

**Private School Application to Administer
2019–20 Florida Statewide Assessments**

Attachment C: Florida Test Security Statute and State Board of Education Test Security Rule

- Section 1008.24, Florida Statutes and Rule 6A-10.042, F.A.C.
- Refer to statement number 3 in the 2019–20 application.
- Sign and return the signature page at the end of this attachment.

1008.24 Test administration and security; public records exemption.—

(1) A person may not knowingly and willfully violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. [1008.22](#), or, with respect to any such test, knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(2) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(3)(a) A school district may contract with qualified contractors to administer and proctor statewide, standardized assessments required under s. [1008.22](#) or assessments associated with Florida approved courses under s. [1003.499](#), as approved by the Department of Education in accordance with rules of the State Board of Education. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to ss. [120.536](#)(1) and [120.54](#) to implement the contracting requirements of this subsection.

(b) A school district may use district employees, such as education paraprofessionals as described in s. [1012.37](#), to administer and proctor statewide, standardized assessments required under s. [1008.22](#) or assessments associated with Florida approved courses under s. [1003.499](#), in accordance with this section and related rules adopted by the State Board of Education. The rules must establish training requirements that must be successfully completed by district employees prior to the employees performing duties pursuant this paragraph.

(4)(a) A district school superintendent, a president of a public postsecondary educational institution, or a president of a nonpublic postsecondary educational institution shall cooperate with the Commissioner of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

(b) The identity of a school or postsecondary educational institution, personal identifying information of any personnel of any school district or postsecondary educational institution, or any specific allegations of misconduct obtained or reported pursuant to an investigation conducted by the Department of Education of a testing impropriety are confidential and exempt from s. [119.07](#)(1) and s. 24(a), Art. I of the State Constitution until the conclusion of the investigation or until such time as the investigation ceases to be active. For the purpose of this paragraph, an investigation is deemed concluded upon a finding that no impropriety has occurred, upon the conclusion of any resulting preliminary investigation pursuant to s. [1012.796](#), upon the completion of any resulting investigation by a law enforcement agency, or upon the referral of the matter to an employer who has the authority to take disciplinary action against an individual who is suspected of a testing impropriety. For the purpose of this paragraph, an investigation is considered active so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

(5) Exceptional students with disabilities, as defined in s. [1003.01](#)(3), shall have access to testing sites. The Department of Education and each school district shall adopt policies that are necessary to ensure such access.

History.—s. 370, ch. 2002-387; s. 1, ch. 2009-143; s. 7, ch. 2013-225; s. 1, ch. 2014-13; s. 8, ch. 2015-6.

6A-10.042 Test Administration and Security.

(1) Tests implemented in accordance with the requirements of Sections 1004.93, 1008.22, 1008.30, 1012.55 and 1012.56, F.S., shall be maintained and administered in a secure manner such that the integrity of the tests shall be preserved.

(a) Test questions shall be preserved in a secure manner by individuals who are developing and validating the tests. Such individuals shall not reveal in any manner, verbally or in writing, the test questions under development.

(b) Tests or individual test questions shall not be revealed, copied, or otherwise reproduced by persons who are involved in the administration, proctoring, or scoring of any test.

(c) Examinees shall not be assisted in answering test questions by any means by persons administering or proctoring the administration of any test.

(d) Examinees' answers to questions shall not be interfered with in any way by persons administering, proctoring, or scoring the examinations.

(e) Examinees shall not be given answer keys by any person.

(f) Persons who are involved in administering or proctoring the tests or persons who teach or otherwise prepare examinees for the tests shall not participate in, direct, aid, counsel, assist in, or encourage any activity which could result in the inaccurate measurement or reporting of the examinees' achievement.

(g) Each person who has access to tests 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 breaches of test security.

(h) During each test 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 from the Department are authorized to conduct unannounced observations of test administration procedures at any test administration site to ensure that testing procedures are being correctly followed.

(i) In accordance with Section 1008.24, F.S., a school district may use district employees, such as education paraprofessionals as described in Section 1012.37, F.S., to administer and proctor statewide, standardized assessments required under Section 1008.22, F.S. All test administrators and proctors for the statewide assessments administered pursuant to Rule 6A-1.09422, F.A.C., must complete training requirements outlined in *Training Requirements for Administering and Proctoring the Statewide Assessments, 2015*, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06180>) incorporated herein by reference. A copy may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Test materials, including all test booklets and other materials containing secure test questions, answer keys, and student responses, shall be kept secure and precisely accounted for in accordance with the procedures

specified in the examination program administration manuals and other communications provided by the Department. Such procedures shall include but are not limited to the following:

- (a) All test materials shall be kept in secure, locked storage prior to and after administration of any test.
 - (b) All test materials shall be precisely accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.
 - (c) Any discrepancies noted in the number or serial numbers of testing materials received from contractors shall be reported to the Department by designated institutional or school district personnel prior to the administration of the test.
 - (d) In the event that test materials are determined to be missing while in the possession of an institution or school district, designated institutional or school district personnel shall investigate the cause of the discrepancy and provide the Department with a report of the investigation within thirty (30) calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the Department are authorized to conduct additional investigations.
 - (e) In those cases where the responsibility for secure destruction of certain test materials is assigned by the Department to designated institutional or school district personnel, the responsible institutional or school district representative shall certify in writing that such destruction was accomplished in a secure manner.
 - (f) In those cases where test materials are permitted by the Department to be maintained in an institution or school district, the test materials shall be maintained in a secure manner as specified in the instructions provided by the Department. Access to the materials shall be limited to the individuals and purposes specified by the Department.
- (3) In those situations where an employee of the educational institution, school district, or contractor, or an employee of the Department suspects a student of cheating on a test or suspects other violations of the provisions of this rule, a report shall be made to the department or test support contractor, as specified in the test administration procedures, within ten (10) calendar days. The report shall include a description of the incident, the names of the persons involved in or witness to the incident, and other information as appropriate. Officials from the Department are authorized to conduct additional investigations.
- (4) Violations of test security provisions shall be subject to penalties provided in statute and State Board Rules.
- (5) School districts and public educational institutions under Section 1003.49, F.S., may contract with third-party contractors to administer and proctor statewide standardized assessments required under Section 1008.22, F.S., or assessments associated with Florida approved courses under Section 1003.499, F.S.
- (a) School districts and educational institutions must require the contractor to provide a safe and comfortable facility that does not interfere with a student's ability to demonstrate mastery on the tests.
 - (b) School district or educational institution use of third-party contractors (including contracted affiliates, such as franchises) shall not relieve the district or institution of its obligation to provide access to statewide testing

for Florida Virtual School or virtual charter school students pursuant to Sections 1002.33(20), 1002.37 and 1002.45(6)(b), F.S.

(c) The contractor must adhere to all test administration and security protocols as prescribed by the Department pursuant to Section 120.81(1)(c), F.S., and shall be subject to all provisions of this rule.

(d) The contractor must not collect nor maintain any student's personally-identifiable information beyond that required for test administration.

(e) All technology used to administer computer-based tests must meet assessment technology guidelines and online test security requirements as prescribed by the Department pursuant to Section 120.81(1)(c), F.S.

Rulemaking Authority 1001.02, 1003.49, 1008.23, 1008.24 FS. Law Implemented 1003.49, 1008.23, 1008.24 FS. History—New 7-5-87, Amended 10-26-94, 11-3-13, 1-7-16.

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SIGNATURE PAGE

I hereby confirm that I have read and will abide by Attachment C: Florida Test Security Statute and State Board of Education Test Security Rule.

Signature

Name – Please Print

Position

Date