

CONDUCTING TEST SECURITY INVESTIGATIONS AND ENSURING TEST SECURITY & CONFIDENTIALITY

2016 NETWORK SUMMER SUMMIT



Student Assessment Division
Texas Education Agency

in·ves·ti·gate/
in 'vestə ,gāt

verb

verb: carry out a systematic or formal inquiry to discover and examine the facts (of an incident, allegation, etc.) so as to establish the truth.

WHAT DO YOU INVESTIGATE?

Testing irregularities are deviations from testing procedures that could compromise the validity, reliability, and security of state assessments.

- **Procedural Irregularities**
 - Typically result from minor deviations in testing procedures
- **Serious Irregularities**
 - **Constitute severe violations of test security and/or confidentiality and can result in**
 - the charter being reviewed
 - criminal prosecution
 - disciplinary action for the individual(s) responsible
 - the invalidation of student test scores

PENALTIES

A person who engages in conduct prohibited by the test security supplement and other test administration materials may be subject to the following penalties from the TEA Educator Standards and Certification Legal Division :

- placement of **restrictions** on the issuance, renewal, or holding of a Texas teacher certificate;
- issuance of an inscribed or non-inscribed **reprimand**;
- **suspension** of a Texas teacher certificate for a set term; or
- **revocation** or cancellation of a Texas teacher certificate.

The invalidation of student test scores may also be required as a consequence of certain testing irregularities.

PENALTIES

Charter school test administrators are not required to be certified. As such, any irregularity in the administration of any test required by the TEC, Chapter 39, Subchapter B, would cause the charter itself to come under review by the commissioner of education for possible sanctions or revocation, as provided under the TEC, §12.115(a)(4).

In addition, the release or disclosure of confidential test content is a Class C misdemeanor and could result in criminal prosecution under TEC §39.0303, section 552.352 of the Texas Government Code, and section 37.10 of the Texas Penal Code.

KEY CONSIDERATIONS WHEN ADDRESSING AN IRREGULARITY

Act quickly

- All incidents should be investigated immediately in order to gather the necessary information while the individuals involved are still available and able to recall details.

Remain objective while gathering information

- Collect all evidence before determining an outcome.

Don't underestimate the scope of a situation

- Be careful not to assume that a potential error or allegation will be limited to one individual or just the situation at hand.

FIRST STEPS IN ADDRESSING AN IRREGULARITY

Assess the situation

Gather and evaluate details to determine

- exactly what happened;
- who was involved; and
- how or why the irregularity occurred.

Determine whether additional action is needed.

- Do you need to contact TEA for guidance?
- Do you need to notify parents?

FIRST STEPS IN ADDRESSING AN IRREGULARITY

Complete and submit the online incident report form.

- Any documentation collected during a procedural investigation should be maintained locally.
- Any documentation collected during a serious investigation must be submitted to TEA

Notify TEA immediately if it appears that a serious irregularity might have occurred.

INVESTIGATING AN IRREGULARITY

Recognize that the charter district's actions during the investigation could come under scrutiny if the incident is escalated and results in legal proceedings. Accordingly—

- document all investigative steps,
- remain objective, and
- protect and secure all evidence.
 - test materials
 - recordings
 - physical evidence

INVESTIGATING AN IRREGULARITY

Have a preliminary plan

- Who needs to be notified of the investigation?
- Who needs to be involved in the investigation?
- Consider charter district policies regarding interviewing students and/or charter district personnel.



CONDUCTING INTERVIEWS

Who needs to be interviewed?

- Identify EVERYONE who COULD HAVE information about the incident.
- Consider the order in which individuals should be interviewed.
- Conduct follow-up interviews of individuals as necessary.
- Interview individual students and adults separately.
- Take steps to ensure that the involved individuals do not influence anyone's testimony.

CONDUCTING INTERVIEWS

Who will be present during the interview?

- Identify who will ask the questions, who will take notes or record the interview, and who will be present simply to observe or support the interviewee.
 - At least one of the interviewers should have assessment experience.
 - Individuals involved in the alleged incident should not be present so that accusations of bias or intimidation are avoided.

CONDUCTING INTERVIEWS

What questions will be asked?

- Prepare interview questions in advance.
 - Formulate questions based on information at hand. Questions should be
 - tailored to the incident and specific to the allegation(s),
 - objective and open-ended, and
 - comprehensive (address all issues so that a 2nd interview is not necessary).
- Ask follow-up questions to reconcile testimonies and resolve discrepancies or unaddressed/unanswered questions.

CONDUCTING INTERVIEWS

When will the interview take place?

- As soon as possible while recollections are still fresh.

Where will the interview take place?

- In a location that is private, quiet, and free from distractions.

How will the interview proceed and how will it be recorded?

- Seek guidance from the charter district regarding interview procedures.
- Record all interview questions and responses verbatim.
- Ensure that the interview record is dated and includes the names and roles of all individuals present.

STUDENT INTERVIEWS

Key considerations when interviewing students

- Age of the student (may require simplified language)
- Student's relationship with the accused (may be worried about teacher getting in trouble)
- Student's test-taking practices (crossing out wrong answers and circling correct answers)
- Whether student made erasures in the test booklet and/or on the answer document

In preparing for student interviews, make efforts to ensure accurate and reliable testimony. Have two adults in the room and follow charter protocols for interviewing students.

REPORTING THE IRREGULARITY

As part of the charter district's report of ANY testing irregularity, TEA must be provided with a detailed description of the incident.

- A detailed description of the incident will
 - identify the allegation(s);
 - provide a timeline of events;
 - include a charter district determination of what actually happened; and
 - describe how the incident was resolved including the status of involved individuals and the dispositions of involved students' tests.

DOCUMENTING THE SERIOUS INVESTIGATION

As part of the charter district's report of a SERIOUS testing irregularity, TEA must also be provided with supporting documentation.

- Supporting documentation includes
 - test administration documentation (seating charts, materials control forms, test session rosters, signed oaths of test security, evidence of security training);
 - interview documentation (typed, signed, and dated statements from the individuals involved, and transcripts of all interviews including follow-up questions); and
 - evidentiary documentation (any physical evidence collected, the results of any student performance analysis undertaken by the charter district, etc.).

DOCUMENTING THE SERIOUS INVESTIGATION

Ensure that ALL

- Seating charts and rosters are accurate
- Rosters contain every students' full name with proper spelling (no redactions)
- Statements (students and staff) have been typed, dated, and signed
- Interview records identify who is speaking by name (not initials)
- Handwritten documents (rosters, notes, statements, etc.) have been typed

DEVELOPING THE PLAN OF ACTION

Evaluate how the irregularity occurred and consider the following in developing the required Plan of Action:

- Are there any measures that could help prevent the same irregularity from happening again?
- Are there any processes that could help the charter district avoid other irregularities in the future?
- Was sufficient training provided to the involved individuals or to the campus as a whole?
- Has a schedule been developed for implementation of the Plan of Action?
- Has the charter district determined how to evaluate the effectiveness of the Plan of Action?

CLOSING THE SERIOUS INVESTIGATION

Ensure that the completed Online Incident Report form, including the required Plan of Action section, is submitted within 10 days.

Submit all available supporting documentation with the Online Incident Report form.

Submit additional documentation as soon as it becomes available.

Respond quickly to follow-up requests from TEA.

All testing irregularity and investigation documentation must be retained in a secure location for five years.



QUESTIONS?

