

WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #5

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2008 NOV 13 AM 9:32

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8(c)(1), and 18A-3-6 and Public Law 107-110, No Child Left Behind Act of 2001

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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

AMENDMENT TO AN EXISTING RULE: YES X NO _____

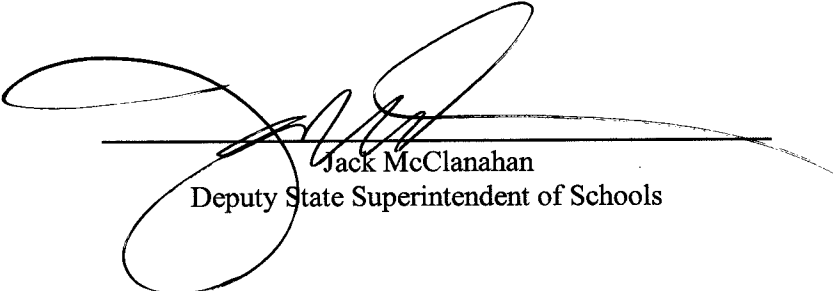
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

TITLE OF RULE BEING AMENDED: West Virginia Measures of Academic Progress (2340)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS December 15, 2008.


Jack McClanahan
Deputy State Superintendent of Schools

Executive Summary
Policy 2340 Public Comments

Purpose:

This executive summary provides an overview of the minor public comments to West Virginia Measures of Academic Progress (WV-MAP) Policy 2340. The policy has been on public comment for 30 days.

Background:

Public comments came from four people and were minor in nature. 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 assessment policy governs the following major areas: 1) definitions; 2) programs; 3) administration; 4) reporting; 5) test security; 5) investigations, and 6) Appendix A – G.

Public Comments:

§ 126-14-1. General

No comments.

§ 126-14-2. Purpose

No comments.

§ 126-14-3. Definitions

Minor edits to include clarifications to the definition of aides; building level coordinator; cheating; examiners; foreign exchange student; grade level, and West Virginia Alternate Performance Task Assessment. No new definitions were suggested in the public comments.

§ 126-14-4. Program Regulations

Minor edits include numbering correction and clarifying nonpublic schools must follow public administration requirements and schedule as determined by County Test Coordinator.

§ 126-14-5. Administration Regulations

Minor edits included clarification of 1) which staff receives administration and/or security training; 2) proper citing of WV-MAP; 3) "teacher" change to "educator" who meets the definition of examiner; 4) aligned examiner definition in 5.3.3 to 3.16; 5) reporting guidelines location in policy; 6) WVDE approval of teaching license/certifications, and 7) scribe verification form. Two public comments requested the addition of language which prohibits examiners from assessing family members as evidenced in 5.3.3.

§ 126-14-6. Reporting Regulations

Add the WVDE protocol of reviewing/investigating erasure marks on WESTEST 2 from wrong to right set forth in 6.7.

§ 126-14-7. Test Security

Minor edits include adding certification to professional license for consistency as per other sections of the policy.

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

Minor edits to include adding certification to professional license for consistency as per other sections of the policy.

Appendix A (Testing Code of Ethics)

No comments.

Appendix B (CTC Responsibilities/Agreement)

Minor edits to include adding the word "secure" to #8.

Appendix C (Principal Responsibilities/Agreement)

Minor edits to include adding "filing agreements with the CTC" to #7.

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

Minor edits.

Appendix E (Examiner's Responsibility/Agreement)

Minor edits.

Appendix F (County/School Personnel Agreements)

Minor edits.

Appendix G (Verification of Training)

No comments.

Impact:

The accepted comments to Policy 2340: 1) clarify language; 2) create consistency of policy with practice, and 3) provide technical corrections to the policy to better improve the overall clarity of requirements set forth in the policy.

Action:

The Department requests the attached policy be approved in the November Board Meeting.

FILED

TITLE 126

2008 NOV 13 AM 9: 32

LEGISLATIVE RULE
BOARD OF EDUCATION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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, 2008

1.4. Effective Date. – December 15, 2008

1.4.1. Unless specified otherwise within the policy.

1.5. Repeal of Former Rule. - This rule amends 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 and effective December 14, 2006.

§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) *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. All aides must be pre-approved by WVDE.

3.5. 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 structure 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.

3.8. 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 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 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.

3.10. Cheating. Cheating is a willful or intentional act of dishonesty by an administrator, teacher, examiner, or student involving preparing for tests, test taking, 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/certification for employees as per §126-14-8.7.1.

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

3.12. Copyright Infringement. For the purpose of this policy, copyright infringement consists of the retention, reproduction, or paraphrasing in any manner of secure test material in paper or electronic format, including test booklets, answer sheets or online submissions. Copyright infringement may result in a loss of licensure/certification as per §126-14-8.7.1.

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

3.14. Criterion-Referenced Test (CRT). A 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.

3.15. 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).

3.16. Examiner. An examiner must be a currently employed educator and/or an approved employee of the state, county or RESA, or a currently employed educator of a nonpublic school 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. All aides and nonpublic school educators must be approved by WVDE. Student teachers may not serve as examiners. The examiner must have been trained and must have on file a signed *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* for the purpose of

administering or assisting with the administration of an assessment included in the WV-MAP. Examiners may not administer WV-MAP assessments to his/her child.

3.17. 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).

3.18. 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 for public school students. Grade level for nonpublic school students is the class designation, Pre-K through 12, in which the student is enrolled in the nonpublic school.

3.19. 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.

3.20. 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.

3.21. 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.

3.22. 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. 22.1. who is aged 3 through 21; and

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

3.22.3. 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

3.22.4. 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, WVDE Policy 2417, Programs of Study for Limited English Proficient Students, (hereinafter Policy 2417)).

3.23. LEP 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.

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

3.25. Locked and Secured Central Location/s. A locked and secured central location/s 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.

3.26. 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.

3.27. 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.

3.27.1. 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

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

3.27.3. 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.

3.28. "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 AYP.

3.29 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, , NAEP reading and mathematics assessments are required to be administered to 4th and 8th graders.

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

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

3.32. 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.

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

3.33.1. 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.

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

3.35. 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.

3.36. 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.

3.37. 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; if tested, they are not included in the AYP calculations.

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

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

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

3.41. Section 504 Committee. A Section 504 Committee is established in accordance with 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).

3.42. 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.

3.43. 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.

3.44. 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.

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

3.46. 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.

3.47. 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, 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.

3.48. 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.

3.49. 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.

3.50. 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(l) and 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.

3.52. West Virginia Alternate Performance Task Assessment (hereinafter APTA). APTA is 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 as per the IEP.

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.

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

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

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 3-11 shall be assessed at the grade level in which they are enrolled by the WESTEST 2 or the APTA in the spring of each year.

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 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 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 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. All public school students enrolled in grades 3-11 except those participating in the APTA shall participate in the WESTEST 2 Online Writing.

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

4.4.2.. LEP students except those participating in APTA, participate in the WESTEST 2 Online Writing 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 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://oeпа.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/Scribe and signed the *WVBE Examiner'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 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 nonpublic school students may participate in WV-MAP. Annually, the nonpublic school administrator(s) must notify the County Test Coordinator of the school's 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 nonpublic school, will receive all testing material and release the testing materials to the nonpublic Principal/Assigned Building Level Coordinator upon completion of the required training and receipt of signed *WVBE Principal and/or Building Level Coordinator Secure Materials and Test Procedures Agreement* (required annually). All educators and nonpublic school students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures set forth in this policy. All educators who have access to secure test materials must be trained annually; the training dates will be determined by the Principal or Building Level Coordinator of the participating 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 believed 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 Assessment and Accountability. A reasonable effort shall be made to provide each student with a make-up test during the scheduled testing window.

5.1.1. The 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 are trained on security and school personnel are adequately trained in administration and security of WV-MAP assessments and the interpretation and use of test data.

5.2.2. Counties shall ensure that Principals and Building Level Coordinator(s), when designated by the Principal, must deliver adequate training and professional development to all educators who administer WV-MAP 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/nonpublic school educators who meet the definition of examiner shall administer any portion of the WV-MAP for children as assigned by the Principal or Building Level Coordinator.

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

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

5.3.3. An examiner must be a currently employed educator and/or an approved employee of the state, county or RESA, or a currently employed educator of a nonpublic school 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. All aides and nonpublic school educators must be approved by WVDE. Student teachers may not serve as examiners. The examiner must have been trained and must have on file a signed *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP. Examiners may not administer WV-MAP assessments to his/her child.

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 §126-14-7.7.

5.3.5. Principals/Building Level Coordinators at nonpublic schools that administer any portion of the WV-MAP are required to have a valid West Virginia teaching license/certification as do public school Principals and Building Level Coordinators.

5.4. 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 §126-14-7.7.

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

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

b. Principals shall report allegations to the County Test Coordinator.

c. County Test Coordinators shall report allegations to the County Superintendents and to the WVDE, Office of Assessment and Accountability .

d. The WVDE, Office of Assessment and Accountability shall report allegations to the WVDE, State Superintendent of Schools,.

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

e. When the circumstances of reporting an allegation directly to an administrator may place an informant in jeopardy, the allegation shall be reported directly to the

WVDE, Office of Assessment and Accountability which represents the State Superintendent of Schools.

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

5.6. 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 on the *Scribe Verification Form*. 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 through reports provided by the WVDE.

6.1.2. West Virginia NAEP assessment results for grades 4, 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 "N" 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 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 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.

6.7. The accountability assessment vendor will provide WVDE with a vendor report with the names of schools and teachers with excessive Wrong to Right erasures on the answer sheets of three Standard Deviations (hereinafter 3SD) and four Standard Deviations (hereinafter 4 SD) above the state mean of Wrong to Right erasures.

6.7.1. 3SD - The Superintendent/County Test Coordinator will be alerted with regard to any schools/teacher at 3SD. Upon review a determination will be made as to whether an investigation is warranted and whether the school/teacher will be placed on a Watch List. Two or more years on the Watch List will result in an investigation pursuant to §126-14-8.

6.7.2. 4SD - The Superintendent/County Test Coordinator will be alerted with regard to any schools/teacher at 4SD. This designation will result in a joint investigation of all parties involved pursuant to §126-14-8. If test results are deemed invalid by the investigative team, the student scores will become invalidated for school, county and state AYP calculations.

§126-14-7. Test Security.

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

7.2. Only secure test materials shall be used in conjunction with the WV-MAP. 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 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/certification, 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/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 each test, 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/Copyright Infringement and Policy 2320.

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

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

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

7.7.3. The County Test Coordinator shall report allegations to the County Superintendent and to the WVDE, Office of Assessment and Accountability.

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

a. The WVDE, Office of Assessment and Accountability 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 Assessment and Accountability, which represents the State Superintendent of Schools.

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

8.1. Any written complaint and/or oral report alleging cheating, security breach, testing administration breach or copyright infringement shall be reported immediately, according to the protocol set forth in §126-14-7.7 of this policy, to the Principal and County Test Coordinator with a copy to the County Superintendent (or organization) where the allegations occurred. The County Test Coordinator shall immediately contact the WVDE, Office of Assessment and Accountability 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 the County Superintendent (or the designated staff) where the allegations occurred or unless the WVDE agrees to an alternate investigative plan.

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

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.

8.3.2. The investigative team must take immediate steps to protect the confidentiality of the complainant, students, teachers, administrators, and other personnel including the individual(s) against whom the allegation(s) is/are made pending the completion of an investigation of cheating, a security breach, a testing administration breach or copyright infringement.

8.3.3. 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 State Superintendent of Schools and shall include:

8.4.1. a determination of whether misconduct did or did not occur or whether 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,
- 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.

8.6. Upon receipt of the investigative team's 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.

8.7. 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:

8.7.1. action taken by the County Superintendent:

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

8.7.2. action taken by the county board:

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

8.8. Within 90 days of the receipt of 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/certification revocation. The County Superintendent and individual(s) against whom the complaint was filed will be notified of the decision within said timeframe.

8.8.1. The State Superintendent of Schools may revoke the teaching license/certification pursuant to W. Va. Code §18A-3-6 or decline to grant a license or a license renewal pursuant to W. Va. Code §18A-3-2a for any person who knowingly and willfully acted 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, and W.Va. Code §18-2E-1a.

8.8.2. 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, 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.

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 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 Assessment and Accountability which will inform the proper authorities at the State Superintendent of Schools, 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 and sign either a *WVBE Examiner'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 Assessment and Accountability.

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.

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Appendix B

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 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 Assessment and Accountability
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 secure 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

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- 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/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

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

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Appendix C

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 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/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/Scribe's Secure Materials and Test Procedures Agreement* and *County/School/Personnel Secure Materials Agreement* will be on file with the County Test Coordinator 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

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- 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 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/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *Principal's Secure Materials and Test Procedures Agreement* to the 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.*

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Appendix D

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/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/Scribe's Secure Materials and Test Procedures Agreement and County/School Personnel Secure Materials Agreement* will be given to the Principal five instructional days

126CSR14

- 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/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *Building Level Coordinator's/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/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/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

126CSR14

Please print your name, sign, and return the *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* to the appropriate test administrator five instructional days prior to 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 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/certification, if applicable, may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *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.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	-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-
2. Estimated Total Revenues	-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.

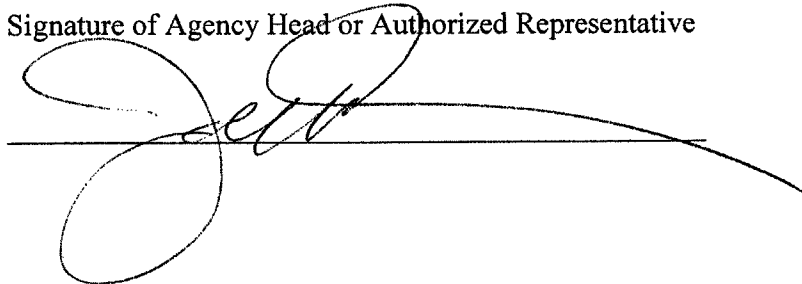
No Cost

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

		<p>but never a teacher's classroom? Also, may times people are in locked, secure location to pick up test materials, etc. Also would not the asst. BLC be allowed access?</p> <p>3.27. Why is this definition in policy?</p> <p>3.37.1. Are they supposed to be assessed? Since they are considered public school students my guess would be <u>yes</u>.</p> <p>3.40. or spoken added after written.</p> <p>3.44. Move down.</p> <p>3.49. Something does not read right with this sentence. (Last one)</p> <p>3.52. Does something about this being in the IEP also need to be added?</p>	<p>NA</p> <p>A+</p> <p>NA</p> <p>A+</p> <p>NA</p> <p>A+</p>	<p>Clarification needed.</p> <p>Correction necessary.</p> <p>Clarification needed.</p>
		§126-14-4. Program Regulations.		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101	<p>4.3.4. Something is wrong with the numbering – should maybe be 4.4? or 4.2.3? or part of 4.2?</p> <p>4.11. Add Non public schools must follow the public administration requirements and county schedule as determined by the CTC?</p>	<p>A+</p> <p>A+</p>	<p>Correction made to 4.4.</p> <p>Correction made to 4.11.</p>
10/14/08	Pat Dillon Coordinator WVDE 1900 Kanawha Blvd. E Charleston, WV 25305	4.11. WVDE approves schools – should be in policy.	A+	Correction necessary

	§126-14-5. Administration Regulations.		
10/3/08	<p>Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101</p>	<p>5.2.1. Co staff need to be trained in <u>security</u> not <u>administration</u></p> <p>5.2.2. delete <u>state</u> add of WV-MAP.</p> <p>5.3. There are others that "shall administer" – counselors, aides, et. *I guess I don't see the need for this statement, but if kept it should be expanded to include other school personnel – not just <u>teachers</u>.</p> <p>5.3.3. Take out / after Scribes</p> <p>5.3.4. *reporting procedures are <u>not</u> outlined in the security agreement.</p> <p>5.4. *reporting procedures are <u>not</u> outlined in the security agreement.</p> <p>5.5. will they still need prior approval from WVDE If so, place in policy.</p> <p>5.7. Is this a different form from Scribe Verification Form?</p>	<p>A+</p> <p>A+</p> <p>A+</p> <p>A+</p> <p>A+</p> <p>A+</p> <p>A+</p> <p>A+</p> <p>A+</p>
10/7/08	Hana Khouri Community Member	There should be a nepotism clause that does not allow public or non-public school administrators or examiners to give tests to family members.	A+
10/7/08	Adam Kuhr Community Member	There should be a nepotism clause that does not allow public or non-public school administrators or examiners to give tests to family members.	A+

10/10/08	Ronald V. Whetzel, Assistant Superintendent Monroe County Schools	<p>§126-14-6. Reporting Regulations.</p> <p>6.7. The accountability assessment vendor will provide WVDE with a vendor report with the names of schools and teachers with excessive Wrong to Right erasures on the answer sheets of three Standard Deviations (hereinafter 3SD) and four Standard Deviations (hereinafter 4SD) above the state mean of Wrong to Right erasures.</p> <p>6.7.1. 3SD - The Superintendent County Test Coordinator will be alerted with regard to any schools/teacher at three Standard Deviations. Upon review a determination will be made as to rather an investigation is warranted rather the school/teacher will be placed on a watch List. Two or more years on the Watch List will result in immediate investigation.</p> <p>6.7.2. 4SD - The Superintendent/County Test Coordinator will be alerted with regard to any schools/teacher at four Standard Deviations. This designation will result in an immediate joint investigation of all parties involved. If results are deemed invalid by investigative team, the student scores will become invalidated for school, county and state AYP calculations.</p> <p>§126-14-7. Test Security.</p>	A+	Clarification needed.
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101	<p>7.2. Why not also Examiners/Scribes here? professional license/certification.</p> <p>7.3.1. delete – redundant by the County Test Coordinator</p>	A+	Correction necessary.

			7.5. delete testing each year-add each test each year.	A+	Clarification needed.
			§126-14-8. Investigation of Alleged Cheating/Security Breach/ Testing Administration Breach/, Copyright Infringement.		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101		8.2.1. ?or 8.8.1. what about other certifications?	A+ A+	Correction necessary. Clarification needed.
			Appendix A		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101		3. Add answer sheets 11. Take out space before scribe's	NA A+	Correction necessary.
			Appendix B County Test Coordinator's Secure Materials and Test Procedures Agreement		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101		8. If you want to say <u>secure materials</u> , maybe I would go along w/this change. Lots of materials come early to be sent out early and before training would have been done – * Like E/P materials that were delivered to schools in August – most schools haven't even done E/P workshop. I thought about this com more and think it should read that CTC won't release test administration materials w/o signed principal security agreement and verification that Principal has been trained on	A+	Clarification needed for Appendix B-8

			that assessment. I don't know how to say that, but I would agree with that – But to hold up school's materials until <u>all</u> "applicable school personnel" are trained is not workable.		
			Appendix C Principal's Secure Materials and Test Procedures Agreement		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101		7. Take out / before Scribles Make #8 Verification of all trained personnel with a signed Examiner'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. Something needs to be said here about sending a copy of the verification to CTC – see #8 of CTC security agreement.	A+ A+	Correction necessary. Clarification needed
			Appendix D Building Level Coordinator's/Assistant Building Level Coordinator's Secure Materials and Test Procedures Agreement		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101		Title – If assistant BLC is allowed to do same things as BLC, should they not be trained by CTC? 6. Add – at the direction of the Principal. 7. Take out / before Scribles 8. Make #8 Verification of all trained personnel with a signed Examiner's/Scribe's Secure	NA NA A+ A+	Correction necessary. Clarification needed

			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. Something needs to be said here about sending a copy of the verification to CTC – see #8 of CTC security agreement.		
			Appendix E Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101		Take out / before Scribes in title. Take out / before Scribes in directions	A+ A+	Correction necessary. Correction necessary.
			Appendix G Verification of Training		
10/3/08	Dianne Boggess County Test Coordinator Wood Co. Schools 1210 Thirteenth Street Parkersburg, WV 26101		Hopefully this will be the verification of training form – form didn't print out.	NA	

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: Dianne Boggess Organization: Wood County Schools

Title: County Test Coordinator

Street Address: 1210-13th Street

City: Parkersburg State: WV Zip: 26101

Please check the box below that best describes your role.

- School System Superintendent
- School System Staff
- Parent/Family
- Principal
- Teacher
- Business/Industry
- Professional Support Staff
- Service Personnel
- Community Member

COMMENTS/SUGGESTIONS
<p>§126-14-1. General.</p> <p style="text-align: center;"><i>none</i></p>
<p>§126-14-2. Purpose.</p> <p style="text-align: center;"><i>none</i></p>
<p>§126-14-3. Definitions.</p>

see written comments in enclosed policy

§126-14-4. Program Regulations.

see comments written in enclosed policy

§126-14-5. Administration Regulations.

see comments written in enclosed policy

§126-14-6. Reporting Regulations.

none

§126-14-7. Testing Security.

see comments written in enclosed policy

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

see comments written in enclosed policy

<p>Appendix A.</p> <p><i>written comments on enclosed</i></p>
<p>Appendix B.</p> <p><i>written comments regarding #8 of CTC agreement see enclosed</i></p>
<p>Appendix C.</p> <p><i>written comments regarding ^{new} #8 or current #7 of agreement see enclosed</i></p>
<p>Appendix D.</p> <p><i>written comments re training of asst BLC re comments and new #8 see enclosed</i></p>
<p>Appendix E.</p> <p><i>no comments</i></p>

Appendix F.

no comments

Appendix G.

*did not print off
I'm thinking this might be the V&T
form, but don't know*

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
Fax No.: (304) 558-2546.

TITLE 126

LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 14

WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS (2340)

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§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. - 1.4. Effective Date. -

Deleted: November 13, 2006.

1.4.1. Unless specified otherwise within the policy.

Deleted: December 14, 2006.

1.5. Repeal of Former Rule. - This rule amends 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 and effective December 14, 2006.

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Deleted: June 13, 2003

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§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); *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

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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.

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For aides - is prior approval from WVA still needed? If so, put in definition

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.

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3.5. 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 structure and in adult life without positive interventions.

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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.

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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.

3.8. 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 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 may designate Assistant Building Level Coordinator to assist the Building Level Coordinator.

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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.

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No
If there are going to be restrictions on the assistant BLC (line 1 for 800 tested students) maybe a stand alone definition needs to be included. May principals designate more than one asst BLC? May the asst BLC "sign" forms - like security checklist? Since they are signing the same security agreement, may not be yes.
Don't remove marks
Check WESTES
Language on BLC Form that address the

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.

3.10. Cheating. Cheating is a willful or intentional act of dishonesty by an administrator, teacher, examiner, or student involving preparing for tests, test taking, 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. *for employees* *OK*

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

3.12. Copyright Infringement. For the purpose of this policy, copyright infringement consists of the retention, reproduction, or paraphrasing in any manner of secure test material in paper or electronic format, including test booklets, answer sheets or online submissions. Copyright infringement may result in a loss of licensure as per §126-14-8.7.1. *proctor*

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

3.14. Criterion-Referenced Test (CRT). A 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.

3.15. 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).

3.16. 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 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 must have been trained and must have on file a signed *Examiner's/Scrife'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.

3.17. 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).

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3.18. 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.

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~~non-public~~ *Non-public grade level is the grade in which he studied as indicated by the county institution*

3.19. 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.

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3.20. 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.

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3.21. 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.

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3.22. 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:

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3.22.1. who is aged 3 through 21; and

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

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

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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

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

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

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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, WVDE Policy 2417, Programs of Study for Limited English Proficient Students, (hereinafter Policy 2417).

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3.23. LEP, 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.

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

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3.25. 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.

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3.26. 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.

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3.27. 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.

why is this definition in policy?

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3.27.1. 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

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

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3.27.3. 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.

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3.28. "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

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Does mention need to be made that there may be more than one locked, secure location, but never a teacher's classroom?

Also, may times people are in locked, secure location to pick up test materials, etc. Also, would not the asst. BC be allowed access? NO.

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 AYP.

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3.2.9 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, NAEP reading and mathematics assessments are required to be administered to 4th and 8th graders.

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

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

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3.32. 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.

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

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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.

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

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Deleted: 36. Private and Parochial Schools. Private and parochial schools include private, parochial, church, and schools operated by a religious order or other

3.35. 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.

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Deleted: 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

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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.

3.37. 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.

3.38. 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.

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

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

3.41. Section 504 Committee. A Section 504 Committee is established in accordance with 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).

3.42. 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.

3.43. 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. (3.44) 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.

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are they supposed to be assessed? Since they are considered public school students my guess would be yes.

FEx - Not counted for AYP

WVBE member of

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

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3.46. 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.

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3.47. 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, 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.

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3.48. 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.

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3.49. 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.

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something does not read right with this sentence OK

3.50. 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(l) and Policy 2340.

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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.

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3.52. West Virginia Alternate Performance Task Assessment (hereinafter APTA). APTA is 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 as per the IEP. *OK*

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Does something about this being in the IEP also need to be added?

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.

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

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

Deleted: 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.]

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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 3-11 shall be assessed at the grade level in which they are enrolled by the WESTEST 2 or the APTA in the spring of each year.

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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 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.

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

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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 2 and who meet the criteria for participation in the APTA as determined by their IEP Teams shall participate in the APTA.

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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

Something is wrong w/ this number - should maybe be 4.4? or 4.2.3? or part of 4.2?

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~~ All public school students enrolled in grades 3-11 except those participating in the APTA shall participate in the WESTEST 2 Online Writing.

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

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b. LEP students except those participating in APTA, participate in the WESTEST 2 Online Writing 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 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.

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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://oea.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/Scribe and signed the WVBE Examiner'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 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.

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4.11. All nonpublic school students may participate in WV-MAP. Annually, the nonpublic school administrator(s) must notify the County Test Coordinator of the school's request to participate at least two months prior to the testing window or by a date determined by the County Test Coordinator. ^{WVDE} The County Test Coordinator, not the 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 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 nonpublic school. Violations of this policy shall result in the loss of testing privileges.

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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 believed there are statistical errors in the assessment data. This appeal process shall be available to the County Superintendent as per Policy 2320.

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§126-14-5. Administration Regulations.

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

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mean

ok

Nonpublic schools must follow the county test administration schedule as determined by the CTC.

"pre approved by the state" - should be added

5.1.1. The 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.

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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.

approval on security
of an entire window of the
CO staff need to be trained in security not administration

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, must deliver adequate training and professional development to all educators who administer state assessments.

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

approved educators/approval aides

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

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

5.3.3. An examiner 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 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 must have been trained and must have on file a signed Examiner's/Scribe's Secure Materials and Test Procedures Agreement for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP.

Deleted: 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
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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

There are others that "shall administer" - counselors, aides, etc
** I guess I don't see the need for this statement, but if kept it should be expanded to include other school personnel - not just teachers.*

as outlined in 7.7

* reporting procedures are not outlined in the security agreement

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 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.

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

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

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b. Principals shall report allegations to the County Test Coordinator.

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c. County Test Coordinators shall report allegations to the County Superintendents and to the WVDE, Office of Assessment and Accountability.

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d. The WVDE, Office of Assessment and Accountability shall report allegations to the WVDE, State Superintendent of Schools.

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

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

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

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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.

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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

as per the S.V. Form

Is this a different form from Scribe Verification Form?

will they still need prior approval from WVDE? If so, place in Policy.

5.8

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.

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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, through reports provided by the WVDE.

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6.1.2. West Virginia NAEP assessment results for grades 4, 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.

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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 "N" count shall be used to protect personally identifiable student data.

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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 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.]

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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 AYP in each subgroup in the required content areas.

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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, is incorporated by reference into this policy.

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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 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.

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license/certification
why not also Examiners/Probes here? NO

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).

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OK

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/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.

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each test 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.

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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/Copyright Infringement and Policy 2320.

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

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

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

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7.7.3. The County Test Coordinator shall report allegations to the County Superintendent and to the WVDE, Office of Assessment and Accountability,

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

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

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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 Assessment and Accountability, which represents the State Superintendent of Schools.

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

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

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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.

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

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

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

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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.

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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.

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8.3.2. The investigative team must take immediate steps to protect the confidentiality of the complainant, students, teachers, administrators, and other personnel including the individual(s) against whom the allegation(s) is/are made pending the completion of an investigation of cheating, a security breach, a testing administration breach or copyright infringement.

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8.3.3. 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.

Deleted: 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.

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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 State Superintendent of Schools and shall include:

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

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

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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,

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

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e. retraining of administrator/examiner involved in investigation

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

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

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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.

8.6. Upon receipt of the investigative team's 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.

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8.7. 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:

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8.7.1. action taken by the County Superintendent:

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

8.7.2. action taken by the county board:

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

8.8. 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.

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*Author
what about
other certifications?*

8.8.1. The State Superintendent of Schools may revoke the teaching license pursuant to W. Va. Code §18A-3-6, or decline to grant a license or a license renewal pursuant to W. Va. Code §18A-3-2a for any person who knowingly and willfully acted 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:

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Deleted: of any person who commits acts of immorality or untruthfulness (

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- 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*,

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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, and W.Va. Code §18-2E-1a.

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8.8.2. 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, and W.Va. Code §18-2E-1a(4).

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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,

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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.

add
and answer sheets
** Come back to*

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.

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6. Any allegations of cheating, security breach, testing administration breach, copyright infringement, loss of materials, or other deviation from acceptable and ethical security procedures shall be reported immediately to the Principal, County Test Coordinator, County Superintendent, and the WVDE, Office of Assessment and Accountability, which will inform the proper authorities at the State Superintendent of Schools, according to the protocol set forth in §126-14-7.7 in this policy.

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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 and sign either a *WVBE Examiner'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.

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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 Assessment and Accountability.

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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 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 Assessment and Accountability.
6. I will properly instruct the Principals and Building Level Coordinators in appropriate test security and test administration procedures, including the *Secure* 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

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Test labels at the end from as A.D.C.

If you want to say secure materials, maybe I would go along w/ this change.

I thought about this some more²⁷ and think it should read that CTC won't release test administration materials w/o signed Principal security agreement and verification that Principal has been trained on that assessment. I don't know how to say that, but I would agree with that - But to hold up school's materials that "applicable school personnel" are not workable.

Lots of materials come early to be sent out early and before training would have been done -

** Like E/P materials that were*

- 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 Assessment and Accountability prior to the fifteenth day of September.

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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
County of _____

West Virginia Board of Education
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 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/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/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
10. manipulating the test administration, demographic data, or the students' answers or data.

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8. ~~Exam Ass Data~~ Something needs to be said here about sending a copy of the verification to CTC - see #8 of CTC security agreement.

- 11 10. I will not give students access to test questions or answer keys.
- 12 11. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
- 13 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.
- 14 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.
- 15 14. I am responsible for monitoring and verifying that the Building Level Coordinator(s), if applicable, has fulfilled his/her assigned duties.
- 16 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)**

If assistant BLC is ~~not~~ allowed to do same things as BLC, should then not be required to be trained by CTR

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, ^{at the direction of the Principal} 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/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.

BLC

Clear up issues
Change - If I am the BLC - report to the Principal
If I am the Asst BLC - I report...

Verification of all trained school personnel with a signed *Examiner's/Scribe's Secure Materials and Test Procedures Agreement and County/School Personnel*

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#8

See Principal security agreement comments for this

126CSR14

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.

Jodi Hoff

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, October 07, 2008 2:54 PM
To: fibanez@wvde.state.wv.us; bjhoff@access.k12.wv.us
Subject: Comment Received for Policy 2340 (2008-10-07 14:53:49)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
<http://129.71.2.32/r.html?id=63b0bc2b5aa6dfda4254c917abe75e98>
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2340

#####

Name: Hana Khouri
Organization:
Email: hanakhouri@gmail.com
Title:
Address1: 1207 Washington Blvd.
Address2:
City/State/Zip: Huntington, WV 25701
Role: Community Member
Posted: 2008-10-07 14:53:49
Posted from IP: 76.26.86.204

Comments for section 126-14-1 General

Comments for section 126-14-2 Purpose

Comments for section 126-14-3 Definitions

Comments for section 126-14-4 Program Regulations

Comments for section 126-14-5 Administration Regulations

There should be a nepotism clause that does not allow public or non-public school administrators or examiners to give tests to family members.

Comments for section 126-14-6 Reporting Regulations

Comments for section 126-14-7 Testing Security

Comments for section 126-14-8 Investigation of Alleged Breach of Testing Security/Copyright Infringement

Comments for section Appendix A

Comments for section Appendix B

Comments for section Appendix C

Comments for section Appendix D

Comments for section Appendix E

Comments for section Appendix F

Comments for section Appendix G

Jodi Hoff

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, October 07, 2008 2:56 PM
To: fibanez@wvde.state.wv.us; bjhoff@access.k12.wv.us
Subject: Comment Received for Policy 2340 (2008-10-07 14:55:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
<http://129.71.2.32/r.html?id=63b0bc2b5aa6fd4254c917abe75e98>
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2340

#####

Name: Adam Kuhr
Organization:
Email: adamkuhr@hotmail.com
Title:
Address1: 1207 Washington Blvd.
Address2:
City/State/Zip: Huntington, WV 25701
Role: Community Member
Posted: 2008-10-07 14:55:53
Posted from IP: 76.26.86.204

Comments for section 126-14-1 General

Comments for section 126-14-2 Purpose

Comments for section 126-14-3 Definitions

Comments for section 126-14-4 Program Regulations

Comments for section 126-14-5 Administration Regulations

There should be a nepotism clause that prohibits public and/or private school administrators and examiners to give the test to family members.

Comments for section 126-14-6 Reporting Regulations

Comments for section 126-14-7 Testing Security

Comments for section 126-14-8 Investigation of Alleged Breach of Testing Security/Copyright Infringement

Comments for section Appendix A

Comments for section Appendix B

Comments for section Appendix C

Comments for section Appendix D

Comments for section Appendix E

Comments for section Appendix F

Comments for section Appendix G

Jodi Hoff

From: Jan Barth [jbarth@access.k12.wv.us]
Sent: Friday, October 10, 2008 10:09 AM
To: 'Ron Whetzel'
Cc: 'Jodi Hoff'
Subject: RE: Erasers Report for Policy

MAY I USE YOU AS THE COMMENTER?

From: Ron Whetzel [mailto:rwhetzel@access.k12.wv.us]
Sent: Friday, October 10, 2008 9:30 AM
To: 'Jan Barth'
Subject: RE: Erasers Report for Policy

Looks good to me.

Ron

From: Jan Barth [mailto:jbarth@access.k12.wv.us]
Sent: Friday, October 10, 2008 9:17 AM
To: 'Ron Whetzel'
Subject: RE: Erasers Report for Policy

OK I have used your comments in blue ink for 3SD and part of the 4SD explanation. Please see if you think 4SD is in line ..

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

6.7. The vendor will provide WVDE with a vendor report with the names of schools and teachers with excessive **Wrong to Right** erasures on the answer sheets of **three Standard Deviations (3SD)** and **four Standard Deviations (4SD)** above the state mean of Wrong to Right erasures.

3DS - The Superintendent will be alerted with regard to any schools/teacher at three Standard Deviations. Upon review a determination will be made as to rather an investigation is warranted rather the school/teacher will be placed on a watch List. Two or more years on the Watch List will result in immediate investigation.

4SD - The Superintendent will be alerted with regard to any schools/teacher at four Standard Deviations. This designation will result in an immediate joint investigation of all parties involved. If results are deemed invalid by investigative team, the student scores will become invalidated for school, county and state AYP calculations.

From: Ron Whetzel [mailto:rwhetzel@access.k12.wv.us]
Sent: Thursday, October 09, 2008 4:25 PM
To: 'Jan Barth'
Subject: RE: Erasers Report for Policy

I could not get this version t open on my computer

Can you send another way or fax to 772-5020

From: Jan Barth [mailto:jbarth@access.k12.wv.us]
Sent: Tuesday, October 07, 2008 5:52 PM
To: 'Ron Whetzel'
Cc: 'Jack McClanahan'
Subject: Erasers Report for Policy

Hi Ron:

Great seeing you in Morgantown. You know we talked about how to alert people to what happens with our erasure reports so they know WVDE has these reports and how we use them. I believe we all agree on the fact our educators need to know.

I do not have it in the current policy, but you were in agreement to make comment on it. If I am not mistaken, this sort of captures what you, Jack and I talked about last year as we sat on the veranda at Glade Springs and discussed you issue in hardy County.

Make any changes you want to make, if you would not mind, get Lynn thoughts as well? Will you get your best thinking back to me??

Thanks,
Jan