



OFFICE OF THE
SECRETARY
2015 JUN -2 PM 12: 51

MURIEL BOWSER
MAYOR

JUN -2 2015

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave. N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed please find the "Testing Integrity Amendment of 2015". This legislation, if enacted, would update the procedures and protocols to align with the District of Columbia Public Schools and the District's Public Charter Schools implementation of next generation assessments. Also, it would amend the State Education Office Establishment Act of 2000 to clarify the responsibilities of the Office of the State Superintendent of Education ("OSSE") as it relates to Districtwide assessments.

I urge the Council to enact the "Testing Integrity Amendment Act of 2015".
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel E. Bowser".

Muriel E. Bowser

Enclosures


Chairman Phil Mendelson
At the Request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To amend, the Testing Integrity Act of 2013, to ensure the integrity of tests results by updating the procedures and protocols to align with the District Columbia Public Schools and the District's Public Charter Schools implementation of next generation assessments and to amend the State Education Office Establishment Act of 2000 to clarify the responsibilities of the Office of State Superintendent of Education as it relates to Districtwide assessments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Testing Integrity Amendment Act of 2015".

Sec. 2. The Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code § 38-771.01 et seq.), is amended as follows:

(a) Sec. 101 (D.C. Official Code § 38-771.01(2)) is amended as follows:

(1) Subsection (2) is amended to read as follows:

“(2) "Districtwide assessments" shall have the same meaning as provided in section 2002(13) of the District of Columbia School Reform Act of 1996, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.02(13)), as long as the Districtwide assessment is intended to be used for accountability purposes.”.

(2) Subsection (9) is amended to read as follows:

1 “(9) “Testing integrity and security notification statement” means a notification
2 developed by OSSE that:

3 “(A) Sets forth requirements for ensuring integrity of Districtwide
4 assessments pursuant to District law and regulation; and

5 “(B) Notifies the recipient that knowingly and willingly violating a
6 District law, regulation, or a test security plan could result in civil liability, including the loss of
7 an OSSE granted certification or license.”.

8 (b) Sec. 102(b) (D.C. Official Code § 38-771.02(b)) is amended as follows:

9 (1) Paragraph (1) is amended to read as follows:

10 “(1) File the school test security plan(s) required by section 3(b)(20) of the Act
11 with OSSE for each school or campus under the LEA’s control, at least 15 days before the
12 administration of the first Districtwide assessment of a school year;”.

13 (2) Paragraph (5) is amended to read as follows:

14 “(5) Within 10 days after the conclusion of the last Districtwide assessment of the
15 school year, obtain signed, under penalty of law, affidavits from the LEA 's test integrity
16 coordinator and each of the LEA's test monitors attesting that, to the best of his or her knowledge
17 or belief, the LEA complied with all applicable laws, regulations, and policies, including the test
18 security plan; and”.

19 (3) Paragraph (6) is amended to read as follows

20 “(6) Within 15 days after the conclusion of the last Districtwide assessment of the
21 school year, file with OSSE the affidavits required by paragraph (5) of this subsection.”.

22 (c) Sec. 103 (D.C. Official Code § 38-771.03) is amended as follows:

23 (1) Subsection (a) is amended as follows:

1 (A) Paragraph (1)(B) is amended to read as follows:

2 “(B) Receive a testing integrity and security notification statement, as
3 developed and distributed by OSSE;”.

4 (B) Paragraph (4)(I) is amended by adding the phrase “and released by
5 OSSE;” to the end of the clause.

6 (C) Paragraph (4)(K) is amended by striking the phrases “cell phones” and
7 “, or computer devices”.

8 (2) Section (b) is amended to read as follows:

9 “(b) The failure to comply with the prohibitions set forth in subsection (a)(4) of
10 this section shall not be considered a violation of a test security plan if:

11 “(1) The action is necessary to provide for an accommodation that is
12 explicitly identified in a student's IEP or an approved accommodation plan for a ELL student;
13 provided, that any accommodation shall be limited to the eligible student or students, or

14 “(2) The action is limited to supporting students to stay on task and
15 focused, per test instructions, manuals, or OSSE guidance, and does not impact the content of
16 students' answers.”.

17 TITLE II. OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION;
18 RESPONSIBILITIES

19 Sec. 201. Section 3(b) of the State Education Office Establishment Act of 2000, effective
20 October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

21 (a) Paragraph (20) is amended as follows:

22 (1) Subparagraph (B) is amended to read as follows:

1 “(B) At least 45 days prior to the start of the first assessment of the school year,
2 OSSE shall issue standards to obtain and securely maintain and distribute secure test materials,
3 which shall at a minimum require that:

4 “(i) An inventory of all secure test materials be maintained;

5 “(ii) All secure test materials be secured under lock and key, or other
6 equivalent security measures for electronic secure test materials with limited access;

7 “(iii) Only authorized personnel have access to secure test materials; and

8 “(iv) All authorized personnel are notified of test integrity and security
9 obligations before being able to access secure test materials or assist in the administration of a
10 Districtwide assessment;”.

11 (2) Subparagraph (C) is amended to read as follows:

12 “(C) Require each LEA to maintain and submit to OSSE at least 15 days before
13 the administration of a Districtwide assessment a separate test security plan for each school and
14 campus under the LEA’s control;”.

15 (3) Subparagraph (D) is amended to read as follows:

16 “(D) Approve a school’s test security plan at least 5 days prior to testing and
17 make recommendations to amend the plan when necessary;”.

18 (4) Subparagraph (E) is amended by striking the word “LEA’s” and inserting the
19 word “school’s” in its place.

20 (5) Subparagraph (I) is amended by striking the phrase “agreement to be signed
21 by authorized personnel” and inserting the phrase “notification statement” in its place.

22 (6) Subparagraph (J) is amended to read as follows:

1 “(J) At least 45 days prior to the first assessment of the school year, OSSE shall
2 issue standards to train authorized personnel on testing integrity and security and require that
3 attendance be taken at such training;”.

4 (7) A new subparagraph (K-1) is added to read as follows:

5 “(K-1) Collaborate with LEAs to ensure accurate reporting of any testing
6 violation that preserves the privacy of involved students and staff;”.

7 (8) Subparagraph (O)(ii) is amended to read as follows

8 “(ii) "Districtwide assessments" shall have the same meaning as provided in
9 section 2002(13) of the District of Columbia School Reform Act of 1996, approved April 26,
10 1996 (110 Stat. 1321; D.C. Official Code§ 38-1800.02(13)), as long as the Districtwide
11 assessment is intended to be used for accountability purposes.”.

12 (9) A new subparagraph (O)(iii-I) is added to read as follows:

13 “(iii-I) “Secure test materials” means test materials that might contain or provide
14 access to assessment content, such as information about test questions or answers, including, but
15 not limited to, test questions, passages, or performance tasks, answer documents, and used
16 scratch paper.”.

17 (10) Subsection (O)(v) is amended to read as follows:

18 “(v) “Testing integrity and security notification statement” means a notification
19 developed by OSSE that:

20 “(A) Sets forth requirements for ensuring integrity of Districtwide
21 assessments pursuant to District law and regulation; and

1 “(B) Notifies the recipient that knowingly and willingly violating a
2 District law, regulation, or a test security plan could result in civil liability, including the loss of
3 an OSSE granted certification or license.”.

4 Sec. 301. Fiscal impact statement.

5 The Council adopts the fiscal impact statement in the committee report as the fiscal
6 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
7 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

8 Sec. 302. Effective date.

9 This act shall take effect following approval by the Mayor (or in the event of veto by the
10 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
11 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
12 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and publication in the District of
13 Columbia Register .

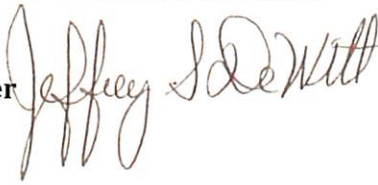
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: May 26, 2015

SUBJECT: Fiscal Impact Statement – Testing Integrity Amendment Act of 2015

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on May 20, 2015

Conclusion

Funds are sufficient in the FY 2015 budget and the proposed FY 2016 through FY 2019 budget and financial plan

Background

The bill updates¹ statewide test administration procedures and protocols to accommodate next generation assessments in public school classrooms. Specifically, the legislation:

- Replaces the signed testing integrity and security agreement with a testing integrity and security notification statement;
- Requires schools to file testing security plans with the Office of the State Superintendent of Education 15 days prior to the start of testing rather than the current 90 day requirement; and
- Permits test monitors to use cell phones and computer devices during an exam for the purpose of accommodating students with disabilities and/or keeping students on task.

Additionally, the bill updates² test administration guidelines for the Office of State Superintendent of Education. Specifically, the legislation:

¹ By amending the Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code § 38-771.01 *et seq.*)

² By amending the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)).

The Honorable Phil Mendelson

FIS: "Testing Integrity Amendment Act of 2015," Draft Bill as shared with the Office of Revenue Analysis on May 20, 2015

- Requires the Office of the State Superintendent of Education to issue personnel and security standards at least 45 days prior to the start of the first assessment each school year; and
- Requires the Office of the State Superintendent of Education to approve each school's test security plan at least five days prior to testing.

Financial Plan Impact

Funds are sufficient in the FY 2015 budget and the proposed FY 2016 through FY 2019 budget and financial plan to implement the bill. The Office of the State Superintendent of Education and public schools in the District already comply with the requirements outlined in the bill. No additional resources are required to implement the proposed updates to the District's statewide testing procedures and protocols.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: May 20, 2015

SUBJECT: Legal Sufficiency Review of the "Testing Integrity Amendment Act of 2015"
(AE-15-326)

This is to Certify that this Office has reviewed the above-referenced legislation and that we have found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

A handwritten signature in black ink, appearing to read "Janet M. Robins", is written over a horizontal line.

Janet M. Robins