




## MISSISSIPPI DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D.  
State Superintendent of Education

### MEMORANDUM

**TO:** School Board Members, Superintendents and School Board Attorneys

**FROM:** Dr. Carey M. Wright, Ed.D., State Superintendent of Education 

**RE:** Reporting Incidents from Student Assessments

**DATE:** May 11, 2015

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The rules and regulations of the Mississippi Department of Education (MDE) on Student Assessment (Miss. Adm. Code 7-109) require schools and school districts to report and investigate “testing irregularities” that occur before, during and after the administration of student assessments. All “testing irregularities” are required to be reported to the MDE Student Assessment Office. However, it is not the intent of the MDE that the mere occurrence of a “test irregularity” during an assessment form the basis for personnel actions against district employees.

Test irregularities that require reporting to MDE cover a broad spectrum of incidents that may or may not affect the integrity of the test or the security of the test materials. The definition of “test irregularity” is “any incident in the test handling or administration that leads to a question regarding the security of the test or the accuracy of test data.” (Miss. Adm. Code 7-109.04.1). Among the examples of “testing irregularities” included in the Student Assessment Handbook are:

- ...
- 2. Handling and administering the test without properly training test administrators and proctors;
- ...
- 4. Failing to assess all eligible students;
- 5. Leaving students unsupervised with access to secure test materials;
- ...
- 10. Cheating;
- 11. Illness during testing;
- ...

Further, in Appendix F, Standard 22, in section IV., under “Requirements,” are:

7. Students are not allowed access to test questions prior to testing and are not allowed access to answers at any time.

...

9. Coaching students, altering responses, or interfering with responses in any way during or after the scheduled test administration is prohibited.

...

19. The school prohibits the possession and/or use of any electronic communication device, including but not limited to Ipod’s, MP3 players, Bluetooth devices, cell phones, and/or other personal digital assistance devices during the administration of scheduled statewide tests.

20. Tests are to be administered in an environment that provides an adequate test setting for students.<sup>1</sup>

While all “testing irregularities” are reported, clearly the gravity of the irregularities will vary greatly depending on the impacts to the security and integrity of the test. For instance, instructing students on their answers or failing to properly maintain the security of the testing material directly affect the integrity and security of the test while the inadvertent possession of an MP3 player in a student’s purse or a cell phone in the back pocket of a district employee alone do not clearly affect the integrity and the security of the test. Still, all such incidents are to be reported to the Office of Student Assessment which will then make the determination as to whether to issue a letter that “no further action is necessary” or proceed with a misconduct investigation.<sup>2</sup>

While testing irregularities are required to be reported to the MDE, it is not the position of the MDE that local school districts have to commence personnel actions against their personnel following the commission of an infraction. Personnel decisions are left to the sound discretion of the local school district. In the event that the MDE receives a report of a serious infraction, the MDE will take appropriate action based on the circumstances surrounding the breach and within the statutory authority delegated to the MDE.

The MDE hopes that this memorandum will be of some assistance to your district.

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<sup>1</sup> See the Student Assessment Handbook for a complete list of the guidance and requirements to be followed during student assessments.

<sup>2</sup> Mississippi Code Ann. §37-16-4(1)(f) provides that it is a misdemeanor to fail to report violations of test procedures involving statewide assessment administered by the MDE.