



Date: September 27, 2018

Prepared By: Bedeaux

Notice of Proposed Rulemaking (NPRM): Repeal 6.10.7 NMAC Statewide Standardized Testing Security Issues and Irregularities and Replace with 6.10.7 NMAC Standardized Testing Procedures and Requirements

Proposed Rule Abstract

1. **Agency:** Public Education Department (PED)
2. **Rule Citation:** 6.10.7 NMAC, Standardized Testing Procedures and Requirements
3. **Rulemaking Action:** Repeal and Replace
4. **Register Issue and Date of Notice of Proposed Rulemaking:** Issue 15, August 14, 2018
5. **Effective Date:** October 16, 2018
6. **Citation to Specific Legal Authority:** Sections 22-2-1, 22-2-2, and 22-2C-4 NMSA 1978
7. **Short Explanation of the Rule's Purpose:** Establish the roles, responsibilities, and procedures required for the preparation, storage, handling, distribution, security, and administration of standardized tests.
8. **Link to Full Text of the Rule:** https://webnew.ped.state.nm.us/wp-content/uploads/2018/08/6.10.7-NMAC_proposed-strikethrough_web.docx
9. **How Information on the Rule Can Be Obtained:** <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>, or from Jamie Gonzales at (505)-827-7889.
10. **Comment Period and Deadlines:** August 14, 2018 to September 17, 2018 at 5:00 PM. Written comments may be submitted to Jamie Gonzales, Policy Division, New Mexico Public Education Department, Room 101, 300 Don Gaspar Avenue, Santa Fe, NM 87501, rule.feedback@state.nm.us, or by fax to (505) 827-6520.
11. **Rule Hearing:** September 17, 2018 from 9:00 a.m. to 11:00 a.m. at 300 Don Gaspar Avenue in Mabry Hall, Santa Fe, NM 87501.
12. **Link to Permanent Agency Rulemaking Record:** http://statenm.force.com/public/SSP_RuleHearingSearchPublic

Summary of Proposed Rule

The August 14, 2018 issue of the *New Mexico Register* contained the Public Education Department's (PED) proposed repeal of 6.10.7 NMAC, "Statewide Standardized Testing Security Issues and Irregularities" and replacement with 6.10.7 NMAC, "Standardized Testing Procedures and Requirements." See **Attachment 1, 6.10.7 NMAC, Standardized Testing Procedures and Requirements**. The proposed rule reorganizes and clarifies existing rules and responsibilities and makes minor substantive changes to standardized testing requirements. The proposed rule lists the responsibilities of superintendents and charter school head administrators, school district and charter school test coordinators, school test coordinators, and test administrators. Additionally, the rule delineates requirements for the administration of standardized tests, prohibited practices, and procedures in instances of suspected testing irregularities.

Analysis

The proposed rule reorganizes existing standardized testing regulations in a format that more clearly delineates the roles and responsibilities of individuals involved in standardized testing procedures. Superintendents and charter school head administrators, school district and charter school test coordinators, school test coordinators, and test administrators each have a section clearly explaining their respective responsibilities. See **Attachment 2, Responsibilities of Individuals Associated with Standardized Testing under Proposed 6.10.7 NMAC.**

The proposed rule also explains the role of test proctors, staff responsible for supporting test administrators by gathering missing supplies and dealing with medical emergencies, although test proctors do not have a separate section in the rule.

The proposed rule allows locally-chartered charter schools to submit requests to superintendents to designate their own charter school test coordinator. Charter school test coordinators must meet all the requirements and responsibilities outlined for school district and charter school test coordinators.

Various specific requirements of standardized test administration and security were moved to their own section in the proposed rule, 6.10.7.12 NMAC. Instead of listing these as specific requirements of school district and charter school test coordinators, the proposed rule now more appropriately lists them as general standardized testing requirements with which all individuals must comply.

In the absence of a school district or charter school policy that includes the requirements of 6.10.7.12 NMAC, the school district or charter school test coordinator will be required to develop checklists and written procedures to ensure compliance with the rule.

Responsibilities of Individuals Associated with Standardized Testing

Superintendents and Charter School Head Administrators. Under the proposed 6.10.7 NMAC, school district superintendents and charter school head administrators will still be responsible for ensuring standardized tests are handled, prepared for, and administered in accordance with regulation and manuals provided by PED and test vendors. Superintendents and charter school head administrators will be required to designate a school district or charter school test coordinator, and may also designate a secondary test coordinator. Test coordinators will no longer be limited to a duration of one to three years. Superintendents and charter school head administrators will also no longer be responsible for distributing a copy of 6.10.7 NMAC to test coordinators. Superintendents and charter school head administrators will now also need to complete and return a form to PED at the end of every semester verifying assessments remained secure, staff were adequately trained, and accommodation requirements were met.

School District and Charter School Test Coordinators. The responsibilities of school district and charter school test coordinators were not substantially altered by the proposed rule. School district and charter school test coordinators will still be required to attend PED trainings, however the frequency of these trainings may change; while the original rule stated trainings would happen twice per year, the proposed rule does not specify how often PED will hold trainings. School district and charter school test coordinators will continue to be responsible for providing training to staff before each spring and fall testing window and school district procedures comply with 6.10.7.12 NMAC. The proposed rule includes a new requirement that the school district or charter school test coordinator provide all training participants with written copies of 6.10.7 NMAC and all relevant statutes, regulations, and written school district or charter school guidance.

School Test Coordinators. School test coordinators are individuals at school sites responsible for the administration of standardized tests. School test coordinators will still be trained by school district and charter school test coordinators and will still be responsible for training all school personnel involved in test administration on the requirements of 6.10.7

NMAC and ensuring the school implements written school district or charter school policies in compliance with the rule.

Test Administrators. The final group of responsibilities mentioned in the proposed rule are those of test administrators, individuals responsible for administering standardized tests to students. The requirements for test administrators were not substantially changed in the proposed rule. Test administrators will be required to be trained by school test coordinators, and will be responsible for reviewing and administering tests consistent with the test administrator’s manual. After testing each day, test administrators will be required to return the tests to the school, school district, or charter school test coordinator. If a test administrator observes any “testing irregularity” or student misconduct, they will be required to report the issue to the school, school district, or charter school test coordinator immediately.

Test administrators will be required to utilize test proctors in halls to gather missing supplies or deal with medical situations, rather than leave the testing room themselves.

Testing irregularities refer to any observed conduct that raises doubts about the validity of any portion of a standardized test. Irregularities can occur at many points during the standardized testing process, including preparation, administration, security, or scoring.

Procedures for Standardized Testing

In addition to specific responsibilities for certain individuals, the proposed rule contains several sections with general standardized testing requirements that apply to all individuals involved in the standardized testing process. These procedures begin in the proposed 6.10.7.12 NMAC and continue through 6.10.7.15 NMAC. See **Attachment 3, Regulations Regarding Standardized Test Administration under Proposed 6.10.7 NMAC.**

Procedures for Standardized Testing. Many procedures for standardized testing were not significantly altered. The proposed rule eliminates two requirements: standardized test material not stored in sealed containers would no longer need to be segregated, wrapped in clear or unclear paper, and sealed with packing tape; and substitute teachers, educational assistants, school nurses, and athletic coaches would no longer be able to administer standardized tests. The proposed rule also contains three new regulations: records detailing the removal of standardized testing materials must document whether the materials were removed from school grounds; the ratio of test administrators to students shall not exceed 25 students per administrator; and test proctors must be used to support administrators in gathering supplies and dealing with medical situations.

Prohibited Practices for Standardized Testing. Individuals will be prohibited from all of the same practices as in current rule as well as several new practices. Under the proposed rule, students would be prohibited from having smart watches, media players, headphones and backpacks during standardized tests. Additionally, the following practices would be prohibited: administering a standardized test to an immediate family member; teaching from, possessing, or disseminating a photocopy of any portion of a test; copying copyrighted materials for the purpose of distribution; and coaching or otherwise inappropriately assisting in written student answers.

Under current rules, students are prohibited from having scrap paper, tablets, laptops, cell phones, cameras, calculators, calculator watches, and rulers during a standardized test.

Individuals suspected of testing irregularities will be given as much access to the relevant portions of the assessment as is reasonably necessary to prepare for a hearing, but all material used as evidence at a hearing is subject to confidentiality by all hearing attendees.

Nondisclosure of Standardized Test Materials. The proposed rule does not significantly alter the permissions of individuals regarding the confidentiality of standardized tests. Persons given access to standardized test materials will still be required to sign a non-disclosure form, and may only review standardized test materials at PED under the direct supervision of PED staff. However, under the proposed rule, PED may now choose to release select portions of assessments for the purposes of training and professional development. Test items not released by the department shall not be released by any unauthorized individual or organization.

A violation of any regulation in 6.10.7 NMAC constitutes a testing irregularity and shall give PED good and just cause to suspend or revoke a person's license.

Testing Irregularities. Existing regulations regarding testing irregularities were kept intact in the proposed rule. Individuals who suspect a testing irregularity are required to report the issue within 24 hours to the school district or charter school test coordinator, who will have three days to conduct an investigation and submit a formal report to PED. Individuals who suspect the school district or charter school test coordinator has engaged in a testing irregularity will be required to report the issue directly to PED within three days of learning of the irregularity. PED will continue to use its discretion in investigating testing irregularities, and may take any number of the following corrective measures:

Under the proposed rule, corrective measures like those to the right would no longer be the sole responsibility of the PED accreditation team, but of the appropriate division at PED.

- Direct the school district or charter school or a named individual to cease and desist engaging in a particular irregularity or further testing during the current school year;
- Revoke the individual's access to standardized test materials to ensure test security;
- Recommend further action PED deems reasonable and necessary to maintain test security;
- Invalidate the standardized test results and inform the school district or charter school that the affected student will not receive scores on portions or all of a standardized assessment;
- Refer the matter for possible suspension or revocation of a person's licensure pursuant to procedures set forth in 6.68.3 NMAC;
- Refer the matter to other department divisions for appropriate action;
- Take any other action authorized by state or federal law or regulation; or
- Modify school, school district, and charter school accountability determinations.

Because standardized tests like the PARCC now constitute the primary demonstration of competency for high school students, invalidating student test scores could require students to pursue an alternative demonstration of competency in order to graduate.

The proposed rule would eliminate a provision that allows students whose tests were affected by testing irregularities to have the test re-administered in a similar form. Paragraph 4 of Subsection B of the proposed Section 6.10.7.15 NMAC states students affected by irregularities will not receive scores on any portion of the standardized test affected by a testing irregularity.

Technical Issues

A reference in Paragraph B of Section 6.10.7.10 NMAC, Responsibilities of School Test Coordinators, should be amended to correctly refer to 6.10.7.12 NMAC, Procedures for Standardized Testing, rather than 6.10.7.13 NMAC, Nondisclosure of Standardized Test Materials.



**PROPOSED REPEAL AND REPLACE
STRIKETHROUGH**

~~Strikethrough~~ represents original language being taken out

Underline represents new language

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 10 PUBLIC SCHOOL ADMINISTRATION - PROCEDURAL REQUIREMENTS
PART 7 ~~[STATEWIDE STANDARDIZED TESTING SECURITY ISSUES AND
IRREGULARITIES]~~ STANDARDIZED TESTING PROCEDURES AND REQUIREMENTS**

6.10.7.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.10.7.1 NMAC – Rp, 6.10.7.1 NMAC, 10/16/2018]

6.10.7.2 SCOPE: All school districts, charter schools, state educational institutions and bureau of Indian education schools that administer standardized tests, as well as their employees or volunteers who have access to those standardized tests.
[6.10.7.2 NMAC - Rp, 6.10.7.2 NMAC, 10/16/2018]

6.10.7.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2 and 22-2C-4, [22-13-1.1 and 22-13-1.2,] NMSA 1978.
[6.10.7.3 NMAC - Rp, 6.10.7.3 NMAC, 10/16/2018]

6.10.7.4 DURATION: Permanent
[6.10.7.4 NMAC - Rp, 6.10.7.4 NMAC, 10/16/2018]

6.10.7.5 EFFECTIVE DATE: October 16, 2018, unless a later date is cited at the end of a section.
[6.10.7.5 NMAC - Rp, 6.10.7.5 NMAC, 10/16/2018]

6.10.7.6 OBJECTIVE: ~~[The public education department (PED) is required by statute to measure student achievement through standardized tests administered in public schools. These tests are also administered by agreement in state educational institutions and bureau of Indian education schools. To carry out this duty, the PED hereby establishes uniform procedures for preparation, security, administration, and safeguarding of standardized tests wherever administered.]~~ This rule establishes the roles, responsibilities, and procedures required for the preparation, storing, handling, distribution, security, and administration of standardized tests.
[6.10.7.6 NMAC - Rp, 6.10.7.6 NMAC, 10/16/2018]

6.10.7.7 DEFINITIONS:

~~— **A.** — "Testing irregularity" means any circumstance within or beyond the control of a school district that in the opinion of the PED or a school district raises doubts about the propriety of standardized testing procedures, preparation materials, standardized testing administration, standardized testing security, student scores attained from standardized testing, or teacher or student conduct observed during standardized testing.~~

~~— **B.** — "Standardized test" means any nationally norm referenced test, state or national performance assessment, state or national criterion referenced assessment or state or national standards based assessment that is required by law to be administered in all school districts and is required to be administered with standard procedures.~~

~~— **C.** — "Standardized test material" means a standardized test or any related items such as examiner guides, preparation materials, test security guides, answer sheets or booklets and any student notes, answers, or essays generated during the administration of a standardized test.~~

~~— **D.** — "Nationally norm referenced test" means a timed test whose purpose is to measure student performance against a national norming group.~~

~~— **E.** — "Criterion referenced assessment" means an assessment that is based upon identified criteria.~~

~~— **F.** — "Standards based assessment" means a standardized assessment whose purpose is to measure student performance against state standards and benchmarks.~~

~~— **G.** — "Performance assessment" means an assessment based on an extended task which is a demonstration of student ability.~~

~~— **H.** — "District test coordinator" means the licensed school personnel or administrator in a district~~

with the overall responsibility for district handling, storing, distributing and recording such distribution by booklet or answer sheet number, collecting, and administering standardized tests, training school personnel in test security matters and proper administration procedures, and shall be that district's superintendent unless another licensed school instructor or administrator is formally designated.

I. "School test coordinator" means the licensed school instructor or administrator in a school with the responsibility for handling, storing, distributing assessments for administration to test examiners and recording such distribution by booklet or answer sheet number, collecting, and administering standardized tests, training school personnel in test security matters and proper administration procedures within the school site, and shall be designated by the district's superintendent.

J. "Test examiner" means every licensed school instructor or administrator in a school district with the responsibility of administering tests under this rule.

K. "New Mexico statewide assessment program" ("NMSAP") means the assessment program that is approved by the PED and designates the required standardized tests to be administered in New Mexico public school districts, charter schools and state educational institutions.

L. "Test administration window" means a specified period of time, as designated by the PED assessment and evaluation unit, during which statewide tests must be administered.

M. "Proctor" means a designated, trained person(s) to assist the test administrator during the time of testing.]

A. "District or charter test coordinator" or "DTC" means the licensed school instructor, counselor, student success advisor, or administrator in a school district, charter school, state educational institution, or bureau of Indian education school designated by the district superintendent, charter administrator, or governing authority of a state educational institution or BIE school with the overall responsibility for:

- (1) handling, storing, and distributing standardized tests;
- (2) recording standardized test distribution by booklet or answer sheet number;
- (3) collecting and administering standardized tests;
- (4) training school personnel in test security matters; and
- (5) following proper administration procedures.

B. "Instructional support provider" means every licensed educational diagnostician, interpreter for the deaf, rehabilitation counselor, school counselor, school psychologist, school social worker, or speech language pathologist.

C. "New Mexico statewide assessment program" or "NMSAP" means the assessment program that is approved by the department and designates the required standardized tests to be administered in New Mexico public school districts, charter schools, state educational institutions, and bureau of Indian education schools.

D. "Proctor" means a designated, trained person who assists the test administrator during the time of testing.

E. "School test coordinator" means the licensed school instructor, counselor, student success advisor, administrator, or instructional support provider responsible for:

- (1) handling, storing, and distributing standardized tests for administration to test examiners;
- (2) recording standardized test distribution by booklet or answer sheet number;
- (3) collecting and administering standardized tests;
- (4) training school personnel in test security matters; and
- (5) following proper administration procedures within the school site.

F. "Standardized test" means any nationally norm-referenced assessment, state or national performance assessment, or state or national criterion-referenced assessment.

G. "Standardized test material" means a standardized test or any related items for paper-based or online testing such as examiner guides, preparation materials, student test tickets, test security guides, answer sheets or booklets, and any student notes, answers, or essays generated during the administration of a standardized test.

H. "Test administrator" means the licensed school instructor, counselor, student success advisor, administrator, or instructional support provider in a school district, charter school, state educational institution, or bureau of Indian education school with the responsibility of administering tests under the guidelines outlined in 6.10.7 NMAC.

I. "Test administration window" means a specified period of time, as designated by the department assessment bureau, during which statewide tests shall be administered.

J. "Testing irregularity" means any circumstance within or beyond the control of a school district or charter that raises doubts with the department, district, or charter about the propriety of standardized testing procedures, preparation materials, standardized testing administration, standardized testing security, student scores

attained from standardized testing, or educators' or individuals' conduct observed during standardized test administration.

[6.10.7.7 NMAC - Rp. 6.10.7.7 NMAC, 10/16/2018]

6.10.7.8 [DISTRICT SUPERINTENDENT'S RESPONSIBILITY] RESPONSIBILITIES OF SUPERINTENDENTS AND CHARTER ADMINISTRATORS:

[It shall be the responsibility of each school district superintendent to ensure that standardized tests are handled, stored, prepared for, and administered in accordance with this rule and in accordance with any precautionary instructions provided with the tests.]

It shall be the responsibility of each superintendent or charter administrator to ensure that standardized tests are handled, stored, prepared for, and administered in accordance with 6.10.7 NMAC and test manuals provided by the department and testing vendors.

[A. — The superintendent may designate one district test coordinator and additional school test coordinators for the purpose of delegating the duties necessary to carry out compliance with this rule. The district test coordinator must attend standardized test training workshops provided by the PED. The district test coordinator shall hold a valid PED-certified school instructor or administrator license, excluding licenses for substitutes, educational assistants, school nurses, and coaches.]

A. Superintendents and state charter administrators shall designate one DTC and may designate a secondary test coordinator for the purpose of delegating the duties necessary to comply with 6.10.7 NMAC.

B. Test administration at district charters shall be the responsibility of the DTC designated by the district superintendent. District charters may submit written requests to designate their own test coordinator. Requests shall be submitted to and approved by the superintendent at the start of the school year. Failure to meet any standardized test administration policies or practices will result in removal of the district charter test coordinator without appeal. Upon such determination, all test coordination responsibilities shall defer back to the authorizing district's test coordinator.

[B. — Any such designation shall:

- (1) be in writing;
- (2) identify the name and title if any of the person(s) so delegated;
- (3) indicate the duration of their assignment which shall be no less than one nor more than three calendar years; and
- (4) indicate that this person(s) has been given a copy of this rule together with any written district policies relating to standardized test preparation, administration and security.]

C. The designation of district, charter, and secondary test coordinators shall:

- (1) be in writing; and
- (2) identify the name, title, and contact information of the person(s) so delegated.

D. The superintendent or charter administrator shall complete and return the verification of test security, staff training, and accommodations requirements form to the department within ten business days after the close of all NMSAP testing at the end of each semester.

[6.10.7.8 NMAC - Rp. 6.10.7.8 NMAC, 10/16/2018]

[6.10.7.9 — DISTRICT TEST COORDINATOR'S RESPONSIBILITY: [To produce valid results, standardized test materials should be stored, handled, disposed of and administered in a uniform and secure manner. This requires adherence to training procedures and topics, test preparation procedures and administration practices that emphasize test security, compliance with test vendor legal, administration, handling, and disposal procedures, and adherence to the New Mexico Standards of Professional Conduct set forth at 6.60.2 .9 NMAC. These practices are intended to apply to all individuals, other than the tested students themselves, who are expressly or implicitly given access to standardized tests. The district test coordinator shall attend semiannual workshops held by PED in order to be trained and then shall provide training for all district personnel involved in test administration, preparation, and security. It shall be the responsibility of each school district's test coordinator to, at a minimum, implement and carry out the following test material preparation, handling, storage, administration, and secure disposal practices.]

A. — In the absence of a written district policy that includes the following procedures, the district test coordinator shall develop a checklist and written procedure for storing and handling standardized test material whereby:

- (1) standardized tests shall be counted, inventoried and stored in a secure area;
- (2) space permitting, standardized test material should be stored in sealed containers in a secure area;

~~_____ (3) _____ standardized test material not stored in sealed containers shall be segregated, wrapped in clear or unclear paper, and sealed securely with packing tape bearing the sealing date and the initials of the person sealing it; and~~

~~_____ (4) _____ standardized test material, as directed by the PED, shall be disposed of by either shredding or returning such materials to the test vendor.~~

~~_____ B. _____ In the absence of a written district policy that includes the following procedures, the district test coordinator shall develop a checklist and procedure for accessing standardized test material whereby:~~

~~_____ (1) _____ access to standardized test material shall be restricted, limited and controlled, with personnel having access designated by the district superintendent;~~

~~_____ (2) _____ records shall be maintained that identify the individual who removed a standardized test(s) or other standardized test material, the name of the standardized test(s) or standardized test material that was removed, how many standardized tests or standardized test materials were removed, the identifying number of the standardized test(s) or standardized test material removed, and the date the standardized test(s) or standardized test material was removed;~~

~~_____ (3) _____ each standardized test material access record shall be maintained for at least five calendar years and be made available for review by the PED upon request;~~

~~_____ (4) _____ records similar to Paragraph (2) of Subsection B of Section 9 of 6.10.7 NMAC above shall be maintained on the return of any standardized test material removed; and~~

~~_____ (5) _____ the district test coordinator shall inform all district teachers, aides, educational assistants, substitutes, volunteers, licensed and unlicensed office staff, and anyone else who is likely to come into contact with standardized testing material, of the need to maintain strict standardized test security by:~~

~~_____ (a) _____ developing and disseminating handouts to these individuals;~~

~~_____ (b) _____ offering in service training to these individuals; and~~

~~_____ (c) _____ prior to and during a state mandated assessment administration window, posting conspicuous signs near school copy machines warning that PED rules prohibit the copying of any portion of a standardized test including a student's answer, and any other standardized testing material.~~

~~_____ C. _____ In the absence of a written district policy that includes the following procedures, the district test coordinator shall develop a checklist, in service training and a written procedure for administering standardized tests whereby:~~

~~_____ (1) _____ in service training shall be provided to all persons who administer or proctor a standardized test, and no one shall be permitted to administer or proctor a standardized test without first completing training in accordance with timelines, topics, and materials designated by the PED;~~

~~_____ (2) _____ only certified school instructors and administrators, excluding substitutes, educational assistants, school nurses, and coaches, shall administer a standardized test;~~

~~_____ (3) _____ PED sign in forms, listing training topics and printed name and signature, shall be maintained as a record by date to identify all individuals who have completed the district training in test security, practice materials, and administration of standardized tests;~~

~~_____ (4) _____ each sign in record shall be maintained for at least five calendar years and be made available for review by the PED upon request;~~

~~_____ (5) _____ all test examiners and proctors shall be informed that prohibited test practices include but are not limited to:~~

~~_____ (a) _____ changing a student's standardized test answers including but not limited to erasing, double marked or lightly erased or lightly marked answers, or directing or suggesting that a student change a standardized test answer;~~

~~_____ (b) _____ providing students with a review of specific standardized test items, specific standardized test items with minor changes in settings or numbers, verbal or written restatements of standardized test items, specific vocabulary from standardized test directions or standardized test items, or answers before, during or after a standardized test;~~

~~_____ (c) _____ discussing, photocopying, or reproducing in any other fashion including paraphrasing, any portion of a standardized test or a student's answer;~~

~~_____ (d) _____ affording any student under a standardized administration extra time to complete a timed subtest, unless permitted as an accommodation;~~

~~_____ (e) _____ reading standardized test items aloud to students unless required in a specific standardized test or unless a student is required to be provided with special accommodations; permitting students to talk, become disruptive or exchange any papers during a standardized test;~~

~~_____ (f) _____ permitting students during a standardized test to have on their desk or use any~~

unauthorized items, including but not limited to, scrap paper (if not required for a subtest), hand computers, laptop computers, cell phones with or without cameras, cameras, calculators, calculator watches and rulers unless any of these are required or permitted by standardized test instructions;

~~(g) permitting students to observe standardized test vocabulary words with definitions, addition or multiplication tables (in various forms), spelling words on the standardized test, or similar assistance material during the administration of the standardized test;~~

~~(i) permitting students to begin a subtest, leave the testing room, and return to finish the subtest;~~

~~(j) permitting students to enter a testing room after the standardized test has already commenced;~~

~~(k) permitting state mandated test material to remain unattended in an unlocked room;~~

~~(l) taking standardized or state mandated test material off campus unless specifically authorized by the district test coordinator;~~

~~(m) displaying or failing to conceal visual aids that may assist students in the testing room;~~

~~(6) test examiners shall take prompt, corrective action if they observe a student engaged in any prohibited conduct during a standardized test; and~~

~~(7) all test examiners shall be informed of their duty to promptly report testing irregularities as soon as they are aware to the district test coordinator.~~

~~D. Regardless of whether a district elects to appoint a school test coordinator, district test coordinators shall provide in-service training to all principals in their district in the storing, handling, destruction, and administration of standardized test material.~~

~~(1) Principals shall receive the same in-service training and be charged with the same knowledge as those administering standardized test material and those serving as test examiners as set forth in Subsection C of Section 6.10.7.9 NMAC above.~~

~~(2) Although district test coordinators need not directly train assistant principals within their districts, if they choose not to train them, they shall at a minimum require assistant principals to be knowledgeable in accordance with Subsection C of Section 9 of 6.10.7 NMAC above.~~

~~E. All training required by this section shall be administered prior to the fall and spring test administration windows. The assessment and evaluation unit of the PED shall inform the district test coordinators of the dates of those test administration windows in a memo disseminated to each district test coordinator at least annually.~~

~~[6.10.7.9 NMAC N, 09/28/2001; A, 11/13/2009; A, 03/15/2012]~~

6.10.7.9 RESPONSIBILITIES OF DISTRICT OR CHARTER TEST COORDINATORS:

A. The DTC shall attend all trainings indicated as mandatory by the department in their entirety. DTC attendance at mandatory trainings shall be subject to verification.

B. Once trained, DTCs shall provide training for all secondary test coordinators, school test coordinators, and all personnel involved in test administration, preparation, and security.

C. DTCs shall provide principals the same training as test administrators as well as additional training in the storing, handling, destruction, and administration of standardized test material. Assistant principals shall, at a minimum, be knowledgeable of the requirements for the administration of standardized tests set forth in Subsection C of 6.10.7.12 NMAC.

D. The DTC shall inform all teachers, educational assistants, substitutes, volunteers, licensed and unlicensed office staff, and anyone else who is likely to come into contact with standardized testing material of the need to maintain strict standardized test security by:

(1) developing and disseminating handouts to these individuals;

(2) providing training to these individuals; and

(3) posting conspicuous signs near school copy machines prior to and during a standardized test that warn of department rules prohibiting the copying of any portion of a standardized test, including student responses and any other standardized testing material.

E. The DTC shall provide training participants with copies of the following:

(1) 6.10.7 NMAC and any other relevant statute or regulation, if necessary;

(2) written district or charter guidance documents;

(3) testing schedules; and

(4) test administration manuals.

F. The department shall inform DTCs of the test administration windows in writing at least annually. DTCs shall ensure that all required training, including online testing and test security training, is administered prior to the fall and spring test administration windows.

G. In the absence of a written district or charter policy that includes the procedures outlined in 6.10.7.12 NMAC, the DTC shall develop checklists and written procedures for internal use to ensure compliance with 6.10.7 NMAC.

H. The DTC shall:

(1) ensure all procedures for standardized testing comply with 6.10.7.12 NMAC; and

(2) carry out infrastructure trials and online testing preparations.

[6.10.7.9 NMAC - Rp, 6.10.7.9 NMAC, 10/16/2018]

[6.10.7.10 SCHOOL TEST COORDINATOR'S RESPONSIBILITY:

A. The school test coordinator(s), if one or more are appointed by the superintendent, shall be trained by the district test coordinator and then shall provide training for all school personnel involved in test administration, preparation, and security, unless the district test coordinator provides such training. It shall be the responsibility of each school's test coordinator to, at a minimum, implement and carry out the following test material preparation, handling, storage, administration, and secure disposal practices.

B. The school test coordinator(s), if one or more are appointed by the superintendent, shall utilize the written district policy or checklist and written procedures developed by the district test coordinator for storing, accessing, and administering standardized tests.

[6.10.7.10 NMAC - N, 9/28/2001]

6.10.7.10 RESPONSIBILITIES OF SCHOOL TEST COORDINATORS:

A. The school test coordinator(s) shall be trained by the DTC and shall provide training for all school personnel involved in test administration, preparation, and security, unless the DTC provides such training.

B. The school test coordinator(s) shall use the written district or charter policy or checklists and written procedures developed by the DTC to implement the procedures outlined in 6.10.7.13 NMAC.

[6.10.7.10 NMAC - Rp, 6.10.7.10 NMAC, 10/16/2018]

[6.10.7.11 STAFF RESPONSIBILITY:

A. All school district staff, including administrators, teachers, volunteers and office personnel who come in contact with standardized tests, shall familiarize themselves with basic principles of standardized test security. Any specific questions should be directed, first to their school or district test coordinator, then to the assessment and evaluation unit of the PED.

B. Test examiners shall:

(1) administer the standardized test according to the directions and specifications in the standardized test examiner's manual and during the designated test administration window;

(2) return the standardized tests to the school or district test coordinator after testing each day during the test administration window for secure overnight storage;

(3) use test monitors in the hall to gather additional materials or deal with medical situations;
and

(4) review the standardized test examiner's manual so that administration procedures are understood.

C. It shall be a prohibited practice for anyone to:

(1) photocopy or reproduce in any other fashion including paraphrasing, any portion of a standardized test including a student's answer;

(2) teach from, possess or in any way disseminate a photocopy or other reproduced or paraphrased standardized test or portion of a standardized test;

(3) copy copyrighted test preparation materials for the purpose of distribution;

(4) provide students with a review of specific standardized test questions or answers before, during or after a standardized test;

(5) permit secure standardized test material to remain unattended in an unlocked room;

(6) coach or otherwise inappropriately assist with the selection or writing of student answers;

(7) take standardized test material off campus unless specifically authorized by the district test coordinator or the assessment and evaluation unit of the PED.

[6.10.7.11 NMAC – N, 09/28/2001; A, 11/13/2009; A, 7/29/2016]

6.10.7.11 RESPONSIBILITIES OF TEST ADMINISTRATORS:

- A.** Test administrators shall be trained by the school test coordinator or the DTC.
- B.** Trainings shall inform test administrators of their duty to promptly report testing irregularities as soon as they are aware to the DTC.
- C.** Test administrators shall:
- (1) review the standardized test administrator’s manual so that administration procedures are understood;
 - (2) use test proctors in the hall to gather missing supplies or deal with medical situations;
 - (3) administer the standardized test according to the directions and specifications in the standardized test administrator’s manual;
 - (4) only administer the standardized test during the designated test administration window;
 - (5) return the standardized tests to the school, district, or charter test coordinator after testing each day during the test administration window for secure overnight storage; and
 - (6) take prompt, corrective action if a student is observed engaging in any prohibited conduct during a standardized test.

[6.10.7.11 NMAC - Rp, 6.10.7.11 NMAC, 10/16/2018]

6.10.7.12 NON DISCLOSURE OF STUDENT TEST MATERIALS: ~~All standardized tests in the NMSAP are the sole PED approved and mandated assessments for the state of New Mexico. Each, with the exception of off the shelf standardized assessments, was developed by the PED, or the test vendor under contract with the PED, to help identify academic progress made by public education students and evaluate the program effectiveness of New Mexico public schools. The PED has a proprietary interest in the assessments within the NMSAP. As such, the PED must safeguard not only its proprietary interest, but also the confidentiality of each standardized test.~~

- ~~**A.** Any person suspected of engaging in a testing irregularity who requests a meeting, review, or hearing under state law or regulation shall have only limited access to test items within the NMSAP.~~
- ~~(1) Given the proprietary nature of any assessment which is part of the NMSAP, under no circumstance shall a standardized test which is part of the NMSAP be released.~~
 - ~~(2) Upon request, a person suspected of engaging in a testing irregularity shall be given as much access to an NMSAP assessment as is reasonably necessary to prepare for a pending meeting or hearing.~~
 - ~~(3) The original or copy of any NMSAP assessment used as evidence at any meeting or hearing shall also be subject to confidentiality by all attendees and participants.~~
- ~~**B.** Any person given permission to view an NMSAP assessment may only view the assessment during routine office hours of the PED under supervision of an PED employee and on the PED’s premises, unless permission is given to review the assessment under the direction of an appointee of the PED. No NMSAP may be written on, marked, electronically copied, hand duplicated, or otherwise removed from the premises of the PED or a local education agency in possession of an NMSAP assessment.~~
- ~~**C.** Any person permitted to review any standardized test which is part of the NMSAP or participating in a review associated with assessment development procedures shall sign a non disclosure form offered by the PED agreeing not to reveal any confidential materials, specific standardized test items, or specific concepts or skills to be measured on the standardized test to include verbal or written restatements of standardized test items, minor changes in settings or numbers, and specific vocabulary from standardized test directions or standardized test items.~~

[6.10.7.12 NMAC – N, 09/28/2001; A, 11/13/2009]

6.10.7.12 PROCEDURES FOR STANDARDIZED TESTING:

- A. Storing and handling of standardized test material.**
- (1) Standardized tests shall be counted, inventoried, and stored in a secure, locked location with limited access.
 - (2) Space permitting, standardized test material shall be stored in sealed containers in a secure area.
 - (3) Standardized test materials, as directed by the department, shall be disposed of by either shredding or returning such materials to the test vendor.
- B. Accessing standardized test material.**
- (1) Access to standardized test materials shall be restricted, limited, and controlled.

(2) Personnel with access to standardized test materials shall be designated by the superintendent or charter administrator.

(3) The removal of standardized test materials from their secure, locked location for the purposes of test administration and submittal at the close of the test administration window shall be logged and recorded. Records shall:

- (a) identify the individual who removed standardized test materials;
- (b) identify the name(s) and identifying number(s) of the standardized test materials that were removed;
- (c) identify the number of standardized test materials that were removed;
- (d) identify the date the standardized test materials were removed;
- (e) include documentation of any standardized test materials taken off school grounds and their return;
- (f) be maintained for at least five calendar years; and
- (g) be made available for review by the department upon request.

C. Administration of standardized tests.

(1) Only licensed school instructors, administrators, and instructional support providers shall administer a standardized test.

(2) Substitutes, educational assistants, school nurses, and coaches shall not administer standardized tests.

(3) Training shall be provided to all persons who administer or proctor a standardized test. Individuals shall not be permitted to administer or proctor a standardized test without first completing training in accordance with the timelines, topics, and materials designated by the department.

(a) Sign-in forms listing training topics, printed name, and signature shall be maintained as a record by date to identify all individuals who have completed the district or charter training in test security, practice materials, and administration of standardized tests.

(b) Each sign-in record shall be maintained for at least five calendar years and be made available for review by the department upon request.

(4) The ratio of test administrators to students shall not exceed 25 students per test administrator.

(5) Test proctors shall be utilized to support the following:

- (a) gathering of missing supplies; and
- (b) assistance with medical situations.

D. Prohibited Practices. The following practices shall be prohibited:

(1) changing a student's standardized test answers, erasing double-marked or lightly erased or lightly marked answers, or directing or suggesting that a student change a standardized test answer;

(2) providing students with a review of specific standardized test items, specific standardized test items with minor changes in settings or numbers, verbal or written restatements or paraphrasing of standardized test items, specific vocabulary from standardized test directions or standardized test items, or answers before, during or after a standardized test;

(3) discussing, photocopying, or reproducing in any other fashion including paraphrasing, any portion of a standardized test or student responses;

(4) affording any student under a standardized administration extra time to complete a timed subtest, unless permitted as an accommodation in the student's IEP, 504 plan, or English learner plan;

(5) reading standardized test items aloud to students unless required in a specific standardized test or unless required as an accommodation in the student's IEP, 504 plan, or English learner plan;

(6) permitting students during a standardized test to have on or near their desk or on their person, any unauthorized items, including scrap paper, tablets, laptop computers, cell phones with or without cameras, calculators, calculator watches, smart watches, media players, headphones, backpacks, and rulers unless any of these are required or permitted by standardized test instructions;

(7) permitting students to observe standardized test vocabulary words with definitions, addition or multiplication tables (in various forms), spelling words on the standardized test, or similar assistance material during the administration of the standardized test;

(8) permitting students to talk, become disruptive, or exchange any test materials;

(9) permitting students to begin a subtest, leave the testing room, and return to finish the subtest;

(10) permitting students to enter a testing room after the standardized test has already

commenced:

- (11) permitting standardized test material to remain unattended in an unlocked room;
- (12) taking standardized test material off campus unless specifically authorized by the DTC;
- (13) displaying or failing to conceal visual aids that may assist students in the testing room;
- (14) administering a standardized test to immediate family members or relatives including children, stepchildren, siblings, nieces, nephews, or grandchildren;
- (15) teaching from, possessing, or in any way disseminating a photocopy or other reproduced or paraphrased standardized test or portion of a standardized test;
- (16) copying copyrighted test preparation materials for the purpose of distribution; and
- (17) coaching or otherwise inappropriately assisting with the selection or writing of student answers.

[6.10.7.12 NMAC - Rp, 6.10.7.12 NMAC, 10/16/2018]

6.10.7.13 — REPORTING TESTING IRREGULARITIES: ~~The PED finds that measuring student achievement through the administration of standardized tests will have a positive, long reaching impact on students, school districts and school improvement. To ensure the integrity of these tests and their results, the principles of test security must be strictly followed. Accordingly, material violations of this rule or breaches of test security shall constitute good and just cause to suspend or revoke a person's PED licensure. Additionally:~~

~~A. School district personnel and volunteers shall promptly report suspected testing irregularities to the district test coordinator. Where the district test coordinator is suspected of having engaged in a testing irregularity, reporting shall be made within three days of learning of the suspected irregularity by telephoning the assessment and evaluation unit of the PED.~~

~~B. School districts shall report by telephone suspected testing irregularities to the assessment and evaluation unit of the PED within three working days of being notified of a suspected testing irregularity.~~

~~C. The district test coordinator shall submit a report to the assessment and evaluation unit of the PED that contains the allegation(s), his/her findings and corrective action taken, if any.~~

~~D. School districts shall cooperate with the PED if the PED determines that further investigation or action is needed.~~

~~[6.10.7.13 NMAC - N, 09/28/2001; A, 11/13/2009]~~

6.10.7.13 NONDISCLOSURE OF STANDARDIZED TEST MATERIALS:

A. All standardized tests in the NMSAP are the proprietary interest of the department and shall be safeguarded.

B. Any person permitted to review a standardized test that is part of the NMSAP or participating in a review associated with assessment development procedures shall sign a nondisclosure form offered by the department agreeing not to reveal any confidential materials, specific standardized test items, or specific concepts or skills to be measured on the standardized test to include verbal or written restatements of standardized test items, minor changes in settings or numbers, and specific vocabulary from standardized test directions or standardized test items.

C. Any person given permission to review an NMSAP assessment may only review the assessment on site during department office hours with the supervision of a department employee, unless permission is given for reviewing the assessment with an appointee of the department. No NMSAP assessment may be written on, marked, electronically copied, hand-duplicated, or otherwise removed from the premises of the department or a local education agency in possession of an NMSAP assessment.

D. Upon request, a person suspected of engaging in a testing irregularity shall be given as much access to an NMSAP assessment as is reasonably necessary to prepare for a pending meeting or hearing. The original or copy of any NMSAP assessment used as evidence at any meeting or hearing shall also be subject to confidentiality by all attendees and participants.

E. With the permission of testing vendors, the department may choose to release select portions of standardized assessments for the purposes of training and professional development. Under no circumstance shall any part of a standardized test not previously released by the department be released by any unauthorized individual or organization.

[6.10.7.13 NMAC - Rp, 6.10.7.13 NMAC, 10/16/2018]

6.10.7.14 — CORRECTIVE MEASURES: After investigating suspected testing irregularities and confiscating any standardized test material it deems necessary to conclude its investigation, the PED may take any

combination of the following corrective measures:

- _____ A. _____ direct the district or a named individual to cease and desist engaging in a particular testing irregularity or the administration of further standardized tests during the current school year;
- _____ B. _____ confiscate any standardized test materials that jeopardizes the security of the standardized test;
- _____ C. _____ recommend any further action it deems reasonable and necessary to maintain test security;
- _____ D. _____ invalidate the standardized test results and inform the district that a specific standardized test or portion of a standardized test must be replaced with a re-administered similar or alternative form, or any affected student will not receive scores on portions or all of a standardized assessment;
- _____ E. _____ refer the matter for possible suspension or revocation of a person's educator or administrator licensure or other PED licensure pursuant to procedures set forth in the PED's suspension/revocation rule;
- _____ F. _____ refer the matter to the accreditation team for appropriate action;
- _____ G. _____ take any other action authorized by state or federal law or regulation;
- _____ H. _____ modify school and district accountability determinations.

[6.10.7.14 NMAC - N, 09/28/2001; A; 11/13/2009; A; 03/15/2012]

6.10.7.14 REPORTING STANDARDIZED TESTING IRREGULARITIES: To ensure the integrity of standardized tests and their results, the principles of test security shall be strictly followed. Accordingly, material violations of this rule or breaches of test security shall constitute good and just cause to suspend or revoke a person's department licensure.

- _____ A. _____ School personnel and volunteers shall report suspected testing irregularities to the DTC within 24 hours.
- _____ B. _____ Districts and charters shall report by telephone or e-mail suspected testing irregularities to the department within three business days of being notified of a suspected testing irregularity.
- _____ C. _____ The DTC shall submit a testing irregularity reporting form within ten business days to the department assessment bureau that contains:
 - (1) _____ the allegation(s);
 - (2) _____ the findings from a completed investigation at the local level; and
 - (3) _____ the corrective action taken, if any.
- _____ D. _____ If a DTC is suspected of having engaged in a testing irregularity, the individual who discovers the irregularity shall notify the department assessment bureau by telephone or e-mail within three business days of learning of the suspected irregularity.
- _____ E. _____ Districts and charters shall cooperate with the department if further investigation or action is needed.

[6.10.7.14 NMAC - Rp, 6.10.7.14 NMAC, 10/16/2018]

6.10.7.15 CORRECTIVE MEASURES FOR STANDARDIZED TESTING IRREGULARITIES:

- _____ A. _____ The department reserves the right to investigate suspected testing irregularities and confiscate any materials deemed necessary to conclude the investigation at their discretion.
- _____ B. _____ Any combination of the following corrective measures may be taken by the department:
 - (1) _____ direct the district or charter or a named individual to cease and desist engaging in a particular testing irregularity or the administration of further standardized tests during the current school year;
 - (2) _____ revoke access to standardized test materials to ensure test security;
 - (3) _____ recommend any further action it deems reasonable and necessary to maintain test security;
 - (4) _____ invalidate the standardized test results and inform the district or charter that the affected student will not receive scores on portions or all of a standardized assessment;
 - (5) _____ refer the matter for possible suspension or revocation of a person's educator or administrator licensure or other department licensure pursuant to procedures set forth in 6.68.3 NMAC;
 - (6) _____ refer the matter to other department divisions for appropriate action;
 - (7) _____ take any other action authorized by state or federal law or regulation; or
 - (8) _____ modify school, district, and charter accountability determinations.

[6.10.7.15 NMAC - N, 10/16/2018]

HISTORY OF 6.10.7 NMAC

History of Repealed Material:

6.10.7 NMAC, Statewide Standardized Testing Security Issues and Irregularities, filed 9/28/2001 - Repealed effective 10/16/2018.

Other History of 6.10.7 NMAC:

6.10.7 NMAC, Statewide Standardized Testing Security Issues and Irregularities, filed 9/28/2001, was repealed and replaced by 6.10.7 NMAC, Statewide Standardized Testing Security Issues and Irregularities, effective 10/16/2018.

DRAFT

Responsibilities of Individuals Associated with Standardized Testing under Proposed 6.10.7 NMAC

Entity	Current Responsibilities	New Responsibilities	Eliminated Responsibilities	Notes
Public Education Department	<ul style="list-style-type: none"> Provide training for school district and charter school test coordinators. Inform school district and charter school test coordinators of test administration windows at least annually. Investigate and take action in incidences of suspected testing irregularities. 			
Superintendent or Charter Head School Administrator 6.10.7.8 NMAC	<ul style="list-style-type: none"> Ensure standardized tests are handled, stored, prepared for, and administered in accordance with 6.10.7 NMAC and test manuals provided by PED and test vendors. Designate in writing a school district or charter school test coordinator and optionally a secondary test coordinator. 	<ul style="list-style-type: none"> Complete and return a form verifying test security, staff training, and accommodations requirements within 10 days of the close of testing at the end of each semester. Locally chartered charter schools may submit requests to superintendents to designate their own charter school test coordinator. 	<ul style="list-style-type: none"> Test coordinators are no longer limited to a duration of one to three years, Superintendents and charter school head administrators no longer need to indicate test coordinators have been given a copy of 6.10.7 NMAC. 	<p>The rule specifically requires superintendents and charter school head administrators to ensure schools and school districts are meeting the requirements of 6.10.7 NMAC and test manuals provided by PED and test vendors.</p> <p>Failure of a locally-chartered charter school test coordinator to meet any standardized test administration policies or practices will result in removal of the test coordinator without appeal.</p>
School District or Charter School Test Coordinators 6.10.7.9 NMAC	<ul style="list-style-type: none"> Attend all PED-mandated trainings. Provide training for all secondary test coordinators, school test coordinators, and all personnel involved in test administration, preparation, and security. Provide the same training for principals, with additional information on storing, handling, destroying and administering standardized tests. Assistant principals shall be knowledgeable of the administration of standardized tests required in Subsection C of 6.10.7.12 NMAC. Inform all teachers, educational assistants, substitutes, volunteers, office staff, and anyone else likely to come into contact with standardized tests of the need to maintain strict security. Ensure all training is administered prior to the spring and fall test administration windows. Ensure all procedures for standardized testing comply with 6.10.7.12 NMAC. In the absence of written school district or charter school policies that include these requirements, the coordinator shall develop checklists and written procedures to ensure compliance. 	<ul style="list-style-type: none"> Provide training participants with written copies of the following: 6.10.7 NMAC and any other relevant statute or regulation; written school district or charter school guidance documents; testing schedules; and test administration manuals. 		<p>All PED trainings are mandatory, but language requiring PED to hold training workshops semiannually was removed.</p> <p>Various specific requirements of standardized test administration and security were moved to their own section, 6.10.7.12 NMAC. Instead of listing these as specific requirements of school district and charter school test coordinators, the proposed rule now more appropriately lists them as general standardized testing requirements with which all individuals must comply.</p>

Entity	Current Responsibilities	New Responsibilities	Eliminated Responsibilities	Notes
<p>School Test Coordinators</p> <p>6.10.7.10 NMAC</p>	<ul style="list-style-type: none"> • Shall be trained by school district or charter school test coordinator. • Shall provide training for all school personnel involved in test administration, preparation, and security unless the school district or charter school test administrator provides the training. • Shall use written district or charter school policies and checklists to implement 6.10.7.13 NMAC (Note: this is likely an incorrect citation, meant to refer to 6.10.7.12 NMAC which contains testing requirements). 		<ul style="list-style-type: none"> • School test coordinators are no longer specifically required to implement and carry out test material preparation, handling, storage, administration, and secure disposal. 	<p>Because school test coordinators will be responsible for following written school district and charter school procedures, the eliminated responsibilities may still apply to school test coordinators, depending on the school district or charter school policy.</p>
<p>Test Administrators</p> <p>6.10.7.11 NMAC</p> <p>(previously called "Staff")</p>	<ul style="list-style-type: none"> • Promptly report testing irregularities to the school district or charter school test coordinator as soon as they are aware. • Review the standardized test administrator's manual. • Use test proctors in the hall to gather missing supplies or deal with medical situations. • Administer the test according to the test administrator's manual. • Administer the test during the test administration window. • Return the standardized tests to the school, school district, or charter school test coordinator after testing each day. • Take prompt, corrective action if a student is observed engaging in any prohibited conduct during the test. 		<ul style="list-style-type: none"> • Test administrators no longer need to "familiarize themselves" with the principles of standardized test security. Training shall be provided by the school district or charter school test coordinator or by the school test coordinator. 	<p>The proposed language eliminated a chain of command that would require test administrators to direct questions first to the school district or charter school test coordinator, then to the assessment and evaluation unit of PED.</p> <p>Two responsibilities of test administrators were previously listed in a separate section. They were moved to 6.10.7.11 NMAC to improve clarity.</p>

General Regulations Regarding Standardized Test Administration under Proposed 6.10.7 NMAC

Reg. Type	Current	New Regulations	Eliminated Regulations
<p>Procedures for Standardized Testing 6.10.7.12 NMAC</p>	<ul style="list-style-type: none"> Standardized tests shall be counted, inventoried, and stored in a secure, locked location with limited access. Space permitting, standardized test material shall be stored in sealed containers in a secure area. Standardized test materials, as directed by the department, shall be disposed of by either shredding or returning such materials to the test vendor. Access to standardized tests shall be restricted, limited and controlled. Personnel with access to standardized tests shall be designated by the superintendent or charter school head administrator. The removal of standardized test materials from their secure location shall be recorded, listing the following: the individual who removed the material, the names and ID numbers of the students whose materials are materials removed, the number of materials that were removed, the date they were removed. Records shall be maintained for five years and be made available for review by PED at the department's request. Licensed school instructors, administrators, and instructional support providers shall administer standardized tests. Training shall be provided to all persons who administer or proctor standardized tests. Sign-in forms for all trainings shall be maintained as a record for five years to identify all individuals certified to administer tests. 	<ul style="list-style-type: none"> Records detailing the removal of standardized tests must document whether standardized test materials were taken off school grounds and returned. The ratio of test administrators to students shall not exceed 25 students per test administrator. Test proctors shall be used to support test administrators in gathering missing supplies and assisting with medical situations 	<ul style="list-style-type: none"> Standardized test material not stored in a sealed containers no longer need to be segregated, wrapped in clear or unclear paper, and sealed securely with packing tape. Substitute teachers, educational assistants, school nurses, and athletic coaches shall no longer administer standardized tests.
<p>Prohibited Practices 6.10.7.12 NMAC</p>	<p>The following practices are prohibited:</p> <ul style="list-style-type: none"> Changing a student's answers or directing that a student change a standardized test answer; Providing students with a review of specific test items, or test items with minor changes in settings or numbers, verbal or written restatements of test items, specific vocabulary from test directions or items, or test answers; Discussing, photocopying, or reproducing any portion of a test; Affording any student additional time to complete a timed subtest, unless permitted in the student's special accommodations; Reading standardized test items aloud to students unless required in a student's special accommodations; Permitting students to have on or near their desk any unauthorized items, including scrap paper, tablets, laptops, cell phones, cameras, calculators, calculator watches, and rulers; Permitting students to observe test vocabulary words with definitions, addition or multiplication tables, spelling words, or similar assistance material during the administration of the test; Permitting students to talk, become disruptive, or exchange test materials; Permitting students to begin a subtest, leave the room, and return to finish the subtest; Permitting students to enter a testing room after the test has already begun; Permitting standardized testing material to remain unattended in an unlocked room; Taking test material off campus unless specifically authorized by the school district or charter school test coordinator; and Displaying or failing to conceal visual aids that may assist students in the testing room. 	<ul style="list-style-type: none"> Unauthorized items for students to have on or near their desk now include smart watches, media players, headphones, and backpacks. <p>The following practices are now prohibited:</p> <ul style="list-style-type: none"> Administering a standardized family test to immediate family members or relatives; Teaching from, possessing, or disseminating a photocopy of any portion of a test; Copying copyrighted test preparation materials for the purpose of distribution; and Coaching or otherwise inappropriately assisting with written student answers. 	

Reg. Type	Current	New Regulations	Eliminated Regulations
<p>Reporting Testing Irregularities</p> <p>6.10.7.14 NMAC</p>	<p>• To ensure the integrity of standardized tests, the principles of test security shall be strictly followed. Violations of these regulations shall constitute good and just cause to suspend or revoke a person's PED licensure.</p> <ul style="list-style-type: none"> • School districts and charter schools shall report by telephone or email suspected testing irregularities to PED within three business days of being notified of a suspected irregularity. • The school district or charter school test coordinator shall submit a report that contains the allegations, the findings of a local investigation, and corrective action taken, if any. • School districts and charter schools shall cooperate with PED if further investigation or action is needed. 	<ul style="list-style-type: none"> • School personnel and volunteers shall report suspected testing irregularities within 24 hours (previously, irregularities needed to be reported "promptly"). • Individuals who suspect school district or charter school test coordinator of having engaged in a testing irregularity shall notify PED within three days of learning of the irregularity. 	
<p>Corrective Measures for Testing Irregularities</p> <p>6.10.7.15 NMAC</p>	<ul style="list-style-type: none"> • PED reserves the right to investigate testing irregularities and confiscate any materials deemed necessary to conclude the investigation. • PED may take a combination of any of the following corrective measures: <ul style="list-style-type: none"> • Direct the school district or charter school or a named individual to cease and desist engaging in a particular irregularity or further testing during the current school year; • Revoke access to standardized test materials to ensure test security; • Recommend further action PED deems reasonable and necessary to maintain test security; • Invalidate the standardized test results and inform the school district or charter school that the affected student will not receive scores on portions or all of a standardized assessment; • Refer the matter for possible suspension or revocation of a person's licensure pursuant to procedures set forth in 6.68.3 NMAC; • Refer the matter to other department divisions for appropriate action; • Take any other action authorized by state or federal law or regulation; or • Modify school, school district, and charter school accountability determinations. 		<ul style="list-style-type: none"> • Students whose test results are invalidated as the result of a testing irregularity will no longer be able to have the test readministered in a similar form. • Administrative action is no longer the sole responsibility of the PED accreditation team.