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ABSTRACT

Norm-referenced and criterion-referenced test results are frequently manipulated by public school administrators to show artificial achievement gains, rather than actual achievement gains. This paper suggests remedies for the various testing practices that contribute to artificial achievement gains, including improvements in the areas of: test security, test administration, test materials and reporting, test monitoring, and test publisher/company liability. Recommendations are presented in a "model legislation" format in order to facilitate implementation. For purposes of this paper, "tests" are defined as any group-administered achievement or criterion-referenced test, administered either by the State Department of Education or district and county boards of education that is compiled into class, school, district, or state aggregate scores. A 21-item list of references is included. (RLC)

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TESTING ETHICS MODEL LEGISLATION

The most recent study by Friends for Education, Inc., indicates that norm-referenced and criterion-referenced test results are frequently manipulated by public school administrators to show artificial achievement gains, rather than actual achievement gains (1). The report found that 48 of the 50 states and 90 percent of the 15,000 school districts in America are testing "above the national norm" on commercial elementary achievement tests, instead of the expected 50 percent. In addition, Cannell found that: "outright cheating by public educators on norm-referenced and criterion-referenced tests is common."

Cannell's original "Lake Wobegone" findings (2), have been explained in a number of different ways (3-7). Cannell's second report (1), charging that educators in many states are blatantly cheating on standardized tests, is prompting a number of state and local school officials to revise test security measures.

The March 25, 1990 *Sixty Minutes* report entitled, *Teacher is a Cheater*, charged that cheating by public educators was endemic in South Carolina. A substantial number of news reports about educators cheating already exist, but, in light of the *Sixty Minutes* segment, more reports of cheating will undoubtedly appear in the press in the coming year (8-21).

Many school officials are now considering improving test security procedures and policies. This paper will suggest remedies for the various testing practices that contribute to artificial achievement gains including: test security, test administration, test materials and reporting, test monitoring, and test publisher liability. Recommendations will be presented in a "Model Legislation" format in order to make implementation easier. For purposes of this paper, "tests" are defined as any group administered achievement or criterion referenced test, administered either by the State Department of Education, or district and county boards of education that is compiled into class, school, district, or state aggregate scores.

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## TESTING ETHICS MODEL LEGISLATION

### I. TEST SECURITY

A. It shall be unlawful for anyone to violate test security rules adopted by the state board of education, and as stated in this Act, for any group administered achievement or criterion referenced test, whether that test is administered under the auspices of the state board of education or the auspices of county and local district's board of education. It is the intent of this Act that currently tested students be administered standardized tests in the same standardized manner, using the same standardized procedures, that was used in preparing and testing the norm group. It shall be unlawful to:

1. Give examinees, teachers, principals, or curriculum supervisors access to test questions or test content except as needed during the actual administration of the listening subtests in early elementary grades.

2. Copy, reproduce, preview, or use in any manner inconsistent with test security rules, any portion of secure test booklets.

3. Instruct or coach examinees on specific test content in any manner, before, during, or after testing, or to alter or interfere with examinees responses in any way.

4. Alter examinees answer booklets in any way.

5. Fail to follow security rules in any way, including rules for receipt, distribution, and return of testing materials. or to fail to account for all secure test materials before, during, and after testing.

6. Participate in, direct, encourage, aid, counsel, or assist in any of the acts prohibited in this section.

### II. TEST ADMINISTRATION.

A. All group administered standardized achievement tests shall be individually sealed and shall carry labels which clearly specify that only the examinees, at the time of testing, may break the seal.

B. Packages of test booklets shall be shrink-wrapped in class size packets for delivery to schools.

C. Tests shall be delivered to schools no earlier than 24 hours before testing is scheduled to begin.

D. Shrink wrapped packages of test booklets, once in the school, shall be opened no earlier than one hour before testing is scheduled to begin.

- E. Test booklets shall be returned to, and stored in, a secure location when that day's testing is completed.
- F. Testing materials shall be removed from the school no later than 24 hours after testing is completed.
- G. All children comprising the grade to be tested shall be tested and their scores reported with their grade level. Special education and bilingual students shall be tested, unless their Individual Education Plan, for sound reason, specifically excludes them from testing, and if their parents agree with excluding them from testing. Sound reason shall include physical or mental impairments that makes testing physically impossible. It is the intent of this Act that Learning Disabled and Behavioral Disordered students be included in testing and that their scores be reported with their grade level. The names of all students excluded from testing shall be reported to the State Department of Education.
- H. Answer sheets shall be scanned by state officials or their subcontractors using currently available optical erasure scanning devices to detect altered answer sheets. Answer sheets found to have more than two standard deviations above the mean number of erasures for that group shall be further analyzed to determine whether there is any evidence that these answer sheets were altered by persons other than the examinees.
- I. Answer sheets shall be analyzed for cluster variance by any of the reputable computer programs now available. Suspicious groupings of similar responses in classes or schools shall be audited by state officials, or their subcontractors, to determine whether there is any evidence of unethical testing practices.
- J. Test preparation materials based on specific achievement test content or questions are not to be used by school officials.

### III. TEST MATERIALS AND REPORTING

- A. Test selection committees shall select tests with the widest possible test content and shall make their selection based on broad content descriptions supplied to them by commercial publishers. The exact test, or equivalent forms of the test under consideration, shall not be used for selection or subsequent curriculum-alignment.
- B. School officials and test users shall buy group administered achievement tests in such a manner that test forms are rotated every year, or develop tests in such a manner that more than 50 percent of the total questions are new every year.
- C. Annual norms calculated from a representative national sample of test users shall be used to report nationally normed test results to the public. Norms more than two years old, low socioeconomic norms, and inner-city norms shall not be used. It is the intent of this Act

that all national norms used in this state reflect current national achievement.

D. Parent report forms shall clearly state the limitations of norm-referenced and criterion referenced tests. The norm group shall be described, the year the norm group was tested shall be stated, and the percentage of special education students in the norm group shall be contrasted to the percentage of special education students in the currently tested population. Parent report forms should clearly state that difference between "norm" and "average."

#### **IV. TEST MONITORING**

A. The State Testing Coordinator shall develop policies and procedures for monitoring the administration and security of all group administered achievement testing done in the states schools. This written policy shall be designed to prevent unethical testing practices, and this policy shall be delivered to all test givers, school administrators, and school boards in the state. The policy shall include, but not be limited to:

1. All testing policies and procedures contained in this Act, as defined by this Act.

2. All persons having access to tests, test content, or test questions during the development, printing, administration, or scoring of the tests shall be informed of specifications for maintaining test security, the provisions in statute and rule governing test security, and a description of the penalties for breeches of test security.

3. During each administration, school district and institutional test administration coordinators and contractors employing test administrators and proctors shall ensure that required testing procedures are being followed at all test administration sites. Officials of the State Department of Education are authorized and ordered to conduct unannounced observations of test security and test administration at any site where tests are stored, administered, and scored to ensure that proper testing procedures are being followed.

4. State test coordinators shall obtain and secure equivalent forms of all commercial norm-referenced achievement tests administered in the state, and shall administer such equivalent forms of the tests to any class, school, or district in which the test coordinator has reason to suspect that test security violations may have occurred.

5. In those situations where an employee of an educational institution, school district, or contractor, or an employee of the Department of Education suspects a teacher, administrator, or test support contractor of violating provisions of this rule, as specified in this Act, a report shall be made to the Department of Education and test support contractor, within ten calendar days. The report shall include a description of the incident, the names of persons involved in the incident, the name of the school and district which it occurred,

and other pertinent information. The State Testing Coordinator is instructed to investigate those incidents and to make public the results of his investigation.

B. Testing is to be supervised by outside test proctors, volunteer community members, or other such impartial observers whenever possible, and such persons shall be instructed on the content of this Act.

C. Test publishers and scoring companies shall report nationally normed test score distributions for all districts in the United States that administered their tests the previous year. Publishers shall report such information to the State Department of Education yearly for all of that company's tests used in the state, or scored for the states' local school districts, in a manner that allows the Department to easily monitor the results and accuracy of such testing in the state.

D. Individual school districts shall report the results of all nationally normed tests to the State Department of Education yearly, so the Department may easily monitor the results of such testing in the state.

#### **V. TESTING COMPANY LIABILITY**

A. Any person, company, or organization shall be liable to the state in an amount equal to three times the amount of actual damages if it is found that the person, company, or organization is:

1. selling tests with outdated or inaccurate norms; norms older than two years are considered outdated;

2. selling tests with a norm sample which has not been approved by the state testing coordinator;

3. selling tests that are not individually sealed;

4. selling tests without instructions forbidding school officials from reading the test except as needed during administration.

5. selling tests whose instruction and administration manuals fail to contain the security precautions and instructions outlined in this Act.

6. selling tests which the publisher is not knowledgeable of the national score distributions of the students and districts in the United States that used the test the previous year.

7. willfully withholding evidence of testing irregularities from the State Department of Education.

B. The actual damages are presumed to be at least equal to the amount charged by the person, company, or organization for the cost

and delivery of the tests, the cost of the test administration, the cost of scoring and analyzing the answer sheets, and the costs of reporting the scores to parents and the public. The Attorney General, a district attorney, or a county attorney may bring suit to solicit the damages on the request of the State Board of Education or on the request of a student, or the parent or guardian of the student, to whom the test was administered.

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