

16 NCAC 06D .0311 TESTING CODE OF ETHICS

- (a) This Rule shall apply to all public school unit (PSU) employees or agents while they are administering the Annual Testing Program defined in Rule .0307(c) of this Section.
- (b) The PSU shall develop local policies and procedures to ensure maximum test security in coordination with the policies and procedures developed by the test publisher.
- (c) The PSU shall require all testing coordinators, school test coordinators, test administrators and proctors to be trained as required in Rule .0308 of this Section.
- (d) The PSU shall designate the personnel who are authorized to have access to secure test materials. "Access" to test materials by school personnel means handling the materials but does not include reviewing tests or analyzing test items.
- (1) Persons who have access to secure test materials shall not use those materials for any purpose other than test administration.
 - (2) No person shall copy, reproduce, or paraphrase the test materials without the express written consent of the test publisher.
- (e) The principal shall store test materials in a locked facility to which only the principal has access. The principal shall not allow anyone access to the test materials except as necessary for administration.
- (f) When PSU personnel discover loss of materials, failure to account for materials, or any evidence of unauthorized access to the materials, they shall report the discovery without delay to the principal, school test coordinator, school system (LEA) test coordinator, or charter school director.
- (g) PSUs shall ensure that test coordinators:
- (1) plan and implement training for school test coordinators, test administrators, and proctors;
 - (2) ensure each school test coordinator and test administrator is trained in accordance with Rule .0308 of this Section; and
 - (3) in conjunction with program administrators, ensure test accommodations to students entitled to testing accommodations as defined in 16 NCAC 06G .0315; are documented and provided.
- (h) The principal or the principal's designee shall serve as school test coordinator.
- (i) The principal shall ensure the school test coordinator maintains test security and accountability of test materials, including taking the following actions:
- (1) before each test administration, the school test coordinator shall count and distribute test materials;
 - (2) after each test administration, the school test coordinator shall without delay collect, count, and return all test materials to the locked storage facility;
 - (3) establishes procedures to assure all students participating in the Annual Testing Program have an equal opportunity to demonstrate their knowledge on the test; and
 - (4) identifies and trains personnel, proctors, and backup personnel for test administrations.
- (j) Teachers may help students improve test-taking skills by:
- (1) helping students become familiar with test formats using curricular content;
 - (2) teaching students test-taking strategies and providing practice sessions;
 - (3) helping students learn ways of preparing to take tests; and
 - (4) using resource materials such as test questions from test item banks and linking documents in instruction and test preparation.
- (k) With respect to test administration, PSUs shall:
- (1) assure each school establishes procedures to ensure all test administrators comply with test publisher guidelines;
 - (2) inform the local board of education of any breach of this code of ethics; and
 - (3) inform test coordinators and principals of their responsibilities.
- (l) The school test coordinator shall:
- (1) assure school personnel know the content of rules in this Section and local testing policies;
 - (2) implement the school system and local testing policies and procedures to assure all students participating in the Annual Testing Program have an equal opportunity to demonstrate their knowledge on the test;
 - (3) ensure proctors are trained; and
 - (4) ensure all violations of rules in this Section and local testing policies are reported to the school system (LEA) test coordinator.
- (m) Test administrators shall:
- (1) administer tests according to the directions in the assessment guide and any subsequent updates developed by the test publisher;

- (2) administer tests to all students enrolled in a grade or course that requires a test in the Annual Testing Program;
 - (3) report all violations of rules in this Section and local testing policies to the school test coordinator; and
- (n) Proctors shall serve as additional monitors to help the test administrator assure that students have an equal opportunity to demonstrate their knowledge on the test.
- (o) Scoring. The school system test coordinator shall:
- (1) ensure each test is scored according to the procedures and guidelines defined for the test by the test publisher;
 - (2) maintain quality control during the entire scoring process, which consists of handling and editing documents, scanning answer documents, and producing electronic files and reports. Quality control shall address scoring accuracy and scoring consistency.
 - (3) maintain security of tests and data files at all times, including:
 - (A) protecting the confidentiality of students at all times when publicizing test results; and
 - (B) maintaining test security of answer keys and item-specific scoring rubrics.
- (p) Educators shall use test scores as one piece of information to be interpreted together with other scores and indicators when determining a student's grade. The PSU shall ensure that school personnel analyze and report test data within the limitations described in this Paragraph.
- (1) Educators shall maintain the confidentiality of individual students. PSU personnel shall not publicize test scores or any written material containing personally identifiable information from the student's educational records except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g and regulations adopted pursuant thereto.
 - (2) Staff development relating to testing must enable school personnel to respond knowledgeably to questions related to testing, including the tests, scores, scoring procedures, and other interpretive materials.
- (q) Unethical testing practices include the following practices:
- (1) encouraging students to be absent the day of testing;
 - (2) encouraging students not to do their best;
 - (3) using secure test items or modified secure test items for instruction;
 - (4) changing student responses at any time;
 - (5) interpreting, explaining, or paraphrasing the test directions or the test items;
 - (6) classifying students for the purpose of avoiding State testing;
 - (7) not testing all students enrolled in a grade or course that requires a test in the Annual Testing Program;
 - (8) failing to provide required accommodations during testing to students entitled to testing accommodations as defined in 16 NCAC 06G .0315;
 - (9) modifying scoring programs including answer keys, equating files, and lookup tables;
 - (10) modifying student records for the purpose of raising test scores;
 - (11) using a single test score to place a student in a grade or a course; and
 - (12) providing inaccurate test results and interpretations to the public.
- (r) In the event of a violation of this Rule, the State Board of Education may impose any one or more of the following sanctions:
- (1) withhold any monetary incentive awards;
 - (2) file a civil action against the person or persons responsible for the violation for copyright infringement or for any other available cause of action;
 - (3) seek criminal prosecution of the person or persons responsible for the violation; and
 - (4) in accordance with the provisions of 16 NCAC 06C .0312, suspend or revoke the professional license of the person or persons responsible for the violation.

History Note: Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-218.85(a)(3);
Emergency Adoption Eff. August 20, 2019;
Eff. August 23, 2022.