



Ohio Administrative Code

Rule 3301-7-01 Standards for the ethical use of tests.

Effective: April 27, 2018

(A) These standards of ethical test practice shall be used in determining if a practice related to a test is consistent with the principles of performing one's duties with honesty, integrity, due care, fairness to all, ensuring the integrity of the test process, and the reliability and validity of any inference made from any result of a test. Except as otherwise specified, the following definitions shall be used in this rule:

(1) "Test" shall include secure and non-secure state tests as required by sections 3301.0715, 3301.0710, 3301.0711 and 3301.0712 of the Revised Code, and provided by the department. Test shall also include district and school standardized tests including norm referenced tests. Test shall include the test instrument itself and any part of the process of assessing or testing a student.

(2) "Participating school" shall mean any city, exempted village, local, cooperative education, or joint vocational school districts or any community or any chartered nonpublic school which participates in testing; the state school for the blind; the state school for the deaf; or any school operated by the departments of youth services or rehabilitation and corrections; or any entity that tests its students with the state tests.

(3) "Appropriate staff" shall include any designated certificated or non-certificated employee of a participating school who has direct access to a test or participates in any activity related to preparing a student for a test. Appropriate staff shall be required to hold a license, certificate or permit issued by the department to administer or score a test and/or interpret or use any result of a test.

(4) "Secure test" shall include any test, whether state or national, that is administered to the entire or a portion of the entire state student population and/or that is provided by the state, the results of which are included in Ohio's accountability system, are included as part of a student's course of study, are part of the pre-college admission process, or are required by state and/or federal law. Secure tests shall be treated as secure materials until released by the test developer and/or the department. They do not include any diagnostic test required to be administered pursuant to section



3301.0715 of the Revised Code, any practice test, or any test that already has been released to the public by the test developer or by the department as a public record following the school year that the test was administered.

(5) "State test " means any test that is provided by the department for use in all participating schools in the state including the grades three to eight English language arts, mathematics and science tests, end-of-course high school tests, Ohio graduation tests, diagnostic tests, alternate assessments, English language proficiency assessment, kindergarten readiness assessment, or early learning assessments.

(B) Each participating school and district shall ensure that all appropriate staff have knowledge of these standards of ethical test practice and shall monitor the practices of all appropriate staff to ensure compliance with these standards. Each participating school's and district's duties shall include, but not be limited to, the following:

(1) Communicate in writing to all appropriate staff at least once annually the standards defining what is an unethical and/or inappropriate practice that are contained in paragraphs (C) to (E) of this rule as well as any additional standards of ethical test practice adopted by a participating school and district;

(2) Clearly define and communicate in writing at least once annually to all appropriate staff how the standards shall be monitored and what sanctions shall apply for any violations of the standards and under what circumstances such sanctions will apply;

(3) Clearly define and communicate to all appropriate staff prior to each test the purpose(s) for each test;

(4) Clearly define and communicate in writing to all appropriate staff at least once annually all security procedures established by a participating school for each type of secure test identified in paragraph (A) of this rule, which shall include, but not be limited to, the test security provisions required by rule 3301-13-05 of the Administrative Code and the test security guidelines in the "Ohio's State Tests Rules Book";

(5) Provide any other information and training as may be necessary to ensure that all appropriate



staff have the knowledge and skills necessary to make ethical decisions related to preparing students for a test, administering and/or scoring a test, and/or interpreting and/or using any result of a test;

(6) Establish written procedures for reviewing what materials and practices shall be used in a participating school to prepare students for a test, and clearly communicate in writing these procedures, materials, and practices at least once annually to all appropriate staff;

(7) Periodically review materials and practices related to preparing students for a test, administering and/or scoring a test, and/or interpreting and/or using any result of a test to ensure that the materials and practices are up-to-date, and clearly communicate in writing any additions or changes at least once annually to all appropriate staff;

(8) Provide channels of communication that allow teachers, other educators, students, parents, and/or other members of the community to voice any concern about any practice they consider unethical and/or inappropriate; and

(9) Establish written procedures for investigating any complaint, allegation, and/or concern about an unethical and/or inappropriate practice, ensuring protection of the rights of an individual, the integrity of a test, and any result of a test.

(C) In monitoring practices related to preparing students for a test, each participating school shall use, but not be limited to, the following standards that define the types of practices that are unethical and/or inappropriate:

(1) Any preparation practice that results solely in raising scores or performance levels on a specific test without simultaneously increasing a student's achievement level as measured by other tasks and/or test designed to assess the same content domain;

(2) Any practice involving the reproduction of any secure test materials, through any medium, for use in preparing a student for a test;

(3) Any preparation activity that includes a question, task, graph, chart, passage, or other material included in a test, and/or material that is a paraphrase or highly similar in content to what is in a test



(does not include practice tests developed by the department);

(4) Preparation for a test that focuses primarily on the test, including its format, rather than on the Ohio learning standards being assessed;

(5) Any preparation practice that does not comply with, or has the appearance of not complying with any statutory and/or regulatory provision related to security of a test; and

(6) Any practice that supports or assists others in conducting unethical or inappropriate preparation activities.

(D) Except as specifically permitted by written instructions provided by the developer of a test, by the department, or by Chapter 3301-13 of the Administrative Code pertaining to accommodations and/or alternate assessment, each participating school shall use, but not be limited to, the following standards that define the types of practices related to administering and/or scoring tests that are unethical and/or inappropriate:

(1) Any test used for purposes other than that for which it was intended;

(2) Any practice that results in a potential conflict of interest or one that exerts undue influence on a person administering and/or scoring a test, either making or appearing to make a testing process unfair to some examinees;

(3) Except for accommodations and/or alternate assessments expressly permitted under Chapter 3301-13 of the Administrative Code, any change in procedures for administering and/or scoring a test that results in a nonstandard condition for one or more students;

(4) Any practice that allows a person without sufficient and appropriate knowledge, skills, and/or training to administer and/or score a test;

(5) Any administration and/or scoring practice that may produce a result contaminated by a factor not relevant to the purpose(s) of a test;



- (6) Any practice of excluding one or more students from a test solely because a student has not performed well, or may not perform well, on the test and/or because the aggregate performance of a group may be affected;
- (7) Any practice immediately preceding and/or during a test including, but not limited to, the use of a gesture, facial expression, body language, tone of voice, language, or any other action and/or sound that may guide a students' response;
- (8) Except for the directions for administration as prescribed by the test developer and/or by the department, any practice such as providing to a student, immediately preceding and/or during administration of a test, any definition and/or clarification of the meaning of a word or term contained in a test;
- (9) Any practice that corrects or alters any student's response to a test either during and/or following the administration and/or scoring of a test; and
- (10) Any practice that supports or assists any person in unethical and/or inappropriate practices during administration and/or scoring of a test.
- (E) In monitoring practices related to interpreting and/or using any result of a test, each participating school shall use, but not be limited to, the following standards that define the types of practices that are unethical and/or inappropriate:
- (1) Providing interpretations of and/or using any result of a test in a manner and/or for a purpose that was not intended;
- (2) Making false, misleading, or inappropriate statements and/or unsubstantiated claims that may lead to false and/or misleading conclusions about any result of a test;
- (3) Any practice that permits appropriate staff without the necessary knowledge and skills to interpret and/or use any result of a test;
- (4) Any practice that violates, or places at risk, the confidentiality of personally identifiable



information pursuant to section 3319.321 of the Revised Code;

(5) Any practice that provides an interpretation or suggests a use of any result of a test without due consideration of the purpose(s) for the test, the limitations of the test, an examinee's characteristics, any irregularities in administering and/or scoring the test, and/or other factors that may affect any result; and

(6) Any practice that supports or leads any person to interpret and/or use any result of a test in unethical and/or inappropriate ways.

(F) Each participating school shall cooperate with the state board of education in conducting an investigation of any alleged unethical and/or inappropriate assessment practice as defined in this rule.