



Test Security Unit Update

Board of Regents Meeting
September 2014

Test Security Unit Recap

- Established March 2012 after Commissioner-appointed Special Investigator reviewed SED protocols for handling reports of irregularities in the administration of state assessments
- August 2012 - fully staffed, operational
 - Executive Director
 - Associate Counsel
 - Four investigators

TSU Principal Operations

- Intake and process test fraud reports
- Investigate educator misconduct and test security breaches
- Administratively prosecute educator test integrity violations
- Issue Corrective Action Plans to improve test security in schools
- Monitor test administration
- Enhance SED test security policies
- Promote ethical testing practices

Intake of Allegations

Website: www.highered.nysed.gov/tsei

- Launched Feb 2013
- “e-tipline” for reporting test security breaches

Email portal for test security violation reports: TSU@mail.nysed.gov

Test Security Incident Report Form

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), please do not include any confidential or personally identifiable information regarding students when submitting this incident report form. Initials only should be used for student names.

* Denotes a required field

Contact Information

*First Name:

*Last Name:

*Phone Number: () -

Alt. Phone Number: () -

*E-mail Address:

Position: ▼

Allegation and Incident Location

***Provide a detailed description of the incident**

***Include:** A detailed description of a) what happened b) on what date c) who was involved d) how you learned about it and e) any others who know about or witnessed the incident. Please use initials for first and last names of any student discussed.*

Processing of Test Security Reports

- Created detailed case tracking database for SED
- Assumed responsibility for resolving all educator test fraud cases from school year 2006-07 and forward
- OSA retained cases related to student test integrity violations and misadministration of tests

Case Resolutions OSA Transfers (Pre-Aug 2012 Reports to SED)

364 open educator test fraud cases transferred from OSA to TSU.

300 of these cases resolved by TSU:

- 6 cases TSU took Part 83 action against educator certificates;
- 53 cases where sufficient local remedial action taken such as termination, suspension, denial of tenure, fines, counseling memoranda, mandatory training, exclusions from testing or combination of remedies;
- 218 cases closed after investigation for reasons including no violation of NYS testing rules, unsubstantiated allegations, insufficient proof to proceed against educator's certification;
- 23 cases non-TSU subject matter, required handling by other SED departments (e.g. IEP violation that deprived student, Special Education).

Cleared backlog of all old non-NYC cases (2 pending Part 83 hearings).
Awaiting outcome of investigation, local disciplinary proceedings or Part 83 review in 62 NYC matters that originated with OSA.

Case Resolutions TSU Originations (Post-Aug 2012 Reports to SED)

916 new reports to SED handled by TSU in first two years.

557 of these reports resolved:

- 24 cases TSU took Part 83 action against educator certificates;
- 52 cases where sufficient local remedial action taken such as termination, suspension, denial of tenure, fines, counseling memoranda, mandatory training, exclusions from testing or combination of remedies;
- 206 cases closed after investigation for reasons including no violation of NYS testing rules, unsubstantiated allegations, insufficient proof to proceed against educator's certification;
- 275 cases non-TSU subject matter, required handling by other SED departments (most common, student cheating or misadministration).

359 matters remain pending in various stages of investigation, local disciplinary proceedings or Part 83 review – 227 NYC, 132 ROS.

Cleared all cases related to testing prior to 2011-12 school year.

TSU Part 83 Actions

Since TSU was established, it has administratively prosecuted 43 educator test integrity violation matters under Part 83

- 30 final actions under Part 83
 - Revocations/Surrenders of certifications (7 cases)
 - Suspensions of certifications (4 cases)
 - Fines totaling \$191,994 (19 cases)
 - Mandated ethics training
 - Bans from participation in state testing
- 13 pending Part 83 cases

TSU Part 83 Actions Con't

Range of Conduct Underlying TSU Part 83s:

- Indicating wrong answers and causing students to change initial answers
- Retention and/or misuse of secured testing materials (e.g. revealing secure test items)
- Reviewing/taking test, then teaching concepts contained in the test immediately prior to testing
- Providing hints, explaining concepts and suggesting responses during testing
- Giving answers or cheat sheets of formulas
- Reading test aloud to students during testing and suggesting answers
- Altering student responses on answer sheets
- Exceeding the scope of accommodations contained in IEP/504 plans (e.g., scribe completing portions of essays for student)
- Improperly altering scores in order to pass students
- Altering scores, grades, credits on student records without legitimate basis

TSU Corrective Action Plans

- CAPs remedy testing irregularities in schools
 - Cases of verified testing misconduct in school
 - Cases where test security shortcomings exist in school's testing program
- Major Components:
 - Remedial action to prevent future incidents
 - Ban of culpable educators from state testing
 - Mandatory test security training for all educators
 - Report of test security breach to school board
- TSU issued 47 CAPs in two-year period

TSU Monitoring of Testing

- Supplemented Department's monitoring of Regents and Grade 3-8 Examinations
 - 88 total school visits by TSU/district partners during Regents
 - 75 total school visits by TSU/district partners during Grade 3-8 ELA and Math
- Other SED components, including OSA and Special Education, monitor testing
- Conducted additional site visits to schools and regional scoring centers to observe field processes and identify areas for improvement

Test Security Policy Enhancements

- April 2014 Amendment of Commissioner's Regulations §102.4 (eff. 5/14/14)
 - Defines and prohibits testing misconduct
 - Mandates reporting of testing misconduct
 - "Whistleblower" protection for reporters
- June 2012, issued Prohibition of Cell Phones and Electronic Devices in exam rooms

Promotion of Secure, Ethical Testing

- Enhanced SED test security safeguards
 - Improved test security portions of testing manuals
 - Revised proctor and scorer test security oaths
 - Instituted tracking of exam proctors
 - Issued written reminders prior to testing of prohibited testing conduct and potential consequences
 - Conducted security audits of SED print shop and test distribution areas
- Increased test security training for educators
 - TSU website includes tips for ethical testing, test monitoring checklists and other guidance
 - TSU conducted training sessions for district personnel



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