

## Testing Code of Ethics

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### Introduction

In North Carolina, standardized testing is an integral part of the educational experience of all students. When properly administered and interpreted, test results provide an independent, uniform source of reliable and valid information, which enables:

- *students* to know the extent to which they have mastered expected knowledge and skills and how they compare to others;
- *parents* to know if their children are acquiring the knowledge and skills needed to succeed in a highly competitive job market;
- *teachers* to know if their students have mastered grade-/course-level knowledge and skills in the curriculum and, if not, what weaknesses need to be addressed;
- *community leaders and lawmakers* to know if students in North Carolina schools are improving their performance over time and how the students compare with students from other states or the nation; and
- *citizens* to assess the performance of the public schools.

Testing should be conducted in a fair and ethical manner, which includes:

#### *Security*

- assuring adequate security of the testing materials before, during, and after testing and during scoring
- assuring student confidentiality

#### *Preparation*

- teaching the tested curriculum and test-preparation skills
- training staff in appropriate testing practices and procedures
- providing an appropriate atmosphere

#### *Administration*

- developing a local policy for the implementation of fair and ethical testing practices and for resolving questions concerning those practices
- assuring all students who should be tested are tested
- utilizing tests which are developmentally appropriate
- utilizing tests only for the purposes for which they were designed

#### *Scoring, Analysis and Reporting*

- interpreting test results to the appropriate audience
- providing adequate data analyses to guide curriculum implementation and improvement

Standardized test scores are only one of the many indicators of how well the student is achieving. Such information should be used in conjunction with all other available information known about a student to assist in improving student learning. The administration of tests required by applicable statutes and the use of student data for personnel/program decisions shall comply with the *Testing Code of Ethics* (16 NCAC 6D .0306), which is printed on the next three pages.

## 16 NCAC 6D .0306 Testing Code of Ethics

- (a) This Rule sets out the administrative testing procedures and testing code of ethics and shall apply to all public school employees, including charter school and regional school employees, who are involved in the state testing program.
- (b) The superintendent/charter school director or superintendent's/charter school director's designee 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 superintendent/charter school director or superintendent's/charter school director's designee shall instruct personnel who are responsible for the testing program in testing administration procedures. This instruction shall include test administrations that require testing accommodations and shall emphasize the need to follow the directions outlined by the test publisher.
- (d) The superintendent/charter school director or superintendent's/charter school director's designee 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 personal gain.
  - (2) No person may copy, reproduce, or paraphrase in any manner or for any reason the test materials without the express written consent of the test publisher.
- (e) The principal shall ensure test security within the school building.
  - (1) The principal shall store test materials in a secure, locked facility. The principal shall allow test materials to be distributed immediately before the test administration.
- (f) Any breach of security, loss of materials, failure to account for materials, or any other deviation from required security procedures shall be reported immediately to the principal, school test coordinator, school system (LEA) test coordinator, superintendent/charter school director, and regional accountability coordinator.
- (g) Preparation for testing.
  - (1) The superintendent/charter school director shall ensure that school system (LEA) test coordinators:
    - (A) secure necessary materials;
    - (B) plan and implement training for school test coordinators, test administrators, and proctors;
    - (C) ensure each school test coordinator and test administrator is trained before each test administration on the policies and procedures for conducting a proper test administration and for processing and returning test materials; and
    - (D) in conjunction with program administrators, ensure the need for test accommodations is documented and that accommodations are limited to the specific need.
  - (2) The principal or the principal's designee shall serve as school test coordinator.
  - (3) The principal shall ensure the school test coordinator:
    - (A) maintains test security and accountability of test materials;
      - (1) Before each test administration, the school test coordinator shall accurately count and distribute test materials.
      - (2) Immediately after each test administration, the school test coordinator shall collect, count, and return all test materials to the secure, locked storage facility.
    - (B) establishes any needed school policies and procedures to assure all eligible students are tested fairly;
    - (C) identifies and trains personnel, proctors, and backup personnel for test administrations; and

- (D) encourages a positive atmosphere for testing.
  - (4) Test administrators shall be school personnel who have professional training in education and the state-testing program.
  - (5) Teachers shall provide instruction that meets or exceeds the state-adopted curriculum standards to meet the needs of the specific students in the class. Teachers may help students improve test-taking skills by:
    - (A) helping students become familiar with test formats using curricular content;
    - (B) teaching students test-taking strategies and providing practice sessions;
    - (C) helping students learn ways of preparing to take tests; and
    - (D) using resource materials such as test questions from test item banks and linking documents in instruction and test preparation.
- (h) Test administration.
- (1) The superintendent/charter school director or superintendent's/charter school director's designee shall:
    - (A) assure each school establishes procedures to ensure all test administrators comply with test publisher guidelines;
    - (B) inform the local board of education of any breach of this code of ethics; and
    - (C) inform school system (LEA) test coordinators and principals of their responsibilities.
  - (2) The school test coordinator shall:
    - (A) assure school personnel know the content of state and local testing policies;
    - (B) implement the school system and local testing policies and procedures to assure all eligible students are tested fairly;
    - (C) ensure trained proctors are assigned to test administrations by the principal; and
    - (D) ensure all testing irregularities are reported to the school system (LEA) test coordinator.
  - (3) Test administrators shall:
    - (A) administer tests according to the directions in the assessment guide and any subsequent updates developed by the test publisher;
    - (B) administer tests to all eligible students;
    - (C) report all testing irregularities to the school test coordinator; and
    - (D) provide a positive test-taking environment.
  - (4) Proctors shall serve as additional monitors to help the test administrator assure that testing occurs fairly.
- (i) 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 at a minimum 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.
- (j) Analysis and reporting. Educators shall use test scores appropriately. This means that the educator recognizes that a test score is only one piece of information and must be interpreted together with other scores and indicators. Test data help educators understand educational patterns and practices. The superintendent shall ensure that school personnel analyze and report test data ethically and within the limitations described in this paragraph.

- (1) Educators shall maintain the confidentiality of individual students. Publicizing test scores or any written material containing personally identifiable information from the student's educational records shall not be disseminated or otherwise made available to the public by a member of the State Board of Education, any employee of the State Board of Education, the State Superintendent of Public Instruction, any employee of the North Carolina Department of Public Instruction, any member of a local board of education, any employee of a local board of education, or any other person, except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g.
- (2) Educators shall release test scores to students, parents, legal guardians, teachers, and the media with interpretive materials as needed.
- (3) 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.
- (4) Items and associated materials on a secure test shall not be in the public domain. Only items that are within the public domain may be used for item analysis.
- (5) Data analysis of test scores for decision-making purposes shall be based upon:
  - (A) disaggregation of data based upon student demographics and other collected variables;
  - (B) examination of grading practices in relation to test scores; and
  - (C) examination of growth trends and goal summary reports for state-mandated tests.
- (k) Unethical testing practices include, but are not limited to, 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) reclassifying students solely for the purpose of avoiding state testing;
  - (7) not testing all eligible students;
  - (8) failing to provide required accommodations during testing;
  - (9) modifying scoring programs including answer keys, equating files, and lookup tables;
  - (10) modifying student records solely for the purpose of raising test scores;
  - (11) using a single test score to make individual decisions; and
  - (12) misleading the public concerning the results and interpretations of test data.
- (l) In the event of a violation of this Rule, the State Board of Education may, in accordance with the contested case provisions of Chapter 150B of the General Statutes, impose any one or more of the following sanctions:
  - (1) withhold any applicable 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 6C .0312, suspend or revoke the professional license of the person or persons responsible for the violation.

History Note: Authority G.S. 115C-12(9)c.; 115C-81(b)(4);  
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## ACKNOWLEDGEMENTS

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