LTITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 14
WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS (2340)

§126-14-1. General.

1.1. Scope. -- This policy establishes rules governing the administration and operation of the West Virginia Measures of Academic Progress.

1.2. Authority. -- West Virginia Constitution, Article XII, §2; W. Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8(c)(1), 18A-3-6, and Public Law 107-110, *No Child Left Behind Act of 2001(hereinafter NCLB).*

1.3. Filing Date. -- September 9, 2011.

1.4. Effective Date. -- October 11, 2011.

1.4.a. Unless specified otherwise within the policy.

1.5. Repeal and Replace. -- This rule amends W. Va. 126CSR14 West Virginia Board of Education (hereinafter WVBE) Policy 2340, West Virginia Measures of Academic Progress (hereinafter WV-MAP), filed June 13, 2011 and effective July14, 2011.

§126-14-2. Purpose.

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

§126-14-3. Definitions.

3.1. Accommodations. Accommodations refer to changes in the administration of an assessment that do not change what is intended to be measured by the assessment or the meaning of the resulting scores. Types of accommodations include scheduling, timing, presentation format, response mode, or others, including any combination of these. Allowable accommodations are defined in the West Virginia Department of Education's (hereinafter WVDE) *West Virginia Guidelines for Participation in State Assessments* and applicable examiner's or administration manuals.

3.2. ACT EXPLORE. ACT EXPLORE is a norm-referenced test that generates English, mathematics, reading, and science scores for West Virginia 8th graders. In addition, information is collected about students' educational and career plans, interests, high school course work plans, and self-identified needs for assistance.

3.3. ACT PLAN. ACT PLAN is a norm-referenced test that generates English, mathematics, reading, and science scores for West Virginia 10th graders. In addition, information is collected about students' educational and career plans, interests, high school course work plans, and self-identified needs for assistance.

3.4. Aide. For the purpose of testing, an aide is a person who meets or exceeds the qualifications of Aide II pursuant to W. Va. Code §18A-4-8(i)(9) and is hired to work with special needs students in an instructional setting. An aide may serve as an examiner for special needs students when instructionally assigned. All aides must be trained as examiners and pre-approved by WVDE.

3.5. Alternative Education Program. An alternative education program, as defined by W. Va. 126CSR20, WVBE Policy 2418, Regulations for Alternative Education Programs for Disruptive Students (hereinafter Policy 2418), is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose behavior places them at risk of not succeeding in the traditional school structure and in adult life without positive interventions.

3.6. Adequate Yearly Progress (hereinafter AYP). AYP is a NCLB requirement which requires each state to set a trajectory of performance which is defined by the percent of students who are at mastery or above in grades 3 through 8 and one grade level at high school. Each state must have the AYP trajectories approved in the State Accountability Workbook by the United States Department of Education.

3.7. Benchmark Assessments. Benchmark Assessments are those optional assessments that local school districts use to assess the instructional benchmarks within that instructional period, for example, six-week periods or nine-week periods. These assessments allow local school districts and staff to monitor progress toward the West Virginia 21st Century Content Standards and Objectives that are determined as the instructional benchmarks within that instructional period.

3.8. Building Level Coordinator. A building level coordinator is designated by and serves under the direction of the principal for the purpose of assisting the principal with the administration of an assessment included in the WV-MAP. The building level coordinator must be a currently employed educator who holds a valid West Virginia teaching license or certification granted by the Office of Professional Preparation and has signed the *WVBE Building Level Coordinator's Secure Materials and Test Procedures Agreement*. Principals may designate assistant building level coordinator/s to assist the building level coordinator.

3.9. Classroom Assessment. Classroom assessment is a process of student-involved, ongoing and inter-connected assessment of explicit learning targets that occurs during the learning to reveal patterns in student learning and to reflect progress toward mastery of objectives. Classroom assessment enables teachers to diagnose and respond to student needs, adjust instruction based on results and provide descriptive feedback to students. Classroom assessment enables students to take responsibility for their own learning by engaging in self-assessment, reflection, goal-setting, self-monitoring and communicating their own progress. The classroom assessment process requires the use of many assessment methods to provide a continuous stream of accurate evidence of learning.

3.10. Cheating. Cheating is a willful or intentional act of dishonesty by an administrator, teacher, examiner, or student involving preparing for tests, test taking, altering records, use of unauthorized electronic devices, or performance that impacts and/or jeopardizes the integrity of the test or the accuracy of the test results. Cheating will result in the invalidation of test scores and tests as per the recommendation of the investigative team and the determination of WVDE. Cheating may result in a loss of licensure/certification for employees as per §126CSR14-8.7.

3.11. West Virginia 21st Century Content Standards and Objectives (hereinafter CSOs). Content standards and objectives are statements of the knowledge and skills that students are expected to learn. CSOs indicate what students should know and be able to demonstrate as a function of schooling.

3.12. Copyright Infringement. For the purpose of this policy, copyright infringement consists of the retention, reproduction, or paraphrasing in any manner of secure test material in paper or electronic

format, including test booklets, answer sheets or online submissions. Copyright infringement may result in a loss of licensure/certification as per §126CSR14-8.7.

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

3.14. Criterion-Referenced Test (CRT). A CRT is an assessment that measures a student's achievement of a specified set of criteria.

3.15. Eligible Students with Disabilities. Students who are eligible, in accordance with the definitions, eligibility criteria, procedures and safeguards contained in W. Va. 126CSR16, WVBE Policy 2419, Regulations for the Education of Exceptional Students (hereinafter Policy 2419).

3.16. Examiner. An examiner:

3.16.a. must be a currently employed educator and/or an approved employee of the state, county or RESA, or a currently employed educator of a nonpublic school;

3.16.b. must hold a valid West Virginia teaching license or certification granted by the Office of Professional Preparation;

3.16.c. must have been trained and must have on file a signed *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP;

3.16.d. may be a substitute teacher or an aide serving as an examiner for special needs students when instructionally assigned;

3.16.d.1. all aides and nonpublic school educators must be approved by WVDE;

3.16.e. may not be a student teacher;

3.16.f. may not administer WV-MAP assessments to his/her child/ren.

3.17. Family Education Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) (hereinafter FERPA). FERPA is a federal law that protects the privacy of student education records. It is implemented by W. Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data (hereinafter Policy 4350).

3.18. Grade Level. Grade level is the class designation, Pre-K through 12, in which the student is enrolled as indicated on the student West Virginia Education Information System (WVEIS) record for public school students. Grade level for nonpublic school students is the class designation, Pre-K through 12, in which the student is enrolled in the nonpublic school.

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

3.20. Homebound Students. Homebound students are those students enrolled in a public school who, for any reason as certified in writing by a licensed physician or other licensed health care provider, are temporarily confined to home or hospital for a period that has lasted or will last more than three consecutive weeks and who meet the eligibility criteria in W. Va. 126CSR42, WVBE Policy 2510,

Assuring the Quality of Education: Regulations for Education Programs (hereinafter Policy 2510) for home/hospital instruction.

3.21. Individualized Education Program (hereinafter IEP). An IEP is a written plan, developed by a team as defined in Policy 2419 describing the specially designed instruction and appropriate accommodations, if any, needed for an eligible exceptional student to master the CSOs and/or be prepared for the workplace.

3.22. Limited English Proficient (hereinafter LEP) Student. A limited English proficient student is classified according to the federal government definition as described in NCLB. An LEP student is classified as one:

3.22.a. who is aged 3 through 21; and

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

3.22.c. who was not born in the United States or whose native language is a language other than English; or who is a Native American or Alaska Native, or a native resident of outlying areas; and

3.22.c.1. who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

3.22.c.2. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

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

3.22.d.1. the ability to meet the state's proficiency level of achievement on state assessments;

3.22.d.2. the ability to successfully achieve in classrooms where the language of instruction is English; or

3.22.d.3. the opportunity to participate fully in society [W. Va. 126CSR15, WVBE Policy 2417, Programs of Study for Limited English Proficient Students (hereinafter Policy 2417)].

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

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

3.25. Locked and Secured Central Location(s). A locked and secured central location(s) for storage of secure materials is any location that can be locked and secured with access limited to only the principal and/or building level coordinator.

3.26. Medically Fragile. A medically fragile student is a student who is suffering from a terminal illness, injuries, medical or mental emergency, or receiving extraordinary short-term medical treatment for either a physical or psychiatric condition, and for whom a participation rate exemption may be requested through an appeals process with the Office of Education Performance Audits.

3.27. Migrant/Migratory Child. The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work;

3.27.a. has moved from one school district to another; within the district/state in the preceding 36 months. Additionally, this definition includes the child who has accompanied such a parent or spouse in the preceding 36 months; or

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

3.27.c. resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

3.28. "N" Count. The "N" count is the number of students tested in a specific group. For reporting/accountability purposes, the "N" count must be large enough so students in that group cannot be individually identified. The "N" counts are chosen by states and approved by the federal government for reporting out in the State Report Card and calculating/reporting NCLB AYP.

3.29. National Assessment of Educational Progress (hereinafter NAEP). The NAEP is a national assessment of a representative sampling of America's students in grades 4, 8 and 12. NAEP measures what America's students know and can do in various subject areas. Assessments are conducted periodically in reading, mathematics, science, writing, U.S. history, civics, geography, the arts and other subjects. As defined in NCLB, NAEP reading and mathematics assessments are required to be administered to 4th and 8th graders. W. Va. Code §18-2E-2 states NAEP shall be administered in academic areas at various grades designated by National Assessment of Education Progress officials.

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

3.31. National Center for Education Statistics (hereinafter NCES). The NCES collects, analyzes and makes available data related to education in the United States and other nations.

3.32. Public Law 107-110, No Child Left Behind Act of 2001 (NCLB). NCLB is a federal law that requires school districts to be accountable for teaching children in order for those districts to continue receiving federal funds. NCLB was an attempt to get school districts to start making a difference in closing the achievement gap within all subgroups and bringing accountability to schools, local school districts and the state.

3.33. Nonpublic School Student. A nonpublic school student is a student enrolled in an elementary, middle or high school that is not established or maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12.

3.33.a. Nonpublic Schools. Nonpublic schools include private schools, such as Mountaineer Challenge, schools operated by a religious groups or other nonpublic schools. If nonpublic schools choose to participate in WV-MAP, it is understood the nonpublic school staff must adhere to policy requirements.

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

3.35. Office of Education Performance Audits (hereinafter OEPA). The OEPA assists the WVBE, the Legislature, the Governor, and the Process for Improving Education Council in establishing and maintaining a system of education performance audits which measures the quality of education and the preparation of students based on standards and measures of student, school, and school system performance and progress and the processes necessary in providing a thorough and efficient system of education in West Virginia.

3.36. Out-of-State Placements. Out-of-state placements by the West Virginia Department of Health and Human Resources include students who have been placed by a non-IEP decision in out-of-state schools/facilities due to special education needs and related services. These students are not instructed using the CSOs; therefore, they are not assessed using the West Virginia accountability assessments or included in AYP calculations. Out-of-state placements by counties include students who have been placed by an IEP decision in out-of-state schools/facilities due to special education needs and related services. These students are instructed as defined by the CSOs, and therefore, are assessed using the West Virginia accountability assessments and are included in AYP calculations.

3.37. Public School Student. A public school student is a student enrolled in an elementary, middle or high school established and maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12.

3.37.a. Foreign Exchange Students are considered to be public school students for the year they attend an assigned public school; if tested, they are not included in the AYP calculations.

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

3.39. School Personnel. School personnel include any persons employed to work in any manner by a school or LEA.

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

3.41. Section 504 Committee. A Section 504 Committee is established in accordance with LEA procedures and meets annually to address issues impacting student instruction and assessment for students determined to have a disability as defined by Public Law 93-112, Section 504 of The Rehabilitation Act of 1973 (hereinafter Section 504).

3.42. Section 504 Plan. A Section 504 Plan is an annually reviewed, written plan describing the accommodations to be provided to a student determined by LEA procedures to have a disability as defined by Section 504.

3.43. Security Breach. A security breach is the failure to observe/follow the documented procedures established to protect, maintain and implement the testing process, such as the *WVBE Testing Code of Ethics*, test procedures agreements, and/or procedures prescribed in the testing manuals by any person administering or assisting with the administration of an assessment included in the WV-MAP.

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

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

3.46. State Education Agency (hereinafter SEA). An SEA is the sole state educational agency for all public schools. The WVDE is the SEA for West Virginia.

3.47. Testing Administration Breach. A testing administration breach is any failure to follow the documented test administration procedures that could alter the results or testing environment of the assessment for one or more students, e.g., timing an untimed test, not implementing required accommodations, etc. See §126CSR14-7.7 for the protocol to use in reporting an alleged breach.

3.48. Testing Code of Ethics. The *WVBE Testing Code of Ethics* (Appendix A), as set forth in this policy, defines the moral and principled practice of handling, training, and administering secure assessment materials.

3.49. Testing Irregularity. A testing irregularity is any unexpected event that significantly disrupts the testing environment of two or more students, e.g., sounding of the fire alarm or power outage. Test irregularities must be reported by the examiner on a testing irregularity form to the principal or county test coordinator, as appropriate, by the person administering or assisting with the administration of an assessment.

3.50. Testing Window. The testing window is the specific calendar dates during which assessments under the WV-MAP shall be administered in accordance with W. Va. Code §18-5-45(l) and Policy 2340.

3.51. West Virginia Alternate Academic Achievement Standards. West Virginia Alternate Academic Achievement Standards are achievement standards for students with the most significant cognitive disabilities. These standards are derived from the CSOs and include alternate performance descriptors for grades 3-8, 10 and 11.

3.52. West Virginia Alternate Performance Task Assessment (hereinafter APTA). APTA is specifically designed for students with significant cognitive disabilities whose performance cannot be adequately assessed through the general assessment instrument, West Virginia Educational Standards Test 2, even with accommodations. Students who are administered APTA must be instructed using the appropriate grade level Alternate Academic Achievement Standards as per the IEP.

3.53. West Virginia Educational Standards Test 2 (hereinafter WESTEST 2). WESTEST 2 is a customized test consisting of selected criterion-referenced response items used to measure a student's level of achievement of the West Virginia CSOs in mathematics, reading/language arts, social studies and science in grades 3-11.

3.53.a. WESTEST 2 Online Writing. The WESTEST 2 Online Writing is a session of the WESTEST 2 Reading/Language Arts (RLA) test. This session evaluates grade level writing skills defined in the CSOs related to organization, development, word choice, grammar usage, sentence structure, and mechanics in grades 3-11. Student performance on the online writing session is combined with student performance on the multiple choice sessions of WESTEST 2 RLA to obtain an overall scale score and performance level for reading/language arts.

3.54. West Virginia Guidelines for Participation in State Assessments. This document provides guidelines for participation of all students, including students with Individualized Education Plans, 504 Plans or Limited English Proficiency Plans. The accommodation set forth in this document are nationally recognized accommodations and have been approved by a national technical assistance team and the federal government.

3.55. West Virginia Measures of Academic Progress (WV-MAP). WV-MAP is the comprehensive assessment system that measures student performance. These measures include WESTEST 2 (including

Online Writing), APTA, ACT EXPLORE, ACT PLAN, and NAEP. (Note: References to WESTEST 2 include Online Writing.)

§126-14-4. Program Regulations.

4.1. All public school students enrolled in grades 3-11 shall be assessed at the grade level in which they are enrolled by either WESTEST 2 or APTA in the spring of each year.

4.1.a. WESTEST 2 assesses the content areas of mathematics, reading/language arts, science and social studies for grades 3-11.

4.1.a.1. Students in grade 11 enrolled in chemistry or conceptual chemistry during the current academic school year will be assessed by WESTEST 2 grade 11 science.

4.1.a.2. Students in grade 11 enrolled in a science course other than chemistry or conceptual chemistry during the current academic school year will not be assessed by WESTEST 2 grade 11 science.

4.1.b. APTA assesses the content areas of mathematics, reading/language arts and science.

4.1.b.1. Mathematics and reading/language arts are assessed in grades 3-8 and 11.

4.1.b.2. Science is assessed in grades 4, 6, and 10.

4.2. All LEP public school students shall participate in the WESTEST 2 or APTA in the grade level in which they are enrolled. The LEP Committee will determine the appropriate accommodations if any (Policy 2417) using the *LEP Assessment Participation Form*.

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

4.2.b. When the LEP student is identified as a student with a disability under Section 504, the Section 504 Committee will determine the student's appropriate accommodations.

4.3. All public school students with disabilities who are eligible for services as defined in Policy 2419 shall participate in the WESTEST 2 or APTA at the grade level in which they are enrolled with appropriate accommodations, if any, as determined by their IEP Team.

4.3.a. All public school students with significant cognitive disabilities who are unable to take the WESTEST 2 and who meet the criteria for participation in the APTA as determined by their IEP Teams shall participate in the APTA.

4.3.a.1. The documentation procedure for ensuring IEP accommodations are provided on WESTEST 2 and APTA must be followed, as per WVS.326 outlined in the *West Virginia Guidelines for Participation in State Assessments*.

4.3.b. All public school students with disabilities as defined by Section 504 who do not have an IEP shall participate in the WESTEST 2 in the grade level in which they are enrolled. Appropriate accommodations, if any, must be determined by the student's Section 504 Committee and documented in the student's Section 504 Plan.

4.3.c. All public school eligible students with disabilities under Policy 2419 whose IEP placement is Special Education: Out-of-School Environment, are to be assessed at the school in which the student is enrolled or an alternate testing site approved by the county test coordinator. All participating educators and students shall be required to follow all testing guidelines and security procedures set forth in this policy.

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

4.5. All public school students enrolled in 10th grade with the exception of students who meet the criteria to participate in APTA shall participate in the ACT PLAN assessment with accommodations as determined by their respective IEP Teams, Section 504 Committees, or LEP Committees in the fall of each year.

4.6. All public school students enrolled at grades 4, 8 and 12 who are part of the NAEP state sample shall participate in the NAEP, a component of the WV-MAP. The participant(s) of this test will be determined by a random sample at the national level. All students on the school roster shall be given the opportunity for selection. Students participating in APTA and students with IEPs, Section 504 Plans, or LEP Assessment Participation Forms who cannot be accommodated by NAEP may be excluded from participation or assessed and not scored after having been randomly selected.

4.7. All homebound public school students are to be assessed at the schools in which the students are enrolled or at alternate testing sites approved by the county test coordinators. All participating educators and students shall be required to follow all testing guidelines and security procedures set forth in this policy. Appeals are available for those students who are too medically fragile to be assessed or who have other medical emergencies as documented by a physician. The form is available on the OEPA website.

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

4.9. Home-instructed (home-schooled) students may participate in the WV-MAP under standard conditions administered in the public schools of the county in which they reside. Each academic year, the home instructor must notify the county test coordinator of the intent to participate in the WV-MAP. Students may participate in ACT EXPLORE and ACT PLAN provided the home instructor notifies the county test coordinator of the intention to participate at least two months prior to the scheduled testing window. Students may participate in WESTEST 2 provided that the home instructor notifies the county test coordinator of the intention to participate at least two months prior to the online writing session testing window. Home-instructed students will be assigned: 1) a location for testing with an approved educator who has completed the required training as an examiner/scribe and signed the *WVBE Examiner's/Scribe's Secure Materials and Test Procedures Agreement*, and 2) a test date by the county test coordinator during the testing window. All educators and nonpublic school students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures set forth in this policy. Violations of this policy shall result in the loss of testing privileges.

4.10. All nonpublic school students may participate in WV-MAP. Each academic year, the nonpublic school administrator must notify the county test coordinator of the intent to participate in the WV-MAP. The nonpublic school administrator(s) must notify the county test coordinator of the school's request to participate in ACT EXPLORE and ACT PLAN at least two months prior to the scheduled testing window. The nonpublic school administrator(s) must notify the county test coordinator of the school's request to participate in WESTEST 2 at least two months prior to the online writing session testing window. The county test coordinator, not the nonpublic school, will receive all testing material

and release the testing materials to the nonpublic principal/assigned building level coordinator upon completion of the required training and receipt of signed *WVBE Principal and/or Building Level Coordinator Secure Materials and Test Procedures Agreement* (required annually). All educators and nonpublic school students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures set forth in this policy. All educators who have access to secure test materials must be trained annually; the county test coordinator, in conjunction with the principal/building level coordinator at the participating nonpublic school, will determine training dates. Violations of this policy shall result in the loss of testing privileges.

4.11. Each county board of education shall establish a local system to analyze the assessment results, evaluate pupil, school, and LEA performance related to test results, use the data to increase student learning and improve school achievement according to W. Va.126CSR13, WVBE Policy 2320, A Process for Improving Education: Performance Based Accreditation System (hereinafter Policy 2320).

4.12. The WVBE shall provide an appeal process for LEAs when it is believed there are statistical errors in the assessment data. This appeal process shall be available to the county superintendent as per Policy 2320.

§126-14-5. Administration Regulations.

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

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

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

5.2.a. Counties shall ensure that all appropriate central office staff are trained on security and school personnel are adequately trained in administration and security of WV-MAP assessments and the interpretation and use of test data.

5.2.b. Counties shall ensure that principals and building level coordinators, when designated by the principal, must deliver adequate training and professional development to all educators who administer WV-MAP assessments.

5.2.c. Each county test coordinator shall develop and implement procedures regarding the administration of the WV-MAP and shall collaborate with central office staff and school personnel to develop and implement procedures for the analysis and application of test results.

5.3. Public/nonpublic school educators who meet the definition of examiner shall administer any portion of the WV-MAP for children as assigned by the principal or building level coordinator.

5.3.a. All requirements stipulated in the Appendices of the WVBE Policy 2340, must be adhered to in all test administration.

5.3.b. Any West Virginia public/nonpublic school employee involved in any phase of the testing program shall be trained in secure materials and/or assessment administration procedures as defined in policy.

5.3.c. Examiner. An examiner:

5.3.c.1. must be a currently employed educator and/or an approved employee of the state, county or RESA, or a currently employed educator of a nonpublic school;

5.3.c.2. must hold a valid West Virginia teaching license or certification granted by the Office of Professional Preparation;

5.3.c.3. must have been trained and must have on file a signed *Examiner's/Scribe's Secure Materials and Test Procedures Agreement* for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP;

5.3.c.4. may be a substitute teacher or an aide serving as an examiner for special needs students when instructionally assigned;

5.3.c.4.A. all aides and nonpublic school educators must be approved by WVDE;

5.3.c.5. may not be a student teacher;

5.3.c.6. may not administer WV-MAP assessments to his/her child/ren.

5.3.d. Counties shall ensure that all principals and building level coordinators, as well as all other appropriate central office and school building level professional staff and personnel are, as appropriate, adequately trained in test administration, interpretation and use of test data. All irregularities that represent cheating, security breaches, testing administration breaches or copyright infringements shall be reported according to guidelines outlined in §126CSR14-7.7.

5.3.e. Principals/building level coordinators at nonpublic schools that administer any portion of the WV-MAP are required to have a valid West Virginia teaching license/certification as do public school principals and building level coordinators.

5.4. All irregularities of student misconduct that represent student cheating, security breaches, testing administration breaches or copyright infringements shall be reported according to guidelines outlined in §126CSR14-7.7.

5.4.a. Any allegation of cheating, security breach, testing administration breach or copyright infringement shall be reported according to the following protocol:

5.4.a.1. Any allegation that occurs in the school shall be reported to the school principal.

5.4.a.2. Principals shall report allegations to the county test coordinator.

5.4.a.3. County test coordinators shall report allegations to the county superintendents and to the WVDE Office of Assessment and Accountability.

5.4.a.4. The WVDE Office of Assessment and Accountability shall report allegations to the State Superintendent of Schools.

5.4.a.4.A. The WVDE Office of Assessment and Accountability holds the authority to determine whether or not a breach form of the test will be administered.

5.4.a.5. When the circumstances of reporting an allegation directly to an administrator may place an informant in jeopardy, the allegation shall be reported directly to the WVDE Office of Assessment and Accountability which represents the State Superintendent of Schools.

5.5. Any West Virginia nonpublic school employee involved in any component of the testing program shall be trained in appropriate assessment administration and test security procedures. Test administrators shall hold a valid West Virginia teaching license/certification and must be approved by WVDE.

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

5.6.a. Each examiner administering the WESTEST 2 or APTA to a student with an IEP requiring accommodations for testing must complete and sign the required documentation on the WVS.326 for reading/language arts, mathematics and science as per federal Title I monitoring requirements.

5.7. Any person who transcribes must: (1) be a trained examiner as defined by Policy 2340; (2) sign the *Scribe Verification Form* at the conclusion of the transcription; and (3) list the name of each student whose work was transcribed, each student's enrollment grade and the parts of the test that were transcribed on the *WVBE Scribe Verification Form*. The form is to be sent to the principal or building level coordinator upon completion.

§126-14-6. Reporting Regulations.

6.1. All students who participate in the WV-MAP and their parents/guardians shall be provided the individual student assessment results in a timely manner by the county, with the exception of NAEP. The availability for explanation and interpretation of those results will be provided by professional staff at each school under the direction of the principal or building level coordinator.

6.1.a. The WVDE is required to publicly report scores for WESTEST 2 and APTA only, as per NCLB. Performance data on individual students, schools, and counties are made available for ACT EXPLORE and ACT PLAN through reports provided by the WVDE.

6.1.b. West Virginia NAEP assessment results for grades 4, 8, and 12 are aggregated by state and are not currently available for individual students, schools, or counties. The release of NAEP results is determined by NAGB and announced by the State Superintendent of Schools or designee. Explanation and interpretation of NAEP results in the context of state, regional, and national results are available at the NCES web site.

6.2. The WVDE shall release student, school, LEA, and statewide assessment results, as per the state and federal requirements.

6.2.a. The WVDE shall release to the public only those results that do not identify a student or small group of students in accordance with FERPA. A federally approved "N" count shall be used to protect personally identifiable student data.

6.2.b. Secure test materials and test items will not be released.

6.3. To facilitate instruction and school improvement, the professional staff under the direction of the principal shall be provided assessment data (except NAEP) by individual, grade level, and subgroup for the students in their schools and/or classrooms.

6.4. Upon receipt of individual student results, the school will release the results to parents/guardians and to the teachers to whom the students are assigned in a timely manner.

6.4.a. Each public school principal/designee will confirm to the local superintendent the individual student results for the NCLB assessments were sent to the parent/guardian of the child(ren). The local superintendent will confirm to the state superintendent the individual student results were sent by each of the public schools in said county. All confirmations will be available at school and district level for federal and state monitoring.

6.5. State, county, and school WESTEST 2 and APTA results shall be disaggregated and reported by the WVDE, as required by NCLB.

6.5.a. Performance on the WESTEST 2 and on the APTA shall be reported by state, county, and school in terms of the percentage of students who achieved at each performance level in each grade by subgroup in all content areas.

6.5.a.1. Performance on WESTEST 2 shall be reported as novice, partial mastery, mastery, above mastery and distinguished based upon cut scores for each assessed content area. (Cut scores are published in the technical report.)

6.5.a.2. Performance on APTA shall be reported as novice, partial mastery, mastery and above mastery based upon cut scores for each assessed content area. (Cut scores are published in the technical report.)

6.5.b. School performance on the WESTEST 2 and APTA shall be reported in terms of the percentage of students who achieved a minimum level of mastery in order to meet AYP in each subgroup in the required content areas.

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

6.7. The Wrong-to-Right erasure report, disaggregated by school, by grade, by content, and by examiner, provided by the accountability vendor will be reviewed by WVDE Office of Assessment and Accountability and WVDE Office of Research. A determination will be made by WVDE as to whether the data warrant additional investigation pursuant to §126CSR14-8.

6.8. Individual student level assessment data are maintained securely to protect student confidentiality as per the FERPA (20 U.S.C. §1232g; 34 CFR Part 99) and WVBE Policy 4350.

§126-14-7. Test Security.

7.1. The *WVBE Testing Code of Ethics*, as found in Appendix A, is incorporated by reference into this policy.

7.2. Only secure test materials shall be used in conjunction with the WV-MAP. Apart from the scheduled test administration to students, the use of secure test materials (paper and electronic) to retain, reproduce, paraphrase, or discuss in any manner the booklets, answer sheets, online test or submissions, or excerpts from the booklets is unacceptable and unethical behavior. A county test coordinator, principal, building level coordinator, or county/school personnel found to have inappropriately used test materials in this manner will be subject to penalties, including but not limited to, revocation of professional license/certification, as set forth in §126CSR14-8.

7.3. The county test coordinator shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training prior to each assessment and by reviewing, signing and returning *WVBE County Test Coordinator's Secure Materials and Test Procedures Agreement* (Appendix B) to the WVDE prior to the fifteenth day of September each year.

7.3.a. Apart from the scheduled test administration, the county test coordinator shall ensure that secure test materials shall be stored in a locked and secured, central location(s) by the county test coordinator consistent with test security procedures outlined in the *WVBE Testing Code of Ethics* (Appendix A).

7.4. The principal shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing, and returning the *WVBE Principal's Secure Materials and Test Procedures Agreement* (Appendix C) to the county test coordinator prior to the last day of September each year. This agreement must be on file with the county test coordinator before any test administration materials will be released to the principal.

7.4.a. The building level coordinator, if applicable, shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing and returning the *WVBE Building Level Coordinator's Secure Materials and Test Procedures Agreement* (Appendix D) to the county test coordinator prior to the last day of September each year. This agreement must be on file with the county test coordinator before any test administration materials will be released to the principal.

7.4.b. Test materials must be stored in locked and secured central location/s prior to and following each daily testing session. Test materials are to be stored in a school in accordance with the administration guidelines of each assessment. Access to secure test booklets and answer sheets by all persons other than the county test coordinator, principal, and building level coordinator shall be restricted to the scheduled dates of test administration as outlined in the *WVBE Testing Code of Ethics* (Appendix A).

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

7.4.d. The test administration area shall be maintained in a secure manner accessible only to those students to whom the assessment is being administered, the examiners, the principal and/or the building level coordinator(s), and authorized county/school personnel.

7.5. The examiners shall acknowledge that all assessments within the WV-MAP are secure tests by completing the required training for each assessment and by reviewing, signing and returning the *WVBE Examiner's/Scribe's Secure Materials and Test Procedures Agreement* (Appendix E) to the appropriate test administrator no later than five instructional days prior to the beginning of testing each year. This signed agreement must be on file with the principal and verification of all trained personnel with signed security agreements for each assessment must be on file with the county test coordinator/principal five instructional days prior to the beginning of each test, each year.

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

7.5.b. The examiners shall not review or examine in any manner a student's test booklet, answer sheet and/or online submissions once a test is completed by the student.

7.6. The WVDE and OEPA will routinely review counties, schools and classrooms to identify irregularities in testing security procedures, modifications of test answer sheets, or other alleged unethical

practices. The repercussions for testing security violations and/or copyright infringements are outlined in §126CSR14-8.

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

7.7.a. Any allegations that occur in the school shall be reported to the principal.

7.7.b. The principals shall report allegations to the county test coordinator.

7.7.c. The county test coordinator shall report allegations to the county superintendent and to the WVDE Office of Assessment and Accountability.

7.7.d. The WVDE Office of Assessment and Accountability in conjunction with the WVDE Office of Legal Services shall report allegations to the State Superintendent of Schools.

7.7.d.1. The WVDE Office of Assessment and Accountability holds the authority to determine whether or not a breach form of the test will be administered.

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

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

8.1. Any written complaint and/or oral report alleging cheating, security breach, testing administration breach or copyright infringement shall be reported immediately, according to the protocol set forth in §126CSR14-7.7 of this policy, to the principal and county test coordinator with a copy to the county superintendent (or organization) where the allegations occurred. The county test coordinator shall immediately contact the WVDE Office of Assessment and Accountability, which will advise the county about the procedures to follow regarding any investigation.

8.1.a. All complaints, whether reported by a named individual or anonymously, will be reviewed and a decision will be made as to whether an investigation will be conducted.

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

8.2.a. jointly conducted by the designated staff of WVDE in consultation with the county superintendent (or the designated staff) where the allegations occurred unless the WVDE agrees to an alternate investigative plan.

8.3. The local school district shall maintain confidentiality and shall not conduct investigations at the county level prior to notification to proceed from the WVDE.

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

8.3.b. The investigative team must take immediate steps to protect the confidentiality of the complainant, students, teachers, administrators, and other personnel including the individual(s) against whom the allegation(s) is/are made pending the completion of an investigation of cheating, a security breach, a testing administration breach or copyright infringement.

8.3.c. The investigation may also consist of any other methods and review of the circumstances deemed pertinent by the investigators within the bounds of the law.

8.4. Upon completion of the investigation, a report consisting of written findings and final recommendations based on all the facts and surrounding circumstances must be submitted for the county to the State Superintendent of Schools in a timely manner and shall include a determination of whether misconduct did or did not occur or whether misconduct could not be determined.

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

8.4.a.1. invalidating the test scores of students/classes/schools/county,

8.4.a.2. if the testing window has not closed, retesting of students with the equivalent form of the test will be considered with the county (or school if requested by county) assuming the cost of both purchasing and scoring of the equivalent form,

8.4.a.3. re-aggregating the test data for valid test results for students school/county/state,

8.4.a.4. using the equivalent form in the next year's administration for the affected grades,

8.4.a.5. retraining of administrator/examiner involved in investigation,

8.4.a.6. banning administrator/examiner from handling of WV-MAP secure materials for any determined misconduct, and

8.4.a.7. action from county superintendent as per §126CSR14-8.7.a or county board as per §126CSR14-8.7.b.

8.5. Upon acceptance of the report by the State Superintendent of Schools, a copy of said report will be sent to the county superintendent along with the State Superintendent of School's letter of acceptance of the report.

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

8.7. Within 60 days of receipt of the letter from the State Superintendent of Schools accepting the recommendations of the investigative team, the county superintendent shall report in writing to the State Superintendent of Schools the status of further proceedings and any action taken. This report shall include the following:

8.7.a. action taken by the county superintendent:

8.7.a.1. no action,

8.7.a.2. written reprimand,

8.7.a.3. improvement plan, or

8.7.a.4. other, including ongoing investigation/s.

8.7.b. action taken by the county board:

8.7.b.1. no action,

8.7.b.2. suspension,

8.7.b.3. termination, or

8.7.b.4. other.

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

8.8.a. The State Superintendent of Schools may revoke the teaching license/certification pursuant to W. Va. Code §18A-3-6 or decline to grant a license or a license renewal pursuant to W. Va. Code §18A-3-2a for any person who knowingly and willfully acted with the intent to compromise the integrity of assessments in the WV-MAP. Behavior giving rise to such action by the State Superintendent of Schools includes but is not limited to:

8.8.a.1. giving unauthorized access to secure test questions and/or answer keys or infringement of copyrighted materials,

8.8.a.2. retaining, reproducing, paraphrasing, or discussing all or any portion of a secure test,

8.8.a.3. prompting or assisting examinees during testing or altering examinees' responses in any way,

8.8.a.4. providing a false certification on any *WVBE Secure Materials and Test Procedures Agreement* or *WVBE County/School Personnel Secure Materials Agreement,*

8.8.a.5. manipulating the test administration, demographic data, or the students' answers or data, and

8.8.a.6. participating in, directing, aiding or abetting, or assisting in any of the acts prohibited in Policy 2340, and W. Va. Code §18-2E-1a.

8.8.b. The WVBE in conjunction with the State Superintendent of Schools shall have the authority to enforce copyright laws to ensure the integrity of the assessments in Policy 2340, and W. Va. Code §18-2E-1a(4).

Appendix A

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

ETHICAL TESTING PRACTICES

Test Security

1. County school personnel shall establish and implement procedures to ensure maximum test security and limit access of secure materials to applicable county/school personnel.

2. Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured, central location by the county test coordinator in accordance with the test administration guidelines of each assessment.

3. The county test coordinator shall be responsible for the test booklets/answer sheets received by the county and shall maintain a record of the booklets sent to each school in accordance to the test administration guidelines of each assessment.

4. Before each test administration, materials must be distributed and stored according to instructions provided with the test. Tests must be secured at all times during test administration, including all breaks in the testing sequence. All test booklets (used and unused) and answer sheets, if applicable, must be counted, reconciled, and returned to a centrally located, locked and secured area immediately upon the completion of each daily testing session.

5. Secure test materials in a school must be stored in a locked and secured central location(s) prior to and following each daily testing session. Secure test materials are to be stored in the building prior to and after testing in accordance to the test administration guidelines of each assessment. Testing, including makeups, must occur during the testing window. Access to test booklets and answer sheets shall be restricted to the state scheduled dates of test administration.

6. Any allegations of cheating, security breach, testing administration breach, copyright infringement, loss of materials, or other deviation from acceptable and ethical security procedures shall be reported immediately to the principal, county test coordinator, county superintendent, and the WVDE Office of Assessment and Accountability. The WVDE Office of Assessment and Accountability, in conjunction with the WVDE Office of Legal Services, shall report allegations to the State Superintendent of Schools according to the protocol set forth in §126CSR14-7.7 of Policy 2340.

7. No secure test materials, test questions or student responses/answer sheets shall be reviewed, retained, reproduced paraphrased, or discussed in any manner. Additionally, teachers and/or students may not alert examinees to the correct answer choice, by pointing to the correct answer, eliminating answer choices, mouthing the correct answer.

8. Personnel responsible for the testing program shall be properly instructed and participate in the training for each assessment's appropriate test administration procedures as set forth in Appendices B-F in this policy.

9. Each county test coordinator shall complete each required WVDE's assessment training and sign a *WVBE County Test Coordinator's Secure Materials and Test Procedures Agreement*. The agreements shall be filed at the WVDE prior to the fifteenth of September each year.

10. Principals and building level coordinators shall complete each required county test coordinator's assessment training and sign a *WVBE Principal's/Building Level Coordinator's Secure Materials and Test Procedures Agreement*. The agreement shall be on file with the county test coordinator prior to the last day of September each year.

11. Any individual who administers, handles, or has access to secure test materials at the county or school shall complete each required assessment's training and sign either a *WVBE Examiner's/Scribe's Secure Materials and Test Procedures Agreement* or *WVBE County/School Personnel Secure Materials Agreement* to remain on file in the appropriate office each year.

12. No one shall compromise test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.

13. Student test scores or test performance shall not be disclosed to unauthorized persons as set forth in Policy 4350 and Policy 2340.

Test Administration

1. Tests shall be administered only during the testing window established by the WVBE, except when requested, in writing, by the county superintendent or county test coordinator and subsequently approved by the WVDE Office of Assessment and Accountability.

2. Examiners of standardized tests shall rigorously follow the appropriate administrative procedures as directed in the test's administration manual(s).

3. All examiners shall strive to create a positive testing environment.

4. Students shall not have access to secure test questions or answer keys.

5. Examiners shall limit assistance to students to only those issues concerning the mechanical aspects of marking answers, clarifying directions, and finding the right place on answer sheets. Examiners shall not indicate answers, point out the rationale of an item, or prompt students in any manner.

6. Students and examiners shall be monitored to ensure that appropriate test taking procedures and test security measures are followed.

7. Specific information, as specified by the test manual, shall not be displayed in the room during test administration.

8. Only references or tools specifically designated in test manuals are provided to students.

9. Accommodations, as appropriate, for students with IEPs, Section 504 Plans, or *LEP Assessment Participation Forms* shall be provided as established by their respective plans.

10. An examiner shall not administer tests to his/her child/ren.

Test Notification

1. Students and parent(s)/guardian(s) shall be

a) given notification before testing;

b) provided information on the purposes and descriptions of the test and uses of the test results; and

c) encouraged to follow test preparation procedures.

Test Preparation Practices

1. Instruction will be focused on the content standards and objectives in the curricular areas.
2. Informal item bank(s) should be used for test preparation.
3. Students should be taught study skills and general test-taking skills.
4. Benchmark assessment should be used for test preparation.
5. Formative assessment should be used for test preparation.

Appendix B

State of West Virginia
County of _____

West Virginia Board of Education
West Virginia Measures of Academic Progress

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

County Test Coordinator's Secure Materials and Test Procedures Agreement

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

I therefore pledge:

1. I will not retain, copy, reproduce, paraphrase, distribute, or review/discuss secure test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials will be restricted to the test administration period designated by the State mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned from each school shall be kept.
4. I am responsible for the shipment of the test booklets/answer sheets to the schools no earlier than five instructional days prior to the testing window and returned to me by the schools on the date determined by the county. I will ensure that test materials are securely stored in the buildings according to the instructions provided with the test and that all testing must occur during the testing window.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the county superintendent and to the Office of Assessment and Accountability.
6. I will properly instruct the principals and building level coordinators in appropriate test security and test administration procedures, including the *WVBE Testing Code of Ethics*.
7. I will collect and retain the signed *WVBE Principal's Secure Materials and Test Procedures Agreement* and *WVBE Building Level Coordinator's Secure Materials and Test Procedures Agreement*, if applicable, for each school in the county by the last of September.
8. I will not release secure test administration materials to a school without the signed *WVBE Principal's Secure Materials and Test Procedures Agreement* and verification of training of all other applicable school personnel.
9. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
10. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.
11. I will not give students access to test questions or answer keys.
12. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *County Test Coordinator's Secure Materials and Test Procedures Agreement* to the WVDE, Office of Assessment and Accountability prior to the fifteenth day of September.

Signature: _____

Print Name: _____

Date: _____

If this form is not on file, it will be considered a breach of security by the county and state boards of education.
This agreement is valid for the academic year of signatory date.

Appendix C

State of West Virginia
County of _____

West Virginia Board of Education
West Virginia Measures of Academic Progress

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

Principal's Secure Materials and Test Procedures Agreement

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials will be restricted to the test administration period designated by the State mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned from my assigned school shall be kept.
4. I am responsible for the test booklets/answer sheets shipped to and returned from my school and will ensure that test materials are securely stored in locked and secure central location(s) prior to and immediately following each daily testing session.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the county test coordinator.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the *WVBE Testing Code of Ethics*.
7. I will collect and retain the signed *WVBE Examiner's/Scribe's Secure Materials and Test Agreement* and *WVBE County/School Personnel Secure Materials Agreement* for all applicable personnel in the building no later than five instructional days prior to the first day of testing. Verification of all trained school personnel with a signed *WVBE Examiner's/Scribe's Secure Materials and Test Procedures Agreement* and *WVBE County/School/Personnel Secure Materials Agreement* will be on file with the county test coordinator no later than five instructional days prior to the first day of testing.
8. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
9. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.
10. I will not give students access to test questions or answer keys.
11. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
12. I will check testing rooms prior to the beginning of test administration to ensure that all specific information, as specified by the test manual, is not displayed in the room during the test administration.

13. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, Section 504 Plans, and LEP *Assessment Participation Forms* when so designated in the test manual.
14. I am responsible for monitoring and verifying that the building level coordinator(s), if applicable, has fulfilled his/her assigned duties.
15. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

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

Signature: _____

Print Name: _____

School: _____ Date: _____

If this form is not on file, it will be considered a breach of security by the county and state boards of education.
This agreement is valid for the academic year of signatory date.

Appendix D

State of West Virginia
County of _____

West Virginia Board of Education
West Virginia Measures of Academic Progress

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

Building Level Coordinator's/Assistant Building Level Coordinator's Secure Materials and Test Procedures Agreement (Other than Principal)

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials will be restricted to the test administration period designated by the State mandated testing window.
3. I will distribute the secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned to my school shall be given to and kept by the principal.
4. I am responsible, to the principal, for the test booklets/answer sheets shipped to and returned from my school and will ensure that test materials are securely stored in locked and secure central location(s) prior to and immediately following each daily testing session.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the principal.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the *WVBE Testing Code of Ethics,* if assigned by the principal to do so.
7. I will collect, if assigned to do so, and give to the principal, the signed *WVBE Examiner's/Scribe's Secure Materials* and *WVBE Test Procedures Agreement and County/School Personnel Secure Materials Agreement* for all applicable personnel in the building no later than five instructional days prior to the first day of testing. Verification of all trained school personnel with a signed *WVBE Examiner's/Scribe's Secure Materials and Test Procedures Agreement* and *WVBE County/School Personnel Secure Materials Agreement* will be given to the principal no later than five instructional days prior to the first day of testing.
8. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
9. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.
10. I will not give students access to test questions or answer keys.
11. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.

12. I will check testing rooms prior to the beginning of test administration to ensure that all specific information, as specified by the test manual, is not displayed in the room during the test administration.
13. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, Section 504 Plans, and *LEP Assessment Participation Forms* when so designated in the test manual.
14. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the *Building Level Coordinator's/Assistant Building Level Coordinator's Secure Materials and Test Procedures Agreement* to the county test coordinator prior to the last day of September.

Signature: _____

Print Name: _____

School: _____ Date: _____

If this form is not on file, it will be considered a breach of security by the county and state boards of education.
This agreement is valid for the academic year of signatory date.

Appendix E

State of West Virginia
County of _____

West Virginia Board of Education
West Virginia Measures of Academic Progress

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

Examiner's/Scribe's Secure Materials and Test Procedures Agreement

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

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
2. I will not use test items, test booklets/answer sheets, or any of the information contained in an assessment to review/prepare students for a test.
3. I will not allow access to the test materials or answer keys to any student or any other person not so authorized by the principal.
4. I will not alter students' responses in any manner (indicate answers, point out rationale, prompt, etc.).
5. I will not disclose individual student test scores or test performance data to unauthorized persons as set forth in Policy 4350 and Policy 2340.
6. If serving as an examiner for APTA, I will adhere to the prompting hierarchies and document all applicable assistive technology to ensure the accuracy of student responses.
7. If serving as an examiner for students with IEPs, Section 504 Plans, or *LEP Assessment Participation Forms*, I will adhere to the accommodations listed therein.
8. If serving as an examiner for online assessment, I will not offer technical (accessing dictionary, grammar checks, formatting functions, etc.) assistance that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
9. I have read Policy 2340.
10. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

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

Signature: _____

Print Name: _____

Position: _____

School: _____Date:_____

If this form is not on file, it will be considered a breach of security by the county and state boards of education.
This agreement is valid for the academic year of signatory date.

Appendix F

State of West Virginia
County of _____

West Virginia Board of Education
West Virginia Measures of Academic Progress

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

County/School Personnel Secure Materials Agreement

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

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

I therefore pledge:

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

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

Signature: _____

Print Name: _____

Position: _____

School/Department: _____ Date: _____

If this form is not on file, it will be considered a breach of security by the county and state boards of education.
This agreement is valid for the academic year of signatory date.

Appendix G

Training Session _____ of _____
State of West Virginia
County of _____
School _____

Page _____ of _____
West Virginia Board of Education
West Virginia Measures of Academic Progress

Verification of Training for Principals, Building Level Coordinators, County/School, RESA Personnel (Examiners/Scribes/Other School Personnel)

By signing my name below, I acknowledge that I have received training in secure materials, test procedures, test administration and Policy 2340 for the assessment indicated by a √.

Check	☐ ACT EXPLORE	☐ APTA	☐WESTEST 2 Online Writing
	☐ ACT PLAN	☐ WESTEST 2	☐Policy 2340

Date of Training	Printed Name	Signature	Position

By signing below, I verify I have trained the above personnel in secure materials, test procedures, and test administration for the indicated assessment.

_____ _____ _____
Signature of Trainer Printed Name of Trainer Date

County administrator/principal/building level coordinator must have signed copies Appendix G on file five instructional days prior to each testing window.