



## APPENDIX B: SECURITY AGREEMENT

### TEST SECURITY AND NON-DISCLOSURE AGREEMENT FLORIDA DEPARTMENT OF EDUCATION

2004

Florida State Board of Education Rule 6A-10.042, FAC, was developed to meet the requirements of the test security statute, Section 1008.24, FS, and applies to everyone involved in the administration, handling, scoring, and reporting of a statewide assessment test. The rule prohibits activities that may threaten the integrity of the test. Prohibited activities include:

- revealing or copying test items;
- revealing student responses to test items;
- changing or otherwise interfering with student responses; and
- causing individual, school, district, or state achievement to be inaccurately measured or reported.

I, \_\_\_\_\_, affirm that:

I have received and am responsible for reading and complying with the Florida test security statute, Section 1008.24, FS, and State Board of Education test security rule, Rule 6A-10.042, FAC. I understand that persons violating the law may be guilty of a first-degree misdemeanor, punishable by a fine of not more than \$1,000 or imprisonment of not more than 90 days, or both.

I further affirm that I know that during the process of reviewing test items, I will have access to secure testing materials. I agree to the following:

- I shall not reveal, copy, reproduce, or use in any manner inconsistent with test security rules any secure information, secure testing materials, or portions of any secure testing materials; and
- I understand that all secure testing materials and secure information to which I have access are and shall remain the exclusive property of the State of Florida.
- I will NOT remove any secure testing materials or information from the review site.
- I acknowledge that the intellectual property rights subsisting in the materials related to these assessments are the property of the Florida Department of Education.

I further affirm that I understand that I may **NOT** use or share any secure test material or secure information gained from my involvement in reviewing the test items and the assessments.

By virtue of the foregoing, I am on notice that any actions by me that are contrary to the foregoing affirmations and acknowledgements will subject me to possible legal action by the Florida Department of Education to protect its interest in its intellectual property rights and the integrity and security of the assessments.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed by

\_\_\_\_\_  
Date

### Test Security Requirements, Statutes, and Rule

Chapter 1008.24 of Florida Statutes and Florida State Board of Education Rule 6A-10.042 establish the requirement that Florida Department of Education tests are to be maintained in a secure manner during development, administration, and scoring in order to preserve the integrity of the tests. When not in use, all test materials are to be kept in secure, locked storage. Individuals who have access to secure test materials are not to copy or otherwise reproduce test questions or reveal test questions verbally or in writing. Persons who are involved in administering or proctoring the test or preparing examinees for the tests are not to participate in, direct, aid, counsel, assist in, or encourage any activity which could result in the inaccurate measurement or reporting of the examinees' achievement. Examinees' answers to questions are not to be interfered with in any way by persons administering or scoring the tests. Persons violating test security requirements are guilty of a first-degree misdemeanor, punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both.

The security requirements and penalties established by the rule and statute must be provided by the contractor to each person who has access to tests or test questions during the development, printing, administration, or scoring of the tests. A copy of the Statute and Rule begins on the next page.

## Florida Test Security Statute

### 1008.24 Test Security

- (1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education to students, educators, or applicants for certification or administered by school districts pursuant to §1008.22, or, with respect to any such tests, 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 to 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 materials 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) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.
- (3) A district superintendent of schools, a president of a community college, a president of a university, or a president of a private postsecondary institution shall cooperate with the commissioner of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

History § 370, ch. 2002-387.

### Rule 6A-10.042, FAC Maintenance of Test Security

- (1) Tests implemented in accordance with the requirements of Sections 229.053(2)(d), 229.57, 231.087, 231.0861(3), 231.17, 233.011, 239.301(10), 240.107(8), and 240.117, Florida Statutes, shall be maintained and administered in a secure manner such that the integrity of the test 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 test 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.
- (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 number 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 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.

Specific Authority 120.53(1)(b), 1008.24, 229.053(1) FS. Law Implemented 120.53(1)(b), 228.301, 229.053(2)(d), 229.57, 231.087, 231.0861, 231.17, 233.011, 239.301, 240.107, 240.117 FS. History-New 7-5-87, Amended 10-26-94