

**WEST VIRGINIA  
SECRETARY OF STATE**

**JOE MANCHIN, III**

**ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

**FILED**

2003 JUN 13 P 12: 20

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, 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*

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 \_\_\_\_\_

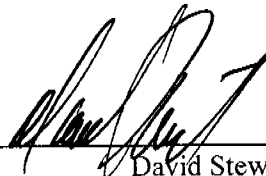
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

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 July 13, 2003.



David Stewart  
State Superintendent of Schools

## EXECUTIVE SUMMARY

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

#### **Background:**

The regulations set forth in Policy 2340 were last revised on January 16, 2002. These regulations will be effective August, 2003. West Virginia Constitution, Article XII, §2; W. Va. Code §18-2-5 and §18-2E-8(c)(1) and the West Virginia Board of Education establish the authority for these regulations.

Additionally, the recommended revisions to the Assessment Policy 2340 were set forth by the Assessment Revision Committee that included approximately 60 West Virginia educators and stakeholders over the course of the month of February, 2003.

#### **Proposed Revisions:**

##### **§126-14-3. Definitions.**

- Expanded to include new testing definitions from state requirements and federal language

##### **§126-14-4. Program Regulations Effective August 2003.**

- Changed to reflect new assessment programs and removed the SAT-9 requirements
- Expanded current requirements for testing of homebound, alternative education and home instructed students and private and parochial schools students

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

- Changed to reflect new assessment program administrations

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

- Expanded to address new federal reporting requirements

##### **§126-14-7. Test Security.**

- Expanded to include all current security procedures
- Added a Test Procedures Agreement for Examiners

##### **§126-14-8. Investigation of Security Violation.**

- Added to include current investigation protocol in policy

##### **§126-14-9. West Virginia Measures of Academic Progress (West Virginia Statewide Assessment Program).**

- Changed to reflect final new assessment program

**Appendix A-D** Added as informational tools for convenience of educators/public

**Impact:**

The public comment log for Policy 2340 reflects very minor changes. All changes were included as policy revisions with the exception of the request to have alternative schools be accountable for their own test scores. The revised assessment policy (2340) creates a quality assessment program that will 1) comply with state guidelines, 2) address the No Child Left Behind federal requirements for continued federal funding, and 3) maintain a rigorous statewide assessment program.

**Action Requested:**

Comments were received by eight people. There were no major changes/revisions in the policy. Therefore, the West Virginia Department of Education respectfully requests that Policy 2340, with the attached changes/revisions, be adopted as the West Virginia Board of Education Assessment Policy.

126CSR14

FILED

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

2003 JUN 13 P 12: 20

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 (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. – June 13, 2003

1.4. Effective Date. – July 13, 2003

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 Policy 2340, The Statewide Assessment Program, filed December 17, 2001 and effective January 16, 2002.

**§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 (1) *Students with Disabilities: Guidelines for Participation in the West Virginia Measures of Academic Progress (WV-MAP)* document and (2) the Limited English Proficient (LEP) students' *LEP Inclusion Documentation Form*.

## 126CSR14

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 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. Content standards. Content standards are statements of the knowledge and skills that students are expected to learn. Content standards indicate what students should know and be able to demonstrate as a function of schooling.

3.6. Criterion Referenced Test (CRT). A CRT is an assessment that measures a student's achievement of West Virginia's content standards and objectives rather than comparing a student's performance to the performances of other similar test takers.

3.7. Eligible students with disabilities. Students who, in accordance with the definitions, eligibility criteria, procedures and safeguards contained in W.Va. 126CSR16, West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students (hereinafter Policy 2419) have been determined to be: a) autistic, behavior disordered, blind or partially sighted, speech/language impaired, deaf-blind, deaf or hard of hearing, mentally impaired, orthopedically impaired, other health impaired, pre-school special needs, specific learning disabled, traumatically brain injured, and b) in need of specially designed instruction, or special education and related services.

3.8. End-of-Course Exam (EOC). EOC refers to a course-specific criterion referenced test consisting of selected response items used to measure a student's level of achievement on West Virginia's content standards and objectives.

3.9. Examiner. Examiner refers to a West Virginia educator employed by the county/RESA/ state who has signed a *Test Procedures Agreement for Examiner* for the purpose of administering or assisting with the administration of the WESTEST.

## 126CSR14

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

3.11. Homebound students. Homebound students are those students enrolled in a public school who, due to injury or for any other reason as certified by a licensed physician, are homebound for a period of two weeks or more and who meet the eligibility criteria in W. Va. 126CSR42, West Virginia Board of Education Policy 2510, Assuring the Quality of Education Regulations for Education Programs (hereinafter Policy 2510) for home/hospital instruction.

3.12. Individualized Education Program (IEP). An IEP is a written plan, developed by a team of both regular and special educators, parents, related service personnel and the student describing the specially designed instruction needed for an eligible exceptional student to master the content standards and objectives and/or be prepared for the workplace.

3.13. Informal Item Bank. The Informal Item Bank is a web-based instructional resource that includes test items aligned with West Virginia Content Standards and Objectives, and links to other instructional resources, such as juried lesson plans. Test bank items are purchased by the West Virginia Department of Education and will be supplemented with items released from the WESTEST and EOC exams.

3.14. An LEP student in the State of West Virginia 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:

3.14.1. who is aged 3 through 21; and

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

3.14.3. 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

## 126CSR14

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

3.14.4. 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 achieve successfully 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 for Study for Limited English Proficient Students, hereinafter Policy 2417).

3.15. Local Education Agency (LEA). The LEA is defined as the county school district or as an educational service agency.

3.16. Migrant. A child is considered migrant whose parent or spouse is a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, who seeks to obtain temporary or seasonal employment in agricultural or fishing industry and who has moved from one school 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.

3.17. Modifications. Modifications are changes in the administration of an assessment that include changes in the setting, scheduling, timing, presentation format, response mode, or any combination thereof that modify what is intended to be measured by the assessment or the meaning of the resulting scores. Allowable modifications are defined in the West Virginia Department of Education's (1) *Students with Disabilities: Guidelines for Participation in the West Virginia Measures of Academic Progress (WV-MAP)* document and (2) the LEP students' *LEP Inclusion Documentation Form*.

3.18. NAEP (National Assessment of Educational Progress). 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 have been 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 beginning in 2003 and will be given every two years thereafter.

## 126CSR14

3.19. Non-public school student. A non-public school student is a student that is not enrolled in an elementary or secondary 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.

3.20. Public school student. A public school student is a student enrolled in an elementary or secondary 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.

3.21. Section 504 Plan. A Section 504 Plan is a written plan describing the accommodations and/or modifications to be provided to a student determined by LEA procedures to have a disability as defined by Public Law 93-112, Section 504 of *The Rehabilitation Act of 1973*, (hereinafter Section 504).

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

3.23. Standard conditions. Standard conditions refer to the prescribed procedures followed during the administration of a specific assessment.

3.24. State Education Agency (SEA). A SEA is the sole state educational agency for all public schools. The West Virginia Department of Education is the SEA for West Virginia.

3.25. Testing window. The testing window refers to specific calendar dates during which each component of the West Virginia Measures of Academic Progress shall be administered in accordance with W. Va. Code and West Virginia Board of Education Policy.

3.26. West Virginia Alternate Assessment. The West Virginia Alternate Assessment is an assessment specifically designed for a small number of students with significant cognitive disabilities whose performance cannot be adequately assessed through the general assessment instrument, West Virginia Educational Standards Test, even with modifications.

3.26.1. Datafolio. A datafolio is an organized body of direct evidence used by the West Virginia Alternate Assessment to document a student's efforts, achievement, and progress on instructional activities linked to specific West Virginia Content Standards and Objectives.

3.27. West Virginia Measures of Academic Progress. West Virginia Measures of Academic Progress is the comprehensive assessment system that measures student performance. These measures include WESTEST, EOC, Alternate Assessment, Writing Assessment, ACT EXPLORE, ACT PLAN, and NAEP.

## 126CSR14

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

3.29. 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 Content Standards and Objectives.

### **§126-14-4. Program Regulations Effective August, 2003.**

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 Assessment to the WESTEST.

4.2. All public school students identified as LEP shall participate in the WESTEST as determined by the LEP Committee. Using the LEP Inclusion Documentation Form, the committee will determine the appropriate accommodations and/or with modifications, if any (Policy 2417).

4.3. All public school students with disabilities who are eligible for services as defined in Policy 2419 shall participate in the WESTEST as determined by their IEP Team with accommodations and/or with modifications in the grade level at which they are enrolled or in the West Virginia Alternate Assessment to the WESTEST at the grade level at which they are enrolled.

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 Alternate Assessment as determined by their IEP Teams, shall participate in the West Virginia Alternate Assessment.

4.3.2. All public school students with a disability as defined by Section 504, who do not have an IEP, shall participate in the WESTEST. Any accommodations and/or modifications for assessment administration must be determined by the student's Section 504 Committee and must be 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, except those who are participating in West Virginia Alternate Assessment, 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.

## 126CSR14

4.3.4. When the LEP student is a student with a disability under Policy 2419 or Section 504, the respective IEP Team or Section 504 Committee will determine the student's appropriate assessment participation (Policy 2417).

4.4. All public school students shall be assessed with the appropriate EOC tests at the grade level in which they are enrolled and taking the course. All public school eligible students with disabilities under Policy 2419 or Section 504 will be assessed with the appropriate accommodations and/or with modifications as determined by their respective IEP Teams or Section 504 Committees.

4.5. All public school students enrolled in 4th, 7th and 10th grades, except those participating in the West Virginia Alternate Assessment to WESTEST, shall participate in the Writing Assessment with accommodations and/or modifications as determined by their respective IEP Teams or Section 504 Committees.

4.6. All public school students enrolled in the 8th grade, except those participating in the West Virginia Alternate Assessment to WESTEST, shall participate in the ACT EXPLORE assessment with accommodations and/or with modifications as determined by their respective IEP Teams or Section 504 Committees in the fall of each year.

4.7. All public school students enrolled in 10th grade, except those participating in the West Virginia Alternate Assessment to WESTEST, shall participate in the ACT PLAN assessment with accommodations and/or with modifications as determined by their respective IEP Teams or Section 504 Committees in the fall of each year.

4.8. 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 West Virginia Measures of Academic Progress. The participant(s) of this test will be determined by a random sample at the national level. All students, except those participating in the West Virginia Alternate Assessment component of WESTEST, will be placed on the school roster from which the random sample will be taken to determine NAEP participation.

4.9. All homebound public school students, except those students too medically fragile to be assessed, are to be assessed at the school in which s(he) is enrolled or at an alternate testing site approved by the county test coordinator.

4.10. All public students enrolled in alternative education programs shall participate in the West Virginia Measures of Academic Progress. The test scores for students in alternative programs shall be aggregated in the results of the home county/school of referral W.Va. 126CSR20, West Virginia Board of Education Policy 2418, Regulations for Alternative Education Programs for Disruptive Students (hereinafter Policy 2418).

## 126CSR14

4.11. Home instructed students may participate in the state assessment program administered in the public schools of the county in which they reside, 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 received training as a test administrator and who has signed the test security agreement, and 2) a test date by the county test coordinator. All educators and non-public school students participating in the assessments of the West Virginia Measures of Academic Progress shall be required to follow all testing guidelines and procedures set forth in this policy.

4.12. All private and parochial school students may participate in the West Virginia Measures of Academic Progress. The private and parochial school administrator(s) must notify the test coordinator of that county 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 receiving the signed security agreement forms from the school officials. All educators and non-public school students participating in the assessments of the West Virginia Measures of Academic Progress shall be required to follow all testing guidelines and procedures set forth in this policy.

4.13. 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.

4.14. The West Virginia Board of Education 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 W.Va. 126CSR13, West Virginia Board of Education Policy 2320, A Process for Improving Education Performance Based Accreditation System (hereinafter Policy 2320).

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

5.1. All testing (regular and make-up) must be completed during the designated testing window. A determined and reasonable effort shall be made to administer a make-up test during the designated make-up portion of the test window to those students not tested during the regular test administration.

5.2. The West Virginia Alternate Assessment to WESTEST is an ongoing instructional and assessment process that requires the collection of data and other information regarding or related to a student's performance on selected content standards and objectives throughout the school year and the periodic documentation of the student's performance in a datafolio.

## 126CSR14

5.3. Teachers will administer, but are not required to grade, any portion of the West Virginia Measures of Academic Progress for children in kindergarten through age 21 except:

5.3.1. those teachers who are trained to evaluate the writing assessment; or

5.3.2. those educators who are trained to evaluate the alternate assessment.

5.4. The county testing program shall be managed by a county test coordinator who has been provided training in administering the test instruments used in this program.

5.4.1. Counties shall ensure that all school test coordinators and site administrators and/or designees, as well as all other appropriate central office and school building level professional staff, are adequately trained in test administration, interpretation and use.

5.4.2. Counties shall ensure that school test coordinators and site administrators and/or designees will provide adequate training and staff development for all educators that administer and/ or proctor state assessments.

5.4.3. The county test coordinator in each county shall develop an outline or overview regarding the administration and use of the West Virginia Measures of Academic Progress test results.

5.4.4. Practice tests, test improvement programs, juried lesson plans, and technology may be used to improve student achievement

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

6.1. All students who participate in the West Virginia Measures of Academic Progress and their parents/guardians shall be provided the individual student assessment results, and the opportunity for explanation and interpretation of those results, by professional staff at the school.

6.1.1. NAEP Assessment results are aggregated by state, regional and nation at grades 4 and 8; NAEP results are not available for individual student, school, or county.

6.2. All teachers shall be provided assessment data for the students in their schools and/or classrooms for the areas of instruction for which they are responsible in order to provide instructional interventions for students. Other professional staff in the school may access the test results by individuals, grade levels, and/or groups of students for the purpose of instructional planning.

6.3. The West Virginia Department of Education shall release school, LEA, and statewide assessment results.

## 126CSR14

6.3.1. The West Virginia Department of Education shall release to the public only those records that do not identify a student or small group of students in accordance with the Family Educational Rights and Privacy Act of 1974 (P.L. 98-380 as revised 1997), hereinafter FERPA. Current test materials and test items will not be released.

6.4. The West Virginia Department of Education shall disaggregate and report WESTEST and Alternate Assessment results by subgroups identified in the approved West Virginia Consolidated Application as required by NCLB.

6.4.1. Student performance on the WESTEST and on the Alternate Assessment to WESTEST shall be reported in terms of the percentage of students in each group or subgroup who achieved at least minimum proficiency in mastery of the content standards used for adequate yearly progress.

### §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. The county test coordinator shall acknowledge that all assessments within the West Virginia Measures of Academic Progress are secure tests by reviewing, signing and returning the *West Virginia Board of Education Test Procedures Agreement for County Test Coordinator* (Appendix B) to the West Virginia Department of Education by the date established by the Office of Student Services and Assessment.

7.2.1. Secure test materials shall be used only in conjunction with the West Virginia Measures of Academic Progress. Apart from the scheduled test administration to students, use of test booklets and copying the booklets or excerpts from the booklets is inappropriate and unethical. Violation may result in severe penalties, including but not limited to, revocation of professional license.

7.2.2. 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 consistent with test security procedures outlined in the *Testing Code of Ethics* (Appendix A).

7.3. The school principal shall acknowledge that all assessments within the West Virginia Measures of Academic Progress are secure tests by reviewing, signing and returning the *West Virginia Board of Education Test Procedures Agreement for School Principal* (Appendix C) to the county by the date established by the county test coordinator. This agreement must be on file with the county test coordinator before any test administration materials will be released to the school.

## 126CSR14

7.3.1. Secure test materials shall be used only in conjunction with the West Virginia Measures of Academic Progress. Apart from the scheduled test administration to students, use of test booklets and copying the booklets or excerpts from the booklets is inappropriate and unethical. Violation may result in severe penalties, including but not limited to, revocation of professional license.

7.3.2. Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured, central location in the schools consistent with test security procedures outlined in the *Testing Code of Ethics* (Appendix A).

7.3.3. All student test data will be stored in a locked and secured area. Student test data will be maintained under conditions consistent with the requirements of FERPA, W.Va. 126CSR94 West Virginia Board of Education Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data (hereinafter Policy 4350).

7.3.4. The test administration area shall be maintained in a secure manner to include only those students to whom the assessment is being administered and the examiners.

7.4. The examiners shall acknowledge that all assessment within the West Virginia Measures of Academic Progress are secure tests by reviewing, signing and returning the *West Virginia Board of Education Test Procedures Agreement for Examiner* (Appendix D) to the school principal by the date established by the principal. This signed agreement must be on file with the principal.

7.4.1. The examiners shall not use any specific information from the secure test questions to review students, create review worksheets, or any other aids that would improve students' test scores without improving the underlying knowledge base.

7.4.2. Secure test materials shall be used only in conjunction with the West Virginia Measures of Academic Progress. Apart from the scheduled test administration to students, use of test booklets and copying the booklets or excerpts from the booklets is inappropriate and unethical. Violation may result in severe penalties, including but not limited to, revocation of professional license.

7.4.3. Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured, central location in the schools consistent with test security procedures outlined in the *Testing Code of Ethics* (Appendix A).

7.4.4. All student test data will be stored in a locked and secured area. Student test data will be maintained under conditions consistent with the requirements of the FERPA.

7.5. The West Virginia Department of Education will routinely review county school and

## 126CSR14

classroom test data reports to identify irregularities in testing security procedures, modifications of test answer sheets, or other alleged unethical practices. These procedures are outlined in the West Virginia Board of Education Test Procedures Agreements for County Test Coordinator, School Principal, Examiner and the *Testing Code of Ethics*.

7.6. Any violation of this shall be reported as follows:

7.6.1. Any alleged violation that occurs in the school shall be reported to the school principal.

7.6.2. School principals shall report alleged violations to the county test coordinator.

7.6.3. The county test coordinators shall report alleged violations to the county superintendent and to the Office of the State Superintendent of Schools, West Virginia Department of Education.

7.6.4. The county superintendents shall report alleged violations to the Office of the State Superintendent of Schools, West Virginia Department of Education.

7.6.5. Any alleged violation can be reported directly to the Office of the State Superintendent of Schools, West Virginia Department of Education.

### **§126-14-8. Investigation of Security Violation.**

8.1. Any written complaint and/or oral report alleging a violation of West Virginia Measures of Academic Progress testing security or copyright infringement shall be reported immediately to the county superintendent of the county (or organization) in which the violation(s) occurred. The county superintendent shall immediately contact the West Virginia Department of Education who will advise the county about the procedures to follow regarding any investigation.

8.2. All complaints will be investigated whether reported by a named individual or anonymously to insure test security for all students and reliability of school results.

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

8.3.1. jointly conducted by the designated staff of West Virginia Department of Education and the county superintendent (or the designated staff) of the county in which the alleged violation occurred, or

8.3.2. at the request of the county superintendent, conducted by the staff of West Virginia Department of Education, solely.

## 126CSR14

8.4. 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.

8.4.1. 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.

8.4.2. The investigating 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 filed pending the completion of an investigation of testing security or copyright violations.

8.5. Upon completion of the investigation, written findings and recommendations based on all the facts and surrounding circumstances must be submitted immediately to the Office of the State Superintendent of Schools with a copy to the county superintendent and shall include:

8.5.1. a determination of whether any action or incident constitutes a violation of testing security procedures or copyright infringement as follows:

a. testing security procedures or copyright infringement was not breached,  
or

b. testing security procedures or copyright infringement breach could not be determined, or

c. testing security procedures or copyright infringement was breached and include recommendations for

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

B. retesting of students with the equivalent form of the test with the county assuming the cost of both purchasing and scoring the equivalent form, if testing window has not closed,

C. re-aggregating the test data for valid test results for students and school,

D. using the equivalent form in the next year's administration.

8.5.2. Any taped conversation from the investigation shall be transcribed and a copy shall be forwarded to the county superintendent upon written request following the submission of

## 126CSR14

the recommendations above.

8.6. Upon receipt of the written findings and recommendations of the investigation team, the county superintendent shall take any appropriate employment action and so advise the State Superintendent of Schools, in writing, setting forth any recommendations as follows:

- 8.6.1. no action was taken by the county board,
- 8.6.2. punitive action was taken by the county board,
  - a. suspension by county board,
  - b. termination by county board, or
  - c. other.
- 8.6.3. action against teaching license taken by State Superintendent of Schools.

8.7. Upon review of the investigative team's written findings/recommendations, the State Superintendent of Schools shall take appropriate action against those found to have violated test security procedures or copyright violations.

### **§126-14-9. West Virginia Measures of Academic Progress.**

- 9.1. 2003-2004 Informal Item Bank Available
  - 9.1.1. Informal Item Bank in Kindergarten through Grade 12
- 9.2. 2003-2004 Test Administrations
  - 9.2.1. WESTEST
    - a. Grades 3-8 - Reading/Language Arts, Math, Science, Social Studies
    - b. Grade 10 - Reading/Language Arts, Math, Science
  - 9.2.2. Alternate Assessment
  - 9.2.3. ACT EXPLORE and PLAN
  - 9.2.4. National Assessment of Educational Progress (NAEP)

## 126CSR14

### 9.2.5. Writing Assessment

### 9.3. 2003-2004 Field Testing of the EOC Exams

9.3.1. End-of-Course exams will be field tested in grades 9 through 12 as follows:

- a. Grade 9 - English 9, Coordinated & Thematic Science 9 (CATS 9) and U.S. History to 1900
- b. Grade 10 - World Studies to 1900
- c. Grade 11 - English 11 and 20-21st Century Studies
- d. Grade 12 - English 12

9.4. Algebra I and Geometry are not grade level specific but will be administered at the completion of the course regardless of the year.

9.5. 2005 EOC Exams will be fully operational tests.

## 126CSR14

### Appendix A

#### TESTING CODE OF ETHICS

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

#### ETHICAL TESTING PRACTICES

##### Test Security

1. County school personnel shall establish and implement procedures to ensure maximum test security and limit involvement to school personnel.
2. Before each test administration, materials must be distributed according to instructions provided with the test. Tests must be secured at all times during test administration tests, including any break times. Unused test materials shall be returned to a locked and secured area as soon as practical. 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 following each daily testing session.
3. Test materials must be stored in locked and secured central locations prior to and following each daily testing session. Test materials are *not* in the building more than one week before the testing window. Testing, including makeups, must occur during the testing window. Access to test booklets and answer sheets shall be restricted to the test administration period.
4. Any breach of security, loss of materials, or other deviation from acceptable security procedures shall be reported immediately to the school building principal, county test coordinator, the county superintendent, and to the proper authorities at the Office of the State Superintendent of Schools, West Virginia Department of Education.
5. Test booklets or questions shall not be reproduced or paraphrased in any manner.
6. Personnel responsible for the testing program shall be properly instructed in the appropriate test administration procedures.
7. No one shall violate test security or the accuracy of the test data score results by

## 126CSR14

- manipulating the test administration, demographic data, or the students' answers or data.
8. Each county test coordinator shall sign a security agreement prior to the test administration window. The agreements will be filed at the West Virginia Department of Education.
  9. Principals shall sign a security agreement that remains on file with the county test coordinator.
  10. Any individual who administers or handles the test materials at the school shall sign a security agreement that remains on file in the principal's office.
  11. The county test coordinator shall be responsible for the number of test booklets shipped to the county and shall maintain a record of how many booklets are sent to each school.
  12. Student test scores or test performance shall not be disclosed to unauthorized persons as set forth in W.Va. 126CSR94, West Virginia Board of Education Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data and W.Va. 126CSR14, West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress.
  13. No portion of student responses to any item shall be kept, copied, or reproduced unless otherwise directed by West Virginia Department of Education.

### **Test Administration**

1. Tests shall be administered only during the testing window established by the West Virginia Board of Education.
2. Examiners of standardized tests shall rigorously follow the appropriate administrative procedures as directed in the test's administration manuals.
3. All examiners shall strive to create a positive environment.
4. Students shall not have prior access to test questions or any access to answer keys.
5. Examiners shall limit assistance to students to issues concerning the mechanical aspects of marking answers, clarifying directions, and finding the right place on answer sheets. Examiners shall not indicate answers or point out the rationale of an item.
6. Students and examiners shall be monitored to ensure that appropriate test taking procedures, test security, and activities are followed.

## 126CSR14

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.
9. Accommodations as appropriate for students with Individual Education Programs or Section 504 plans shall be provided as established in their plans.

### **Test Notification**

1. Students and parents/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 inclusive content standards and objectives in the curricular areas.
2. Utilization of the informal item bank may be used for test preparation.
3. Students should be taught general test-taking skills and objectives.

Appendix B

**WEST VIRGINIA BOARD OF EDUCATION  
TEST PROCEDURES AGREEMENT  
FOR COUNTY TEST COORDINATOR**

1. The county test coordinator acknowledges that all assessments within the West Virginia Measures of Academic Progress are secure tests.
2. Procedures shall be implemented to ensure maximum test security.
3. Before each test administration, distribute materials according to the instructions provided with the test.
4. At the close of each testing window, all test booklets (used and unused) and answer sheets, if applicable, must be counted, reconciled, and returned according to the directions provided with the test.
5. Test materials are *not* in the building more than one week before the testing window and all testing must occur during the testing window. Test booklets or questions shall not be reproduced or paraphrased in any manner.
6. Any breach of security, loss of materials, or other deviation from acceptable security procedures shall be reported immediately to the county superintendent and to the Office of the State Superintendent of Schools, West Virginia Department of Education.
7. Building level test coordinators or designees shall be properly instructed in appropriate test security procedures including the *Testing Code of Ethics* and test administration procedures.
8. The county test coordinator shall 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.
9. The county test coordinator shall collect and retain the signed *West Virginia Board of Education Test Procedures Agreement for Principal* for each principal in their county.
10. Test administration materials shall not be released by the county test coordinator to the school without the signed agreement from the principal.

126CSR14

11. The distribution and collection of all secure test materials shall follow the directions provided with the tests. When distribution and collection of secure materials is the responsibility of the county test coordinator, he/she shall be responsible for the number of test booklets shipped to and returned from the schools. A record of how many booklets and other identifying characteristics are sent to and returned from each school shall be kept.
12. Student test scores or test performance data shall not be disclosed to unauthorized persons as set forth in 126CSR94 ,West Virginia Board of Education Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data and W.Va. 126CSR14, West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress .
13. No portion of student responses to any item shall be kept, copied, or reproduced unless otherwise directed by West Virginia Department of Education.
14. Students shall not have prior access to test questions or no access to answer keys.
15. Send this signed agreement to the West Virginia Department of Education, Office of Student Assessment.

I have read, understand, and with my signature agree to comply with the *Testing Code of Ethics* and each statement contained herein. I also understand I must return this signed agreement to the West Virginia Department of Education, Office of Student Assessment, Capitol Bldg. 6, Room 722, 1900 Kanawha Blvd., E., Charleston, WV 25305 at least two (2) weeks before the WESTEST is administered.

---

County Test Coordinator Signature

---

School

---

Date

126CSR14

Appendix C  
WEST VIRGINIA BOARD OF EDUCATION  
TEST PROCEDURES AGREEMENT  
FOR PRINCIPAL

1. The principal acknowledges that all assessments within the West Virginia Measures of Academic Progress are secure tests.
2. Procedures shall be implemented to ensure maximum test security.
3. Before test administration, materials must be distributed according to instructions provided with the test. Access to test booklets and answer sheets shall be restricted to the test administration period and all testing must occur during the testing window.
4. Test materials must be stored in locked and secured central locations prior to and following each daily testing session. Test booklets or questions shall not be reproduced or paraphrased in any manner.
5. At the close of each testing window, all test booklets (used and unused) and answer sheets, if applicable, must be counted, reconciled, and returned according to the directions provided with the test.
6. Any breach of security, loss of materials, or other deviation from acceptable security procedures shall be reported immediately to the county test coordinator.
7. Personnel involved in the testing program shall be properly instructed in the appropriate test security including the *Testing Code of Ethics* and test administration procedures.
8. The principal shall 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.
9. The principal shall collect and retain the signed *West Virginia Board of Education Test Procedures Agreement for Examiner* for each examiner in their school.
10. Student test scores or test performance data shall not be disclosed to unauthorized persons as set forth in W. Va. 126CSR94, West Virginia Board of Education Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data and W. Va. 126CSR14, West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress.
11. No portion of examinee responses to any item shall be kept, copied, or reproduced unless otherwise directed by West Virginia Department of Education.
12. Students shall not have prior access to test questions or any access to answer keys.

126CSR14

13. Students and examiners shall be monitored to ensure that appropriate test taking procedures, testing security, and activities are followed.
14. Students and examiners shall be monitored to ensure that only references or tools specifically designated in test manuals are provided.
15. Prior to the beginning of test administration, testing rooms shall be checked to ensure that any specific information, as specified by the test manual, is not displayed in the room during test administration.
16. Ensure examiners' compliance with appropriate accommodations for students with Individual Education Programs or Section 504 plans when so designated in the test manual.
17. Send this signed agreement to the county test coordinator. Test administration materials will not be released by the county test coordinator to the school without this signed agreement.

I have read, understand, and with my signature agree to comply with the *Testing Code of Ethics* and each statement contained herein. I also understand that I must return this signed agreement to my county's test coordinator before test booklet/materials are released to the school.

---

Principal Signature

---

School

---

Date

126CSR14

**Appendix D**  
**WEST VIRGINIA BOARD OF EDUCATION**  
**TEST PROCEDURES AGREEMENT**  
**FOR EXAMINER**

1. The examiner acknowledges that all assessments within the West Virginia Measures of Academic Progress are the secure tests.
2. Training about W.Va. 126CSR14, West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress including the *Testing Code of Ethics* has been provided.
3. Instruction in the possible consequences of violations of test and data security has been provided.
4. W.Va. 126CSR14, West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress including the *Testing Code of Ethics* has been reviewed.

By signing this form and returning it to the school principal, I verify that the above four conditions have been met.

---

Examiner Signature

---

School

---

Date

## FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO HB RESOLUTION NO \_\_\_\_\_

SUBJECT The West Virginia Measures of Academic Progress (Policy 2340) FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

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

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

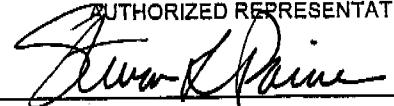
**SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT**

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

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

DATE  
3/21/03

AGENCY  
Education

AUTHORIZED REPRESENTATIVE  


**POLICY 2340: WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS  
COMMENT LOG  
April 24 - May 30, 2003**

Action Type  
 N: No Response - Negative  
 NA: Not Accepted + Positive  
 A: Accepted o Neutral

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>§126-14-1. General</b>		
		<b>§126-14-2. Purpose</b>		
		<b>§126-14-3. Definitions</b>		
4/24/03	Sandra McQuain Coordinator WV Dept. of Education	3.1. Cite West Virginia Department of Education Students with Disabilities: Guidelines for Participation in the West Virginia Measures of Academic Progress (WV-MAP) as the reference.  3.17. Cite West Virginia Department of Education Students with Disabilities: Guidelines for Participation in the West Virginia Measures of Academic Progress (WV-MAP) as the reference.	A  A	This language was added to the policy.  This language was added to the policy.

Date	Individual/Organization	Comments	Action/Type	Rationale
4/24/03	Amelia Courts Executive Director WV Dept. of Education	<p><b>§126-14-3. Definitions (Continued)</b></p> <p>3.1. Cite LEP Inclusion Document Form as the reference.</p> <p>3.14. Use updated LEP Definition from Policy 2417 and Cite Policy 2413 in this definition.</p> <p>3.17. Cite LEP Inclusion Document Form as the reference.</p>	A A A	<p>This language was added to the policy.</p> <p>Language from recently approved policy 2417 was inserted into the assessment policy for consistency.</p> <p>This language was added to the policy.</p>
5/29/03	Teacher Spring Special Ed. Conf.	<p>3.12. Change to "by a team of both....."</p> <p>3.17. Change modifies to "modify"</p>	A A	<p>This language was added to the policy.</p> <p>This language was added to the policy.</p>
5/29/03	Teacher Spring Special Ed. Conf.	<p>3.10. Home instructed is confusing. Is this the same as home schooled?</p> <p>3.19. Non-public school is not defined. Please define it.</p>	A A	<p>Clarifying language was added to the policy.</p> <p>Non-public school definition was provided in the policy.</p>
5/30/03	Sheila Lucento County Test Coordinator Raleigh County	<p>3.9. Between 3.8. and 3.9. - Add the definition of Examiner as a West Virginia Educator with a signed Test Procedures Agreement for the Administration of any of the Statewide Assessment Program. (We have since learned that the parent was also present during part of the Writing Assessment.)</p>	A	<p>This language was added to the policy.</p>

Date	Individual/Organization	Comments	Action/Type	Rationale
4/14/03	Amelia Courts Executive Director WV Dept. of Education	<p><b>§126-14-4. Program Regulations Effective August, 2003.</b></p> <p>4.2. Separate LEP students from LEP/IEP students.</p> <ul style="list-style-type: none"> <li>• Make 4.2 address the first two lines in 4.2.4. and leave the rest of 4.2.4. as is.</li> </ul>	A	This language was added to the policy.
5/23/03	Linda Sumner Delegate-District 27 WV House of Delegates	<p>4.10. Page 6 states that test scores for students in alternative education shall be aggregated in the results of the home county/school referral. Alternative schools should be accountable for their own test scores. In Raleigh County these students are withdrawn from the home/county school, taught by teachers in the alternative school, and have no contact with their home school. I therefore, see no relationship between students of the two schools. The scores should count in the overall county scores.</p> <p>I believe that those involved in education make every effort to meet the needs of all students. It is also the expectation that students will recognize that school is a privilege, a responsibility, a right, and an opportunity.</p>	NA	This language cannot be accepted because State Board Policy 2418 requires alternative education programs to be aggregated in the results of the home county/school of referral.
5/29/03	Teacher Special Ed. Spring Conf.	<p>4.1 Change "at which" they are enrolled to "in which".</p>	A	This language was added to the policy.
		<b>§126-14-5. Administration Regulations.</b>		
		<b>§126-14-6. Reporting Regulations.</b>		
Page 3				

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/30/03	Karen Canterbury County Test Coordinator Mingo County Schools	<p><b>§126-14-7. Test Security.</b></p> <p>(Appendix A, Test Administration Section, No. 7 and Appendix C, Statement 15). I think that charts, posters, and other instructional aids that have been displayed in the classroom throughout the year should be allowed to remain. Some teachers would have to spend a tremendous amount of time removing or covering them before the test administration and then displaying them again after testing is completed.</p>	NA	Policy language states "as specified by the test manual;" therefore, requested revisions will be made in test manuals - not policy .
5/30/03	Sheila Lucento County Test Coordinator Raleigh County	7.3.4. Test administration shall include only students and examiners.	A	This language was added to the policy.
		<b>§126-14-8. Investigation of Security Violation.</b>		
		<b>126-14-9. West Virginia Measures of Academic Progress.</b>		
Page 4				

## Comments on Policy 2340

- 3.1. Cite LEP Inclusion Document Form as the reference.
- 3.14. Use updated LEP Definition from Policy 2417 and Cite Policy 2413 in this definition.
- 3.17. Cite LEP Inclusion Document Form as the reference.
  
- 4.2.4. Separate LEP students from LEP/IEP students.
  - Make 4.2. address the first two lines in 4.2.4. and leave the rest of 4.2.4 as is.

Amelia Courts  
Executive Director  
WV Department of Education

Comments for Policy 2340

- 3.1. Cite West Virginia Department of Education Students with Disabilities: Guidelines for Participation in the West Virginia Measures of Academic Progress (WV-MAP) as the reference.
  
- 3.17. Cite West Virginia Department of Education Students with Disabilities: Guidelines for Participation in the West Virginia Measures of Academic Progress (WV-MAP) as the reference.

Sandra McQuain  
Coordinator  
WV Department of Education



RECEIVED  
MAY 23 2003

**HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM R-150  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305-0470  
PHONE (304) 340-3180

LINDA SUMNER  
155 OAK RUN  
BECKLEY, WV 25801  
PHONE: (304) 255-6965  
EMAIL: lsumner@mail.wvnet.edu

Committees:  
Education  
Health & Human Resources  
Political Subdivisions

May 22, 2003

Shirley McGraw  
Office of Student Assessment  
West Virginia Department of Education  
Capitol Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

Dear Shirley McGraw,

I am writing in reply to the West Virginia Board of Education proposed rule Title Number 126, West Virginia Measures of Academic Progress Program (2340), series number of rule being amended: 14.

126-14-4. Program Regulations, 4.9. page 6. states that test scores for students in alternative education shall be aggregated in the results of the home county/school referral. Alternative schools should be accountable for their own test scores. In Raleigh County these students are withdrawn from the home/county school, taught by teachers in the alternative school, and have no contact with their home school. I therefore, see no relationship between students of the two schools. The scores should count in the overall county scores.

I believe that those involved in education make every effort to meet the needs of all students. It is also the expectation that students will recognize that school is a privilege, a responsibility, a right, and an opportunity.

Sincerely,

*Linda Sumner*  
Linda Sumner  
Delegate-District 27

## Shirley McGraw

---

**From:** Shelia Lucento [slucento@access.k12.wv.us]  
**Sent:** Tuesday, June 03, 2003 11:54 AM  
**To:** smcgraw@access.k12.wv.us  
**Cc:** skl68@hotmail.com; Jan Barth  
**Subject:** Policy 2340

I would like to comment on Policy 2340.

This school year during the administration of SAT 9 we had a problem, which is still not resolved, at a school in which the teacher (examiner) allowed a parent to be in the room during the reading of a special ed testing session. In order to prevent this from happening in the future some language needs to be added to the policy to specifically prohibit this.

Perhaps add after 7.33 Test administration shall include only students and examiners.

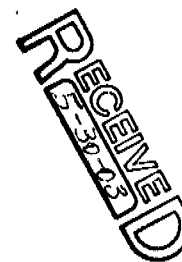
Between 3.8 and 3.9 - Add the definition of Examiner as a West Virginia Educator with a signed Test Procedures Agreement for the administration of any of the Statewide Assessment Program. (We have since learned that the parent was also present during part of the Writing Assessment.)

Since at least one other student was in the room, other than the children of the parent, we wonder about possible FERPA violations as well.

Thank you for your consideration.

---

Outgoing mail is certified Virus Free.  
Checked by AVG anti-virus system (<http://www.grisoft.com>).  
Version: 6.0.487 / Virus Database: 286 - Release Date: 06/01/2003



**COMMENTS/SUGGESTIONS**

---

*Directions: Please use this form in commenting on proposed Policy 2340.*

**Individual/Organization:** Karen Canterbury/Mingo County Schools

**Title:** County Test Coordinator

**Street Address:** Rt. 2 Box 310, Williamson, WV 25661

**Comments/Suggestions**

**126-14-1. General.**

**126-14-2. Purpose.**

**126-14-3. Definitions.**

**126-14-4. Program Regulations Effective August, 2003.**

**Policy 2340: West Virginia Measures of Academic Progress Program**

**Page Two**

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

**126-14-6. Reporting Regulations.**

**126-14-7. Test Security.**

**Appendix A, Test Administration section, statement #7 and Appendix C, statement #15:**

I think that charts, posters, and other instructional aids that have been displayed in the classroom throughout the year should be allowed to remain. Some teachers would have to spend a tremendous amount of time removing or covering them before the test administration and then displaying them again after testing is completed.

# Assessment Policy 2340 - Comment Sheet

## 126-14-3. Definitions.

3.1. ~~Home~~ Home - <sup>school</sup> instructed (3.9) is confusing by last phrase "may be enrolled in a course in the public school system".

3.7. Does this include home-schooled & private schooled?  
Private schools are not defined

3.11. \_\_\_\_\_

3.16. \_\_\_\_\_

3.19. 504 - PL 93-112 has been revised in 90 or 91? And has a new PL #

3.20. \_\_\_\_\_

3.24. \_\_\_\_\_

## 126-14.4. Program Regulations

4.1. \_\_\_\_\_

4.3. \_\_\_\_\_

4.4. \_\_\_\_\_

4.5. \_\_\_\_\_

4.6. \_\_\_\_\_

4.7. \_\_\_\_\_

# Assessment Policy 2340 - Comment Sheet

## 126-14-3. Definitions.

3.1. \_\_\_\_\_

3.7. \_\_\_\_\_

3.11. *include the language - developed by a team including but not limited to*

3.16. *the verb agreement change "modifies" to changes. ~~to~~ ~~changes~~ ~~does~~ ~~not~~ ~~match~~ ~~guidance~~ ~~document~~ plus the language when match guidance document*

3.19. \_\_\_\_\_

3.20. \_\_\_\_\_

3.24. \_\_\_\_\_

## 126-14.4. Program Regulations

4.1. \_\_\_\_\_

4.3. \_\_\_\_\_

4.4. \_\_\_\_\_

4.5. \_\_\_\_\_

4.6. \_\_\_\_\_

4.7. \_\_\_\_\_

# Assessment Policy 2340 - Comment Sheet

## 126-14-3. Definitions.

3.1. ok

3.7. ok

3.11. shouldn't you refer to the I.E.P. as a legal document developed by a TEAM including, but not limited to both special + reg. educators - - -

3.16.

changes ~~that~~ in setting . . . that modify (not mod. fies)

OK

3.19. ok

3.20. ok

3.24. ok

## 126-14.4. Program Regulations

4.1. "grade level" at which <sup>should be</sup> "in" which they are enrolled?

4.3. ok

4.4. ok

4.5. ok

4.6. ok

4.7. ok

4.8. ok

---

---

126-14-5. Administrative Regulations.

5.2. ok

---

---

5.3. Does that mean they may grade if they want to? That is how it reads.

Shouldn't it ~~say~~<sup>read</sup> "Teachers will administer, but not grade, ...." unless grading is an option -  
The rest would still preserve the intent.