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**NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION**

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**To:** Superintendents, Principals, Test Coordinators, Special Education Directors  
**From:** Greg Gallagher, Assessment Director  
**Date:** March 8, 2016  
**RE:** Districts' Options to Support the Public's Right to View the NDSA

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State law (NDCC 15.1-21-14) requires that a school district allow any individual over the age of twenty, upon request, to view the North Dakota State Assessment (NDSA) as soon as the test is in the possession of the school district. Although this law has been in practice for over a decade, our new NDSA program, with its combination of an online adaptive format and a paper-and-pencil format, introduces new factors for school districts to keep in mind. The Department of Public Instruction provides the following information to assist school districts in carrying out their obligations to meet these long-standing practices and legal standards, while administering the 2016 NDSA.

The Department provides this information following discussions with our contractors and legal counsel. We believe this information is useful to school districts because assessment advancements have been made that provide for an enhanced testing experience for students and new options for the viewing of the tests. Because of this advancement, school districts have additional options by which they can allow viewing of the NDSA. This list of options may not be all-inclusive and not all options are a good fit for every school district. If your school district would like to discuss other viewing options, please feel free to contact us. The Department strives to share helpful information with school districts, but it cannot provide legal advice. School districts are encouraged to consult with their attorney when considering these options, or any others, in meeting their obligations under state and federal law, including FERPA.

***I. Viewing the Secure Paper-and-Pencil Test Forms***

On or about March 15, 2016, school district central offices will receive one copy of the official paper-and-pencil NDSA test forms for the English language arts and mathematics assessments, grades 3-8 and 11. These paper-and-pencil forms are fully equated to the same scale and aligned in content with the online, adaptive format, constituting a complete NDSA test form. A school district that receives a request to view the NDSA can offer the requestor the opportunity to view the paper-and-pencil test in a secure manner.

***II. Viewing the Online Practice Test***

In addition to providing the public the option of viewing the NDSA paper-and-pencil test form, school districts can also offer individuals the opportunity to view the practice test for the online version of the NDSA. The content and presentation of the practice test is comparable to the content and presentation of the online test form; however, the practice test is not presented as a full, adaptive test form. Individuals who are interested in viewing the adaptive practice test can be directed to the NDSA Portal (<http://ndsportal.airast.org/training-tests/>) where they can access and experience an online practice test.

### ***III. Parent Viewing of the Actual Adaptive Test within an Alternate, Secure Setting***

School districts may provide parents or guardians the opportunity to view their student's adaptive test session live—at the same time the student views each test item. School districts that wish to provide this option would register the parents/guardians, follow test security guidelines, and provide a supervised, alternate testing setting for the student to take the test and for his or her parents or guardians to be seated. Appropriate safeguards would need to be met. Heightened attention would need to be paid to ensure that parents do not interact with the student during the testing session and that FERPA protections are adhered to. School districts should carefully consider their staffing and space capacities.

### ***Recommended Procedures for Public Viewing***

The Department has prepared brief voluntary guidance to aid you with any public requests for viewing the NDSA. This voluntary guidance is provided with this memo.

Direct any questions concerning this voluntary guidance to Rob Bauer (701-328-2224; [rgbauer@nd.gov](mailto:rgbauer@nd.gov)) or Greg Gallagher ([ggallagher@nd.gov](mailto:ggallagher@nd.gov); 328-1838). Thank you.

**Voluntary Guidelines to Local School Districts  
for Public Viewing of the North Dakota State Assessments**

State law (NDCC 15.1-21-14) requires that a school district allow any individual over the age of twenty, upon request, to view the North Dakota State Assessment (NDSA) as soon as the test is in the possession of the school district. Although this law has been in practice for over a decade, our new NDSA program, with its combination of an online adaptive format and a paper-and-pencil format, introduces new factors for school districts to keep in mind. Local school districts are responsible for putting in place procedures to manage any public viewing requests. The Department provides the following information that can assist school districts as they meet their obligations and ensure proper security during any public viewing. Please understand that this input on viewing procedures does not include all procedures and safeguards a school district may seek to put in place. If your school district would like to discuss other safeguards or procedures, please feel free to contact us. Because the Department cannot provide legal advice, we encourage school districts to consult with their attorney when allowing public viewing and safeguarding assessments to ensure they meet their legal obligations under state and federal law, including FERPA.

- The paper-and-pencil assessment provides the recognized alignment of content for each subject- and grade-level assessment, in coverage and rigor, and is fully equated to the official test scale. Because the online test is adaptive and its questions cannot be known until the student's preceding answers trigger the subsequent questions, the paper-and-pencil assessment constitutes the only complete test form that will be possessed by the school district in advance of the time a student takes the test.
- The NDSA is a secure test document and must be safeguarded at all times, to ensure against any impropriety or breach of content.
- School districts who receive proper requests to view the assessment should work with the individual to arrange an acceptable and secure time and location for the viewing activity.
- As part of the process by which school districts comply with the law, they should ensure the viewing individuals register their name, proof of age, and contact information with the local school district.
- Local school district personnel must be present to monitor the viewing activity. The name and position of the school district monitor should be recorded alongside the information of the viewing public for each viewing request.
- Only one person may view a specific subject- and grade-level assessment at a time.
- Electronic devices, such as cell phones, cameras, writing materials, or other recording devices, are not allowed in the viewing location.
- Note-taking or recorded observations of the NDSA are not allowed.
- In the event of a perceived irregularity or a noted violation of viewing practices, the local school district may discontinue the viewing session and secure all test materials.
- The school district will report all testing improprieties, irregularities, and breaches to the NDSA service desk and the Department of Public Instruction. See Section 4 of the NDSA Test Administration Manual ([http://ndsa.portal.airast.org/wp-content/uploads/2015-16\\_ND\\_Online\\_Summative\\_Test-Administration\\_Manual.pdf](http://ndsa.portal.airast.org/wp-content/uploads/2015-16_ND_Online_Summative_Test-Administration_Manual.pdf)).
- Direct any questions concerning this voluntary guidance to Rob Bauer (701-328-2224; [rgbauer@nd.gov](mailto:rgbauer@nd.gov)) or Greg Gallagher (701-328-1838, [ggallagher@nd.gov](mailto:ggallagher@nd.gov)).