

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-4. Test security and validity

(a) **Test security.** School administrators ~~or~~ and their designees shall maintain security on tests administered under the auspices of the Oklahoma School Testing Program through following the procedures listed below:

(1) **Test coordinators.** School superintendents shall designate both district and building test coordinators before October 1 of each school year. Names and telephone numbers of district test coordinators shall be recorded on the OSTP Questionnaire conducted in the fall semester of each school year. This questionnaire is the order form provided by the testing vendors for all tests in the OSTP including large print and Braille test forms.

(2) **Pretest information.** The State Department of Education shall provide student/parent pretest information materials to schools for designated grade levels before testing.

(3) **Embargo of test materials.** The State Department of Education shall require the contracting test publisher to place an embargo on the sale, sampling, and/or distribution of test materials utilized in the OSTP to any person or organization in Oklahoma (other than the official distribution of such materials purchased for the OSTP by the State Department of Education). This embargo is to be enforced from the first day of contract with the State Department of Education throughout use of this test for the OSTP and until the Department has given notice that the test series is no longer going to be used in the OSTP. ~~The State Department of Education may enter into a Memorandum of Understanding with publicly funded schools to meet the requirements of federal programs.~~

(A) Violation of this agreement by a contracting test publisher can result in automatic and immediate forfeiture of the contract and reimbursement to the State Department of Education (by the contracting company) of any funds expended in the conduct of the OSTP.

~~(4)(B) No individual person nor organization—either private or public or private entity~~ shall obtain copies of any test materials utilized in the OSTP other than through the official distribution of test materials to public schools immediately prior to administration of the annual OSTP. Any person or organization attempting to order such materials from the contracting test publisher (or from other scoring companies handling OSTP or "off-grade" scoring and reporting) shall be reported by the contractor to the State Superintendent of Public Instruction.

(5) **Maintenance of the security of test materials prior to exam administration.** All student test materials (i.e., test booklets, prompts for writing assessment, and answer documents) shall be bound by the test publisher in packages of designated lot sizes. No test booklets shall be viewed by any person other than the student taking the test at the time of testing, except in the case of special education, Section 504, or ELL accommodations which allow a test administrator to assist a student being tested. Test booklets shall be individually sealed, as practicable, to prohibit them from being opened.

(A) When seals are used on test booklets, the following procedures shall be followed:

(i) ~~they~~ Test booklets shall remain intact until tests are distributed to students at the beginning of the test administration session;

(ii) ~~each~~ Each test booklet seal shall be broken only by the student who is administered the test, except where special education or Section 504 accommodations allow the opening of the test; and

- (ii) ~~unused tests~~ Unused test booklets shall remain sealed.
- (B) When seals are not used on test booklets, the following procedures shall be followed:
- (i) ~~tests~~ Test booklets shall remain closed until distributed to students at the beginning of these test administration session;
 - (ii) ~~each~~ Each test booklet shall be opened only by the student who is administered the test, except where special education or Section 504 accommodations allow the opening of the book and turning of pages by someone other than the students.
~~No test booklets shall be viewed by any person other than the student taking the test at the time of testing, except in the case of special education, Section 504, or ELL accommodations which allow a test administrator to assist a student being tested.~~
- (6) **Inventory and accounting of test materials.** All test materials shall be inventoried by the school district upon receipt from the test publisher/contractor. Any discrepancies representing shortages in the quantity of materials supplied and the quantity needed for tests administered shall be reported immediately to the contracting company by the district test coordinator. Immediately upon receipt and inventory of materials, all tests, and other materials shall be locked in a secure place by the district test coordinator or school administrator.
- (A) The site level distribution of test documents and materials may occur beginning one week prior to testing. Exceptions to the test materials distribution time limit needed by the largest districts in the state shall be registered with and approved by the ~~Student Assessment Section of the State Department of Education~~ Office of Accountability and Assessment at least four weeks prior to the first designated testing window of each year.
- (B) During the days in which tests are being administered in each school district, all test administrators are responsible for locking all test materials in a secure place when the tests are not being utilized in the official test administration with students. This includes the time period between completion of the test administration and delivery of the answer documents and other test materials to the district test coordinator. Further, the building test coordinator is responsible for ensuring that materials are properly locked in a secure place at the times specified above.
- (C) Test booklets are not to leave school buildings at any time (i.e., students' test booklets are not to be taken home by an employee or the community member/test monitor before, during, or after test administration has been completed). Exceptions to test booklets leaving a school site shall be made at the discretion of the State Department of Education Student Assessment Section for the purpose of secure transport to a site of instruction for the purpose of test administration, upon a written request from a District Test Coordinator. These requests must be registered with and approved by the Student Assessment Section at least four weeks prior to the first designated testing window of each year.
- ~~(7)~~(D) An accounting is to be conducted on all test booklets. Unused test booklets are to remain in "shrink-wrap" (or otherwise packaged) when possible. All unused tests are to be returned to the test publisher. Failure to return test booklets to the appropriate companies ~~(4)~~ will result in:
- (i) ~~A~~ a school or district being reported to the State Superintendent; and
 - (2ii) ~~may result in~~ Possible invalidation of the school's and/or district's scores by the State Department of Education Office of Accountability and Assessment.
- ~~(8)~~(E) The contracting test publisher shall print electronically read identification codes on all documents containing secured test items prior to distribution of these materials to

the public schools. Within all test program components of the OSTP, the contracting test publisher shall record the specific series of numbers (represented by the "bar codes") assigned to each school district and building site within a district. Inventory lists of test document bar codes by school site shall be provided for each district test coordinator.

~~(9)~~(F) The district test coordinator shall ship all answer documents and specified identification forms to the designated scoring/reporting company and all other test materials to the contracting test publisher in accordance with the schedule for return of materials provided in the Test Preparation Manual. If a district fails to return materials and answer documents in a timely fashion, the district may be penalized with additional costs and the test scores for the individual school(s) and/or district in question may be declared invalid. If a district fails to complete or incorrectly complete answer documents and/or demographic pages or other required testing-related materials, the district may be penalized with additional costs and may also receive a deficiency on the district accreditation report.

~~(10)~~(G) The contracting test publisher shall submit an inventory of test materials to the State Department of Education each year. This inventory shall document the quantity of materials distributed to each school district and received from each school district--recorded by school site as indicated by the numbers represented by the "bar codes" printed on test materials. Quantities of writing assessment materials distributed to and retrieved from schools will be reported to the State Department of Education by the contracting test publisher.

~~(11)~~(H) School superintendents from whom incomplete quantities of materials have been received shall be notified of this discrepancy and shall be provided a date by which the remaining materials must be returned to the test publisher. The test publisher shall notify the Department of Education of all school districts from which test materials have not been received after this date. Names of these school districts shall be reported to the State Superintendent and may also receive a deficiency on the district accreditation report.

~~(12)~~(7) **Prohibition against reproduction of test materials.** ~~Reproduction in any form of~~ any copyrighted test materials--including test documents, teachers' test administration manuals, and student pretest materials--is strictly prohibited. Photocopying of these materials constitutes a violation of federal copyright laws. To ensure that all school employees and community members are aware of this regulation and the laws in support of same, the district or building test coordinator shall post a sign to this effect over each copy machine. The Federal Copyright Law--as it applies to the multiple-choice and/or Writing Assessment Component of the OSTP--prohibits the photocopying of any part of the student Test Booklet. This includes the lined writing pages, the writing prompt, and the student's written response. This portion of the set of test documents, as well as the writing prompt, is ~~are~~ considered protected under the copyright guidelines. ~~[as is the writing prompt]~~. These items shall remain protected, and thus may not be copied, printed, or disseminated in any manner, until they are officially released by the OSDE.

~~(13)~~ Every test administered within the OSTP shall be administered by an education-certified professional person employed by the school district.

~~(14)~~ No person shall teach test items to students (except in the case of an alternate special education assessment in which authentic performance tasks may be utilized), change students' answers, or in any manner provide answers to test questions for students before, during, or after test administration has been completed. Violation of this regulation may

result in revocation of the person's teaching, counseling, administrative, and/or other certificate(s).

(158) **Other test security violations.** All of the following actions are prohibited in that such actions represent as violations of test security:

(A) Teaching test items to students (except in the case of an alternate special education assessment in which authentic performance tasks may be utilized), changing students' answers, or in any manner provide answers to test questions for students before, during, or after test administration has been completed.

~~(AB)~~ Using secured test items as instructional tools or for student "practice"--either verbatim as written or in reworded form. Note: Secured test items are those provided to measure student knowledge and/or skills on OSTP tests. Said items are to be differentiated from sample test items that are provided at the beginning of each subtest and used, according to official test administration procedures, solely for the purpose of understanding directions and marking answers.

~~(BC)~~ Reading secured test items orally to students at any time before, after, or during test administration unless it is an IEP, Section 504, or ELL accommodation, in which case an affidavit shall be signed, prior to reading items, by the test administrator/reader stating they shall not reveal any test items, writing prompts, or other secured information to any person.

~~(C)~~ Deviating from any instruction provided in the official test administration manual.

(D) Allowing students to view and/or read the writing assessment prompts before test administration or discussing or exposing the theme or topic of the prompt.

(E) Providing answers to secured test items. This includes provision of cues, clues, hints, and/or actual answers in any form--written, printed, verbal (oral), or nonverbal. In regard to the writing assessment component of the OSTP, prohibited actions include the provision of "hints" or any form of clues in regard to the manner in which students respond to the prompt (e.g., "brainstorming" about the topic of the prompt; offering suggestions regarding how to respond; assisting the student or class in organizing the response; and all other such deviations from the printed instructions for administering the test).

(F) Changing students' responses to secured test items and/or influencing or encouraging students to change their answers to test items at any time.

~~(CG)~~ Deviating from any instruction provided in the official test administration manual or disclosure of any test information that materially inhibits the State Board of Education from exercising its duties set forth in 70 O.S. §1210.508 to develop, field-test, administer, and validate criterion-referenced tests and end-of-instruction assessments.

(169) **Test security forms.** Test Security Forms provided by the State Department of Education's test contractor(s) shall be distributed by the district test coordinator with test materials to the persons designated on each form.

(A) OSTP Test Security Forms shall be provided for the following:

(i) Form 1: Superintendent and District Test Coordinator

(ii) Form 2: Building Principal and Building Test Coordinator

(iii) Form 3: Test Administrators and Test Monitors.

(B) After completing the test administration, these forms shall be signed by the designated persons and returned to the district test coordinator. The district test coordinator shall return all signed forms to the respective scoring company. Failure to sign and return the appropriate forms may result in:

- (i) ~~a~~ A school or district being reported to the State Superintendent; and
 - (ii) ~~invalidation~~ Invalidation of a school's and/or district's test scores.
- (17C) The contracting test companies shall provide the State Department of Education the signed OSTP Test Security Forms or a report of names of educators who signed SDE/OSTP Test Security Forms and an accounting of the number of tests and manuals:
- (Ai) ~~distributed~~ Distributed to, and
 - (Bii) ~~returned~~ Returned from each school district.
- (18)(b) **Test administration.** All test administration sessions shall be conducted according to the standardized procedures described in the test administrators' manuals. ~~This includes~~
- (1) The standardized procedures include, but are not limited to:
 - (A) Reading ~~reading~~ the directions to students verbatim;
 - (B) Refraining ~~refraining~~ from allowing students to read test items before test timing begins and/or beyond the completion specified for each section of each test; and
 - (C) Ensuring ~~assuring~~ that only the materials designated for student test use are on the student's desk during test sessions. ~~Any violation of security provisions in Section 210:10-13-4 constitutes invalidation of the test and test results. Such violations shall be reported to the State Superintendent and may result in a school's and/or school district's test scores being declared as invalid.~~
 - (132) Every test administered within the OSTP shall be administered by an education-certified professional person employed by the school district.
 - (193) All test administration sessions shall be monitored by an adult other than the test administrator. All test monitors shall be approved by the superintendent or school principal. Superintendents and principals may designate school employees or noncertified members of the community to serve as test monitors.
 - (4) All test administration procedures including time specifications, State Board of Education Rules 210:10-13, and the Instructions for Test Monitors shall be distributed to test monitor(s) before test administration.
 - (b5) School administrators or their designee(s) shall assure that all test administration procedures replicate standardized testing conditions to preserve test validity. Such procedures are stated in the manuals for administering the test.
- (c) **Test security violations.** Any violation of security provisions in this Section may constitute a basis for invalidation of the test and test results. Such violations shall be reported to the State Superintendent and may result in a school's and/or school district's test scores being declared as invalid.
- (d) **Penalties for test security violations.** In addition to any other penalties set forth in this Section, the State Board of Education may revoke the teaching, counseling, administrative, and/or other certificate(s) issued by the State Board of Education to one or more individuals upon a finding of willful violation of any of the provisions set forth in (a)(8)(A) through (a)(8)(G) of this Section.

210:10-13-18. Oklahoma School Accountability System

- (a) ~~Adequate Yearly Progress (AYP)~~ **Academic performance targets.** The Oklahoma School Accountability System shall be based on academic performance data. All public elementary and secondary schools and local educational agencies (LEAs) shall be accountable for student achievement and for reaching academic performance targets ~~making Adequate Yearly Progress (AYP)~~ in accordance with the Oklahoma School Accountability System required by 70 O.S. § 1210.541. For purposes of 70 O.S. § 1210.541, a school shall be deemed to have reached

academic performance targets ~~made AYP~~ if it is not identified as a school in need of improvement by the State Department of Education Office of Accountability.

(b) Consequences of testing irregularities ~~Testing Irregularities or misconduct~~ Misconduct on test scores ~~Test Scores and AYP~~ Academic performance targets.

(1) If the State Department of Education (SDE) Student Assessment Office receives documentation of a student cheating on a test, the student's score shall be "invalidated." The student's score report for that content area shall read "Invalidated." The "invalidated" score shall have the effect of nonparticipation when aggregated with scores of other students at the school, district, and state levels.

(2) If a student does not attempt the test (such as refusal to read items or mark answers, finishing in 5 minutes, or randomly marking answers), no special action shall be taken. The student's test shall be scored and the score aggregated with the rest of the scores at the school, district, and state levels according to standard procedure.

(3) If a student becomes ill during testing and is not able to complete the test, the test shall not be scored and not counted in the summary scores. The student shall be counted as absent. If an equivalent form of the test is available through the OSTP, the student may be given an opportunity to take the equivalent form within the same testing window. In this case, the first test shall not be scored and the equivalent test shall be scored in its place. (Note: Equivalent test forms of the OSTP shall only be made available through the SDE only if determined practicable by the State Department of Education.)

(4) If any violation of security provisions occurs, such violations shall be reported in writing to the Student Assessment Section of the State Department of Education and may result in a student's, a school site's, and/or a school district's test scores being declared as invalid in accordance with the provisions of ~~(Section 210:10-13-4, (18)).~~

(A) In the case of invalidation resulting from a violation of the provisions of 210:10-13-4, each invalidated score shall have the effect of a zero score and each zero score shall be aggregated with the remaining student scores at the school, district, and state levels.

(B) If the violation is not the fault of the students involved, and if an equivalent form of the test is available through the OSTP, students may be given the equivalent form within the same testing window at the district's expense if this is the first year for a security violation within the school and/or district in question. In the case that an equivalent form is administered, the individual student score report shall reflect the scores from the equivalent test (in place of the previous invalidated scores) and shall be aggregated at the school, district, and state levels.

(C) ~~(Note: Equivalent test forms of the OSTP shall only be made available through the SDE only if determined practicable by the State Department of Education.)~~

(5) If extreme changes in test scores or in Academic Performance Index (API) scores ~~academic performance data~~ occur for a school or district from year to year, an investigation shall be conducted, which may include, but not be limited to, a hand erasure analysis, and results of any apparent testing irregularity or misconduct reported to the State Board of Education for possible further action, which may include but not be limited to, score invalidation.

(6) Erasures shall be identified statewide by electronic scanning of all student answer documents, and the following action shall be taken:

(A) Scores for classes whose wrong-to-right erasures exceed the state average by more than four standard deviations shall be identified for further investigation.

(B) For each class with excessive erasures, the proportion of wrong-to-right erasures to the total number of erasures will be taken into account.

(C) A report shall be made to the State Board of Education of schools where classes have been identified with excessive erasures as defined by the criteria above for possible further action, which may result in score invalidation.

(7) Steps for Dealing with Reported Testing Irregularities or Misconduct

(A) **Step One.** When the State Department of Education receives credible evidence ~~report~~ of a testing irregularity or misconduct, ~~is made to the State Department of Education Student Assessment Section,~~ the State Department of Education Office of Accountability and Assessments shall promptly notify the school site and/or school district involved.

(i) The school district shall have at least thirty (30) calendar days to conduct an investigation of the alleged testing irregularity and provide the State Department of Education with a written response.

(ii) In the event that the testing irregularity occurred as a result of testing misconduct or test security violations, the school site and/or school district shall be required to respond by conducting an investigation and providing in writing to the State Department of Education Student Assessment Section an include an explanation in its written response of how the testing misconduct/irregularity occurred and a description of the measures taken to prevent the misconduct from occurring again.

(B) **Step Two.** The testing irregularity or misconduct shall be categorized into one of three violation categories (minor, major, and critical) according to the severity of the violation and its possible consequences. Possible consequences may include, but not be limited to, invalidation of scores, accreditation with deficiency, accreditation with warning, accreditation with probation.

(C) **Step Three.** At the end of each testing period, a testing ~~violations~~ irregularity report shall be prepared by the State Department of Education Office of Accountability and Assessment ~~Student Assessment office~~ for review by the State Superintendent and possible further action.

(c) **Procedures for Schools to Review Data Reports and Appeal Accountability Decisions.**

(1) To assure the validity of accountability decisions prior to the release of the list of schools in need of improvement as required by federal law, the State Department of Education will forward to schools the preliminary data reports containing component pieces from the school district, testing vendor, and the State Department of Education. Each school district must review these component pieces for accuracy and report any inaccuracies to the entity supplying the information within the applicable timelines. If the school district does not report inaccuracies within the timeline the State Department of Education will rely on the data in the preliminary data report.

(2) Upon receiving their preliminary data reports from the State Department of Education for use in creating School and District Report Cards, districts shall review the data in the preliminary data reports and report any discrepancies with the data components previously reviewed by the district to the State Department of Education within the specified timeline.

(3) Subsequent to the review of the preliminary data report, if a principal of a school, or a majority of the parents of the students enrolled in a school, believe that the accountability decision contained in the data report is in error the principal shall provide supporting evidence to the district. The district must consider the evidence and if warranted, request an appeal in writing to the State Department of Education. The State Department of Education

must receive the appeal request within ten working days of the electronic release of the data reports.

(4) If a school and/or district has had test scores invalidated because of a testing irregularity or misconduct with the effect of nonparticipation for aggregation purposes, and such action results in an invalidation that prevents the school and/or district from receiving an accountability decision, the district may appeal the determination on a first time occurrence and request placement on Probationary Status instead of receiving an invalidation. At the end of the next consecutive year, if the school and/or district does not receive an accountability decision for any reason, they shall automatically be identified as being in need of improvement status.

(5) When a school district or charter school appeals an accountability decision, the appeal request will be sent to the State Department of Education on the appeal form or other electronic submission method provided by the State Department of Education. The school district or charter school must specify on the form if a hearing pursuant to Title 75 O.S. § 309 is requested. If such a hearing is requested, the district must provide a written waiver of the right of the district to receive a final determination from the State Department of Education within the period required by federal law. In that event, all parties will cooperate to expedite the hearing process. If a hearing pursuant to Title 75 O.S. § 309 is not requested, the school district must submit with the appeal request written evidence supporting its appeal. The district may also request to address the School Status Designation Appeals Committee in person or by telephone. All appeal requests will initially be reviewed by the Office of Accountability and Assessments to determine whether the appeal request remains with the School Status Designation Appeals Committee or is forwarded to the State Superintendent for a hearing pursuant to Title 75 O.S. § 309. The School Status Designation Appeals Committee will consist of members of the State Department of Education's Leadership Team and may also include additional members appointed by the State Superintendent. The Appeals Committee will review the district's evidence submitted with the appeal and if requested, hear comments from the school district, before providing a final determination in writing within forty-five (45) days from release of the data reports.

(6) At the end of the State Department of Education Appeals process, the State Department of Education shall report to the State Board of Education the statewide list of schools in need of improvement.

(d) Sanctions for public elementary and secondary schools that do not reach academic performance targets. ~~make Adequate Yearly Progress (AYP)~~

(1) Title I schools that do not reach academic performance targets ~~make Adequate Yearly Progress (AYP)~~ for two consecutive years shall be identified as being in need of improvement status. Title I schools in the State of Oklahoma shall be subject to the sanctions defined by federal law.

(2) Non-Title I schools that do not reach academic performance targets ~~make AYP~~ for two consecutive years or more shall be subject to sanctions as determined by the State Board of Education. The State Board of Education may utilize sanction options identified by federal law, as deemed appropriate based upon relevant circumstances of the school's performance. The sanctions may include but not be limited to the following:

- (A) provide a school improvement plan,
- (B) provide technical assistance,
- (C) offer school choice,
- (D) provide supplemental services,

- (E) take corrective action, or
- (F) implement a restructuring plan.

(e) **Rewards for public elementary and secondary schools that reach academic performance targets.** ~~make Adequate Yearly Progress (AYP)~~ Subject to the availability of funds, public elementary and secondary schools that reach academic performance targets shall be eligible for recognition in accordance with provisions of the Academic Achievement Award (AAA) Program set forth in 70 O.S. § 3-152.1.

~~(1) Academic Achievement Awards—Title I, Part A. Schools that meet AYP and receive Title I, Part A funds are eligible for Academic Achievement Awards, subject to the availability of funds.~~

~~(2) State Academic Performance Award Program.~~

~~(A) All public elementary and secondary schools that make AYP shall be recognized by the state as Distinguished Schools.~~

~~(B) Recognition of Distinguished Schools may include, but not be limited to, citations of congratulations from the State Superintendent of Public Instruction as the designee of the State Board of Education, the Governor or designee, the Representative and Senator representing the school district, and a flag for each school achieving Distinguished status.~~