

Guidelines for managing test incidents in schools



2020

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1. PREAMBLE

1.1. Overview

- 1.1.1. Improving educational outcomes for all young Australians is central to the nation's social and economic prosperity; it will position young people to live fulfilling, productive and responsible lives.
- 1.1.2. 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; it provides nationally comparable evidence about student achievement. By participating in these assessments, schools benefit not only their own students, but also the students nationwide. References to NAPLAN cover tests delivered in both paper and online formats.
- 1.1.3. The paper and online NAPLAN tests both assess the same skills in literacy and numeracy taught through curriculum content. Student results continue to be measured on the five NAPLAN assessment scales. Students sitting the online tests answer about the same number of questions as students sitting paper tests.
- 1.1.4. 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 educators who strive to deliver the tests in a way that is fair and equitable to all students.
- 1.1.5. Participation in NAPLAN is a condition of the *Australian Education Act 2013* (Cth) and applies to all schools in receipt of Commonwealth funding. Participation in NAPLAN encompasses all activities associated with NAPLAN, including maintaining test integrity. This includes investigating and reporting test incidents as directed.
- 1.1.6. To ensure consistent and meaningful results, NAPLAN test administration must be in accordance with the *National protocols for test administration*, contained in the *Handbook for principals and NAPLAN coordinators* and available at the [NAP website](#). For schools participating in NAPLAN Online, the *National protocols for test administration – NAPLAN Online* apply. All references to the protocols should be read as the online protocols if appropriate.
- 1.1.7. In order to support the integrity of NAPLAN tests and the testing process, the national protocols outline the responsibilities of organisations involved in the administration of the tests: the Australian Curriculum, Assessment and Reporting Authority (ACARA), test administration authorities (TAAs) and school-based personnel. School principals are central to the effective administration of the tests at a school level.
- 1.1.8. To ensure that NAPLAN data are of the highest 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.

- 1.1.9. Breaches of the national protocols (both paper and online) focus on the role and responsibilities of those administering the tests where their acts, omissions or errors result in cheating, breaches of test security or breaches of other protocols. Breaches may occur due to a deliberate or accidental human action.
- 1.1.10. Technical issues associated with NAPLAN Online are not considered test incidents for the purposes of these guidelines, unless they result in a breach of the national protocols.
- 1.1.11. 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.
- 1.1.12. 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 achieving nationally consistent responses to issues affecting the national assessment. Procedures that are used in a transparent and accountable manner will also enable schools to respond decisively to allegations, including those that might be unfounded, yet have the potential to call into question the integrity of schools or individuals.
- 1.1.13. These guidelines use a term 'responsible entity'; that is: an entity that has an authority in relation to a 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 a test administration authority. Reference is also made to an 'investigating authority', which often is a responsible entity, but depending on the nature of the alleged breach or the school personnel involved, a different entity may have an authority in relation to a particular investigation (departments of education, non-government system authorities, school boards, etc.).
- 1.1.14. 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.
- 1.1.15. These guidelines do not prescribe a one-size-fits-all approach to managing and investigating possible breaches of the national protocols. These guidelines, however, do represent a direction for aligning responses while recognising:
 - different roles and responsibilities of educators, schools, school boards, system authorities and public education authorities
 - public interest in NAPLAN and a need for confidence in its administration
 - ACARA's continued interest in delivering the best possible program of national assessment.

1.2. Roles and responsibilities

- 1.2.1. ACARA is responsible for the central management of NAPLAN as well as for taking high-level action in response to substantiated test incidents that may impact on the

validity of a test or national test results.

- 1.2.2. In each jurisdiction, the test administration authority is responsible for 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.
- 1.2.3. Each school principal is responsible for administration of the test in their school and is a key participant in any investigation of an alleged breach in that school.
- 1.2.4. 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 an authority to receive and assess initial reports of test incidents. The specific identity of the responsible entity for any individual school depends on the school governance arrangements and any existing agreements that identify and allocate the responsibility for this.

2. SUMMARY OF THE NAPLAN CODE OF CONDUCT

2.1 A code of conduct is incorporated into the national protocols; it 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 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 an 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 that 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 these acts involve a breach of the national protocols such as breaching test material security.

3.3 Whether a test incident amounts to cheating is a question of whether there was an intent on the part of the person responsible for the breach to affect the test result 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 1).

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:

- Different roles and responsibilities of those involved in NAPLAN must be recognised and respected.
- Alleged breaches of the nationally agreed test administration protocols must be investigated to maintain test integrity and public credibility.
- Investigations must be carried out consistently by the appropriate authority and in accordance with basic principles of procedural fairness.
- Once an investigation has concluded, appropriate action must be taken and be seen to be taken in accordance with local procedures to ensure public credibility.
- Effective communication between those involved in NAPLAN (schools, TAAs, ACARA, system authorities, etc.) underpins successful management and investigation of test incidents in schools.

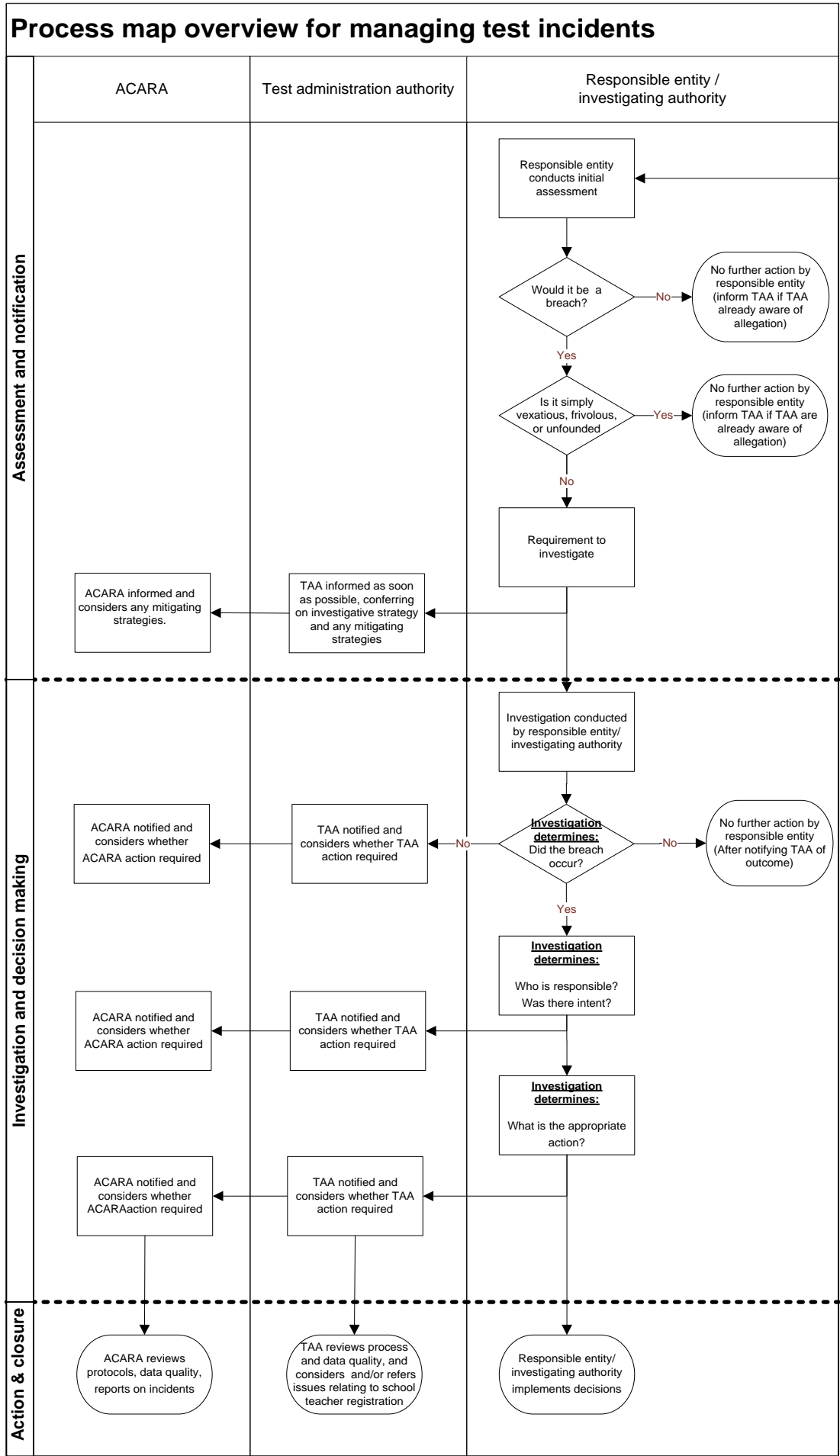
5. KEY STAGES: MANAGING TEST INCIDENTS IN SCHOOLS

5.1 There are three stages in the management of test incidents, as illustrated in the diagram below. These are: assessment and notification, investigation and decision-making, and action and closure.

5.2 A primary agent in the assessment process is often the school principal who 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 school system, someone other than the principal may be designated to assess initial reports.

5.3 Should the principal be the subject of the allegation, another agent should be designated to assess initial reports.

5.4 In general, comprehensive and prompt notification to the test administration authority of alleged test incidents is needed to maintain test integrity and to enable timely implementation of any additional management strategies that may apply.



6. STAGE 1: ASSESSMENT AND NOTIFICATION

6.1. Key steps

- 6.1.1 Reports alleging test incidents may be received directly by a school or other responsible entity, or forwarded to a school via its 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 (that is, if the incident occurred as alleged, it would constitute a breach of the national protocols) and whether it is frivolous, vexatious or unfounded.
- 6.1.3 Where the responsible entity is satisfied that the report does not have face validity (that is, what happened was not a breach of the national protocols), no further action is required.
- 6.1.4 Allegations that 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 that 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 about who 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 will 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 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 an allegation, the original recipient of an allegation and the nature of an allegation. Further, allegations that arise and are originally received at a school level are documented and the information is forwarded to the relevant test administration authority as soon as possible.
- 6.2.2. Possible sources of allegations include students participating in the tests, parents, school staff and members of the general community. Allegations of test incidents may 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.
- 6.2.3. Such reports need to be directed, as soon as possible, to the relevant responsible entity for assessment.
- 6.2.4. 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 that an investigation is not required, discretion is given to the principal or the responsible entity to dismiss such a report without undertaking a full investigation.
- 6.2.5. 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.
- 6.2.6. 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 sought from the school board, the system authority or colleagues.
- 6.2.7. Where the responsible entity is satisfied that a report does not have face validity and is simply frivolous, vexatious or unfounded, no further action is required, excepting that the test administration authority is informed.
- 6.2.8. Allegations that 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 that will be investigated.
- 6.2.9. Having been notified of an alleged breach, the principal or responsible entity informs the test administration authority as to the identity of the investigating authority and highlights any evidentiary issues where the test administration authority may be able to provide assistance; for example, if test booklets or an online test attempt 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 must assume responsibility for the investigation.
- 6.2.10. 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 the 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 ensure data quality and/or test integrity, then ACARA may seek further information about the alleged incident via the test administration authority.

- 6.2.11. If a report is made of an incident that does not appear to breach the national protocols but that 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.

6.3. Guidance on exclusions

- 6.3.1 An allegation is frivolous if it is trivial or lacks sense (that is, it does not disclose a breach) and has no reasonable chance of being proven.
- 6.3.2 An allegation is vexatious if it is made only to cause annoyance and has no reasonable chance of being proven.
- 6.3.3 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.
- 6.3.4 If any doubt exists, incidents should be treated as genuine and investigated.

7. STAGE 2: INVESTIGATION AND DECISION-MAKING

7.1. Key steps

- 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 a principal, a school board, a relevant system authority, a specialist employee performance unit or other delegated organisation.
- 7.1.2 If a breach is found, an appropriate range of evidence should be sought and considered to determine the facts of an allegation. Once this evidence has been considered, the test administration authority will allocate responsibility and decide whether student(s) data have been compromised as a result of the breach.
- 7.1.3 the test administration authority and the investigating authority need to agree on appropriate arrangements for information to be exchanged concerning ongoing investigations, subject to such information exchange not prejudicing the investigation. This is in order to meet national reporting requirements.
- 7.1.4 The test administration authority notifies ACARA of updates on a regular basis as agreed.

7.2. Guidance on 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 according to the employer's misconduct procedures. The findings of the investigation should be made on both the issue of employee misconduct and the issue of breach of the national protocols.
- 7.2.3. Where it is proven that there was no breach of the employer's conduct requirements, the findings on the investigation should be made on the issue of breach of the national protocols only.
- 7.2.4. In either situation, the investigating authority should adhere to the principles of procedural fairness. Adherence to these principles ensures that the investigation meets accepted standards of fairness; however, where the employer's misconduct procedures apply, there may be additional requirements imposed on the investigating authority.
- 7.2.5. It is expected that the investigating authority uses existing rules and procedures and has experience in evidence collection. In addition to statements from people involved, it may also be necessary to request expert support from the test administration authority in the form of analysis of, e.g. script booklets or, an online test attempt.
- 7.2.6. The investigating authority 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 (that is, 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. During the investigation, the investigating authority needs to consider what information it needs to provide to the test administration authority to support its decision-making with respect to:
- whether data have been compromised as a result of the breach, and
 - what evidence is available to indicate that the test results accurately reflect the work of the affected student(s).

7.3. Guidance on principles of procedural fairness

- 7.3.1 Any individual who may be adversely affected by findings of the investigation is to be informed of the case against them and allowed a reasonable opportunity to be heard before the findings are made.
- 7.3.2 Decisions are to be made based on the evidence.
- 7.3.3 Decision-making is to be impartial (free from perceived or actual bias on the part of the decision-maker).

- 7.3.4 There should be no actual or perceived conflict of interest between the investigator or decision-maker and any person subject to the investigation.

8. STAGE 3: ACTION AND CLOSURE

8.1. Key steps

- 8.1.1. The investigating authority makes findings based on its investigations, and determines and implements appropriate actions within its sphere of responsibility.
- 8.1.2. The investigating authority keeps the relevant test administration authority informed as to the findings of an investigation into an alleged test incident.
- 8.1.3. The test administration authority informs ACARA as to the findings of an investigation.
- 8.1.4. The test administration authority and ACARA also consider and implement actions within their respective spheres of responsibility to address the findings of an investigation.

8.2. Guidance on action and closure

- 8.2.1. The investigating authority's findings determine appropriate action(s) to be implemented at a 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. The investigating authority is to advise the relevant test administration authority as to its findings and proposed courses of action as soon as possible.
- 8.2.3. The test administration authority forwards the relevant advice from the investigating authority to ACARA on the agreed basis and may liaise with ACARA to support consistent media and messaging.
- 8.2.4. The test administration authority and ACARA 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' information is published in accordance with the requirements of the Education Council.
- 8.2.6. Test incidents information is 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.

8.3. Guidance on information to be reported

- 8.3.1. Information to be reported on alleged test incidents is shown in the table below.

APPENDIX 1: MINIMUM TEST INCIDENT NOTIFICATION DETAILS

Information required	Comments
Notification	
Date of breach	Advice: if prior to test date, to be notified ASAP.
National protocols clause(s) breached	Clause(s) in the <i>National protocols for test administration</i> that is/are alleged to have been breached.
Description of allegation	Brief description of the allegation – how the national protocols were breached.
Description of person making allegation (if known)	Capacity of the person making the allegation – e.g. parent, teacher, administrator, principal, community member, media, other (not personal details).
Description of person(s) responsible for incident (if known)	Role of the person alleged to be responsible for the breach – e.g. teacher, principal, other (not personal details).
Description of estimated scope of incident	Preliminary assessment of scope of the impact – the number of students/classes/schools/states potentially affected.
Investigation	
Description of investigating entity	Nature of the entity conducting this investigation – e.g. school principal, school board, system authority, department of education, other.
Description of evidence considered	Nature of evidence that has been considered as a part of the investigation – e.g. test book analysis, written statements, statutory declaration, oral statements, other.
Determination (facts)	
Whether breach is substantiated	Finding of the investigation in relation to the facts of the breach – substantiated / unsubstantiated / partially substantiated – and details.
Conclusions	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.
Substantiation of responsibility	Confirmation of who was responsible for the breach – e.g. test administrator, support person, scribe, NAPLAN coordinator, principal, TAA, ACARA, contractor, other.
Substantiation of nature of breach	Confirmation of whether the breach led to gain advantage.
Confirmation of scope/impact of breach	Confirmation of the number of students and/or schools the breach has affected and in what way.

Number of schools affected by breach	The number of schools in which the breach occurred.
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Information required	Comments
Determination (responsibility and intent)	
Whether responsibility has been confirmed	Finding of the investigation (yes/no/partial) and details in relation to responsibility for the breach.
Whether intent has been substantiated	Whether there was a finding of intent to act outside the protocols to provide an unfair advantage (yes/no) and details.
Determination (consequences)	
Actions taken at school level as a result of investigation	Description of the actions taken or penalty applied at a local level – e.g. education, process improvement, disciplinary
Data integrity information	Whether outcome data were affected and/or consequently withheld.
Actions taken at TAA level as a result of investigation	Description of the actions taken at jurisdiction/TAA level – e.g. education, process improvement, withholding of data.
Progress	
Status of investigation	'Closed' or 'under investigation'.