



# Test Administration and Certification of Training Form and Non-Disclosure Agreement

This form must be signed by all individuals having access to test materials, including online materials, during **any** Maryland State Department of Education (MSDE) sponsored testing. This includes:

- School Test Coordinators (STCs);
- Test Administrators/Examiners (TAs/TEs);
- Persons designated as Proctors;
- Instructional Assistants or other personnel who provide accommodations to students with disabilities and/or students who are English Learners (EL); and
- Teachers or others who support a test administration or who have access to test materials.

Only persons who are employees or agents of the school district and who have signed this form may supervise, administer, proctor, or assist with the administration of the test. The school system must retain completed forms on file as specified in Code of Maryland Regulations (COMAR) 13A.03.04.03.

This is to certify that:

- I understand that the MSDE assessment materials are confidential and I agree to abide by all of the regulations governing test administration and data reporting policies and procedures as specified in COMAR 13A.03.04.
- I have been trained for my role in the upcoming testing by a trainer authorized by my school district. I am familiar with COMAR and the district test administration regulations and have received a copy of the regulations.
- I understand that it is a breach of professional ethics to provide or alter answers, provide verbal or nonverbal clues, teach items on the test, share prompts, coach, hint, or in any way influence a student's performance during the testing. The only materials students may use are those authorized in the manuals related to the specific assessments.
- I understand that copies of test materials, including items and other documents that are identified as secure, are confidential and must be kept secure at all times. Unauthorized access, use, transportation, duplication, or reproduction of any portion of these assessment materials is prohibited.
- I understand that making notes about test items, making answer keys for, writing about, or discussing with persons not involved in the test administration, the content of the actual test or any part thereof, including reading passages, is prohibited. (For the KRA, making observational notes about student performance is acceptable.)
- I understand that I may not provide any part of the test materials for examination or other use by any other party.
- I understand that I may not disseminate any of the test materials to any other party.
- I understand that I may not discuss the topics and/or specific content of the test materials with any other party.
- I understand that accommodations for students with disabilities must be limited to those documented in the student's IEP or Section 504 Plan, and accommodations for English Learners (EL) must be limited to those documented in the EL Plan. Accommodations also must be those which are permitted as outlined in the current *Maryland Accommodations Manual*. (Note that this is not applicable for the KRA.)
- I understand that the test must be administered on the dates specified within the allowed testing window.
- I understand the test materials must be returned to the representative authorized by MSDE by the agreed-upon date.
- I understand that, unless part of the directions for administration, I may not read any material to a student unless part of an allowable accommodation (Note that this is not applicable for the KRA.). Students unsure of the question or an answer should be told only to reread the question and give their best response. Although I understand I can encourage students to respond to each question, I understand I cannot tell students to change their responses.
- I understand that students who finish a portion of the assessment early may review their work only as permitted in the respective administration manual. (Note that this is not applicable for the KRA.)
- If I am administering an alternate Maryland assessment, I understand that I may not inaccurately report a student's responses or "coach" a student to provide correct answers.
- **I have read the above and have been prepared for my role in the test administration.** I have received and reviewed the current administration's manual(s) and agree to abide by the policies and procedures as outlined therein. I understand that violations of test administration and security provisions may include invalidation of test results, cost assessed to my district, disciplinary actions against me by my district, and/or certificate suspensions or revocations by the MSDE as applicable.

\_\_\_\_\_  
**Name (Please print)**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**LSS & School**

\_\_\_\_\_  
**School Year**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Submit this form (signed) to your School Test Coordinator, and keep a copy for your records.**

The signed agreement must be maintained by the school at least six years.

**Title 13A**  
**STATE BOARD OF EDUCATION**  
**Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS**

**Chapter 04 Test Administration and Data-Reporting Policies and Procedures**

*Authority: Education Article, §2-205, Annotated Code of Maryland*

**.01 Scope.**

This chapter applies to:

A. Tests administered by or through the State Board of Education including but not limited to:

- (1) The Maryland School Assessment (ELA/L and Mathematics);
- (2) The Maryland School Assessment (Science);
- (3) The Alternate Maryland School Assessment (Science);
- (4) The Alternate Maryland School Assessments (Reading and Mathematics), which will be replaced by the National Center and State Collaborative Assessments for Reading and Mathematics in school year 2016–2017;
- (5) The Maryland High School Assessments (Government and Science);
- (6) The Kindergarten Readiness Assessment;
- (7) The norm-referenced test or tests in use by the State;
- (8) The Educator Credentialing Tests; and
- (9) Other test instruments required by the State Board of Education;

B. Data reporting required by the State Board of Education including the data-based areas described in COMAR 13A.01.04 and other measures used to determine availability of services and funding; and

C. Local school system-owned materials that are the same as those used in any State-operated assessment program.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated. B. Terms Defined.

- (1) "Department" means the State Department of Education.
- (2) "Individual" means a student, teacher, administrator, or other school system or Department employee.
- (3) Local School System.
  - (a) "Local school system" means a public school system.
  - (b) "Local school system" includes special schools and institutions and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.
  - (c) "Maryland School Performance Program (MSPP)" means a performance-based education accountability program that focuses on accountability through school improvement in the public schools.
  - (d) "Test administration" means the range of activities from procurement of secure assessment materials through the return of secure assessment materials to the Department or its agents.

**.03 Local School System Test Administration and Data-Reporting Policies.**

A. A local school system shall develop and adopt test administration and data-reporting policies.

B. The test administration policy shall provide for:

- (1) The security of the materials during testing and the storage under lock and key of all secure tests and test materials in all versions, including, but not limited to, answer keys, audio tapes, videotapes, compact disks (CDs), and examinee answer documents, before, during, and after testing;
- (2) The proper administration of tests and the monitoring of test administrations;
- (3) Annual training of appropriate personnel on the local test administration policy and procedures; and
- (4) The prohibition of electronic devices, including personal devices, (unless required for testing or administrative purposes) in testing rooms during testing; and
- (5) The retention of an archival document for a minimum of 6 years after the date of test administration, containing the following information for each testing group each testing day:
  - (a) Name and student identification number for each student;
  - (b) School and system names and identifiers;
  - (c) Names of the test administrators, examiners, accommodators, and proctors; and
  - (d) Unique test document identification number for each student for paper testing only.

C. The data reporting policy shall contain:

- (1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter;
- (2) Procedures for reporting assessment results to parents/guardians of students within 30 days of receipt by the local school system, but no later than the 15th of September for spring assessment results.
- (3) Procedures for the delivery of assessment results to parents/guardians by one or more of these methods:
  - (a) First-class mail;
  - (b) Backpack or student folder only if parents/guardians are notified by phone or electronically to expect the assessment results to be delivered on a date certain by that method;

- (c) Personally at Parent/Teacher conferences; or
- (d) Electronically through the communication system used by the local school system to keep parents/guardians informed; and
- (4) Training of appropriate personnel on data reporting procedures. D. Test Administration and Certification of Training Forms.

(1) The Department and each local school system shall use a Department provided or approved test administration and certification of training form and a Department provided or approved nondisclosure agreement, as appropriate, for its employees.

(2) Before initially handling any test materials, and annually after that, each individual directly or indirectly involved shall sign a test administration and certification of training form or a nondisclosure agreement, whichever is applicable.

(3) All signed forms and agreements shall be retained by the Department or local school system for the duration of the individual's employment or relationship with the Department or local school system.

(4) Forms and agreements may be signed electronically using any means approved by the Department.

E. Electronic Archival of Documents. Each local school system may develop and adopt policies and procedures for the secure electronic archival of paper documents.

**.04 Local School System Testing Designates.**

A. Local Accountability Coordinators.

(1) A local superintendent of schools shall designate annually one individual per school system to serve as the Local Accountability Coordinator (LAC).

(2) The LAC shall have oversight of the:

- (a) Procurement of test instruments that are used in testing programs administered by or through the State Board of Education;
  - (b) Organization, implementation, orientation, and verification of the Maryland educational assessment programs in the school system; and
  - (c) Administration and security of state-mandated assessments.
- (3) The name of the LAC shall be provided in writing to the Department within 10 days of the designation.

B. School Test Coordinators.

(1) Each school system shall designate one individual per school to serve as the Primary School Test Coordinator (STC). A Principal may not serve as the STC unless permission has been granted by the Department.

(2) The Primary STC shall:

- (a) Have responsibility for training and supervising school personnel in test administration policy and procedures; and
  - (b) Be the primary point of contact with the LAC and the Department during the administration of all state assessments.
- (3) The school system may further designate, one or both, an:
  - (a) Alternate STC per school.
  - (b) Assistant STC per state-mandated assessment.

**.05 Testing Behavior Violations.**

A. It is a violation of test security for an individual to fail to follow test administration procedures promulgated by the local board of education or the State Board of Education and published in test administration manuals and related materials for mandatory tests administered by or through the State Board of Education to students or educators.

B. It is a violation of test security for an individual to:

- (1) Give examinees access to secure test items or materials before testing;
  - (2) Give unauthorized individuals access to secure test items or materials;
  - (3) Copy, reproduce, use, or otherwise disclose in any manner inconsistent with test security regulations and procedures any portion of secure test materials;
  - (4) Provide answer keys or answers orally, in writing, or by any other means, to examinees;
  - (5) Coach examinees during testing by giving them answers to test questions or otherwise directing or guiding their responses or altering or interfering with examinees' responses in any way;
  - (6) Fail to follow security regulations and procedures for distribution and return of secure test materials, or fail to account for all secure test materials before, during, and after testing;
  - (7) Fail to properly monitor test administration, including permitting inappropriate collaboration between or among individuals;
  - (8) Administer State-mandated tests on dates other than those specified by the Department;
  - (9) Participate in, direct, aid, counsel, assist, encourage, or fail to report any of the acts prohibited in this chapter; or
  - (10) Refuse to disclose information regarding test security violations.
- C. The local school system shall investigate any allegations of violations of test security and report the results to the Department in a timely fashion.

**.06 Data Collection and Reporting Violations.**

A. It is a violation of data collection and reporting for an individual, school, or school system to:

- (1) Fail to report test scores, numbers of students tested, and other

indicators of test performance on mandatory tests administered by or through the State Board of Education, as well as all other data elements reported to the Department;

(2) Report incorrect or otherwise inaccurate test scores, numbers of students tested, other indicators of test performance, and participation on mandatory tests administered by or through the State Board of Education, as well as all other data elements reported to the Department; or

(3) Exclude a student or students from participation in mandatory tests administered by or through the State Board of Education except in accordance with Department-approved procedures.

B. The local school system shall investigate any allegations involving data collection or reporting violations and report the results to the Department in a timely fashion.

**.07 Sanctions for Violations.**

A. Invalidation of Test Scores or Other Data.

(1) An individual shall adhere to all procedures specified in all operating manuals and related materials governing the Maryland School Performance Program including the mandated testing programs.

(2) The Department:

(a) Shall establish procedures to identify:

(i) Improbable test score gains or improbable changes in data in consecutive years,

(ii) Situations in which inappropriate collaboration between or among individuals occurs during the test administration or data collection and reporting, and

(iii) Any other situation which may result in the invalidation of test results or other data; and

(b) May invalidate test scores or other data that reflect improbable gains which cannot be satisfactorily explained through changes in the student population or instruction.

(3) The invalidation of test results or other data because of a breach of security, or action of the State Board of Education, also invalidates any graduation, programmatic, or evaluative criteria dependent upon these data or test results.

(4) A student who causes, allows, or is otherwise involved in the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to a test administration site for any of the tests listed in Regulation .01 of this chapter may have the test results invalidated, and may be ineligible to retake the test until the next official testing opportunity.

(5) A student who engages in any activities during testing which result in invalidation of scores may be ineligible to retake the test until the next official testing opportunity.

(6) All central office and school-based personnel whose duties involve either test administration or data collection and reporting shall be held accountable for compliance with all of the requirements described in this chapter.

B. Other Sanctions. A testing behavior violation as described in Regulation .05 of this chapter, a data collection and reporting violation as described in Regulation .06 of this chapter, or a violation of any other regulation in this chapter constitutes misconduct, insubordination, or neglect of duty for which:

- (1) Personnel sanctions may be imposed by the local school system;
- (2) The administrative credentials, teaching credentials, or both, of the violator may be suspended or revoked under COMAR 13A.12.05;
- (3) The school or school system may be censured; and
- (4) Costs incurred as the result of the violation may be recovered by the Department.

C. Mitigating Circumstances.

(1) Any mitigating circumstances shall be considered before a sanction is imposed for a testing behavior violation as described in Regulation .05 of this chapter, a data collection and reporting violation as described in Regulation .06 of this chapter, or violation of any other regulation in this chapter.

(2) An individual other than a primary violator may be sanctioned only if the individual failed to take appropriate action after learning about the violation.

D. Reasonable Person Standard. All conduct with respect to test administration and data reporting will be reviewed under a reasonable person standard, that is, what a reasonable person would do under similar circumstances.

E. Whistleblower Protection.

(1) The local school system shall not take any personnel action as retaliation against an employee who reports information that the employee reasonably believes involves a test security violation under this chapter.

(2) The local school system may take personnel action against an employee if the local school system investigates and concludes that the employee was involved in the reported test security violation.

**NOTE:** COMAR text current as of July 18, 2018. Please consult <http://www.dsd.state.md.us/COMAR/ComarHome.html> for any changes.