

State Law Regarding Test Security

SECTION 59-1-445. Violations of mandatory test security; penalties; investigations.

(1) It is unlawful for anyone knowingly and willfully to violate security procedures regulations promulgated by the State Board of Education for mandatory tests administered by or through the State Board of Education to students or educators, or knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security regulations all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security regulations for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in this section.

Any person violating the provisions of this section or regulations issued hereunder is guilty of a misdemeanor and upon conviction must be fined not more than one thousand dollars or be imprisoned for not more than ninety days, or both. Upon conviction, the State Board of Education may suspend or revoke the administrative or teaching credentials, or both, of the person convicted.

(2) The South Carolina Law Enforcement Division shall investigate allegations of violations of mandatory test security, either on its own initiative following receipt of allegations, or at the request of a school district or the State Department of Education.

The South Carolina Law Enforcement Division shall furnish to the State Superintendent of Education a report of the findings of any investigation conducted pursuant to this section.

(3) Nothing in this section may be construed to prohibit or interfere with the responsibilities of the State Board of Education or the State Department of Education in test development or selection, test-form construction, standard setting, test scoring, and reporting, or any other related activities which in the judgment of the State Superintendent of Education are necessary and appropriate.

HISTORY: 1985 Act No. 201, Part II, Section 9B(A).