

Ohio Test Security Provisions and Procedures

Test security is vital to the successful administration of state assessments for many reasons, such as:

- Ensuring student results are accurate and meaningful;
- Maintaining confidentiality of tests;
- Safeguarding the investment of resources, time and effort at the school, district and state levels required to develop assessments;
- Avoiding investigations, invalidations or disciplinary actions;
- Upholding the responsibility to the public and stakeholders on the accuracy of scores; and
- Providing accurate measures for use in accountability.

Districts and schools must maintain test and data security before, during and after all test administrations. All individuals who are involved with test administrations in any way must maintain test security. Under no circumstances shall students have access to secure assessment materials or items before or after any test administration.

Districts and schools shall refer to statutory requirements for test security and test incidents (see Appendix F of this document for the complete text). Statutory requirements include:

- Ohio Revised Code (ORC) [3319.151](#): Confidentiality for State Tests;
- Ohio Administrative Code (OAC) [3301-13-02](#): Administering State Tests;
- Ohio Administrative Code (OAC) [3301-13-05](#): Establishing Security and Security Investigation Provisions for Tests.
- Ohio Administrative Code (ORC) [3301-7-01](#): Standards for the Ethical Use of Tests.

All online and paper state tests including Ohio's State Tests (OST), the Ohio Graduation Tests (OGT), the Ohio English Language Proficiency Screener (OELPS), the Ohio English Language Proficiency Assessment (OELPA) and the Alternate Assessment for Students with the Most Significant Cognitive Disabilities (AASCD) are secure. This includes all test passages, test questions and any other secure material developed for use with any operational test. Practice test materials, Restart Readiness Assessments, state-developed diagnostic tests and released tests are not secure.

Release of Secure Test Material

All test booklets and other secure test materials are subject to the same strict test security procedures per OAC [3301-13-05 \(D\)](#):

No person shall reveal, cause to be revealed, release, cause to be released, reproduce, or cause to be reproduced any secure assessment materials through any means or medium including, but not limited to, electronic, photographic, photocopy, written, paraphrase, or oral.

All tests and answer documents, including special versions, are kept secure until the day of testing, serially numbered and tracked, and then returned to the scoring contractor. Special versions of the tests include Braille and large print.

Penalty for Revealing Test Questions

ORC [3319.151](#) prohibits any person from revealing in any manner any questions known to appear on a state test to students who will be taking a test. Releasing any test questions or other contents of a test or helping students cheat in any other way may result in an invalidation of test scores, suspension of licenses, certificates and permits, termination of employment and/or prosecution. Violations of test security provisions in a district's written procedures may also be punishable by penalties specified by the district.

District Test Policy and Procedures

To protect the security of tests, each district, community school and nonpublic school should establish written procedures that address the following components:

- Identification of personnel authorized to have access to the test;
- Procedures for handling and tracking test materials before, during and after testing;
- Procedures for investigating any alleged violation of test security provisions; and

- Procedures for annually communicating in writing the test security provisions, including but not limited to the Ohio Department of Education's (Department) electronic device policy and social media policy, and sharing this information with all district employees, families and students.

Districts, community schools and participating chartered nonpublic schools must establish a written test security plan no later than October 1 of each school year. The test security plan must include procedures on test security which includes many areas that are listed in the Ohio Administrative Code (OAC) section [3301-13-05 \(H\) and \(I\)](#) (see Appendix F of this document for complete text). The test security plan must be presented to all staff who are involved with state tests. Districts must ensure that students are aware of test security requirements and associated consequences.

Electronic Device Policy

Districts must have a policy on electronic device usage during test sessions. Electronic devices include but are not limited to cellphones, smartwatches and other WIFI-enabled, non-testing devices. Accessing an electronic device during testing is grounds for an invalidation; however, if cheating can be ruled out, the district may elect not to invalidate the test. If a student was observed having a cell phone out during the test session, it is important to determine if any test question, passage or prompt was photographed, texted or in any way compromised. In extreme cases where test questions, passages or prompts have been posted on any social medium, the district must immediately contact the Office of Assessment at 1-614-466-1317.

Districts must determine if electronic devices may be used after the test session is completed. Silent work may be allowed after the completion of a test session and may include electronic devices if this is permitted within district policy and does not pose a threat to test security.

Test administrators may have a cell phone for medical and technological emergencies, to use as a time keeper or to otherwise perform necessary test-related actions. Test administrators must not use the cell phone for non-test related issues or personal reasons. Test administrators should be reminded to never take photographs of students, tests, computers or the testing room during testing.

Social Media

Sharing an image of a test item or a description in words on social media or other public platforms is a test security violation, as well as cheating. All students deserve a fair testing experience. Sharing images of test items via Twitter, Instagram, Snapchat, Facebook or other public social media sites – or posting a description of or basic information about test items – results in an unfair test environment by providing some students and teachers with advanced information about test questions. This can create an uneven playing field and give some students an advantage over others and impairs the ability of schools to get valuable information about how their students are performing. Also, when test items are compromised, they must be replaced at the expense of Ohio taxpayers.

When the Office of Assessment becomes aware of a test item that has been posted to public social media sites or elsewhere on the internet, it treats it as a test security violation. When the source is identified, the Department works with the district to request the student or individual who posted the item to remove it. Twitter, Facebook and other social media sites all have processes for requesting the removal of copyrighted material which are applied when necessary. Social media and other web pages are public and often include information that indicates the name and location of the person who posted the live test item. The test for the student who posted the secure matter must be invalidated and no breach form will be allowed. The district may be asked to conduct an investigation to determine if the test administrator was actively monitoring the testing session.

Test Incidents

A test incident is any event or procedure that may impact a student's performance on a test or may potentially impact the integrity of tests or test results before, during and after testing.

All reported test incidents and alleged test security violations are confidential. Investigations of irregularities, incidents and violations are not discussed with anyone other than identified staff. Confirmation of a test or data security violation has the potential to affect a student's score, a staff member's career and/or a district's accountability. The investigation (including all details) remains confidential until the case is officially closed. Any requests for data once a case is officially closed are referred to the district. All Ohio schools that administer state tests are required to follow standardized test administration and test security procedures.

Types of Test Incidents

There are three types of test incidents:

- **Testing Irregularity:** A testing irregularity is an incident that may or may not compromise test results but could affect a student's performance on the test (for example, a fire alarm is activated in the school). A testing irregularity could also be an unexpected change in the established test administration procedure and protocols that may, or may not, compromise the test result (for example, a student does not receive the appropriate accommodations as determined by an IEP or 504 Plan or a student receives an inappropriate accommodation).
- **Test Security Violation:** A test security violation is an unethical testing practice or violation of the state or school's test security procedures that compromises test security, data security or the integrity of a student's results (for example, an individual uses a cellphone to take pictures of the test).
- **Technology Incident:** A technology incident is a technology-related event that may or may not compromise test results but could affect the student's performance on the test (for example, school loses internet access or electric power during the testing session).

For additional guidance on test incidents please refer to the Test Incident Guidance Document located in each Test Administration Manual of a particular test.

Actively Monitor Test Sessions

A test administrator must actively monitor the test session. This includes but is not limited to the following:

- Leading the test session;
- Making sure the student's enrolled grade level and the grade or grade band of the test match;
- Observing that students are not cheating;
- Monitoring test completion per student;
- Monitoring how much time is left in a test session and student test completion; and
- Walking around the room (the test administrator may sit for short periods but may not be involved with non-test activities listed below).

These are not active monitoring behaviors and may be test security violations:

- Reviewing a test so closely that student responses are clearly examined;
- Being involved with non-test administration activities such as grading papers, completing lesson plans, completing tasks on an electronic device for a non-test reason or having a cell-phone conversation that is not test related; or
- Leaving the student(s) unattended while the test is still in session. If local policy allows students to leave the room while testing is in progress, students must first get permission from the test administrator. Districts and schools must follow the guidelines set forth under "Breaks" in the Schedules section of this manual.

Test Security Violations

The following are test security violations, which need to be discussed with the Department as soon as the alleged violation is known. This is not an exhaustive list.

Before or during a test administration:

- Test administrator does not have a current license, certificate or permit at the time of the test administration;
- Reading a test booklet or a student's answer document to review test content or student responses;
- Using a student's login information to access an online test in order to review the test content;
- Reviewing the test and creating a study guide or in some way releasing test items to students;
- Describing or discussing secure test information (for example, the test items) with anyone at any time;

- Standing over a student who is taking a test and indicating in some manner that the student's answer is incorrect, blank or deficient;
- Assisting a student in any manner to indicate the correct answer or any answer;
- Changing, revising or deleting a student's responses with or without the student's knowledge;
- Recording or noting secure test content and/or student responses;
- Test administrator or monitor looking ahead at test subjects or questions printed in a test booklet or computer;
- Unauthorized persons present during a state test administration;
- Test administrator having a non-test related conversation on a cell phone during the test administration;
- Students with tests or tests being left unattended; and
- A student having a cell phone, smart watch or WiFi-enabled non-testing device during a test administration.

After the test administration:

- Sharing, recording or posting any test content, verbatim or paraphrased, and/or students' responses before, during or after the test administration;
- Marking, tampering with or contaminating students' responses in any way, unless by a scribe or test administrator with permission to transcribe students' responses with no changes;
- Failing to collect and securely shred any scratch paper provided to and used by students during a test and that contains marks or writing made by students;
- Failing to erase or having students erase any whiteboards used by students before or after a test administration;
- Failing to account for and return any secure paper test materials;
- Discussing test questions after the test has been administered;
- Altering any student responses or assisting students to cheat in any other way;
- Releasing secure test material or test items to any person, student, media or the public at any time.

At any point, if staff believe a violation of test security has occurred, staff should contact the building test coordinator about the alleged test security violation. The building test coordinator should report the alleged test security violation to the district test coordinator. The district test coordinator will contact the Department to discuss the situation.

Procedures for a Possible Test Security Violation

- All test incidents **must** be reported immediately to the district's designated staff. The designated staff is the District Test Coordinator by default.
- A district shall report to the Office of Assessment as soon as a possible after a test security violation becomes known to the district.
- Call the Office of Assessment at 1-614-466-1317. The alleged test security violation will be discussed via telephone. Please do not send any written details unless requested.
- It may be possible to determine during the initial discussion if a test must be invalidated; if so, the procedure for an invalidation and a breach form is discussed.
- The district will be asked to conduct an investigation which may include interviews with students; if so, parents should be made aware of the interviews. While the district may take as long as necessary to complete the investigation, the district is expected to complete the investigation as soon as possible (within two weeks) to make sure the most accurate evidence is collected. The district determines the scope of the investigation.
- A letter from the Director of the Office of Assessment will be sent to the superintendent of the public school district, the sponsor for a community school or the head of school for a chartered nonpublic school for a case that is opened for a possible test security violation.

District Investigation Report

A district conducts an investigation when an alleged test security violation has been reported to the Department and the Department has determined that the alleged test security violation warrants an inquiry.

The district may take up to two weeks (or longer if necessary) to complete the investigation. Once the district investigation has been completed, an electronic and written investigation report is to be submitted to the Department. OAC [3301-13-05 \(H\)\(2\)](#) requires the district investigation report to be filed with the Department within ten days after the completion of the district's investigation.

Required investigation report content:

- Name(s) of the person(s) believed to be involved in the incident; include position(s) and title(s);
- Detailed description of the incident;
- Interviews and/or testimony (if students are interviewed, do not include student names – students may be identified as Student 1 Or A, Student 2 or B);
- Statement of evidence or statement of lack of evidence;
- District's conclusion and disciplinary action if applicable; and
- Corrective plan of action.

The report should be submitted in written format electronically or hardcopy. Please send the electronic report to statetests@education.ohio.gov and the hardcopy report to this address:

Ohio Department of Education
Office of Assessment
25 S. Front Street MS 507
Columbus, Ohio 43215
Attn: Director of Assessment

Consequences

The investigation report will be reviewed by the Office of Assessment. If the report confirms there is not a test security violation, a letter will be sent to close the case with no further action by the Office of Assessment. If the report confirms there is a test security violation, a letter from the Office of Assessment to close the case may include a statement that the case will be shared with the Department's Office of Professional Conduct. The Office of Assessment only has authority regarding the test. The Office of Professional Conduct has authority for school staff conduct. The Office of Professional Conduct will determine further action, which may include an additional investigation. [Office of Professional Conduct-Statutes and Rules](#) are available for review. Based on the result of the investigation, the State Board of Education, following appropriate procedures, may suspend a license, certificate or permit; and a law enforcement agency, following an appropriate investigation, may prosecute under the state criminal code.

If the district investigation determines that a violation occurred, the district authority may take several actions: one or more students' tests may be invalidated; a district board of education, after appropriate procedures are followed, may suspend or terminate an employee found guilty of helping a student to cheat or found guilty of another type of test security violation.

Guidelines to Help Districts Document an Inquiry

Describe what occurred in the building or classroom during the test administration in the written report. These questions may help you in writing the report:

- Have you determined that state-mandated testing procedures were followed by all school staff?
- Have you interviewed all individuals who were involved in or may have information about the alleged incident?
- If you found evidence indicating an irregularity, have you described exactly what happened and why?
- If you found evidence indicating an irregularity; did you prepare a timeline, if necessary, to establish when events occurred?

If evidence or indication of a testing irregularity is discovered, appropriately document the testing irregularity. These questions may help you:

- Have you ensured that the report and any provided statements clearly lay out the sequence of events and explain exactly what happened?

- Have you received typed, signed and dated statements from all individuals who were involved in or may have information about the irregularity?
- Do all statements include the name and role (title) of all individuals involved (do not name students)?
- Do the statements include how the individuals were involved in the incident?
- Do the statements include a description of the incident from the individuals' perspectives?

Guidelines to Help Districts Develop a Corrective Plan of Action

If evidence or indication of a testing irregularity is discovered, describe a plan to correct and mitigate any future occurrences of the testing irregularity. A corrective action plan must accompany the written investigation report. Here are some tips to help with preparing the plan:

- Does the plan include a description of the specific procedure(s) that will be implemented to help prevent future occurrences of this type of violation?
- Does the plan include the name and role (title) of the person(s) responsible to implement the plan?
- Have you submitted all statements in letter form on paper or letterhead? Are they typed, signed and dated?
- Have you submitted a final, written determination about what happened and who is responsible?

Procedure for Submitting an Invalidation

An invalidation occurs when a test has been compromised by a student, test administrator or unauthorized party to the test administration. A confirmed test security violation may require the district superintendent, school administrator or the district test coordinator to submit an invalidation of the test score. An inquiry may be required. There are two ways for a district to submit an invalidation:

- Submit the request to invalidate via the testing online system, [TIDE](#). The student does not receive a score. The invalidation is also reported on the student data file sent back to the districts by the test vendor.
- Submit the invalidation directly through EMIS if the deadline was missed to submit the invalidation through the test vendor and the test was scored and reported back to the district by the test vendor. District should not use the family report of an invalidated test score.

Breach Form for Ohio's State Tests

The breach form (a different but parallel form of the test) is intended to be used when a student's test has been compromised by a test irregularity or a test security violation. The breach form applies **only** to the Ohio's State Tests (OST).

- Grade 3-8 spring test administration only;
- High school fall and spring test administrations only.

District test coordinators must contact the Department's Office of Assessment to determine whether a student qualifies to receive a breach form. The Office of Assessment determines if the use of the breach form is an appropriate option as a result of a district test security violation or a test irregularity. If a breach form is warranted, the Department will provide the district with the information needed to order the breach form.

Districts are advised to contact the Office of Assessment to discuss the situation that may lead to a breach form *before* an invalidation is entered. ***Student cheating does not qualify for a breach form.*** Test security violations or test irregularities caused by school or district personnel that require an administration of a breach form are at the district's expense. Incidents that are caused by acts of nature or the state (the Department or the test contractor) and require an administration of a breach form are at the state's or the vendor's expense (for example, missing items).

Districts are required to administer the breach form in the same test mode that a student was administered the regular test. Students testing on paper are eligible for a paper breach form. Students testing online are eligible for an online breach form. Breach forms are not offered by test part. If a student is approved to take a breach form, the student **must take both test parts** of the breach form.

All breach tests are administered using the same guidelines, processes and procedures as the general test. If a student is approved to take a breach form, the district must:

- Submit a Test Status Request to invalidate the online test part(s); or
- Apply a Do-Not-Score label to the student’s scorable answer document if taken on paper and return with your nonscorable materials.

IMPORTANT: The district test coordinator must **NOT** take either action above before the breach request is reviewed and approved by the Department. All breach test administrations, online and paper, take place during a separate test window after the state test window has closed. There will be no modifications or extensions to the published breach test windows. All breach test administration scores are reported after on-time test results are reported.

Districts must retain scorable return labels to return breach paper test materials to the test vendor at the end of the breach test administration.

Standards for the Ethical Use of Tests

The State Board of Education has adopted rules of ethical practice for the use of state tests and other tests, such as district and school standardized tests. Tests shall include the test itself and any part of the process of assessing or testing a student. District and school personnel may reference OAC [3301-7-01](#) for standards concerning unethical or inappropriate practices that involve preparing students for tests, administering and scoring tests, and interpreting and/or using test results.

Scenarios Related to the Standards for the Ethical Use of Tests

Is this activity or behavior an ethical practice?	Yes	No
Using the state-provided practice tests as an activity after students have received instruction on the learning standards and item formats	X	
Preparing students for the tests by incorporating Ohio’s Learning Standards in the appropriate subject curriculum	X	
Using the results of the tests as one of the sources of information on which to evaluate the effectiveness of curriculum	X	
Providing teachers and counselors with information they need to interpret test results	X	
Using the state-provided practice tests as the sole method of preparing students for the tests without teaching the learning standards measured by the tests		X
Making a copy of the operational tests and/or preparing a student study guide based on the operational tests		X
Copying the vocabulary words from a secure published test that will be administered and incorporating them into instruction		X
Changing answers that students have marked, written, typed or gridded in		X
Hinting to a student to reconsider an answer given on a test		X
Encouraging students who are underperforming to stay home during the administration of a standardized test and/or coding the lower-performing students out of the district or school summaries to exclude their scores from accountability calculations		X
Correcting student responses to ensure a student a place in a gifted program		X
Setting a testing schedule that limits students from receiving the maximum time allowed for the test		X
Revealing the test scores of one student to another student		X

Additional Monitoring Procedures

The Department will continue to analyze results from tests to help ensure valid and fair results for students and districts. The Office of Assessment, with guidance from a group of national testing experts, uses a variety of commonly accepted statistical and audit procedures to review test score data and individual test documents for any anomalies that may be related to testing irregularities.

When anomalies appear in the data, districts may be contacted and asked to assist in reviewing and, if necessary, investigating the circumstances surrounding the anomalies. For instance, the audit procedures may identify highly unlikely patterns of responses for an individual student or between students in the same classroom or school. Also, specific patterns of erasures and other marks on scannable documents may be examined.

The Department will also audit vendor testing records to ensure appropriate test participation and test administration procedures are followed (for example, testing at appropriate grade levels and no inappropriate “double testing” of students). The Office of Assessment and its testing vendors will continue to monitor the prompt return of all secure test materials from each test administration by districts. Finally, the Office of Assessment may request permission from a district to observe and inspect test administration procedures in a building during a test window.

Additional Test Security Resources

The resources listed below are reference documents on test security.

- [*Code of Fair Testing Practices in Education*](#)
- [*Standards for Educational and Psychological Testing*](#)

On the following pages are resources for districts and schools to use during and after test administration. These resources include optional forms for district and school use, a non-disclosure form for translators, a scribe documentation form and complete texts of the Ohio Revised Code and Ohio Administrative Code that are applicable to the state test program. The optional forms for district and school use include:

- District Test Coordinator Agreement Form
- Building Test Coordinator Agreement Form
- Test Administrator Form.

Districts and schools may use the forms to document that the district test coordinator, building test coordinator and the test administrator are aware of and understands the district’s or school’s test security policy and all possible consequences and are aware of other resources regarding test security. While the forms are optional, the Department recommends using the forms to document the staff’s awareness of the district’s or school’s test security policy.

A non-disclosure form is required to be used to document that the translator understands the district’s or school’s test security policy, agrees not to disclose or discuss the contents of the secure tests and agrees that all student-specific information remains strictly confidential.

A scribe documentation form may be used to document that the student’s responses have been accurately transcribed to the test booklet or answer document.

Sections of the Ohio Revised Code and Ohio Administrative Code are included to provide the complete text of codes that are applicable to the state test program.

Appendix A

District Test Coordinator Agreement Form

This form is used to document that the District Test Coordinator is aware of and understands the district's test security policy and all possible consequences and is aware of other resources regarding test security.

Use of this form is optional.

Test Procedures Agreement for District Test Coordinators

The district test coordinator acknowledges that:

- All Ohio state tests are secure tests (except Ohio Diagnostic Tests, released tests and practice tests);
- Procedures shall be implemented to ensure maximum test security;
- Training on Ohio Revised Code (ORC) [3319.151](#) Cheating on Assessments has been provided to all building test coordinators *prior* to the test administration;
- Training on Ohio Administrative Code (OAC) [3301-13-05](#) Rule on Test Security has been provided to all building test coordinators *prior* to the test administration;
- Training on Ohio Administrative Code (OAC) [3301-7-01](#) Standards for the Ethical Use of Tests has been provided to all building test coordinators *prior* to the test administration;
- Training on the district's test security policy, including possible consequences of test security violations, has been provided to all building test coordinators *prior* to the test administration;
- Test security will not knowingly be violated in any manner;
- Student test scores or test performance data shall not be disclosed to unauthorized persons;
- Any violation of test security, loss of test materials or other deviation from acceptable test security and test administration procedures shall be reported immediately to the district superintendent and to the Ohio Department of Education, Office of Assessment;
- The signed Test Procedures Agreement for each building test coordinator has been collected and retained; and
- Secure test materials shall not be released to the school before the signed Test Procedures Agreement has been collected from the building test coordinator.

DO NOT SEND FORM TO THE DEPARTMENT. Please keep for district record.

I have read, understand and with my signature agree to comply with statutory and regulatory (ORC, OAC) requirements. I also understand that I must return this signed agreement to the district superintendent before test booklets and other test materials are released to the school. By signing this form and returning it to the district superintendent, I verify that the above conditions have been met.

District

District Test Coordinator Signature

Date

Appendix B

Building Test Coordinator Agreement Form

This form is used to document that the building test coordinator is aware of and understands the district's test security policy and all possible consequences and is aware of other resources regarding test security.

Use of this form is optional.

Test Procedures Agreement for Building Test Coordinators

The building test coordinator acknowledges that:

- All Ohio state tests are secure tests (except Ohio Diagnostic Tests, released tests and practice tests);
- Procedures shall be implemented to ensure maximum test security;
- Training on Ohio Revised Code (ORC) [3319.151](#) Cheating on Assessments has been provided to all test administrators *prior* to the test administration;
- Training on Ohio Administrative Code (OAC) [3301-13-05](#) Rule on Test Security has been provided to all test administrators *prior* to the test administration;
- Training on Ohio Administrative Code (OAC) [3301-7-01](#) Standards for the Ethical Use of Tests has been provided to all test administrators *prior* to the test administration;
- Training on the district's test security policy, including possible consequences of test security violations, has been provided to all test administrators *prior* to the test administration;
- Test security will not knowingly be violated in any manner;
- Student test scores or test performance data shall not be disclosed to unauthorized persons;
- Any violation of test security, loss of test materials or other deviation from acceptable test security and test administration procedures shall be reported immediately to the district test coordinator;
- The signed Test Procedures Agreement for each test administrator has been collected and retained; and
- Secure test materials shall not be released to the school before the signed Test Procedures Agreement has been collected from each test administrator.

DO NOT SEND FORM TO THE DEPARTMENT. Send this form to the District Test Coordinator.

I have read, understand and with my signature agree to comply with statutory and regulatory (ORC, OAC) requirements. I also understand that I must return this signed agreement to the district test coordinator before test booklets and other test materials are released to the school. By signing this form and returning it to the district test coordinator, I verify that the above conditions have been met.

District

School

Building Test Coordinator Signature

Date

Appendix C

Test Administrator Agreement Form

This form is used to document that the test administrator is aware of and understands the district's security policy and all possible consequences and is aware of other resources regarding test security.

Use of this form is optional.

Test Procedures Agreement for Test Administrators

The test administrator acknowledges that:

- All Ohio state tests are secure tests (except Ohio Diagnostic Tests, released tests and practice tests);
- Procedures shall be implemented to ensure maximum test security;
- Training on Ohio Revised Code (ORC) [3319.151](#) Cheating on Assessments has been provided *prior* to the test administration;
- Training on Ohio Administrative Code (OAC) [3301-13-05](#) Rule on Test Security has been provided *prior* to the test administration;
- Training on Ohio Administrative Code (OAC) [3301-7-01](#) Standards for the Ethical Use of Tests has been provided *prior* to the test administration;
- Training on the district's test security policy, including possible consequences of test security violations, has been provided *prior* to the test administration;
- Test security will not knowingly be violated in any manner;
- Student test scores or test performance data shall not be disclosed to unauthorized persons;
- Any violation of test security, loss of test materials or other deviation from acceptable test security and test administration procedures shall be reported immediately to the building test coordinator; and
- Secure test materials shall not be released to the school before the signed Test Procedures Agreement has been collected from the test administrator.

DO NOT SEND FORM TO THE DEPARTMENT. Send this form to the Building Test Coordinator.

I have read, understand and with my signature agree to comply with statutory and regulatory (ORC, OAC) requirements. I also understand that I must return this signed agreement to the building test coordinator before test booklets and other test materials are released to the school. By signing this form and returning it to the building test coordinator, I verify that the above conditions have been met.

District

School

Test Administrator Signature

Date

Appendix D

Non-Disclosure Agreement for Translators

This form is used to document that the translator is aware of and understands the district's test security policy and all possible consequences and is aware of other resources regarding test security.

This is a Required Form

I agree not to disclose or discuss the contents of the online and paper tests in a manner that would assist a person to cheat or would in any other way compromise the validity of the test questions. Furthermore, I agree that all student-specific information obtained either prior to or during the oral test administration will remain strictly confidential.

I understand that these test materials are restricted. I understand that all test questions and all other materials related to these tests including, but not limited to, passages, prompts, charts, graphs and tables are considered secure and subject to the provisions of Sections 3319.151 of Ohio Revised Code and Rules 3301-7-01, 330113-02 and 3301-13-05 of the Ohio Administrative Code.

My responsibility for maintaining the security of student information, test questions and test materials continues even after the test concludes and the test materials have been returned.

Name of Translator Printed

Date

Signature of Translator

District or school

The district or school must maintain a copy of this form and provide it to the Department upon request.

Do NOT return with other test materials.

Appendix E

Scribe Documentation Form

This form is used to document that the student's responses have been accurately transcribed to the test booklet or answer document. Use of this form is optional.

Student Name:
Grade:
Subject:
District:
School:
Date of Administration:

Test: (Circle one): Grades 3-8 End-of-Course OGT OELPA OELPS

Please check one of the following reasons for the use of a scribe:

- Student identified with disabilities and has a written Individualized Education Program (IEP) or 504 Plan to specify the use of a scribe.
 - Under an IEP or 504 Plan, the student receives a scribing accommodation as a part of daily classroom instruction and assessment.
 - Student is unable to write his or her answers into a standard test booklet or answer document.
- Student identified as English Learner (EL) who is eligible to receive additional **accommodations** (translated form of tests) that may require translation and transcription. The translator is the scribe.
- Short-term medical condition (for example, broken arm or wrist, short-term visual problem, student vomited on test booklet or answer document) which requires scribing or transcribing.

Provide a brief explanation of the medical condition:

The test administrator and scribe must both sign this form. Their signatures verify that no changes, edits or deletions were made to the student's responses. The student's responses were transcribed by the scribe exactly as given by the student, including errors. Scribing guidelines for Ohio State Tests have been adhered to as defined in [Ohio's Accessibility Manual](#).

Scribe Signature

Date When Scribing Occurred

Test Administrator Signature

Date

Send this form to the District Test Coordinator. **Do not send this form to the Department.**

Appendix F

Ohio Revised Code and Ohio Administrative Code

The following codes are applicable to the state test security program and are provided for reference.

- Ohio Revised Code [3319.151](#): Confidentiality for State Tests;
- Ohio Administrative Code Rule [3301-13-02](#): Administering State Tests;
- Ohio Administrative Code Rule [3301-13-05](#): Establishing Security and Security Investigation Provisions for Tests;
- Ohio Administrative Code [3301-7-01](#): Standards for the Ethical Use of Tests.

(See text of the codes in the following pages.)

Ohio Revised Code 3319.151

Prohibition on assisting students in cheating on assessments.

- (A) As used in this section, "assessment" means an assessment administered under section [3301.0711](#) of the Revised Code.
- (B) No person shall do any of the following:
- (1) Reveal to any student any specific question that the person knows is part of an assessment or in any other way assist a pupil to cheat on an assessment;
 - (2) Obtain prior knowledge of the contents of an assessment;
 - (3) Use prior knowledge of the contents of an assessment to assist students in preparing for the assessment;
 - (4) Fail to comply with any rule adopted by the department of education regarding security protocols for an assessment.
- (C) On a finding by the state board of education, after investigation, that a school employee who holds a license, as defined in section [3319.31](#) of the Revised Code, has violated division (B) of this section, the state board shall take any action against the employee under section [3319.31](#) of the Revised Code that it considers appropriate, based on the nature and extent of the violation. The state board shall give the employee notice of the allegation upon commencing an investigation and shall give the employee an opportunity to respond prior to taking any disciplinary action.
- (D)(1) Violation of division (B) of this section is grounds for termination of employment of a nonteaching employee under division (C) of section [3319.081](#) or section [124.34](#) of the Revised Code.
- (2) Violation of division (B) of this section is grounds for termination of a teacher contract under section [3311.82](#) or [3319.16](#) of the Revised Code.

Last updated October 4, 2021 at 11:55 AM

Effective: September 30, 2021

Latest Legislation: House Bill 110 - 134th General Assembly

Ohio Administrative Code 3301-13-02

Administering required state tests at the designated grades.

- (A) Each participating school shall administer the state tests to all students who are enrolled in grade nine for the first time before July 1, 2014 and who are not specifically excused in accordance with the Ohio Revised Code or the Administrative Code as follows:
- (1) Administer the Ohio graduation tests:
 - (a) The administration for persons who may or may not have completed their high school requirements will be provided three opportunities during the school year to take any required Ohio graduation test for which a proficient score has not been obtained. The tests shall be administered in any order. Multiple tests may be administered on one day. The tests will be offered at sites approved by the department;
 - (b) The testing window for the Ohio graduation tests will be established by the superintendent of public instruction by March first of each year and will be open continuously during the designated window with the exception of the month of August. The open testing window will be available beginning after July 1, 2018 and ending June of 2022; and
 - (c) The time between administrations of the test for each person is at least 30 school days from the date the person has taken the test in the school year. Each person should receive or obtain targeted intervention services to make satisfactory progress toward passing the test.
 - (2) Administer the third-grade English language arts test on any day of the test administration period determined by the superintendent of public instruction, as required by section [3301.0710](#) of the Revised Code as follows:
 - (a) The fall test administration period each school year shall last for a period not to exceed five consecutive school days, which includes the make-up testing period; and
 - (b) The summer test administration period each school year shall be optional and shall last for a period not to exceed five consecutive school days. No intervention is required.

- (3) Administer once annually in the spring with the test window determined by the superintendent of public instruction, as required by section [3301.0710](#) of the Revised Code, which shall last for a period not to exceed fifteen consecutive school days, including the make-up testing period. The participating school may schedule the test in any order on any day of the test administration period for each of the following state tests:
 - (a) The third-grade tests in English language arts and mathematics;
 - (b) The fourth-grade tests in English language arts and mathematics;
 - (c) The fifth-grade tests in English language arts, mathematics and science;
 - (d) The sixth-grade tests in English language arts and mathematics;
 - (e) The seventh-grade tests in English language arts and mathematics; and
 - (f) The eighth-grade tests in English language arts, mathematics and science.
 - (4) Administer the end-of-course high school tests to students who first enrolled in grade nine on or after July 1, 2014. The participating school may schedule the tests in any order on any day of the test administration period determined by the superintendent of public instruction as follows:
 - (a) The fall test administration period each school year shall last for a period not to exceed ten consecutive school days including make-up testing;
 - (b) The spring test administration period each school year shall last for a period not to exceed fifteen consecutive school days including make-up testing; and
 - (c) The summer test administration period shall be optional and shall last for a period not to exceed ten consecutive school days. No intervention is required.
 - (5) Administer annually the alternate assessment at all grade levels and content areas to students with a significant cognitive disability. The superintendent of public instruction shall designate the test window for the administration of the alternate assessment.
 - (6) Administer annually the English language proficiency test to English learners in grades kindergarten through twelve. The superintendent of public instruction shall designate the test window for the administration of the English language proficiency test.
- (B) All students shall take all state tests appropriate for their specified grade level during the designated test administration unless a student is excused from taking a test for one of the following reasons:
- (1) A student scored at the proficient level on the English language arts test in grade three during the fall test window and a participating school has determined that the student is not required to take that test again during the spring administration. This does not, however, prohibit a student from taking the grade three English language arts test in the spring if the student and/or parent requests the student to participate in the test;
 - (2) A student is properly authorized to take an alternate assessment pursuant to section [3301.0711](#) of the Revised Code and rule [3301-13-03](#) or [3301-13-09](#) of the Administrative Code;
 - (3) A student has a serious medical emergency caused by circumstances beyond the participating school's control pursuant to section [3301.0711](#) of the Revised Code; or
 - (4) A student is enrolled in a subject-area accelerated program in a participating school and is taking a course in high school at an accelerated grade level. The specific test requirements are based upon the number of years that the student has been enrolled in the acceleration program as follows:
 - (a) During the first year of a student's acceleration, for situations where no test exists at their accelerated-subject grade level, but a test does exist in that subject at their overall-grade level, it will be optional for the district to test the student.
 - (b) In any year other than the first year of a student's acceleration, for situations where no test exists at their accelerated-subject grade level, but a test does exist in that subject at their overall grade level, the district shall not test the student.
- (C) Breach forms provided by the department may be administered at the sole discretion of the department in a limited number of situations. The district shall not use a breach form with any student involved in a potential cheating case. Test score results from the administration of a breach test form will be reported to the participating school at the individual, group and school level as deemed appropriate by the department. The following is a list of situations of test security violations or administration irregularities that warrant the use of the breach form. There may be other situations where the use of the breach form is appropriate and those shall be determined on a case by case basis by the department's office of curriculum and assessment and the district superintendent.

- (1) When a participating school receives test materials which are clearly flawed, damaged, missing key information or content; or otherwise contain errors that prevent a valid administration of said tests in that participating school.
 - (2) When a disruptive or extraordinary event interrupts and prevents a valid administration of a test at a participating school.
 - (3) If a student or student(s) at a participating school compromise the security of a test prior to or during the administration of a test; and subsequently prevent a valid administration of a test at the participating school as a result of that security compromise.
 - (4) If any district employee or other individual compromises the security of a test prior to or during the administration of a test; and subsequently prevent a valid administration of a test at the participating school as a result of that security compromise.
- (D) Breach forms of the state tests for grades three through eight, end-of-course high school tests, or the Ohio graduation tests shall be administered to a single student or all students within a participating school within a grade level or to large subgroups of students within a grade level at a participating school.
- (E) Test score results from the administration of a breach test form will be reported to the district and participating school at the individual, group and school level as deemed appropriate by the department.
- (F) The procedure for using the breach form of a test shall follow all the following steps:
- (1) The school district or participating school shall report orally, followed up by a written report, the security violation or incident to the department within twenty-four hours or as soon as the district becomes aware of the occurrence of the irregularity at the participating school. The report must be filed with the department within two business days of the incident for the breach form to be a viable option;
 - (2) The school district or participating school must submit to the department in writing a list of students who will have their scores invalidated for the content area for which the breach form is being used; the content area being invalidated, and the reason for the invalidation. The list must include all the relevant student information including their names or unique state identification code, and the school and district IRNs. Charter nonpublic schools may substitute the student identification code for the state identification code for those students who are not required to have a state identification code;
 - (3) The department will notify the testing contractor of the need for the breach form and direct the testing contractor to send the required number of breach test forms and materials to the district test coordinator or district designee;
 - (4) The participating school must administer the breach form in accordance with all established test administration procedures established by the department;
 - (5) The breach test form administration shall occur within two weeks of the end of all scheduled test administration windows for the Ohio graduation tests, grades three through eight English language arts, mathematics and science, and the end-of-course high school tests; and
 - (6) All tests and test materials must be returned to the site designated by the department.
- (G) There shall be no breach form administered for the fall administration of the third grade English language arts test or the spring administration of the Ohio English language proficiency assessment.
- (H) The cost of administering the breach tests shall be shared by the department and the participating school when test security violations occur in accordance with rule [3301-13-02](#) of the Administrative Code.
- (I) To facilitate the test administration at each grade, each school district and participating school shall annually appoint one named person in a school district and one person in each building, as the case may be, whose duties shall be to ensure that all test administration and test security provisions included in Chapters 3301-13 and 3301-7 of the Administrative Code and all testing procedures adopted by the department and by a participating school are followed explicitly by all appropriate staff. In addition, each participating school shall appoint enough test administrators and monitors to satisfy the provisions of this rule.
- (J) During each test administration, all tests shall be administered by each participating school in accordance with the following provisions:
- (1) All tests and answer documents shall be considered secure and subject to the provisions of rule [3301-13-05](#) of the Administrative Code and section [3319.151](#) of the Revised Code;
 - (2) All test administration rooms shall be selected such that test security provisions can be ensured while student comfort is maximized;
 - (3) Except for accommodations made in accordance with rule [3301-13-03](#) of the Administrative Code, only materials specifically designated by the department shall be provided to students and/or permitted in the test administration room during testing;

- (4) Each test administration period in each testing room shall be conducted by a staff member who holds a current license, certificate, or permit issued by the department, or a staff member certificated under sections [3301.071](#) and [3319.22](#) of the Revised Code and Chapters 3301-23, 3301-24, and 3301-25 of the Administrative Code who is employed by the participating school, is assigned to that testing room as the test administrator, and is responsible for following explicitly the online and paper test administration directions provided by the department, including all security provisions included in Chapter 3301-13 and rule [3301-7-01](#) of the Administrative Code and all testing procedures adopted by the department and established by the participating school;
- (5) When the number of students taking any test in an assigned testing room exceeds thirty, additional staff and/or adult volunteers shall be assigned as test monitors to that room to ensure that the ratio does not exceed thirty students to one test administrator/monitor at any time in any test administration room. The test monitor is not required to meet the criteria stated in this rule. A student may not serve as a test monitor; and
- (6) The test administrator and all test monitors assigned to a testing room shall be informed of, and agree to follow, all prescribed test administration and test security provisions. Test administrators and test monitors shall remain in the assigned testing room during the entire administration of any test to assure that security is maintained.
- (K) Upon receipt of a written request by a school district superintendent, head administrator or designee with evidence that a participating school has experienced an emergency interruption of the school schedule by events beyond the control of the school that will not permit the designated test window stated in this rule, the state superintendent of public instruction may approve a modified testing schedule that permits testing to be completed in accordance with the provisions of this chapter.
- (L) Any student in grades three through eight, who was retained in the same grade level from one school year to the next school year, shall take the state tests as specified in this rule for the grade level in which the student currently is enrolled, regardless of any score previously received by a student on any such test during a prior school year.
- (M) In addition to section [3301.0714](#) of the Revised Code and Chapter 3301-14 of the Administrative Code, each participating school shall keep records for each student including the following:
- (1) A unique state student identification code or a student data verification code in accordance with division (D)(2) of section [3301.0714](#) of the Revised Code;
 - (2) A list or designation of which state tests are required and which tests are not taken for each test administration period;
 - (3) The score and performance level for each state test taken;
 - (4) Any test that must still be taken;
 - (5) If intervention must be provided; and
 - (6) An indication the student has met all high school graduation requirements.
- (N) When a student who has taken tests administered pursuant to this rule in a participating school leaves that school to enroll in another participating school, the previously attended school shall provide, immediately upon request by a school official from the enrolling school, all applicable records specified in paragraph (M) of this rule.
- (O) Any school district, community school, or chartered nonpublic school with territory in a joint vocational school district may enter into an agreement with the joint vocational school district for the joint vocational school district to administer any test prescribed in this rule provided that any such test administration is conducted in accordance with the provisions of this chapter and under the direction of the school district and building testing coordinators. For any student who enrolls at a joint vocational school, the school previously attended shall provide up-to-date records, as specified in paragraph (M) of this rule, to the joint vocational school. For any student who takes tests required for graduation at a joint vocational school, that joint vocational school shall provide such records, as specified in paragraph (M) of this rule to the high school from which the student will receive a diploma.
- (P) Each joint vocational school district shall administer the state tests under the direction of the school district and building test coordinators identified in accordance with this rule.
- (Q) Any correctional or penal institution that maintains a chartered high school serving residents or nonresidents shall administer state tests in accordance with this chapter of the Administrative Code.
- (R) A student who has been excused from attendance at school for the purpose of home instruction under section [3321.04](#) of the Revised Code is not required to take state tests. However, both the participating school and the student's parent may mutually agree to allow the student to take any of the state tests. The state tests

must be taken under the same rules and procedures as students enrolled in the participating school. If a home-school student is enrolled in a participating school for a course in which there is a state test, the student is required to take that state test. The school district will not issue a high school diploma to a part-time enrolled home school student.

(S) A student who attends a nonchartered nonpublic school is not required to take state tests. However, both the participating school and the nonchartered nonpublic school, or the student's parents may mutually agree to allow the student to take any of the state tests. The tests must be taken under the same rules and procedures as students enrolled in the participating school, with the participating school ultimately making the final decision.

Supplemental Information

Effective: April 27, 2018

Promulgated Under: [119.03](#)

Authorized By: [3301.07](#), [3301.0711](#)

Amplifies: [3301.0710](#), [3301.0711](#), [3301.0712](#)

Five Year Review Date: 4/27/2023

Prior Effective Dates: 2/1/1988, 1/29/1990, 12/1/1992, 4/19/1994, 8/1/1994, 6/8/1996, 8/10/2000, 8/22/2002, 12/27/2007, 6/25/2009, 1/26/2013, 10/27/2013

Ohio Administrative Code 3301-13-05

Establishing security and security investigation provisions for tests

(A) All test questions and all other test materials, which are considered part of a test, including, but not limited to, oral or written directions, reading passages, writing prompts or styles, charts, graphs, maps, and tables shall be considered secure and subject to the provisions of sections [3319.151](#) and [3319.99](#) of the Revised Code and to the provisions of this rule prohibiting any person from revealing any specific question and/or materials that are part of a test.

(B) The test materials that are specifically designated as "practice tests" and any test released by the department as a public record in accordance with section [3301.0711](#) of the Revised Code and this rule are not considered secure.

(C) Persons designated as test coordinators for participating schools, in accordance with rule [3301-13-02](#) of the Administrative Code, shall:

- (1) Ensure that all test security provisions are complied with while test materials remain in a participating school;
- (2) Ensure that all test provisions are complied with while each online and/or paper/pencil test administration session, including makeup sessions, is in progress; and
- (3) Account for all test materials, including booklets by serial number, CDs containing translations of the tests, English language proficiency listening and speaking CDs, and answer documents.

(D) No person shall reveal, cause to be revealed, release, cause to be released, reproduce, or cause to be reproduced any secure test materials through any means or medium including, but not limited to, electronic, photographic, photocopy, written, paraphrase, or oral.

(E) No unauthorized person shall be permitted to be in a test room during any test administration session or be permitted to have access to any secure test materials at any time such materials are in a participating school.

(F) Each participating school shall establish written procedures to protect the security of the paper test materials. Such procedures shall include, but not be limited to, the following:

- (1) Specification of district procedures for handling, tracking, and maintaining security of test materials from the time and point of receipt in a participating school until the time and point of shipping to the scoring contractor;
- (2) Specification of procedures for handling, tracking, and maintaining security of test materials at a site before, during, and after a test administration, including, but not limited to, procedures for accounting for and storing test booklets, answer documents, and all other test materials in a secure location before, during, after, and between test administration sessions;
- (3) Specification of building procedures for handling, tracking, and maintaining security of the test materials from the time and point of receipt in a building prior to testing, until after the last regular test administration session when the test materials are returned to the district's central collection location; and

- (4) Requirement that not later than seven calendar days after the completion of a test administration period, all nonscorable used and unused test booklets, unused secure answer documents, and any other materials specified by the department, shall be shipped to the specified location in accordance with the directions provided by the designated scoring service provider.
- (G) Each participating school shall establish written procedures to protect the security of the online and paper tests in these areas, which shall include, but not be limited to, the following:
- (1) Identification of each person by name with a designated title as being either a test coordinator, test administrator, monitor, translator, or scribe who is authorized to be present in a test room during a test administration session, including a makeup session, and/or who is authorized to have access to the test materials;
 - (2) Specification of a procedure for investigating any alleged violation of a test security provision or any alleged unethical testing practice, including ensuring due process for any individual accused;
 - (3) Specifications of a procedure for determining an action or actions to be taken in response to any confirmed violation of section [3319.151](#) of the Revised Code, rule [3301-7-01](#) of the Administrative Code, this rule, or the school's security procedures, including, but not limited to, cheating by a student, anyone assisting a student to cheat, and/or anyone compromising a student's test;
 - (4) Specification of a procedure for determining whether to invalidate a student's test in response to a test security violation caused either by a student and/or by any other person; and
 - (5) Specification of how the written procedures will be communicated in writing and discussed each school year with employees who have access to secure test materials, students enrolled in the participating school who are being tested, and with any other person authorized to be present in a test room and/or have access to any secure test materials.
- (H) Any alleged test security violation must be reported to the department as soon as it becomes known to the participating school.
- (1) Upon receipt of information about an alleged test security violation, the department shall call the participating school to request the opening of an investigation and shall follow up with a letter to the participating school.
 - (2) Within ten calendar days after the completion of the participating school's investigation, a written report shall be filed with the department delineating the cause and results of the investigation including any corrective action taken.
 - (3) After a determination that a test security violation has occurred, a school district board or governing authority of a participating school and/or the state board of education may take any action or actions specified in section [3319.151](#) of the Revised Code or in this rule.
 - (4) Each participating school shall ensure the cooperation of all of its employees in any investigation that is conducted by the department pursuant to any allegation or other indication that a test security violation may have occurred.
 - (5) Prior to commencing a department investigation through the office of professional conduct and taking action as a result of an allegation of a test security violation, the state board of education shall provide the individual with notice of the allegation and an opportunity to respond and present a defense.
- (I) By the first of October of each school year, each participating school shall communicate in writing and discuss with all employees who have access to the secure test materials and students who are being tested the applicable written security procedures and actions to be taken in response to any violations established pursuant to this rule. Students and staff shall be reminded orally of these provisions prior to the beginning of each test administration period by a test coordinator and test administrator.
- (J) Each joint vocational school district that has executed an agreement with a participating school to administer any test pursuant to rule [3301-13-02](#) of the Administrative Code shall comply with all requirements of this rule.
- (K) The rules identified in this section do not apply to commercial tests, as defined in rule [3301-13-01](#) of the Administrative Code. Districts using commercial tests for state or local purposes are required to follow the rules and procedures established by the commercial test provider.

Supplemental Information

Effective: April 27, 2018

Promulgated Under: [119.03](#)

Authorized By: [3301.07](#), [3301.0710](#), [3301.0711](#)

Amplifies: [3301.0710](#), [3301.0711](#), [3301.0712](#)

Five Year Review Date: 4/27/2023

Prior Effective Dates: 1/29/1990, 12/1/1992, 8/10/2000, 8/22/2002, 12/21/2007, 1/26/2013

Rule 3301-7-01

Standards for the ethical use of tests

(A) These standards of ethical test practice shall be used in determining if a practice related to a test is consistent with the principles of performing one's duties with honesty, integrity, due care, fairness to all, ensuring the integrity of the test process, and the reliability and validity of any inference made from any result of a test. Except as otherwise specified, the following definitions shall be used in this rule:

(1) "Test" shall include secure and non-secure state tests as required by sections [3301.0715](#), [3301.0710](#), [3301.0711](#) and [3301.0712](#) of the Revised Code, and provided by the department. Test shall also include district and school standardized tests including norm referenced tests. Test shall include the test instrument itself and any part of the process of assessing or testing a student.

(2) "Participating school" shall mean any city, exempted village, local, cooperative education, or joint vocational school districts or any community or any chartered nonpublic school which participates in testing; the state school for the blind; the state school for the deaf; or any school operated by the departments of youth services or rehabilitation and corrections; or any entity that tests its students with the state tests.

(3) "Appropriate staff" shall include any designated certificated or non-certificated employee of a participating school who has direct access to a test or participates in any activity related to preparing a student for a test. Appropriate staff shall be required to hold a license, certificate or permit issued by the department to administer or score a test and/or interpret or use any result of a test.

(4) "Secure test" shall include any test, whether state or national, that is administered to the entire or a portion of the entire state student population and/or that is provided by the state, the results of which are included in Ohio's accountability system, are included as part of a student's course of study, are part of the pre-college admission process, or are required by state and/or federal law. Secure tests shall be treated as secure materials until released by the test developer and/or the department. They do not include any diagnostic test required to be administered pursuant to section [3301.0715](#) of the Revised Code, any practice test, or any test that already has been released to the public by the test developer or by the department as a public record following the school year that the test was administered.

(5) "State test " means any test that is provided by the department for use in all participating schools in the state including the grades three to eight English language arts, mathematics and science tests, end-of-course high school tests, Ohio graduation tests, diagnostic tests, alternate assessments, English language proficiency assessment, kindergarten readiness assessment, or early learning assessments.

(B) Each participating school and district shall ensure that all appropriate staff have knowledge of these standards of ethical test practice and shall monitor the practices of all appropriate staff to ensure compliance with these standards. Each participating school's and district's duties shall include, but not be limited to, the following:

(1) Communicate in writing to all appropriate staff at least once annually the standards defining what is an unethical and/or inappropriate practice that are contained in paragraphs (C) to (E) of this rule as well as any additional standards of ethical test practice adopted by a participating school and district;

(2) Clearly define and communicate in writing at least once annually to all appropriate staff how the standards shall be monitored and what sanctions shall apply for any violations of the standards and under what circumstances such sanctions will apply;

(3) Clearly define and communicate to all appropriate staff prior to each test the purpose(s) for each test;

(4) Clearly define and communicate in writing to all appropriate staff at least once annually all security procedures established by a participating school for each type of secure test identified in paragraph (A) of this rule, which shall include, but not be limited to, the test security provisions required by rule [3301-13-05](#) of the Administrative Code and the test security guidelines in the "Ohio's State Tests Rules Book";

(5) Provide any other information and training as may be necessary to ensure that all appropriate staff have the knowledge and skills necessary to make ethical decisions related to preparing students for a test, administering and/or scoring a test, and/or interpreting and/or using any result of a test;

(6) Establish written procedures for reviewing what materials and practices shall be used in a participating school to prepare students for a test, and clearly communicate in writing these procedures, materials, and practices at least once annually to all appropriate staff;

(7) Periodically review materials and practices related to preparing students for a test, administering and/or scoring a test, and/or interpreting and/or using any result of a test to ensure that the materials and practices are up-to-date, and clearly communicate in writing any additions or changes at least once annually to all appropriate staff;

(8) Provide channels of communication that allow teachers, other educators, students, parents, and/or other members of the community to voice any concern about any practice they consider unethical and/or inappropriate; and

(9) Establish written procedures for investigating any complaint, allegation, and/or concern about an unethical and/or inappropriate practice, ensuring protection of the rights of an individual, the integrity of a test, and any result of a test.

(C) In monitoring practices related to preparing students for a test, each participating school shall use, but not be limited to, the following standards that define the types of practices that are unethical and/or inappropriate:

(1) Any preparation practice that results solely in raising scores or performance levels on a specific test without simultaneously increasing a student's achievement level as measured by other tasks and/or test designed to assess the same content domain;

(2) Any practice involving the reproduction of any secure test materials, through any medium, for use in preparing a student for a test;

(3) Any preparation activity that includes a question, task, graph, chart, passage, or other material included in a test, and/or material that is a paraphrase or highly similar in content to what is in a test (does not include practice tests developed by the department);

(4) Preparation for a test that focuses primarily on the test, including its format, rather than on the Ohio learning standards being assessed;

(5) Any preparation practice that does not comply with, or has the appearance of not complying with any statutory and/or regulatory provision related to security of a test; and

(6) Any practice that supports or assists others in conducting unethical or inappropriate preparation activities.

(D) Except as specifically permitted by written instructions provided by the developer of a test, by the department, or by Chapter 3301-13 of the Administrative Code pertaining to accommodations and/or alternate assessment, each participating school shall use, but not be limited to, the following standards that define the types of practices related to administering and/or scoring tests that are unethical and/or inappropriate:

(1) Any test used for purposes other than that for which it was intended;

(2) Any practice that results in a potential conflict of interest or one that exerts undue influence on a person administering and/or scoring a test, either making or appearing to make a testing process unfair to some examinees;

(3) Except for accommodations and/or alternate assessments expressly permitted under Chapter 3301-13 of the Administrative Code, any change in procedures for administering and/or scoring a test that results in a nonstandard condition for one or more students;

(4) Any practice that allows a person without sufficient and appropriate knowledge, skills, and/or training to administer and/or score a test;

(5) Any administration and/or scoring practice that may produce a result contaminated by a factor not relevant to the purpose(s) of a test;

(6) Any practice of excluding one or more students from a test solely because a student has not performed well, or may not perform well, on the test and/or because the aggregate performance of a group may be affected;

(7) Any practice immediately preceding and/or during a test including, but not limited to, the use of a gesture, facial expression, body language, tone of voice, language, or any other action and/or sound that may guide a students' response;

(8) Except for the directions for administration as prescribed by the test developer and/or by the department, any practice such as providing to a student, immediately preceding and/or during administration of a test, any definition and/or clarification of the meaning of a word or term contained in a test;

(9) Any practice that corrects or alters any student's response to a test either during and/or following the administration and/or scoring of a test; and

(10) Any practice that supports or assists any person in unethical and/or inappropriate practices during administration and/or scoring of a test.

(E) In monitoring practices related to interpreting and/or using any result of a test, each participating school shall use, but not be limited to, the following standards that define the types of practices that are unethical and/or inappropriate:

(1) Providing interpretations of and/or using any result of a test in a manner and/or for a purpose that was not intended;

(2) Making false, misleading, or inappropriate statements and/or unsubstantiated claims that may lead to false and/or misleading conclusions about any result of a test;

(3) Any practice that permits appropriate staff without the necessary knowledge and skills to interpret and/or use any result of a test;

(4) Any practice that violates, or places at risk, the confidentiality of personally identifiable information pursuant to section [3319.321](#) of the Revised Code;

(5) Any practice that provides an interpretation or suggests a use of any result of a test without due consideration of the purpose(s) for the test, the limitations of the test, an examinee's characteristics, any irregularities in administering and/or scoring the test, and/or other factors that may affect any result; and

(6) Any practice that supports or leads any person to interpret and/or use any result of a test in unethical and/or inappropriate ways.

(F) Each participating school shall cooperate with the state board of education in conducting an investigation of any alleged unethical and/or inappropriate assessment practice as defined in this rule.

Supplemental Information

Effective: April 27, 2018

Promulgated Under: [119.03](#)

Authorized By: [3301.07](#), [3301.0710](#), [3301.0711](#)

Amplifies: [3301.0711](#)

Five Year Review Date: 4/27/2023

Prior Effective Dates: 2/1/1995, 12/21/2007