

**SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS**

BOCES employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the BOCES in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations. A BOCES employee in a position for which a teaching or school leader certificate is not required who violates this Board Policy or Commissioner's regulations or who commits an unlawful act in respect to examination and records, will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation and will be reported pursuant to applicable rules and regulations.

Section 102.4 of the Regulations of the Commissioner of Education, requires the mandatory obligation to report such misconduct. As such, all BOCES employees will report to the District Superintendent and/or the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of Board policy, Commissioner's regulations or New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

Such reportable actions include, but are not necessarily limited to:

- Accessing test booklets or answer sheets prior to the allotted time;
- Reproducing any portion of a secure examination without permission;
- Creating "cheat sheets";
- Coaching or otherwise providing students with answers or clues;
- Allowing for more time to take an exam than allowed;
- Allowing a student to amend his or her answer sheet after turning it in;
- Altering student answer sheets;
- Making any attempt to improve a student's test score during scoring, recording, or reporting; and/or
- Re-scoring portions of the test.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

Any person who acts reasonably and in good faith and reports such information to school officials and/or the NYS State Education Department shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of testing misconduct. The BOCES will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a good faith report regarding testing misconduct to the BOCES and/or the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

**Adopted: March 11, 2015**