Adapting Testing Policies to Keep Up With Test Administration Irregularities

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SALT LAKE CITY
CLEAR'S ANNUAL EDUCATIONAL CONFERENCE
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Introduction

- What is a test irregularity?

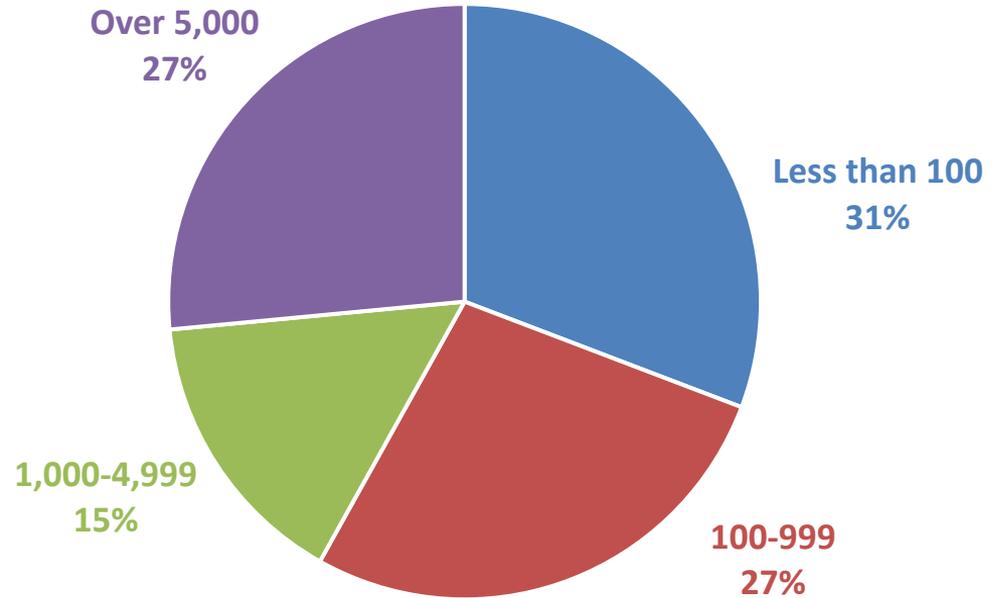- What are the consequences regarding test security and validity?

CLEAR Test Irregularity Study

- PTC and CLEAR surveyed CLEAR members and other regulators to explore how irregularities are recognized and managed in credentialing organizations

  – Do they have policies in place to address irregularities?

  – How are these policies communicated?
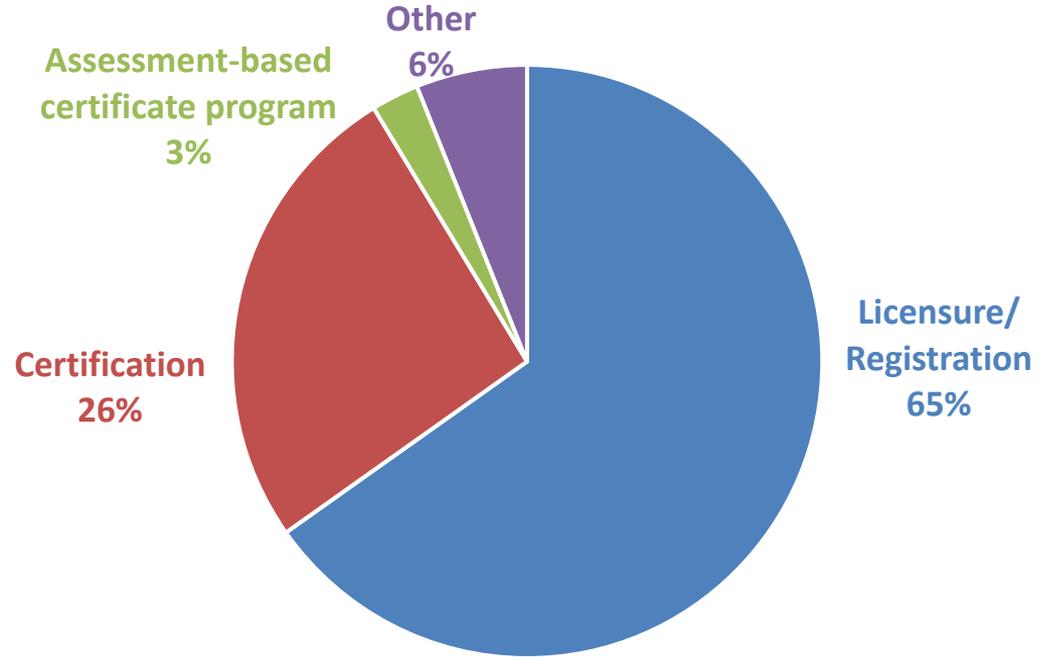
  – How are violations resolved?
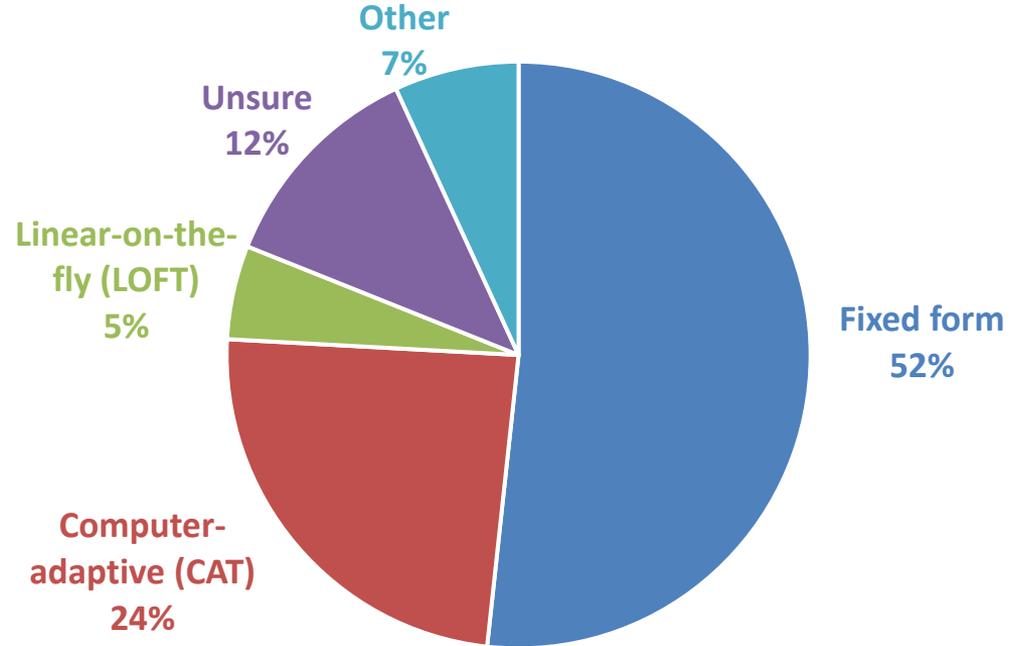
Study Participants

- Candidate Volume

Over 5,000
27%

Less than 100
31%

1,000-4,999
15%

100-999
27%

Study Participants

- Program Type

Other
6%

Assessment-based
certificate program
3%

Certification
26%

Licensure/
Registration
65%

Study Participants

- Exam Design

Other 7%

Unsure 12%

Linear-on-the-fly (LOFT) 5%

Computer-adaptive (CAT) 24%

Fixed form 52%

Study Participants

- Exam Time

Pie chart — "Exam Time":
- 2 hours or less 19%
- More than 2 hours but less than 3 hours 20%
- 3 - 4 hours 30%
- More than 4 hours 11%
- Other 20%
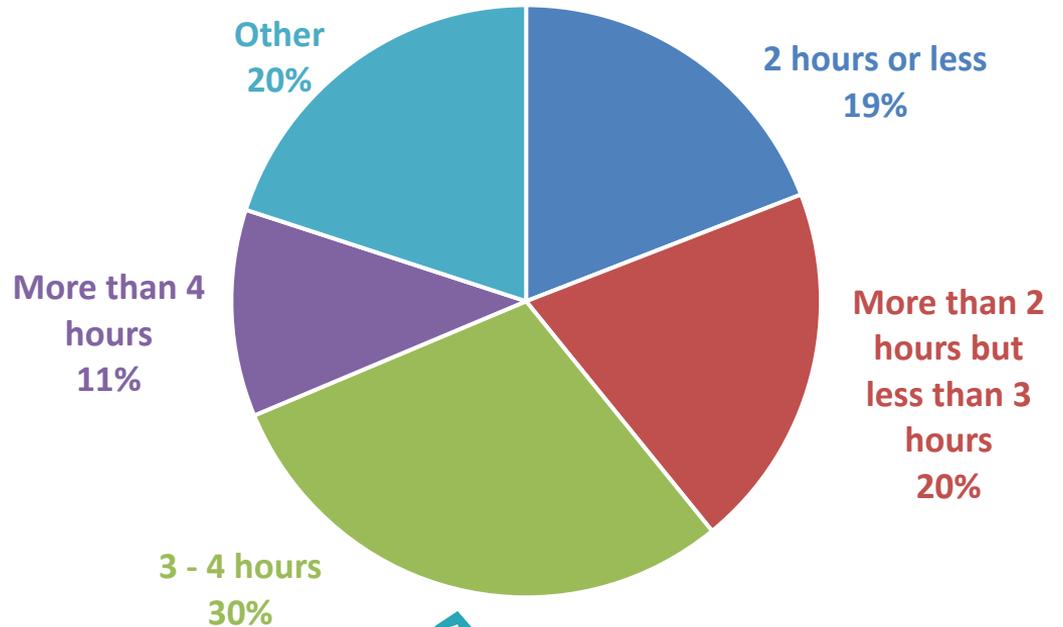
Study Participants

- Exam Availability

On-demand (available all the time) 39%

In exam windows 61%
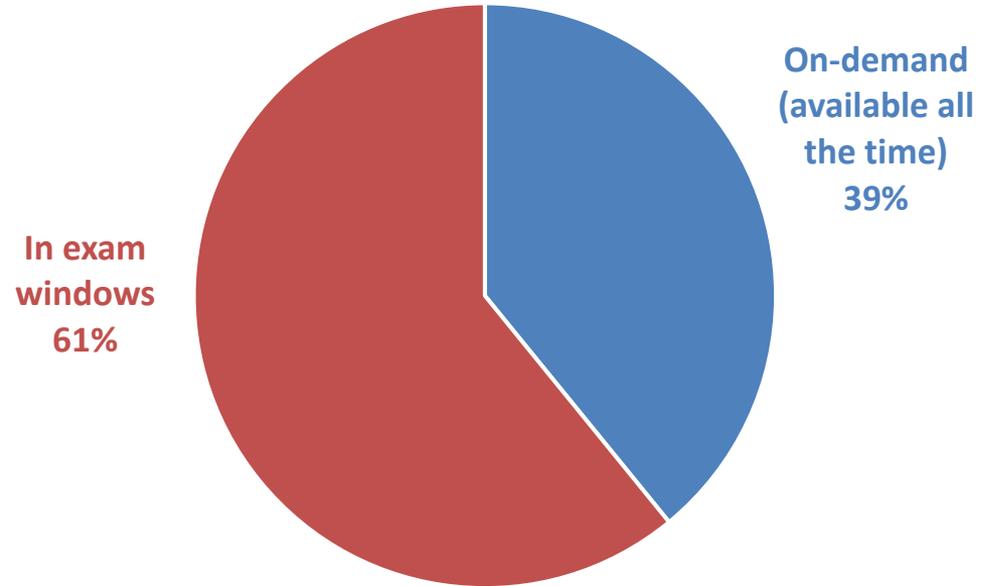
Study Participants

- Exam Modality

In person proctored at test center — 73%

Live remote proctoring — 40%

In person proctored at event (conference, trade show. etc.) — 10%

No proctoring — 9%

Remote recorded with a post-admin review — 6%
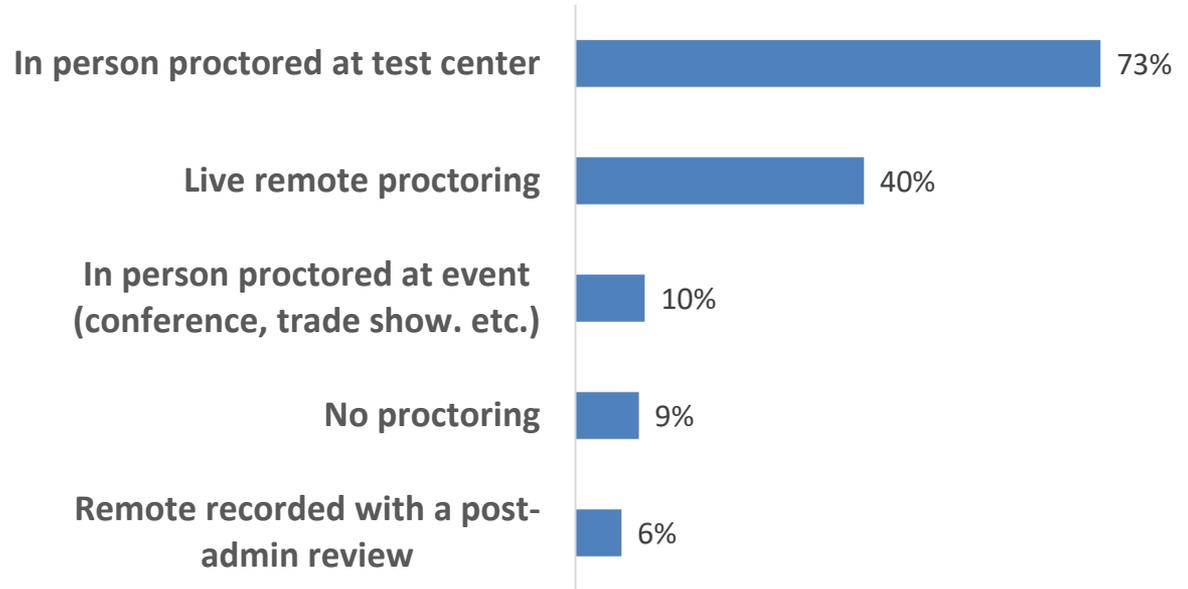
Irregularities Surveyed

- Misrepresenting identity/using AI

- Item harvesting

- Communicating with others during exam

- Using unauthorized device

- Exiting software before finishing exam

Irregularities Surveyed (continued)

- Leaving the test center or view of RPT proctor

- Medical issue

- Interruptions outside a candidate's control

- RPT candidate technical issues

Irregularity Prevalence

- Did you experience irregularities in the last year?

Legend: In-person Yes (blue), RPT Yes (red)

Categories (x-axis): Misrepresenting identity/using AI, Medical issue, Communicating with others during exam, Item harvesting, Leaving the test center or view of RPT proctor, Using unauthorized device, Exiting software before finishing exam, Interruptions outside a candidate's control, RPT candidate technical issues
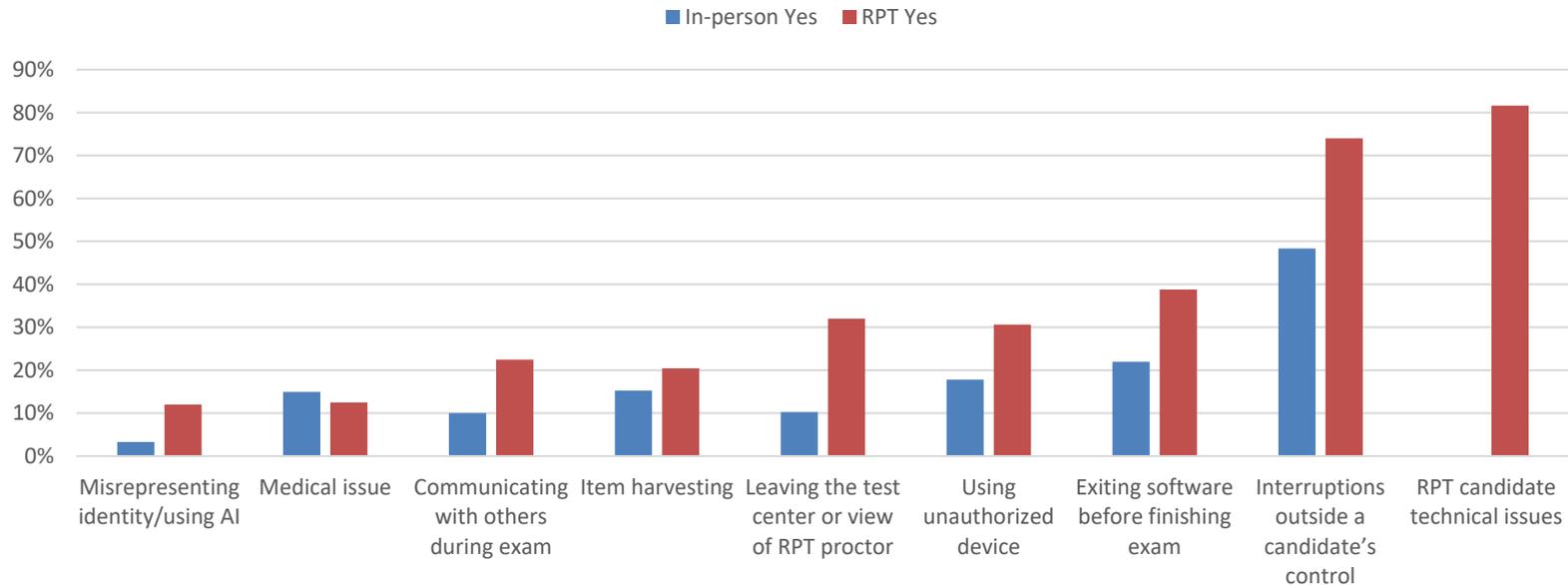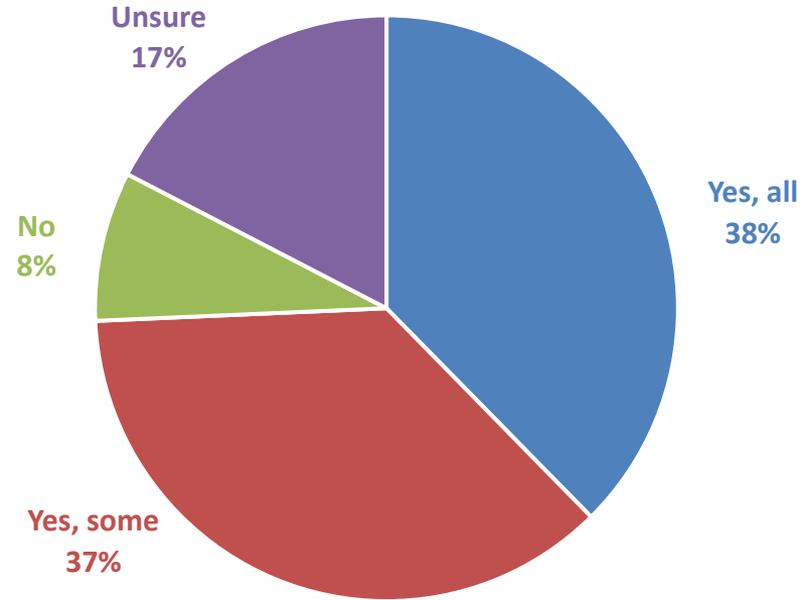
Irregularities Can Impact Everyone

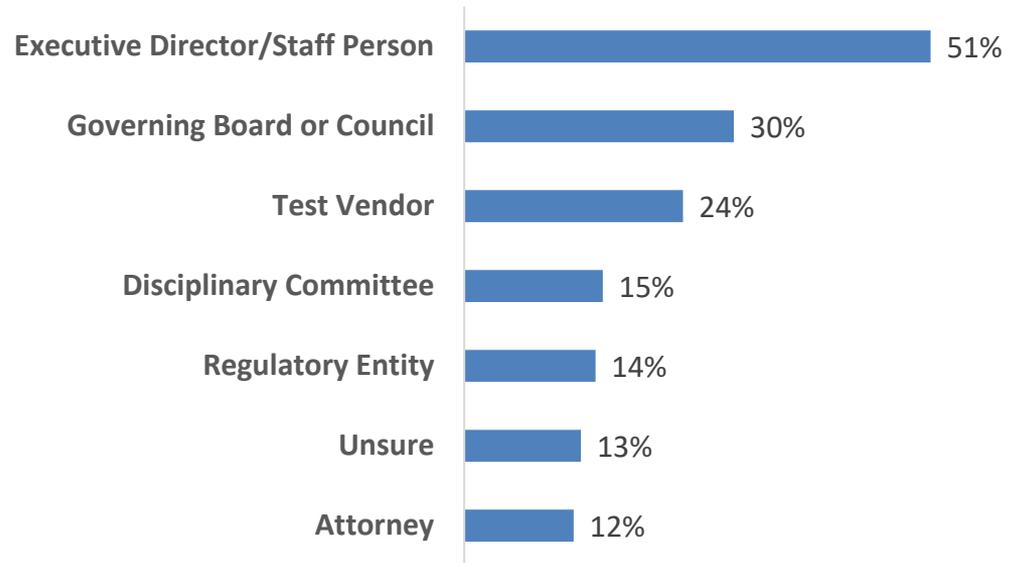- **98%** of respondents have experienced exam administration irregularities – in-person, remote, or both

Irregularity Policy

- **75%** have policies to deal with some or all irregularities

Pie chart:
- Yes, all 38%
- Yes, some 37%
- No 8%
- Unsure 17%

Stakeholders Involved with Irregularity Policy

- **43%** of study participants involve multiple decision makers

Stakeholder	Percentage
Executive Director/Staff Person	51%
Governing Board or Council	30%
Test Vendor	24%
Disciplinary Committee	15%
Regulatory Entity	14%
Unsure	13%
Attorney	12%

Why Develop Irregularity Policies?

- To ensure exam security across modalities

- To provide clear guidance to candidates

- To be consistent in the response to a violation

- To protect options for legal recourse

- To assure 3rd party (vendor) compliance

How to Develop an Irregularity Policy

- Assign decision-makers for irregularity policy

- Define roles and responsibilities throughout irregularity review process, including legal counsel

- Identify types of irregularities most likely to impact your exam

- Define procedure for documenting and reporting an irregularity and when violations need to be escalated

How to Develop an Irregularity Policy

- Specify the disciplinary action to be taken for each type of irregularity

  - Recognize that violations can vary in severity

- Develop a communication plan for candidates that includes a standard process before, during, and after exam administration
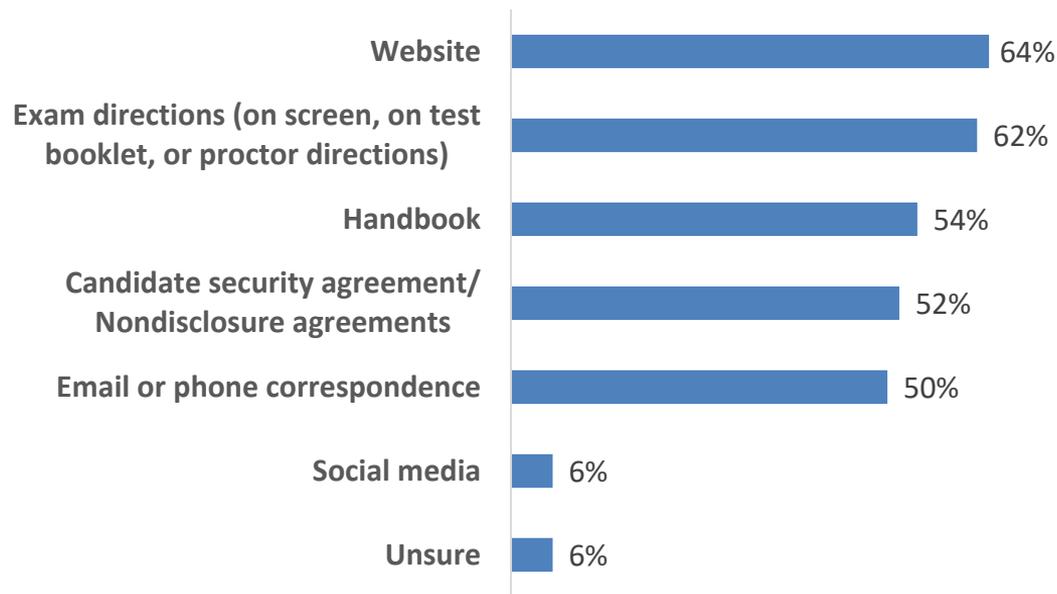
Pre-Test Candidate Communications

- Communicate Irregularity Policy to candidates

- Include potential violations and associated resolutions

- Multiple touchpoints are the most effective

Pre-Test Candidate Communications

- **76%** use multiple communication methods

Method	Percentage
Website	64%
Exam directions (on screen, on test booklet, or proctor directions)	62%
Handbook	54%
Candidate security agreement/ Nondisclosure agreements	52%
Email or phone correspondence	50%
Social media	6%
Unsure	6%

During Test Candidate Communications

- Standardized proctor process

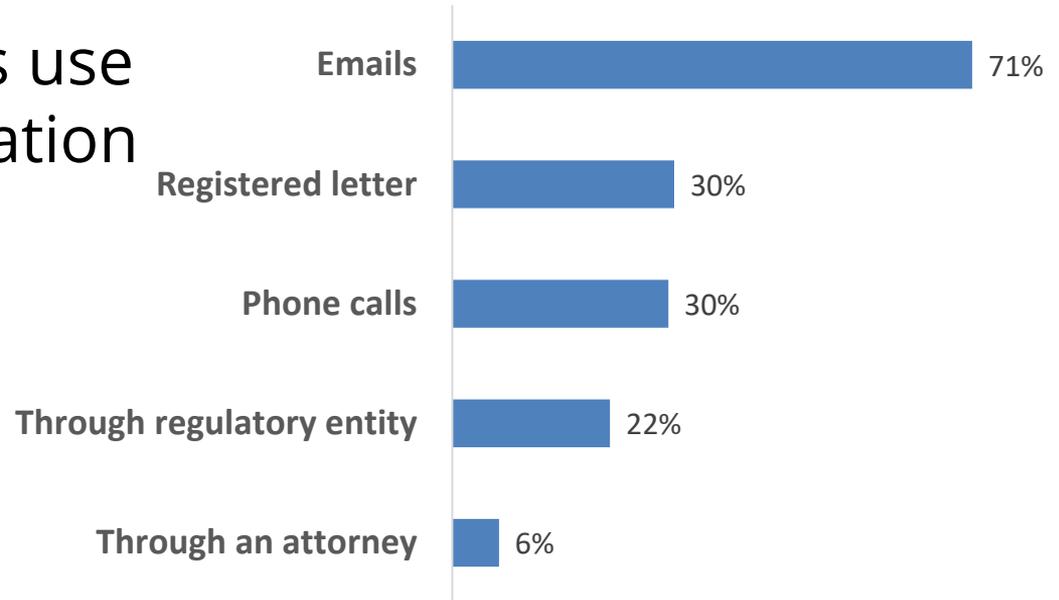- Exam directions

- Candidate security/NDA

Post-Test Candidate Communications

- Detail resolution and next steps

- Provide information for appeals process

- Communicate via multiple means
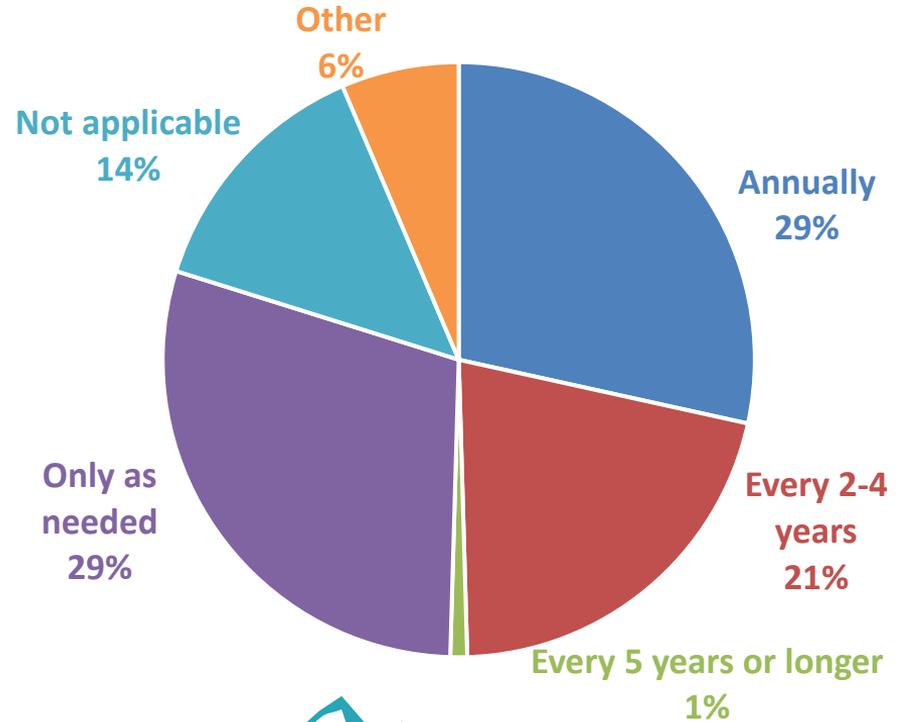(i.e., email and registered letter)

Post-Test Candidate Communications

- **56%** of respondents use multiple communication methods

Emails — 71%
Registered letter — 30%
Phone calls — 30%
Through regulatory entity — 22%
Through an attorney — 6%

Maintaining Irregularity Policies

- **29%** review their irregularity policies annually

Other
6%

Not applicable
14%

Annually
29%

Every 2-4
years
21%

Every 5 years or longer
1%

Only as
needed
29%

Maintaining Irregularity Policies

- Conduct annual reviews of current policy

  - Request irregularity/violation data from vendors (i.e., test facility vendor)

  - Identify new irregularity types or material changes to currently identified types

Maintaining Irregularity Policies

- Present recommended policy updates to internal and external stakeholders for review

- Create plan to roll out new policy to staff, vendors, and candidates

AMFTRB Background

Association of Marital & Family Therapy Regulatory Boards

- Established in 1987

- Started national testing in 1989

- Currently have 54 Member Jurisdictions

- First experience with seedy side of exams

AMFTRB Decision Making Process - Test Irregularity

- What occurred/What type of irregularity?

- How was it handled in that moment?

- Who needs to be involved in the decision?

AMFTRB Decision Making Process - Test Irregularity

- What protects the public in this case?

- How has this irregularity been handled before?

- What is AMFTRB policy, exam vendor's policy, exam provider policy?

- What are options for AMFTRB's response?

AMFTRB Decision Making Process – After Decision Is Made

- Will the exam be scored?

- Will the exam irregularity be included in statistical analysis?

AMFTRB Decision Making Process – After Decision Is Made

- Who is to be notified of the decision?

- What is to be reported to those notified?

- Is there a policy to be created or updated?

- Do Candidate Handbook, Exam Information, Website need to be updated?

AMFTRB Case Study: Medical Issue

AMFTRB Case Study:
Using a Cell Phone

Law Office of S. Peluso

Steven T Peluso Esq
Attorney at Law

- Planning, structuring and implementing licensure, certification, certificate and testing programs

- Outsourced general counsel practice

- Investigation and security practice

Legal Considerations: Due Process

- Substantive: check on government action/ interference

- Procedural: the process itself

- Key concept: fairness

Legal Considerations: State Action Doctrine

- Due process is a matter of right on both federal and state levels
- State but not private actor
- Exception if the private actor is fulfilling a government function
- Has private actor "stepped into the shoes" of the state

Legal Considerations: The Players

- Test sponsors

- Testing companies

- State licensure boards

Legal Considerations: Responding to an Irregularity

- What process is due the applicant?
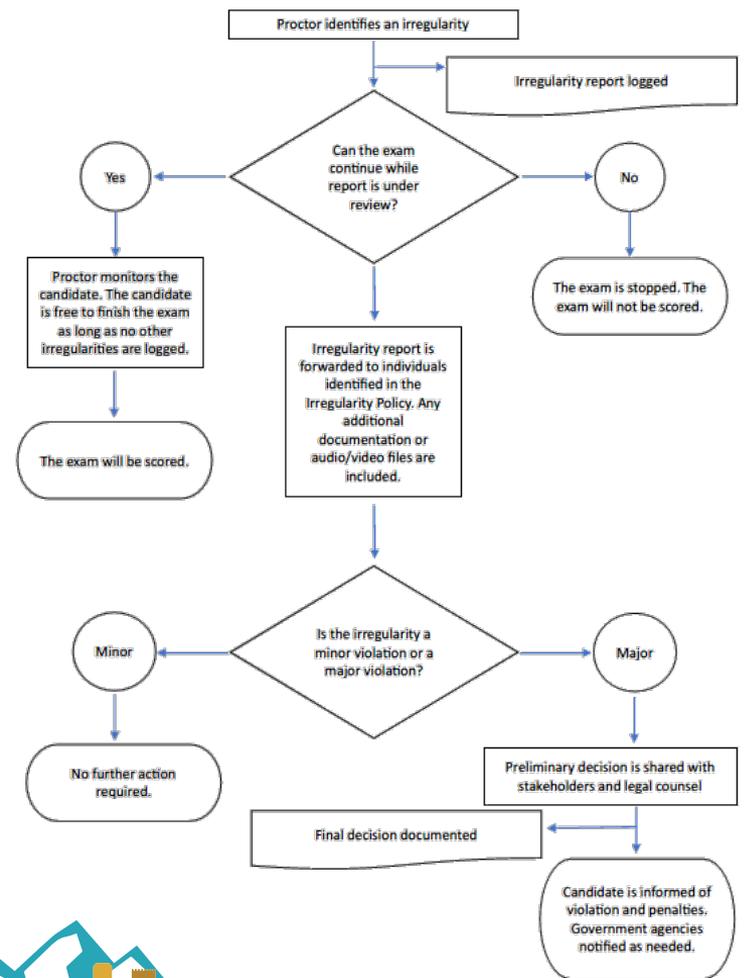
- Who investigates?

Legal Considerations: Remedies

- What are the applicant's rights?

- Remedies?

- Who fashions?

- Can a candidate be "barred for life?"

- Is there a right to appeal?

Decision Making Flow Chart Example

Key Takeaways

- Develop Policies

- Communicate Policies

- Maintain Policies

Questions?

Speaker Contact Information

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Thank You

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