



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

TO: Local Education Agencies and Education Stakeholders

FROM: Danielle Branson, director of assessments

DATE: July 22, 2019

SUBJECT: Advanced Notice of Proposed Rulemaking – Testing Integrity and Security

On July 22, 2019, OSSE shared an Advanced Notice of Proposed Rulemaking (“ANPR”) proposing amendments to Chapter 23 of Title 5-A in the District of Columbia Municipal Regulations that set forth the framework for testing integrity and security. This memorandum is intended to provide local education agencies (LEAs), parents, and stakeholders with additional context to understand the background, purpose, and content of the proposed regulations. We look forward to gathering feedback and revising these draft regulations before initiating the formal rulemaking process.

I. Background

In order to measure and report the achievement of students and performance of schools in the District of Columbia, the Office of the State Superintendent of Education (OSSE) must administer statewide assessments. These statewide assessments are administered to comply with the federal law, the Every Student Succeeds Act (20 U.S.C. 6311, *et seq.*). Further, 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 § 38-1800 *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 must ensure the validity and reliability of the statewide assessment. As part of this process, OSSE reviews test security protocols and data to ensure schools administer assessments consistent with testing procedures. OSSE takes breaches of test security very seriously, as violations of any nature can jeopardize confidence in the accuracy of our assessment results. At the same time, it is important to note that violations capture a broad range of issues in test administration and do not necessarily indicate wrongdoing or intentional misconduct.

II. Goals of the Proposed Regulations

The purpose of the proposed rulemaking is to protect the integrity of the statewide assessments and to ensure that results are accurate and meaningful. Accordingly, the proposed regulations:

- 1) Ensure that statewide assessments are administered in standardized conditions to protect their validity and reliability;
- 2) Ensure that all teachers, administrators, and other education officials understand and comply with established assessment practices and protocols;

- 3) Outline the standards and processes used when conducting investigations for alleged or potential violations;
- 4) Articulate the violations and applicable sanctions; and
- 5) Outline a process of additional review for both findings of violations subject to sanctions and those that are not subject to sanctions.

III. Existing Requirements Addressed in the Proposed Regulations

The proposed regulations incorporate existing requirements familiar to LEAs and schools. Many of these requirements were outlined in the [Test Security Guidelines for 2018-19 Assessment Administration](#).

These include the following:

- 1) The identification of roles and associated responsibilities to support the administration of statewide assessments;
- 2) The development and approval of school test security plans prior to the administration of the statewide assessment;
- 3) Standards for the testing environment during the administration of the statewide assessment;
- 4) The completion of Test Integrity and Test Security Affidavit forms by authorized personnel at the completion of the statewide assessment;
- 5) The maintenance of school level records pertaining to testing integrity and security for at least a four-year period;
- 6) Testing procedures in exceptions or special circumstances including student accommodations, a student medical exemption, a school-wide emergency requiring evacuation, a student that is homebound and/or hospital-tutored and enrolled in public education, home-schooled students, or receiving educational services in a nonpublic setting;
- 7) Requirements of OSSE and LEAs to monitor the administration of statewide assessments; and
- 8) The reporting requirements for LEAs.

IV. New Requirements or Procedures Introduced in the Proposed Regulations

The ANPR clarifies the investigatory process used to determine whether an incident or action breaches the security or threatens the integrity of the statewide assessment results. Similar to prior practice, investigations are split into two phases: (1) LEA inquiry and (2) OSSE review. The ANPR includes the following components:

- 1) A delineation of the instances in which OSSE may initiate an investigation into potential or alleged violations (*§ 2313 Testing Integrity and Security: Investigations*);
- 2) The process of the investigation and the role of LEAs and OSSE in that process (*§ 2314, Testing Integrity and Security: Investigation Process*);
- 3) The consequences for violations that OSSE may place on a school, LEA, or individual for a violation (*§ 2315, Testing Integrity and Security: Consequences for Violations*);
- 4) The steps in which an aggrieved party may take to request that OSSE reconsider a finding of a non-sanctionable violation (*§ 2316, Testing Integrity and Security: Reconsideration of A Finding of Non-Sanctionable Violation*); and
- 5) The steps in which an aggrieved party may take to request administrative review of a finding of sanctionable violation (*§ 2317, Testing Integrity and Security: Administrative Review of Finding or Sanctionable Violation*)

IV. Comments and Questions

OSSE looks forward to receiving your input on the ANPR. The public comment period is open from July 22, 2019 through August 21, 2019. Please submit your written comments to the attention of Tiffany Oates, Assistant General Counsel, via email at ossecomments.proposedregulations@dc.gov, or via mail at 1050 First St. NE, Washington, DC 20002.

Additionally, OSSE invites LEAs to provide comments on the ANPR in person during the Next Generation Assessment (NGA) meeting on Wednesday, July 25, 2019 at 1:00 p.m.

For more information or questions regarding the Advanced Notice of Proposed Rulemaking for the Testing Integrity and security, please contact Tiffany Oates at Tiffany.Oates@dc.gov.