



District of Columbia State Test Security Guidelines

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Introduction

The Districtwide assessment program, administered by the Office of the State Superintendent of Education (OSSE), is of the utmost importance to the measurement and reporting of the achievement of students and schools in the District of Columbia. Pursuant to the *District of Columbia Public Education Reform Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2601 et seq.)* OSSE serves as the State Education Agency (SEA) and performs the functions of an SEA for the District of Columbia under applicable federal law, including grant-making, oversight, and state functions for standards, assessments, and federal accountability requirements for elementary and secondary education.

OSSE has developed these Test Security Guidelines to set forth minimum requirements that ensure that local educational agencies (LEAs) and school personnel are aware of the state requirements for maintaining strict test security procedures. OSSE's goal is for schools and LEAs to deliver a uniform and equitable districtwide assessment program. For assessments to yield fair and accurate results the assessments must be administered in consistent and standardized conditions; the best way to ensure that occurs is to ensure all teachers and administrators understand and recognize acceptable and unacceptable practice.

District of Columbia District wide Assessments

The District of Columbia administers multiple assessments annually in accordance with federal and District of Columbia law, including as set forth at D.C. Official Code Title 38-1800.02 (13) regarding Districtwide Assessments. These Districtwide assessments are an important source of data on students' progress and proficiency relative to DC's educational standards.

OSSE Responsibilities

Oversee functions and activities as set forth in the [Test Integrity Act of 2013](#), effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code Title 38-771.01 *et seq.* and 38-2602(b)(20) ("Test Integrity Act"), including:

- Establish policy, procedures, standards, and rules obtain and securely maintain and distribute test materials, maintain an inventory of materials to be secured under lock and key, provide for with access to the test materials exclusively to authorized personnel who have signed a test integrity and security agreement developed by OSSE, pursuant to section D.C. Official Code Title 38-2602(b)(20);
- Ensure that procedures have been established for maintaining secure assessment technology platforms;
- Obtain, approve, and maintain for public review, LEA test security plans, including but not limited to the points of contact for the test integrity coordinator and test monitors at each school under the LEA's control, and a list of actions prohibited by authorized personnel pursuant to sections 102 and 201 of the Test Integrity Act of 2013;
- Develop and implement a process for monitoring assessments at any point during the assessment cycle;

- Develop and provide standards for training and technical assistance for authorized personnel and LEAs regarding testing integrity and security procedures;
- Report and manage assessment results;
- Conduct a test integrity review involving analyses of test results to ensure their integrity;
- Provide procedural guidance to LEAs for investigating any allegations of state test violations;
- Develop a process for sharing the outcomes of personnel related test integrity investigations with LEAs who are interested parties; and
- Cooperate with investigations initiated by the Office of the Attorney General for the District of Columbia or the U.S. Attorney's Office.

OSSE Precedence

The Office of the State Superintendent of Education (OSSE) is responsible for overseeing the state-level functions and activities required by federal law, including as required in the Elementary and Secondary Education Act of 1965 (ESEA) and amendments of the No Child Left Behind legislation, and District law and the Test Integrity Act of 2013, and establishing policy, regulations, and guidelines that ensure Districtwide assessments are administered with fidelity. Therefore, DC law related to testing policies, regulations, and guidelines take precedence over the directions indicated in test vendor administration manuals where the two may be in conflict.

LEA Responsibilities

LEAs, or a school subject to a LEA's control, pursuant to the Testing Integrity Act of 2013, shall be responsible for the following functions to ensure integrity and security of the mandatory Districtwide assessments administered by LEAs. Failure to perform the following activities shall constitute a state test security violation:

- All testing integrity functions and responsibilities detailed by sections 101-107 of the Test Integrity Act, D.C. Code § 38-771.01-771.07, and the requirements of Title 38-2602(b)(20), commencing with filing a test security plan with OSSE, and including to:
 - Designate authorized personnel pursuant to section 103(a) of the Testing Integrity Act of 2013, including an LEA Test Integrity Coordinator and School Test Monitors, and such LEA or School Technology Coordinators LEA or School Special Education Coordinators (as applicable);¹
 - Ensure all authorized personnel complete OSSE testing integrity training before the administration of a Districtwide assessment;
 - Ensure all authorized personnel of the LEA and schools subject to its control sign a testing integrity and security agreement developed by OSSE;
 - Maintain a Test Security File for each school under their purview for a minimum of three (3) years;
 - Create, maintain and submit an LEA Test Security Plan to OSSE;

¹ Sec. 102 (b)(2); D.C. Official Code § 38-771.02(b)(2).

DC STATE TEST SECURITY GUIDELINES

- Obtain and securely maintain and distribute testing material;
- Ensure that the LEA test site(s) implementing computer-based testing is/are technology-ready in accordance with the applicable LEA Test Security Plan submitted to OSSE;
- Administer Districtwide tests as prescribed in the appropriate testing law, regulations, policies, plans and manuals (unless expressly amended in writing by OSSE);
- Monitor the administration of Districtwide assessments to ensure that applicable federal and local assessment law, regulations, policies, plans and manuals are being followed;
- Prior to, during, and following each test administration secure all state test materials, to include all testing materials used to facilitate paper- and computer-based testing, under lock and key and prohibit unauthorized access to secure testing materials at all times;
- Follow the technical difficulties process and report computer-based/online difficulties that impact test administration;
- Unless identified as an accommodation pursuant to section 103(b) of the Testing Integrity Act of 2013 as explicitly identified in a student's Individuals with Disabilities Education Act (IDEA – 20 USC §1400 *et seq.*) Individualized Education Program (IEP), or an approved accommodation plan for an English Language Learner (ELL) (Title I, III - ESEA) student, prohibit using cell phones, unapproved electronics, or computer devices (other than as designated for on-line testing) during the administration of a Districtwide assessment. (D.C. Official Code Title 38-Sections 771.03(a)(4)(K) and 771.03(b)).
- Prohibit any form of cheating;
- Return/dispose of all secured test materials following procedures outlined in the appropriate testing manuals;
- Prohibit the allowance of extended time beyond the total testing time, unless expressly permitted in students' Individual Educational Program (IEP or Section 504 or English Language Learner (ELL) Plan;
- Immediately report any breach of testing security to the school's test monitor, the LEA's test integrity coordinator, or OSSE;
- Uphold the integrity of testing and accuracy of the data by preventing any dishonest or fraudulent behavior and promoting a fair and equitable testing environment;
- Investigate, document, and report to OSSE any findings and recommendations for the remediation of an allegation of the failure of the test security plan or other testing integrity and security protocol;
- Within 10 days after the conclusion of a Districtwide assessment, obtain signed, under penalty of law, affidavits from the LEA's test integrity coordinator and each of the LEA's test monitors and authorized personnel however denominated attesting that, to the best of his or her knowledge or belief, the LEA complied with all applicable laws, regulations, and policies, including the test security plan; and

- Within 15 days after conclusion of a Districtwide assessment, file with OSSE the affidavits and copies of all testing integrity and security agreements.

The only permitted deviations from the foregoing LEA requirements are approved adaptations and accommodation(s) for eligible students that are explicitly identified on a student's individualized education program (IEP) developed under the Individuals with Disabilities Education Act (IDEA) and Title 5-E Chapter 30 (Education of the Handicapped), including Section 3016 (Assistive Technologies) of the District of Columbia Municipal Regulations, or an approved accommodation plan for a ELL student, or plan developed under Section 504 of the Rehabilitation Act of 1973 (Section 504 plan); provided that any accommodation shall be limited to the eligible student (see D.C. Official Code Title 38-1800.02(13)(E). Any accommodations must be:

- a. Limited to the eligible student or students;
- b. Based on explicit direction in an IEP, 504 plan or ELL plan or guideline; and administered strictly as outlined in the appropriate test manual. (see, Test Integrity Act of 2013, Sec. 104(a)(4)(b); D.C. Official Code § 38-771.04(a)(4)(b).

School Responsibilities

Schools are responsible for the following functions to ensure the integrity and security of all mandatory Districtwide assessments administered by the school. Failure to perform the following activities shall constitute a state test security violation, including:

- All testing integrity functions and responsibilities detailed by sections 101-107 of the Test Integrity Act, D.C. Code § 38-771.01-771.07, and the requirements of Title 38-2602(b)(20),
- Maintain a Test Security File for a period of three (3) years;
- Create, maintain and submit a School Test Security and Administration Plan to OSSE as detailed in the Test Integrity Act of 2013 and OSSE's Test Security Guidelines;
- Obtain, securely maintain, and distribute material;
- Administer Districtwide tests as prescribed in the appropriate Test Integrity Act of 2013 law, regulations, policies and manuals, (unless expressly amended in writing by OSSE);
- Prior to, during, and following each test administration secure all state test materials to include all testing materials used to facilitate paper- and computer-based testing, and prohibit unauthorized access to secure test questions and materials at all times;
- Follow the technical difficulties process and report computer-based/online difficulties that impact test administration;
- Unless identified as an accommodation pursuant to section 103(b) of the Testing Integrity Act of 2013 as explicitly identified in a student's Individuals with Disabilities Education Act (IDEA – 20 USC §1400) Individualized Education Program (IEP), or an approved accommodation plan for an English Language Learner (ELL) student, prohibit using cell phones, unapproved electronics, or computer devices (other than as designated for on-line testing) during the administration of a Districtwide assessment. (D.C. Official Code Title 38-771.03(a)(4)(K), .03(b);

- Prohibit any form of cheating;
- Return/dispose of all secure and non-secure test materials following procedures outlined in the appropriate testing manuals;
- Remove or cover displays related to the content area being tested and/or test taking strategies, word walls, and multiplication tables prior to the administration of the state tests;
- Prohibit the use of unapproved electronic devices, including cell phones, by students while taking the state test and test administrators during the administration of an assessment;
- Prohibit the encouragement of students to finish early;
- Prohibit the allowance of extended time beyond the total administration time, unless expressly permitted in students' IEP or Section 504 or ELL Plan;
- Immediately report any breach of testing security to the school's test monitor, the LEA's test integrity coordinator, or OSSE;
- Uphold the integrity of testing and accuracy of the data by preventing any dishonest or fraudulent behavior and promoting a fair and equitable testing environment; and,

The only permitted deviations from these School requirements are approved accommodation(s) for eligible students that are explicitly identified on a student's individualized education program (IEP) or an approved accommodation plan for a ELL student, or plan developed under Section 504 of the Rehabilitation Act (Section 504 plan); provided that any accommodation shall be limited to the eligible student. Any accommodations must be:

- Limited to the eligible student or students; and
- Based on explicit direction in an IEP, Section 504 plan or ELL plan or guideline; and administered strictly as outlined in the appropriate test manual.

The Testing Environment and Exceptional Circumstances

The following guidelines, pursuant to principles derived from assessments pursuant both under the ESEA Title I (1965)-(NCLB) and the Test Integrity Act of 2013, and enumerated in the Template provide to LEAs in the past and in December 2014, address the testing environment, and include what a student can see, hear or access (including via technology) during testing sessions. The School Test Monitor or other authorized personnel shall designate a(n) area(s) for administering the Districtwide assessment to students in tested grades. OSSE may require a site visit, demonstration, and memoranda of understanding as conditions for approval.

Non-permissible Bulletin and Wall Displays

Any information regarding the content being assessed or test-taking strategies are prohibited in the testing environment, which includes but is not limited to the testing room, hallways, stairwells, and bathrooms where testing students travel during testing sessions.

Computer Based Testing and Electronics

Cell Phones (including cell phone watches): Cell phones may not be used in the testing environment by students or Test Administrators under any circumstances. During the administration of paper based tests, no cell phones may be in the testing environment at any

point during testing. During the administration of computer-based tests, School Test Monitors and School Technology Coordinators may only use cell phones for the sole purpose of communicating with vendor technical support services if such support is necessary for a student to complete a test.

Technical Irregularities and Difficulties

If a student or students' testing device(s) experiences technical problems that prevent the student(s) from normal continuation of testing, the Test Administrator must alert the Test Monitor and Technology Coordinator. All technical problems and delays which significantly impact the administration of the assessment must be reported and documented by the Test Monitor as an incident.

Computer-based Testing External Devices and Calculators

For computer-based testing, grade-level appropriate calculators will be available through the test platform on calculator sections of units. Students may also use hand-held, grade appropriate calculators (provided by either the school or the student). No calculators are allowed on non-calculator sections of units, except when specified by a student's IEP.

The following calculating devices are prohibited:

- Calculators with College Algebra System (CAS) features;
- Tablets, laptops or personal digital assistants (PDAs) or phone-based calculators; and
- Calculators and electronic devices with "QWERTY" keyboards, except where expressly mandated by an IEP.

Test Administrators must confirm that memory on all calculators has been cleared before and after the testing sessions and students may not share calculators within a testing session.

For additional information about implementing calculator accommodations as specified in a student's approved IEP or Section 504 plan, please see [OSSE's Accommodations](#) webpage.

Support Materials

Individual Districtwide assessments may permit additional support materials, which will be specified in the testing manual if permitted. In the event that additional support materials are permitted:

- Additional support materials must be located in a pre-determined location in the testing room;
- All guidance and instructions regarding additional support materials must be followed; and
- If schools allow students to bring their own permissible/specific support materials, they must be given to the School Test Monitor or Test Administrator prior to testing to ensure that the tools are appropriate for testing (e.g., tools do not have any writing or pre-stored information on them).

Prohibited Materials

English Language Arts/Literacy

- Dictionary or thesaurus (**Note:** Word-to-word dictionaries, without definitions or pictures, are an allowable accommodation for English Language Learner (ELL) students); and
- Any unauthorized resource or reference material that defines, explains, or illustrates ELA/ Literacy terminology or concepts or otherwise provides unauthorized assistance during testing.

Mathematics

- Grades 3-5: Calculators (unless specified as an accommodation in the student's IEP);
- Grades 6-8 and high school: Non-approved calculators;
- Any resources that define, explain or illustrate mathematical terminology or concepts or otherwise provides unauthorized assistance during testing;
- Mathematical formulas and conversion tables other than the grade-specific, vendor-supplied material; and
- Mathematics Reference Sheets other than the grade-specific, vendor-supplied material.

Exceptions and/or Special Circumstances

Absences and Makeups

- Students who are absent for any session that they have yet to begin of the Districtwide assessments may make up the test(s) during the testing window and in accordance with the specific days and times identified by the school in their School Test Security and Administration Plan submitted to OSSE for approval. **Students are never allowed to return to a testing session which they have exited after its initiation.**

Home Bound Students

- Homebound and/or hospital-tutored students enrolled in public education in the District of Columbia must participate in Districtwide assessments, administered by a trained Test Administrator. When circumstances make it impossible to test the student at the school, the school Test Monitor must work with the LEA Test Integrity Coordinator to determine how the student will participate in the Districtwide assessment and notify OSSE in the School Test Security and Administration Plan.

Home Schooled Students

- Home-schooled students' participation on the Districtwide assessment is voluntary. Parents and/or legal guardians implementing homeschooling programs and who wish to take part in the Districtwide assessment must notify their neighborhood DCPS school principal and/or school counselor by January 30th to secure testing participation.

Significant Medical Emergencies

- A significant medical emergency is an accident, trauma, or illness (mental or physical) that has been determined by a licensed physician to preclude a student from taking all or part of a Districtwide assessment. If a student has a significant medical emergency, the school may apply to OSSE for student exemption from testing.

Testing Students in Alternative Settings

- All public school students receiving temporary instruction at a program or alternative school other than the school to which they are regularly enrolled are to participate in Districtwide Assessments. Students in alternative settings may take the assessments at the schools in which the students are currently enrolled, their home, or at alternate testing sites approved by the LEA Test Integrity Coordinator.

Students with IEPs in Non-Public Settings

- LEAs must ensure that 100% of the students with disabilities enrolled at their LEA and schools subject to their control participate in Districtwide assessment, including students in nonpublic settings. Every nonpublic special education school or program must adhere to the Test Integrity Act of 2013 and the following District of Columbia requirements:
 - Ensure that every District of Columbia student enrolled in a nonpublic special education school or program is appropriately included in the Districtwide assessment system or alternate assessment approved by OSSE;
 - Ensure that Districtwide assessments are administered according to federal and state law, regulations, and state policy regarding test;
 - Comply with all federal and state law, regulations, and policy regarding testing and testing integrity;
 - Comply with all LEA and School level requirements outlined in this document;
 - Create and maintain a School Test Security plan for their site as outlined above;
 - Work closely with the LEA to ensure that the nonpublic School Test Security plan is integrated, reviewed and approved by the LEA Test Integrity Coordinator at students' LEAs of enrollment;
 - Maintain documentation evidencing that District of Columbia students were assessed utilizing the Districtwide assessment;
 - Provide any requested Districtwide testing documentation to referring LEA and/or OSSE upon request; and
 - In the event that there is a test security, irregularity, or data integrity issue, the nonpublic must contact the OSSE and the LEA Test Integrity Coordinator at the students' LEAs of enrollment.

Weather, Natural Disaster, Fire Alarm or School-wide Emergency

- If there is a school-wide emergency requiring evacuation, follow the LEA/school-wide emergency protocol. Student safety is paramount in a school-wide emergency; tests should be secured after student safety has been assured. Should this occur, the Test Monitor must complete an Incident Report and submit to the LEA Assessment Coordinator and the State Test Integrity Coordinator.

Authorized Personnel and Prohibited Actions

Authorized personnel means any individual who has access to Districtwide assessment materials or is directly involved in the administration of a Districtwide assessment, whether denominated by an LEA as LEA or School Test Security Coordinator, Test Administrator, Test Monitor, Technology Coordinator, Special Education Coordinator, Alternate Assessment Coordinator, Test Proctor, or otherwise, as defined in section 101 of the DC code, who must comply with all requirements set forth in sections 101-107 and section 201 of the Test Integrity Act of 2013, including specifically D.C. Official Code Title 38-771.01-.07 and Title 38-2602(b)(20).

Authorized personnel are prohibited from:

- Photocopying, or in any way reproducing , or disclosing secure test items or other materials related to Districtwide assessments;
- Reviewing, reading, or looking at test items or student responses before, during, or after administering the Districtwide assessment, unless specifically permitted in the test administrator's manual;
- Assisting students in any way with answers to test questions using verbal or nonverbal cues before, during, or after administering the assessments;
- Altering student responses in any manner;
- Altering the test procedures stated in the formal instructions accompanying the Districtwide assessments;
- Allowing students to use notes, references, or other aids, unless the test administrator's manual specifically allows;
- Having in one's personal possession secure test materials except during the scheduled testing date;
- Allowing students to view or practice secure test items before or after the scheduled testing time;
- Making or having in one's possession answer keys before the administration of the Districtwide assessment; except that it shall not be prohibited to have an answer key for a Districtwide assessment that has already been administered;
- Leaving secure test materials in a non-secure location or unattended by authorized personnel;
- Making a false certification on any Districtwide assessment forms established and required by OSSE;
- Failing to actively supervise students at all times during test sessions; Allowing any form of cheating;
- Failing to count all test booklets and answer documents before allowing any pupil to leave the testing room and/or to ensure that all pupils have properly logged off the computer system;
- Failing to observe the test material chain of custody as outlined in the Test Security Plan and Testing Integrity and Security Agreement; and

- Using or allowing students use of cell phones, unapproved electronics, or computer devices during the administration of a Districtwide assessment unapproved electronic and/or computer devices during the administration of a Districtwide assessment.

The failure to comply with the prohibitions set forth above shall not be considered a testing violation if the action is necessary to provide for an accommodation that is explicitly identified in a student's IEP, Section 504 plan, or an approved accommodation plan for an ELL student; provided that any accommodation shall be limited to the eligible student or students.

LEA Test Integrity Coordinator Role

The Test Integrity Coordinator is defined in section 101 and section 201 of the Testing Integrity Act of 2013 and means an individual who is designated by a LEA to be authorized personnel responsible for testing integrity and security for the LEA in its entirety during the administration of a Districtwide assessment. The LEA Test Integrity Coordinator is responsible for creating and implementing all aspects of the LEA Test Security Plan as detailed in this document before, during, and after testing. This individual coordinates security across all schools or campuses in the LEA and supports Test Monitors at each campus/school site within the LEA. The Test Integrity Coordinator must be an employee of the LEA, selected by the Head of LEA and one who can successfully fulfill these functions. The LEA Test Integrity Coordinator shall be available by telephone at least through September 29 of the following school year for purposes of test integrity investigations and missing materials resolution.

School Test Monitor Role

The School Test Monitor is defined in section 101 and section 201 of the Testing Integrity Act of 2013, and means an individual who is designated by a LEA to be authorized personnel, The School Test Monitor is responsible for creating and implementing all aspects of the School Test Administration and Security Plan before, during, and after testing. This individual coordinates security, maintains data integrity within their school/campus and supports all authorized personnel at that site. The Test Monitor must be an employee of the LEA, selected by the LEA Test Integrity Coordinator who can successfully fulfill these functions.

Technology Coordinator Role

The Technology Coordinator is considered by OSSE to be authorized personnel and must comply with all the responsibilities and prohibitions of authorized personnel. The primary function of the LEA Technology Coordinator is to prepare the testing platform and student and test administrator devices for testing; to be on hand to address technical difficulties; and to facilitate and resolve testing technology issues during all points of the assessment cycle.

Special Education Coordinator and Alternate Assessment Coordinator Roles

The Special Education Coordinator is considered by OSSE to be authorized personnel and must comply with all the responsibilities and prohibitions of authorized personnel. The

primary function of the Special Education Coordinator is to ensure that students entitled to accommodations and accessibility features have access to those accommodations and features on Districtwide assessments, and to provide training to authorized personnel tasked with providing those accommodations and features to students. For students with disabilities, IEP or 504 team members are responsible for making decisions about appropriate accommodations and accessibility features for the student. Failure to provide appropriate accommodations or providing accommodations to students who are not eligible is a direct violation of District of Columbia 2013 Test Integrity Act. The Special Education Coordinator can be an employee of the school or LEA, and should be selected by the LEA Test Integrity Coordinator or School Test Monitor. For additional information on adaptation, accommodation and accessibility features, please visit the testing accommodations page, <http://osse.dc.gov/service/testing-accommodations>.

The Alternate Assessment Coordinator (sometimes also the Special Education Coordinator) is considered by OSSE to be responsible for National Center and State Collaborative – Alternate Assessments (NCSC-AA) based on Alternate Achievement Standards (AAS), an assessment of students with significant cognitive disabilities, which requires administration by a teacher with whom the student is familiar. The Alternate Assessment Coordinator ensures authorized personnel adhere to protocols outlined in alternate assessment administration manuals.

Test Administrator Role

The Test Administrator is a professional employee of the District of Columbia Public School or a public charter school identified to OSSE and designated to an authorized personnel under the Test Integrity Act of 2013 responsible for administering the districtwide assessment to students who must comply with all the responsibilities and prohibitions of authorized personnel, and must perform all duties assigned by the School Test Monitor. Test Administrators may only administer the test to their own students if another individual, also authorized personnel, who is not the teacher of record for the testing group, is also present for the test administration. If the Test Administrator is not the teacher of record for the testing group, an additional authorized personnel is not required. The exception is the administration of the National Center and State Collaborative - Alternate Assessments (NCSC-AA) based on Alternate Achievement Standards (AAS), an assessment of students with significant cognitive disabilities, which requires administration by a teacher with whom the student is familiar.

Monitoring and Auditing Test Security

OSSE may implement standards for monitoring the administration of Districtwide assessments to ensure compliance with all applicable laws, regulations, and policies.

Schools and testing sites will be observed by OSSE state-level auditors to ensure compliance with federal and local law, and state regulations, and policies.

State Monitoring

OSSE may monitor Districtwide assessment administration procedure in randomly selected schools and in targeted schools to ensure adherence to all applicable laws, regulations, and policies, which occur one week before the administration of a Districtwide assessment and during the administration of a Districtwide assessment, pursuant to Title 38-2602(b)(20)(G).

Rapid Response

OSSE or OSSE designees may provide real-time test integrity expertise response to potentially critical incidents. This may also involve an extensive onsite review each day of the testing window.

After Action Quality Controls and Missing Materials

OSSE may also contact any school without prior notice following the completion of the test window to request documentation that all test security policies and guidelines were implemented as prescribed.

Post-Assessment Audit

OSSE may conduct a post-assessment audit to ensure that secure testing materials have been appropriately returned and/or destroyed per vendor instructions.

Test Security Violations

A testing irregularity is any event (before, during or after testing) that could potentially impact the integrity or validity of the Districtwide assessment or test data. It includes any actions or precautions that vary from directions specified by the testing contractor, the law, regulations, or the LEA or School Test Security Plan.

A **security breach may include a violation** of any District of Columbia law, regulation, or policy that is designed to secure copyrighted test materials and to ensure the integrity, reliability and validity of Districtwide assessments. A violation may be defined as any action, intentional or otherwise that threatens the integrity of the assessment results.

Sanctions

Any person or LEA that violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation, may be subject to the relevant the sanctions for persons and LEAs determined by OSSE to have violated the law and regulations thereunder or a test security plan as set forth in section 104 of the Test Integrity Act of 2013 (D.C. Official Code Title 38-771.04 (a)).

A LEA or a school subject to the LEA's control, determined by OSSE to have violated the Test Integrity Act of 2013, shall be subject to sanctions, including:

1. The payment of any expenses incurred by OSSE as a result of the violation, including the costs associated in with developing, in whole or in part, a new assessment;
2. An administrative fine of not more than \$10,000 for each violation; and
3. The invalidation of test scores.

A person who knowingly and willfully violates, assists in the violation of, solicits another to violate or assist in the violation of the provisions of the Test Integrity Act of 2013, regulations issued pursuant thereto, or test security plan, or fails to report such a violation, shall be subject to sanctions, including:

1. Denial, suspension, revocation, or cancellation of, or restrictions on the issuance or renewal, of a teaching or administrative credential or teaching certificate issued by OSSE, or both, for a period of not less than one (1) year;
2. Payment of expenses incurred by the LEA or OSSE as a result of the violation; or
3. An administrative fine, not to exceed \$1,000 for each violation.

Reporting an Alleged Test Security Violation

LEAs are responsible for ensuring all personnel whose duties involve test administration are trained in state, LEA and school requirements, policies and procedures. Any person who witnesses or believes a test security violation occurred must report it *as soon as possible* but no later than 24 hours after the alleged violation occurred. Potential violations may be reported directly to the School Test Monitor or the LEA Test Integrity Coordinator; to OSSE's Division of Data, Accountability, and Research (DAR); anonymously to the State Test Integrity Coordinator, or anonymously online.

Investigating Allegations of Test Security Violations

OSSE will review every allegation of test security violation to determine the appropriate course of action. OSSE will categorize the testing irregularity or security violation into one of three violation categories (i.e., minor, moderate, or critical) according to the severity of the violation and its possible consequences. OSSE may contact the LEA to discuss further investigation, or conduct a state investigation. Pursuant to D.C. Official Code Title 38-2602(b)(20)(L), OSSE will establish standards for the investigation of any alleged violation of an applicable law, regulation, or policy relating to testing integrity and security, to:

- i. Identify the circumstances that trigger an investigation;
- ii. Require the initiation of an investigation even if only one circumstance is present; provided, that there appears to be egregious noncompliance; and
- iii. Require the investigation of any report of a violation of the laws, regulations, and policies relating to testing integrity and security.

LEA Investigation

The LEA is also required to investigate allegations of test security violations and/or provide additional information regarding the allegation to OSSE. The LEA/school's investigation and consequential determinations, however, shall not be binding on the OSSE or any action that

OSSE may take. The OSSE will review the Investigation Report and contact the LEA/school if additional clarification is needed. The OSSE may also require additional specific information, documents or interviews. The report of findings and the LEA's Corrective Action Plan must be submitted to OSSE. Following receipt of all required reports, OSSE will review the findings and, make a final determination regarding the alleged violation, and share this final determination and any required corrective actions with the LEA.

State Investigation

After the results of the administration of the state standardized tests are calculated, OSSE analyzes performance and test administration data and reports and may identify schools and/or LEAs for further investigation based on this analysis and/or random selection. In such cases, OSSE will provide the steps that will be taken during the investigation and the LEA will receive a copy of the investigator's report of preliminary findings. If through a state investigation it is found that a violation occurred, OSSE will share this finding and any required corrective actions with the LEA.

Right To Administrative Review

Any person aggrieved by a final decision or order of OSSE imposing sanctions following a determination by OSSE that a violation of this chapter has occurred may obtain a review of the final decision or order in accordance with regulations issued by the Mayor pursuant to § 38-771.06 or the process set forth in § 38-771.07, whichever is applicable; provided, that if the aggrieved party is a member of a collective bargaining unit, he or she may choose between the negotiated grievance process set forth in a collective bargaining agreement and the grievance process set forth in § 38-771.07 or in regulations issued by the Mayor pursuant to § 38-771.06, whichever is applicable.

Due Process

Until rules are issued pursuant to the section 106 of the Test Integrity Act of 2013, any party aggrieved by a final decision or order of OSSE imposing sanctions following a determination by OSSE that a violation has occurred may obtain a review of the final decision or order by filing a written notice of appeal to the Mayor within 10 calendar days from the date on which OSSE imposed the sanction being contested.

The written notice of appeal shall contain the following information:

1. The type and the effective date of the sanction imposed;
2. The name, address, and telephone number of the aggrieved party or the aggrieved party's representative, if any;
3. A copy of OSSE's notice of final decision;
4. A statement as to whether the aggrieved party or anyone acting on his or her behalf has filed an appeal under any negotiated review procedure pursuant to a collective bargaining agreement, or has filed a complaint with any other agency regarding this matter;
5. The identity of the collective bargaining unit, if any, of which the aggrieved party is a member;

6. A statement as to whether the aggrieved party requests a hearing;
7. A concise statement of the facts giving rise to the appeal;
8. An explanation as to why the aggrieved party believes OSSE's action was unwarranted and any supporting documentation;
9. A statement of the specific relief the aggrieved party is requesting; and
10. The signature of the aggrieved party and his or her representative, if any.

If a hearing is requested, a hearing will be scheduled within 30 calendar days after the receipt of the notice of appeal and hearing request and shall issue a written ruling no later than 10 calendar days after the hearing. If no hearing is requested, a written ruling within 30 days of receipt of the notice of appeal.

Appeals filed pursuant to this section, and any hearings held, shall be administered in accordance with [§ 2-501](#) *et seq.*

For the purposes of this section, a notice of appeal is considered received on the date it was postmarked.

Consequences for Violations

OSSE will hold both LEA, and schools under LEA control, as well as individuals accountable for violating state assessment law and policy. OSSE will evaluate the violation and determine the most appropriate sanction(s) based on severity and precedent, taking into account:

1. The seriousness of the violation;
2. The extent of the violation;
3. The role the individual played in the violation;
4. The LEA leadership's involvement;
5. How and when the violation was reported to OSSE; and
6. The action taken by the LEA since the violation was reported to OSSE.

Invalidation of Test Scores

A substantiated state test security violation may result in OSSE invalidating test results, pursuant to section 104 of the Test Integrity Act of 2013 (D.C. Official Code Title 38-771.04 (a)). Invalidation of the test results of a school and LEA can impact the school and LEA's accountability status under federal law. This will be done only in cases where OSSE has determined that the validity and/or reliability of the test results are in question in accordance with the Test Integrity Act of 2013, pursuant with Test Integrity Act of 2013 section 104(c).

If test scores are invalidated by OSSE, the students in question will be counted as non-participants for federal reporting purposes and their scores will be excluded from the performance results (*i.e.*, they will be excluded from both the numerator and denominator for proficiency calculations). The invalidation of test results or other data because of a breach of

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test security may also invalidate programmatic or evaluative criteria dependent upon these data or test results.

Questions

Please contact osse.assessment@dc.gov if you have any questions regarding this guidance.