

Test Security Manual



Lyon County
School District
2016~2017

This plan is subject to change pending the results of an audit of the State testing security processes. An updated plan will be released at that time.

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INTRODUCTION

The purpose of the *Test Security Manual* is to help you familiarize yourself with the Lyon County School District Assessment Program, to serve as a reference, and to keep you informed of the district, state, and federal guidelines that you must follow when participating in the assessment program. Please be sure to read this document and refer to it, as well as the additional information you will receive specific to individual tests, before participating in district or state testing.

PRINCIPLES FOR ASSESSMENT

Assessment is an integral part of curriculum, instruction and the school improvement process. Lyon County School District upholds this belief and the goal to inspire and challenge all pupils to high levels of personal development and intellectual achievement. Assessments are designed to measure student progress toward achievement of district and state standards and provide data that will facilitate the improvement of instruction and, ultimately, student learning. The assessment program will utilize state and district assessment information as well as other comparative data.

The purposes of the assessment program are to provide data for all decision-makers:

- To assist each student to achieve significant educational outcomes;
- To provide ongoing formative evaluation of the District's educational programs;
- To promote accountability.

In accordance with NRS 389.550, Nevada school children in grades three through eight are administered criterion-referenced achievement tests in reading and mathematics. Science assessments are administered in grades five and eight.

The Nevada High School End of Course (EOC) Exams will be taken by students when they finish algebra I, geometry, biology and English II. These exams assess student proficiency in the areas of mathematics, science, reading, and writing. In order to receive a standard high school diploma, students in the graduating class of 2019 must pass English and math portions of the Nevada High School End of Course Exams. Students in the graduating class of 2020 must pass all of the Nevada High School End of Course Exams, including science.

In regard to student achievement, more than one method of assessment allows students to demonstrate their full range of abilities. Lyon County School District also administers Achievement Level Tests - Measure of Academic Progress (MAP's) - in grades kindergarten through ninth, as well as formative assessments at the end of each math and reading instructional module. These multiple measures provide data that lead to continuous improvement of student learning and achievement.

Nevada State Assessments

Grade	Standards-Based Testing		
	<u>Reading</u>	<u>Math</u>	<u>Science</u>
3	CRT	CRT	
4	CRT	CRT	
5	CRT	CRT	CRT
6	CRT	CRT	
7	CRT	CRT	
8	CRT	CRT	CRT
10			x
Alg. 1		EOC	
Geom.		EOC	
Eng. 2		EOC	
Biology		EOC	

CRT = Criterion-Referenced Test

EOC = End of Course

Lyon County School District Assessments

Grade	Standards-Based Testing			Performance Task
	<u>Reading</u>	<u>Math</u>	<u>Language Arts</u>	<u>Reading & Math</u>
K-2	Measures of Academic Progress	Measures of Academic Progress	Measures of Academic Progress	End of Module
3	Measures of Academic Progress	Measures of Academic Progress	Measures of Academic Progress	End of Module
4	Measures of Academic Progress	Measures of Academic Progress	Measures of Academic Progress	End of Module
5	Measures of Academic Progress	Measures of Academic Progress	Measures of Academic Progress	End of Module
6	Measures of Academic Progress	Measures of Academic Progress	Measures of Academic Progress	End of Module

7	Measures of Academic Progress	Measures of Academic Progress	Measures of Academic Progress	End of Module
8	Measures of Academic Progress	Measures of Academic Progress	Measures of Academic Progress	End of Module
9	Measures of Academic Progress	Measures of Academic Progress		End of Module

TEST SECURITY

Strict adherence to procedures protects the integrity of the State testing program, and ensures consistency in test administration, security of test materials, and the validity of scores. District personnel may conduct unannounced onsite observations or audits to verify implementation of the school test security plan.

Assembly Bill No. 214 (AB 214)

An act relating to education; requiring the Department of Education and the Board of Trustees of each school district to adopt a plan setting forth procedures concerning the security of certain examinations.

- Requires the Department to establish certain additional procedures and programs relating to the examinations;
- Requires certain schools to provide for additional administration of the examinations under certain circumstances;
- Prohibits retaliatory action against an official of a school district or charter school who discloses information regarding irregularities in testing administration or testing security;
- Provides that a teacher or administrator who intentionally fails to observe and carry out the provisions of a plan for test security is subject to disciplinary action;
- Provides a penalty; and providing other matters properly relating thereto.
(A full copy of AB 214 can be found in Appendix A of this manual.)

Rights and Responsibilities

- School officials are encouraged to disclose testing irregularities, and it is the intent of the legislature to protect the rights of a school official who makes such a disclosure.
- A school official shall not directly or indirectly use or attempt to use his official authority or influence to intimidate, threaten, coerce, command, or influence another school official in an effort to interfere with or prevent the disclosure of information concerning testing irregularities. "Official authority or influence" includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

- If reprisal or retaliatory action is taken against a school official who discloses information concerning testing irregularities within two years after the information is disclosed, the school official may file a written appeal with the State Board for a hearing on the matter and determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that specifies:
 - The facts and circumstances leading to the disclosure of information concerning testing irregularities; and
 - The reprisal or retaliatory action that is alleged to have been taken against the school official.
- The State Board may issue a subpoena to compel the attendance or testimony of any witness or the production of any materials needed as part of the appeal investigation.
- If the State Board determines that the action taken was a reprisal or retaliatory action, it may issue an order directing the proper person to desist and refrain from engaging in such action.
- The State Board may not rule against the school official based on the identity of the person or persons to whom the information concerning testing irregularities was disclosed.
- No school official may use the provisions outlined in this summary to harass another school official.
- A person who willfully discloses untruthful information concerning testing irregularities:
 - Is guilty of a misdemeanor; and
 - Is subject to appropriate disciplinary action.
- These provisions do not apply to offenses committed before July 1, 2001.
- Upon receipt of this summary, the board of trustees or governing body shall provide a copy of the written summary to all school officials within the school district or charter school.

SCHOOL TEST SECURITY PLANS

- Each school participating in state assessments will produce a school test security plan that will be kept on file at the school site and the district office. The school plan must be consistent with the procedures outlined in the district and state plans and must include but is not limited to:
 - Site-specific provision for locked storage and access;
 - The manner in which test materials will be distributed, collected, and returned;
 - The names and titles of the individuals responsible for carrying out the procedures;

- Procedures for handling students who require additional time for testing. (SEE APPENDIX B)

MANDATORY TEST SECURITY TRAINING REQUIREMENTS

- The Lyon County School District (LCSD) shall provide annual training and education on test security and test administration to:
 - All school staff members;
 - Other personnel who are involved with the administration of state or district examinations, including individuals who will be available to proctor an examination in the event that an assigned proctor is unavailable during the day(s) of testing.
 - Written proof of participation in this training is required by the district and may be used by the Nevada Department of Education during an investigation.
- This training must be designed to cover the following:
 - Instructions in proper handling of test materials;
 - Instructions in proper test administration;
 - Security procedures as outlined in this document;
 - Additional security procedures as outlined in the District Test Security Plan;
 - Information regarding protection of school district personnel with regard to the disclosure of testing irregularities; (See Appendix A)
 - Conditions related to testing, as stated in Nevada Revised Statutes (NRS) 391.312, under which a teacher may be suspended, dismissed, or not reemployed;
 - Conditions related to testing, as stated in NRS 391.312, under which an administrator may be demoted, suspended, dismissed, or not reemployed;
 - Conditions related to testing, as stated in NRS 391.330, under which the State Board may suspend or revoke the license of any teacher, administrator or other licensed employee.
- All staff members and educational personnel will acknowledge in writing that he/she:
 - Has read and understands all information provided by the School District related to proper test security and test administration;
 - Understands the potential consequences for failure to observe and carry out the requirements of the district test security plan;

- Understands the potential consequences for contributing to breaches in the security and/or confidentiality of examination questions and answers.

(See Appendix B)

STORAGE AND DISTRIBUTION OF TEST MATERIALS

- Test booklets, answer keys, and completed answer sheets must be stored in locked storage cabinets while located at the District or school site. At no time may examination materials be left unattended in any area where students and others have unsupervised access. This includes loading docks and mailrooms.
- Only the principal or school test coordinator should have access to the storage cabinet used for the storing of test materials. The key to the storage area should not be kept in a desk drawer or other readily accessible location. *All State tests (CRT and HSPE) shall remain at each school and securely locked at all times.* Secure testing materials are not to be distributed to test administrators until the prescribed date for test administration. (Exception: materials for the NAA may be distributed, then securely stored prior to the test date.)
- Secure testing materials are not to be distributed to test administrators until the prescribed date for test administration. (Exception: materials for the NAA may be distributed, then securely stored prior to the test date.)
- School District test directors should follow the directions from the test publisher regarding the receipt of materials and the reporting of discrepancies.
- Examination materials are not to be distributed to test administrators until the prescribed date for test administration.
- Upon **any** distribution of test booklets and writing prompts (including the return of these materials) written documentation must be maintained indicating the quantity and serial numbers (when applicable) of the materials being distributed, including confirmation of receipt of those materials. This includes distribution to and from the District test director, as well as to and from the school site test Administrators and proctors.
- Materials issued to students must also be accounted for through use of a sign in/sign out inventory checklist.
- The identity of all students who participate in the Nevada Proficiency Educational Program (NPEP) testing at the secondary level must be verified in accordance with the District Test Security Plan.
- On completion of testing, all materials are to be returned to the Administrator in a timely manner and not later than the end of the school day on which the test(s) is/are administered. If testing will take place over a period of more than one day, all testing materials must be returned to the Administrator at the end of each school day and picked up again in the morning of the next testing day.

(See Appendix C for all forms pertaining to this section.)

ADMINISTRATION OF EXAMINATIONS

- Nevada Administrative Code (NAC) 389.051 prescribes when the Nevada Proficiency Examination Program (NPEP) examinations are to be given. The Nevada Department of Education prescribes the specific date or range of dates on or during which an examination or examinations will be given. Examinations given at times other than those prescribed must be approved with Department staff before proceeding to administer an examination on another date.
- Examinations are to be administered in English. See the DESIGNATED SUPPORTS for each specific assessment regarding glossaries and translated directions.
- Examinations must be administered and proctored by District employees who are trained in proper test administration procedures and administered in a public facility approved by the Board of Trustees.
- A sufficient number of proctors must be provided at the testing site to adequately supervise the testing. A ratio of one proctor to 30 students is recommended.
- Districts or schools should arrange for reading, writing, mathematics, and science tests to be administered by individuals who do not teach the subject tested.
- Students in special education programs, students with disabilities, and students of limited English proficiency may have individual needs that warrant an accommodation to ensure a valid administration of a NPEP test. *Guidelines for the Conduct of the Nevada Proficiency Examination Program* contains further information and a list of testing accommodations for these students.
- Test administrators, proctors, or other adults may not provide assistance of any kind (including gestures, signals, rewards, or any other form of communication) beyond making certain that students understand the instructions for taking the test.
- Electronic devices are strictly PROHIBITED unless a student has an accommodation plan or designated support that allows a specific permissible device (see the Students with Special Needs section of this manual for further information), or unless they are required for a specific assessment (see the CALCULATOR CLARIFICATION Document for guidance regarding the use of calculators). Unauthorized possession of electronic devices may result in invalid scores.
- Place-value indicators, number lines, charts, posters, or any materials that provide specific factual information or guidance (e.g., definitions, test-taking strategies, multiplication charts, hundreds charts, fraction-decimal-percent equivalency charts, graphic organizers, annotated samples of essays or paragraphs, or sample introductory and concluding techniques) must be removed or covered with blank, opaque material.
- Materials issued to students must be accounted for through use of a sign in/sign out inventory checklist.

- The identity of all students who participate in NPEP testing at the secondary level must be verified in accordance with the District Test Security Plan.
- During writing assessments, test proctors must not assist students or review the students' rough drafts between writing sessions.
- At no time should students be left unattended during testing.

All required materials, e.g., #2 pencils, test booklets, answer sheets, and scratch paper should be provided at the testing location. However, on the mathematics sub-test, students may bring and use their own calculators. These calculators may be collected after completing this sub-test and returned to students after the testing session.

COLLECTION OF TEST MATERIALS FOLLOWING TESTING

- Answer sheets and test booklets will be collected from test Administrators in each building immediately following the last testing session. The test coordinator will be responsible for counting test materials, organizing them according to instructions, and storing them in a secure area.
- All test materials from each building will be placed in a secure package on the last day of testing to schedule another count with the test director from the District's central office. Once materials are counted, UPS (United Parcel Service) pick-ups or delivery to the Department of Education will occur.

12 Steps Required for the Administration of Nevada Proficiency Examinations

Please keep the following points in mind when reviewing procedures for the administration of The Nevada Proficiency Examination Program. The word "Administrator," when capitalized, refers to the individual who has accepted responsibility for the proper administration of Nevada Proficiency Examinations in the school.

1. All individuals involved in the administration of proficiency examinations should be familiar with the general instructions regarding preparation for testing, handling test materials, and test security -- contained in the Test Security Procedures manual, the Examiner's Manual for the CRT and/or the Administration Manual(s) for the writing assessments and/or High School Proficiency Examinations -- for those tests that will be administered in his/her school.
2. Locked, secure storage must be provided for all restricted test materials - test booklets, answer keys, and completed answer sheets - while the materials are on site.
3. The locked room or file cabinet used for the storage of materials required for the Nevada Proficiency Examination Program must not be used for the storage of other materials to which individuals other than the Administrator require access. If the room can be unlocked with a master key shared by people other than the Administrator, the room is not secure.
4. The Administrator must keep the key to the locked storage area on his/her person, not in a desk drawer or other readily accessible location.
5. Under no circumstances shall copies of writing tests or test booklets, marked answer sheets, or answer keys be circulated among faculty, administrators, or other persons.
6. Copies of tests used in the Nevada Proficiency Examination Program are not to be included in test files for which access is granted to other than the Administrator.
7. Examinations are not to be distributed to those who will administer the test until the prescribed date for test administration.
8. When not in secure storage, tests are not to be left unattended in any area to which students or faculty not involved in test administration have access (includes loading docks and mail rooms).
9. On completion of testing, all materials are to be returned to the Administrator in a timely manner and not later than the end of the school day on which the test(s) is/are administered. If testing will take place over a period of more than one day, all testing materials must be returned to the Administrator at the end of each school day and picked up again in the morning before the next testing day.
10. Students should bring no writing materials to the test session. All required materials - #2 pencils, writing tests, test booklets, answer sheets and scratch paper -- should be provided at the testing location. These materials should be collected from each student before he/she is allowed to leave the test room.
11. A sufficient number of proctors should be provided at the testing site to adequately supervise the testing. At no time should students be left unattended during testing.
12. Examination booklets are **not** to be copied by any means without the prior authorization of the State Proficiency Testing Office.

NOTE: Copies of the writing prompts for the direct writing assessments at grades 5, 8, and above are to be collected at the end of the test session. However, these topics may be released after your school has received the reports of results from the examination in which the topic was used.

Reporting and Investigating Irregularities

If a staff member has reason to believe a violation of the district test security plan has occurred, he or she must report the concern to the school principal. The school principal must then report to the school test coordinator and the district test director. The district test director will then conduct an investigation. All evidence gathered during the investigation must be maintained for three years and be submitted to the Department of Education regardless of the outcome of the investigation. If the district test director determines a possible breach in test security has occurred, this will be reported to the Department of Education and a report of compromise will be submitted. The Department of Education will then conduct a formal investigation.

APPENDIX A

Assembly Bill No. 214
Nevada Revised Statutes

Assembly Bill No. 214

This Bill requires the Department of Education and the Board of Trustees of each school district to adopt a plan setting forth procedures concerning the security of certain examinations; requiring the Department to establish certain additional procedures and programs relating to the examinations; requiring certain schools to provide for additional administration of the examinations under certain circumstances; prohibiting retaliatory action against an official of a school district or charter school who discloses information regarding irregularities in testing administration or testing security; providing that a teacher or administrator who intentionally fails to observe and carry out the provisions of a plan for test security is subject to disciplinary action; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth
as sections 1.2 to 6, inclusive, of this act.

Section 1.2. As used in sections 1.2 to 5.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.

Section 1.4. “Irregularity in testing administration” means the failure to administer an examination to pupils pursuant to NRS 389.015 or 389.550 in the manner intended by the person or entity that created the examination.

Section 1.6. “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS 389.015 or 389.550, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to section 2 or 4 of this act;
2. The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and
3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

Section 1.8. “School official” means:

1. A member of a board of trustees of a school district;
2. A member of a governing body of a charter school; or
3. A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

Section 2.1. The department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.015 and 389.550.

2. A plan adopted pursuant to subsection 1 must include, without limitation:
 - (a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.
 - b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.
 - (c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:
 - (1) By category, the employees of the school district, charter school or department, or any combination thereof, who are responsible for taking the action; and
 - (2) Whether the school district, charter school or department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.
 - (d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of section 5.3 of this act.
3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:
 - (a) The state board; and
 - (b) The legislative committee on education, created pursuant to NRS 218.5352.

Section 3.

1. If the department:
 - (a) Has reason to believe that a violation of the plan adopted pursuant to section 2 of this act may have occurred;
 - (b) Has reason to believe that a violation of the plan adopted pursuant to section 4 of this act may have occurred with respect to an examination that is administered pursuant to NRS 389.015 or 389.550; or
 - (c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section 5 of this act to investigate a potential violation of the plan adopted pursuant to section 4 of this act with respect to an examination that is administered pursuant to NRS 389.015 or 389.550, the department shall investigate the matter as it deems appropriate.
2. If the department investigates a matter pursuant to subsection 1, the department may issue a subpoena to compel the attendance or testimony of a witness or the

production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the department may report to the district court by petition, setting forth that:
 - (a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;
 - (b) The witness has been subpoenaed by the department pursuant to this section; and
 - (c) The witness has failed or refused to attend, testify or produce materials before the department as required by the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend, testify or produce materials before the department.
4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the department. A certified copy of the order must be served upon the witness.
5. If it appears to the court that the subpoena was regularly issued by the department, the court shall enter an order that the witness appear before the department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Section 4.

1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations.
2. A plan adopted pursuant to subsection 1 must include, without limitation:
 - (a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.
 - (b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.
 - (c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination.
 - (d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully. The

procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the department pursuant to section 2 of this act.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:
 - (a) The state board; and
 - (b) The legislative committee on education, created pursuant to NRS 218.5352.
4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations, all pupils who are required to take the examinations and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:
 - (a) Plan adopted pursuant to this section; and
 - (b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.
5. As used in this section:
 - (a) "Examination" means:
 - (1) Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and
 - (2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.
 - (b) "Irregularity in testing administration" means the failure to administer an examination in the manner intended by the person or entity that created the examination.
 - (c) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:
 - (1) The failure to comply with security procedures adopted pursuant to section 2 or 4 of this act;
 - (2) The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and
 - (3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

Section 5.

1. If a school official has reason to believe that a violation of the plan adopted pursuant to section 4 of this act may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to section 4 of this act may have occurred, the board of trustees shall:

- (a) If the violation is with respect to an examination administered pursuant to NRS 389.015 or 389.550, immediately report the incident to the department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and
 - (b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:
 - (1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.
 - (2) With respect to an examination that is administered pursuant to NRS 389.015 or 389.550, requesting that the department investigate the incident pursuant to section 3 of this act. The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).
2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to section 4 of this act.
3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:
- (a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;
 - (b) The witness has been subpoenaed by the board of trustees pursuant to this section; and
 - (c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.
4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Section. 5.1.

1. Except as otherwise provided in subsection 8, if the department determines:
 - (a) That at least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;
 - (b) That in the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and
 - (c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.
2. If the department determines that:
 - (a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;
 - (b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and
 - (c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The

school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

3. If the department determines that:
 - (a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;
 - (b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and
 - (c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.
4. Except as otherwise provided in subsection 8, if the department determines that:
 - (a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;
 - (b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and
 - (c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations, the department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

5. In determining whether to require a school to provide for an additional administration of examinations pursuant to this section, the department shall consider:
 - (a) The effect of each irregularity in testing administration, including, without limitation, whether the irregularity required the scores of pupils to be invalidated; and
 - (b) Whether sufficient time remains in the school year to provide for an additional administration of examinations.
6. If the department determines pursuant to subsection 5 that a school must provide for an additional administration of examinations, the department may consider whether the most recent irregularity in testing administration affected the test scores of a limited number of pupils and require the school to provide an additional administration of examinations pursuant to this section only to those pupils whose test scores were affected by the most recent irregularity.
7. The department shall provide as many notices pursuant to this section during 1 school year as are applicable to the irregularities occurring at a school. A school shall provide for additional administrations of examinations pursuant to this section within 1 school year as applicable to the irregularities occurring at the school.
8. If a school is required to provide an additional administration of examinations pursuant to subsection 2 of NRS 385.368 for a school year, the school is not required to provide for an additional administration pursuant to subsection 1 or 4 in that school year. The department shall ensure that the information required pursuant to paragraph (b) of subsection 3 of section 5.9 of this act is included in its report for the additional administration provided by such a school pursuant to subsection 2 of NRS 385.368.

Section. 5.3.

1. The department shall notify the principal of a school, including, without limitation, a charter school, or the board of trustees of a school district, as applicable, if the school or the school district is required to file a plan for corrective action based upon the objective criteria adopted by the department pursuant to paragraph (d) of subsection 2 of section 2 of this act. Upon receipt of such notice, the school or the school district, as applicable, shall file a plan for corrective action with the department within the time prescribed by the department. Such a plan must specify the time within which the corrective action will be taken. The school or the school district, as applicable, shall commence corrective action pursuant to the plan immediately after the date on which the plan is filed.
2. The department shall establish procedures to document and monitor whether appropriate corrective action is being taken and whether that action is achieving

the desired result. Such documentation must be maintained and reported in accordance with section 5.9 of this act.

3. The department may require a school or a school district to amend its plan for corrective action if the department determines that such amendment is necessary to ensure the security of test materials and the consistency of testing administration in the school or school district, as applicable.

Section 5.5.

1. The department shall establish a statewide program for use by schools and school districts in their preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination. The program must:
 - (a) Be designed to ensure the consistency and uniformity of all materials and other information used in the preparation for the examinations; and
 - (b) Be designed to ensure that the actual examinations administered pursuant to NRS 389.015 are not included within the materials and other information used for preparation.
2. If a school, including, without limitation, a charter school, or a school district provides preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination, the school or school district shall comply with the program established pursuant to subsection 1. A school district may use and provide additional materials and information if the materials and information comply with the program established by the department. A school, including, without limitation, a charter school, shall use only those materials and information that have been approved or provided by the department or the school district.

Section 5.7.

1. The department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS 389.015 and 389.550. Upon approval of the department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the department.
2. The board of trustees of each school district and the governing body of each charter school shall ensure that:
 - (a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS 389.015 or 389.550, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 389.015 or 389.550, receive, on an annual basis, the program of education and training established by the department or the expanded program, if applicable; and

- (b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Section 5.9

1. The department shall establish procedures for the uniform documentation and maintenance by the department of irregularities in testing administration and testing security reported to the department pursuant to section 5 of this act and investigations of such irregularities conducted by the department pursuant to section 3 of this act. The procedures must include, without limitation:
 - (a) A method for assigning a unique identification number to each incident of irregularity; and
 - (b) A method to ensure that the status of an irregularity is readily accessible by the department.
2. In accordance with the procedures established pursuant to subsection 1, the department shall prepare and maintain for each irregularity in testing administration and each irregularity in testing security, a written summary accompanying the report of the irregularity. The written summary must include, without limitation:
 - (a) An evaluation of whether the procedures prescribed by the department pursuant to paragraph (c) of subsection 2 of section 2 of this act were followed in response to the irregularity;
 - (b) The corrective action, if any, taken in response to the irregularity pursuant to section 5.3 of this act;
 - (c) An evaluation of whether the corrective action achieved the desired result; and
 - (d) The current status and the outcome, if any, of an investigation related to the irregularity.
3. The department shall prepare a written report that includes for each school year:
 - (a) A summary of each irregularity in testing administration and testing security reported to the department pursuant to section 5 of this act and each investigation conducted pursuant to section 3 of this act.
 - (b) A summary for each school that was required to provide additional administration of examinations pursuant to section 5.1 of this act. The summary must include, without limitation:
 - (1) The identity of the school;
 - (2) The type of additional examinations that were administered pursuant to section 5.1 of this act;
 - (3) The date on which those examinations were administered;
 - (4) A comparison of the results of pupils on the:
 - (I) Examinations in which an additional irregularity occurred in the second school year described in section 5.1 of this act; and
 - (II) Additional examinations administered pursuant to section 5.1 of this act.
 - (c) Each written summary prepared by the department pursuant to subsection 2.

- (d) The current status of each irregularity that was reported for a preceding school year which had not been resolved at the time that the preceding report was filed.
 - (e) The current status and the outcome, if any, of an investigation conducted by the department pursuant to section 3 of this act.
 - (f) An analysis of the irregularities and recommendations, if any, to improve the security of the examinations and the consistency of testing administration.
4. On or before September 1 of each year, the department shall submit the report prepared pursuant to subsection 3 for the immediately preceding school year to the legislative committee on education created pursuant to NRS 218.5352 and the state board.

Section 6. If the department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS 389.015 or 389.550 and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the department shall ensure that any such penalties or sanctions are fully enforced.

Section 7. NRS 389.015 is hereby amended to read as follows: 389.015

1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:
 - (a) Reading;
 - (b) Writing;
 - (c) Mathematics; and
 - (d) Science.
2. The examinations required by subsection 1 must be:
 - (a) Administered before the completion of grades 3-8, 10 and 11.
 - (b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.
 - (c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.
 - (d) Administered in each school in accordance with the plan adopted pursuant to section 2 of this act by the department and with the plan adopted pursuant to section 4 of this act by the board of trustees of the school district in which the examinations are administered. The department shall monitor the compliance of school districts and individual schools with:
 - (1) The plan adopted by the department; and

- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the department.
 - (e) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.
- 3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:
 - (a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or
 - (b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil. If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.
- 4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the department under regular testing conditions or with modifications and accommodations that are approved by the department, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the department, as applicable, must not be reported pursuant to subsection 2 of NRS 389.017. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in

accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 3-8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating need for improvement pursuant to NRS 385.367 , the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.
6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.
7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this state to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:
 - (a) To the extent necessary for administering and evaluating the examinations.
 - (b) That a disclosure may be made to a:
 - (1) State officer who is a member of the executive or legislative branch to the extent that it is necessary for the performance of his duties;
 - (2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;
 - (3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and
 - (4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.
 - (c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

8. The state board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the department created the examination, by the department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.

Section 8. NRS 389.550 is hereby amended to read as follows: 389.550

1. The state board shall, in consultation with the council, prescribe examinations that measure the achievement and proficiency of pupils in selected grades in the standards of content established by the council that are in addition to the examinations administered pursuant to NRS 389.015. The state board shall, based upon the recommendations of the council, select the grade levels of pupils that are required to take the examinations and the standards that the examinations must measure.
2. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the state board. The examinations must be:
 - (a) Administered to pupils in each school district and each charter school at the same time, as prescribed by the state board.
 - (b) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.
 - (c) Administered in each school in accordance with the plan adopted pursuant to section 2 of this act by the department and with the plan adopted pursuant to section 4 of this act by the board of trustees of the school district in which the examinations are administered. The department shall monitor the compliance of school districts and individual schools with:
 - (1) The plan adopted by the department; and
 - (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the department.

Section 9. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 22, inclusive, of this act.

Section 10. As used in sections 10 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 15, inclusive, of this act have the meanings ascribed to them in those sections.

Section 11. “Examination” means:

1. Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and
2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Section 12. “Irregularity in testing administration” means the failure to administer an examination in the manner intended by the person or entity that created the examination.

Section 13. “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to section 2 or 4 of this act;
2. The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and
3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

Section 14. “Reprisal or retaliatory action” includes, without limitation:

1. Frequent or undesirable changes in the location of an office;
2. Frequent or undesirable transfers or reassignments;
3. The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;
4. A demotion;
5. A reduction in pay;
6. The denial of a promotion;
7. A suspension;
8. A dismissal;
9. A transfer; or
10. Frequent changes in working hours or workdays, if such action is taken, in whole or in part, because the school official disclosed information concerning irregularities in testing administration or testing security.

Section 15. A member of a board of trustees of a school district;

1. A member of a governing body of a charter school; or
2. A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

Section. 16. It is hereby declared to be the policy of this state that a school official is encouraged to disclose, to the extent not expressly prohibited by law, irregularities in testing administration and testing security, and it is the intent of the legislature to protect the rights of a school official who makes such a disclosure.

Section. 17.

1. A school official shall not directly or indirectly use or attempt to use his official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another school official in an effort to interfere with or prevent the disclosure of information concerning irregularities in testing administration or testing security.
2. As used in this section, “official authority or influence” includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

Section. 18.

1. If any reprisal or retaliatory action is taken against a school official who discloses information concerning irregularities in testing administration or testing security within 2 years after the information is disclosed, the school official may file a written appeal with the state board for a hearing on the matter and determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:
 - (a) The facts and circumstances pursuant to which the disclosure of information concerning irregularities in testing administration or testing security was made; and
 - (b) The reprisal or retaliatory action that is alleged to have been taken against the school official. The hearing must be conducted in accordance with the rules of procedure adopted by the state board pursuant to subsection 4.
2. If the state board determines that the action taken was a reprisal or retaliatory action, it may issue an order directing the proper person to desist and refrain from engaging in such action.
3. The state board may not rule against the school official based on the identity of the person or persons to whom the information concerning irregularities in testing administration or testing security was disclosed.
4. The state board shall adopt rules of procedure for conducting a hearing pursuant to this section.

Section. 19.

1. During any stage of an investigation or hearing concerning allegations of reprisal or retaliatory action, the state board may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, but not limited to, books, papers, documents, records, photographs, recordings, reports and tangible objects.
2. If a witness refuses to attend, testify or produce materials as required by the subpoena, the state board may report to the district court by petition, setting forth that:

- (a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;
 - (b) The witness has been subpoenaed by the state board pursuant to this section; and
 - (c) The witness has failed or refused to attend, testify or produce materials as required by the subpoena before the state board, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend, testify or produce materials before the state board.
3. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the state board. A certified copy of the order must be served upon the witness.
4. If it appears to the court that the subpoena was regularly issued by the state board, the court shall enter an order that the witness appear before the state board at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Section 20.

- 1. No school official may use the provisions of sections 10 to 22, inclusive, of this act to harass another school official.
- 2. A person who willfully discloses untruthful information concerning irregularities in testing administration or testing security:
 - (a) Is guilty of a misdemeanor; and
 - (b) Is subject to appropriate disciplinary action.

Section. 21. Each year, the department shall provide to the board of trustees of each school district and to the governing body of each charter school a written summary of sections 10 to 22, inclusive, of this act. Upon receipt of the written summary, the board of trustees or governing body, as appropriate, shall provide a copy of the written summary to all school officials within the school district or charter school.

Section. 22. Except as otherwise provided in section 20 of this act, the provisions of sections 10 to 22, inclusive, of this act are intended to be directory and preventive rather than punitive. The provisions of sections 10 to 22, inclusive, of this act do not abrogate or decrease the effect of any of the provisions of NRS that define crimes or prescribe punishments with respect to the conduct of school officials.

Section 23. NRS 391.312 is hereby amended to read as follows: 391.312

- 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:
 - (a) Inefficiency;
 - (b) Immorality;

- (c) Unprofessional conduct;
 - (d) Insubordination;
 - (e) Neglect of duty;
 - (f) Physical or mental incapacity;
 - (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
 - (h) Conviction of a felony or of a crime involving moral turpitude;
 - (i) Inadequate performance;
 - (j) Evident unfitness for service;
 - (k) Failure to comply with such reasonable requirements as a board may prescribe;
 - (l) Failure to show normal improvement and evidence of professional and growth;
 - (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
 - (n) Any cause which constitutes grounds for the revocation of a teacher's license;
 - (o) Willful neglect or failure to observe and carry out the requirements of this Title;
 - (p) Dishonesty;
 - (q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015; [or]
 - (r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act; or
 - (s) An intentional violation of NRS 388.5265 or 388.527.
2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Section. 24. NRS 391.330 is hereby amended to read as follows: 391.330

The state board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

- 1. Immoral or unprofessional conduct.
- 2. Evident unfitness for service.
- 3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
- 4. Conviction of a felony or crime involving moral turpitude.
- 5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a school of a county school district was the victim.
- 6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction, defining and governing the duties of teachers, administrators and other licensed
8. Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.
9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act.
10. An intentional violation of NRS 388.5265 or 388.527.

Section 25.

1. The department shall adopt a plan in accordance with the provisions of section 2 of this act on or before August 15, 2001.
2. The board of trustees of each school district in this state shall adopt a plan in accordance with the provisions of section 4 of this act on or before September 15, 2001.
3. Upon the adoption of each initial plan, the plan must be submitted as soon as practicable to the state board of education and the legislative committee on education.

Section 25.3.

1. On or before October 1, 2001, the department of education shall establish procedures for the uniform documentation and maintenance of irregularities in testing administration and testing security pursuant to section 5.9 of this act for use commencing with the 2001-2002 school year.
2. The report required pursuant to subsection 4 of section 5.9 of this act must first be submitted on or before September 1, 2002.

Section. 25.7. On or before July 1, 2002, the department of education shall establish:

1. A statewide program for the preparation of examinations pursuant to section 5.5 of this act for use commencing with the 2002-2003 school year.
2. A program of education and training regarding the administration and security of examinations pursuant to section 5.7 of this act for use commencing with the 2002-2003 school year.

Section. 26.

1. The provisions of section 20 of this act do not apply to offenses committed before July 1, 2001.
2. The amendatory provisions of sections 23 and 24 of this act do not apply to acts committed before July 1, 2001.

Section. 27.

1. This section and section 25 of this act become effective upon passage and approval.
2. Sections 2 and 4 of this act become effective upon passage and approval for the purpose of adopting a plan and on July 1, 2001, for all other purposes.

3. Sections 1 to 1.8, inclusive, 3, 5, 5.1, 5.3, 5.9 to 24, inclusive, 25.3, 25.7 and 26 of this act become effective on July 1, 2001.
4. Sections 5.5 and 5.7 of this act become effective on July 1, 2001, for the purpose of establishing programs in accordance with those sections and on July 1, 2002, for all other purposes.

Statutes Related to Grounds for Suspension, Demotion, Dismissal and Refusal to Reemploy Teachers and Administrators

(Language in bold print is directly related to issues of testing. Language in italics was added during the 2001 Legislative Session.)

Section. 23. NRS 391.312 is hereby amended to read as follows:

1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:
 - (a) Inefficiency;
 - (b) Immorality;
 - (c) Unprofessional conduct;
 - (d) Insubordination;
 - (e) Neglect of duty;
 - (f) Physical or mental incapacity;
 - (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
 - (h) Conviction of a felony or of a crime involving moral turpitude;
 - (i) Inadequate performance;
 - (j) Evident unfitness for service;
 - (k) Failure to comply with such reasonable requirements as a board may prescribe;
 - (l) Failure to show normal improvement and evidence of professional training and growth;
 - (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
 - (n) Any cause which constitutes grounds for the revocation of a teacher's license;
 - (o) Willful neglect or failure to observe and carry out the requirements of this Title;
 - (p) Dishonesty;
 - (q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;**
 - (r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act; or***
 - (s) An intentional violation of NRS 388.5265 or 388.527.
2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Statutes Related to Grounds for Suspension or Revocation of License

(Language in bold print is directly related to issues of testing. Language in italics was added during the 2001 Legislative Session.)

Section. 24. NRS 391.330 is hereby amended to read as follows:

391.330 The state board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction, defining and governing the duties of teachers, administrators and other licensed employees.
8. **Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.**
9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act.
10. An intentional violation of NRS 388.5265 or 388.527.

Appendix B

- **School Test Security Plan**

School Test Security Plan

School:

Principal:

Test Coordinator(s):

TESTING PROCEDURES

I. RECEIPT & CHECK-IN OF MATERIALS

 Authorized Personnel

II. STORAGE OF TEST MATERIALS

 Location

 Access

III. PROCEDURES FOR DISTRIBUTION & DOCUMENTATION OF TEST MATERIALS

 Log Sheets with Signatures

IV. SPECIAL CIRCUMSTANCES

 Extended Time

 Fire Drill

 Lock Down

 Proctors/Test Administrators

V. TESTING SCHEDULE(S)

Appendix C

- **Test Security Checklist**
- **Test Booklet Accounting Forms**
- **Principal Assurance Form**

Beginning of the Year
TEST SECURITY CHECKLIST
 for
TEST COORDINATOR

SCHOOL		
PRINCIPAL		
TEST COORDINATOR (Primary contact)		
STORAGE LOCATION FOR SECURED TESTING MATERIALS		Test Coordinator/ Principal's Initials
TEST SECURITY TRAINING DATE		Test Coordinator/ Principal's Initials

TEST BOOKLET ACCOUNTING FORM
LYON COUNTY SCHOOL DISTRICT

TEST: _____ **DATE:** _____

SCHOOL: _____

COORDINATOR(S): _____

Test Booklet Number Series	Teacher's Name	Returned (Coordinator's Signature)

TEST BOOKLET ACCOUNTING FORM

LYON COUNTY SCHOOL DISTRICT

DATE:_____ **TEACHER:**_____

TEST: _____ SUBJECT: _____

[illegible]

**Authorization to Administer the Nevada Proficiency Examinations and
Other State Assessments in Accordance with Nevada Revised Statutes and the Nevada
Administrative Code**

School year 2016-2017
(August 1, 2016 – July 31, 2017)

The _____ of _____ County School District
(School Name)

**IS HEREBY AUTHORIZED TO ADMINISTER THE NEVADA PROFICIENCY EXAMINATIONS
PURSUANT TO NRS 389.015, NRS 389.017 AND NAC CHAPTER 389 DURING THE 2012-13 SCHOOL
YEAR,**

AND ALSO AGREES THAT THE BUILDING PRINCIPAL WILL:

1. Insure compliance with the principles and procedures described in the current editions of the GUIDELINES FOR THE CONDUCT OF THE NEVADA PROFICIENCY EXAMINATION PROGRAM, the school TEST COORDINATOR'S MANUAL for the CRT, the TEST DIRECTION FOR TEACHERS for the CRT, the ADMINISTRATION MANUALS for the 5th and 8th grade Proficiency Examinations in Writing, the ADMINISTRATION MANUAL for the 3rd - 8th grade Criterion-Referenced Tests, and the ADMINISTRATION MANUAL(S) for the Nevada High School End of Course Examinations, as appropriate for grade levels in his/her school; Chapter 389 of the Nevada Administrative Code; and other manuals and guidelines published by the Department of Education and/or its contractor(s).
2. Insure that all personnel involved in the administration of examinations required by the Nevada Proficiency Examination Program and other assessments required by the state are aware of the requirements for test security printed on the back of this form.
3. Accept personal responsibility for all materials required for the administration of the Nevada Proficiency Examinations and other assessments and the supervision of the administration of those examinations.
4. Advise his/her district test director of any change(s) in personnel responsible for test materials and test administration.
5. Provide secure locked storage for all testing materials while on site and return testing materials promptly to the district test director, when required.
6. Immediately report any suspected breach of test security or unauthorized disclosure of test content to the district test director and the Standards, Curricula, And Assessments office in the Nevada Department of Education (775-687-9135).

Building principal: _____

School

School

Physical address: _____ Mailing Address: _____

Office telephone: _____ FAX number: _____

If principal is not available, contact: _____ at _____

Signature of building principal _____ **Date:** _____

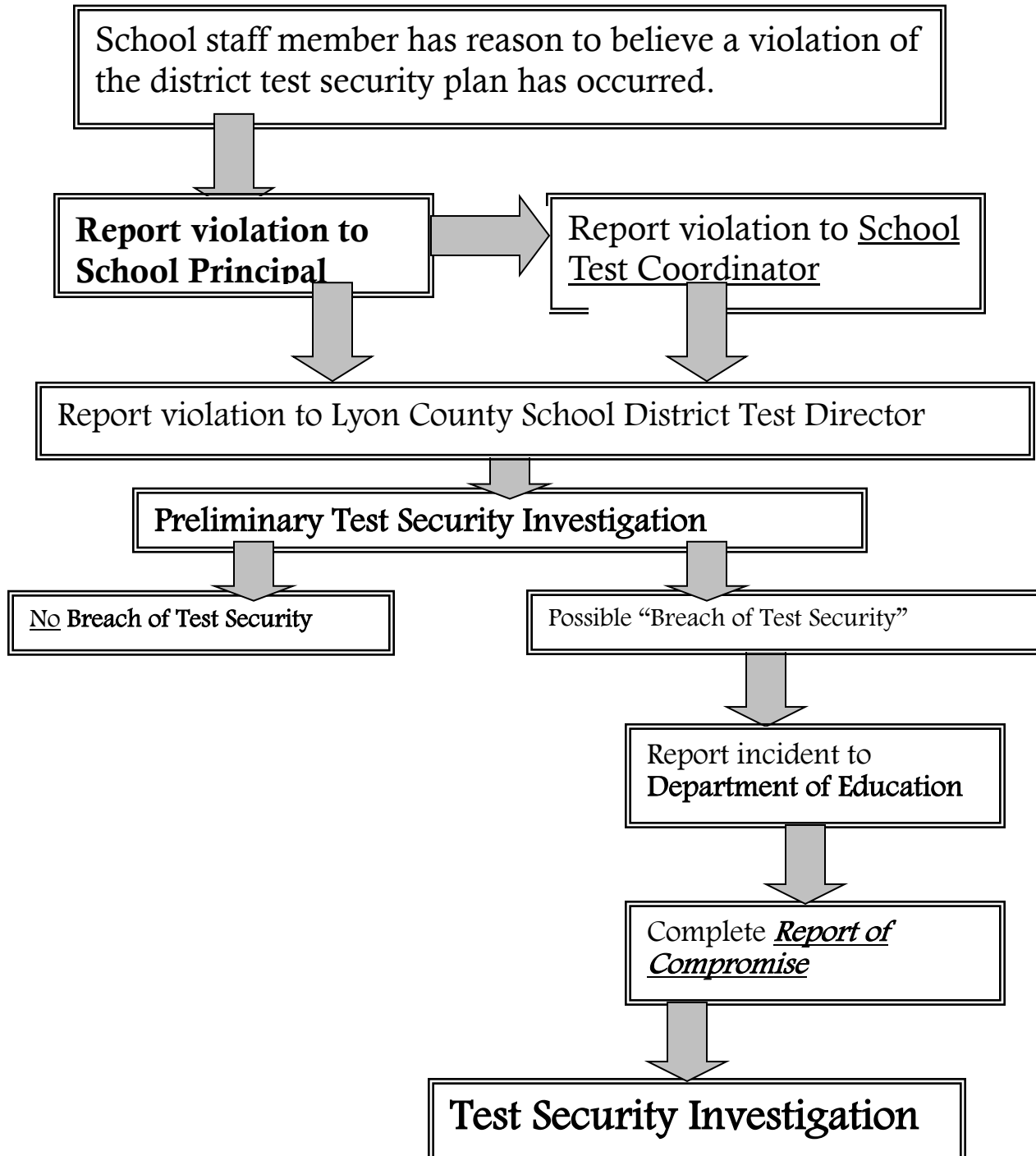
Appendix D

- Test Security Irregularities (Flowchart)
- Reporting of Testing Irregularity

Test Security Irregularities

Lyon County School District

School Reporting Process



Report of Testing Irregularity
Nevada Proficiency Examination Program
2016-2017 School Year

This report must be completed within 14 days of the incident in which an irregularity in test security and/or test administration has occurred. A copy of this report is to be **filed with the test director in your school district**, who must immediately forward a copy of the report to the test security coordinator at the Nevada Department of Education. State public schools and private schools must forward the report directly to the Department.

Address: 700 East Fifth Street, Room 107, Carson City, NV 89701

E-mail: cmason@doe.nv.gov Fax: 775-687-9240

For more information, contact Carol Mason (775-687-9260) at the Nevada Department of Education.

School: _____ District: _____ Date: _____

Name of School

Principal: _____ Phone #: _____

Name of Person Completing Form: _____ Phone #: _____

Title: _____ Date of Incident: _____

Test(s) for which the irregularity occurred (check all boxes that apply):

HSPE READING:

☐ GRADE 10 ☐ GRADE 11 ☐ GRADE 12 ☐ ADULT

HSPE MATH:

☐ GRADE 10 ☐ GRADE 11 ☐ GRADE 12 ☐ ADULT

HSPE: SCIENCE

☐ GRADE 10 ☐ GRADE 11 ☐ GRADE 12 ☐ ADULT

HSPE: WRITING

☐ GRADE 11 ☐ GRADE 12 ☐ ADULT

CRT:

☐ GRADE 3 ☐ GRADE 4 ☐ GRADE 5

CRT:

☐ GRADE 6 ☐ GRADE 7 ☐ GRADE 8

WRITING:

☐ GRADE 5 ☐ GRADE 8

NAA:

☐ GRADE(S): _____

ELPA:

☐ GRADE(S): _____

1. Provide a narrative description of the testing irregularity and how it occurred. (*Attach additional pages as necessary.*)

Appendix E

- **Definitions**

DEFINITIONS

The following definitions will be used throughout this section:

“Examination” means:

- Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and
- Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district wide basis.

“Criterion-referenced assessment” means an assessment that is based upon identified criteria.

“Irregularity in testing administration” means the failure to administer an examination in the manner intended by the person or entity that created the examination.

“Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:

- The failure to comply with the department or district security procedures.
- The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law.
- Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

“Nationally norm-referenced test” means a timed test whose purpose is to measure student performance against a national norming group.

“Proctor” means a designated, trained person(s) to assist the test administrator during the time of testing.

“School official” means:

- A member of a board of trustees of a school district;
- A member of a governing body of a charter school; or
- A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

“Standards-based assessment” means a standardized assessment whose purpose is to measure student performance against state standards and benchmarks.

“Standardized test” means any nationally norm-referenced test, state or national performance assessment, state or national criterion-referenced assessment or state or national standards-based assessment that is required by law to be administered in all school districts and is required to be administered with standard procedures.

“Test Director” refers to the individual who represents an individual school district on all matters of testing, including, but not limited to:

- Responsibility for ensuring that test security procedures are adhered to;
- Dissemination and collection of testing materials.

“Test Coordinator” refers to the individual who represents an individual school on all matters of testing, including, but not limited to:

- Assisting the school principal in the storage and distribution of test materials, administering exams.

“Test Administrator” refers to an individual who is responsible for administering tests to students.

Appendix F

- **State Accommodations Forms**
 - **504**
 - **IEP**
 - **LEP**

Appendix G

An Appropriate Testing Environment

All students should have the opportunity to test under the same conditions, regardless of physical location.

The following test administration procedures must be adhered to:

- Place-value indicators, number lines, charts, posters, or any materials that provide specific factual information or guidance (e.g., definitions, test-taking strategies, multiplication charts, hundreds charts, fraction-decimal-percent equivalency charts, graphic organizers, annotated samples of essays or paragraphs, or sample introductory and concluding techniques) must be removed or covered with blank, opaque material.
- Student desk/table tops must be cleared of any material not specified in the test administration manual. Material that is affixed to desk tops must be covered with blank, opaque material.
- Students may use only materials and/or supplies that are specified in the test administration manuals or provided with the test booklet for a specific test and grade level.
- Students may not have access to personal materials, including electronic devices, during testing unless specified in the student's IEP. Unauthorized possession of such materials may result in invalid scores.
- All testing materials must be distributed or accessed prior to the beginning of the testing session.
- Scratch paper may only be plain unlined, lined, or grid-only (unlabeled) graphing paper. No other pre-printed material is permitted on the front or back except for student identification information.
- Prior to and during testing, a test administrator must follow the script provided in the test administration manual and cannot provide additional assistance or direct the students' attention to any materials in the room for the purpose of enhancing test performance.
- Parents or guardians of students who are participating in a test must not be allowed in the testing room.

The following aids have been developed by the Department of Education and provided in the Reading, Math, and Science test booklets for the purpose of providing appropriate assistance to students and are permitted for use during the test:

- CRT written-response checklist for grades 4 and 5

- CRT written-response rubric for grades 6 through 8

The following aids may be displayed, but individual copies may not be provided to students for use during the test:

- Writing scoring guides provided by the Department of Education
- Word walls or word lists without definitions, visual aids (including color coding), or labels

Materials provided by the Department of Education may not be paraphrased or modified (except for enlargement). For information regarding testing students with accommodations, see the Students with Special Needs section of *Procedures for the Nevada Proficiency Examination Program 2012-2013*.

Breaks and Additional Time

For all assessments, food and beverages are only permitted during a supervised break.

CRT, EOC, Writing Assessments, and ELPA

A restroom break should be provided prior to test administration. Breaks during the scheduled testing period are discouraged unless absolutely necessary, or if stipulated in a student's testing accommodation plan, and must be closely supervised. Breaks should **not** be given during a scheduled EOC testing period except in the event of an emergency.

Some students will not finish their Part or Session of the CRT, EOC, Writing Assessments, or ELPA Language Domain Test (i.e., Listening, Speaking, Reading, and Writing) during the scheduled testing period and must be given additional time as long as they are working productively. Follow your school's test security plan for appropriate procedures. Students must not interact with their peers during this process, and must be accompanied by trained staff while in possession of test materials. At this time, students may require a break. Breaks must be closely supervised and should be limited to 10 or 15 minutes. A ratio of one staff member to no more than a few students is recommended. Reading or writing is not permitted during the breaks. It is not appropriate to excuse students to another class, P.E., lunch, recess, or other school activity prior to completion of a Part, Session, or Language Domain Test. Students may not return to a previously-administered Part, Session, or Language Domain Test after an unsupervised break or on a subsequent day.

NAA

Students taking the NAA are allowed as much time as is necessary to complete the assessment within the testing window. Breaks are permitted, as needed. Detailed guidelines for breaks, time, and all other aspects of test administration protocol are included in the *Nevada Alternate Assessment Administration Manual* available on the Nevada Department of Education website (http://nde.doe.nv.gov/Assessment_NAA.htm).

Permissible Activities for Students Who Finish Early

Students who finish the HSPE before the end of the scheduled testing period may be excused according to school test security procedures. For the CRT Assessments, students may bring books

or other reading materials (paper versions only—no electronic devices) to occupy their time quietly if they complete testing early. These materials must not be on student desk or table tops while they are testing. Students may store these materials under their desks or on a table in the front or back of the room. Test administrators may also provide reading materials (paper versions only—no electronic devices) to students. Plan ahead for this activity, as it is not appropriate for students to reach into their desks or backpacks while testing is in progress. Drawing and writing are **not** permitted.

Appendix H

Lyon County School District	2016-2017 Testing Calendar
AUGUST	MARCH
MAP window: Aug. 29 - October 21	NAEP SMS, Grades 8: March 8
SEPTEMBER	CTE Workplace Readiness: March 6 - 31
OCTOBER	MAP Spring Window: Feb. 27 - May 19
MAP Fall window: Aug. 29 - October 21	CCRA Grade 11 Make Up: March 21 (ACT)
HSPE retests: 5th/6th year seniors/Adult Ed only - Oct. 17 - 21	Science Test 5 & 8 Window Opens: Feb. 27 - March 10
HSPE writing retest: 5th/6th year seniors/Adult Ed only - Oct. 19	Smarter Balanced Window Opens: Grades 3-8, March 6
NOVEMBER	APRIL
ASPIRE: Grades 9 and 10 TBD	Smarter Balanced Window Opens: Continues
MAP Winter Window: Nov. 28 - Feb. 3	CTE Program Assessments: April 3 - 28
DECEMBER	Science Test 10 - Grade 10: April 10 - 14
JANUARY	HSPE retests: 5th/6th year seniors/Adult Ed only - April 3 - 14
ELL Assessment: K Jan. 9 - March 3; 1st-12th Jan. 23 - March 3	MAP Sping Window: Feb. 27 - May 19
MAP Winter Window: Nov. 28 - Feb. 3	HSPE writing retest: 5th/6th year seniors/Adult Ed only - April 5 or 12
FEBRUARY	EOC (ELA, math, science) Window Opens: April 24 - May 26
NAEP SV, Grade 8: Feb. 1	MAY
NAEP Sutro, Grades 4: Feb. 21	EOC Window Opens: April 24 - May 26
NAEP DIS, Grades 8: Feb. 22	CTE Program Assessments Makeups: May 15 - 26
NAEP SSES, Grades 4: Feb. 23	CTE Workplace Readiness Makeups: May 15 -26
NAA Assessment Sc/Wtng- Grades 5,8,11 - Feb. 28-May 31	MAP Spring Window: Feb. 27 - May 19

NAA Assessment Rdg/Math- Grades 3-8 & 11 - Feb. 28-May 31	Smarter Balanced Window Ends: May 19
HSPE retests: 5th/6th year seniors/Adult Ed only - Feb. 13 - 17	JUNE
MAP Spring Window: Feb. 27 - May 19	HSPE retests: 5th/6th year seniors/Adult Ed only - June 19 - 23
Science Test 5 & 8 Window Opens: Feb. 27 - March 10	HSPE writing retest: 5th/6th year seniors/Adult Ed only - June 21
HSPE writing retest: 5th/6th year seniors/Adult Ed only - Feb. 15	
CCRA Grade 11: Feb. 28 (ACT)	

Important Security Reminders for Test Administrators

- ☐ Verify the eligibility and identity of **EACH** student who is testing—determine credit sufficiency prior to testing.
- ☐ Use a sign-in sheet with a column to log the test booklet numbers assigned to each student.
- ☐ Provide an answer document for every eligible student enrolled during testing.
- ☐ Use **ONLY ONE ANSWER DOCUMENT PER STUDENT**—students testing in different subjects on different days are to use the same answer sheet.
- ☐ No personal belongings are permitted on the desk surface. Whenever practicable, have students store back packs and other personal belongings in the front or rear of the testing room.
- ☐ Follow the script in the Test Administration Manual **VERBATIM**.
- ☐ Provide accommodations as outlined in the students' IEP, 504, or LEP testing accommodation plans. Students must not be provided accommodations to which they are not entitled.
- ☐ Students who do not have IEP, 504, or LEP accommodation plans must test under regular conditions and are not entitled to accommodations. See the specific test administration manuals regarding required and permissible materials.
- ☐ Students must not be left unattended with test materials.
- ☐ Walk the room—actively monitor students during testing; observe that students are bubbling responses in the correct subject section of the answer document.
- ☐ Electronic devices are strictly prohibited unless a student has an accommodation plan that allows a specific permissible device, or if an online assessment requires a specific device.
- ☐ Provide additional time in a test-conducive environment. Follow the school's plan for orderly transition from one testing situation to another. Students must **NOT** be left unsupervised during the transition and may not interact with peers prior to completing a Part, Session, or Language Domain Test.
- ☐ **DISCLOSURE OF TEST CONTENT IS STRICTLY PROHIBITED BY STATE LAW**—do not read, review, copy, reproduce, or take notes on test items.
- ☐ Students may **NOT** receive assistance with test items.
- ☐ **TRANSLATION BY THE TEST ADMINISTRATOR OR PROCTOR OF ANY TEST MATERIAL (DIRECTIONS, PASSAGES, QUESTIONS, ANSWER CHOICES) TO ANOTHER LANGUAGE IS PROHIBITED.**
- ☐ Collect and log in all materials—test booklets, writing prompts, scratch paper, pencils, etc. Students are to leave the room with only their personal belongings.
- ☐ Check test booklets for answer documents tucked inside.
- ☐ Ensure that the number of test booklets (or prompts) and answer documents returned is identical to the quantities that were distributed prior to testing. (30 students = 30 tests + 30 answer documents)
- ☐ Report irregularities **IMMEDIATELY** to your school test coordinator or principal.

- Secure testing materials are not to be distributed to test administrators until the prescribed date for test administration. (Exception: materials for the NAA may be distributed, then securely stored prior to the test date, provided it is not a violation of the district or school test security plan.)
- Test administrators, proctors, or other adults may not provide assistance of any kind (including gestures, signals, rewards, or any other form of communication) beyond making certain that students understand the instructions for taking the test.
- Electronic devices are strictly **PROHIBITED** unless a student has an accommodation plan that allows a specific permissible device (see the Students with Special Needs section of this manual for further information), or if an online assessment requires a specific device. Unauthorized possession of non-permissible devices may result in invalid scores.
- Place-value indicators, number lines, charts, posters, or any materials that provide specific factual information or guidance (e.g., definitions, test-taking strategies, multiplication charts, hundreds charts, fraction-decimal-percent equivalency charts, graphic organizers, annotated samples of essays or paragraphs, or sample introductory and concluding techniques) must be removed or covered with blank, opaque material.