

NYSED TEST SECURITY UNIT

**STRIVING TO ENSURE
THE INTEGRITY OF THE
NEW YORK STATE
TESTING PROGRAM**

Tina Sciocchetti, Executive Director
Test Security and Educator Integrity
New York State Education Department
May 31, 2013

Test Security Unit Genesis

“We are relying more than ever on state exams. ... If we’re going to use the tests in these ways, we need to be absolutely certain that our system is beyond reproach ... [and] ensure that our tests are not compromised in any way.”

Regents Chancellor Merryl H. Tisch

USES OF TEST SCORES

- Measure student achievement
- Trigger remedial services
- Assess and improve a school's curriculum
- “Data-driven instruction” designed to tailor instruction for student
- Teacher and principal effectiveness (APPR)
- Bonuses, job retention, tenure decisions
- Competitive grants, honors and waiver programs
- School accreditation, take-over, closure

How Can Test Scores Be Compromised by Educators?

1. **Retaining 3-8 tests and field tests, using for next exam**
2. **Opening test materials before designated time**
3. **Distributing cheat sheets, formulas, definitions before test**
4. **Giving a student more time to take test**
5. **Defining words, concepts, or questions, on test**
6. **Using voice inflection or physical gestures to cue answers**
7. **Coaching a student during testing**
8. **Allowing a student to alter exam answers after test handed in**
9. **Altering a student's answers after test handed in**
10. **Filling in blank bubbles left by students**
11. **Adding points to a student's test score to help student pass**
12. **Altering a student's test score during recording or reporting**
13. **Coordinated exclusion / suspension of students with poor academic performance**
14. **Encouraging low performers to stay home during testing**

The Stakes Are High, But Cheating Cannot Be The Easy Way Out

- **Good Moral Character supporting certification requires honesty and integrity**
- **Educator test fraud poses serious consequences for affected students, schools, colleagues, and the educators themselves**

Educator Cheating Hurts Students

Undetected Cheating

- Parents have invalid proficiency measure
- Loss of vital support services for low performers
- Improper grade-to-grade promotion
- Improper diploma issuance

Cheating Detected

- Invalidations of scores
- May be forced to retake test
- Delay in diploma issuance

Educator Cheating Hurts School

Undetected

- Loss of funds to support low performing students
- Invalid assessment of progress and weaknesses in curriculum and instruction

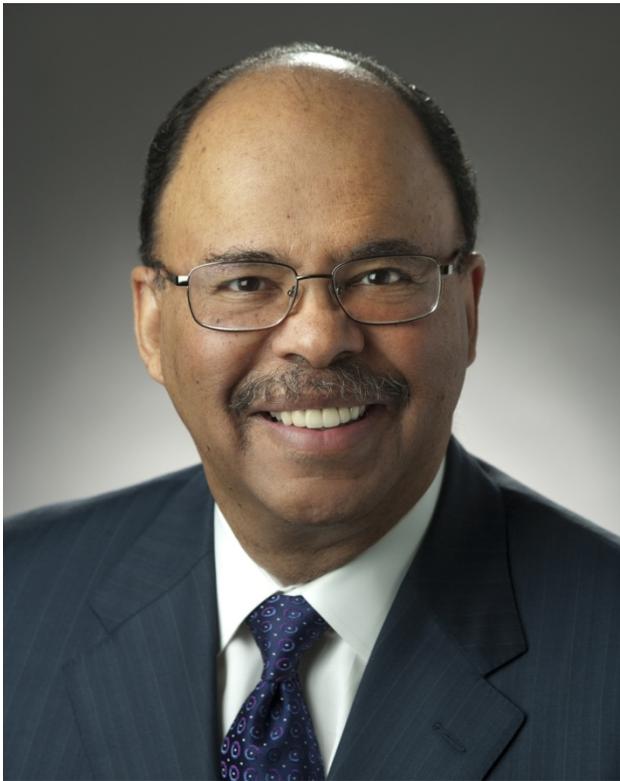
Detected

- “Focus” or “Priority” designation due to invalidation of scores (SINI)
- School barred from testing or storing privileges, if widespread
- Loss of reputation for school, students, and graduates
- Diploma value deflated

Cheating Hurts Colleagues

- Inherit low performing students unassisted by tutoring or services that had been warranted
- Marked drop in scores following year unfairly reflects poorly on them
- Cheaters may receive higher ratings that unfairly penalize honest, ethical colleagues

DETERRENCE IS TSU GOAL



“The penalty for cheating must always be more severe, more predictable, and more immediate, than any consequence for not meeting a goal or objective.”

Erroll B. Davis, Jr.
Superintendent, Atlanta Public Schools

TEST SECURITY UNIT STAFF

- Two seasoned prosecutors
- Four investigators with combined 85 years of state and federal law enforcement experience
- Dedicated IT support to create on-line, web-based processes and electronic “tip line”

Test Security Unit “**ETHICAL**” Approach

Evaluate and Improve Current SED Policies

Train Educators How to Do it Right

Help Districts Comply

Investigate Allegations

Crack Down on Misconduct

Announce/Publicize Activities

Level the Playing Field

Evaluate and Improve SED's Current Testing Policies/Practices

- Continuously evaluate SED testing policies/practices
- Recommend and implement security improvements
- Make effective use of SED scoring audits and forensic methods (erasure analysis, spike cluster analysis, audit rescoring, marked drops/gains analysis, department review of scoring)
- Comprehensive case tracking system to study test security trends over time



To: District Superintendents
Superintendents of Schools
Principals of Public, Nonpublic, and Charter Schools

From: Tina Sciocchetti, Executive Director

Re: Prohibition of Cell Phones and Electronic Devices in New York State Assessments

Date: July 12, 2012

Currently, students are prohibited from using cell phones and other communications devices while taking New York State assessments. However, State Education Department policy does not prohibit students from possessing the devices in exam locations. To further ensure the integrity of State assessments, the current policy is being enhanced to prohibit all students from bringing cell phones and certain other electronic devices into a classroom or other location where a New York State assessment is being administered.

Prohibited devices include, but are not limited to:

- Cell phones
- BlackBerry devices and other PDAs
- iPods and MP3 players
- iPads, tablets, and other eReaders
- Laptops, notebooks or any other personal computing devices
- Cameras or other photographic equipment
- Headphones, headsets, or in-ear headphones such as earbuds
- Any device capable of recording audio, photographic or video content, or capable of viewing or playing back such content

Test proctors, test monitors, and school officials, shall have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them while the test is being administered, including break periods. Admission to the test shall be denied to any student who refuses to relinquish a prohibited device.

Some students with disabilities may use certain recording/playback devices provided that such an accommodation is specified in the student's IEP or 504 Plan. Prohibited devices further may be allowed if there is documentation from a medical practitioner on file at the school that a student requires such a device during testing. In all other cases, the prohibition as provided above remains in effect and the student may not enter the exam room with any prohibited device.

This policy is effective immediately for all New York State assessments, including Regents Exams, Regents Competency Tests, Grades 3-8 Tests in English Language Arts and Mathematics, Grades 4 and 8 Science Tests, NYSESLAT, and the NYS Alternate Assessment. The *Directions for Administering Regents Examinations for August 2012* and the *School Administrator's Manual, 2012 Edition*, will be amended by July 31, 2012, to incorporate this new cell phone and electronic devices policy.

Train Educators About Proper Testing Policies/Practices

- Distribute clear instructions about testing protocols with specific content-based examples of prohibited conduct
- Publish clear and unequivocal warnings as to consequences of engaging in prohibited conduct
- School visits during testing, increased monitoring
- Webinars, e-based training
- Testing code of ethics, proctor security oath, mandated reporting of test fraud



IMPORTANT

**BEFORE YOU ADMINISTER THE JUNE 2012
REGENTS EXAMS OR REGENTS COMPETENCY TESTS (RCTs)
PLEASE REVIEW THIS IMPORTANT TEST SECURITY INFORMATION**

The State Education Department is devoting greater attention to the security and integrity of the New York State Testing Program. We appreciate your commitment and professionalism as we strive to ensure the most fair administration and scoring of Regents Exams and RCTs. Please accept this reminder of prohibited testing conduct.

Some examples of prohibited testing conduct include:

- Giving a student more time to take the test than is allowed for that student under State regulations.
- Defining or explaining for a student words, concepts, or questions, contained in the test.
- Suggesting answers to a student during testing or otherwise coaching a student during testing.
- Commenting on an answer a student has provided on the answer sheet while the test is in progress.
- Allowing a student to alter exam answers after the student has handed in his/her test materials.
- Altering a student's answers after the student has handed in his/her test materials.
- Improperly inflating a student's valid, earned test score in order to help the student pass the exam.
- Making any attempt to improve a student's test score during scoring, recording, or reporting.

Some potential consequences of engaging in prohibited testing conduct include:

- The test score of the affected student will likely be invalidated.
- The affected student may have to retake the exam.
- The person who intentionally engaged in testing misconduct could face sanctions and discipline, including termination and/or the loss of his/her New York State teacher certification.

Please report any violation of the testing rules to your administrator and the Department.

* Full instructions concerning the administration and scoring of exams are contained in *Directions for Administering Regents Examinations, June 2012 Administration*, and on the Department's website at <http://www.p12.nysed.gov/apda/hsgen>. Any person administering a Regents Exam or RCT must abide fully by these instructions. The examples provided above are simply illustrative of prohibited testing conduct.

Tips for Ethical Testing

All educators should strive to administer State assessments in the most ethical and honest manner. Ethical testing ensures that test scores are not compromised, promotes a fair testing process, and avoids serious consequences that may stem from cheating. Unethical testing conduct results in the invalidation of test scores, improper assessment of student proficiency, loss of vital services for low performers, unfair advantage over colleagues, and professional discipline such as termination and loss of certification. Avoiding the following prohibited conduct in the administration of New York State assessments will demonstrate your commitment to ethical testing practices and will enhance the integrity of your school's test results.

Before Testing DO NOT:

1. Access secure test booklets and answer sheets prior to the time allowed by state rules;
2. Copy, reproduce, or keep, any part of secure exam materials; or
3. Review test booklets in order to:
 - a. Determine and record correct responses for use during testing.
 - b. Create pre-test lessons or discussions with students about concepts being tested.
 - c. Create a "cheat sheet" for students to use in taking the test, including sharing of formulas, concepts, or definitions, necessary for the test.

During Testing DO NOT:

1. Give students any clues or answers, including:
 - a. Coaching students about proper answers.
 - b. Defining terms and concepts included in the test.
 - c. Pointing out wrong answers to a student, and suggesting that the student reconsider or change the recorded response.
 - d. Reminding students during testing of concepts they learned in class.
 - e. Making facial or other non-verbal suggestions regarding answers.
2. Allow any student more time to take the test than is allowed for that student; or
3. Leave any materials displayed in the room containing topics being tested or write on the board formulas, concepts, or definitions, necessary for the test.

After Testing DO NOT:

1. Review an answer sheet for wrong answers and return it to a student with instructions to change or reconsider the wrong responses;
2. Alter, erase, or in any other way change a student's recorded responses after the student has handed in his/her test materials; or
3. Re-score portions of the test in order to add points so the student will pass.

These are examples of prohibited testing conduct. For the full instructions for the administration and scoring of state exams go to:

<http://www.p12.nysed.gov/assessment/manuals/home.html>.

Help Districts Comply with Rules

- Integrity Officer Model
 - 37 BOCES and Big 5 designees
 - Dedicated TSU Investigator for each IO
 - Provide specialized training and investigative support
 - Pipeline to districts for training materials
- IO model allows districts to monitor conduct, provide remediation (“corrective action plans”)
- Move from paper-based to web-based system to provide on-line incident reporting process, electronic forms and guidance

Test Security and Educator Integrity

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Welcome

The New York State Education Department's Office of Test Security and Educator Integrity consists of two component units:

- [the Test Security Unit \(TSU\)](#) and
- [the Office of School Personnel Review and Accountability \(OSPRA\)](#).

Both units, which are comprised of professionals possessing legal and investigative expertise, as well as support personnel, report directly to the Executive Director for Test Security and Educator Integrity.

Last Updated: January 17, 2013

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Report Educator Test Fraud

This online incident reporting process has been designed to provide individuals a means of reporting possible testing misconduct by educators (teaching personnel and administrators) related to New York State assessments. ALL such testing irregularities must be reported through the submission of an [Incident Report Form](#). Reporting parties should complete all portions of the Incident Report Form with clear, accurate information, and should provide contact information in the event that follow up is necessary.

The [Incident Report Form](#) should be used only to report allegations concerning educator misconduct and/or cheating related to New York State assessments. Information about student cheating on state assessments or about instances of mistakes and difficulties in the proctoring, administration and scoring of state assessments should be referred to the Office of State Assessment via fax: (518) 474-1989.

Examples of possible test fraud by educators include, but are not limited to, the following:

- Giving a student more time to take the test than is allowed for that student under State regulations.
- Defining or explaining for a student words, concepts, or questions, contained in the test.
- Suggesting answers to a student or otherwise coaching a student during testing.
- Commenting on an answer a student has provided on the answer sheet while the test is in progress.
- Allowing a student to alter exam answers after the student has handed in his/her test materials.
- Altering a student's answers after the student has handed in his/her test materials.
- Improperly inflating a student's valid, earned test score in order to help the student pass the exam.
- Making any attempt to improve a student's test score during scoring, recording, or reporting.

*** NOTICE ***

- The New York State Education Department will handle all of the information submitted in the [Incident Report Form](#) in accordance with all applicable state and federal laws and regulations including the federal Family Educational Rights and Privacy Act (FERPA).
- You may be contacted by a member of the TSU after you submit the [Incident Report Form](#).
- Your [Incident Report Form](#) may be forwarded to another office or agency for handling if the incident you reported pertains to matters outside of TSU's area or responsibilities.

[Submit an Incident Report using the Test Security Incident Report Form](#)

For additional information contact:

Test Security Unit
89 Washington Avenue
Albany, New York 12234
tsu@mail.nysed.gov
fax: (518) 473-5261

Investigate Allegations of Misconduct

- Rigorous, professional investigations with full regard given to educator rights and privacy
- Support IO investigations in districts
 - Develop investigative plan
 - Participate in interviews
 - Conduct forensic analysis
 - Help obtain documents and testing expertise
- Take lead in investigation of serious or wide-spread test fraud

Crack Down on Educator Cheating

- 3020-a – support districts in investigations involving educator test fraud, testify
- Part 83 – more aggressively pursue moral character actions (revocation or suspension of certification, fines up to \$5,000, mandatory continuing education/training)
- Develop additional penalties for cheating

Announce/Publicize Activities

- <http://www.highered.nysed.gov/tsei/>
- Public reporting of TSU's activities, including confirmed test fraud cases
- Public disclosure of SED testing audits, as appropriate
- Districts will be required to report on test integrity issues, including disclosure of confirmed allegations

Level the Playing Field

“The rewards for cheating and the rewards for working hard must never be the same.”

Kathi King, Board Member
National Assessment Governing Board,
Math Teacher, Messalonskee High, Oakland, ME

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