

From: Sara Cucchi <cucchi.vab@gmail.com>

Sent: Tuesday, May 4, 2021 5:00 PM

To: Robert Tornillo <Robert.Tornillo@floridarevenue.com>

Cc: Lisa Vickers <Lisa.Vickers@floridarevenue.com>; Debbie Longman <Debbie.Longman@floridarevenue.com>; Janice Forrester <Janice.Forrester@floridarevenue.com>; Tanya <Tanya.Cooper@myfloridacfo.com>; Jamie Peate <Jamie.Peate@floridarevenue.com>

Subject: DOR-PTO Training Rule Debacle

Dear Robert Tornillo,

Thank you for your email. I am hopeful about your new role at the Department. As you know, pending is DOR-PTO's bizarre training rules for state and county property assessment personnel. Tomorrow is a public workshop/hearing on this DOR-PTO debacle. I am sure attorneys Mark Hamilton and Rachel Goldstein will be there to refuse meaningful answers to relevant questions any reasonably informed taxpayer would have. The person or persons who wrote these rules have clearly demonstrated they know very little about a professional training program. Why don't you attend and see for yourself?

I request that DOR have in attendance at tomorrow's hearing the DOR staff who are or will be approving training courses for pre-certification credit for property appraisers and their staff.

There are many questions about DOR-PTO's training program and draft rules for county officials, but below are some that need your immediate attention, please. Could you please send the answers to these as soon as possible, because there are many more problems and questions about DOR-PTO's pathetic training rules.

1. Why did DOR delete "properly" from the phrase "properly monitored," referring to monitoring training certification exams?
 - Does this mean DOR believes it is acceptable to fail to properly monitor exams?
 - Does DOR believe JAPC directed DOR to delete the term "properly" or that JAPC simply noted that the elements of monitoring exams should be included in the rule? Which one is it?
 - Does DOR believe that deleting "properly" from this rule will promote public trust or destroy public trust?
2. Why did DOR make the following ridiculous statement to JAPC: "*There are no specific requirements for monitoring an instructional course exam*"?
 - Anyone who has ever taken or administered an exam knows there are required procedures that must be followed to ensure the exam results are

accurate and fair. Does DOR-PTO management really believe and support these types of ridiculous statements?

3. Why do the DOR-PTO training rules EXCLUDE any requirement for property appraisers and their staff to complete required pre-certification education in Florida-specific required subjects such as:

- Florida taxpayer rights in statutes and rules (12D-9.001),
- The VAB training,
- The Uniform Policies and Procedures Manual,
- FS sections 194.3015 and 194.301,
- The Uniform Standards of Professional Appraisal Practice,
- The Code of Ethics of the International Association of Assessing Officers,
- Professionally accepted appraisal practices and appropriate appraisal methodologies under Florida law,
- The Governor's Executive Order on Ethics,
- Calculating the levels of assessment sent to DOE each year for K-12 school funding distribution among counties,
- FS Chapters 192, 193, 194, 195, and 196, and
- Other relevant Florida law.

As you ask these questions internally (because you are now an insider!), I am sure you will hear things that do not make sense and then you will begin to understand the situation if you don't already.

I eagerly await your answers to these questions as you address these issues. More are on the way.

Thank you,
Sara Cucchi

From: Sara Cucchi <cucchi.vab@gmail.com>

Sent: Monday, May 17, 2021 10:40 PM

To: DORPTO <DORPTO@floridarevenue.com>

Cc: Robert Tornillo <Robert.Tornillo@floridarevenue.com>; Sue Harlan <Sue.Harlan@floridarevenue.com>; Rachel Goldstein <Rachel.Goldstein@floridarevenue.com>; Mark Hamilton <Mark.Hamilton@floridarevenue.com>; Steve Keller <Steve.Keller@floridarevenue.com>; Rene Lewis <Rene.Lewis@floridarevenue.com>; Debbie Longman <Debbie.Longman@floridarevenue.com>; Jamie Peate <Jamie.Peate@floridarevenue.com>; Janice Forrester <Janice.Forrester@floridarevenue.com>

Subject: Draft 12-9 and Related Forms May 5, 2021 Hearing Comments

Attachments: 20200517 May 5 Hearing Comments Rule 12-9 and Forms.pdf; DeSantis suspends Florida property appraiser accused of fraud.pdf; Seminole Tax Collector Joel Greenberg resigns day after indictment - Orlando Sentinel.pdf; DeSantis Suspends Palm Beach Elections Supervisor Susan Bucher _ WLRN.pdf; Gov. DeSantis suspends Clay County Sheriff Darryl Daniels.pdf; New Florida governor suspends sheriff over school massacre.pdf; National Council on Measurement in Education.pdf; MDE Assessment Integrity Guide.pdf

Please see attached comments on proposed rule 12-9 and related forms along with other attachments.

Comments on DOR-PTO Draft Rules on Training and Certification

These comments are in addition to other comments submitted previously and other comments that will be submitted in the future.

Subject Area 1:

DOR needs to implement and maintain a training and certification program for DOR-PTO staff that is separate and apart from the training and certification program for county officials. DOR-PTO should develop rules for this independent program that would have zero control by local officials and would be controlled solely by the DOR Executive Director. The training rules for DOR-PTO employees should include a tested pre-certification course of at least 30 hours in Florida ad valorem law (including but not limited to taxpayer rights) and include a yearly continuing education requirement on law.

Subject Area 2:

At the May 5, 2021, rule hearing, a taxpayer inquired about why DOR rules to do not have a Florida-specific and appraisal-specific code of ethics for property appraisers that would be consistent with the Governor's order on ethics. Mark Hamilton, DOR General Counsel, responded with undue deference to property appraisers, by stating:

"It's not applicable and so it would not extend to constitutional officers."

And then stating

"...what I'm saying is the Governor's order does not apply to constitutional officers. In this case it extends to tax collectors, property appraisers, et cetera."

Did Mark Hamilton contradict himself or did the court reporter make a mistake?

Is Mark Hamilton unaware, or did he forget, that DOR is a Constitutional State Agency charged with critical and essential Property Tax Oversight duties? For example, Article 7 Section 8 of the Florida Constitution states, "*State funds may be appropriated to the several counties, school districts, ... upon such conditions as may be provided by general law. These conditions may include the use of relative ad valorem assessment levels determined **by a state agency designated by general law.***" The "state agency" that determines these Constitutional "assessment levels" is DOR's Property Tax Oversight Program.

One of DOR's key responsibilities to Florida's property taxpayers is summarized in Florida Statute Section 195.0012, which states: "*It is declared to be the legislative purpose and intent in this entire chapter to recognize and fulfill the state's responsibility to secure a just valuation for ad valorem tax purposes of all property and to provide for a uniform assessment as between property within each county and property in every other county or taxing district.*"

Requirements on appraisal ethics are found in several places in USPAP, and IAAO and DBPR have requirements for assessor and appraiser ethics. Therefore, codes of ethics are part of professionally accepted appraisal practices.

Is Mark Hamilton trying to use the Governor's Order on Ethics as an excuse to ignore the statutory term "professionally accepted appraisal practices"? It appears so. Is he ignoring the fact that the Governor can, and does, remove, select, and appoint "constitutional officers"? The answer is yes. Attached are five news articles on the Governor's recent actions in this regard, which Mr. Hamilton should consider.

Based on the Governor's actions, any reasonable person would think DOR-PTO is authorized to develop a Florida-specific and assessment-specific code of ethics for property appraisers and is authorized to require pre-certification ethics training for persons the Governor can hire and fire.

Later in the May 5, 2021, rule hearing, another DOR-PTO attorney stated regarding a code of ethics for property appraisers "...not within the Department's purview to administer or enforce."

This statement is nothing more than a farcical attempt to divert attention from the real issue. The issue is not "administer or enforce". Rather, the issue is that DOR is authorized to develop a relevant code of ethics for property appraisers and to develop rules requiring acknowledgment and training on the code of ethics, and should do so without further delay.

Subject Area 3:

Inexplicably, DOR-PTO erroneously deleted "properly" from the phrase "properly monitored" which refers to part of an exam administration process. Then, to compound this problem, in a letter to JAPC dated March 18, 2021, the DOR Agency Rules Coordinator made the following ridiculous statement: "*There are no specific requirements for monitoring an instructional course exam.*"

At the May 5, 2021 rule hearing, a DOR attorney repeated this nonsense twice. First, the attorney stated: "*Because there are no specific requirements for monitoring the exam other than that someone be present to monitor the exam.*" Then, the attorney further stated, incredibly: "*I mean there are no specific criteria, as I explained.*"

Unbelievably, this attorney went on to make the absurd statement that the adverb "properly" means nothing in the phrase "properly monitored" referring to part of administering an exam. This is absolute nonsense because a simple Google search reveals a huge body of information on exam administration and security procedures and standards. Even the Florida Board of Bar Examiners is concerned with this issue. Anyone who has ever taken an exam knows that DOR-PTO's rules and public statements on exam administration are nonsense. Every professional training and certification process that I have ever seen has exam administration procedures. Only DOR-PTO is unaware of this, apparently. Logically, the authority to have a training and certification program includes the authority to have proper exam administration procedures and standards. DOR-PTO's training and certification program, without proper exam administration procedures, is arbitrary and capricious.

DOR-PTO needs to learn to do research and benchmarking, and the rule should be amended to include generally accepted procedures and standards for exam administration and security. Submitted with these comments are two of the many examples of readily available and useful benchmarking information on exam administration and security.

Subject Area 4:

The draft rules say DOR staff will determine whether courses “impart expertise” in subjects including “professionally accepted appraisal practices” and “appropriate appraisal methodologies.” However, the draft rules lack any definitions on what these two important terms mean for deciding whether a course imparts expertise in them. The draft rules should be amended to include definitions for these two critical terms.

At the May 5, 2021 rule hearing, DOR-PTO could not answer questions about the statutory and rule terms of “professionally accepted appraisal practices” and “appropriate appraisal methodologies.” This is a violation of sections 120.54(2)(c) and (3)(c)1., F.S.

It is unknown whether DOR-PTO failed to have the right persons available at the hearing or whether the right persons attended the hearing but simply refused to speak up and answer relevant questions. I confirmed via DBPR’s website that the current PTO Director, Sue Harlan, is a state certified general appraiser and has been for many years. By virtue of her position and qualifications, it is unknown why she refused to speak up at the hearing on the subjects of professionally accepted appraisal practices and appropriate appraisal methodologies in Florida, which resulted in two violations of section 120.54.

Subject Area 5:

Inexplicably, in draft Rule 12-9.004(1)(b), DOR-PTO erroneously deleted “satisfactorily” from the phrase “satisfactorily completed” in referring to completion of pre-certification coursework. Also, in draft Rule 12-9.007(1), DOR-PTO erroneously deleted “satisfactorily” from the phrase “satisfactorily completed”, apparently referring to completing continuing education.

In a letter to JAPC dated March 18, 2021, the DOR Agency Rules Coordinator made the following farcical statement: *“There are no specific requirements for satisfactorily completing a minimum or designated number of hours of approved courses or continuing educational hours.”*

Then, to compound this problem, at the May 5, 2021, rule hearing, a taxpayer questioned the deletion of the term “satisfactorily” and a DOR-PTO attorney responded with the following unfounded statement: *“So, ‘satisfactorily’ is just again sort of superfluous. It doesn’t really mean anything in this case.”*

Of course, the adverb “satisfactorily” means something because it provides a standard for meeting a requirement. The bad optics of deleting “satisfactorily” cannot be justified. The draft rule should be amended to leave “satisfactorily” in place and to include a summary of the elements for “satisfactorily” completing the requirements.

Subject Area 6:

Draft Rule 12-9.006(2) is unclear and contains conflicting statements. The first sentence indicates (but is unclear) that the purpose of this rule is to address the date on which the special qualification salary begins. However, the second sentence refers to employees, which DOR now believes should not get the special qualification salary.

In addition, the special qualification salary is also addressed in draft Rule 12-9.003(1), which implies the special salary begins "*upon taking office.*" As written, the new third sentence in 12-9.006(2) appears to conflict with the last sentence in 12-9.003(1). One draft rule says the certification will be recognized "*upon taking office*" and the other says the certification will be recognized "*as of the first day of the month following the date the official took office.*"

Fixing this problem will require having two rule subsections: one that explicitly and solely addresses the start date for the certification and another that explicitly and solely addresses the start date for the special qualification salary. For some reason, apparently, these two start dates may be different -- ?

Subject Area 7:

Unbelievably, DOR-PTO's draft rules still defer to its corrupt committees by stating in rule 12-9.006(1): "*No certification shall be issued by the Department until...the appropriate committee has recommended certification.*" This rule allows local officials overseen by DOR-PTO to control their own pay raises, presenting huge problems (unauthorized deference and conflict of interest) that DOR continues to ignore. Rule 12-9 should be amended to eliminate these types of problems, which also exist in draft rules 12-9.006(3) and 12-9.004(2).

The current proposed rules allow appointment of nine property appraiser members to the committee. By allowing property appraisers to determine and approve their precertification education that ignores Florida law and determine and approve their own pay raises, the proposed rules provide conflicts of interest, promote corruption, and destroy public trust. To fix these problems DOR's proposed rules should be amended to require the committee members to include private industry appraisers, CPAs, tax attorneys, taxpayers (owners of commercial and homestead real property and owners of tangible personal property), real estate professors, and only one (or two max) county appraisers.

Subject Area 8:

At the May 5, 2021 rule hearing, a taxpayer asked the question of why the draft rules do not require a pre-certification course in Florida law. One of the attorneys responded by stating:

"All I can say about that is that you know this rulemaking process is very limited in its scope,..."

and then further stating

“...it’s just not something that we are undertaking during this round of rulemaking at this time.”

This pathetic explanation is completely unacceptable. This DOR-PTO attorney is saying law is not within the scope of what DOR is doing now, despite the taxpayer-hostile deficiency of DOR and property appraisers ignoring Florida law that has lasted for decades. This outrageous statement by a DOR-PTO attorney tells the whole story of DOR-PTO’s ongoing farcical-debacle of ignoring the law and professional standards and practices and simply doing whatever property appraisers want.

Florida law includes taxpayer rights and numerous other important provisions. The training rules need to be amended to require a pre-certification course in Florida law and how to apply it in daily work activities.

DOR’s ineffective proposed training certification rules manifest in incompetency and noncompliance with Florida law. This results in unnecessary litigation costs, additional costs for unfairly high tax bills when litigation is cost prohibitive, misuse of taxpayer dollars, and inequitable school funding, in addition to the loss of public trust in Florida government.

These costs can adversely impact county budgets and the property values and tax rates which adversely affect and substantially increase costs to Florida citizens (like my family) and job-creating businesses.

Below are some recently published quotes from news articles explaining just a small sample of these types of costs, showing a dire need for DOR-PTO to have rules requiring pre-certification coursework in Florida law.

- **“New Orange property appraiser wants to move past predecessor’s lawsuits” by Stephen Hudak published in Orlando Sentinel on December 24, 2020**

“This office should not be on the news at six o’clock every night,” Mercado said, referring to audits, probes, scandals and whistle-blower complaints that led to a Florida Department of Law Enforcement investigation related to outgoing appraiser, Rick Singh.

It also led to an \$800,000 pile of legal bills in 2020 that Singh paid with taxpayer dollars to defend himself.”

- **“Property Appraiser Charged With \$200,000 Fraud” by Associated Press published in both US News and World Report and News Channel 8 WFLA on April 18, 2020**

“CRAWFORDVILLE, FLA. (AP) — A county property appraiser in Florida illegally paid himself more than \$176,000 over three years and made nearly \$27,000 in fraudulent charges on his government-issued credit card, authorities said.

Wakulla County Property Appraiser Brad Harvey, 45, was arrested Friday and charged with two counts of organized scheme to defraud, according to the Florida Department of Law Enforcement. Gov. Ron DeSantis signed an executive order Friday evening suspending Harvey from office."

- **"Audit: Former Seminole County tax collector spent \$1.6M on unnecessary positions" reported by News Chanel 2 WESH updated on December 3, 2020**

"Former Seminole County tax collector Joel Greenberg is accused of misspending about \$1 million on vendor contracts and more than \$1.6 million on unnecessary positions."

- **"Audit: Joel Greenberg misspent millions while serving as Seminole tax collector" by Emilee Speck for WKMG published on November 5, 2020**

"Auditors also compared the Seminole County Tax Collector's legal fees to surrounding counties."

"A typical Florida Tax Collector might incur between \$10,000 to \$20,000 in legal fees in any given year," auditors wrote. Seminole County had incurred more than \$1.4 million since Greenberg took office for an in-house attorney, lobbying and other legal costs."

DOR's proposed rules on pre-certification training should require training on these examples of misuse of public funds.

Approval of county property appraiser and tax collector budgets is a DOR statutory oversight duty and DOR approved the budgets for each of these three elected officials. In its budget approval process, DOR failed, for at least three years, to find any of the glaring problems noted in news articles quoted above. Clearly, DOR-PTO staff and county officials need training and public accountability on law and county budgets. The Executive Director should insist upon an independent outside audit of DOR's process and practices for reviewing and approving the budgets of county officials. The Executive Director should then insist upon re-engineering DOR's process and practices for reviewing budgets and should require associated training for DOR-PTO staff and county officials.

FLORIDA POLITICS / THE BUZZ

DeSantis suspends Florida property appraiser accused of fraud

Wakulla County Property Appraiser Brad Harvey, 45, was arrested Friday and charged with two counts of organized scheme to defraud, according to the Florida Department of Law Enforcement



Bradley Harvey, Wakulla County's property appraiser, is suspended by Gov. Ron DeSantis of Florida]

By **Associated Press**

Published Apr. 18, 2020
Updated Apr. 18, 2020

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government-issued credit card, authorities said.

Wakulla County Property Appraiser Brad Harvey, 45, was arrested Friday and charged with two counts of organized scheme to defraud, according to the Florida Department of Law Enforcement. Gov. Ron DeSantis signed an executive order Friday evening suspending Harvey from office.

Harvey took office in 2016 with an annual salary of over \$100,000. Other staff members discovered that he had been issuing himself additional checks, investigators found. He gave himself an more than \$50,000 extra the first year, more than \$49,000 the second year and nearly \$77,000 the third year, according to an arrest report.

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Investigators said Harvey used his work credit card to pay \$3,200 to take his family on a cruise in 2017. Records also showed he had used the card 11 times for automotive services for his personal vehicles.

Jail records didn't list an attorney for Harvey.

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SEMINOLE COUNTY NEWS

Seminole Tax Collector Joel Greenberg resigns day after indictment

By MARTIN E. COMAS
ORLANDO SENTINEL | JUN 24, 2020



FEEDBACK

Seminole Tax Collector Joel Greenberg resigns the day after he was indicted

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Seminole County Tax Collector Joel Greenberg resigned on Wednesday evening, a day after federal authorities unsealed an indictment charging him with stalking and identity theft.

Gov. Ron DeSantis is expected to name an interim tax collector “in the very near future,” said attorney Brian Bieber, a partner with Gray Robinson law firm, which represents the Tax Collector’s Office. Greenberg’s term was set to end in December.

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In the meantime, Cynthia Torres, Seminole’s deputy tax collector, will take over the top role, Bieber said.

Greenberg spent Wednesday cleaning out his office and submitted his resignation letter to DeSantis at 5 p.m., officials said.

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“The tax collector as an entity has not been accused of committing or participating in any criminal activity whatsoever,” Bieber said.

Federal authorities surprised Greenberg at his Heathrow home early Tuesday morning and arrested him on charges from the June 17 grand jury indictment. Later that morning, he appeared in federal court in handcuffs and shackles on charges that he stalked a political opponent, a teacher, by falsely accusing him of sexual misconduct with a student in letters sent to the school where the opponent works.

Assistant U.S. Attorney Roger Handberg said in court on Tuesday that Greenberg’s DNA and fingerprints were found on nine letters sent to the school where his opponent works.

A fake Twitter account set up using the victim’s name and photo, and also a fake Facebook account that said it belonged to a another teacher, was traced back to an IP address in Greenberg’s home, prosecutors said.

The victim, Brian Beute, is a fine arts teacher at Trinity Preparatory School, who is challenging Greenberg in the Republican primary scheduled for Aug. 18, according to his attorney, David Bear. It was unclear Wednesday evening whether Greenberg will stay in the race.

Bear said Greenberg’s resignation is good news for Seminole County.

“His resignation is incredibly appropriate and good for the citizens as they no longer have to be subject to the whims of someone with perverse morals,” Bear said.

FEEDBACK

Between Oct. 10 and Nov. 15, according to the unsealed indictment, Greenberg mailed the letters to Trinity Prep that claimed to be written by students. School officials first turned the letters over to the Seminole Sheriff’s Office. But investigators determined that the letters were actually written by an adult and not a

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[\[Popular on OrlandoSentinel.com\] Joel Greenberg to plead guilty to 6 counts, cooperate with federal investigators in plea agreement »](#)

If convicted, he faces up to 10 years in federal prison.

Greenberg, 35, who was elected in November 2016, has faced a number of controversies since taking office in January 2017.

He turned on the flashing white lights of his SUV and pulled over a Lake Mary woman in December 2017, telling her to stop speeding while wearing his office's badge that resembled a law enforcement badge. The state attorney did not bring charges against Greenberg but called his actions "inappropriate."

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A month later, Greenberg hid behind bushes and asked a Lake Mary police officer for "professional courtesy" as an elected official while trying to talk his way out of a speeding ticket.

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Greenberg, who often wore a tax collector's badge and openly carries a firearm, allowed his employees to strap guns to their waist soon after taking **office. In**

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And a Sentinel investigation in October 2019 revealed that Greenberg gave \$3.5 million in consulting contracts to friends, business partners, campaign associates and members of his wedding party.

mcomas@orlandosentinel.com

Martin E. Comas

Orlando Sentinel



Martin E.Comas covers Seminole County and its seven cities at the Orlando Sentinel. Martin is a UCF graduate with degrees in journalism and business administration. He is fluent in Spanish.

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DeSantis Suspends Palm Beach Elections Supervisor Susan Bucher

WLRN 91.3 FM

Published January 18, 2019 at 2:11 PM EST



Associated Press /

Gov. Ron DeSantis on Friday suspended Susan Bucher as Palm Beach County's elections supervisor.

Florida Gov. Ron DeSantis on Friday suspended Susan Bucher as Palm Beach County's supervisor of elections, abruptly ending the tenure of the elections chief under criticism for her handling of last year's midterm election recounts.

During a press conference outside the old county courthouse in West Palm Beach,

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what he called the election office's ineptitude and Bucher's failures to meet ballot counting deadlines during the midterms.

"Throughout the voting process and the days after Nov. 6, 2018, the elections office in Palm Beach demonstrated on a national stage that they simply could not comply with the laws of the state and Supervisor Bucher could not discharge the duties she was supposed to discharge," DeSantis, a Republican, said.

Bucher, a Democrat who has the position for 10 years, did not respond to requests for comment after DeSantis' announcement.



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make her removal permanent.

Read more: [As Deadline Loomed, Inside The Chaos Of Palm Beach County's Recount](#)

Palm Beach County Constitutional Tax Collector Anne Gannon said she recently spoke to Bucher about the suspension. Bucher told her she plans to challenge the move, said Gannon, who called DeSantis' decision misguided and politically-motivated.

Bucher became the second South Florida elections supervisor to be suspended over the election recount. DeSantis' predecessor, Rick Scott, in November replaced Broward County elections supervisor Brenda Snipes with lawyer Peter Antonacci. Before her suspension, Snipes planned to resign by early January, but has since challenged Scott's move in federal court in Tallahassee.

However, DeSantis on Friday said he will accept her resignation and supersede Scott's suspension order to end the court battle and save taxpayers money. He also named Chris Anderson, a U.S. military veteran who served in Afghanistan, to replace new Secretary of State Mike Ertel as Seminole County's elections supervisor.

Bucher's suspension comes after she confronted intense Republican scrutiny in November as her office struggled to meet deadlines to finish recounts for three statewide races. DeSantis noted that Palm Beach County did not finish recounting ballots until 50 days after Election Day, long after other Florida counties completed the process.

Read more: [Why Is Palm Beach County Struggling To Meet Recount Deadline?](#)

Bucher blamed the delay on tabulation machine breakdowns. Her equipment also could only count one race at a time. Palm Beach was the only county in the state using outdated machines bought in 2007. Before the election, the county had set aside \$11 million to buy new machines, but Bucher decided not go through with the purchases because she feared the equipment would not comply with the state's 2020 rules.

Other issues were not due to technical problems. Ertel, who was at Friday's news conference, said Bucher placed a polling location inside a gated community, in violation of state law. A judge also rebuked her during the recount for delays in providing copies of duplicated ballots to the Scott campaign. Scott defeated incumbent Bill Nelson in the U.S. Senate race.

The recount drama attracted national attention as Scott and other Republicans accused the elections office of "trying to steal the election" in favor of Democrats. They noted that Miami-Dade, the state's most populous county, complied with all elections deadlines. Broward, which also missed deadlines, was the target of similar criticism.

"You had the whole country laughing at us," said DeSantis, who issued an executive order that lists various reasons for Bucher's suspension. "It really tarnished the image of Florida. I want to make sure that doesn't happen again."

Read more: [Palm Beach County's Voting Machines Overheat And Force Recount Of More Than 170,000 Votes](#)

As DeSantis spoke on Friday, Palm Beach County Democrats held signs and booed nearby. They said Bucher probably should have purchased new voting equipment before the midterms, but added she's been the county's best ever elections supervisor.

Gannon said DeSantis' move was a power grab and accused him of deliberately seeking to oust elected Democrats.

"If he can do that to Susan Bucher...he can do it to anybody that he determines, under whatever standards, that they need to be removed from office," she said. "We have a huge Democratic base in West Palm Beach. Is he going to remove the Democratic mayor because they do some minor thing?"

Bucher, 60, a native of Escondido, Calif. first served as a state legislator for eight years before being elected as elections supervisor in 2008 and re-elected in 2012 and 2016. She was expected to run again in 2020, and had already drawn one challenger.

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Bucher’s removal is not yet permanent. The Florida Senate could decide to reinstate her.

Link, the replacement, is a Republican from Boynton Beach and founding member of the law firm Akerman, Link & Sartory. She said on Friday that she does not plan to run for election in 2020.

“I’m going to ensure that Palm Beach County is well-prepared for every election,” she said, after being introduced during the press conference with DeSantis. "I'm going to ensure that everyone in our county has the assurance and sense of security that their vote will count."

But Mark Schneider, president of the Palm Beach County chapter of the American Civil Liberties Union of Florida, said he fears voter registration outreach by the office will slow under Link. He noted that Bucher is routinely educating people about voting and persuading them to register.

“I have no confidence that will continue in the future," he said.

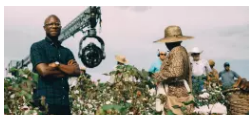
DeSantis' move is the latest in a string of removals of elected officials since taking office 11 days ago. He has already dismissed Scott Israel as Broward County Sheriff and suspended the Okaloosa County schools superintendent, Mary Beth Jackson.

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LOCAL NEWS

Gov. DeSantis suspends Clay County Sheriff Darryl Daniels

Nick Jones, Digital producer

Joy Purdy, 5:30, 6:30 & 11 p.m. anchor

Mary Baer, 5, 6 & 10 p.m. anchor

Published: **August 14, 2020 5:45 pm**

Updated: **August 14, 2020 11:15 pm**

Tags: **Darryl Daniels, Clay County, Clay County Sheriff's Office, Brad King, Jacksonville Sheriff's Office, Florida Department Of Law Enforcement, Florida**





CLAY COUNTY, Fla. – A day after **Clay County Sheriff Darryl Daniels surrendered to law enforcement** to face criminal charges stemming from a sex scandal investigation, Gov. Ron DeSantis issued an executive order to suspend the embattled sheriff.

A copy of the executive order can be seen at the end of the article.

The order signed by DeSantis states in part that “it is in the best interests of the residents of the Clay County, and the citizens of the State of Florida, that Darryl Daniels be immediately suspended from the public office, which he now holds, upon the grounds set forth in this executive order.”

Effective immediately, the order states, Daniels is suspended from public office and prohibited from performing any official duty or function of public office. He is prohibited from receiving any pay or allowance and from any privileges of public office during the suspension.

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The **charging documents released by the Clay County Clerk of Court** indicate Daniels is charged with a count of evidence tampering, a third-degree felony offense, and three counts of knowingly giving false information to law enforcement, a first-degree misdemeanor.

RELATED: Making sense of the charges against Clay County Sheriff Darryl Daniels

The Florida Department of Law Enforcement confirmed an internal investigation last year into a corrections officer, Cierra Smith, who had been Daniels’ mistress while he was her supervisor. Officials said Daniels had tried to get Smith arrested in May 2019 on stalking allegations, and investigators told prosecutors there wasn’t enough evidence. Smith resigned while under investigation for misconduct claims.

Ad



On Friday, **Smith's attorney, Latoya Shelton Williams, told News4Jax her client will be moving forward** with plans for a civil wrongful arrest lawsuit.

"It was a wrongful arrest. It was an abuse of power for [Daniels'] own personal gains," Williams said.

News4Jax on Friday spoke with Rep. John Rutherford, R-Florida, a former Jacksonville sheriff who worked with Daniels during his time at the Jacksonville Sheriff's Office.

"I'm not gonna make any judgments on his behavior until, you know, he's had his opportunity in court so to speak," Rutherford said.

Through his attorney and a video statement posted on social media Thursday, the sheriff has maintained his innocence. Attorney Matthew Kachergus said his client has no intention of stepping down and that he still plans to seek reelection.

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RELATED: Why bring charges during an election?

In the video, Daniels reads part of a letter, suggesting state prosecutors told him to resign, and drop out of the Sheriff's race, or face prosecution. But special state **prosecutor Brad King said in a responding letter** that claims of an ultimatum are "not true."

Instead, King writes, his office offered Daniels a deal to keep his pension if he withdrew from the Sheriff's race and his job, among other things.

In the video clip, the sheriff questioned the timing of the criminal charges, calling it "very suspicious" and using the term "dirty politics."

"Within days of a primary election, the powers that be, especially the State Attorney's Office, has decided that today is the day that they will execute their plan and interfere with what's going on with the sheriff," Daniels said.



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King noted in his letter: "I do not know Sheriff Daniels, his politics, his opponents, nor for that matter any citizen in Clay County. When I am asked to prosecute a case, I do it based on the facts and the law and nothing else."

News4Jax political analyst Rick Mullany explains what's next for Daniels.

"Winning on Tuesday does not reinstate him as sheriff," Mullaney said. "Typically what will happen on a suspension is that you are entitled to a hearing in the Senate, but before you have that hearing in the Senate, the criminal charges have to be addressed, so those criminal charges will be front and center after Tuesday."

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-196

(Executive Order of Suspension)

WHEREAS, on July 7, 2020, I issued Confidential Executive Order 20-168, assigning the Honorable BRAD KING, State Attorney for the Fifth Judicial Circuit of Florida to the Fourth Judicial Circuit with respect to an investigation by Florida Department of Law Enforcement (FDLE) regarding allegations of official misconduct against Clay County Sheriff Darryl Daniels; and

WHEREAS. Article IV. Section 7(a) of Florida Constitution provides that the Governor may

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ABOUT THE AUTHORS:



Nick Jones

Lifetime Jacksonville resident, journalist and experienced broadcast news producer with a passion for classic and exotic cars.

[email](#)



Joy Purdy

Joy Purdy co-anchors the 5:30 and 6:30 p.m. newscasts with Tarik Minor and the 11 p.m. weeknight newscasts with Kent Justice.

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New Florida governor suspends sheriff over school massacre

By TERRY SPENCER January 11, 2019



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FORT LAUDERDALE, Fla. (AP) — New Florida Gov. Ron DeSantis suspended Broward County Sheriff Scott Israel on Friday over his handling of February’s massacre at Marjory Stoneman Douglas High School, saying he “repeatedly failed and has demonstrated a pattern of poor

New Florida governor suspends sheriff ov...

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Lauderdale three days after taking office to remove the Democratic sheriff, appointing a former police sergeant to serve as acting sheriff. Gregory Tony, 40, worked for Coral Springs police for 12 years before leaving in 2016 to start a company specializing in active-shooter training. He is the first African-American to serve as Broward's sheriff.

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DeSantis said during a news conference outside the sheriff's office headquarters that Israel failed to keep families and children safe before and during the Feb. 14 shooting that left 14 students and three staff members dead inside the three-story freshman building.

"The neglect of duty and incompetence that was connected to the massacre at Marjory Stoneman Douglas High School has been well documented, and I have no interest in dancing on Scott Israel's political grave," DeSantis said. "Suffice it to say, the massacre might never have happened had Broward had better leadership in the sheriff's department."

During the shooting, then-Broward Deputy Scot Peterson, who was assigned to the school, drew his gun but took cover instead of charging inside. Seven other deputies who arrived within minutes also failed to enter, even as officers from neighboring Coral Springs went into the building.

Israel earlier changed the office's policy from saying deputies "shall" confront active shooters to "may." He said he didn't want to deputies to undertake suicide missions. Deputies also received two calls about suspect Nikolas Cruz in the months before the massacre saying he had amassed an arsenal and was a potential school shooter, but took no action.

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the governor's order and would fight it in court, arguing that DeSantis was making a "power grab" against the will of the county's people who elected him. He said DeSantis was acting on behalf of the National Rifle Association, which quickly blamed the sheriff's office after the shooting.

"There was no wrongdoing on my part. I served the county honorably," he said. "False narratives may continue, but not in a court of law. In a court of law, only the facts matter."

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Under Florida law, the governor can suspend elected officials for criminal activity, misfeasance, incompetence or neglect of duty. If Israel challenges the suspension, the state Senate would hold a trial and could either fire or reinstate him. DeSantis' Republican predecessor, now-U.S. Sen. Rick Scott, refused to suspend Israel, saying he wanted to wait until investigations were completed.

Fred Guttenberg, whose 14-year-old daughter Jaime was fatally shot as she ran down a third-floor hallway, inches from the safety of the stairwell, said she and other third-floor victims could have been saved if Peterson or other deputies had gone inside immediately.

"One more second and she makes it," Guttenberg said. "If anybody wants to know what failure means and lack of response (means), my daughter would have lived if someone had given her one more second."

Andrew Pollack, whose 18-year-old daughter Meadow died on the third floor trying to protect a younger student who also died, said "when eight BSO deputies listened to shots fired in a school and stayed outside they were following Sheriff Israel's policies."

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the shooting said deputies also had about 20 contacts with Cruz as a juvenile — mostly over arguments with his now-deceased mother. Israel has said none of those contacts warranted an arrest. Law enforcement members of the state commission investigating the shooting have agreed with that conclusion.

But commissioners also concluded that the department's active shooter training had not been effective. Still, Pinellas County Sheriff Bob Gualtieri, the commission's chairman, and other law enforcement officials on the panel have said they didn't think Israel should be suspended.

Israel, 62, was elected sheriff in 2012 after a long career in law enforcement. After taking office, Israel, a Republican until changing parties shortly before running in 2008, received criticism over his friendship with notorious GOP operative Roger Stone, for promoting Stone's inexperienced stepson to detective and for accepting gifts from a wealthy benefactor.

However, community leaders praised his work with the homeless, minority and gay communities. Violent crime went down, and he easily won re-election in 2016 to oversee the county's 2,800 deputies.

Shortly after Israel's second term began, a man retrieved a handgun from his luggage at Fort Lauderdale's airport and opened fire, killing five. While Israel's deputies apprehended him within 72 seconds, the draft of a county report said Israel and others didn't control the chaos, leaving passengers huddled in

fear for hours. He criticized the draft, and the final version was less harsh — but many of the same communications problems that plagued the airport response were repeated at Stoneman Douglas.

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TEST AND DATA INTEGRITY

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TESTING AND DATA INTEGRITY IN THE ADMINISTRATION OF STATEWIDE STUDENT ASSESSMENT PROGRAMS

October, 2012

Contributors to this document, listed alphabetically, include N. Scott Bishop (ACT, Inc.), Kristen Huff (USNY Regents Research Fund), Karen Mitchell (Association of Medical Colleges), Sherry Rose-Bond (Columbus City Schools, Columbus, OH), Paul Stemmer (Michigan Department of Education), E. Roger Trent (Consultant, Columbus, OH), and James Wollack (University of Wisconsin). We are grateful to all of the National Council on Measurement in Education members who took the time to comment on an earlier version of this document.

The NCME mission is to advance the science and practice of measurement in education.

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TESTING AND DATA INTEGRITY IN THE ADMINISTRATION OF STATEWIDE STUDENT ASSESSMENT PROGRAMS

Testing and data integrity on statewide assessments is defined as the establishment of a comprehensive set of policies and procedures for: a) the proper preparation of students, b) the management and administration of the test(s) that will lead to accurate and appropriate reporting of assessment results, and c) maintaining the security of assessment materials for future use. The policies must ensure that all students have had equal opportunities to show their knowledge, skills, and abilities and have been actively involved in demonstrating those opportunities through their engagement with the test. Educators, students, parents, school boards, legislators, researchers, and the public must have confidence that psychometrically-sound testing, scoring, and reporting will be handled ethically and in accordance with the best administrative practices to ensure that results accurately reflect *each student's own true educational knowledge, skills, and abilities*. For purposes of this document, we focus on the aspects of *test data integrity* that relate to maintaining test security and safeguarding against artificially inflated scores.

WHY TEST DATA INTEGRITY IS IMPORTANT

Federal¹, state, and local education decisions are based on results of statewide assessments. Assessment requires that results be: accurate, fair, useful, interpretable, and comparable. The technical merits of test scores must meet professional and industry standards with respect to fairness, reliability, and validity. Test data must be free from the effects of cheating and security breaches **and** represent the true achievement measures of students who are sufficiently and appropriately engaged in the test administration. Cheating, falsifying data, security breaches, and other actions of academic fraud compromise the standards of fairness, reliability, and validity by polluting data. When cheating occurs, the public loses confidence in the testing program and in the educational system which may have serious educational, fiscal, and political consequences. Policies and procedures must ensure that all students have appropriate, fair, and equal opportunities to show their knowledge, skills, and abilities. Students who need accommodations due to language differences or students with disabilities may require appropriate modifications to materials and administrative procedures to ensure fair access to the assessment of their skills.

¹ The U.S. Education Department (ED) sets policy for score use in federal programs. ED can help ensure that legislation and rules governing test security are established by states and that there is appropriate consistency across entities. ED might also consider establishment of a repository for policies, rules and best practices that will help SEAs and LEAs ensure data integrity.

WHO IS RESPONSIBLE FOR TEST DATA INTEGRITY?

Test data integrity is a shared responsibility among all educators, test professionals, and students². The ultimate leadership for ensuring data integrity belongs to State Educational Agencies (SEAs). However, Local Educational Agencies (LEAs) staff and students are critical partners in ensuring established test policies and procedures are properly implemented and followed. Assessment consortia, test publishers, and contractors also play a significant role. SEAs must have appropriate policies and legislation that address these issues, including descriptions of requirements, expectations, and consequences for assessment activities. LEA policies and procedures must address how data integrity is ensured within each district and school.

² For an example of ethical standards, see NCME's *Code of Professional Responsibilities in Educational Measurement* at the following link:

<http://www.ncme.org/resources/code.cfm>

RECOMMENDED PRACTICES

1. Entities should develop a comprehensive data integrity policy to ensure the fairness, reliability, validity, and comparability of results when tests and results are used as intended³. The policy should define assessment integrity (and why it is important) and set forth standardized practices that are practical within typical school environments, resources, and operations. It should define proper and prohibited conduct and include how to prevent irregularities. It should establish required security guidelines for protecting test materials from security breaches (where students who have not taken the test would get access to questions) and preserve questions for future use. School personnel should provide input during policy development and be given ample lead time for implementation before any new policy becomes effective.

³ SEAs, LEAs, and schools must disseminate this information to all staff who participate in testing. Roles and responsibilities should be aligned (i.e., the SEA's plan will drive the LEA responsibilities, and in turn, the LEA's plan will drive the school's).

Implementation plans should be tailored to the purpose of testing, how test scores will be used, and the format of test administration⁴. The policy should describe specific, required security measures, testing procedures, and testing conditions. Clear and consistent written procedures should describe preventive actions, appropriate and inappropriate actions, communication plans, and remediation steps.

⁴ Threats for an end-of-course computerized test are different than those for a paper-and-pencil test used for accountability. Testing practices change (e.g., pencil and paper tests may become computerized), so data integrity plans will need to be updated accordingly.

The following points should be covered in the policy⁵: staff training and professional development, maintaining security of materials and other prevention activities, appropriate and inappropriate test preparation and test administration activities, data collection and forensic analyses, incident reporting, investigation, enforcement, and consequences. Further, the policy should document the staff authorized to respond to questions about the policy and outline the roles and responsibilities of individuals if a test security breach arises. The policy should also have a communication and remediation response plan in place (if, when, how, who) for contacting impacted parties, correcting the problem and communicating with media in a transparent manner.

⁵ More information and resources that may be helpful for developing these policies are provided in the Appendices. Consider utilizing technical advisors (e.g., SEA technical advisory groups) to vet the plans. Peer review processes might also be considered.

2. Assessment Consortia, State Educational Agencies (SEA) and Local Educational Agencies (LEA), including school districts, and building administrative staff, should develop and implement appropriate training in proper administrative procedures and methods to prevent test irregularities. Training should provide an overview of ethical and proper administration procedures and stress the importance of academic and assessment integrity as a means of avoiding serious negative consequences for the testing program and its potential damage to the educational reputation of students and schools. Staff and students should understand and support monitoring efforts to report and detect breaches of security, cheating, and other improper behavior.

Training materials should address the difference in secure and non-secure testing materials (e.g., released materials, practice materials, etc.) and provide clear examples of what behavior is unacceptable during and after testing⁶.

⁶ See Appendix A for some examples.

Finally, training should ensure that staff and students are aware of the consequences if they are found to have engaged in conduct that threatens the integrity of test administration and results. Procedures to be followed in the event of a staff member or student being accused of misconduct should be articulated and reviewed in training. The procedures should address the appropriate understanding and

compliance with nondisclosure and confidentiality agreements, as well as participation forms for verifying that staff have participated in training. The expectation of compliance with administration standards should also be made clear to students. Older students might be asked to sign assessment conduct and responsibility statements as well.

3. Entities should engage in proactive prevention to minimize threats to data integrity. One source of cheating by staff is lack of understanding about what are acceptable and unacceptable behaviors and the important reasons behind the need for accurate test results. Efforts should be taken to eliminate opportunities for test takers to attain scores by fraudulent means, or opportunities for school staff or other stakeholders to tamper (violate instructions for appropriate administration or accommodations) with computer-based testing systems, paper-based test booklets, answer documents and other secure materials and information. Monitoring programs where operational assessments are observed by SEA agents also helps ensure assessment integrity⁷. Results of monitoring should be used for prevention and training (feedback to the school) as well as to identify potential irregularities.

⁷ Other preventative suggestions are provided in Appendix B.

Students should be told about the importance of the assessments and why it is important that the scores reflect their true abilities.

4. Entities should ensure that all test administrations follow standardized procedures as appropriate to the student (e.g., some students may require accommodations) and in accordance with the Standards for Educational and Psychological Testing (1999) or any of its subsequent revisions. Any and all guidelines regarding materials prohibited in testing areas should be followed⁸.

⁸ See Appendix C for some examples of materials students have used to gain unfair advantage over others.

5. A clear and fair monitoring and investigation process to identify irregularities must be established by the SEA and a local version by each LEA. Entities should ensure all evidence of irregularities that are collected are comprehensive and facilitate subsequent analyses. This should include a detailed record of test administrators, support staff (proctors), and teachers' names. The requirements for data files used for integrity analysis will likely evolve as analytic techniques evolve⁹. In documenting irregularities, collection of physical evidence (e.g., cheat sheets), photographic evidence (e.g., notes written on arm, desk, etc.), examinee handwriting in test booklets or scratch paper, and other specific observational notes can play an important role during follow-up investigations.

⁹ See Appendix D.

For computer-based testing, Internet activities should be monitored and logged (sites visited, screenshots taken, etc.) for all persons who access school and district servers and the activities of all users of school/district computers. Computers should be checked for prohibited software and malicious programs.

6. Entities (e.g., SEAs or their designees) should conduct comprehensive integrity analyses at multiple levels (e.g., district, school, classroom, and/or students) for all large-scale programs where consequences for students and/or school personnel are present. State results typically provide the best comparison for evaluating schools and districts. Such analyses and reports should be reviewed by the SEA's technical advisory



panel. The analyses should include multiple methods and follow best practices to ensure the highest likelihood of detecting misconduct, while using appropriate statistical controls to minimize false detections. Results should only identify students, classes, schools, and districts where there is strong evidence that further investigation for possible improprieties is warranted. Investigations and subsequent actions should focus on appropriate remediation and future prevention of any irregularities discovered.

7. In the interest of protecting the privacy of both those being investigated for potential cheating and those contributing information to the investigation, entities should ensure that reports of suspected cheating, security breaches, as well as other suspicious activities are developed following clear and transparent guidelines, and in accordance with the Freedom of Information Act, Family Educational Rights and Privacy Act and other applicable laws or professional guidelines. Individuals who report suspected violations must be protected from retribution. Multiple reporting avenues (e.g., 800 numbers, e-mail, web forms, etc.) should be provided. Clear methods, procedures, data analysis and findings and reports should be thoroughly documented. A secure database collections system for capturing reported incidents should be created and maintained. Appropriate sections of the system should be made accessible to all LEAs.

8. Entities should ensure the appropriate investigation of any reported incidents and irregularities that are flagged during forensics analysis. Qualified and trained staff responsible for investigating violations should be identified in advance. The SEA should develop policies for when and how to turn investigations over to a third party so as to avoid potential conflicts of interest. Investigations should occur in a timely fashion and written reports should be given to the SEA along with remediation plans for any problem areas.

9. SEAs and LEAs must develop plans to enforce breaches of assessment integrity and to handle the consequences in a fair and appropriate manner and most importantly, to ensure that the offense does not happen in the future. Sanctions or remediation must be proportional relative to the offense and equivalent to other policies. All parties should create and maintain due process and appeal procedures for suspect students and staff. The accused should be informed of the allegations or complaints and the circumstances behind them (statistical detection, reported violation, etc.).

10. As testing technology evolves, security needs and how we define test and data integrity must keep pace. Policies and procedures should be reviewed to ensure compliance with the principles of assessment integrity. Computer-based testing will present different challenges based on the hardware (mobile vs. desktop configurations), the software, and Internet configurations (network security, social media, etc.). A few examples include greater accessibility to biometric identification procedures, built-in universal design, handwriting analysis, time-stamping items and events, video/audio monitoring systems, and improved real-time and post-hoc statistical anomaly detection techniques.

APPENDIX A: SOME THREATS TO TEST INTEGRITY

The following is a non-exhaustive list of examples which have the potential to artificially inflate test scores.

Before Testing

- Using actual or live test items in continuous drilling instead of focusing on assessing the underlying learning standards
- Using secure/unreleased items to train students that violates the administration manual guidelines
- Previewing the test before administration
- Excluding selected students from the administration (e.g., not allowing lower-achieving students to sit for an exam in order to raise group averages)
- Using unauthorized test preparation materials
- Failure to store secure test materials
- Improper or ineffective test administration training practices (failure to train staff, failure to devise effective practices)

During Testing

- Students copying answers from other students
- Students providing assistance to or accepting assistance from other students
- Students or teachers using prearranged signals (e.g., tapping, signing, voice inflection, facial expression) to provide correct answers to students
- Failing to follow prescribed test administration procedures leading to administration irregularities, e.g., incomplete student responses, or providing too much information so as to assist the students in correctly answering questions
- Inappropriate proctoring by coaching or signaling students (e.g., hints, rephrasing questions, voice or facial inflection), pointing out errors, or otherwise identifying correct answers during the exam
- Displaying improper information in student assessment rooms
 - Putting up posters or other materials that provide test answers
 - Failing to cover existing information boards, posters
- Giving unauthorized students extended time, prohibited materials, or other non-standard conditions.
- Allowing unauthorized people in the testing area (e.g., media, other students, teachers, or parents)
- Inappropriate or over-accommodated student accommodation practices

After Testing

- Altering student answer documents, changing answers, or filling in omitted items
 - Falsifying identification or demographic information for students
 - Exposing or releasing items that will appear on future test forms
 - Divulging details about test items to others who have yet to test (note: school staff should explicitly instruct students not to do this)
 - For performance-based assessments, allowing local scoring that may favor responses of local students or staff scoring their own students
 - During reporting, inaccurately summarizing or interpreting test results to the students' advantage
 - Not returning all secure testing material
 - Photocopying, reproducing, disclosing, or disseminating testing materials in any way
 - Failing to submit answer sheets for students expected to do poorly
 - Any other action resulting in data that misrepresents the achievement levels of students within classes, schools, districts, and states
-

APPENDIX B: SOME PREVENTIVE ACTIONS

The following is a non-exhaustive list of examples.

PAPER-AND-PENCIL ADMINISTRATION

Security of Materials

- Keep sensitive test materials (live test items and booklets, computer screens, or computer testing access, etc.) secure and accounted for at all times (before, during, and after testing)
 - Have a dedicated, secure place to store materials that prevents non-authorized access to test material
 - Determine which staffers have legitimate access to the storage area
 - If the storage area cannot be completely sequestered, track all staff who enter/exit the area
- Determine which staffers are responsible for maintaining the chain of custody over test materials (this applies to all administrative staff who handle test and proctoring materials)
- Pre-seal booklets (sometimes cost-prohibitive) or provide self-seals for students' test documents

Distribution and Collection of Materials

- Schedule the times that materials will be distributed and collected
- Specify and document check in/check out procedures for materials
- Promulgate a list of detailed procedures for reporting missing and damaged test materials

Test Administration

- Use seating charts and assign seating, as appropriate
 - Require appropriate identification or recognition of each student as appropriate
 - Seat students an appropriate distance apart
 - Restrict or prohibit (as your administration manual requires) mobile cameras, cell phones, and other similar devices
 - Use only trained test proctors and provide proper supervision (use proctor guidelines)
 - Establish qualifications requirements (i.e., education and credential) for proctors and test administrators
 - Have rooms proctored during the entire administration
 - Document proctor names and locations of the assessment
 - Independently monitor test administrations on a random basis
 - Test all eligible students
 - Do not allow teachers to test their own students unless necessary or allowed for by required accommodations
 - Maintain established security procedures throughout make-up testing and special accommodations
 - Establish common scheduling time and calendar for testing
 - Have materials returned immediately after testing
 - Test all examinees in a narrow testing window, scheduling primary subject matter tests on the same day and at the same time to reduce possible collusion and mitigate damages from a security breach
 - Clearly identify prohibited behavior and items as well as rules for handling irregularities
-

COMPUTER-BASED ADMINISTRATION

Security of Materials

- Keep screens out of view of each student or others (position monitors, cardboard screens, and carrels strategically)
 - Establish a building testing schedule so all students are tested in the same subject before beginning the next subject
 - Time-stamp all student and staff access
 - Specify disallowed access times (i.e., weekends, holidays, after hours, etc.)
 - Ensure that students are locked out from accessing unauthorized computer applications, including the use of the Internet, during assessment
 - Lock-out access to the test after testing windows are completed
 - Prohibit students from accessing memory storage or Wi-Fi on mobile devices
-

APPENDIX C: SOME MATERIALS ALLOWED AND PROHIBITED DURING EXAMS

The following is a non-exhaustive list of examples. Always consult your specific administration manual.

Items Frequently Allowed in Testing Areas

- Admission ticket
- School-issued ID
- Government-issued photo ID
- Number two pencils (wooden)
- Quality erasers
- Highlighters, other approved writing implements
- Silent or beeping timers
- Foam ear plugs or other noise-blocking devices
- Transparent containers (e.g., “Ziploc bags”)
- Approved calculators
- Water bottles, as approved
- Dictionaries, as approved

Items Frequently Prohibited in Testing Areas

- All electronic devices used for communication or data storage (e.g., cell phones, book readers, tablets, pagers, cameras, non-approved calculators, music players, voice recorders, etc.)
 - Study, review, or other information resource materials (dictionaries, thesauruses, encyclopedias, spelling and grammar checkers)
 - Correction fluid, correction pens
 - Large rubber bands, large pencil erasers
 - Boxes, pencil cases, eyeglass cases, or other opaque containers
 - Briefcases, backpacks, purses
 - Clothing that could be disruptive or present a potential test or student security threat (e.g., hats, scarves, hoodies, loose or bulky clothing)
 - Earphones, headphones, ear buds unless as a required accommodation or computer administration requirement
 - Mechanical pencils or ink pens (except for notes for computer-based testing or other exceptions)
 - Smoking materials, food, beverages (Note: case-by-case exceptions for medical reasons can be made)
-

APPENDIX D: DATA COLLECTION AND ANALYSIS

Forensics should be considered carefully and determined as appropriate for each test by Technical Advisory consults and/or committees. Analysis should be technically sound and carefully targeted to avoid false positives, while simultaneously maximizing true positives. Suggestions of what to collect and look for include the following:

Suggestions for Data Collection

- Capture both teacher and proctor names (e.g., on classroom ‘header’ sheets) and include this info in data files for potential use in forensic analyses
- Expand the contents of the data file(s) used for integrity analysis by including:
 - actual student scan/scored vectors (e.g., A, B, C, D for ‘wrongs,’ 1, 2, 3, 4 for ‘rights’)
 - ability information (raw and/or scaled scores)
 - pre-erasure answer strings
 - post-erasure answer strings
 - string of erasure types (wrong-to-right, wrong-to-wrong, right-to-wrong, no erasure)
 - darkness gradient for post-erasure item responses
 - pixel coverage of post-erasure item responses

Suggestions for Forensics Analysis

- Suspicious changes in test scores in adjoining test years
 - Suspicious changes in student demographics across years
 - Suspicious erasures
 - high erasure rates and, in particular, high wrong-to-right erasures
 - erasures with different darkness and pixel coverage than non-erased responses.
 - contrast erasure rates for pilot versus operational items
 - consistency of erasures (i.e., erasures on the same set of items) for students within classrooms, schools, and districts versus the state
 - Speed of responding on computer-based tests
 - Similar answer patterns between pairs or groups of students
 - Similar items being flagged as erased between groups of students
 - Similar responses to open-ended items
 - Inconsistent item responses pattern—response aberrations, in particular for pre- and post-erasure responses
 - Outliers in scatter plots of subject area scores (e.g., what classes had mathematics scores that were outliers based on reading score performance)
 - Prior test administration common items (e.g., one year back) vs. common items from several years prior (multiple years back) as well as comparison between operational and pilot sections may help identify students who had pre-knowledge of questions
 - Comparisons between summative assessments and earlier formative/interim assessments, third party assessments, such as NAEP, or other academic efforts (GPA, class rank, coursework)
-

APPENDIX E: RESOURCES

Policies and procedures must be based on best practices in testing. Some of these documents are showing their age and are in various stages of revision. Among the documents to be considered in establishing the definitions and descriptions of best practices are:

American Federation of Teachers, National Council on Measurement in Education, & National Education Association. (1990). *Standards for Teacher Competence in Educational Assessment of Students*. Washington, DC: NCME.

American Educational Research Association, American Psychological Association, & National Council on Measurement in Education (1999). *Standards for Educational and Psychological Testing*. Washington, DC: AERA.

National Council on Measurement in Education (1995). *Code of Professional Responsibilities in Educational Measurement*. Washington, DC: Author.

Joint Committee on Testing Practices (2004). *Code of Fair Testing Practices in Education*. Washington, DC: American Psychological Association.

Council of Chief State School Officers and the Association of Test Publishers (2010). *Operational Best Practices for Statewide Large-Scale Assessment Programs*. Washington, DC.





Assessment Integrity Guide

MICHIGAN DEPARTMENT OF EDUCATION
OFFICE OF EDUCATIONAL ASSESSMENT AND
ACCOUNTABILITY

Michigan Standards for Professional and Ethical
Conduct in Test Administration and Reporting



2020-21



The Michigan State Board of Education approved this guide on April 12, 2016 with updates on 9/14/20. This document pertains to the expected professional and ethical conduct of all assessment programs administered by the Michigan Department of Education (MDE), Office of Educational Assessment and Accountability (OEAA). This includes all Michigan summative, interim, and formative assessments.

If you have questions or wish to report suspected test administration irregularities on any statewide educational assessments or accountability issues in Michigan, contact:

Michigan Department of Education
Office Educational Assessment and Accountability
608 West Allegan Street
PO Box 30008
Lansing, MI 48915

toll-free phone: 877-560-8378
email: MDE-OEAA@michigan.gov
fax: 517-335-1186

Copies of this guide may be obtained on the [Student Assessment web page](http://www.michigan.gov/OEAA) (www.michigan.gov/OEAA).

STATE BOARD OF EDUCATION
Michael F. Rice, Ph.D., State Superintendent
Michelle Fecteau • Tom McMillin
Judith Pritchett • Pamela Pugh
Lupe Ramos-Montigny • Nikki Snyder
Tiffany D. Tilley • Dr. Casandra E. Ulbrich

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Introduction

A primary function of the Michigan Department of Education (MDE) Office of Educational Assessment and Accountability (OEAA) is to establish, develop, and implement a state assessment system that fairly, accurately, and with validity measures Michigan’s content standards.

State assessments are required under both state and federal law, to ensure all children are learning and receiving a high-quality education.

Michigan assessments include summative and benchmark assessments. The state’s summative assessments are required while the benchmark assessment offered by the state is optional. The table below details Michigan’s state assessments.

Assessment	Description	Grades
ACT® WorkKeys	Given each spring as a component of the MME exam to measure work skills.	11
Early Literacy and Mathematics Benchmark Assessments	Benchmark assessment given each fall, winter, and spring to measure growth of early literacy and mathematics skills.	K-2
MI-Access	State summative alternate assessment given each spring to students who have, or function as if they have, significant impairments, and whose IEP (Individual Education Program) Team has determined that general assessments, even with accommodations, are not appropriate for the student.	3-8, 11
M-STEP	State summative assessment given each spring to assess student progress on Michigan’s content standards.	3-8, 11
PSAT™ 8/9	Given each spring to measure student knowledge of state standards in ELA and mathematics.	8
SAT® with Essay	Given each spring as a component of the MME exam to measure student knowledge of state standards in ELA and mathematics.	11
WIDA ACCESS for ELLs	Given each winter to English learners to measure English language proficiency.	K-12
WIDA Alternate ACCESS for ELLs	Given to English learners who have, or function as if they have, a significant cognitive disability to measure English language proficiency.	1-12
W-APT and WIDA Screener	Assessment screening tools used by educators to measure English language proficiency of students who have recently arrived in the U.S. or in a particular district.	K-12

The OEAA develops assessments and establishes professional conduct standards based upon laws and professional guidelines and best practices (refer to [Appendix D](#) for this list of resources).

This *Assessment Integrity Guide* focuses on four main integrity themes:

- **Prevention** – standards and best practices for the test integrity and security aspects of the design, development, operation, and administration of state assessments, both paper/pencil and online test administrations, to prevent irregularities from occurring
- **Detection** – guidelines for assessment monitoring, reporting, and working with the OEAA when irregularities are found
- **Follow-Up Investigations** – guidelines for the state and local educational agency working together to investigate irregularities
- **Remediation** – guidelines for working with the OEAA to resolve irregularities and to ensure valid results for all students

All test administration practices are subject to this ultimate question: **Will the test administration lead to student results that accurately reflect a valid and reliable measure of what each student knows and is able to do compared to Michigan’s Academic standards?** Following these guidelines will ensure that all students have equal opportunities to show their knowledge, skills, and abilities, and are actively involved in demonstrating those opportunities through their engagement with the test.

Educators, students, parents, school boards, legislators, researchers, and the public must have confidence that psychometrically-sound testing, scoring, and reporting will be handled ethically and in accordance with the best administrative practices and procedures.¹

Dr. Greg Cizek emphasizes that valid testing requires the results to be useful, interpretable, accurate, and

comparable. The technical merits of scores from an assessment must meet industry standards with respect to fairness, reliability, and validity. Of these standards, the most important is validity, and cheating undermines the integrity and validity of the results from an assessment.

OEAA staff fully support the advice of the NCME and other professional organizations on maintaining test integrity and the validity for the state assessment.

Importance of Assessment Security

The primary goal of assessment security is to protect the integrity of the assessment and to ensure that results are accurate and meaningful. To ensure that trends in achievement results can be calculated across years in order to provide longitudinal data, a certain number of test questions must be repeated from year to year. If any of these questions are made public, the validity of the test may be compromised, because students may know the questions and answers in advance of taking the assessment. If the reliability or validity of a test is compromised, the test scores of individual students or entire classes may be invalidated, and disciplinary actions may be taken.

Appropriate testing practices are not always universally understood, leading to test irregularities. Good testing practices are sometimes violated because the individual involved is not informed about what is appropriate for a standardized assessment administration. To help school staff securely administer state assessments and have a common understanding of what practices are appropriate, the OEAA has prepared these guidelines.

This Michigan State Board of Education (SBE)-approved *Assessment Integrity Guide* includes the expected professional conduct guidelines of educators who administer state assessments and ensure proper test administration and academic integrity. It is intended to be used by districts and schools in the

1 Based on the National Council on Measurement in Education Test and Data Integrity Document, Oct. 2012



fair and appropriate administration of state assessments. State assessments are an important and required tool used to monitor the state, district, school, and student achievement results. For assessments to yield fair, accurate, and valid results, they must be administered under the same standardized conditions to all students.

Assessment Security Goals for the State of Michigan Assessment System

- To provide secure assessments that result in valid and reliable scores
- To adhere to high professional test administration and security standards
- To maintain consistency across all testing occasions and sites (i.e., students and schools)
- To protect the investments of resources, time, and energy

Common Assessment Irregularities

In 2013, the federal Office of Inspector General (OIG) released an audit report entitled The U.S. Department of Education’s and Five State Educational Agencies’ Systems of Internal Control over Statewide Test Results. The report detailed specifics around assessment security policies and practices for states. The OIG audit focused on allegations of cheating on statewide tests that have been reported in multiple states and the District of Columbia. The analysis of media reports on cheating that occurred during the previous 10 years indicated that the five most prevalent methods of cheating included the following:

- using actual test questions to prepare students for the tests

- erasing students’ wrong answers and filling in the correct answers
- indicating the correct answers to students during testing
- allowing students to change answers after giving them the correct answers
- allowing students to discuss answers with each other

In addition, the analysis listed several other alleged methods of cheating, which included:

- completing incomplete test booklets
- altering attendance records
- failing to cover testing materials during the assessments
- arranging the classroom to facilitate cheating
- reading questions aloud to students who were not eligible for that accommodation
- not testing all eligible students
- obtaining testing materials when not authorized to do so

The following table outlines the specific types of security breaches that can occur for paper/pencil (P/P) test administrations, computer-based testing (CBT), and computer-adaptive testing (CAT). Asterisks show the potential risk to state test administrations or results. Please note that the overall level of security risk depends on numerous factors, such as test design, item types, item exposure, quality of proctoring, the testing environment, conflicts of interest, methods for transmission and storage, encryption levels, quality of training, and more.

BEFORE, DURING, AND AFTER	P/P	CBT	CAT
Lost or stolen booklets	*		
Obtaining unauthorized access to secure assessment materials	*	*	*
Educators logging into tests to view questions or change responses		*	*
Hacking into computers		*	*

BEFORE	P/P	CBT	CAT
Educators or students engaging others to take a test on a student's behalf	*	*	*

DURING	P/P	CBT	CAT
Students giving or receiving unauthorized assistance from other students during a test administration	*	*	*
Teachers providing answers or providing assistance to students during testing	*	*	*
Students accessing non-allowable resources (notes, textbooks, the internet)	*	*	*
Taking photos of test items and sharing them on the internet or social media	*	*	*
Use of actual test questions or answers during the test	*	*	*
Accommodations being used inappropriately to cheat	*	*	*
Keystroke logging		*	*

AFTER	P/P	CBT	CAT
Altering test scores	*	*	*
Erasing wrong answers	*		
Changing responses on the computer		*	*
Reconstructing assessment materials through memorization	*	*	*
Memorized test items or answers being posted online	*	*	*
Printing, emailing, or storing test information in a computer outside the test delivery system		*	*
Accessing or altering assessment materials or scores during the transfer of data	*	*	*



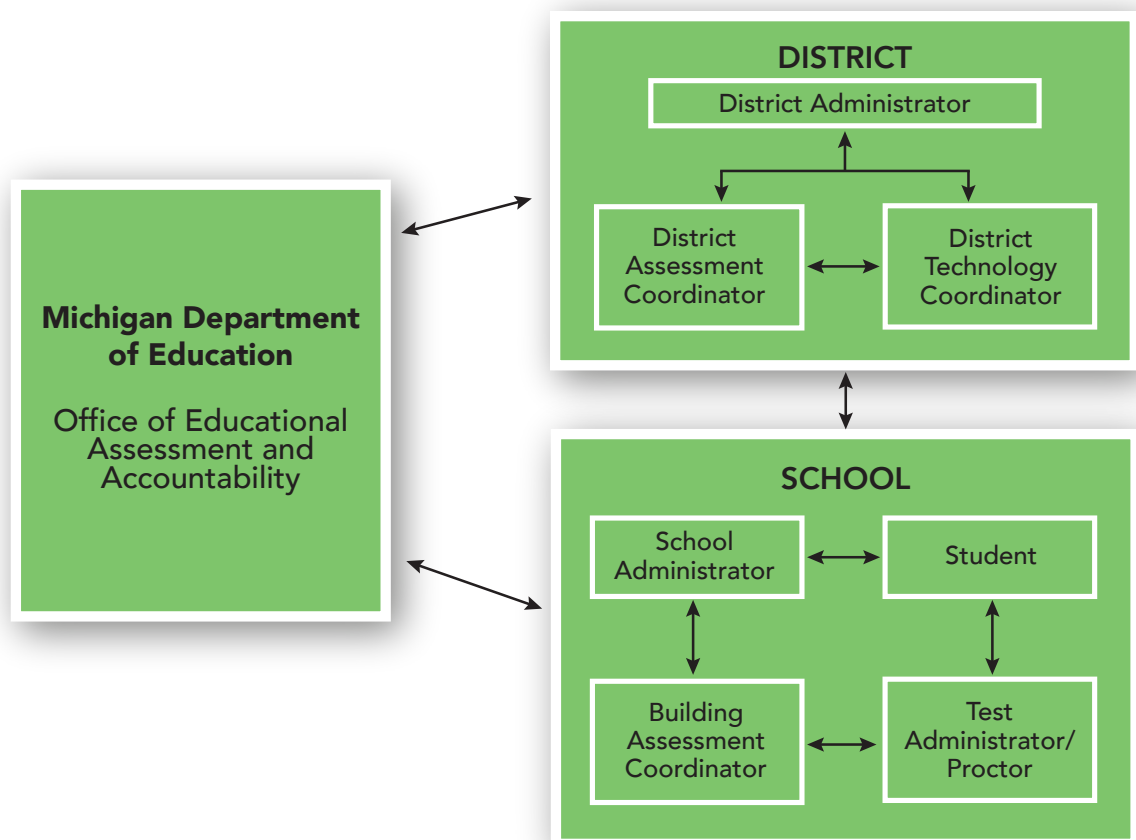
Appropriate test preparation activities should promote quality long-term learning. Good test-taking skills and appropriate content learning help to ensure the validity of student test scores.

The best way to promote appropriate test administration practices is to ensure that teachers and test administrators understand and recognize acceptable and unacceptable practices. This document is intended to provide more information to assist schools in developing professional knowledge and clarification on test administration standards for Michigan educational staff and students.

Communication Protocol

In an effort to keep individuals well informed regarding assessment security policies and procedures, the OEAA recommends the following communication protocol to keep staff informed regarding assessment security policies and procedures. The two-way communication at each entity is important to maintain assessment security.

The protocol for communication for assessment security is as follows:



Section 1 – Prevention of Testing Irregularities

This section addresses standards for assessment integrity and security aspects of the design, development, operation, and administration of paper/pencil and online state assessments, to prevent irregularities from occurring. The OEAA requires district and building coordinators involved in test administration to complete the following activities:

- Adhere to the testing administration windows and testing schedules
- Provide integrity and security training to all staff
- Assign explicit responsibility for assessment security and monitor the effectiveness of each school's efforts
- Work with the OEAA when necessary to prevent irregularities
- Adhere to all test administration rules and policies

Testing Window

Each component of the state assessment program (i.e., M-STEP, Michigan Merit Exams, MI-Access, PSAT 8/9, WIDA Screener, WIDA ACCESS for ELLs, and Early Literacy and Mathematics Benchmark Assessments) has its own Test Administrator Manual (TAM) and its own testing window. The testing windows provide ample opportunity to complete testing while keeping test items secure. For additional information on these windows refer to the [Testing Schedule for Summative Assessments](https://www.michigan.gov/documents/mde/Testing_Schedule_for_Summative_Assessments_635008_7.pdf). (https://www.michigan.gov/documents/mde/Testing_Schedule_for_Summative_Assessments_635008_7.pdf) and the TAM for each assessment. M-STEP and MI-Access assessments are typically scheduled as follows:

- Paper/pencil test administrations occur on the scheduled day and as early in the day as possible. Each TAM provides estimated test administration times and the testing schedule guidelines that schools must follow in

administering specific tests. Any alteration to the schedule must be approved in advance by the OEAA.

- Online test administrations allow for scheduling flexibility for schools. Online test administrations can be scheduled at any time during the instructional day throughout the designated testing window. Students do not have to be scheduled for the same content area, on the same day, at the same time.

Schools must administer the PSAT 8/9, SAT with Essay, ACT WorkKeys, and paper/pencil M-STEP on the specified days and times. For more information on these requirements see the Testings Schedule for Summative Assessments and the TAM for each assessment. WIDA ACCESS for ELLs assessments need to occur within the testing window and the district/building has the ability to schedule dates within the window that work best for them.

Eligible Students

Michigan relies on state-mandated assessments as a key component of the state accountability program; the state also uses the test results to fulfill national requirements for educational accountability. For reliable and valid reporting, tests must be administered fairly and ethically to all students. Test Administrators must administer state assessments to all eligible students. This includes testing students through the standard test administration, test administration with accommodations, alternate assessment, alternate assessment with accommodations, English language proficiency assessment, or English language proficiency assessment with accommodations.

Eligible students include all students, including students with disabilities or who are English Learners (EL), who are educated at public expense. This would include students who may be placed in specialized private or residential facilities at public expense. Each assessment's Test Administration Manual will contain specific information about any variation in the definition of "eligible students."



Testing Personnel Roles and Responsibilities

District and school professional staff members play a key role in the fair and equitable administration of successful state assessments. Each of the state’s assessments have specific testing personnel roles and responsibilities. The table below outlines the specific testing personnel role by assessment. For specific information on the security and administration responsibilities of each role please refer to the TAM for each assessment.

	District	Building	Administrator	Administrator Assistant	Ancillary
SAT with Essay and PSAT 8/9		Test Coordinator SSD Coordinator	Proctor	Room Monitor	Hall Monitor
ACT WorkKeys		Test Coordinator Test Accommodations Coordinator	Room Supervisor	Proctor	
M-STEP	District Assessment Coordinator	Building Assessment Coordinator	Test Administrator	Proctor	Technology Coordinator
MI-Access FI	District Assessment Coordinator	Building Assessment Coordinator	Test Administrator	Proctor	Technology Coordinator
MI-Access P/SI	District Assessment Coordinator	Building Assessment Coordinator	Test Administrator	Shadow Administrator	Technology Coordinator
WIDA	District Assessment Coordinator	Building Assessment Coordinator	Test Administrator	Proctor	Technology Coordinator
Early Literacy and Mathematics	District Assessment Coordinator	Building Assessment Coordinator	Test Administrator	Proctor	Technology Coordinator

Identification of Testing Personnel

The District Superintendent has the responsibility for testing within the schools. The Superintendent must identify an individual to act as each assessment’s District Assessment Coordinator. For example, the staff member responsible for coordinating M-STEP should be identified as the “M-STEP Assessment Coordinator”. These designations should be updated on an annual basis in the Educational Entity Master (EEM).

The Educational Entity Master is a repository that contains basic contact information for public and nonpublic schools, intermediate and local school districts, and institutions of higher education. Because the EEM serves as the directory for identifying and linking educational entities with other data collection applications, it is imperative that districts and schools keep their information up to date. The OEAA uses that information in various ways throughout the assessment process. The EEM may be accessed through the [EEM web page](http://www.michigan.gov/eem) (www.michigan.gov/eem). The EEM may be viewed by anyone, but it can only be updated by the authorized district EEM user. This is usually, but not always, the district student pupil accounting person. A district's EEM authorized user is listed on the District and School Contact page of the OEAA Secure Site.

It is recommended that a back-up District Assessment Coordinator also be assigned to handle responsibilities if the assigned District Assessment Coordinator becomes unavailable. For districts with buildings participating in computerized testing, a District Technology Coordinator must be assigned to oversee the setup and installation of online testing software. The District Technology Assessment Coordinator must coordinate with the District Assessment Coordinator to ensure that computer workstations are operating properly and are prepared for testing.

The school's principal, under the direction of the district superintendent, has the responsibility to ensure the security and integrity of each test administration within his or her building. The principal will identify a Building Assessment Coordinator and a back-up Building Assessment Coordinator. The Building Assessment Coordinator is responsible for identifying test administrators and proctors.

Test Administrators (TAs)/Proctors/Room Supervisors should be selected from the from the following list:

- Licensed teachers or licensed educational administrators employed by the school district

- Paraprofessionals or non-licensed administrative personnel employed by the school district
- Licensed substitute teachers who are employed by the district for the purpose of administering the test

For ACT WorkKeys, M-STEP, MI-Access Functional Independence, and WIDA, trained proctors may be assigned to assist Test Administrators in administering the tests.

Test Administrators, Proctors, and Room Supervisors must not have a conflict of interest or the appearance of a conflict of interest. Test Administrators, Proctors, and Room Supervisors cannot serve as testing staff in rooms in which their children or students who reside in their household are testing. In some cases, certain state-mandated assessments (e.g., some Michigan Merit Exam components) may dictate a differing policy that applies to testing staff and student-to-teacher ratios. In such cases, the differing policy overrides the policy found in this *Assessment Integrity Guide*.

Assessment Security Training

All staff members who participate in a state assessment must be fully trained in assessment security.

District/Building Assessment Coordinator Training Requirements:

- complete the MDE Assessment Security online course through [Michigan Virtual](http://bit.ly/MDEAssessmentSecurity) (<http://bit.ly/MDEAssessmentSecurity>). This four-module training series is used to train building staff on the importance of test security by following the Assessment Integrity Guide. Upon completion of the four modules and demonstration of knowledge on a short test participants will receive a Certificate of Completion which must be retained on file with signed security compliance forms. After successful completion of this training staff are required to participate in the refresher course in subsequent years.
- read this Assessment Integrity Guide



Test Administrators/Room Supervisors/ Proctors/ Training Requirements:

- read this Assessment Integrity Guide and/or complete the MDE Assessment Security online course through [Michigan Virtual](http://bit.ly/MDEAssessmentSecurity) (<http://bit.ly/MDEAssessmentSecurity>). This four-module training series is used to train building staff on the importance of test security by following the Assessment Integrity Guide. Upon completion of the four modules and demonstration of knowledge on a short test participants will receive a Certificate of Completion which must be retained on file with signed security compliance forms. After successful completion of this training staff are required to participate in the refresher course in subsequent years.

Technology Coordinators and Other Staff (anyone who handles or has access to secure materials) Training Requirements:

- Read the Keeping Assessment Materials Secure training document (refer to [Appendix E](#) for the document).

Test Administration Training

All staff members who participate in a state assessment must be fully trained in proper test administration procedures pertaining to their role in the assessment. At a minimum, training needs to incorporate a thorough review of the materials found in the Assessment Training and Resources for Educators section of all the assessment web pages and Test Administration Manuals for the assessments being administered.

For WIDA assessments, there are specific online training courses, available through the educator's wida.us Secure Portal account; successful completion of the courses results in the receipt of a Certificate, which should be kept on file

at the district level. Depending on the WIDA assessment or part of the test, the Certificate may need to be updated annually.

In some cases (e.g., some Michigan Merit Exam components and WIDA), certain state-mandated assessments may dictate a differing training policy. In such cases, the differing test administration training policy overrides the training policy found in this *Assessment Integrity Guide*.

Each district should document all training and test administration processes and keep copies of all assessment training materials, including presentations, handouts, and sign-in sheets. If a school experiences an irregularity, the state may ask for these materials to ensure that the training was appropriate and adequate.

OEAA Assessment Security Compliance Form

All District Assessment Coordinators, Building Assessment Coordinators, TAs, Room Supervisors, Proctors, and other staff who participate in a state assessment or handle secure assessment materials must be trained and must sign an OEAA Assessment Security Compliance Form before participating in the administration of the test. All staff are required to receive training on assessment security and test administration procedures and are responsible for complying with state assessment requirements. The District Assessment Coordinator must be well prepared and is responsible for providing clear and comprehensive annual training on test administration security and procedures.

By signing an OEAA Assessment Security Compliance Form, district and school staff affirm that they understand that all test items are considered secure and may not be copied,

photographed, or communicated in any way; and have followed the practices found in the test administrator manual relative to their role. In the event that staff have multiple roles in administering the assessment or participate in administering more than one assessment only one OEAA Assessment Security Compliance Form must be used.

Each district or school must keep a copy of all OEAA Assessment Security Compliance Forms, testing schedules, and assessment training materials (including presentations, handouts, and sign-in sheets) for three years. These materials may be archived digitally. If a school experiences an irregularity, the state may ask for these materials.

In some cases, certain state-mandated assessments may require an additional security form to be signed. These must also be kept on file for three years.

Assessment Supports for Students

Making Decisions on an Individual Student Basis

For all students, the selection of appropriate universal tools, designated supports, and accommodations must be done for students' experience in the classroom as well as for the assessment. The tools, designated supports, and accommodations used on the assessments should be ones the student is already familiar with using or are used during regular instruction. A mismatch in the types of supports offered in the classroom and for assessments can cause significant difficulties for students at the time of testing and could negatively impact students' test scores. Students who are given supports and accommodations who do not require them can also be given an unfair advantage over other students.

The conceptual model for understanding Michigan's assessment supports and accommodations is broken down into three levels:

- Universal Tools - available for all students
- Designated Supports - available when indicated by an adult or team

- Accommodations - available when need is documented in an Individualized Education Program (IEP) or section 504 plan

It is the responsibility of the Building and District Test Coordinators to ensure that students receive the appropriate designated supports and accommodations for all assessments. All individuals providing supports and accommodations to students need to know and understand the requirements of the state assessments, including the appropriate use of designated supports and accommodations. Staff providing supports and accommodations are required to be fully trained and must sign an Assessment Security Compliance Form.

District Coordinators, Building Coordinators, and Test Administrators/Room Supervisors/Proctors should know which specific designated supports and accommodations must be provided to individual students, as well as how the supports and accommodations are administered. For example, staff administering a particular support or accommodation such as Read-Aloud or scribing/transcribing of student responses must know and adhere to specific guidelines pertaining to that support, to ensure that student scores are valid. Coordinators and assessment administrators must work together and communicate to schedule logistics for certain circumstances, such as small groups, individual administration of the assessment, provision of headphones, etc.

Student Test Preparation

Test preparation activities for students should have two major goals:

- Ensure that all students have the opportunity to learn in accordance with the teaching and learning standards of the district and the content of Michigan's content standards in a manner that promotes long-term learning growth and retention of the materials and concepts covered.
- All students will be familiar with test-taking strategies and with the types of formats



and scoring used on the tests (writing prompts; multiple-choice questions; extended-response questions; technology-enhanced methods such as drag and drop, use of pointing mapping devices, matching, etc.; online tools; and scoring rubrics).

All local school test administration practices should maintain a proper balance with an emphasis on obtaining instructionally relevant information or confirming mastery of targeted student skills. At no time should school testing be used to continuously drill or should practice tests be used repetitively with the sole intention of improving test scores. The OEAA encourages schools to use practices that enhance student long-term growth and academic achievement over practices that use continuous drilling with test items that mimic state testing without using the results to inform instructional practice. Excessive use of drilling is neither effective nor appropriate.

Professional Student Test Preparation Practices

In educational settings, school personnel should ensure that any test preparation activities and materials provided to students do not adversely affect the validity of test score inferences. Test takers should be provided appropriate instruction, practice, and other support necessary to reduce any influences not relevant to measuring the student's ability. The following are professional test preparation activities that are permissible for educators to use.

Encouraged Student Test Preparation Practices

- Use Michigan's content standards as a resource for curriculum development, instruction, and assessment.
- Incorporate all subject area objectives in the local curriculum throughout the year,

including, but not limited to, the content expectations incorporated in state assessments.

- Communicate to students, parents, and the public what state assessments entail, when and how the tests will be administered, and how the results will be appropriately used.
- Integrate and teach test-taking skills along with regular classroom instruction and classroom assessment and create a positive test-taking environment.
- Read and discuss test administrator manuals with colleagues.
- Use a balanced assessment approach with emphasis on formative assessment that informs instruction.
- Monitor student academic progress continuously and use local or third-party assessment materials for diagnostic purposes.
- Use any released documents, practice sets, and materials prepared by the Michigan Department of Education.
- Continue to use assessments in the school for pre- and post-testing, placement, or similar purposes.

Prohibited Student Test Preparation Practices

In order to ensure assessment security, the discussion of information related to the content of specific test items or test forms is prohibited. Incidents of this nature are thoroughly investigated and may result in district liability for the cost of item-redevelopment, re-testing within the testing window, test score invalidation, and follow-up monitoring. By abiding with this guideline, educators ensure that the integrity of the assessment is maintained, which helps minimize costs when assessment security has been compromised.

School personnel who engage in prohibited test preparation practices include those who:

- use secure test questions or questions that are similar to or altered versions of secure test questions
- reveal, copy, or reproduce any secure state assessment questions, materials, or student responses to secure questions
- use repeated drilling with material that very closely or identically matches the specific topics and question wording normally found in state assessments; general coverage of topics that would normally be covered by Michigan's Academic Standards is expected
- repeatedly drill students as practice on content that very closely or identically matches topics and wording used for the state assessments without a relation to direct instructional feedback.
- Example - If a school uses released items (previously used items from actual state assessments made available to the public) or similar items that are parallel to state assessment items, this should be part of an instructional program that leads to long-term learning and not to drill for the sake of attempting to artificially change test scores.
- place undue stress on a student before, during, or after the test administration; test preparation activities aimed at motivating students should create a positive atmosphere for test-taking
- Example - While "undue stress" is not easily defined, informing students that poor performance on a test might reflect negatively on the student, school, teacher, family, or peers is an example of "undue stress." Encouraging students to prepare for an upcoming test by excessive practice or studying (such as well into the evening hours) or encouraging students to work beyond a reasonable effort would be another.

Focusing instruction on secure test items is considered a misadministration and is cheating. The OEAA will investigate such an allegation, and if it is found to be true, will invalidate student scores. Personnel issues resulting from intentional misadministration or academic fraud will be handled by the local educational entity.

Test Administration

Testing Schedule

It is the Building Coordinator's responsibility to develop test administration schedules based on the school's resources (i.e., staffing, available computers, testing rooms, etc.) and needs, ensuring the overall integrity of the assessment process. Testing schedules must follow the test administration windows as established by the OEAA. These windows help reduce the overall footprint that testing has in schools while providing schools with flexibility to successfully administer the tests. Certain assessments (i.e., PSAT 8/9, PSAT 10, ACT WorkKeys, SAT with Essay, and paper/pencil forms of the M-STEP assessment) require test administration to occur on specific dates and times as outlined in the Testing Schedule for Summative Assessments. For additional information on these dates refer to the [Testing Schedule for Summative Assessments](https://www.michigan.gov/documents/mde/Testing_Schedule_for_Summative_Assessments_635008_7.pdf). (https://www.michigan.gov/documents/mde/Testing_Schedule_for_Summative_Assessments_635008_7.pdf).

All makeup testing must be completed during the student's designated test window (based on his/her grade and test mode).

MI-Access test scheduling should take into consideration the unique needs of the students. MI-Access tests are designed for administration in small groups or one-on-one settings with multiple administrators. Since the testing environment for these students may be unpredictable, the MDE has allowed broad flexibility to schools in determining their own schedules within the seven-week window to complete all the content areas of testing.



Documentation of testing schedules for M-STEP, MI-Access, and WIDA ACCESS for ELLs must minimally include the following information:

- district name
- building name
- building coordinator's name
- date of assessment administration
- location of testing session(s) (i.e., room number, classroom, etc.)
- starting and ending time of testing session
- assessment/grade/content being administered for each testing session
- test administrator(s) and proctor(s) for each testing session

Testing schedules must be retained by the district or school for three years. The OEAA may request a copy of a building's testing schedule for monitoring and irregularity investigation purposes. Refer to [Appendix B](#) for the sample.

In some cases, certain state-mandated assessments may dictate a differing policy that applies to testing schedule planning and documentation. In such cases, the differing policy overrides the policy found in this guide.

Off-Site Testing

For the M-STEP, MI-Access, ACT WorkKeys, Early Literacy and Mathematics Benchmark, and WIDA assessments, any time students test in a place other than where they receive their instruction, an Off-Site Test Administration Request must be submitted to the OEAA by the Building Assessment Coordinator. You can find the Off-Site Test Administration Request Form on each assessment's page and on the MDE Student Assessment web page.

All off-site testing is required to be conducted during the appropriate testing window for

each assessment following the same test administration requirements outlined in each Test Administration Manual.

Schools requesting an off-site testing location for the SAT with Essay high school assessment must submit a request form to College Board, prior to the following spring test administration window. The appropriate form is located on the College Board – Michigan website. After approval of the request, College Board will provide an off-site test center number that must be used on all SAT test day reporting forms. ACT WorkKeys also requires that off-site testing information be documented in the Test Administration forms.

Once the request is granted, the school must ensure the security of the assessment during all phases of testing. The test tickets, test booklets, answer documents, and scratch paper should be securely transported to and from the remote location. Refer to the Test Administration Manual for the assessment being administered for more details on the proper handling of secure materials.

Seating Charts

Seating charts are not required for the Early Literacy and Mathematics Benchmark Assessments, M-STEP, MI-Access, and WIDA assessments.

In some cases, certain state-mandated assessments (e.g., some Michigan Merit Exam components) may dictate a differing seating chart policy. For example, some assessments may require that a seating chart be used. In such cases, the differing policy overrides the seating chart policy found in this *Assessment Integrity Guide*.

Testing Environment

All rooms used for test administrations must be conducive to a proper test environment. For example, the room should be quiet, orderly, comfortable, and have adequate lighting and ventilation.

The table below and on the following pages describes the minimum testing environment requirements. In some cases, certain state-mandated assessments (e.g., some Michigan Merit Exam components) may dictate a differing testing environment policy. In such cases, the differing prohibited device policy overrides the prohibited device policy found in this guide.

Requirement	Description
Distraction-free testing environment	The school shall designate an area for the test administration that provides an environment that minimizes distractions and disruptions for students (e.g., classroom, computer lab, or library).
Instructional materials removed or covered	<p>All information regarding the content being measured or test-taking strategies displayed in the testing room, in any manner or form, must be removed or covered, or it will result in a misadministration.</p> <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none"> □ tips for taking tests □ content displays □ word lists □ writing formulas □ definitions □ mathematical formulas/theorems □ multiplication tables □ charts or maps



Requirement	Description
Appropriate student seating	<p>Students must be seated so there is enough space between them to minimize opportunities to view each other’s work.</p> <p>In some cases, certain state-mandated assessments (e.g., some Michigan Merit Exam components) may dictate a differing seating policy. In such cases, the differing seating policy overrides the seating policy found in this <i>Assessment Integrity Guide</i>.</p>
Active monitoring of students	<p>Test Administrators and Proctors are encouraged to frequently and unobtrusively move through the room and monitor the students’ work area during testing.</p> <p>To perform this function successfully, and to maintain test security, the Test Administrator and Proctor should grant their full attention to testing at all times. A Test Administrator must be present during the entire test administration.</p> <p>The Test Administrators and Proctors should avoid distracting behaviors such as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> holding extended conversations with one another <input type="checkbox"/> reading newspapers or books <input type="checkbox"/> eating <input type="checkbox"/> working on a computer, using a cell phone, iPad, etc. <input type="checkbox"/> tending to unrelated duties
Permitted room attendance	<p>Only staff involved in administering the test and the students taking the test can be in the testing room.</p>

Requirement	Description
No student access to electronic devices	<p>Students are not permitted to access any electronic devices used for communication, for capturing images of the test or testing room, or for data storage (e.g., smartphones, smart watches, cell phones, book readers, electronic tablets, pagers, cameras, non-approved calculators, music players, voice recorders, etc.) that can disrupt the testing environment, or be used to compromise the validity, security, and confidentiality of the test. At a minimum, these devices must be powered off and stored away from the students' work area at all times during a test session. These devices cannot be used as a substitute for a calculator. Specific calculator policies are covered in the Test Administrator Manuals particular to each assessment.</p> <p>If a student accesses any of these devices during testing, this will constitute a prohibited behavior and the student's test results in that content area will be invalidated.</p> <p>In some cases, certain state-mandated assessments (e.g., some Michigan Merit Exam components) may dictate a differing prohibited device policy. For example, some assessments may require that all prohibited devices be collected before a student enters the testing environment. In such cases, the differing prohibited device policy overrides the prohibited device policy found in the <i>Assessment Integrity Guide</i>. Educators with questions pertaining to devices for students with disabilities, should refer to the Supports & Accommodations Guidance Document.</p>
Secure test materials	All secure test materials must be kept secure at all times.

Video Surveillance Cameras

Video cameras in the testing environment can create a security issue, but in the interest of student and staff safety, the use of video surveillance cameras in the testing environment during testing is allowed. Cameras should be directed in a way that does not compromise any test item. Any videos recorded during testing must be deleted as soon as possible. The video of any test session cannot be archived. In some cases, certain state-mandated assessments (e.g., some Michigan Merit Exam components) may dictate a differing policy.

Retention of Test Administration Documentation

Either the district or the school is required to retain signed OEAA Assessment Security Compliance Forms, testing schedules, and assessment training materials for three years following a test administration. These materials may be archived digitally. Inventory and shipping records for paper/pencil assessment materials must also be maintained in the event that a discrepancy arises, or the receipt of secure materials cannot be confirmed.



The district coordinator or building coordinator must:

- verify that schools collect all signed *OEAA Assessment Security Compliance Forms* for all personnel who participated in testing prior to having contact with the test
- gather all assessment training materials (e.g., sign-in sheets, presentation materials)
- collect testing schedules
- confirm that schools have properly completed and collected all inventory and shipping records (including school packing lists and documents used to track the transfer of secure materials within the schools)

In some cases, certain state-mandated assessments may dictate an additional policy that applies to testing documentation retention.

Assessment Security & Test Administration Practices

The purpose of state assessments is to measure student achievement in a standardized environment. In order to preserve unbiased measures of student performance, the students should have no prior exposure to the test items. A breach of the security of these tests could result in invalid district, school, classroom, or student scores. Breaches can be local and result in retesting fees for a district; breaches also have the potential to invalidate an entire state test administration and potentially cost the state hundreds of thousands of dollars. It is critical that all staff who handle student assessment materials protect the test from exposure at all times.

Professional Assessment Security Practices

Whether a P/P, CAT, or CBT test administration is employed, sound planning plays a key role in ensuring the security and validity of assessments. This includes proper handling of test materials and successful return of all materials. District Assessment Coordinators are encouraged to confirm that all schools are meeting security requirements. The importance of maintaining assessment security at all times must be stressed. Ethical practices ensure validity of the assessment results. The following are professional assessment security practices that all school personnel must follow.

- All assessment materials must be kept in a locked storage area that is only accessible to the Building Assessment Coordinator and designates. This includes immediately before and after testing. Supervise materials closely. Secure materials include, but are not limited to, the following items:
 - test booklets
 - test tickets
 - listening scripts
 - accommodated materials
 - answer documents
 - used and unused scratch/graph paper
 - MI-Access student picture cards
 - MI-Access P/SI scoring documents
- Restrict access to the storage area to authorized personnel only and ensure the assessment materials remain secure at all times.
- Inform all personnel involved in test administration of the importance of maintaining strict assessment security and of the potential implications of assessment security breaches.

- Determine and document which staff members are responsible for maintaining a chain of custody over assessment materials and limit access to those directly involved with each of the assessments.
- Distribute and collect secure test materials to/ from students individually.
- Account for all assessment materials, including test tickets, before, during, and after each test session.
- Ensure that students testing online do not access unauthorized computer applications, including the use of the internet, during the test.
- Refrain from examining or discussing actual test items or test responses with anyone.
- Ensure that students who are required to use supports and accommodations on the tests are receiving them.
- Ensure the security of materials used to provide accommodations as prescribed for students with Individualized Education Programs, Section 504 plans, or who are English learners.
- Return answer documents, test booklets, and other secure assessment materials within the designated timelines.
- Maintain packing lists, shipping records, and documents used to track the delivery and custody of materials for at least a year, in the event that a discrepancy arises, or the receipt of the materials cannot be confirmed.
- Destroy all test tickets and scratch paper following guidelines and instructions in the test administrator manuals.
- Contact the OEAA with test irregularities and breaches immediately.
- giving students access to test content or secure test questions, except during the actual test administration (note: access to practice tests and released items is not prohibited)
- reviewing actual test items before, during, or after the test administration, unless needed as part of the test administration directions
- copying, reproducing, or using all or any portion of secure assessment material in any manner inconsistent with assessment security measures
- allowing media representatives to interview or photograph students or staff during or after the testing windows or allowing access to any assessment material other than released items; students and school staff may be interviewed after results are released, but media staff and students should be cautioned to not discuss any assessment materials, problems, or test questions
- failing to follow directions for the distribution and return of secure material, or failing to account for any secure materials before, during, and after test administrations
- leaving secure assessment materials, including test tickets, unattended at any time unless they are located in a secure locked location
- leaving a testing room unsupervised at any time
- permitting the use of any supplemental or reference materials during test administrations that are not specifically allowed
- making test answers available to students
- assisting a student by any direct or indirect means (e.g., gestures, pointing, prompting, etc.) in identifying or providing correct or incorrect answers on any test
- using, handling, or viewing online tests, test booklets, or answer documents for any purpose other than proper test administration procedures
- reading student responses during/after testing, or in the case of paper/pencil testing,

Prohibited Assessment Security Practices

Every effort should be made to ensure the integrity of test scores by eliminating opportunities for test takers to attain scores by fraudulent or deceptive means. The following are inappropriate and restricted practices that testing personnel should not participate in:



attempting to hand-score student responses to any test; a Building Assessment Coordinator may examine a student response only as an emergency procedure - i.e., if a student is suspected of endangering him/herself or others and it is believed that a student's response may contain some important information

- participating in, directing, aiding, counseling, assisting, encouraging, ignoring, or failing to report prohibited acts
- failing to follow test administration directions for the test precisely as directed in the test administrator manuals
- disclosing or discussing the contents of tests with students, parents, teachers, other educators, or community members before, during, or after testing, except to report potential problems to the Building Assessment Coordinator
- for paper/pencil testing - erasing or changing student answers in any way
- for CBT - making any changes to student responses in the online testing system
- for CBT - logging in as a student to the online testing system unless as a part of the test administration process
- administering assessments outside of their designated testing window
- providing accommodations to students who do not have an IEP or section 504 plan
- posting test items or materials on the internet

Professional Test Administration Practices

All state assessments require a standardized process of test administration in order for test results to yield fair and accurate results. The following are professional test administration practices that school personnel must follow.

- Provide training to testing personnel in appropriate assessment security, test preparation, test administration procedures, and accommodations.
- Become familiar with the responsibilities found in the test administrator manual and this *Assessment Integrity Guide* for each designated role prior to testing.
- Begin all standardized test administration procedures explicitly according to the test administrator manual and test directions and/or script.
- Read oral instructions exactly as they are written to the students as required by the appropriate test administrator manual and test directions or script.
- Monitor student behavior closely for adherence to proper test-taking practices. Ensure that there are no distractions during the test administration period (i.e., talking, noises, other distractions among students, viewing of another student's computer screen or answer document).
- Ensure that all test tickets and other materials used for online test administrations are destroyed immediately after students have completed testing.
- Follow directions for handling secure materials.
- Refer to specific allowable accommodations described in the test administrator manuals.
- Ensure students take each state assessment only one time; for any other occurrences, the OEAA should be contacted first.
- Direct students to erase any stray marks and darken any faint bubbles prior to handing in their completed tests.

- Return all test booklets and answer documents according to test administrator manuals.
 - Return the answer document or submit student responses for each student who took the test regardless of the student's perceived efforts.
 - Follow directions provided by each state assessment for handling unused test booklets and answer documents.
 - Make sure that all staff in administration or monitoring roles have been trained in the testing system and how to deal with disruptions and irregularities.
 - Follow proper procedures for logging into the assessment.
 - Make sure that students remain at their designated testing device and location.
 - Ensure the use of only supported testing devices.
 - Follow directions for restarting any CBT/ CAT sessions that have lost connection to the system.
 - Pay special attention to the possible use of cell phone cameras or other devices to take screen images.
 - Make sure that the testing devices are using the appropriate testing hardware that is used with the Central Office and monitored throughout the period when test content can be accessed.
- and interviewees should be cautioned not to discuss secure test items in any post-testing interviews; The use of released items for stories is appropriate.
- coaching students during the test, editing their work, or responding to their questions regarding content or answers, or any behavior that would contribute to an inauthentic improvement of scores during the test - this includes such behaviors as making statements to students regarding the correctness/ incorrectness or completeness of their responses; defining words; giving students hints, clues, or altering/editing their responses; test administrators and proctors should simply encourage students to do their best
 - excluding any eligible students from taking the test
 - failing to follow test administrator manual instructions for session administration
 - allowing the use of any district, school, parent, student, teacher, or publisher graphic organizers, outlines, word lists, or any other material that is not expressly permitted by the test administrator manual during the testing period
 - allowing the use of any prohibited electronic communication or storage devices
 - altering student responses in any manner, including, but not limited to: darkening, rewriting, correcting, editing, erasing (including erasure of one or more multiple responses a student has given to a multiple-choice question), or writing or rewriting student work
 - transferring student answers to the individual student answer document unless prescribed in an IEP or Section 504 Plan and in accordance with established state accommodation and test administration guidelines
 - suggesting or engaging in a practice that allows a student to retrieve an answer document after completing a test, or allowing

Prohibited Test Administration Practices

School personnel must monitor test administration procedures. Prohibited test administration practices that school personnel should **not** participate in are as follows:

- allowing media representatives to have access to test items, test booklets, online tests, student answer documents, or test activities; students should not be interviewed concerning the test the weeks before, during, or after the testing windows **Note:** reporters



- a student to complete, revise, delete, correct, or alter a response to previously completed sections of a state assessment
- letting students access information on the internet while taking the assessment
- allowing access to test item screen content by anyone other than the student
- allowing repeated test taking outside of test program guidelines

Student Prohibited Behavior

The Prohibited Behavior selection on a student’s answer document or online test should be used to identify students who engage in prohibited behavior during the test. Students who make little or no attempt, appear to be unengaged, or seem to be marking answers randomly do not fall under this category. Prohibited behavior denotes actions that violate directions for proper student conduct during testing. These include:

- any attempt by a student to gain an unfair advantage in answering questions that will benefit that or another student
- interfering with other students taking the test

Students should also be made aware of prohibited practices and consequences. Students whose tests are submitted under this category will not be counted in the final assessment total for the school.

Students who engage in Inappropriate and Prohibited Behavior include those who:

- communicate or collaborate in any manner with another student; this includes written, electronic, verbal, or gestured forms of communication
- copy, request, or accept another student’s answers or receive any form of help in answering questions

- use any material or equipment that is not expressly permitted by the directions found in the test administrator manual
- answer a test question or any part of a test for another person or assist another student before or during a test
- return to previously administered sections of the test when informed by the test administrator to stop work in that section
- use any unauthorized electronic devices (e.g., smartphones, smart watches, cell phones, book readers, electronic tablets, pagers, cameras, non-approved calculators, music players, voice recorders, etc.)
- intentionally disrupt other students taking the test
- engage in any other practice that has the potential of erroneously affecting the student’s score or the score of another student

All reasonable attempts should be made to create an atmosphere that will focus on preventing prohibited student behaviors.

In some cases, certain state-mandated assessments (e.g. , some Michigan Merit Exam components) may dictate a differing policy. In such cases, the differing policy overrides the prohibited device policy found in this *Assessment Integrity Guide*.

Handling Prohibited Behavior

If the Test Administrator/Proctor observes a student who appears to be engaged in prohibited behavior, the test administrator should address the situation by redirecting the student to return to proper behavior. If the student fails to comply but is not disruptive to the other students, he or she may continue testing, but the online test or answer document will be marked as prohibited behavior after the

student has completed testing. This will minimize any disturbance to other students taking the test and allow time for investigation of the questionable action. If it is a significantly egregious behavior--such as intentionally disrupting others, possessing an answer key or "cheat sheet," or using a cell phone to take pictures of test items--the student should be immediately dismissed from testing.

Immediately after the test session, the Test Administrator should notify the Building Assessment Coordinator of the suspected prohibited behavior. The Building Assessment Coordinator should also notify the school principal and the District Assessment Coordinator. An immediate preliminary investigation should be conducted to determine if a prohibited behavior occurred. Once a determination of student prohibited behavior is made, the Building Assessment Coordinator will need to file an incident report.

The principal should inform the student and his/her parent/guardian(s) of the prohibited behavior and provide them with a chance to discuss it.

In some cases, certain state-mandated assessments (e.g., some Michigan Merit Exam components) may dictate a differing policy. In such cases, the differing policy overrides the prohibited device policy found in this *Assessment Integrity Guide*.

District Assessment Coordinators will have one last chance to review and if necessary change any errors regarding students who have been identified with Prohibited Behavior. After the assessment contractor receives and processes all submitted online tests and student answer documents, a review period will be announced (usually 2-3 weeks after materials have been returned).

During the Answer Documents Received process, districts and schools will have one last chance to review, report and appeal both online and paper/pencil answer document issues (e.g., prohibited behavior, nonstandard accommodation, missing answer documents, etc.) on the OEAA Secure Site.

The one-week period allows OEAA Secure Site users to submit an appeal through the Answer Documents Received page of the OEAA Secure Site for a student(s) who was incorrectly marked with a prohibited behavior. If a student should have been marked with a prohibited behavior but is not indicated as having committed a prohibited behavior, an email should be sent to mde-oeaa@michigan.gov.

Once the Answer Documents Received review period is closed, the prohibited behavior designation cannot be changed, and any student identified with a prohibited behavior will have invalidated score(s). A student with an invalid test score will be considered "not tested" for Accountability purposes.

Missing Materials

Secure materials must be returned in accordance with the procedures and timelines outlined in the test administrator manuals. Maintaining adequate oversight and reinforcing the use of proper handling and packing guidelines will help ensure the accurate and complete return of all secure items. The OEAA will monitor and audit the return of all secure material returns. Any booklets or other secure material that are not returned will be considered an irregularity and breach of security. Test tickets used for online testing, although not returnable items, are considered secure materials and should be accounted for at all times. Unaccounted for test tickets will also be considered an irregularity and breach of security.

A majority of the situations that involve the loss or late return of secure materials result from failure to establish or implement basic inventory procedures (e.g., not using materials control documents, not following check-in/check-out procedures, not accounting for the items that were issued to Test Administrators at the end of each testing session).

The loss of secure state assessment materials is a breach of assessment security and must immediately be investigated and reported. To ensure that all responsible personnel are properly informed, the



school personnel must report the missing materials to their Building Assessment Coordinator. The Building Assessment Coordinator must notify the OEAA, the District Assessment Coordinator, and the assessment contractor.

Section 2 – Detection of Irregularities

The focus of this section is on procedures for monitoring and detecting testing irregularities and maintaining the integrity of the state assessment. Two important considerations for districts and schools are:

- having your plans for monitoring the integrity of the assessment before, during, and after all test administrations
- contacting the OEAA immediately if an irregularity is suspected

Reporting Irregularities

Despite how well-prepared testing personnel may be, the possibility that mistakes will be made exists. When mistakes occur, it is important to have procedures in place to help ensure that all the necessary information is gathered, so the district can make a clear determination about what has occurred, when, and to whom. Most irregularities can be remediated without significant consequences if caught and corrected in a timely fashion. Self-reporting also reduces the suspicion or appearance of academic fraud.

If any M-STEP, MI-Access, or WIDA testing irregularities occur before, during, or after testing, the District Assessment Coordinator must report them to the OEAA as soon as possible through the [OEAA Secure Site](http://www.michigan.gov/oeaa-secure) (www.michigan.gov/oeaa-secure) Incident Reporting

tool. For detailed information on how to access and use the Secure Site Incident Reporting tool see the [Incident Reporting guidance](http://www.michigan.gov/documents/mde/Incident_Reporting_520328_7.pdf) (http://www.michigan.gov/documents/mde/Incident_Reporting_520328_7.pdf). For reports of security or data breaches involving SAT with Essay and PSAT 8/9, School Day Support with College Board should also be called immediately. Reports of security or data breaches involving ACT WorkKeys should also be reported to ACT immediately.

The school may choose to begin its own self-investigation. If this is done, the school should report the findings to the OEAA. Many incidents can be resolved without any further actions. If the school finds no issue or is able to remedy the issue, then the case may be determined to be resolved by the OEAA.

When the District Assessment Coordinator contacts the OEAA for guidance in handling a disruption, being prepared to answer the following questions will help the OEAA make a determination about the situation.

- What happened and where did the irregularity take place?
- When did the irregularity happen?
- Which students are affected?
- Who was present in the test administration, who was in charge, and who was proctoring?
- Which staff are witnesses?
- What grade and subject tests were affected?
- What test or test booklets are involved?
- How much of the test has been completed – are the students still testing or have they completed the test?

Allegations

The OEAA has a telephone tip line (877-560-8378 option 1) that provides a way for unusual or suspected improper activities to be reported. Allegations from witnesses will be logged and OEAA staff will do an initial interview with the witnesses to determine the severity of the violation and collect any relevant details regarding the irregularity. This information is then sent with recommendations for an OEAA Determination Review.

Allegations from anonymous witnesses will go through the same steps for information collection; however, this is significantly more difficult, since the OEAA will not be able to follow up to determine the creditability or severity of the irregularity. Some anonymous complaints may not contain enough information for action to proceed. If there is no actionable information, the irregularity will be logged, and no further actions will be taken. Under the Freedom of Information Act, the MDE is not allowed to maintain the confidentiality of a witness if they identify themselves. If an informant wishes to remain anonymous, they should not give the OEAA any identifiable information at any time.

Case Review

To ensure that OEAA investigations, remediation, and corrective actions are conducted in a fair, expeditious, and equitable manner, the OEAA has implemented a standardized set of procedures for processing testing violations. All incident reports and supporting documentation are assessed for completeness to make certain that the required information has been submitted for each irregularity. Reports are then carefully reviewed, and a determination is made regarding the disposition of each incident.

- If the OEAA determines that the irregularity caused no consequences affecting security, validity, or fraud, and that the school took appropriate actions to correct the situation, the OEAA may consider the case resolved and it is logged and closed.

- If the OEAA determines that questions remain regarding the security, validity, or authenticity of the test administration, they will request either a school internal investigation, or, if the problem is considered potentially severe, an independent investigation.

More details on follow-up investigations and remediation are provided in the following two sections of the Guide.

Monitoring

Districts should ensure that all tests are monitored for proper test administration. Districts that discover irregularities in testing practices should immediately report them to the OEAA. If irregularities are reported quickly, the district may be able to resolve them and avoid a significant number of student test results being invalidated, which could adversely affect a school's or district's integrity or accountability.

District and School Internal Assessment Monitoring

It is the responsibility of the district and the school to monitor testing practices and enforce the policies and guidelines in this *Assessment Integrity Guide*, to promote fair, approved, and standardized practices. Resolving irregularities is a good faith partnership between the schools and the OEAA. The OEAA prefers that a district monitor its own performance and take self-corrective actions to resolve any problems. During testing, District Assessment Coordinators should be available to answer questions and resolve issues. Monitoring schools during a test administration will help confirm that procedures are being followed and can minimize the risk of error. Principals and Building Assessment Coordinators play a critical role in this effort, ensuring that each Test Administrator is actively monitoring their room and that all testing personnel are adhering to the proper procedures.



OEAA Assessment Monitoring

For the OEAA, identifying and investigating potential test irregularities involves a variety of data sources. These include self-reports of test irregularities, allegations/complaints, results of analyses, and reports designed to identify irregularities.

The OEAA will monitor assessment activity at districts and in schools for evidence of test fraud, security breaches, and theft and/or distribution of test content, either directly or indirectly. In identifying and investigating irregularities, there are three overriding questions:

- Did the irregularity lead to a breach of test item(s) security?
- Did a misadministration affect the validity of any student performance and resulting scores?
- Was the irregularity deliberate--is there evidence of academic fraud?

Note: The OEAA staff or contracted observers may directly observe test administration activities or monitor online test anomalies without advance notice.

OEAA Targeted and Random Assessment Monitoring

The OEAA has internal and independent assessment monitors who conduct visits to schools during each testing window. The assessment monitors follow procedures developed to assure the security and confidentiality of state assessments and that all testing personnel are adhering to proper procedures. A school can be monitored during a test administration if they were selected either for Targeted Assessment Monitoring or for Random Assessment Monitoring.

Schools selected for targeted or random assessment monitoring will receive an email from the OEAA requesting a copy of their testing schedule. Testing schedules must be submitted as requested. Monitoring will occur via observation on an unannounced day and time of the OEAA's choosing.

Targeted Assessment Monitoring

Schools that have had a previous irregularity or that show unusual results from previous state assessment data analyses may be placed on a list for monitoring from year-to-year or for a period of three years. The OEAA will assign assessment monitors to observe any or all facets of testing coordination, test administration, and reporting. Results will be reported to the OEAA for review.

Random Assessment Monitoring

For quality and integrity assurance purposes, a sample of schools is randomly selected for monitoring. These locations are chosen to ensure regional representation with randomly selected schools within each region.

Test Administration Observation Monitoring Procedures

During any day of testing, an assessment monitor may present themselves to the front office of the school at the beginning of the school day. These assessment monitors will deliver a signed letter, on MDE letterhead (College Board and ACT will have their own letterhead), to the principal of the school. The introductory letter on MDE letterhead will provide information on how to verify the identity of the observer if additional verification is needed. The assessment monitor will then ask to meet with the Principal and Building Test Coordinator.

After meeting with the principal and building test coordinator, the monitor arrives in the testing room and will introduce themselves to the Test Administrator and any proctors, then quietly sit at the back of the room and observe the test administration. The assessment monitor has a checklist of questions they will mark to indicate if they see any irregularities and if any best practices are observed during testing. Assessment monitors are unable to answer any questions about the test administration. All questions should be directed to the Building or District Assessment Coordinator.

After the observation is complete, the assessment monitor will return all observations to the OEAA. A summary letter of the observation and a copy of the checklist will be sent to the building principal and district superintendent, to provide overall information on the observation or to suggest possible process improvements. If any irregularities are found, the OEAA will work with the school to find a resolution.

OEAA Internet and Media Monitoring

The OEAA works with Measurement Incorporated (MI) to monitor the internet during testing sessions. The goal of this monitoring is to combat secure test question breaches and disclosure of sensitive assessment materials. The web is regularly monitored for such activity and the findings are reported to OEAA. Daily monitoring is scheduled during active assessment windows. These monitoring activities include:

- monitoring of the internet for test items captured and shared, either from testing computer screens or from paper/pencil test booklets
- monitoring of social media sites for posts discussing or exposing test material

Privacy Concern – The OEAA will only monitor publicly accessible internet and media venues (e.g., Twitter, Facebook, Instagram, Snap Chat, and other

sources) for potential exposure, sharing, or sale of assessment content. Publicly expressed comments or opinions about the test(s) made by students or test administrators are disregarded and not treated as a focus of concern unless those opinions may be used to improve assessment conditions.

OEAA Supports and Accommodations Monitoring

The OEAA monitors the student use of designated supports and accommodations on the state's assessments. Monitoring of supports and accommodations includes verification that support and accommodation decisions are made following the provided guidelines on supports and accommodations for each state assessment. Monitoring involves verifying that students had access to available universal tools, specific to each assessment type and content area. Additionally, OEAA wants to ensure that designated supports were determined by individuals or teams of professionals, so that a student receiving a dedicated support during assessment is receiving it because the student receives the support during regular instruction. All students who legitimately need a support should be able to properly access it during the assessment.

Further, this monitoring will work to verify that specific accommodations for students with a disabling condition as outlined in an Individualized Education Program (IEP) or section 504 plan is provided in accordance with that plan. It is required that any student receiving an accommodation on an assessment have this accommodation documented in his/her IEP or section 504 plan.

If a student with an IEP or 504 plan does not receive a support as documented in the plan, no matter the support category, this can result in test invalidation and/or student re-testing. Conversely, providing accommodations to students who do not have an IEP or section 504 plan is considered over-accommodation



of the student and is not allowable. Under- and over-accommodating students can result in invalidation of student test scores, which may have an impact on the school's accountability designation.

Statistical Analysis of Results and Data Forensics Methods

During and after online and paper/pencil test administrations, the OEAA conducts multiple analyses on student assessments. These statistical analyses help the OEAA to flag potential testing irregularities.

In both online testing and paper/pencil settings, very similar questions need to be asked, but the particular methods for answering the questions vary somewhat with the format. Here are the kinds of questions that data forensics methods help answer:

- Does it appear that two or more test takers colluded before or during a test?
- Does it appear that some students had advance knowledge of specific test questions?
- Is there evidence that the responses of two or more students in a class are far more similar than would have occurred if they were working independently?
 - For online test administrations: does the timing of responses to questions vary considerably from the timing of responses from other students?
 - Are there changes to individual or class test scores from one test administration to another that are much greater than one would expect for the test that was administered?

Types of Data Forensics Analyses Used for the State Assessment

Unusual Score Gains and Losses

This analysis can show extreme changes in performance-level changes, by group and by cohort, over assessment years by grade and content.

Corrective Change Analysis

Following a paper/pencil test administration, the OEAA performs an erasure analysis for each administered assessment. An erasure analysis looks at changed responses on scanned student answer documents. Similar analyses are performed for online test administrations, where the OEAA reviews changes made by a student after he or she first chooses a response to a particular question.

Occurrence of Perfect Scores

District and building level test results are analyzed for the occurrence of perfect scores. The proportion of the number of perfect scores on an assessment by district and building is compared to historical performance data.

Response Time Analysis

For online test administrations, an analysis of response times to test questions sometimes exposes patterns of shorter response times than would be required for students to read a passage or analyze a data table.

Person-Fit Analysis

Another method of data forensics analysis for state assessments is the person-fit analysis, which examines the consistency of student responses across all questions on a test.

Other Data Forensics Methods

At times, other data forensics methods may be employed. For example, a form of similarity analysis counts the longest string of identical answers between two testing students. This same approach is best suited for the analysis of CBT, but less suitable for analyzing CAT, because of the variability of test items presented among groups of students.

Data Reporting Practice

Schools are expected to report all data as accurately as possible. When schools receive the results from state assessments, specific activities should be carried out in order to maximize the information appropriately and effectively.

Appropriate Data Reporting

School personnel will:

- understand and comply with Michigan and United States laws that apply to the handling of family privacy and student data, including but not limited to the Family Rights and Privacy Act (1997) and the Michigan Freedom of Information Act (1996)
- focus on student achievement to improve individual student and instructional program performance
- ensure that the information is reported to parents and teachers as soon as possible after it is received from the MDE to determine individual strengths and weakness
- ensure that student information is accurate before it is placed in the student's permanent records
- analyze student attainment and scores in conjunction with Michigan's content standards
- use the reported assessment results in alignment with appropriate use of statewide,

summative assessment data for both student-level and aggregate data

- analyze results in the context of the school program as a whole, not in isolation
- remind the community that various factors affect test performance, and that factors including, but not limited to, the following need be taken into consideration when analyzing test results: cultural background, health conditions, economic status, and former educational experiences

School personnel will not:

- expose any personally identifiable information to anyone other than the student or parents/legal guardian or designated school personnel (the law requires the protection of student information)
- report on subgroups of students that would lead to inadvertent identification of individual students; as reporting of smaller group sizes may inadvertently expose student identities
- include names, student ID numbers, birthdates, gender designations, or race designations that may appear on reports on any public information (student names may be used on recognized achievement awards)
- falsify student records to alter the accuracy of reported results
- misuse or misrepresent the meaning and interpretation of any student scores

Section 3 - Follow-Up Investigations

Internal Investigation

Following a reported incident or complaint, the OEAA may determine that questions still remain regarding the security, validity, or authenticity of the test administration, and require the District Assessment



Coordinator (or designee) to complete an internal investigation and file a self-report with the OEAA. When notified of these occurrences, the District Assessment Coordinator should evaluate the circumstances and determine whether any student or adult testing staff bears responsibility for what occurred. If the district determines that no error was committed by a student or an adult, the district should include all evidence of the school's conclusion of the irregularity in the internal investigation report. The more thorough the internal investigation and self-reporting is, the more likely the OEAA and the school can come to some determination of an irregularity and the required remediation.

Each internal investigation report should minimally include the following information:

- a timeline and summary of events
- information on the ways students were impacted by any irregularity during test administration
- all seating charts (if available) of affected rooms
- a list of school staff involved
- a list of all Unique Identification Codes (UICs) and test sessions of students involved
- statements from school staff involved, summarizing what occurred in their own words
- statements from involved students (uncoached), if possible and appropriate
- copies of security compliance forms for involved school staff
- a copy of the district's assessment training plan
- a copy of the district's plan to address and prevent the occurrence of any irregularities.

Independent Investigation

Following a reported incident or complaint, the OEAA may determine that an investigation of widespread testing anomalies, or of one that is highly suggestive of inappropriate behavior by educators, students, or others, is warranted. The State Board of Education authorizes the OEAA Director to call for an on-site evaluation or investigation of a school district at any time. The OEAA will bring in experts from outside the school district and independent of the MDE. Background checks, credentials, and relevant experience of the independent investigators are validated by the OEAA.

An assigned investigator or a team of investigators will be tasked with conducting a fact-finding investigation to gather evidence documenting the conditions of the alleged complaint or irregularity. The investigator(s) may arrive in the district without prior notification and will inform the superintendent of the purpose of the fact-finding and of the procedures to be followed. The OEAA asks that the district and school give full cooperation to the investigator(s). During their investigation, they may request copies of email correspondence, memos, flyers, or other communications relevant to the test administration. They may also request to interview some of the school staff and/or students. The investigator's role is strictly to identify any relevant facts and to send a report to the OEAA Determination Team.

Expertise of Investigators

When the state must investigate assessment security incidents, it may use a number of different types of relevant expertise to carry out the investigations. For example, the OEAA may include investigators on its team who are experts in:

- educational measurement and psychometrics
- legal domains such as intellectual property, criminal law, contracts, etc.
- forensic data analysis
- investigative and interviewing skills

The MDE will also have experts in a variety of areas to provide input on an investigation and to be involved in planning, conducting the work, and reviewing the findings.

Section 4 – Remediation

Remediation of testing irregularities can differ based on the severity of a confirmed allegation or misadministration. There are limited options for the OEAA to resolve these irregularities after the testing window is over, but the goal of the OEAA is to ensure valid test scores, and to ensure all students have an

equal opportunity to show their knowledge, skills, and abilities through their engagement with the test. It is important to remember that many irregularities can be corrected if they are detected and attended to during the test administration window.

Under current state law, MDE does not intervene in district personnel matters regarding misadministration or cheating. It is expected that the local school district will handle any further reprimands, sanctions, or tenure matters according to local district policies.

OEAA Determination

Following the collection of evidence and a review of available information; the OEAA will create a summary report of the findings. The OEAA team members review all information and evidence and make one or more of the following determinations:

Determination	Actions
No basis for the complaint	OEAA determines that there was no irregularity and the case is closed.
Resolved irregularity through self-correction	The OEAA determines that the school properly resolved the irregularity by completing self-correction and the case is closed.
Breach of test item security	<p>The OEAA determines the irregularity led to a breach of test item security. OEAA reports the irregularity to the MDE Superintendent's Office. Possible consequences include:</p> <ul style="list-style-type: none"> □ re-testing within the test cycle period (potential costs to the district) □ invalidation of scores with no opportunity for re-testing □ the school being required to inform parents and local school board that scores will be invalidated □ the school being placed on the OEAA assessment monitoring list for the following year.



Determination	Actions
Invalid Test Administration	<p>The OEAA determines that the irregularity resulted in invalid test administration and reports the irregularity to the MDE Superintendent’s Office. Possible consequences include:</p> <ul style="list-style-type: none"> ☐ re-testing within the test cycle period (potential cost to the district) ☐ students in suspected grades and subjects being given an audit test—a parallel form of the test—with scores between the two tests being analyzed ☐ invalidation of scores with no opportunity for re-testing ☐ the school being placed on the OEAA assessment monitoring list for the following year ☐ the school being required to file a training plan for the following year’s test administration with the OEAA ☐ the school being required to inform parents and local school board of a misadministration and scores will be invalidated.
Academic Fraud	<p>The OEAA determines that the irregularity resulted in academic fraud and reports the irregularity to the MDE Superintendent’s Office. Possible consequences include:</p> <ul style="list-style-type: none"> ☐ re-testing within the test cycle period (potential costs to the district) ☐ students in suspected grades and subjects given an audit test—a parallel form of the test—with scores between the two tests being analyzed ☐ invalidation of scores with no opportunity for re-testing ☐ the school being placed on the OEAA assessment monitoring list for the following year ☐ test booklets or test tickets being held in abeyance under the supervision of the state-appointed assessment monitor and delivered on the day of testing; the state-appointed assessment monitor will closely observe testing and collect and return answer documents or destroy test tickets ☐ personnel involved in an irregularity possibly not being allowed to administer any state assessment ☐ notification of the district superintendent, so the district may take necessary personnel actions ☐ the school being required to file a training plan for the following year’s test administration with the OEAA ☐ the school being required to inform parents and local school board of a misadministration and that the student test scores will be invalidated ☐ suggestion by MDE that the LEA investigate the staff involved for possible academic fraud and handle personnel discipline consistent with district policy.

School Decision

The school may accept the remediation or may request an appeal within 30 calendar days. If an appeal is requested, the OEAA will assign an independent review panel to review the case. Their report is sent to the OEAA for final determination.

Independent Review Panel

If the school requests an appeal, an independent panel review is conducted. An independent review panel is made up of at least three panel members. Each member will be an independent consultant who has past experience as a school administrator and will have no conflict of interest with the MDE or with the school district. The panel will make recommendations to the OEAA that could include, but are not limited to, the

extent to which the panel finds the OEAA findings are valid, and the appropriateness of the resolution. If the panel finds that the OEAA resolution was proper, the district may be required to pay for the Independent Review Panel expenses. The OEAA director will make the final determination of the irregularity outcome and will notify the school and district. The district or the OEAA may appeal the panel recommendations to the State Superintendent of Public Instruction.

Documentation

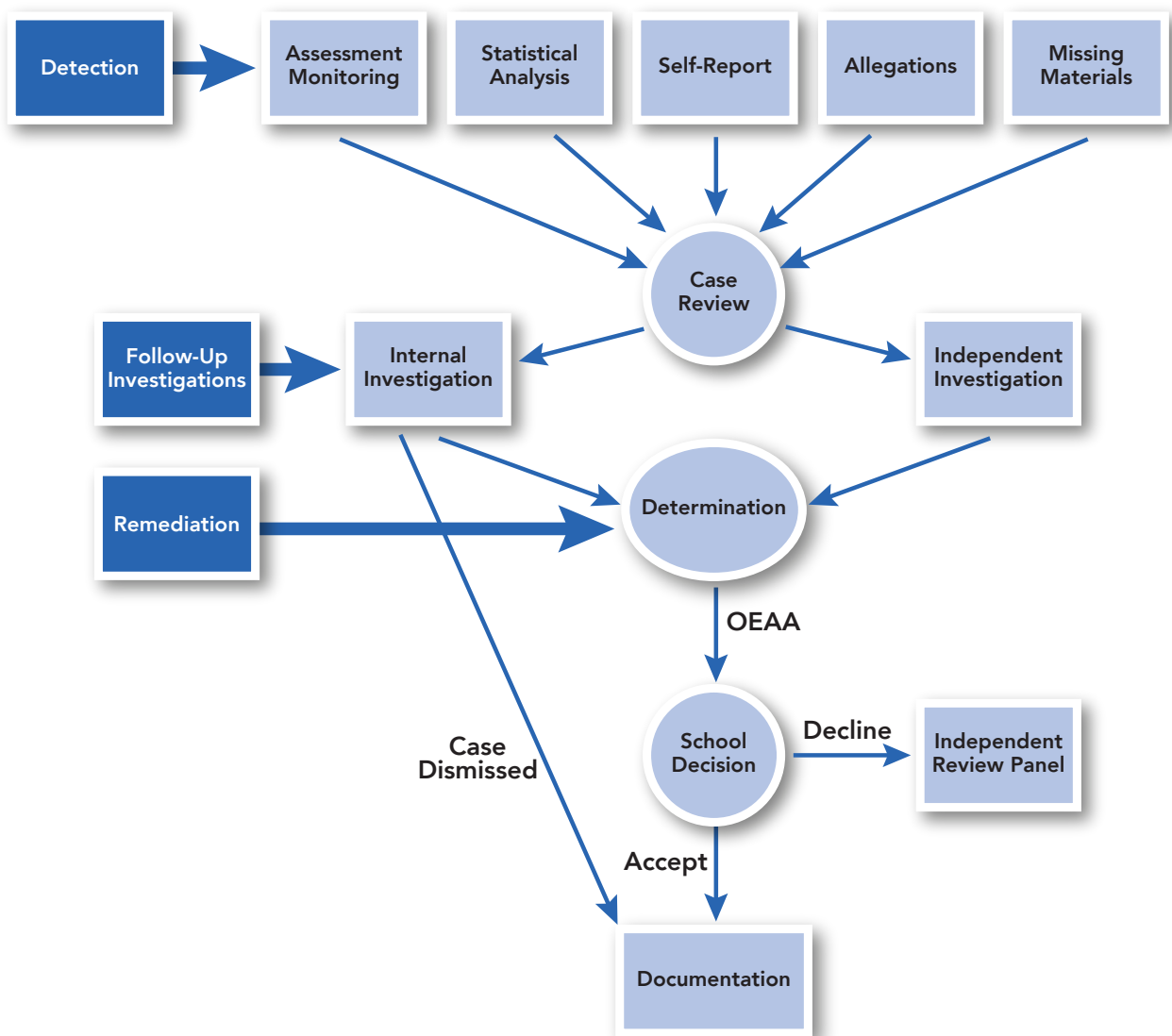
All information is documented during all phases. Documentation is reviewed annually to generate recommendations to improve practices and for follow-ups such as targeted assessment monitoring.



Appendix A – Assessment Integrity Process Flowchart

The Assessment Integrity Process Flowchart shows the progression from the discovery of a potential test administration irregularity to its resolution. The process is designed to ensure the integrity and validity of student scores while protecting the due process rights of districts and schools.

It is the OEAA’s expectation that districts will handle any personnel issues in relation to an irregularity in accordance with their professional conduct policies within the authority of the superintendent and the local Board of Education.



Appendix B – Sample Testing Schedules

Testing schedules must include the following information and be retained by the district or school for 3 years.

- District Name
- Building Name
- Building Coordinator’s Name
- Location of testing session(s) (i.e. room number, classroom, etc.)
- Start and end time of testing session(s)
- Assessment/grade/content/form being administered for each testing session
- Test Administrator(s and proctors) for each testing session

<School Name> <District Name> <Assessment Name> Testing Schedule									
Building Coordinator:									
Date	Grade Level	Teacher Name	Test Administrator/ Proctor	Testing Location/Room	Content/ Form	Test Session 1 Time		Test Session 2 Time	
						Beg.	End	Beg.	End



Appendix C – Sample Test Administration Observation Checklist

The Sample Observation Checklists can assist in monitoring test administrations. The checklists can be adjusted to the school’s needs.



Observation Checklist

School Name:			
Principal’s Name:		Test Coordinator’s Name:	
Administrator’s Name:		Proctors Names:	
Observer’s Name:		Test:	
Date of Observation:		Grade/Subject:	

Meeting with Principal and Test Coordinator

No.	Item	Yes	No	Comments
1	The test tickets/booklets, answer documents, and other secure materials are stored in a secured, locked limited access location.			
2	There is an organized plan for distributing and returning assessment materials on each day of testing.			
3	The Building Assessment Coordinator has a signed <i>OEAA Assessment Security Compliance Form</i> for everyone that is in contact with the test.			
4	Staff has been trained in test administration practices and have read the TAM and test directions. (WIDA)- have completed online training			
5	Staff has been trained in assessment security by participating in the MV Assessment Security Training Modules or Refresher Course.			
6	Assessment schedule has been created and falls within the specified range of dates for the Spring 2020 Testing Schedule for Summative Assessments.			
7	There is a plan in place in how to handle any identified incidents following building/district/OEAA policies.			
8	There is a plan in place on how to verify that students are receiving the correct supports and accommodations before/during/after the assessment.			



MICHIGAN DEPARTMENT OF EDUCATION
Office of Educational Assessment and Accountability

OBSERVATION CHECKLIST

Test Administration Observation

No.	Item			Comments
		Yes	No	
	The testing environment is secured and is arranged appropriately.			
9	a. All instructional materials are covered or removed.			
	b. Desks/tables are arranged so that students are unable to see another students' computer screen or test documents.			
	c. Electronic devices were collected or otherwise stored away and not available for student use.			
10	Test tickets/booklets, answer documents, and scratch paper were distributed, by the test Administrator or Proctor, to students on an individual student basis.			
11	The testing environment is free from disturbances or disruptions. (no intercom announcements or fire drills).			
12	The administrator/proctor-to-student ratio is sufficient to support a secure testing environment.			Proctor:Student ratio _____:_____
13	The Test Administrator read the directions for administering the test exactly as given in the test administration directions.			
14	The Test Administrator/Proctor answered only questions related to the directions.			
15	Test Administrators and proctors were actively monitoring the room and ensuring the students were working independently.			
16	Desks/tables are clear of all materials except what is allowed in the Test Administration Manual.			
17	Students did not use cell phones, cameras, or any personal electronic devices.			
18	Students worked independently of each other.			
19	All students remained quiet as everyone completed.			
20	Students' materials were turned in to the Test Administrator/Proctor and the test was paused when a break was needed during online testing.			
21	Test tickets/booklets, answer documents, and scratch paper were turned in or collected directly to/by the Test Administrator/Proctor.			
22	Once the test was completed, the test tickets/ booklets, answer documents, and scratch paper were delivered to the Building Assessment Coordinator immediately.			
23	Test tickets/booklets, answer documents, and scratch paper were returned to the locked storage area immediately after testing or destroyed.			
24	Test tickets/booklets, answer documents, and scratch paper were never left unattended.			

Please record additional comments on the next page.

2





Appendix D – Professional Standards and Guidelines for Best Testing Practices and Assessment Security

The OEAA develops assessments and establishes professional conduct standards based upon the following professional guidelines and laws:

- “A Review of State Test Security Laws” in 2013 (2014). Croft, M. ACT Research Report Series. Iowa City, ACT.
- “Code of Fair Testing Practices” in Education (2004). Joint Committee on Testing Practices, AERA, APA and NCME.
- “Code of Professional Responsibilities in Educational Measurement” (1995). National Council on Measurement in Education.
- “Considerations When Including Students with Disabilities in Test Security Policies” (Policy Directions 23) (2014). National Center on Educational Outcomes. Lazarus, S. & Thurlow, M. Minneapolis, MN: University of Minnesota, NCEO.
- “Family Education and Privacy Rights Act (FERPA)” (1997). Code of Federal Regulations – Title 34, Volume 1, Parts 1 to 299.
- “Handbook of Test Security.” Wollack, J.A., & Fremer, J.J. (Eds.) (2013). New York City, NY: Routledge.
- “Michigan’s Freedom of Information Act (FOIA)” (1996). Public Act 553 of 1996.
- “National Council on Measurement in Education (NCME) Test and Data Integrity Document” (2012). Gregory Cizek.
- “Operational Best Practices for Statewide Large-Scale Assessment Programs: 2013 Edition.” Council of Chief State School Officers (CCSSO) and the Association of Test Publishers (ATP) (2013). Washington, D.C.
- “Standards for Educational and Psychological Testing.” (2014). American Educational Research Association (AERA).
- “Standards for Student Evaluation” (2002). Joint Committee on Standards for Educational Evaluation. Corwin Press.
- “Standards for Teacher Competence in Educational Assessment of Students” (1990). American Federation of Teachers (AFT), NCME, and National Education Association (NEA).
- “Technical Issues in Large-Scale Assessments (TILSA) Test Security Guidebook: Preventing, Detecting, and Investigating Test Security Irregularities” (2013). By John F. Olson and John Fremer. Washington, D.C.: Council of Chief State School Officers.
- “Test Security Standards” (2015). Caveon™ Test Security.
- “TILSA Test Security: Lessons Learned by State Assessment Programs in Preventing, Detecting, and Investigating Test Security Irregularities” (2015). By John F. Olson and John Fremer. Washington, DC: Council of Chief State School Officers.

Appendix E – Keeping Assessment Materials Secure

Training Document for Technology and Other Staff
(anyone who handles or has access to secure materials)

Assessment Security and Test Administration Practices

The purpose of state assessments is to measure student achievement in a standardized environment. In order to preserve unbiased measures of student performance, the students should have no prior exposure to the test items. A breach of security of these tests could result in invalid district, school, classroom, or student scores.

Professional Assessment Security Practices

Sound planning plays a key role in ensuring the security and validity of assessments. This includes proper handling of test materials and successful return of all materials. The importance of maintaining test security at all times must be stressed. Ethical practices ensure the validity of the assessment results and following are professional assessment security practices that all school personnel must follow.

- All assessment materials must be kept in a locked storage area that is only accessible to the Building Assessment Coordinator and designates. This includes immediately before and after testing. Supervise materials closely. Secure materials include, but are not limited to, the following items
 - » Test booklets
 - » Test tickets
 - » Listening scripts
 - » Accommodated materials
 - » Answer documents
 - » Used and unused scratch paper/graph paper
 - » MI-Access student picture cards
 - » MI-Access P/SI scoring documents
- Restrict access to the storage area to authorized personnel only and ensure the assessment materials remain secure at all times.
- Determine and document which staff members are responsible for maintaining a chain of custody over assessment materials and limit access to those directly involved with each of the assessments.
- Distribute and collect secure test materials to/from students individually.
- Account for all assessment materials, including test tickets, before during, and after each test session.
- Ensure that students testing online do not access unauthorized computer applications, including the use of the internet, during the test.
- Refrain from examining or discussing actual test items or test responses with anyone.
- Return answer, documents, test booklets, and other secure assessment materials within the designated timelines.
- Contact the OEAA with test irregularities and breaches immediately.

The loss of secure state assessment materials is a breach of assessment security and must immediately be investigated and reported. To ensure that all responsible personnel are properly informed, the school personnel must report the missing materials to their Building Assessment Coordinator. The Building Assessment Coordinator must notify the OEAA, the District Assessment Coordinator, and the assessment contractor.



Glossary

Academic Fraud – any intentional behavior that contributes to creating false estimates of student academic ability; the behavior is perpetrated to gain an unfair or dishonest advantage for the person or institution by falsifying a student's or a group of student's real ability measures

Assessment Security Breach – (1) an event, intentional or not, that results in the inappropriate exposure of test items or answers that could potentially impact the accuracy of the test results, OR (2) an action by others, before, during, or after a test administration, to impact student test scores (e.g., educators changing student answer sheets)

Building Assessment Coordinator – a person who serves as the contact to the District Assessment Coordinator, who trains and coordinates Test Administrators and Proctors in their assigned building or program; the administration of each school building that is involved in administering assessments (including adult and alternative education programs) should appoint a Building Assessment Coordinator

Chain of Custody – the chronological documentation or paper trail that shows the custody, control, and transfer of assessment materials

Cheating – general term that can include educator or student misconduct or improprieties, including intentional misbehavior or unethical practices; note that this term is not used in every state - some states avoid the use of the word "cheating" in their communications and use different terminologies

Compromise – disclosure of test items or forms; can be intentional or unintentional; may also refer to changing the interpretation of a test score or changing the test score itself

Computer Adaptive Testing (CAT) – a form of computer-based test that adapts to the student's ability level

Computer-Based Testing (CBT) – a test taken by a student on a computer and scored by a computer

Conflict of Interest – applied to any person who handles assessment materials or student data who could be perceived as having a special interest in a particular student or group of students, such as a parent, scoutmaster, etc.

Data Forensics – the use of analytic methods to identify or detect possible cheating; procedures can include evaluation of score gains, aberrance or person-fit, erasures, latency analysis, similarity analysis, and examination of changes in student responses (wrong-to-right, right-to-wrong, wrong-to-wrong)

District Assessment Coordinator – the District Assessment Coordinator sets the tone of high integrity for the entire district and oversees the entire assessment process for a school district or academy

Erasure analysis – computer-based or hand-scored methods for detecting unusual patterns of erased answers that were not expected from a typical student's or group of students' pattern of answers

Field test – test items that are in the final stages of development and are being monitored for quality by being administered to a sample group of students

Formative assessment – a process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes (Council of Chief State School Officers, 2006)

Impropriety – inappropriate misconduct, a more serious offense than an irregularity; the difference between impropriety and irregularity is usually defined in perception of the degree, intent, and/or effect of the misconduct

Incident Report – a document filled-out on the OEAA Secure Site (or by phone or email) by a District Assessment Coordinator reporting an irregularity; the incident report may include an internal investigation that may be sufficient for the OEAA to endorse the explanation of the problem and the resolution to the problem without further investigation

Internal Investigation – an investigation conducted by the local district into a testing irregularity as requested by the OEAA; the internal-investigation should include a thorough analysis of the problem with sufficient detail and should also include the corrective actions the district is or will be taking to correct the problem

Irregularity – includes many different activities - not necessarily cheating, but anything unusual that happened during testing (e.g., the fire alarms going off or a power outage)

Live Items – items used by the OEAA in field tests and on actual assessments; these are considered secure items

Paper/Pencil Test – a test wherein the problems are penned, printed, or drawn and the answers are also penned

Proctor – person assigned to administer the SAT with Essay assessment; a person assigned to work under the direction of the Test Administrator to assist in test administration for M-STEP, MI-Access FI, and WIDA.

Released items – formerly secure items that have been used on a test or field test and are being released for public use; schools are allowed to copy and use released items as part of an assessment program when used for diagnostic purposes, or so that students can understand how the test item is presented and scored; regular use of released items for continuous drill is a strongly discouraged practice

Room Monitor – person who assists in the administration of the SAT with Essay and PSAT 8/9

Room Supervisor – person responsible for administering the ACT WorkKeys assessment

Secure Items – items on field tests, tests, or in a secure database that are awaiting potential use on an OEAA test; these items must be kept secure to prevent copying of any kind

Secure Location – a storage location for secure test materials, under lock and key, that prevents unauthorized access

Secure Materials – any materials (such as text, graphics, stories, scoring rubrics, or assessment instructions) used for field test or live items

Security Investigation – follow-up activities regarding possible cheating or piracy of test materials; typically involves the collection of evidence, review of available information, interviews of suspected staff, and summary of findings from the investigation

Summative Assessment – an assessment of learning-specific content expectations that summarizes the development of a student (or students) at a particular time

Test Administration – the process of registering students for assessments, as well as scheduling, providing physical security measures, presenting the test content, gathering the test results, and communicating results and other information

Test Administrator – an employee of the district who ensures that the test administration is adhered to and administers the tests to students

Test Administration Window – equivalent term to “test cycle”

Test Cycle – the designated assessment window when OEAA tests are administered and reported

Test Irregularity – any deviation from standardized practice outlined in this guide and/or test administrator manuals



Phone: 833-633-5788

[MDE Website \(www.michigan.gov/mde\)](http://www.michigan.gov/mde)