled dates of test administration.
6. Any ~~alleged~~ 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, County Test Coordinator, County Superintendent, and the WVDE, Office of Student Assessment and Accountability Services which will inform the proper authorities at the ~~Office of the State Superintendent of Schools, WVDE~~, according to the protocol set forth in §126-14-7.7 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, 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-F in this policy.

9. Each County Test Coordinator shall complete each required WVDE's assessment training and sign a *WVBE County Test Coordinator's Secure Materials and Test Procedures Agreement*. The agreements shall be filed at the WVDE prior to the fifteenth of September each year.

10. Principals and Building Level Coordinators shall complete each required County Test Coordinator's assessment training and sign a *WVBE Principal's/Building Level Coordinator's Secure Materials and Test Procedures Agreement*. The agreement shall be on file with the County Test Coordinator prior to the last day of September each year.

11. Any individual who administers, handles, or has access to secure test materials at the county or school shall complete each required assessment's training as appropriate and sign either a *WVBE Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement* or *WVBE County/School Personnel Secure Materials Agreement* to remain on file in the appropriate office each year.

12. No one shall compromise test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.

13. Student test scores or test performance shall not be disclosed to unauthorized persons as set forth in Policy 4350 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 County Superintendent or County Test Coordinator and subsequently approved by the WVDE, Office of Student Assessment and Accountability Services, 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 questions or answer keys.

5. Examiners shall limit assistance to students to only those issues concerning the mechanical aspects of marking answers, clarifying directions, and finding the right place on answer sheets. Examiners shall not indicate answers, point out the rationale of an item, or prompt students in any manner.

6. Students and examiners 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, as appropriate, for students with IEPs, Section 504 Plans, or LEP Assessment Participation Forms shall be provided as established by their respective plans.

**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.

**Test Preparation Practices**

1. Instruction will be focused on the content standards and objectives in the curricular areas.
2. Informal item bank(s) should be used for test preparation.
3. Students should be taught study skills and general test-taking skills.
4. Benchmark assessment should be used for test preparation.
5. Formative assessment should be used for test preparation.

State of West Virginia

West Virginia Board of Education

County of \_\_\_\_\_

West Virginia Measures of Academic Progress

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

### **County Test Coordinator's Secure Materials and Test Procedures Agreement**

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

I therefore pledge:

1. I will not retain, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials 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 test booklets/answer sheets shipped to and returned from the schools and 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 County Superintendent and to the Office of Student Assessment and Accountability Services.
6. I will properly instruct the Principals and Building Level Coordinators in appropriate test security and test administration procedures, including the *Testing Code of Ethics*.
7. I will collect and retain the signed *Principal's Secure Materials and Test Procedures Agreement* and *Building Level Coordinator's Secure Materials and Test Procedures Agreement*, if applicable, for each school in the county by the last of September.
8. I will not release test administration materials to a school without the signed *Principal's Secure Materials and Test Procedures Agreement* and verification of training of all other applicable school personnel.
9. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
10. I will not violate test security or the accuracy of the test data score results by

126CSR14

- manipulating the test administration, demographic data, or the students' answers or data.
11. I will not give students access to test questions or answer keys.
  12. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *County Test Coordinator's Secure Materials and Test Procedures Agreement* to the WVDE, Office of Student Assessment and Accountability Services prior to the fifteenth day of September.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

*If this form is not on file, it will be considered a breach of security by the County and State.  
This agreement is valid for one year from the signatory date.*

State of West Virginia

West Virginia Board of Education

County of \_\_\_\_\_

West Virginia Measures of Academic Progress

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

### Principal's Secure Materials and Test Procedures Agreement

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss the current secure ~~test materials and/or~~ test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials 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 County Test Coordinator.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the *Testing Code of Ethics*.
7. I will collect and retain the signed *Examiner's/Proctor's/Scribe's Secure Materials and Test Agreement* and *County/School Personnel Secure Materials Agreement* for all applicable personnel in the building five instructional days prior to the first day of testing. Verification of all trained school personnel with a signed *Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement* and *County/School/Personnel Secure Materials Agreement* will be on file 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 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.

126CSR14

10. I will not give students access to test questions or answer keys.
11. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
12. 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.
13. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, Section 504 Plans, and LEP Assessment Participation Forms when so designated in the test manual.
14. I am responsible for monitoring and verifying that the Building Level Coordinator(s), if applicable, has fulfilled his/her assigned duties.
15. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license 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 County Test Coordinator prior to the last day of September.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

*If this form is not on file, it will be considered a breach of security by the County and State.  
This agreement is valid for one year from the signatory date.*

State of West Virginia

West Virginia Board of Education

County of \_\_\_\_\_

West Virginia Measures of Academic Progress

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

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

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss the current secure test materials and/or test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials 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 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 Principal.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the *Testing Code of Ethics*, if assigned by the Principal to do so.
7. I will collect, if assigned to do so, and give to the Principal, the signed *Examiner's/Prætor's/Scribe's Secure Materials and Test Procedures Agreement and County/School Personnel Secure Materials Agreement* for all applicable personnel in the building five instructional days prior to the first day of testing. Verification of all trained school personnel with a signed *Examiner's/Prætor's/Scribe's Secure Materials and Test Procedures Agreement* and

126CSR14

County/School Personnel Secure Materials Agreement will be given to the Principal 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 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 give students access to test questions or answer keys.
- 11. I will monitor Examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
- 12. 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.
- 13. I will ensure that Examiners comply with the appropriate accommodations for students with IEPs, Section 504 Plans, and LEP Assessment Participation Forms when so designated in the test manual.
- 14. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license 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/Assistant Building Level Coordinator's Secure Materials and Test Procedures Agreement* to the County Test Coordinator prior to the last day of September.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

*If this form is not on file, it will be considered a breach of security by the County and State.*

*This agreement is valid for one year from the signatory date.*

126CSR14  
Appendix E

State of West Virginia

West Virginia Board of Education

County of \_\_\_\_\_

West Virginia Measures of Academic Progress

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

**Examiner’s/~~Proctor’s~~/Scribe’s Secure Materials and Test Procedures Agreement**

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss the current 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 disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
6. If serving as an Examiner for APTA, I will adhere to the prompting hierarchies and document all applicable assistive technology to ensure the accuracy of student responses.
7. If serving as an Examiner for students with IEPs, Section 504 Plans, or LEP Assessment Participation Forms, I will adhere to the accommodations listed therein.
8. 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.
9. I have read Policy 2340.
10. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license 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/Proctor's/Scribe's Secure Materials and Test Procedures Agreement* to the appropriate test administrator five instructional days prior to the 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 County and State.*

*This agreement is valid for one year from the signatory date.*

126CSR14  
Appendix F

State of West Virginia

West Virginia Board of Education

County of \_\_\_\_\_

West Virginia Measures of Academic Progress

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

**County/School Personnel Secure Materials Agreement**

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

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
2. I will not allow access to the test materials or answer keys to any person, unless authorized to do so by the County Test Coordinator or Principal.
3. I will not alter students' responses in any manner.
4. I will immediately report any loss of materials, damages, or other deviations from acceptable security procedures to either County Test Coordinator or Principal.
5. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license, 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 *County/School Personnel Secure Materials Agreement* to the County Test Coordinator or Principal prior to access to secure test materials.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

School/Department: \_\_\_\_\_ Date: \_\_\_\_\_

**126CSR14**

*If this form is not on file, it will be considered a breach of security by the County and State.*

*This agreement is valid for one year from the signatory date.*



**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: 126CSR14 West Virginia Measures of Academic Progress (Policy 2340).

Type of Rule:     Legislative     Interpretive     Procedural

Agency:            West Virginia Department of Education

Address:            1900 Kanawha Blvd. East

Building 6, Room 722

Charleston, WV 25266

Phone Number:    304-558-2546            Email: jbarth@access.k12.wv.us

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No state costs will be required to implement the revisions to Policy 2340.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

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

Rule Title: 126CSR14 West Virginia Measures of Academic Progress (Policy 2340).

Rule Title: 126CSR14 West Virginia Measures of Academic Progress (Policy 2340).

3. **Explanation of above estimates (including long-range effect);**  
Please include any increase or decrease in fees in your estimated total revenues.

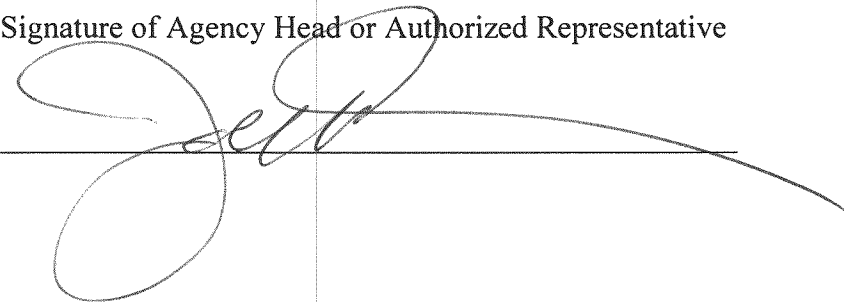
No Cost
---------

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

None
------

Signature of Agency Head or Authorized Representative



Date

8-22-08

126CSR14

**POLICY 2340: West Virginia Measures of Academic Progress**

**COMMENT PERIOD ENDS: October 14, 2008**

**COMMENT RESPONSE FORM**

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: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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.**

**§126-14-7. Testing Security.**

**Appendix E.**

**Appendix F.**

**Appendix G.**

Please direct all comments to:  
Jodi Hoff, Secretary III-A  
Office of Assessment and Accountability  
West Virginia Department of Education  
Capitol Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
E-Mail Address: [bjhoff@access.k12.wv.us](mailto:bjhoff@access.k12.wv.us)  
Fax No.: (304) 558-2546.