

Document No. _____
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60, 59-1-445, 59-1-447, 59-18-310(B), 59-18-325
S. 1177 — 114th Congress: Every Student Succeeds Act. U.S. Code of Laws

43-100 Test Security.

Preamble:

Regulation 43-100 outlines test security directions for administration of the statewide assessment program. The South Carolina Department of Education (SCDE) proposes to update language in the regulation. Specifically, S.C. Code Ann. Section 59-18-325 (2014) requires college entrance and career readiness assessments and summative assessments to be administered to all students in a computer-based format except for students with disabilities as specified in the student's Individualized Education Plan (IEP), section 504 plan, or Individual Language Acquisition Plan (ILAP). Currently, the test security regulation does not provide specific directions and instructions for administration of computer-based formats of state mandated assessments.

Additionally, clarity and specificity to test security protocols and possible violations are needed, especially as technology has advanced.

This updates the regulation to provide for computer-based formats and provides clear instructions for test security protocols and procedures.

Section-by-Section Discussion:

Section III	Section III is amended to include the requirement for districts to submit a district test security policy.
Section IX (J)	Section IX (J) is amended to specify the requirement of test administrators to follow the test administration manual and other communications including South Carolina Department of Education (SCDE) memos, ListServ communications, and test contractor communications. Failure to do so is considered a test security violation. Additionally, the reference to calculator clearing directions has been moved to a new section, Section IX (W).
Section IX (K)	Section IX (K) is amended to include that unauthorized access including providing paper or online test materials in any format is considered a test security violation.
Section IX (L)	Section IX (L) is amended to include reviewing or discussion with any individuals, including not limited to, students, teachers, or other educators of secure assessments unless following guidance for a specified accommodation in a student's IEP, section 504 plan, or ILAP is a test security violation.
Section IX (N)	Section IX (N) is amended to include prohibited tools or resources such as a dictionary, thesaurus, ruler, and/or calculator during a test administration other than those specifically allowed as indicated in the test administration manual for each test is a test security violation.

Section IX (O)	Section IX (O) is amended to include that providing accommodations or materials for a student during a test administration not specified in a student's IEP, section 504 plan, and/or ILAP is a test security violation.
Section IX (P)	Section IX (P) is amended to delete the statement regarding students opting out of the assessment since state assessments are required.
Section IX (Q)	Section IX (Q) is amended to include the test materials that must be returned as directed by the test administration manual or SCDE/contractor communications.
Section IX (T)	Section IX (T) is amended to include altering test scores, including failing to record a student's state-reported score on an End-of-Course Examination as determined by South Carolina Regulation 43-262 (H), is a test security violation.
Section IX (U)	Section IX (U) is amended to include failing to report a test security violation as specified in the test administration manual and/or other communications including SCDE memos, ListServ communications, and test contractor communications is a test security violation.
Section IX (V)	Section IX (V) is added to include that using or intending to use an electronic device to photograph, post, retain, or share information/images from any portion of an online or paper test is a test security violation.
Section IX (W)	New section IX (W) is added to include failing to confirm that calculators are cleared or taken out of Test Mode as described in the test administration manual is a test security violation.
Section XIV	New section XIV is added to include that students will be subject to district disciplinary action and have their test validated and/or receive a zero on an assessment for using or intending to use an electronic device to photograph, post, retain, and/or share information/images from an portion of an online or paper test; bringing into or accessing a prohibited resource or tool such as notes, textbooks, text messages, and/or the internet during a test administration; and/or leaving a test setting with secure materials.

The Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 25, 2025.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on September 2, 2025 at 1:00 p.m. in Room A-111 of the South Carolina Department of Education, 849 Learning Lane, West Columbia, SC, 29172. The proposed amendments to the regulation will be posted on the State Board of Education web site for review and comment.

Written comments should be submitted to Kristi Austin, Director, Office of Assessment and Standards, Division of College, Career, and Military Readiness, 849 Learning Lane, West Columbia, SC, 29172 or by e-mail kdaustin@ed.sc.gov on or before 5:00 p.m. on August 29, 2025.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-100.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Test Security

Legal Authority: 1976 Code Section 59-5-60, 59-1-445, 59-1-447, 59-18-310, 59-18-325
S. 1177 — 114th Congress: Every Student Succeeds Act. U.S. Code of Laws

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The purpose of this updated regulation is to include the inclusion of computer-based format as mandated in §59-18-325(G) and update language related to test security.

DETERMINATION OF COSTS AND BENEFITS: There will be no increased cost to the state or its political subdivisions.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates relative to the cost to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed regulation has no effect on the environment or on public health.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION
IS NOT IMPLEMENTED:** There will be no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale: Amendments to the regulation will update language to align with current statute and include additional instructions related to test security.

Text:

~~Indicates Matter Stricken~~
Indicates New Matter

43-100. Test Security

- I. Tests administered by or through the State Board of Education shall include but are not limited to:
 - A. The statewide tests, as defined in State Board of Education Regulation 43-262, including field tests and pilot tests;
 - B. Examinations for admission to teacher education programs and teacher certification examinations;
 - C. Examinations for admission to programs such as the gifted and talented program; and

D. High school equivalency tests.

- II. As used in this regulation, “local school board” means the governing board of a public school district, a public charter school, as well as those of special school districts, special schools, and institutions that utilize tests administered by or through the State Board of Education.
- III. Each local school board must develop, ~~and adopt,~~ and submit a district test security policy. The policy must provide for the security of materials for the entire period of time (before, during, or after testing) the materials are in the district and/or the schools within that district. The policy must address security for paper-based, computer-based, and customized assessments. This also applies to district-owned materials that are the same as those used in any state-operated testing or assessment program. Throughout the time testing materials are under the control of the school district, secure paper-based materials must be stored under lock and key when not in use for approved test administration activities.
- IV. Each District Superintendent and the administration from each of the special schools and institutions that utilize tests administered by or through the State Board of Education must designate annually one individual in each district for each mandated assessment who will be the sole individual in the district authorized to procure test instruments that are utilized in testing programs administered by or through the State Board of Education. The name of the designated individual must be provided to the South Carolina Department of Education (SCDE) in writing. When the testing program involves procurement of materials available commercially, the designated individual must be the sole individual in the district authorized to procure commercial test instruments which are utilized in testing programs administered by or through the State Board of Education.
- V. Individuals must adhere to all procedures specified in all operating manuals governing the mandated testing programs. Manuals are provided by or through the SCDE.
- VI. A. The State Board of Education may invalidate test scores that reflect improbable gains and that cannot be satisfactorily explained through changes in student populations or instruction.

B. In cases where test results are invalidated because of a breach of security or action of the State Board of Education, any programmatic, evaluative, or certification criteria dependent upon the data will be deemed to not have been met.
- VII. Any individual(s) who knowingly engage(s) in any activity that results in the invalidation of scores derived from teacher certification examinations, the examinations for admission to teacher education programs, and/or the high school equivalency tests forfeits all opportunities to retake the test(s).
- VIII. Any knowing involvement in the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to a test administration site for any of the tests administered by or through the State Board of Education will be considered a breach of test security within the meaning of S.C. Code Ann. Section 59-1-445 (1990, 2004). Any individual(s) who knowingly cause(s) or allow(s) the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to any test administration site specified in this paragraph forfeits all opportunities to retake the test(s).
- IX. Each of the following is considered a breach of professional ethics which may jeopardize the validity of the inferences made on the basis of test data and, as such, are viewed as security violations which could result in criminal prosecution and/or disciplinary action to an educator’s professional certificate.
 - A. Failing to administer tests on the test dates specified by the SCDE.

- B. Failing to maintain an appropriate testing environment, free from undue distractions.
- C. Failing to proctor the test to ensure that examinees are engaged in appropriate test-taking activities.
- D. Providing examinees with access to test questions or specific test content prior to testing.
- E. Providing examinees with access to answer keys prior to or during testing.
- F. Keeping, copying, reproducing, or using in any manner inconsistent with the instructions provided by or through the SCDE any test, test question, or specific test content.
- G. Keeping, copying, or reproducing in any manner inconsistent with the instructions provided by or through the SCDE any portion of examinee responses to any item or any section of a secured test.
- H. Coaching examinees, altering examinee responses, or interfering with examinee responses in any way prior to, during, or after testing. This includes hinting to examinees about the correctness of their responses.
- I. Failing to follow instructions specified in the test manuals for the distribution, storage, or return of test materials or failing to account for test materials before, during, or after testing.
- J. Failing to follow all directions pertaining to the administration of a test as specified in the test administration manuals for that test, SCDE memos, ListServ communications, and testing contractor communications for the assessment (including National Assessment of Educational Progress). ~~This section includes failure to clear the memory of calculators used on a test as directed in the test manual.~~
- K. Allowing, participating in, assisting in, or encouraging any unauthorized access to paper or online test materials in any format prior to, during, or after testing.
- L. Reviewing, discussing with any individuals, including but not limited to, students, teachers, or other educators, disclosing the contents of any portion of secure materials or secure assessments, and/or discussing the contents of secure tests with examinees, teachers, or other educators before, during, or after testing unless the test administrator is following guidance for administering an accommodation specified in the student's Individualized Education Plan (IEP), section 504 plan, or Individual Language Acquisition Plan (ILAP).
- M. Leaving in view of examinees during test administration materials that are content or conceptually related to the subject areas being assessed.
- N. Providing prohibited references or tools such as a dictionary, thesaurus, ruler, calculator, etc. during a test administration other than those specifically allowed as indicated in the test administration manuals for each test. Providing references or tools during test administration at times other than those specifically allowed in test manuals.
- O. Failing to provide accommodations and/or customized materials for a student during a test administration as specified in the student's Individualized Education Program (IEP) or, section 504 plan, or ILAP. Providing accommodations and/or customized materials for a student during a test administration that was not included specified in the student's IEP or, section 504 plan, and/or ILAP.
- P. Excluding examinees or exempting from assessment students who should be assessed; ~~however, this does not include students who opt out of the assessment.~~

Q. Failing to return test materials (e.g. test booklets, answer documents, or other secure materials) as specified in the test administration manual or SCDE/contractor communications for all examinees.

R. Engaging in inappropriate test preparation practices that invalidate the test scores. These practices include activities that result in an increase in test scores without a simultaneous increase in the examinee's real achievement or performance in the content area.

S. Revealing test scores or test performance to anyone not involved in the education of the examinee.

T. Altering test scores in electronic records or files, including failing to record a student's state-reported score on an End-of-Course Examination at the determined percentage per South Carolina Regulation 43-262 (H) of the final course grade, or a zero if the student is not administered the End-of Course Examination.

U. Failing to report a test security violation to school, district, or state-level personnel as specified in the test administration manual and/or SCDE memos, ListServ communications, and test contractor communications security breach.

V. Using or intending to use an electronic device to photograph, post, retain, or share information/images from any portion of an online or paper test.

W. Failing to confirm prior to testing and immediately after testing, but before dismissing students, that all calculators are cleared or taken out of Test Mode as described in the test administration manual.

X. The SCDE has the right and responsibility to observe test administration activities without prior notice in order to monitor adherence to test security. Examinees should be made aware that monitoring may occur.

XI. Any suspected violation of security must be reported to the South Carolina Law Enforcement Division.

XII. If a security breach occurs in a district, or charter school, rendering test forms or test items unusable, funds equivalent to replacement costs may be withheld from the district or charter school by the SCDE at the discretion of the State Board of Education.

XIII. At the discretion of the State Board of Education, an educator may receive a public or private reprimand or the credential of an educator may be suspended or revoked based on evidence of violation of test security provisions.

XIV. Students will be subject to disciplinary action (as determined by the district's test security policy), have the test invalidated, and/or receive a zero score on the assessment for each of the following:

A. Using or intending to use an electronic device to photograph, post, retain, and/or share information/images from any portion of an online or paper test,

B. Bringing into or accessing prohibited resources or tools such as notes, textbooks, text messages, and/or the internet during a test administration,

C. Leaving a test setting with secure materials, including but not limited to test tickets, scratch paper, test questions (in whole or part).

HISTORY: Amended by State Register Volume 27, Issue No. 6, Part 1, eff June 27, 2003; State Register Volume 39, Issue No. 6, Doc. No. 4531, eff June 26, 2015. State Register Volume 40, Issue No. 6, Doc. No. 4606, eff June 24, 2016.