

***Test Security Procedures
2017-2018***



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Office of Assessment, Data and Accountability Management

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INTRODUCTION

THE CONTENTS OF THIS MANUAL ARE SUBJECT TO CHANGE, PENDING NEVADA OF EDUCATION (NDE) POLICY REVISIONS.

This manual, in accordance with Nevada Revised Statutes (NRS) 390.250 through 390.430, inclusive, is designed for district test directors, building principals, and school test coordinators. Test security procedures must be understood and adhered to by all district and school personnel involved in the administration or handling of materials related to state assessments. **Strict adherence to procedures protects the integrity of the State assessment program, and ensures consistency in test administration, security of test materials, and the validity of scores.**

Participation

Nevada's system for assessing students consists of different tests administered to students enrolled in public schools, including charter schools, in specific grades and programs. All students enrolled in public schools, including charter schools, at a grade level where a mandated test is administered statewide, must participate in test administration.

Because participation rates for students are also used to determine Nevada Schools Performance Framework (NSPF) ratings, all public schools, including charter schools, must account for every student enrolled in grades 3 through 8, regardless of if that student tests.

Federal and state requirements have been aligned so that **all** students must participate fully and meaningfully in the state assessments. Students with disabilities and students classified as English Learners (EL) must also participate and might use accommodations and/or designated supports, as appropriate. Additional information is available on the [NDE](#) website.

Home-Schooled Students

Home-schooled students who wish to participate in state assessments must test when public school students test and must make arrangements to take the examinations by contacting the district test director at least 30 days prior to the test date.

Reporting Student Test Results

Not more than 15 working days after student test results have been uploaded to the testing vendor's secure website, the principal of each school and the governing body of each charter school shall ensure that the results for each student have been provided to the parent or legal guardian of the student.

TEST SECURITY PROCEDURES

To ensure consistency in test administration and the integrity of the state assessment program, proper test security procedures, as outlined in this manual, must be followed. Unless otherwise stated, test security procedures apply to all state-mandated test administrations, including actual (live) as well as field and pilot tests, and must be strictly adhered to.

All questions regarding test security must be directed to the NDE test security coordinator **through the district test director**. Written testing irregularity reports (template available at Bighorn > Files > Assessment Group) must be submitted to the district test director, who will review and upload the reports to the NDE Bighorn Portal within 14 school days of the incident. Schools not affiliated with a district must upload the reports directly to the Bighorn Portal.

District Test Security Plans

The board of trustees of each school district shall adopt and enforce a plan setting forth procedures to ensure the security of all state- and district-mandated tests (NRS 390.275). This plan must apply to all public schools in the district, including district-sponsored charter schools. By September 1 of each year, districts must submit plans to the State Board of Education and the Legislative Committee on Education.

The district plan must be consistent with the procedures outlined in this document and must include the following criteria:

- Procedures by which students and other individuals may, and are encouraged to, report irregularities in test administration and test security
- The manner in which the school officials will contact the school district board of trustees regarding reports of testing irregularities and how the board will, in turn, notify the NDE (includes the board identifying the district test director or other district official to act as its designee for reporting purposes)
- Procedures necessary to ensure security of test materials and consistency of test administration
- Procedures that each school will use to verify the identity and eligibility of pupils taking an examination
- Procedures for online test administration
- Procedures that set forth actions that must be taken in response to a reported irregularity in test administration or test security, including actions that must be taken during an investigation of the irregularity and identifying the individuals responsible for the actions in each category

On or before September 30 of each 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 the following individuals (NRS 390.275):

- All teachers and education personnel employed by the school district or governing body
- All employed personnel who are involved in test administration
- Pupils who are required to take the examinations
- The parents or legal guardians of these pupils

The written notice must be prepared in a format that is easily understood and must include a description of the following procedures:

- The district test security plan
- Action that may be taken against personnel and pupils for violations of the plan or for other testing irregularities

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 for three consecutive school years. Schools not affiliated with a district must submit a copy of the plan to the NDE test security coordinator. The school plan must be consistent with the procedures outlined in the state and district plans and must include, but is not limited to, the following provisions:

- 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
- Procedures to ensure compliance with testing accommodation plans
- Procedures for online test administration

District and/or NDE assessment personnel may conduct unannounced on-site observations or audits to verify implementation of school test security plans.

Training Requirements

The NDE has established a program of education and training regarding the administration and security of state-mandated examinations.

District test directors must certify that all school test coordinators and appropriate district personnel have participated in the NDE's program of training. The NDE may request proof of training as part of the investigative process.

Upon approval by the NDE, 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 if the expanded program complies with the program established by the NDE.

The board of trustees of each school district and the governing body of each charter school shall ensure that the state-established program of education and training be provided annually to the following individuals:

- All teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to participate in state examinations
- Other personnel who are involved with the administration of state examinations, including individuals who will be expected to administer or proctor an examination in the event the assigned test administrator and/or proctor should become unavailable during the day(s) of testing
- All other school personnel as the district or school deems necessary
- Student teachers, teacher's aides, emergency substitute teachers, and parent and community volunteers who may assist with proctoring an examination, or who must be present in the testing environment for other reasons (e.g., medical professionals)

A list of [definitions](#) and responsibilities for school personnel involved in test administration is included in the Appendix.

The principal of each school is responsible for **providing complete training annually in test security and test administration** for **all** school personnel who will be involved with the testing process.

The principal of each school is also responsible for providing a refresher training prior to each state-mandated test administration focusing on specific requirements of the test being administered as well as an overview of test security procedures, taking into account the following requirements:

- Primary responsibility for test administration **must not** be given to unlicensed personnel, student teachers, teacher's aides, emergency substitute teachers, or parent and community volunteers.
- Only individuals who have received test security and administration training are allowed to administer or proctor an examination.
- Training must be designed to cover the following practices:
 - Instructions in proper handling of test materials, including test tickets
 - 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 regarding the disclosure of testing irregularities (See [Protection of School District Personnel](#) in the Appendix.)
 - Conditions related to testing, under which a teacher may be suspended, dismissed, or not reemployed

- Conditions related to testing, under which an administrator may be demoted, suspended, dismissed, or not reemployed
- Conditions related to testing, under which the state board may suspend or revoke the license of any teacher, administrator, or other licensed employee

Each individual who is involved with or required to be present during (e.g., medical professionals) the administration of state examinations will acknowledge in writing or electronically that he/she has participated in the annual and/or refresher training and that he/she has been informed of and understands the following:

- All information provided by the school district related to proper test security and test administration
- The potential consequences for failure to observe and carry out the requirements of the state and district test security plans
- The potential consequences for failure to comply with the state and district test security plans

Training records/acknowledgements containing dates and signatures of all participants must be retained for three consecutive school years. Schools not affiliated with a district must submit training records to the NDE test security coordinator.

Disclosure of Test Content and Approved Answers

Knowledge or review of actual test content is not necessary for valid test administration and is strictly prohibited.

- The questions contained in state-mandated examinations and the approved answers are confidential, and disclosure is unlawful except under the following circumstances:
 - To the extent necessary for administering and evaluating the examinations
 - When it is *necessary for the performance of the duties* of a
 - State officer who is a member of the executive or legislative branch
 - Superintendent of schools of a school district
 - Director of curriculum of a school district
 - Director of testing of a school district
 - Specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers are 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.
 - NDE staff and/or the Office of the Nevada Attorney General are charged with determining whether gaining access to state-mandated examinations is necessary and permitted by law.

- Test administrators or proctors (individuals assisting test administrators) who are required to read or sign test content to students as provided in their testing accommodations or designated supports must complete a Confidentiality Agreement (template available at Bighorn > Files > Assessment Group). Other individuals required to be present in the testing environment (e.g., medical professionals) must also complete a Confidentiality Agreement.
- Test administrators, proctors (individuals assisting test administrators), school administrators, teachers, substitute teachers, any other school personnel, or other individuals required to be present during test administration (e.g., medical professionals) are not permitted to review test content for any reason unless one of the exceptions previously listed applies.
- Test material, whether online or paper/pencil, must not be copied or reproduced by any means without the prior written authorization of the test publisher and the NDE, nor is any individual permitted to make notes on test content.
- Under **no** circumstances shall copies of test material displayed on computer screens, student responses, or test booklets be circulated among faculty, administrators, or other persons.
- All materials containing student identifying information and/or responses are the confidential property of the Nevada Department of Education (NDE), and not public record. Disclosure is strictly prohibited without written permission from the NDE (i.e., in the event a district test director or other district or state official is conducting an investigation).

Storage and Distribution of Test Materials

- Test tickets are secure documents and must be stored, distributed, and collected according to test security procedures. Under no circumstances may student-identifying information printed on the tickets be distributed via email or any other non-secure method.
- Test tickets must be collected when students complete a part of a test, and redistributed for administration of the second part.
- All documents containing student-identifying information, responses, or test content must be stored securely and must not be accessible to anyone other than the principal or school test coordinator (or other designated individuals who require access).
- The secure storage may not be used for other materials to which unauthorized individuals have access. A sign-in/sign-out sheet including dates and times must be kept to track the movement and custody of materials.
- Secure testing materials, including test tickets, are not to be distributed to test administrators until the prescribed date for test administration. (Exception: Materials for

the Nevada Alternate Assessment (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.)

- For paper test booklets:
 - District test directors (or school test coordinators if testing materials are shipped directly to the schools) must
 - Follow the directions from the testing vendor regarding the receipt of materials and the reporting of discrepancies.
 - Account for all test booklets and other testing materials immediately upon receipt from each school's test coordinator.
 - School test coordinators must
 - Maintain a log identifying the serial numbers of the test booklets assigned to each test administrator and the times materials were picked up.
 - Account for **all** test booklets and other testing materials immediately upon their return from each test administrator, including signatures and times materials were returned.
 - Test administrators must
 - Account for **all** test booklets and other testing materials, including scratch paper, before students are allowed to leave the testing room for any reason.
 - Place test booklets in serial number order and return all materials to the school test coordinator before the end of the school day.

On completion of testing, district test directors (or school test coordinators if testing materials are shipped directly to the schools) must return the materials in accordance with the procedures outlined in the test coordinator manual for the specific assessment.

Testing Locations and Prescribed Dates

Each test must be given in a public facility approved by the board of trustees or the governing body. Charter schools using on-line coursework as the primary mode of instruction must provide a centralized location for students to appear in person to take the scheduled state-mandated examinations. Any exception to this requirement must be submitted to the NDE in writing no later than 60 calendar days prior to the scheduled administration. The NDE will notify the district or charter school of the decision in writing no later than one week before the scheduled test date.

The NDE prescribes the specific date or range of dates on or during which an examination or examinations will be given. If a district has special circumstances that prohibit giving the scheduled examination during the designated dates, the district test director must submit a written request for a change of date to the Nevada Department of Education (NDE) Office of Assessment, Data and Accountability Management at least 60 calendar days prior to the prescribed date of the test. The ability to grant requests may be limited both by the legislative

requirement for uniform statewide administration and by contractual agreements with testing companies for scoring. Test directors in districts with year-round elementary schools, year-round track schools, or other scheduling conflicts will continue to work with the appropriate NDE assessment staff to schedule appropriate times for administration of required assessments to those students who will be on break throughout the designated testing periods.

Examinations must be administered by licensed employees of a district or charter school who are trained in 2017-2018 test security and administration procedures and administered in a public facility approved by the board of trustees or the governing body. Unlicensed personnel, student teachers, teacher's aides, emergency substitute teachers, and parent and community volunteers may act as proctors (individuals assisting test administrators) and not as test administrators. **EXCEPTION:** Provided it is not a violation of **district** testing procedures, qualified paraprofessionals who have certified on the WIDA website for the appropriate assessments may administer the Speaking (all grades) and Kindergarten portions of the English Language Proficiency Assessment, WIDA. Administration must occur under the direct supervision of assigned, licensed personnel who are trained in 2017-2018 test security and administration procedures.

Testing Environment

- 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.
- All testing materials must be distributed or accessed prior to the beginning of the testing session. See the specific test administration manuals for permissible materials.
- 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-identifying information.
- Students may not have access to personal materials, including electronic devices, during testing unless a student has a specific accommodation or designated support, or the device is required for test administration. Unauthorized possession of non-permissible materials may result in invalid scores.
- Parents or guardians of students who are testing must not be allowed in the testing room.
- Students who are not participating in a specific test must not be allowed in the testing room while tests are being administered.

- **The following aids may be displayed, but individual copies may not be provided to students for use during the test:**
 - Scoring guides provided by the NDE
 - Word walls or word lists without definitions, visual aids (including color coding), or labels
- **Materials provided by the NDE may not be paraphrased or modified (except for enlargement).**

Administration of Examinations

- The identity and eligibility of all students who participate in testing must be verified in accordance with the district test security plan.
- Test tickets contain student-identifying information and must be distributed to the appropriate students. If a student begins a test with another student’s ticket, the district test director or designee **must** obtain permission from the NDE to regenerate the test ticket(s).
- Administration of examinations to students NOT eligible to take them, including students who have previously passed, is strictly prohibited.
- Students are only permitted to complete a test one time at a school during a test administration window. See the online test administration manuals for unlocking and resetting guidelines.
- At least one test administrator and a sufficient number of proctors (individuals assisting test administrators) must be provided in each testing room to adequately supervise the testing. A ratio of one test administrator to not more than 30 students is strongly recommended.
- Testing sign-in and sign-out sheets must include times.
- All individuals present in the testing room—including students, licensed and unlicensed personnel, and any unauthorized individuals who may have entered the room—must be documented.
- Additional materials beyond those specified in test administration instructions, or documented on a student’s testing accommodation form or as designated supports, cannot be provided to or made available to students for use during a test administration.
- Students must be overseen by **licensed personnel** while having access to test materials, and during supervised breaks.

- The test administrator’s computer must be secured and monitored throughout the testing session.
- Test administrators must read and follow the script provided in the administration manuals for administering each test.
- **Unlocking Performance Tasks**—online tests lock down each night or when a student submits a test for scoring. Unlocking a test allows a student to access a test that has expired or has already been submitted.
 - If an *expired* test is unlocked, the test will reopen at the location at which the student stopped testing. The student will be able to review items within the current segment of the test, but cannot return to previous segments.
 - If a *submitted* test is unlocked, the test will reopen at the last page of the test.
 - For **interruptions** in testing, the NDE grants permission to district test directors or their designees to unlock tests if:
 - A student is unable to complete a test due to a technological difficulty that results in the expiration of the test (**must** be reported as a testing irregularity).
 - A student is unable to complete a test before it expires due to a sudden illness or unanticipated school closure (**must** be reported as a testing irregularity).
 - For instances of **human error, when discovered on the day of testing**, the NDE grants permission to district test directors or their designees to unlock tests if:
 - A student begins a part of the test unintentionally (e.g., logging in to ELA Performance Task Part 2 instead of Part 1). The student should stop the test as soon as the error is noticed and should be directed to log in to the appropriate test part. The district test director or their designee must unlock the test part that was begun erroneously prior to administration of that part (**must** be reported as a testing irregularity).
 - A student unintentionally submits a Performance Task before completing it if the incident is reported **immediately** and the test is unlocked and completed the same day (**not** reported as a testing irregularity).
- Test administrators and proctors (individuals assisting test administrators) must monitor students to ensure they are working independently and adhering to procedures. It is **not** appropriate to engage in other activity (e.g., grading assignments, checking emails) during test administration. Particular attention must be paid to the following security threats to online test administration:
 - Cheating threats:
 - Colluding with others
 - Using cheating aids
 - Using a proxy test taker
 - Copying answers from other test takers

- Stealing threats
 - Capturing content by digital photography devices
 - Transcribing questions verbally (on paper or recording device)
- Test administrators, proctors (individuals assisting test administrators), 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.
- Students may not provide assistance of any kind to other students.
- All incidents involving student cheating must be responded to in accordance with district and/or school disciplinary procedures, and require tests to be submitted as “**invalid.**”
- Photographing, recording, or transmitting any part of a test or testing session is **PROHIBITED** unless the activity is required for test administration, or when the school test coordinator, principal, or district test director is collecting evidence for a **test security** investigation.
- For all assessments, food and beverages are **only** permitted during a supervised break.
- Procedures for breaks are included in the specific test administration manuals and must be followed explicitly.
- Electronic devices are strictly **PROHIBITED** unless a student has an accommodation plan or designated support that allows a specific **permissible** device, or the device is required for test administration (see the specific administration manuals for more information). Unauthorized possession of electronic devices may result in invalid scores.
- Examinations will be administered in English. See the Usability, Accessibility, and Accommodations User Guide at the NDE [Assessment](#) web page regarding the use of glossaries and translated directions.
- The test administrator or proctor (individual assisting the test administrator) of the WIDA Speaking Test (all grades) and Kindergarten Test must have native English fluency.
- **All** testing materials, including test tickets, scratch paper, test booklets, and formula sheets must be returned to the test administrator and accounted for before a student is allowed to leave the testing area for any reason. Extra care must be taken to monitor the students’ use of scratch paper to avoid cheating.
- Students who finish before the end of the scheduled testing period may be excused according to school test security procedures. If students are not to be excused, they 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.

- Failure to adhere strictly to consistent and uniform test administration procedures may result in the invalidation of student scores. A student whose test has been invalidated may count as a participant for purposes of the Nevada School Performance Framework (NSPF); however the student will be placed in the lowest achievement level.

Reporting and Investigating Testing Irregularities

- If the NDE has reason to believe that a violation in testing administration or testing security has occurred, the NDE has an obligation to investigate the incident as it deems appropriate. Districts and schools are required to comply with the NDE’s requests for documentation and information relevant to the investigation.
- If the district test director has reason to believe that a violation of the state or district test security plan has occurred, they must do the following:
 - Immediately notify the NDE test security coordinator either orally or in writing.
 - Ensure that a Report of Testing Irregularity is uploaded to the district’s Test Security folder on the NDE Bighorn Portal within 14 school days after the incident occurred.
 - Begin an investigation of the incident.
 - If a potential breach in the security has occurred, and the school has video surveillance equipment capable of downloading and saving a digital clip of the alleged occurrence, that clip must be retained as evidence for three consecutive school years.
 - All other evidence related to test security investigations must be retained for three consecutive school years.
 - **The district test director or designee must submit all investigative findings to the NDE test security coordinator during the course of the investigation.**
 - A school official who has reason to believe that a violation of the state or district test security plan has occurred must immediately notify the district test director (if the school is affiliated with a district). However, the district test security plan may require all reports of test security violations to be first directed to the school principal or test coordinator for reporting to the district test director or designee.
 - If a school is not affiliated with a district, the school principal or test coordinator will notify the NDE test security coordinator immediately and upload a written report to the NDE Bighorn Portal within 14 days of the incident. All investigative findings must be submitted to the NDE test security coordinator.

- All evidence and documentation related to test security investigations is confidential.
- The NDE may choose to conduct an investigation separately or in conjunction with the school district.
- Upon receipt of a Report of Testing Irregularity, the NDE test security coordinator will review the report and determine how to proceed.
- The majority of the communication regarding the Report of Testing Irregularity will occur between the district test director and the NDE test security coordinator.
- If the NDE determines that an irregularity in test administration or security has occurred, the test security coordinator shall notify the district test director in writing indicating the status of the case and a unique case number. Depending on the severity of the incident and the potential impact to the state assessment program, results may include, but are not limited to:
 - No further action required
 - Invalidation of student scores
 - A requirement for the district or school to complete a corrective action plan (NRS 390.295)
 - The NDE’s recommendations and/or requirements for inclusion in the district or school corrective action plan
 - A requirement for the district or school to conduct an additional administration of the examination (NRS 390.290)
 - Licensure sanctions administered by the State Board of Education (NRS 391.330)
- A school principal will be required to submit a corrective action plan to the NDE test security coordinator (through the district test director) under conditions which include, but are not limited to, the following:
 - Investigative findings indicate the testing irregularity resulted from inappropriate school-level test administration and/or inadequate security protocol.
 - Investigative findings indicate the school principal did not provide for adequate or sufficient training of school personnel in test administration and/or security procedures.
- A district test director will be required to submit a corrective action plan to the NDE under conditions which include, but are not limited to, the following:
 - Investigative findings indicate the testing irregularity resulted from inappropriate district test administration and/or inadequate security protocol.
 - Investigative findings indicate the district test director did not provide for adequate or sufficient training of school district personnel in test administration and/or security procedures.

Assurances from Principals

The principal of each testing site is required to accept responsibility for both the proper administration of the tests at that site and the physical security of the test materials including test booklets, test tickets, and student responses. Although the principal may assign test scheduling and training responsibilities to a school test coordinator, delegating these duties does not absolve the principal of the ultimate responsibility for test security and proper test administration. The principal must be familiar with the prescribed procedures for administering the tests and certify, on an annual basis, that these procedures will be followed at the school. On or before September 15 of each year, the principal of each public school, including charter schools, shall submit to the NDE a statement that the principal will ensure the school's compliance with the procedures related to the confidentiality of testing materials, proper administration of the state-mandated tests, and provision for annual test security training as well as refresher trainings prior to each specific test administration.

To maintain uniformity, the NDE has prepared a form entitled Authorization to Administer Tests. Schools will receive this form from their district test directors, who are responsible for collecting the completed forms and submitting electronic copies to the NDE. In the event that a new principal or assistant principal joins the school after the submission of the original authorization form, the school must submit a replacement form with the new principal's or assistant principal's signature. Schools not affiliated with a district must submit their forms directly to the NDE (instructions located on form).

APPENDIX

Protection of School District Personnel

Terms and Definitions

Protection of School District Personnel Regarding the Disclosure of Testing Irregularities

2017-2018 School Year

Nevada Revised Statutes (NRS) 390.350 through 390.430 provide for specific rights and responsibilities of school district personnel with regard to the disclosure of irregularities in testing administration and testing security relative to all state and district-mandated examinations. NRS 390.425 also requires the Nevada Department of Education to annually submit a written summary of these rights and responsibilities to the board of trustees of each school district and to the governing body of each charter school.

Definitions

- **“Examination”** means achievement and proficiency examinations that are administered to pupils pursuant to 390.105, 390.600, and 390.610, and includes the following:
 - English Language Arts (ELA) and mathematics in grades 3 – 8
 - Science assessments in grades 5, 8, and 10
 - End-of-Course Examinations
 - College and Career Readiness Assessment
 - NWEA Reading Assessment in grades K – 3
 - Any other examinations that measure achievement and proficiency of pupils and which are administered to pupils on a district-wide basis
- **“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.
- **“Reprisal or retaliatory action”** is action that is taken because the school official disclosed information concerning testing irregularities and includes, without limitation:
 - Frequent or undesirable changes in the location of an office;
 - Frequent or undesirable transfers or reassignments;
 - The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;
 - A demotion;
 - A reduction in pay;
 - The denial of a promotion;
 - A suspension;
 - A dismissal;
 - A transfer; or
 - Frequent changes in working hours or workdays.

- “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.

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 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 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.

Terms and Definitions

The following terms and definitions will be used when referring to the Nevada Department of Education assessment program:

- **“Examination”** means achievement and proficiency examinations that are administered to pupils pursuant to 390.105, 390.600, and 390.610, and includes the following:
 - English Language Arts (ELA) and mathematics in grades 3 – 8
 - Science assessments in grades 5, 8, and 10
 - End-of-Course Examinations
 - College and Career Readiness Assessment
 - NWEA Reading Assessment in grades K – 3
 - Any other examinations that measure achievement and proficiency of pupils and which are administered to pupils on a district-wide basis
- **“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, but not limited to, the following:
 - Failure to comply with state or district security procedures
 - 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
- **“School official”** means the following:
 - A member of a board of trustees of a school district
 - A member of a governing body of a charter school
 - A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school
- **“District Test Director”** is appointed by the school district superintendent and refers to the individual who represents an individual school district on all matters of testing, including, but not limited to, the following:
 - Serving as a liaison between the local school district and the Nevada Department of Education
 - Assisting the local board of trustees in the development of a district test security plan
 - Organizing the district testing calendar
 - Ensuring that school principals and school test coordinators are adequately trained and informed of all relevant test administration guidelines and procedures
 - Disseminating and collecting testing materials

- **“School Test Coordinator”** or **“Test Coordinator”** is the school principal or a licensed individual appointed by the school principal and refers to the person who represents the school on all matters of testing that may include, but are not limited to, the following:
 - Assisting the school principal by serving as a liaison between the school and the district test director
 - Assisting the school principal in the development of school test administration procedures
 - Assisting the school principal in providing annual training for school officials involved in test administration
 - Assisting the school principal in organizing the test schedule
 - Assisting the school principal in the dissemination and collection of test materials
 - Assisting the school principal in assigning school officials to administer or proctor the assessments

Although school principals may delegate testing responsibilities to a school test coordinator, the school principal assumes final responsibility for the proper training and administration of all state-mandated testing.

- **“Classroom Test Administrator”** or **“Test Administrator”** is assigned by the school principal or school test coordinator and refers to a school official whose responsibilities may include, but are not limited to, the following:
 - Administering the assessment to an assigned group of students in accordance with all test security and test administration procedures
 - Assuming primary responsibility for the verification of the identity and eligibility of each student participating in the assessment (in accordance with procedures outlined in the district test security plan)
 - Assuming primary responsibility for the dissemination and collection of each student’s test materials
 - Assuming primary responsibility for the supervision of students during their participation in the assessment
 - Ensuring that students are taking the assessment in accordance with test security and test administration procedures
 - Following up on unusual behavior or activity on the part of the students
 - Assuming primary responsibility for ensuring that applicable time limits are being adhered to
- **“Classroom Proctor”** or **“Proctor”** is assigned by the school principal or school test coordinator and refers to a school official whose responsibilities may include, but are not limited to, the following:
 - Assisting the classroom test administrator in supervising students during their participation in the assessment
 - Ensuring that students are taking the assessment in the manner in which they were instructed by the classroom test administrator

- Immediately notifying the classroom test administrator of any unusual behavior or activity on the part of students
- Assisting the classroom test administrator in the dissemination and/or collection of test materials
- Assisting the classroom test administrator in ensuring that applicable time limits are being adhered to