

WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #2

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2006 SEP 15 A 10:13

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Const., 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.

AMENDMENT TO AN EXISTING RULE: YES 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: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON October 16, 2006 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Shirley McGraw

Office of Student Assessment Services

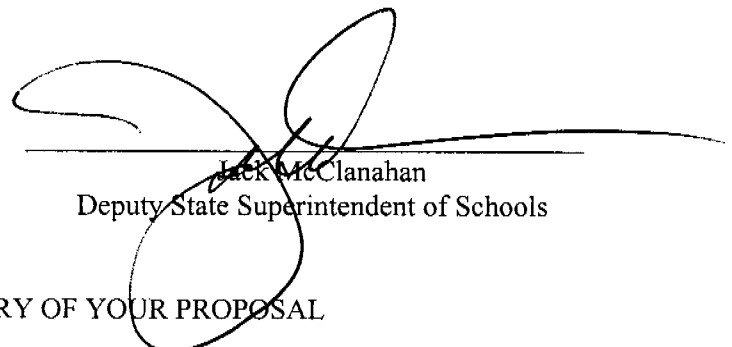
West Virginia Department of Education

Capitol Building 6, Room 722

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.


Jack McClanahan
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**Executive Summary
Policy 2340 Revision
State Board Update**

Purpose:

The purpose of this update is to outline the major Assessment Policy (2340) revisions to be placed on public comment.

Background:

The following revisions were determined by an educator stakeholder group of about 60 people during the month of July 2006. Policy 2340 is the assessment policy which governs the assessment 1) programs, 2) administration, 3) reporting, 4) test security and 5) investigations. Appendices outline the Code of Ethics and related Security Agreements. The last policy revision date was effective January 16, 2002. **State Code §18-2E-1(b)(4) requires the state board to perform the following function: "ensure that all statewide assessments of student performance are secure."**

Major Changes:

§ 126-14-3 Definitions

Definitions section was updated to

- Clarify existing definitions.
- Add new definitions to meet programmatic changes, i.e, APTA, n count, security issues, etc.
- Remove obsolete definitions, i.e., end of course exam, datafolio, etc.

§ 126-14-4 Program Regulations

Program Regulations section was updated to

- Clarify existing program regulations.
- Include programmatic changes, i.e., APTA, LEP Assessment Participation Document, etc.
- Remove obsolete components, i.e., end of course exam, datafolio, etc.

§ 126-14-5 Administration Regulations

Administration Regulations section was updated to

- Clarify administration regulations, i.e., testing accommodations, transcription of student responses, breach protocol, etc.

- Include administration changes, i.e., protocol for reporting alleged security breach, building level coordinator responsibilities, specify private schools must have a certified teacher administering assessments that are part of the state testing program, etc.

§ 126-14-6 Reporting Regulations

Reporting Regulations section was updated to

- Clarify reporting regulations, i.e., NAEP issues, FERPA, n count, etc.
- Include reporting changes, i.e., no further release of test items (other than ACT PLAN), method of delivery (hardcopy, CD, DVD, Web-based, other digital media), etc.

§ 126-14-7 Test Security

Test Security section was updated to

- Clarify test security regulations, i.e., paper and electronic, access to secure materials, etc.
- Include test security changes, i.e., protocol for reporting alleged security breach, building level coordinator responsibilities, county/school personnel involved in transport responsibilities, mandatory training for all school personnel involved in test administration, etc.

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

Investigation section was updated to

- Clarify breach/violation, protocol for reporting alleged security breach, etc.
- Include investigation changes, i.e., authorization of State Superintendent to revoke or bring cause of action to the court for six (6) defined actions.

Appendix A (Testing Code of Ethics)

Appendix A was updated to

- Clarify secure material storage, alleged breach, testing accommodations, etc.
- Include Appendix A changes, i.e., building level coordinator responsibilities, mandatory training, etc.

Appendix B (CTC Responsibilities/Agreement)

Appendix B was updated to

- Clarify CTC's responsibilities, time frames, etc.
- Include Appendix B changes, i.e., building level coordinator responsibilities, mandatory training participation, acknowledgement of professional responsibilities, etc.

Appendix C (Principal Responsibilities/Agreement)

Appendix C was updated to

- Clarify principal's responsibilities, time frames, etc.
- Include Appendix C changes, i.e., mandatory training, expansion of responsibilities, acknowledgement of professional responsibilities, etc.

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

Appendix D was created to

- Define building level coordinator's responsibilities
 - Reports to principal
 - Training with principal by CTC
 - Professional responsibilities

Appendix E (Examiner's Responsibility/Agreement)

Appendix E was updated to

- Clarify examiner's role, professional responsibilities, etc.
- Include professional responsibilities for proctors, scribes, and other school personnel directly involved in testing.

Appendix F (Personnel Agreements)

Appendix F was created to

- Clarify county/school personnel professional responsibilities
 - Personnel with access to secure materials but not directly involved in testing

Appendix G (Verification of Training)

Appendix G was created to

- Document training of personnel
 - Training per assessment
 - Retained at school
 - Copied to CTC

Impact:

This policy revision will 1) clarify language, 2) eliminate obsolete language, 3) update with new requirements, and 4) define security requirements related to WESTEST and APTA to better inform educators.

Action:

The Department requests the attached policy be placed on public comment for 30 days and returned to the November Board for approval.

126CSR14

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

FILED

2006 SEP 15 A 10:12

SERIES 14

OFFICE WEST VIRG
SECRETARY OF ST

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*.

1.3. Filing Date. -

1.4. Effective Date. -

1.4.1. Unless specified otherwise within the policy.

1.5. Repeal of Former Rule. - This rule repeals and replaces W. Va. 126CSR14 West Virginia Board of Education (hereinafter WVBE) Policy 2340, WV-MAP, filed June 13, 2003 and effective July 13, 2003.

§126-14-2. Purpose.

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

§126-14-3. Definitions.

3.1. Accommodation(s). Accommodation(s) refer to changes in the administration of an assessment, such as setting, scheduling, timing, presentation format, response mode, or others, including any combination of these that does not change what is intended to be measured by the assessment or the meaning of the resulting scores. Allowable accommodations are defined in the West Virginia Department of Education's (hereinafter WVDE) (1) *Students with Disabilities: Guidelines for Participation in State Assessments*, (2) the *Assessment Participation Form*, 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. Alternative Education Program. An alternative education program, as defined by W. Va. 126CSR20, WVBE Policy 2418, Regulations for Alternative Education Programs for Disruptive Students (hereinafter Policy 2418), is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions.

3.5. Cheating. Cheating is a willful or intentional act of dishonesty by a teacher or student involving preparing for tests, test taking or altering records 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.

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

3.7. Copyright Infringement. Copyright infringement is the violation by reproduction in whole or part of original works of authorship fixed in a physical medium of expression including, but not limited to, literary, dramatic, and artistic works.

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

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

3.10. 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).

3.11. **Examiner.** An examiner must be currently employed and an educator, an approved employee of the state, county or RESA, or an educator of a private or parochial school with a valid West Virginia teaching license who has been trained and has signed an *Examiner's/Scribe's/Proctor's Secure Materials and Test Procedures Agreement* for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP.

3.12. **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).

3.13. **Grade Level.** Grade level is the class designation, Pre-K through 12, in which the student is enrolled as indicated on the student WVEIS record.

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

3.15. **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.

3.16. **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.

3.17. **Limited English Proficiency (LEP) Student.** A limited English proficient student is classified according to the federal government definition as described in Public Law 107-110, the *No Child Left Behind Act of 2001* (hereinafter NCLB). An LEP student is classified as one:

3.17.1. who is aged 3 through 21; and

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

3.17.3 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

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

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

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

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

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

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

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

3.21. 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.

3.22. 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 -

3.22.1. 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

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

3.22.3. 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.

3.23. "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. "n" counts are chosen by states and approved by the federal government for reporting out in the State Report Card and NCLB Adequate Yearly Progress.

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

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

3.26. National Center for Education Statistics (NCES). The National Center for Education Statistics collects, analyzes and makes available data related to education in the U.S. and other nations.

3.27. No Child Left Behind Act of 2001 (NCLB). NCLB is a federal law (P.L. 107-110) that requires school districts to be accountable for teaching children in order for those districts to continue receiving federal funds. No Child Left Behind was an attempt to get school districts to start making a difference and bring accountability to schools.

3.28. Non-Public School Student. A non-public school student is a student who is not 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.

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

3.30. Office of Education Performance Audits (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.

3.31. Private and Parochial Schools. Private and parochial schools include private, parochial, church, and schools operated by a religious order or other non-public schools.

3.32. 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.

3.33. Revocation. Revocation is the removal of licensure by the State Superintendent pursuant to W. Va. Code §18A-3-6.

3.34. School Personnel. School personnel include any persons employed to work in any manner by a school.

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

3.36. Section 504 Committee. A Section 504 Committee is established in accordance with local education agency 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).

3.37. 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.

3.38. 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. A security breach by a student is an intentional act of dishonesty that impacts and/or jeopardizes the integrity of the test or the accuracy of the results.

3.39. 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.

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

3.41. 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.

3.42. Testing Administration Breach. A testing administration breach is any failure to follow the documented test administration procedures that could alter the results or testing environment of the assessment for one or more students, i.e. timing an untimed test, not implementing required accommodations, etc. See §126-14-7.7 for the protocol to use in reporting an alleged breach.

3.43. 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.

3.44. Testing Irregularity. A testing irregularity is any unexpected event that significantly disrupts the testing environment. 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.

3.45. 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 WVBE Policy 2340, WV-MAP (hereinafter Policy 2340).

3.46. West Virginia Alternate Performance Task Assessment (hereinafter APTA). APTA is an assessment specifically designed for students with significant cognitive disabilities whose performance cannot be adequately assessed through the general assessment instrument, West Virginia Educational Standards Test (hereinafter WESTEST), even with accommodations.

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

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

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

§126-14-4. Program Regulations.

4.1. All public school students enrolled in grades 3, 4, 5, 6, 7, 8, and 10 shall be assessed at the grade level in which they are enrolled by the WESTEST to be administered in the spring of each year or the West Virginia Alternate Performance Task Assessment (APTA).

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

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

4.2.2. When the limited English proficient 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 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 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 and APTA must be followed, as per WVS.326 outlined in the WV Guidelines for Participation in State Assessments.

4.3.2. All public school students with disabilities as defined by Section 504 of the Rehabilitation Act of 1973, who do not have an IEP, shall participate in the WESTEST 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 4th, 7th and 10th grades, except those participating in the APTA shall participate in the Writing Assessment.

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

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

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

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

4.7. All public school students enrolled at grades 4 and 8 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, 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://oepa.state.wv.us>.

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

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

testing guidelines and procedures set forth in this policy. Violations of this policy shall result in the loss of testing privileges.

4.11. All private and parochial school students may participate in WV-MAP. Annually, the private and parochial school administrator(s) must notify the County Test Coordinator of the school's intent to participate at least two months prior to the testing window or by a date determined by the County Test Coordinator. The County Test Coordinator, not the private or parochial school, will receive all testing material and release the testing materials to the school official after that official and/or the Principal has completed the required training and signed the *WVBE Principal and/or Building Level Coordinator Secure Materials and Test Procedures Agreement* (required annually). All educators and non-public school students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures set forth in this policy. All educators who have access to secure test materials must be trained annually; the training dates will be determined by the Principal or Building Level Coordinator of the participating private/parochial 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 that believe there are statistical errors in the assessment data. This appeal process shall be available to the County Superintendent as per Policy 2320.

§126-14-5. Administration Regulations.

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

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

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

5.2.1. Counties shall ensure that all appropriate central office staff and school personnel are adequately trained in interpretation and use of test data.

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

5.2.3. Each County Test Coordinator shall develop and implement procedures regarding the administration of the WV-MAP, analysis, and application of test results.

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

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

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

5.3.3. Examiners shall be currently employed and educators or approved employees of the state, county or RESA, or an educator 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.

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 breached or copyright infringements shall be reported according to guidelines outlined in the applicable *Secure Materials and Test Procedures Agreement*.

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

- a. Any alleged breach that occurs in the school shall be reported to the school Principal.
- b. Principals shall report alleged breaches to the County Test Coordinator.
- c. County Test Coordinators shall report alleged breaches to the County Superintendents and to the Office of Student Assessment Services, WVDE.
- d. The Office of Student Assessment Services shall report alleged breaches to the Office of the State Superintendent of Schools, WVDE.

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

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

5.5. Any West Virginia private/parochial 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.

5.6. All allowable testing accommodations identified on the student's IEP, Section 504 Plan, or LEP Assessment Participation Form must be provided during the test administration, as established in his/her plan. Students needing accommodations will be identified by the Principal or Building Level Coordinator and the designated accommodations shall be implemented by the examiner.

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

§126-14-6. Reporting Regulations.

6.1. All students who participate in the WV-MAP and their parents/guardians shall be provided the individual student assessment results, 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 and APTA only, as per NCLB. Performance data on individual students, schools, and counties are made available for ACT EXPLORE, ACT PLAN, and Writing Assessment through reports provided by the WVDE.

6.1.2. West Virginia NAEP assessment results for grades 4 and 8 are aggregated by state and are not currently available for individual students, schools, or counties. The release of NAEP results is determined by National Assessment Governing Board (NAGB) and announced by the State Superintendent or designee. Explanation and interpretation of NAEP results in the context of state, regional, and national results are available at the National Council of Educational Statistics (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. Individual student results will be released by the school to parents/guardians and to the teachers to whom the students are assigned. 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 and APTA results shall be disaggregated and reported by the WVDE, as required by NCLB.

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

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

§126-14-7. Test Security.

7.1. The *Testing Code of Ethics*, as found in Appendix A, shall be 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) and to retain, reproduce, paraphrase, or discuss in any manner the booklets or excerpts from the booklets is inappropriate and unethical. A County Test Coordinator, Principal, Building Level Coordinator, or County/School Personnel found to have inappropriately used test materials in this manner will be subject to penalties, including but not limited to, revocation of professional license, as set forth in §126-14-8 Investigation of Alleged Breach of Testing Security/Copyright Infringement.

7.3. The County Test Coordinator shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing and returning the *WVBE County Test Coordinator's Secure Materials and Test Procedures Agreement* (Appendix B) to the WVDE prior to the fifteenth 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(s), 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 locations prior to and following each daily testing session. Test materials are to be stored in a school in accordance with the administration guidelines of each assessment. Access to secure test booklets and answer sheets by all persons other than the County Test Coordinator, Principal, and Building Level Coordinator shall be restricted to the scheduled dates of test administration as outlined in the *Testing Code of Ethics* (Appendix A).

7.4.3. Individual student test data will be stored in a locked and secured area. All personally identifiable student test data will be maintained under conditions consistent with the requirements of FERPA.

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

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

verification of all trained personnel with signed security agreements for each assessment must be on file with the County Test Coordinator/Principal five instructional days prior to the beginning of testing each year.

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

7.6. 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 Breach of Testing Security/Copyright Infringement and Policy 2320.

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

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

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

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

7.7.4. The Office of Student Assessment Services/Legal shall report alleged breaches to the Office of the State Superintendent of Schools, WVDE.

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

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 Office of Student Assessment Services, WVDE which represents the State Superintendent of Schools.

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

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

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 and the County Superintendent (or the designated staff) of the county in which the alleged breach occurred, or

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

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

8.3.1. The investigative team must take immediate steps to protect the rights of the complainant, students, teachers, administrators, and other personnel including the individual(s) against whom the allegation(s) is/are made pending the completion of an investigation of cheating, a security breach, a testing administration breach or copyright infringement. Therefore, the local school district shall maintain confidentiality and shall not conduct investigations at the county level prior to notification to the State.

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

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

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

a. invalidating the test scores of students/classes/schools/county,

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

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

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

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

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

8.6.1. action taken by the County Superintendent:

- a. no action,
- b. written reprimand,
- c. improvement plan, or
- d. other.

8.6.2. action taken by the county board:

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

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

8.7.1. The State Superintendent of Schools may revoke the teaching license of any person who commits acts of immorality or untruthfulness (W. Va. Code § 18A-3-6) or decline to grant a license or a license renewal for not being of good moral character or mentally or emotionally qualified to perform the duties of a teacher (W. Va. Code § 18A-3-1) to any person who knowingly and willfully acted with the intent to compromise the integrity of assessments in the WV-MAP. Behavior giving rise to such action by the State Superintendent includes but is not limited to:

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

8.7.2. 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 the WV-MAP (W. Va. Code § 18-2E-1(a)(4)).

Appendix A

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

ETHICAL TESTING PRACTICES

Test Security

1. County school personnel shall establish and implement procedures to ensure maximum test security and limit access of secure materials to applicable county/school personnel.
2. Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured, central location by the County Test Coordinator in accordance with the test administration guidelines of each assessment.
3. The County Test Coordinator shall be responsible for the test booklets received by the county and shall maintain a record of the booklets sent to each school in accordance to the test administration guidelines of each assessment.
4. Before each test administration, materials must be distributed and stored according to instructions provided with the test. Tests must be secured at all times during test administration, including all breaks in the testing sequence. All test booklets (used and unused) and answer sheets, if applicable, must be counted, reconciled, and returned to a centrally located, locked and secured area immediately upon the completion of each daily testing session.
5. Secure test materials in a school must be stored in a locked and secured central location(s) prior to and following each daily testing session. Secure test materials are to be stored in the building prior to and after testing in accordance to the test administration guidelines of each assessment. Testing, including makeups, must occur during the testing window. Access to test booklets and answer sheets shall be restricted to the State scheduled dates of test administration.
6. Any alleged security breach, testing administration breach, copyright infringement, loss of materials, or other deviation from acceptable security procedures shall be reported immediately to the Principal, County Test Coordinator, County Superintendent, and the Office of Student Assessment Services which will inform the proper authorities at the Office of the State Superintendent of Schools, WVDE, according to the protocol set forth in §126-14-7.7. in this policy.
7. No secure test materials, questions or student responses shall be retained, reproduced paraphrased, or discussed in any manner.

8. Personnel responsible for the testing program shall be properly instructed and participate in the training for each assessment's appropriate test administration procedures as set forth in Appendices B-F in this policy.
9. Each County Test Coordinator shall complete each required WVDE's assessment training and sign a *WVBE County Test Coordinator's Secure Materials and Test Procedures Agreement*. The agreements shall be filed at the WVDE prior to the fifteenth of September each year.
10. Principals and Building Level Coordinators shall complete each required County Test Coordinator's assessment training and sign a *WVBE Principal's/Building Level Coordinator's Secure Materials and Test Procedures Agreement*. The agreement shall be on file with the County Test Coordinator prior to the last day of September each year.
11. Any individual who administers, handles, or has access to secure test materials at the county or school shall complete each required assessment's training as appropriate and sign either a *WVBE Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement* or *WVBE County/School Personnel Secure Materials Agreement* to remain on file in the appropriate office each year.
12. No one shall compromise test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.
13. Student test scores or test performance shall not be disclosed to unauthorized persons as set forth in Policy 4350 WVBE 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 Office of Student Assessment Services, WVDE.
2. Examiners of standardized tests shall rigorously follow the appropriate administrative procedures as directed in the test's administration manual(s).
3. All examiners shall strive to create a positive testing environment.
4. Students shall not have access to secure test questions or answer keys.
5. Examiners shall limit assistance to students to only those issues concerning the mechanical aspects of marking answers, clarifying directions, and finding the right place on answer sheets. Examiners shall not indicate answers, point out the rationale of an item, or prompt students in any manner.
6. Students and examiners shall be monitored to ensure that appropriate test taking procedures and test security measures are followed.

7. Specific information, as specified by the test manual, shall not be displayed in the room during test administration.
8. Only references or tools specifically designated in test manuals are provided to students.
9. Accommodations, as appropriate, for students with IEPs, Section 504 Plans, or LEP Assessment Participation Forms shall be provided as established by their respective plans.

Test Notification

1. Students and parent(s)/guardian(s) shall be
 - a) given notification before testing;
 - b) provided information on the purposes 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 discuss secure test materials and/or test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials will be restricted to the test administration period designated by the State mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets (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 shipped to and returned from the schools and will ensure that test materials are securely stored in the buildings according to the instructions provided with the test and that all testing must occur during the testing window.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the County Superintendent and to the Office of Student Assessment Services.
6. I will properly instruct the Principals and Building Level Coordinators in appropriate test security and test administration procedures, including the *Testing Code of Ethics*.
7. I will collect and retain the signed *Principal's Secure Materials and Test Procedures Agreement* and *Building Level Coordinator's Secure Materials and Test Procedures Agreement*, if applicable, for each school in the county by the last of September.
8. I will not release test administration materials to a school without the signed *Principal's Secure Materials and Test Procedures Agreement* and verification of training of all other applicable school personnel.
9. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
10. I will not violate test security or the accuracy of the test data score results by 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 Office of Student Assessment Services prior to the fifteenth day of September.

Signature: _____

Print Name: _____

Date: _____

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

State of West Virginia

West Virginia Board of Education

County of _____

West Virginia Measures of Academic Progress

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

Principal's Secure Materials and Test Procedures Agreement

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or discuss the current secure test materials and/or test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials will be restricted to the test administration period designated by the State mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets (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 shipped to and returned from my school and will ensure that test materials are securely stored in locked and secure central location(s) prior to and immediately following each daily testing session.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the County Test Coordinator.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the *Testing Code of Ethics*.
7. I will collect and retain the signed *Examiner's/Proctor's/Scribe's Secure Materials and Test Agreement and County/School Personnel Secure Materials Agreement* for all applicable personnel in the building five instructional days prior to the first day of testing. Verification of all trained school personnel with a signed *Examiner's/Proctor's/Scribe's Secure Materials and Test Procedures Agreement and County/School Personnel Secure Materials Agreement* will be on file five instructional days prior to the first day of testing.
8. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
9. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.

10. I will not give students access to test questions or answer keys.
11. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
12. I will check testing rooms prior to the beginning of test administration to ensure that all specific information, as specified by the test manual, is not displayed in the room during the test administration.
13. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, Section 504 Plans, and LEP Assessment Participation Forms when so designated in the test manual.
14. I am responsible for monitoring and verifying that the Building Level Coordinator(s), if applicable, has fulfilled his/her assigned duties.
15. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *Principal's Secure Materials and Test Procedures Agreement* to the County Test Coordinator prior to the last day of September.

Signature: _____

Print Name: _____

School: _____ Date: _____

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

State of West Virginia

West Virginia Board of Education

County of _____ West Virginia Measures of Academic Progress

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

**Building Level Coordinator's 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 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 (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 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/Proctor'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/Proctor'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 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 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.”

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

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or discuss the current test materials and/or test items.
2. I will not use test items, test booklets, 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 assistance that might alter the accuracy of student responses in the Web-based assessment before, during, or after the administration of the test.
9. I have read Policy 2340.
10. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

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

Signature: _____

Print Name: _____

Position: _____

School: _____ Date: _____

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

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

State of West Virginia

West Virginia Board of Education

County of _____

West Virginia Measures of Academic Progress

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

County/School Personnel Secure Materials Agreement

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

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

I therefore pledge:

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

Please print your name, sign, and return the *County/School Personnel Secure Materials Agreement* to the County Test Coordinator or Principal prior to access to secure test materials.

Signature: _____

Print Name: _____

Position: _____

School/Department: _____ Date: _____

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 WORKSHEET

(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 2340: West Virginia Measures of Academic Progress FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) 0

NCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

| EFFECT OF PROPOSAL | ANNUAL | | FISCAL YEAR | | |
|--|----------|----------|-------------|------|------------|
| | INCREASE | DECREASE | CURRENT | NEXT | THEREAFTER |
| 1. ESTIMATED TOTAL COST | \$ | \$ | \$0 | \$0 | \$0 |
| PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER | \$ | \$ | \$ | \$ | \$ |
| 2. ESTIMATED TOTAL REVENUES | \$ | \$ | \$ | \$ | \$0 |

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

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

9/12/06

West Virginia Department of Education

Stewart Raine

126CSR14

POLICY 2340 : West Virginia Measures of Academic Progress

COMMENT PERIOD ENDS: October 16, 2006

COMMENT RESPONSE FORM

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

Name : _____ Organization: _____

Title: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

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

COMMENTS/SUGGESTIONS

§126-14-1. General.

§126-14-2. Purpose.

§126-14-3. Definitions.

§126-14-4. Program Regulations.

§126-14-5. Administration Regulations.

§126-14-6. Reporting Regulations.

§126-14-7. Test Security.

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

Please direct all comments to:

Shirley McGraw, Secretary
Office of Student Assessment Services
West Virginia Department of Education
Capitol Building 6, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: smcgraw@access.k12.wv.us
Fax No.: (304) 558-1613