

2015

Guidelines for managing
test incidents in schools

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1. Preamble

- 1.1 Improving educational outcomes for all young Australians is central to the nation's social and economic prosperity and will position young people to live fulfilling, productive and responsible lives.
- 1.2 Consistent and well understood measures of student achievement around the country can be used to inform future policy development, resource allocation, curriculum planning and where necessary intervention programs. The National Assessment Program – Literacy and Numeracy (NAPLAN), is a mandated national population-based survey assessment for all eligible students in Years 3, 5, 7 and 9 and provides nationally comparable evidence about student achievement. By participating in these assessments, schools benefit not only their own students, but also the students in every state and territory.
- 1.3 NAPLAN relies upon a shared commitment to delivering high quality testing and ensuring public confidence in the testing process and the test results. Key to the success of NAPLAN are the educators who strive to deliver the tests in a way that is fair and equitable to all students.
- 1.4 NAPLAN test administration must be in accordance with the *National protocols for test administration* (national protocols), contained in the *Handbook for principals* and available at www.nap.edu.au to ensure consistent and meaningful results.
- 1.5 In order to support the integrity of the NAPLAN tests and the testing process, the national protocols outline the responsibilities of all those involved in the administration of the tests: on the Australian Curriculum, Assessment and Reporting Authority (ACARA), on test administration authorities (TAAs) and on school-based personnel. School principals are central to the effective administration of the tests at school level.
- 1.6 To ensure that NAPLAN data are of the highest possible quality and to maintain public confidence in the testing program, it is important that breaches of the national protocols are identified and dealt with in a transparent manner by appropriate authorities.
- 1.7 ACARA and test administration authorities have internal policies and procedures in place to maintain the integrity of test administration and security of test materials as well as to respond effectively to breaches of the national protocols.

Roles and responsibilities

ACARA is responsible for the central management of NAPLAN, and has a responsibility for taking high-level action in response to substantiated test incidents which may impact on the validity of a test or national test results.

In each jurisdiction, a test administration authority is responsible for the overall administration of the NAPLAN tests. In some jurisdictions, the test administration authority may also have a responsibility for taking action in response to alleged test incidents.

Each school principal is responsible for the administration of the test in their school and will be a key participant in any investigation of an alleged breach in that school.

For the purposes of test incident management and investigation, responsible entities are individuals, such as principals, or organisations such as school boards or system authorities (including public education authorities), which have authority to receive and assess initial reports of test incidents. The specific identity of the responsible entity for any individual school will depend on the school governance arrangements and any existing agreements which identify and allocate the responsibility for this.

- 1.8 The responsibility for investigating test incidents may lie with individual schools and/or system authorities, particularly in the case of independent schools. These guidelines identify certain basic principles to ensure investigations will maintain test integrity and procedural fairness. Adherence to a set of core principles will assist in meeting expectations that there be nationally consistent responses to issues affecting the national assessment. Procedures which are used in a transparent and accountable manner will also enable schools to respond decisively to allegations, including those which might be unfounded yet have the potential to call into question the integrity of schools or individuals.
- 1.9 Given the diversity of the educational environments, these guidelines make reference to a 'responsible entity' meaning whichever entity has authority in relation to the particular school or school system to receive and assess initial reports of possible breaches of the national protocols. In the case of government schools, this may be the test administration authority. Reference is also made to an 'investigating authority' which will often be the responsible entity, but depending on the nature of the alleged breach or the school personnel involved, may be a different entity having authority in relation to the particular investigation (departments of education, non-government system authorities, school boards etc.).
- 1.10 Information gathered about the nature of breaches of the national protocols and responses to them is used to revise and improve the provisions of the national protocols and ensure accountability.
- 1.11 The guidelines do not prescribe a one-size-fits-all approach to managing and investigating possible breaches of the national protocols. However, they do represent a direction for aligning responses while recognising:
- the different roles and responsibilities of educators, schools, school boards, system authorities and public education authorities
 - the public interest in NAPLAN and need for confidence in its administration
 - ACARA's continued interest in delivering the best possible program of national assessment.

2. Summary of the NAPLAN code of conduct

- 2.1 A code of conduct is incorporated into the national protocols and outlines the principles upon which the tests are based. In summary, these are:
- NAPLAN is a national assessment, and all eligible students are expected to participate.
 - The test environment must be controlled so that test results are comparable.
 - While schools and teachers should adopt appropriate test preparation strategies to familiarise students with test processes and question formats, they should not excessively prepare students.
 - The security of the tests is critical to ensure that students' results accurately reflect their abilities.
 - Attention to communication at all levels underpins the effective and transparent delivery of the tests.

3. Test incidents

3.1 Test incidents refer to breaches of the national protocols, including the code of conduct, and are categorised as follows:

Cheating (C) A breach of the *National protocols for test administration* amounting to cheating occurs when there is intent to gain an unfair advantage or improperly influence test results; this category does not include instances of student cheating (refer to point 3.2 below).

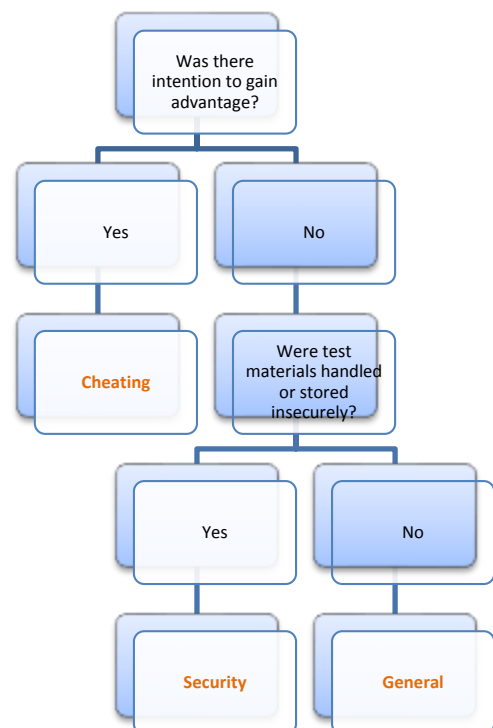
Security (S) A breach of the *National protocols for test administration* affecting test security occurs when early knowledge of test content is obtained which has the potential to compromise the integrity of the test results. Test materials must not be shown to anyone until after the test security period has passed. Breaches of test security committed with intent to gain an unfair advantage are considered cheating.

General (G) General breaches of the *National protocols for test administration* include all other mal-administrative practices that are not in accordance with the agreed protocols, but which do not amount to cheating or affect test security.

3.2 Acts of student academic misconduct during the tests, such as cheating, are to be dealt with through schools' existing procedures unless they involve a breach of the national protocols such as breaching test material security.

3.4 Whether or not a test incident amounts to cheating is a question of whether there was intent on the part of the person responsible for the breach to effect or obtain an unfair advantage (whether on behalf of a student, or a cohort of students, or a school). The question of intent, where relevant, must be determined during any subsequent investigation (for further assistance, refer to diagram opposite).

ACARA categorises test incidents as cheating, security or general, for the purposes of reporting based on this decision hierarchy:

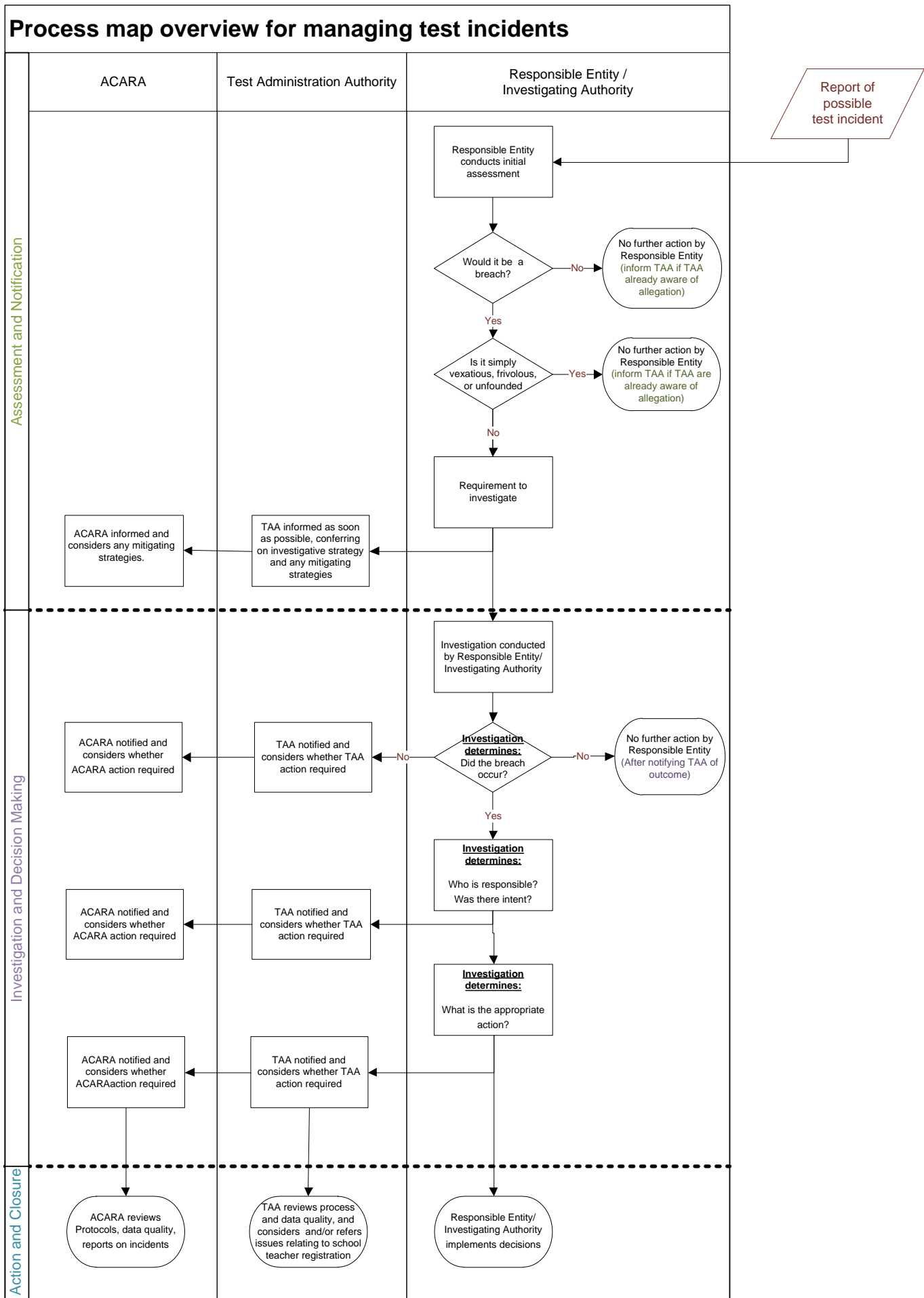


4. Principles for managing test incidents

- 4.1 The following principles have been identified by stakeholders as appropriate to guide the management and investigation of test incidents in schools, noting the process variation they allow in practice:
- 4.1.1 The different roles and responsibilities of those involved in NAPLAN must be recognised and respected.
 - 4.1.2 Alleged breaches of the nationally agreed test administration protocols must be investigated to maintain test integrity and public credibility.
 - 4.1.3 Investigations must be carried out consistently by the appropriate authority and in accordance with basic principles of procedural fairness.
 - 4.1.4 Once an investigation has concluded, appropriate action must be taken and be seen to be taken to ensure public credibility in accordance with local procedures.
 - 4.1.5 Effective communication between those involved in NAPLAN (schools, TAAs, ACARA, system authorities etc.) underpins the successful management and investigation of test incidents in schools.

5. Key stages in the process of managing test incidents in schools

- 5.1 There are three major stages in the management of test incidents as illustrated on the following page in Diagram 1 – Process map for test incident management. These are assessment and notification, investigation and decision-making, and reporting and action.
- 5.2 The school principal will often be the primary agent in the assessment process, and is supported by good faith communication with and between a range of other agents, such as teachers, system authorities, test administration authorities and ACARA. Depending on the relevant school system someone other than the principal may be designated to assess initial reports and this should certainly be the practice should the principal be the subject of an allegation.
- 5.3 In general, comprehensive and prompt notification to the test administration authority of alleged test incidents is necessary to maintain test integrity, and to enable the timely implementation of any additional management strategies that may apply.



6 Stage 1: Assessment and notification

6.1 *Key process steps in this stage*

- 6.1.1 Reports alleging test incidents might be received directly by the school or other responsible entity or forwarded to the school via the test administration authority.
- 6.1.2 The principal or other responsible entity (which, subject to arrangements in place in any particular jurisdiction may be the school board, system authority or test administration authority) undertakes a preliminary assessment of the report to confirm whether it has face validity (i.e. if the incident had occurred as alleged, it would constitute a breach of the national protocols) and whether or not it is frivolous, vexatious or unfounded.
- 6.1.3 Where the responsible entity is satisfied that a report does not have face validity, that is, if what happened is not a breach of the national protocols, no further action is required.
- 6.1.4 Allegations which could constitute a breach of national protocols and could be proven, that is, they are not simply frivolous, vexatious or unfounded, should be immediately notified to the test administration authority (if the test administration authority is not yet involved) as alleged test incidents which will be investigated, in line with section 10.1 of the national protocols.
- 6.1.5 The responsible entity should also inform the test administration authority as to the identity of the relevant investigating authority that will conduct the investigation to determine what happened and who was responsible. The investigation will be undertaken in accordance with relevant procedures.
- 6.1.6 The test administration authority will notify ACARA of the allegation and the investigation and also inform the relevant system authority if this has not already been done.
- 6.1.7 If the allegation raises questions about the validity of a test or test result, then the test administration authority or ACARA or both may seek further advice about the incident to determine whether additional action needs to be taken.

6.2 *Guidance on stage 1 – Assessment and notification*

- 6.2.1 The national protocols provide that test administration authorities may establish different arrangements to receive and manage allegations depending on the source of the allegation, the original recipient of the allegation, and the nature of the allegation. Further, allegations which arise and are originally received at school level be documented and the information forwarded to the relevant test administration authority as soon as possible.
- 6.2.2 Possible sources of allegations include pupils participating in the tests, parents, school staff and members of the general community. Allegations of test incidents might initially be brought to the attention of a number of individuals/bodies such as:
 - principals, teachers or other school staff
 - the relevant test administration authority
 - the relevant department or system authority
 - ACARA
 - local members of parliament or relevant ministers
 - the media.

Such reports need to be directed, as soon as possible, to the relevant responsible entity for assessment.

- 6.2.3 Not all reports of test incidents will be based on a correct understanding of the requirements of the national protocols, or made in good faith. Following an initial assessment, if the responsible entity is fully satisfied an investigation is not required discretion is given to the principal or responsible entity to dismiss such a report without undertaking a full investigation.
- 6.2.4 Responsible entities should exercise caution before determining that a report of a test incident should NOT be investigated. Any decision not to investigate a reported test incident should be documented by the responsible entity.
- 6.2.5 If in doubt, the responsible entity is encouraged to confer with the test administration authority to confirm whether a report warrants investigation and notification to the test administration authority. Advice might also be usefully sought from the school board, a system authority or colleagues.
- 6.2.6 Where the responsible entity is satisfied that a report does not have face validity and is not simply frivolous, vexatious or unfounded, no further action is required although it is expected that the test administration authority will be informed if for any reason they are aware of the initial report.
- 6.2.7 Allegations which could constitute a breach of national protocols and could be proven, that is they are not simply frivolous, vexatious or unfounded, should be immediately notified to the test administration authority as alleged test incidents which will be investigated.
- 6.2.8 Having been notified of an alleged breach, the principal or responsible entity will inform the test administration authority as to the identity of the investigating authority and highlight any evidentiary issues where test administration authority may be able to provide assistance - for example if test booklets need to be reviewed. The approach adopted will depend on the school involved, the nature of the alleged breach and whether it raises issues concerning the behaviour of individuals, including possible dishonest or inappropriate conduct by school personnel, as this may pre-determine where investigative authority resides. If the school principal is the subject of the allegation then the school board or other authority should assume responsibility for the investigation.
- 6.2.9 Prompt official notification of an alleged breach and reporting on the conduct of an investigation maximises the potential of activating an appropriate back-up plan during the testing period and supports a school's reputation for transparency and good practice. If ACARA becomes aware of an alleged breach and it appears that action may be required to

What not to notify?

An allegation is frivolous if it is trivial or lacks sense (i.e. does not disclose a breach) and has no reasonable chance of being proven.

An allegation is vexatious if it is made *only* to cause annoyance and has no reasonable chance of being proven.

A report can be considered unfounded if, after reasonable preliminary inquiries, it is clear that no finding of breach could be made, for example a concern raised about an individual's behaviour when the person named was demonstrably incapable of being involved in the alleged breach.

If any doubt exists, incidents should be treated as genuine and investigated.

ensure data quality and/or test integrity, then ACARA may seek further information about the alleged incident via the test administration authority.

- 6.2.10 If a report is made of an incident that does not appear to breach the national protocols but which may have broader implications for NAPLAN, it is recommended that the matter be discussed with the test administration authority so that the issue can be considered and if necessary addressed at a policy level.

7. Stage 2: Investigation and decision-making

7.1 Key process steps in this stage

- 7.1.1 Investigations are to be undertaken by the appropriate responsible entity (the investigating authority) and in accordance with local procedures, noting the importance of adhering to the principles of procedural fairness. Depending on the arrangements in each jurisdiction the investigating authority may be the principal, the school board, the relevant system authority, a specialist employee performance unit or other delegated organisation.
- 7.1.2 An appropriate range of evidence should be sought and considered to determine both the facts of the allegation, if a breach is found, to allocate responsibility, and to inform TAA decisions on whether student/s data have been compromised as a result of the breach.
- 7.1.3 The test administration authority and the investigating authority will need to agree on appropriate arrangements for information to be exchanged concerning ongoing investigations. This is in order to meet national reporting requirements, subject to such information exchange not prejudicing the conduct of the investigation.
- 7.1.4 The test administration authority will notify ACARA of updates as they are received.

7.2 Guidance on stage 2 – Investigation and decision-making

- 7.2.1 It is important to recognise that the report of a possible test incident may give rise, not only to an investigation of whether there has been a breach of the national protocols (protocols breach investigation), but also to an investigation into misconduct by any person allegedly responsible for the breach of their employer's conduct requirements (misconduct investigation). A protocol's breach investigation may overlay a misconduct investigation.
- 7.2.2 Where the relevant conduct could amount to a breach of the employer's conduct requirements it is recommended that the assessment and investigation process be carried out in accordance with the employer's misconduct procedures, and that findings be made on both the issue of misconduct as an employee and the issue of breach of the national protocols.
- 7.2.3 Where the relevant conduct would not amount to a breach of the employer's conduct requirements, appropriate local procedures should be adhered to determine the issue of breach of the national protocols.
- 7.2.4 In either situation, the investigating authority should adhere to principles of procedural fairness. Adherence to these principles ensures that an investigation meets accepted standards of fairness; however, where employer misconduct procedures apply, there may be additional requirements imposed on an investigating authority.

7.2.5 It is expected that the investigating authority will use existing rules and procedures and have experience in evidence collection. In addition to statements by people involved, it may also be necessary to request expert support from the test administration authority in the form of analysis of script booklets etc.

7.2.6 Investigating authorities should call upon all appropriate resources to determine the following:

- whether the alleged breach has been substantiated to the satisfaction of the investigating authority
- who was responsible and whether there was intent to gain unfair advantage (i.e. to cheat).

7.2.7 At the same time as the investigating authority is conducting the investigation, depending on the nature of the breach alleged and its possible consequences, ACARA and the test administration authority may consider action to address concerns relating to data quality and/or test validity.

7.2.8 Investigating bodies need to consider, during their investigations, what information they need to provide to TAAs to support their decision making with respect to:

- whether data have been compromised as a result of the breach, and
- what evidence might be available to indicate whether or not test results accurately reflect the work of the affected student/s.

Principles of procedural fairness

- Any individual who may be adversely affected by the findings of an investigation is to be informed of the case against them and allowed a reasonable opportunity to be heard before findings are made.
- Decisions are to be made based on the evidence.
- Decision-making is to be impartial (free from perceived or actual bias on the part of the decision-maker).
- There should be no actual or perceived conflict of interest between the investigator and/or decision-maker and any person subject to the investigation.

8. Stage 3: Action and closure

8.1 Key process steps in this stage

8.1.1 The investigating authority will make findings based on its investigations and determine and implement appropriate action within its sphere of responsibility.

8.1.2 The investigating authority will keep the relevant test administration authority informed as to the findings of an investigation into an alleged test incident.

8.1.3 Test administration authorities will inform ACARA as to the findings of an investigation.

8.1.4 Test administration authorities and ACARA will also consider and implement actions within their respective spheres of responsibility to address the findings of an investigation.

8.2 Guidance on stage 3 –Action and closure

8.2.1 An investigating authority's findings will determine the appropriate action/s to be implemented at the school or system level. These may include: no action; a review of

internal procedures or processes; retraining or other support to a staff member; or punitive action.

8.2.2 Investigating authorities are to advise the relevant test administration authority as to its findings and proposed courses of action as soon as possible.

8.2.3 Test administration authorities will forward the relevant advice from investigating authorities to ACARA on an agreed basis and may liaise with ACARA to support consistent media and messaging.

8.2.4 Test administration authorities and ACARA will also consider and implement actions within their respective spheres of responsibility to address the findings of an investigation. This could extend to withholding student or school results or referring matters for consideration by teacher or school registration bodies.

8.2.5 Test incidents will be published in accordance with the requirements of the Education Council.

8.2.6 The information will also be used to review the effectiveness of the national protocols and ACARA's communication strategies as well as to improve risk management and the overall delivery of NAPLAN.

Information to be reported

- Section of national protocols breached and description of how
- Description of who made the allegation
- Description of the subject of the allegation
- Estimated scope
- Description of the investigating entity
- What evidence has been considered
- Findings of the investigation:
 - Was there a breach?
 - Who was responsible?
 - Was there intent to gain unfair advantage?
 - What action has been taken?

For further details see **Attachment 1** on page 11.

Attachment 1 - Minimum test incident notification details

Information required	Comments
Notification	
Date of breach	<i>Advice- if prior to test date, to be notified asap.</i>
National protocols clause/s breached	<i>Clause/s in the National protocols for test administration that is/are alleged to have been breached.</i>
Description of allegation	<i>Brief description of the allegation – how the national protocols were breached.</i>
Description of person making the allegation (if known)	<i>Capacity of the person making the allegation – e.g. parent, teacher, administrator, principal, community member, media, other (not personal details).</i>
Description of person/s responsible for incident (if known)	<i>Role of the person alleged to be responsible for the breach – e.g. teacher, principal, other (not personal details).</i>
Description of estimated scope of the incident	<i>Preliminary assessment of scope of the impact – the number of students/classes/schools/states potentially affected.</i>
Investigation	
Description of investigating entity	<i>Nature of entity conducting this investigation – e.g. school principal; school board; system authority; department of education; other.</i>
Description of evidence considered	<i>Nature of evidence has been considered as part of the investigation – e.g. test book analysis; written statements; statutory declaration; oral statements; other.</i>
Determination (facts)	
Whether breach is substantiated	<i>Finding of the investigation in relation to the facts of the breach - substantiated, unsubstantiated/partially substantiated - and details.</i>
Conclusions	<i>Elaborations on why the breach was substantiated or unsubstantiated. Enough information should be provided to enable other entities (e.g. TAAs, ACARA) to fulfil their responsibilities such as determining the integrity of test results and public reporting.</i>
Substantiation of responsibility	<i>Confirmation of who was responsible for the breach – e.g. test administrator; support person; scribe; NAPLAN coordinator; principal; TAA; ACARA; contractor; other.</i>
Substantiation of the nature of breach	<i>Confirmation of whether the breach was intending to gain advantage.</i>
Confirmation of scope/impact of breach	<i>Confirmation of the number of students and/or schools this breach has affected and in what way.</i>
Number of schools affected by breach	<i>The number of schools in which the breach occurred.</i>
Determination (responsibility & intent)	
Whether responsibility has been confirmed	<i>Finding of the investigation (yes/no/partial) and details in relation to responsibility for the breach.</i>
Whether intent has been substantiated	<i>Whether there was a finding of intent to act outside the protocols to provide an unfair advantage (yes or no) and details.</i>
Determination (consequences)	
Actions taken at school level as a result of investigation	<i>Description of the actions taken or penalty applied at local level - e.g. education, process improvement, disciplinary</i>
Data integrity information	<i>Whether outcome data were affected and/or consequently withheld.</i>
Actions taken at TAA level as a result of investigation	<i>Description of the actions taken at jurisdiction/TAA level - e.g. education, process improvement, withholding of data.</i>
Progress	
Status of investigation	<i>Closed or Under investigation.</i>

