

# POLICYALERT



December, 2010

Forethought Consulting, Inc.

## POLICY UPDATE: 2010

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### Wrapping Up 2010 Legislation – Testing Program

Our gift to you as the holiday season approaches is the last policy revision based on the action of the 2010 Louisiana Legislature. The *Testing Program* policy has been revised to reflect provisions of Act 534, which enacted changes to La. Rev. Stat. Ann. §17:81.6. This legislation allows any employee who has “cause to believe that irregularities or improprieties in the administration of standardized tests is occurring or has occurred” to report such improprieties or irregularities directly to the Louisiana Department of Education (LDE).

Bulletin 118, *Statewide Assessment Standards and Practices*, includes a provision requiring School Boards to establish procedures for reporting suspected irregularities to school district personnel, and places the initiation of the investigation of such irregularities in the hands of the District Test Coordinator. The District Test Coordinator can seek the assistance of other district personnel and others to complete the investigation.

The new law allows this procedure to be bypassed and a report made *directly* to the LDE, and authorizes the LDE to investigate such allegations. The statute also forbids an employee from knowingly reporting false information or obstructing procedures for receiving and investigating reports of improprieties. It forbids any retaliation against an employee who in good faith makes such reports, and creates a misdemeanor offense with a fine of not more than \$500 or imprisonment for no more than six (6) months for anyone who does retaliate. *Retaliation* is defined to include discharging, demoting, suspending, threatening, harassing, or discriminating against any employee who in good faith reports any irregularities or improprieties in the administration of standardized tests.

## Policies In This Issue:

- Testing Program

We have included the new language regarding reporting and retaliation in the *Testing Program* policy, but not the specific language regarding fines, which is a function of the state, nor discipline, which is already referenced in the policy, as well as covered under the *Employee Discipline* policy.

In addition to the statutory changes, we have added information to the policy to include *End of Course Tests*

(EOCT) in the tests which are covered under its provisions, and that a disaster plan must be submitted to the LDE, *Division of Assessments and Accountability*, in a *Statement of Assurance*. Other changes reflect the latest language of Bulletin 118, including a revision to the definitions of *secure test materials* and *access to secure test materials*, as well as replacing the oft-changed name of the LDE *Division* with its most current version.

MERRY  
CHRISTMAS  
and  
Happy New  
Year!

