



Guide to Test Security & Data Reporting for Local Accountability Coordinators

**MARYLAND STATE DEPARTMENT OF EDUCATION
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PURPOSE OF THE LAC GUIDE TO TEST SECURITY & DATA REPORTING

BACKGROUND

In order to ensure accountability for student learning and to meet Federal and State reporting requirements, the Maryland State Board of Education requires the administration of assessments in schools throughout the state, as referenced in COMAR 13A.03.04. To ensure that tests are properly administered and results accurately reported, the State Board has established policies governing test administration, data reporting, and test procurement. The Board has also spelled out violations related to data collection and testing behavior. These violations include matters related to test security and data reporting, along with sanctions to be imposed when test security or data reporting violations occur. These policies are grounded in accepted professional standards regarding the administration and use of tests [cf. *The Standards for Educational and Psychological Tests* (1999), published by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education].

PURPOSE

The purpose of this document is to provide guidelines to assist in local decision-making through:

1. Distinguishing test security violations and test administration errors between:
 - a) occurrences related to test security and test administration that do not compromise test security and have no possible impact on student scores, test validity, or data reporting (Category 1); and
 - b) occurrences that, upon investigation, are deemed to impact student scores, test validity, data reports, or that compromise the security of test items (Category 2).
2. Providing examples of sanctions issued in the past for test security violations and test administration errors.
3. Providing documents to facilitate reporting & responding to test security matters.

LEA RESPONSIBILITIES

Local Education Agencies (LEAs) are required by the State Board to:

1. Develop and adopt test administration and data-reporting policies and procedures.
2. Inform and train appropriate stakeholders regarding those policies and procedures and the consequences that may occur when they are violated.
3. Notify the Maryland State Department of Education (MSDE) in the event of violations.

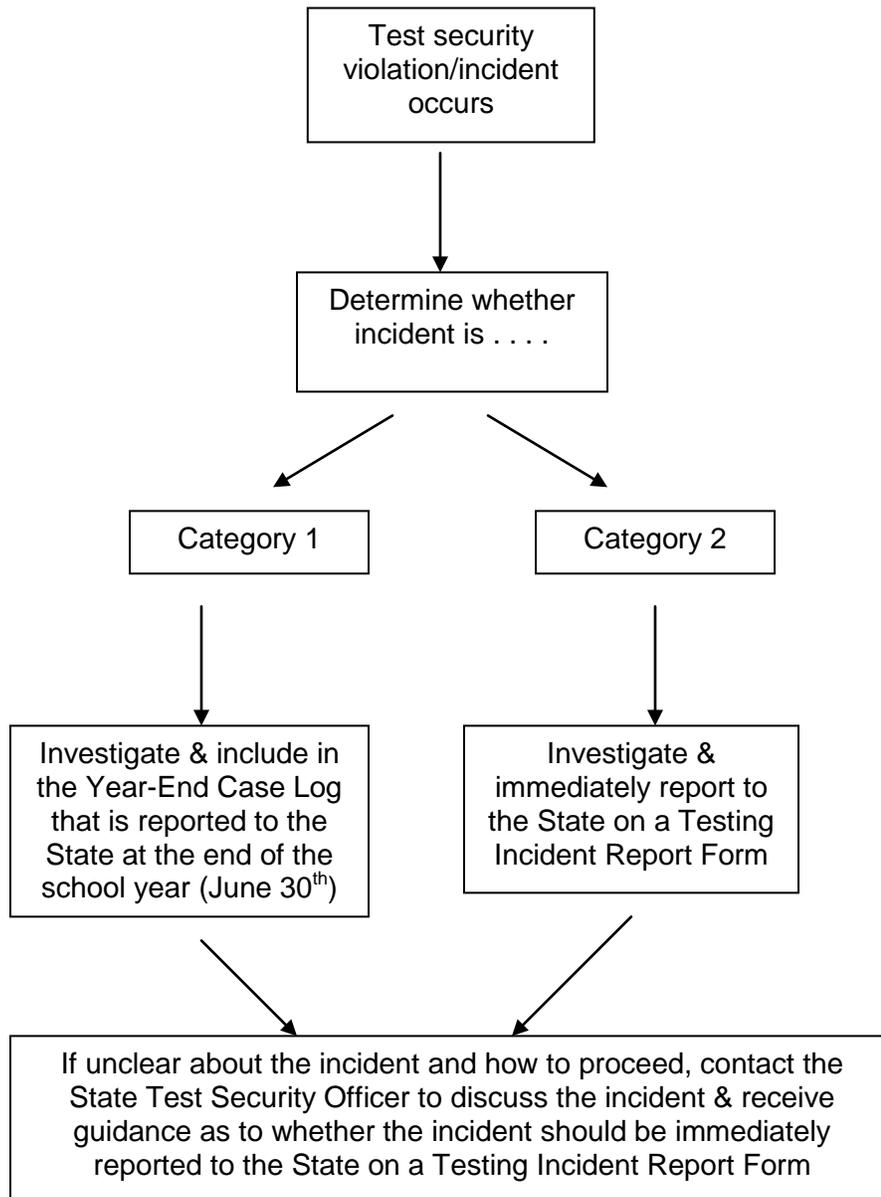
Oversight of the implementation of State and local test administration and data reporting policies within the LEA is the responsibility of the Local Accountability Coordinator (LAC). When the LAC becomes aware of a deviation from local or State policies and

procedures regarding testing, a multi-step investigation process, which could result in the imposition of a sanction, is initiated by the LAC. The decision to impose a sanction is a multi-step process. Following the investigation of the incident and a determination that a violation did occur, the LAC, in consultation with local school system officials, makes a recommendation on the sanction(s) to be imposed. The LAC then sends the investigation report with the recommended sanction(s) to the State Test Administration and Security Committee (STASC). After reviewing the report, the STASC will consider and notify the LAC on whether the recommendation is commensurate with the degree of harm caused by the violation(s) and within the range of sanctions imposed for similar test security violations.

It is imperative that the LAC awaits final approval from the STASC before issuing any sanction(s). Although sanctions are determined by the LEA, the STASC reviews the sanctions to make certain the sanction coincides with the infraction and is comparable to sanctions imposed in similar cases across the State. (If the matter requires an immediate response, the LAC may telephone to State Test Security Officer to discuss the recommended sanction.)

DECISION PROCESS FOR INVESTIGATING & REPORTING INCIDENTS

The following process is used in investigating and reporting test security incidents and test administration errors:



COMAR REGULATIONS

Title 13A STATE BOARD OF EDUCATION Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS Chapter 04 Test Administration and Data-Reporting Policies and Procedures

Authority: Education Article, §2-205, Annotated Code of Maryland

.01 Scope.

This chapter applies to:

A. Tests administered by or through the State Board of Education including but not limited to:

- (1) The norm-referenced test or tests in use by the State,
- (2) The Maryland Functional Testing Program,
- (3) The Maryland School Performance Assessment Program Tests,
- (4) The High School Equivalency Program Test (GED),
- (5) Teacher Certification Tests,
- (6) High School Assessment Program Tests,
- (7) Other test instruments required by the State Board of Education;

B. Data reporting required by the State Board of Education including the data-based areas described in COMAR 13A.01.04 and other measures used to determine availability of services and funding; and

C. Local school system-owned materials that are the same as those used in any State-operated assessment program.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Department" means the State Department of Education.
- (2) "Individual" means a student, teacher, administrator, or other school system employee.
- (3) Local School System.
 - (a) "Local school system" means a public school system.

(b) "Local school system" includes special schools and institutions that use tests administered on behalf of the State Board of Education.

(4) "Maryland School Performance Program (MSPP)" means a performance-based education accountability program that focuses on accountability through school improvement in the public schools.

(5) "Test administration" means the range of activities from procurement of secure assessment materials through the return of secure assessment materials to the Department or its agents.

.03 Local School System Test Administration and Data-Reporting Policies.

A. A local school system shall develop and adopt test administration and data-reporting policies.

B. The test administration policy shall provide for:

(1) The security of the materials during testing and the storage under lock and key of all secure tests and test materials in all versions, including answer keys, audio tapes, and examinee answer documents, before, during, and after testing;

(2) The proper administration of tests and the monitoring of test administrations;

(3) Annual training of appropriate personnel on the local test administration policy and procedures; and

(4) The retention for 6 years after the date of test administration of the following information for each testing group for each testing day:

(a) Name and student identification number for each student,

(b) School and system names and identifiers, and

(c) Names of the test administrators, examiners, and proctors.

C. The data reporting policy shall contain:

(1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter; and

(2) Training of appropriate personnel on data procedures.

D. Test Administration and Certification of Training Forms.

(1) Each local school system shall use a Department provided or approved test administration and certification of training form and a Department provided or approved nondisclosure agreement, as appropriate, for its employees.

(2) Before initially handling any test materials, and annually after that, each individual directly or indirectly involved shall sign a test administration and certification of training form or a nondisclosure agreement, whichever is applicable.

(3) All signed forms and agreements shall be retained by the local school system for the duration of the individual's employment or relationship with the local school system.

.04 Local School System Test Procurement Designate.

A. A local superintendent of schools shall designate annually one individual in each school system who shall be the sole individual in the school system authorized to procure test instruments that are used in testing programs administered by or through the State Board of Education.

B. The name of the individual designated in §A of this regulation shall be provided in writing to the Department.

C. Changes in responsibility shall be communicated in writing to the Department within 10 days of the official change.

.05 Testing Behavior Violations.

A. It is a violation of test security for an individual to fail to follow test administration procedures promulgated by the local board of education or the State Board of Education and published in test administration manuals and related materials for mandatory tests administered by or through the State Board of Education to students or educators.

B. It is a violation of test security for an individual to:

(1) Give examinees access to secure test items or materials before testing;

(2) Give unauthorized individuals access to secure test items or materials;

(3) Copy, reproduce, use, or otherwise disclose in any manner inconsistent with test security regulations and procedures any portion of secure test materials;

(4) Provide answer keys or answers orally, in writing, or by any other means, to examinees;

(5) Coach examinees during testing by giving them answers to test questions or otherwise directing or guiding their responses or altering or interfering with examinees' responses in any way;

(6) Fail to follow security regulations and procedures for distribution and return of secure test materials, or fail to account for all secure test materials before, during, and after testing;

(7) Fail to properly monitor test administration, including permitting inappropriate collaboration between or among individuals;

(8) Administer State-mandated tests on dates other than those specified by the Department;

(9) Participate in, direct, aid, counsel, assist, encourage, or fail to report any of the acts prohibited in this chapter; or

(10) Refuse to disclose information regarding test security violations.

C. The local school system shall investigate any allegations of violations of test security and report the results to the Department in a timely fashion.

.06 Data Collection and Reporting Violations.

A. It is a violation of data collection and reporting for an individual, school, or school system to:

(1) Fail to report test scores, numbers of students tested, and other indicators of test performance on mandatory tests administered by or through the State Board of Education, as well as all other data elements reported to the Department;

(2) Report incorrect or otherwise inaccurate test scores, numbers of students tested, other indicators of test performance, and participation on mandatory tests administered by or through the State Board of Education, as well as all other data elements reported to the Department; or

(3) Exclude a student or students from participation in mandatory tests administered by or through the State Board of Education except in accordance with Department-approved procedures.

B. The local school system shall investigate any allegations involving data collection or reporting violations and report the results to the Department in a timely fashion.

.07 Sanctions for Violations.

A. Invalidation of Test Scores or Other Data.

(1) An individual shall adhere to all procedures specified in all operating manuals and related materials governing the Maryland School Performance Program including the mandated testing programs.

(2) The Department:

(a) Shall establish procedures to identify:

(i) Improbable test score gains or improbable changes in data in consecutive years,

(ii) Situations in which inappropriate collaboration between or among individuals occurs during the test administration or data collection and reporting, and

(iii) Any other situation which may result in the invalidation of test results or other data; and

(b) May invalidate test scores or other data that reflect improbable gains which cannot be satisfactorily explained through changes in the student population or instruction.

(3) The invalidation of test results or other data because of a breach of security, or action of the State Board of Education, also invalidates any graduation, programmatic, or evaluative criteria dependent upon these data or test results.

(4) A student who causes, allows, or is otherwise involved in the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to a test administration site for any of the tests listed in Regulation .01 of this chapter may have the test results invalidated, and may be ineligible to retake the test until the next official testing opportunity.

(5) A student who engages in any activities during testing which result in invalidation of scores may be ineligible to retake the test until the next official testing opportunity.

(6) All central office and school-based personnel whose duties involve either test administration or data collection and reporting shall be held accountable for compliance with all of the requirements described in this chapter.

B. Other Sanctions. A testing behavior violation as described in Regulation .05 of this chapter, a data collection and reporting violation as described in Regulation .06 of this chapter, or a violation of any other regulation in this chapter constitutes misconduct, insubordination, or neglect of duty for which:

- (1) Personnel sanctions may be imposed by the local school system;
- (2) The administrative credentials, teaching credentials, or both, of the violator may be suspended or revoked under COMAR 13A.12.05;
- (3) The school or school system may be censured; and
- (4) Costs incurred as the result of the violation may be recovered by the Department.

C. Mitigating Circumstances.

- (1) Any mitigating circumstances shall be considered before a sanction is imposed for a testing behavior violation as described in Regulation .05 of this chapter, a data collection and reporting violation as described in Regulation .06 of this chapter, or violation of any other regulation in this chapter.
- (2) An individual other than a primary violator may be sanctioned only if the individual failed to take appropriate action after learning about the violation.

D. Reasonable Person Standard. All conduct with respect to test administration and data reporting will be reviewed under a reasonable person standard, that is, what a reasonable person would do under similar circumstances.

Administrative History

Effective date:

Regulation .01 effective July 31, 1968

Regulation .02 effective June 9, 1964; amended effective May 26, 1976 (3:11 Md. R. 593); July 20, 1977 (4:15 Md. R. 1153); July 1, 1978 (5:12 Md. R. 969); June 15, 1979 (6:12 Md. R. 1052); May 30, 1988 (15:11 Md. R. 1331)

Regulation .02A amended effective May 16, 1980 (7:10 Md. R. 952); June 12, 1981 (8:12 Md. R. 1064); August 2, 1981 (9:15 Md. R. 1516); July 4, 1983 (10:13 Md. R. 1181); July 1, 1984 (11:12 Md. R. 1064); August 11, 1986 (13:16 Md. R. 1828); August 24, 1987 (14:17 Md. R. 1872)

Regulation .02A and B amended effective May 20, 1985 (12:10 Md. R. 962)

Regulation .02C and D adopted effective July 25, 1980 (7:15 Md. R. 1426)

Regulation .03 amended effective October 15, 1975 (2:29 Md. R. 1734); March 31, 1976 (3:7 Md. R. 402); July 20, 1977 (4:15 Md. R. 1153); July 28, 1978 (5:15 Md. R. 1190); July 13, 1979 (6:14 Md. R. 1208)

Regulation .03A amended effective August 2, 1982 (9:15 Md. R. 1516); July 29, 1985 (12:15 Md. R. 1525)

Regulation .04 effective August 21, 1968

Regulation .05 adopted effective November 14, 1975 (2:29 Md. R. 1734); amended effective July 21, 1976 (3:15 Md. R. 806); October 7, 1977 (4:21 Md. R. 1604); September 22, 1978 (5:19 Md. R. 1447); September 21, 1979 (6:19 Md. R. 1520)

Regulation 06 adopted effective October 13, 1976 (3:21 Md. R. 1208); amended May 11, 1977 (4:10 Md. R. 768); December 30, 1977 (4:27 Md. R. 2108); November 17, 1978 (5:23 Md. R. 1741)

Regulation .07 adopted effective January 11, 1980 (7:1 Md. R. 44)

Regulation .07A amended effective May 2, 1980 (7:9 Md. R. 848); April 17, 1981 (8:8 Md. R. 723); July 19, 1982 (9:14 Md. R. 1431); May 9, 1983 (10:9 Md. R. 702); April 9, 1984 (11:7 Md. R. 628); May 6, 1985 (12:9 Md. R. 813); August 25, 1986 (13:17 Md. R. 1923); March 7, 1988 (15:5 Md. R. 622)

Regulation .07B amended effective July 19, 1982 (9:14 Md. R. 1431); May 6, 1985 (12:9 Md. R. 813)

Annotation: Appendix F to the "Methods of Administration for the Office of Civil Rights Guidelines for the Division of Vocational-Technical Education" (see Regulation .02C) was incorporated by reference effective February 20, 1981 (8:4 Md. R. 344)

Regulations .01, .03—.07 repealed effective January 15, 1989 (15:27 Md. R. 3132)

Regulation .02 and Chapter, Instructional Programs Involving Federal Funds, repealed effective August 7, 1989 (16:15 Md. R. 1651)

Regulations .01—.06, Test Security and Data Reporting Policy and Procedures, adopted effective January 6, 1992 (18:26 Md. R. 2831)

Regulation .05B amended effective August 15, 1994 (21:16 Md. R. 1386)

Chapter repealed effective April 20, 1998 (25:8 Md. R. 598)

Regulations .01—.07, Test Administration and Data-Reporting Policies and Procedures, adopted effective April 20, 1998 (25:8 Md. R. 598)

Regulation .03 amended effective March 20, 2000 (27:5 Md. R. 585)

CATEGORIES OF TESTING VIOLATIONS

CATEGORY 1

Occurrences related to test security and test administration that do not compromise test security and have no possible impact on student scores, test validity, or data reporting may be handled exclusively on a local level according to local school system policy. Such incidents will be reported to MSDE in a Year-End Case Log (June 30th of each school year) for the purpose of evaluating policy and determining future direction in regards to test security. Examples of such occurrences of this type are:

- Student cheating that is immediately caught & does not lead to score invalidation (ex., student attempts at cheating through such means as note passing, conversation, etc. that are thwarted by the STC, TE, or proctor)
- Improper provision of accommodations
- Failure to perform duties assigned as STC, TE, or proctor that is deemed to:
 - be accidental/unintentional
 - have no impact on test scores
 - have no harm on the student

NOTE: The above examples are provided for information only and are not meant to be comprehensive and/or exhaustive.

CATEGORY 2

Local school systems must report to the State any occurrences that, upon investigation, are deemed to impact student scores, test validity, data reports, or that compromise the security of test items. Should sanctions be warranted in these cases, they will be determined by the Local Education Agency in accordance with local policy and MSDE guidelines. Examples of such occurrences are:

- Unauthorized access to secure materials based on procedures established in COMAR & the respective Test Administration and Coordination Manuals (TACMs)
- Divulgence of secure test material/information (oral and/or written, including e-mail & photocopies)
- Student cheating that leads to score invalidation
- Failure to adhere to established testing schedule or test window
- Failure to test students
- Failure to perform duties assigned as STC, TE, or proctor, that impacts scores or constitutes a deliberate attempt to thwart test security, to include:
 - Failure to adhere to testing procedures (ex., rephrasing scripted directions, extending testing time other than may have been allowed for in an IEP, not covering or removing prohibited materials/aids, etc.)
 - Test Examiner/proctor coaching or interference
 - Inappropriate STC, TE, or proctor conduct that is harmful to students (ex., yelling at students, hitting students, making derogatory remarks, etc.)

- Improper provision of accommodations that results in score invalidation
- Improper supervision/monitoring of testing group
- Failure to return test materials (ex., STC keeping a test book)
- Attempts by the school to “game” on the accountability system
- Improper handling of secure materials
- Improper storage of secure materials
- Failure to submit requested data to MSDE in a timely manner (ex., pre-print files, post-test files, etc.)
- Inability to account for missing test materials (ex., LAC investigation noted problems such as no record of inventory/return shipment reports)
- Improper return of test materials after testing (ex., late return of materials, materials not ready for scheduled pick-up, materials improperly boxed, etc.)

NOTE: The above examples are provided for information only and are not meant to be comprehensive and/or exhaustive.

PROCEDURES FOR CONDUCTING A TEST SECURITY INVESTIGATION

It is imperative that when administering State-mandated assessments, schools follow all test security and test administration procedures as specified in section 13A.03.04 of the Code of Maryland Annotated Regulations (COMAR) and as outlined in the respective Test Administration and Coordination Manuals (TACMs). These procedures are critical in ensuring standardization, as well as fairness and equity, in testing throughout Maryland.

When a test security violation or test administration procedural deviation occurs, the School Test Coordinator (STC) will contact the Local Accountability Coordinator (LAC) to determine whether the violation is a Category 1 or Category 2 incident and follow the steps below accordingly.

Category 1

1. The person reporting the violation or deviation should follow locally developed procedures for incident reporting. Such procedures may include a telephone consultation with the LAC and/or submission of a written report to the LAC documenting the incident.
2. The LAC investigates the incident and documents it in the Year-End Case Log that is reported to the State at the end of the school year (June 30th).

Category 2

1. The person reporting the violation or deviation should follow locally developed procedures for incident reporting. Such procedures may include a telephone consultation with the LAC and/or submission of a written report to the LAC documenting the incident.
2. If the LAC deems the matter to be urgent and to require an immediate response, the LAC will then e-mail or phone the State Test Security Officer with details of the incident.
3. The LAC forwards a Testing Incident Report Form (TIRF) to the State Test Security Officer, via e-mail at tlewis@msde.state.md.us or fax at (410) 333-0052. The TIRF summarizes all critical aspects of the incident, the investigation which was conducted, or which is in progress, and any recommendations from the Local Education Agency (LEA) as to sanctions to be imposed. In addition, the LAC may provide any supporting documents (e-mails, interviews, letters, etc.) as attachments to the TIRF for review by the State Test Administration and Security Committee (STASC).
4. The STASC reviews the documentation submitted by the LAC and the LAC awaits response from the State Test Security Officer before imposing any sanction(s).

Once the TIRF is received, the following occurs:

1. The State Test Security Officer reviews the report and confers with the STASC to determine whether additional information is needed. If so, the LAC will be contacted.
2. The STASC reviews the reported security violation or test administration procedural deviation during the Committee's monthly meeting.
3. The State Test Security Officer notifies the LAC in writing of the Committee's decision.

Special Note:

While it is crucial that MSDE be informed of administrative errors or possible test security violations, it is important that MSDE also be notified of any procedural deviations that may impact standardization in testing. Submission of a TIRF does not automatically make the reported incident a security violation. The STASC will make that determination.

SANCTIONS ISSUED IN PAST TEST SECURITY VIOLATIONS

When completing a Testing Incident Report Form (TIRF), the Local Accountability Coordinator (LAC) is to recommend sanction(s) as appropriate for the personnel involved in the incident. Sanctions are a form of progressive action that **may** begin with a verbal warning, progressing to a written letter of warning, a written letter of reprimand, removal from duties, suspension, termination, and/or loss of credentials. A letter of warning differs from a letter of reprimand in that the letter of warning does not have a disciplinary action associated with it. (The STASC is aware that type of personnel action may vary by LEA.)

The listing below reflects sanctions issued in past test security cases and may be used as a guide in determining an appropriate sanction. The listing is provided for information only and is not meant to be comprehensive and/or exhaustive.

VIOLATION	ASSESSMENT	DESCRIPTION	SANCTION
Abuse of students (physical)	Alt-MSA	Video displays teacher hitting students	Teacher resigned pending other personnel action
Abuse of students (verbal)	Alt-MSA	Video displays teacher yelling at students	Letter of reprimand to teacher
Administration error	MSA	Test Examiner (TE) distributed materials without matching the student to the label on their test book	Documentation letter in personnel file of School Test Coordinator (STC) & TE
Administration error (failure to administer assessment)	MSA	STC failed to test students	Letter of warning to STC; action plan from STC
Coaching	Alt-MSA	TE prompted student's responses	2-day suspension without pay for TE
Coaching	MSA	Proctor asked student if he was sure he did not know the answer to a question	Incident report placed in Proctor's personnel file
Coaching Improper administration	MSA	TEs pointed out wrong answers, provided answers, etc.; students allowed to modify answers after testing completed	Staff reassigned to central office to work under supervision; LEA recommended termination of principal & TEs; revocation of principal's certificate; suspension of TEs' certificates for 1 year
Coaching Improper administration	MSA	Principal modified timing; provided verbal & non-verbal cues to students	Recommendation for dismissal of principal & revocation of certificate
Coaching (by a non-certified student intern)	MSA	A non-certified student intern allowed to provide accommodations; accommodator used word "towns" instead of "pueblos"	Verbal warning to personnel who authorized use of a non-certified intern
Deviation from testing schedule	Alt-MSA	Attempted to submit materials after deadline (worked on portfolios beyond	Letters of reprimand to principal & STC

VIOLATION	ASSESSMENT	DESCRIPTION	SANCTION
		deadline)	
Deviation from testing schedule	HSA	Students were given the Algebra HSA several days after the scheduled administration date using the initial testing materials	Letter of warning to TE
Deviation from testing schedule	HSA	Several schools in the LEA began testing 1 day early	Letters of warning to STCs
Deviation from testing schedule	MSA	School began testing 1 day after scheduled start date	Letter of reprimand to principal; letter of reprimand & demotion for STC
Display of prohibited aid	HSA	During an observation, MSDE Observer noted a prohibited aid on display in classroom	Letter of warning to TE
Improper accommodation	MSA	Accommodator erroneously permitted student to write his responses in the answer book for later transcription	Letter of warning to TE
Improper accommodation	MSA	Accommodator read entire test to student when IEP called for verbatim reading of scripted directions	Letter of reprimand to Accommodator
Improper accommodation	MSA	TE verbatim read 1 question to student who does not have a verbatim reading accommodation	Letter of warning to TE
Improper administration	Alt-MSA	TE failed to properly prepare portfolios	Letter of reprimand to TE
Improper administration	MSA	On Day 1 of reading testing, TE administered session 3 which should have been administered on Day 2. On Day 2, TE permitted students to review answers to session 3.	Letter of warning to TE; invalidation of reading scores for AYP
Improper administration	MSA	Student continued testing in a non-calculator section using a calculator	Score invalidation
Improper administration	MSA	Student receiving accommodations was permitted to complete Day 1 & Day 2 of testing in the same day. LAC indicated TE had not been properly trained.	Letter of warning to STC & TE
Improper administration (students given extended time)	MSA	STC & TE allowed students who did not complete the exam to continue working	Letter of warning to STC & TE
Improper handling of secure materials	MSA	1 box containing test materials was confirmed delivered but could not be located	Letter of reprimand to STC; 3 day suspension without pay
Improper handling of secure materials	MSA	A missing test book & scorable answer book were not located	Score invalidation; letter of reprimand to TE
Improper handling of secure materials	MSA	Secure materials sent to the wrong vendor	Removal of STC from duties
Improper use of secure materials	MSA	Teacher made notes during the previous administration & used the notes to make a review worksheet; teacher e-mailed worksheet to	Teachers placed on unpaid leave & recommended for termination
Coaching			

VIOLATION	ASSESSMENT	DESCRIPTION	SANCTION
		another teacher who shared with her team of teachers; several teachers used the worksheet with their students	
Improper use of secure materials	MSA	While previewing math materials, a teacher made notes; the notes were confiscated prior to teacher's use	Letter of reprimand to teacher
Improper viewing of secure materials	MSA	Principal removed a secure test book from the school & reviewed in a public setting	Letter of reprimand to principal
Late return of secure materials	HSA	Kurzweil CDs returned after the deadline	Letter of warning for STC
Late return of secure materials	HSA	Unused HSA test materials were located in the school during the school's year-end clean-up	Letter of warning to STC; removal of STC from duties
Late return of secure materials (materials not ready for scheduled pick-up)	HSA	4 out of 7 boxes were not ready for pick-up of HSA materials	Letter of warning for STC
Late submission of scorable materials (materials not ready for scheduled pick-up)	Alt-MSA	Schools informed courier that they were still working on portfolios	Letter of warning to STCs

PROCEDURES FOR CONDUCTING A MISSING BOOKS/ANSWER DOCUMENTS INVESTIGATION

When requested by the State Test Security Officer to conduct an investigation into test books and/or answer documents reported as missing, the Local Accountability Coordinator (LAC) must obtain copies of inventory reports from the school(s) involved. The School Test Coordinators (STCs) of the schools indicated as having missing test books and/or answer documents should have inventory records indicating how many items they packed for return to the vendor and when the items were actually picked up for return. In addition, the STCs should have a test archive document showing which test book and answer document was used by each student. The LAC must forward copies of the inventory records to the State Test Security Officer as part of the investigation. If, in fact, it is documented that the schools returned the missing items to the vendor, MSDE will continue the investigation with the vendor to track down the missing items.

Initially, investigations into test books and/or answer documents reported as missing are not handled as test security cases. However, it is imperative that every effort to reconcile inventory reports is made. If the LAC determines through his/her investigation that secure test materials are indeed missing and unaccounted for, the State Test Administration and Security Committee will open an official test security case, as failure to return secure testing materials by the specified deadline is a violation of test security. In addition, any district unable to account for secure test materials may incur financial and/or other sanctions.

TESTING INCIDENT REPORT FORM FOR LAC USE

On the following page is the Testing Incident Report Form, which must be completed by the Local Accountability Coordinator (LAC) and forwarded to the State Test Administration and Security Committee for all Category 2 violations.

The LAC may download an electronic version of this form from MSDE's DocuShare site at <https://docushare.msde.state.md.us>.



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street, Baltimore, MD 21201 410-767-0100 410-333-6442 TTY/TDD

TESTING INCIDENT REPORT FORM (for LAC use only)

The LAC is to complete & submit this form whenever a test security violation or test administration procedural deviation (Category 2 violation) from MSDE testing policy takes place. Prompt reporting of such incidents will result in a more timely follow-up and resolution. Once completed, the LAC may fax this form to the State Test Security Officer at (410) 333-0052 or e-mail it to tlewis@msde.state.md.us. (Forms containing student identifying information may be sent by fax only.) Be sure to include any relevant supporting documentation such as written statements from the parties involved. The LAC may download an electronic version of this form from MSDE’s DocuShare site at <https://docushare.msde.state.md.us>. **Forms are to be submitted to MSDE within 5 days of the date of incident.**

When completing this form electronically, the LAC should click on the gray box in the cell and begin typing.
The entry cell will expand to accommodate as much text as is needed.
When finished typing in a particular cell, use the “Tab” key to move to the next cell.

DATE OF INCIDENT (MO/DAY/YR)	DATE OF REPORT (MO/DAY/YR)	TEST	LEA #	SCHOOL (NUMBER & NAME)	NAME & TITLE OF INDIVIDUAL SUBMITTING THE TESTING INCIDENT REPORT FORM
# OF STUDENTS INVOLVED	# OF STAFF INVOLVED	BRIEF DESCRIPTION OF INCIDENT (To be completed by LAC)			
DETAILED DESCRIPTION OF INCIDENT (To be completed by LAC)					
INVESTIGATION STEPS TAKEN (To be completed by LAC)					
STUDENT IDENTIFYING INFORMATION					
For cases that may involve score invalidation, include: Student Name, Pupil ID, Grade, Date of Birth, Student Pre-ID or Generic Barcode Number, Test Book Lithicode					
RECOMMENDED RESOLUTION/SANCTION (To be completed by LAC)					
The LAC should await response from the State Test Administration and Security Committee before imposing any sanction(s).					

GUIDELINES FOR COMPLETING THE TIRF

- **Remember the 4Ws/H – who, what, when, where and how.** The more detail you can provide regarding your investigation, the more likely the State Test Administration and Security Committee (STASC) will have the information needed to respond quickly and to close cases. The STASC relies on your thoroughness, assessment, and credibility determinations.
 - **Identify the person(s) involved.** When submitting TIRFs, please refrain from using the passive voice (e.g., “the materials were left unsecured in the classroom,” versus “Mr. Jones left the materials unsecured in the classroom”). Among other things, this helps the STASC to identify the responsible individual(s) and to avoid approval of unfair personnel sanctions.
 - **Provide a recommended sanction.** While the STASC understands that most test security violations may be unintentional, when sanctions are warranted in a particular case, our focus is on fairness. We have, for example, recommended lesser sanctions than those proposed by the LAC where we saw mitigating circumstances, or we were aware of different sanctions imposed by other school systems for comparable violations.
 - **Submit the TIRFs within five days of the incident.** Some sanctions, such as invalidation of student test score data, are particularly time-sensitive. For other sanctions, some local school systems may require LACs to follow a local process before, or in addition to, the process required by MSDE. In either event, your timely submission of the TIRF helps all parties involved by ensuring the timely, accurate, and fair investigation of alleged test security violations and closure of these cases.
1. Date of Incident
 2. Date of Report – the date the LAC completes the form
 3. Test – use the drop-down box to select: HSA; Mod-HSA; MSA; Mod-MSA; or ALT-MSA
 4. LEA Number – use one of the two drop-down boxes; the 1st contains LEAs 01-14, the 2nd contains 15-31
 5. School – include the number & name of the school
 6. Name & Title of Individual Reporting Incident – LAC name and title
 7. Number of Students Involved – important in determining how great the impact of an incident may be
 8. Number of Staff Involved – important in determining how great the impact of an incident may be
 9. Brief Description of Incident – something such as “Student cheating” or “Teacher interference” is sufficient
 10. Detailed Description of Incident – Provide as much information as you have available.
 11. Investigation Steps Taken – Describe what actions you have taken (or plan to take) to determine the validity of the offense.
 12. Student Identifying Information – For cases that may involve score invalidation, include the identifying information for all students involved.
 13. Recommended Resolution/Sanction – Describe the disciplinary action(s) you believe are appropriate to the situation. (The LAC should await response from the State Test Administration and Security Committee before imposing any sanction.)

SAMPLE TESTING INCIDENT REPORT FORM FOR STC USE

On the following page is a sample Testing Incident Report Form for the School Test Coordinators (STCs). Local Accountability Coordinators (LACs) may provide copies of this form, or a similar form, to STCs.

LACs may download an electronic version of this form from MSDE's DocuShare site at <https://docushare.msde.state.md.us>.

TESTING INCIDENT REPORT FORM

The School Test Coordinator (STC) is to complete this form & submit it to the Local Accountability Coordinator (LAC). The LAC will submit the final report to MSDE.

When completing this form electronically, the STC should click on the gray box in the cell and begin typing. The entry cell will expand to accommodate as much text as you need.

DATE OF INCIDENT (MO/DAY/YR)	DATE OF REPORT (MO/DAY/YR)	TEST	LEA #	SCHOOL (NUMBER & NAME)	NAME & TITLE OF INDIVIDUAL REPORTING THE INCIDENT
		SELECT ONE	SELECT ONE SELECT ONE		
# OF STUDENTS INVOLVED	# OF STAFF INVOLVED	BRIEF DESCRIPTION OF INCIDENT			
DETAILED DESCRIPTION OF INCIDENT					
INVESTIGATION STEPS TAKEN					
RECOMMENDED RESOLUTION					

STC INSTRUCTIONS

The STC is to complete & submit this form to the LAC whenever a test security violation or test administration procedural deviation from MSDE testing policy takes place. Prompt reporting of such incidents will result in a more timely follow-up and resolution. Be sure to include any relevant supporting documentation such as written statements from the parties involved.

1. Date of Incident
2. Date of Report – the date the STC completes the form
3. Test – use the drop-down box to select: HSA; Mod-HSA; MSA; Mod-MSA; or ALT-MSA
4. LEA Number – use one of the two drop-down boxes; the 1st contains LEAs 01-14, the 2nd contains 15-31
5. School – include the number & name of the school
6. Name & Title of Individual Reporting Incident – name & title of person completing the form
7. Number of Students Involved – important in determining how great the impact of an incident may be
8. Number of Staff Involved – important in determining how great the impact of an incident may be
9. Brief Description of Incident – something such as “Student cheating” or “Teacher interference” is sufficient
10. Detailed Description of Incident – Provide as much information as you have available.
11. Investigation Steps Taken – Describe what actions you have taken (or plan to take) to determine the validity of the offense.
12. Recommended Resolution – Provide your recommendations for resolving the situation.

YEAR-END CASE LOG

No later than June 30th of each school year, the Local Accountability Coordinator (LAC) must report all Category 1 incidents to the State Test Administration and Security Officer in a Year-End Case Log. The State Test Administration and Security Committee (STASC) uses the Year-End Case Log in evaluating policy and determining future direction of policy in regards to test security.

The LAC may determine the format for the Year-End Case Log. However, it is preferable that the LAC submits an electronic file. At a minimum, the Log must include the information as provided in the sample below.

SAMPLE YEAR-END CASE LOG

LEA Name & Number: Happydale County / 99

School Year: 2008-2009

Assessment	Administration	Date of Incident	Grade	School Name	School Number	Description of Incident	Resolution
MSA	March 2009	03-16-09	3 rd	Happydale ES	9009	Test Examiner (TE) observed student looking onto another student's answer book	TE issued verbal warning to student & closely monitored student for duration of testing; no further attempts at cheating were made by student

SAMPLE ACTION LETTER FROM THE STATE



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street, Baltimore, MD 21201 410-767-0100 410-333-6442 TTY/TDD

CONFIDENTIAL

July 1, 2009

Ms. Joy Local
Local Accountability Coordinator (LAC)
Happydale County
145 Any Street
Baltimore, Maryland 21014

RE: Case # 999

Dear Ms. Local:

The State Test Administration and Security Committee reviewed the documentation you supplied regarding Case #999. Thank you for your prompt submission of the requested documentation.

The Committee believes this incident warrants disciplinary action. This testing violation created a situation in which the students involved did not receive a standardized administration. Such a violation jeopardizes the State's ability to accurately report test results. In resolving this matter, the Committee requests that the designated authority take appropriate follow-up action with the Test Examiner. Please forward the Verification of Personnel Action Form to me no later than July 22, 2009. You may fax the form to me at (410) 333-0052 or mail it to:

Maryland State Department of Education
Attn: State Test Security Officer – Mezzanine
200 West Baltimore Street
Baltimore, Maryland 21201-2595

If you have any questions or concerns regarding this matter, please contact me via e-mail at lewis@msde.state.md.us or by telephone at (410) 767-0074.

Sincerely,

State Test Security Officer
Division of Accountability and Assessment

cc: State Test Administration and Security Committee

SAMPLE PERSONNEL LETTER FOR LAC/LEA USE

Happydale Elementary School ☺ 147 Any Street ☺ Baltimore, MD 21014

June 23, 2009

Mr. Goode Teacher
Happydale Elementary School
147 Any Street
Baltimore, Maryland 21014

Dear Mr. Teacher:

I am writing you this letter as a follow-up to the test security irregularity that occurred during the 2009 administration of the Maryland School Assessment (MSA). Specifically, our investigation concluded that you failed to give a student the correct answer book during make-up testing. We have reported this violation to the Maryland State Department of Education (MSDE), as required by Maryland law. After reviewing the circumstances, I am issuing you this letter of warning.

Your compliance with test security procedures of all State assessments is extremely important and mandated by the Code of Maryland Annotated Regulations (COMAR) 13A.03.04.05. While your error may not have been intentional, even innocent mistakes can compromise the integrity of the test, as well as negatively impact students and our school system. I trust that as a consequence of this, you understand the absolute need to follow all test administration procedures. Should you have any questions regarding this matter or any matters of test administration, I encourage you to seek assistance from your School Test Coordinator.

Sincerely,

Nyce Principal

Mrs. Nyce Principal
Principal, Happydale Elementary School

Goode Teacher

I have received a copy of the correspondence and understand a copy has been placed in my personnel file.

cc: Ms. Joy Local, LAC Happydale County
Employee Personnel File

VERIFICATION OF PERSONNEL ACTION FORM



Verification of Personnel Action

MSDE regulations require local school systems to promptly investigate and provide results of reports involving test security violations (COMAR 13A.03.04.05C; 13A.03.04.06B) to the State Test Security Officer. The policies of the State Test Administration and Security Committee (STASC) are implemented under the authority of the State Board of Education, which exercises general control and supervision over the public schools and educational interests of the State [see Md. Code, Educ. Art. 2-205(g)].

As a policy matter, the STASC requires verification of personnel action taken against individuals involved in test security violations reported by the local school systems under COMAR 13A.03.04.05.06. The STASC may request the local school systems to provide additional personnel information if MSDE considers suspending or revoking the administrative credentials of the responsible individuals, pursuant to COMAR 13A.03.04.07B(2).

All test security materials submitted by the local school systems are treated confidentially in accordance with Maryland law, stored securely by the State Test Security Officer and reviewed solely by the members of the STASC.

This form must be completed and signed by an authorized individual of the LEA and returned to the State Test Security Officer by the specified due date.

This is to certify that the following personnel action was issued:

- Verbal Warning
- Verbal Reprimand
- Advisory Letter
- Letter of Warning
- Letter of Reprimand
- Other _____
Specify

MSDE Case#

Name of individual completing form (Please print)

LEA

Title

Date

Signature