



District Choice State Testing Purchase Agreement

SECTION A: District details:

District Name Brevard Public Schools

District Address 2700 Judge Fran Jamieson Way

City Viera State FL Zip Code 32940

Telephone 321 633 1000 x371 Fax 321 633 3465 E-Mail schafer.karen@brevardschools.org

Person to Contact Karen Schafer Position Director, Testing and Accountability

Direct Telephone 321 633 1000 x371 Direct Fax 321 633 3465

SECTION B: Services: As set forth in Exhibit 1 (Description of Services) attached to this Agreement and incorporated by reference and relating to the following program(s): (please check only one test option)

	<u>Assessment</u>	<u>Estimated Number of Testers</u>
<input type="checkbox"/>	ACT®	
<input checked="" type="checkbox"/>	ACT® Plus Writing	5000

SECTION C: Fees: As set forth in Exhibit 2 (Fees) attached to this Agreement.

SECTION D: Term: The term of this Agreement shall be from 7/20/2010 through 8/31/2011.

SECTION E: Terms and Conditions: This Agreement is subject to the attached Terms and Conditions, which are incorporated by reference.

SECTION F: Signatures: By signing below, the parties' authorized representatives hereby indicate their agreement to the terms and conditions of this Agreement.

ACT, Inc.

Brevard Public Schools

By: _____

By: _____

Name: _____

Name: Brian T. Binggeli, Ed.D.

Title: _____

Title: Superintendent

Date: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

For Office Use Only Purchase Agreement Number: _____

Return In Full To:
 ACT State Programs
 Educational Services ACT, Inc.
 500 ACT Drive
 Iowa City, IA 52243

Rev. 08242009

TERMS AND CONDITIONS

ACT and the Customer agree as follows:

1. **Definitions.** As used in this Agreement, the following terms shall mean:
 - (i) "ACT" means ACT, Inc.
 - (ii) "Agreement" means this Purchase Agreement, including these TCs, and any exhibits thereto.
 - (iii) "Assessments and Services" means the assessments and services described in Exhibit 1 to this Agreement.
 - (iv) "Customer" means the party named in Section A of this Agreement.
 - (v) "TCs" means these terms and conditions.
2. **Term.** The term of this Agreement shall be as set forth in Section D of this Agreement ("Term"), subject to earlier termination, as set forth in Paragraph 11 of these TCs.
3. **Assessments and Services.** ACT agrees to provide, subject to the terms and conditions provided in this Agreement, the Assessments and Services.
4. **Payment Terms.** Customer agrees to pay ACT the amounts set forth in Exhibit 2 to this Agreement for the delivery of the Assessments and Services. Customer shall make all payments within thirty (30) days of receipt of an invoice from ACT, unless otherwise set forth in Exhibit 2. All invoices shall be sent to the Customer at the address listed in Section A of this Agreement.
5. **Ownership of Materials.** ACT owns the Assessments, including all testing materials, documentation, related materials, and all intellectual property rights therein (collectively, the "ACT Materials"). Customer does not acquire any right, title, or interest in or to the ACT Materials. Customer shall not copy, modify, enhance, reverse engineer, or make any addition to the ACT Materials.
6. **Confidentiality.** Customer agrees that neither it nor its employees shall at any time during or following the Term, either directly or indirectly, publish, display or otherwise disclose to any person, organization, or entity in any manner whatsoever any ACT Materials, except as strictly necessary for Customer to use the ACT Materials for their intended purpose under this Agreement. Customer shall protect the ACT Materials in accordance with ACT's procedures and using a standard of care appropriate for secure test materials. All ACT Materials shall be and remain the property of ACT notwithstanding the subsequent termination of this Agreement. The ACT Materials shall, within ten (10) days of ACT's written request, be returned to ACT (including any copies thereof).
7. **Testing Procedures.** Customer agrees to administer the Assessments in accordance with all policies and procedures provided by ACT. Customer agrees that all ACT Materials will be returned to ACT, in accordance with the policies and procedures provided by ACT, for scoring and processing. Customer agrees to fully cooperate with ACT in the event of a test security incident.
8. **Data.** The parties acknowledge and agree that ACT may use and disclose the data collected from the administration of the Assessments, as set forth in ACT's data usage policies, as amended from time to time.
9. **Limitation on Damages.** ACT's liability for damages arising out of or in connection with this Agreement shall not exceed the amount Customer has paid ACT during the Term. In no event shall ACT be liable to Customer for special, indirect, incidental, punitive, exemplary, or consequential damages.

10. Warranty and Limitations. ACT WARRANTS THAT THE ASSESSMENTS HAVE BEEN DEVELOPED IN ACCORDANCE WITH AND THE SERVICES WILL BE PERFORMED IN A

MANNER CONSISTENT WITH INDUSTRY STANDARDS. EXCEPT AS SET FORTH IN THIS SECTION, ACT EXPRESSLY DISCLAIMS ANY AND ALL REPRESENTATIONS, WARRANTIES AND CONDITIONS OF ANY KIND OR NATURE, EXPRESS OR IMPLIED AND THOSE ARISING BY STATUTE OR OTHERWISE IN LAW OR FROM A COURSE OF DEALING OR USE OF TRADE.

11. **Termination.** Either party may terminate this Agreement upon thirty (30) days written notice to the other party in the event that other party breaches its obligations under this Agreement and fails to cure such breach within thirty (30) days after receiving written notice of such breach. This Agreement may also be terminated without cause at any time by either party giving thirty (30) days written notice to the other. Customer shall pay ACT for all Assessments and Services delivered through the date of termination. Upon the expiration or termination of this Agreement, the obligations set forth in Paragraphs 5, 6, 8, 9, 10 and 11 of these TCs shall survive.
12. **Relationship of the Parties.** The parties to this Agreement are independent contractors. Neither party shall have the right or authority or shall hold itself out to have the right or authority to bind the other party, nor shall either party be responsible for the acts or omissions of the other.
13. **Force Majeure.** ACT shall not be liable to Customer for any delay or failure to perform, which delay or failure is due to causes or circumstances beyond its control, including, without limitation, national emergencies, fire, flood, epidemics, or catastrophe, acts of God, governmental authorities, or parties not under the control of ACT, insurrection, war, riots, or failure of transportation, communication, or power supply. ACT shall exercise commercially reasonable efforts to mitigate the extent of the excusable delay or failure and its adverse consequences; provided, however, that should any such delay or failure continue for more than sixty (60) days, the Agreement may be terminated by either the party upon notice to the other.
14. **Assignment; Subcontracts.** This Agreement may not be assigned by Customer without the express prior written consent of ACT. No permitted assignment shall relieve Customer hereto of its obligations prior to the assignment.
15. **Entire Agreement.** This Agreement (including all exhibits to this Agreement and agreements referenced herein) constitutes the entire agreement between the parties with respect to the subject matter hereunder and supersedes all other prior agreements and understandings, both written and oral. The terms and conditions contained in this Agreement are the only conditions applying to the delivery of the Assessments and Services. ACT expressly objects to and rejects any different or additional terms included in Customer's request for proposal, quotation, purchase order, acknowledgment form, or other documents that purport to bind the parties. Certain Assessments and Services may be subject to additional or different terms and conditions, which are set forth in separate license agreements. No waiver, consent, modification, or amendment to this Agreement shall be binding unless in writing and signed by both parties.
16. **Notices.** Notices under this Agreement shall be deemed to be adequate and sufficient notice if given in writing and delivered via (a) registered or certified mail, postage prepaid, in which case notice shall be deemed to have been received three business days following deposit to U.S. mail; or (b) a nationally recognized overnight air courier, next day delivery, prepaid, in which case such notice shall be deemed to have been received one business day following delivery to such nationally recognized overnight air courier. All notices shall be sent to ACT at the following address: ACT, Inc. 500 ACT Drive, P.O. Box 168, Iowa City, Iowa 52243-0168, Attention: CFO, Fax: 319-341-2760. All notices shall be sent to Customer at the address set forth in Section A of this Agreement.
17. **Authorization.** Each party represents and warrants (a) that it has the requisite authority to enter into this Agreement; and (b) that the individual(s) signing this Agreement on behalf of such party is(are) authorized to do so.

Return In Full To:
ACT State Programs
Educational Services ACT, Inc.
500 ACT Drive
Iowa City, IA 52243

Rev. 08242009



Exhibit 1
Description of Services and Administration Guidelines
District Choice State Testing (DCST), Spring 2011

ACT has established a program to facilitate the administration of the ACT or the ACT Plus Writing to all 11th grade students in the district on the 2011 April test date (and corresponding makeup test date) established for state testing. This document describes the assessments, reports and services to be provided by ACT as well as the conditions for district participation.

The ACT Tests

The ACT includes four curriculum-based tests that measure students' educational achievement in English, mathematics, reading, and science, plus an optional writing test. The tests are based on the major areas of instruction in American high schools and colleges. A student's performance has a direct and obvious relationship to his or her academic development. The meaning of that performance, as indicated by scores, subscores, and skill statements, is readily understood by both educators and students. Complete test descriptions appear on ACT's website www.act.org.

Test dates include:

April 27, 2011	Initial Test Date
May 11, 2011	Makeup Test Date
April 27-May 11, 2011	Accommodations Testing Window

Districts seeking to participate in this program must take special note of and agree to the following (please initial each):

- _____ District Choice State Testing (DCST) is a non-standard model and has not been adopted as a permanent feature of ACT's services. It may be discontinued altogether or replaced with an alternative approach at ACT's sole discretion.
- _____ Strict compliance with ACT's administration policies and procedures is required to ensure a standardized testing environment and test security. Serious breach of these procedures will result in immediate discontinuance of service for a school or entire district.
- _____ The district will select one of two test options: The ACT or The ACT Plus Writing. The district selected option will be administered to all 11th grade students at each eligible district high school. Only 11th grade students are eligible to participate.
- _____ There is no provision for the use of student funds or fee waivers for payment of DCST fees. ACT will invoice the district at the conclusion of the testing for all tests administered, whether they result in scores or not. This includes answer folders voided for prohibited behavior or misadministrations.
- _____ All testing must be the first activity of the morning—verbal instructions must be underway no later than 9:00 a.m. (see Attachment B under Security). Districts / Schools will take the steps necessary to adjust class schedules, bus schedules, etc. to accommodate this requirement.

- _____ The Districts / Schools must accommodate ACT's Final weekday testing schedule. A preliminary schedule is outlined in the *Summary of Key Events and Milestones*. All deadlines in the *Summary of Key Events and Milestones* and *ACT State Testing Checklist of Dates* must be met without fail. Serious or consistent failure to meet deadlines will result in immediate discontinuance of service for a school or entire district.
- _____ Each high school principal must appoint one Test Supervisor, one Back-up Test Supervisor, and one Test Accommodations Coordinator to fulfill duties necessary to ensure a successful and standardized testing experience. The Test Supervisor, Back-up Test Supervisor and Test Accommodations Coordinator may only serve in this role at one school. It is important to note that future communications will be sent directly to the appointed individuals. Testing staff will not be paid by ACT.
- _____ The Test Supervisor, Back-up Test Supervisor and Test Accommodations Coordinator must meet all of ACT's guidelines for serving in the appointed role and will be required to participate in the ACT Test Administration Training provided by ACT. Additionally, the Test Accommodations Coordinator must view the Test Accommodations Training DVD provided by ACT.
- _____ If the appointed Test Supervisor, Back-up Test Supervisor or Test Accommodations Coordinator do not attend the required Test Administration Training, the school is not eligible to participate in testing.
- _____ All schools must test their own students.
- _____ The District will be required to submit with this signed agreement an accurate, complete and final list of all participating schools with appropriate contact information (see Attachment A).
- _____ The District is required to notify schools of their participation in DCST. Each participating school will take the necessary steps to notify students and parents of the DCST opportunity as early as possible to allow for appropriate planning for students who wish to test on a National Test Date in addition to DCST. Student registration fees for a National Test Date are non-refundable.
- _____ Only schools/sites meeting *The ACT for State Testing Standard Testing Requirements* (see Attachment B) are eligible to serve as test sites. If the district is considering testing students at alternative schools (e.g. locked facilities, medical facilities), it should be confirmed that these sites meet these criteria prior to including them on the Attachment A.
- _____ District personnel must review the District Choice State Testing Technology Requirements described at www.act.aap/dcst and confirm that that all such requirements can be met.

Establishing High Schools as Test Sites

No later than the date published on ACT's Final weekday testing schedule, the *ACT State Testing Checklist of Dates*, ACT must receive test site establishment forms from all high schools designated as participants in DCST. It is expected that all participating high schools in the district will establish as test sites. In order to establish, each test site must meet *The ACT for State Testing Standard Testing Requirements* (see Attachment B), and *The ACT for State Testing Qualifications and Responsibilities for the Test Supervisor, Back-up Test Supervisor and Test Accommodations Coordinator* (see Attachment C). Each school will assign staff who will be responsible for the testing of their own students at their facility or off-site location approved by ACT. The appointed testing staff may only serve at one school.

Paramount consideration must be given to security processes and control over the test administration at all testing locations.

Testing Facilities

Each participating school must provide a testing environment conducive to effective administration of the tests and one which meets the facilities requirements listed in *The ACT for State Testing Standard Testing Requirements* (see Attachment B). If a school is unable to meet the facilities requirements, they may apply to test off-site. The off-site location must meet the facilities requirements outlined in *The ACT for State Testing Standard Testing Requirements* (see Attachment B). To test off-site, schools must complete the off-site testing application which will be available on the ACT District Choice State Testing website in Fall 2010. Off-site testing may only be done with prior approval from ACT.

See Attachment B: *The ACT for State Testing Standard Testing Requirements*.

Appointing Testing Staff

Each high school principal must appoint a Test Supervisor. The Test Supervisor must meet ACT's standard requirements for testing staff, provide documentation of the school's secure storage facilities, and agree to ACT's standard requirements for test administration as stated in *The ACT for State Testing Standard Testing Requirements* (Attachment B). The Test Supervisor will serve as the primary contact for all communications about the ACT administration, will receive test materials, will be responsible for conducting standardized and secure test administrations at the school, and ensure the prompt return of test materials to ACT. Each appointed Test Supervisor will be required to complete an *ACT State Testing Test Supervisor Profile* and submit the completed form to ACT. After review and approval of the Profile, all future communications about the test administration will be addressed to the designated Test Supervisor.

Schools will also be required to appoint a Back-up Test Supervisor who meets the same criteria as the Test Supervisor, and who will be able to serve in the event that the designated Test Supervisor is unable to fulfill his/her administration duties. Each appointed Back-up Test Supervisor will be required to complete an *ACT State Testing Back-up Test Supervisor Profile* and submit the completed form to ACT.

Schools will also appoint a Test Accommodations Coordinator (TAC) (see "Students Requesting Test Accommodations" below). This individual will be responsible for submitting requests for accommodations and coordinating the testing of students approved for those accommodations during the period of time between the spring initial test date and the makeup test date. The TAC will serve as the primary contact for all communications about the accommodations administration, will receive the accommodations test materials, will be responsible for conducting standardized and secure test accommodations administrations at the school, and will promptly return accommodations test materials to ACT. Each appointed Test Accommodations Coordinator will be required to complete an *ACT Test Accommodations Coordinator Profile* and submit the completed form to ACT.

See Attachment C: *The ACT for State Testing Qualifications and Responsibilities for the Test Supervisor, Back-up Test Supervisor and Test Accommodations Coordinator*.

Training for Testing Staff

Test Accommodations Training

ACT will distribute a training DVD for Test Accommodations Coordinators which will address the procedures for requesting ACT-Approved and State-Allowed Accommodations, and administering the test to accommodated students. It is required that Test Accommodations Coordinators view the DVD prior to Test Administration Training. It is also required that prior to test day, Test Accommodations Coordinators will conduct local (school-level) test administration training for all personnel involved in testing accommodated students.

Test Administration Training

ACT will provide Test Administration Training for Test Supervisors, Back-up Test Supervisors, and Test Accommodations Coordinators prior to the test date. (Dates/Times to be determined.) No later than November 1, 2010, final schedules will be determined by ACT to facilitate participation by all appropriate testing staff. Appointed test staff will be required to participate in this training unless they completed training in a prior year. If staff do not attend this required training, the school is not eligible to test. Training will be conducted within a reasonable proximity to the test date to help ensure application of the information provided to the implementation of the assessments. For purposes of planning, ACT has assumed training to be scheduled during early 2011. This training is required and intended for Test Supervisors, Back-up Test Supervisors and Test Accommodations Coordinators only. District Assessment staff may attend.

It is required that prior to test day Test Supervisors will conduct local (school-level) test administration training for all personnel involved in testing (e.g. room supervisors, proctors, principals).

Test Administration Training will provide detailed instructions for all steps of the test administration, including initial planning, identification and training of room supervisors and proctors, receipt and check-in of secure materials, secure storage requirements, test day arrangements, documentation of required procedures, recognition of irregularities, accounting for and return of all materials, and plans for makeup testing. ACT staff will provide answers to frequently asked questions and help appointed Test Supervisors, Back-up Test Supervisors, and Test Accommodations Coordinators assess their readiness for the administration. Primary training materials will be the detailed administration manuals and administration forms.

Students Requesting Test Accommodations

ACT is committed to ensuring that official ACT scores reported to colleges and other entities from District Choice State Testing are comparable to scores earned through other forms of ACT testing involving the application of ACT's test accommodations policies. Therefore, ACT supports the following two forms of accommodations on the ACT when administered as part of District Choice State Testing:

1. **ACT-Approved Accommodations:** result in ACT scores that are fully reportable to colleges, scholarship agencies, and other entities *in addition to* being used for district testing purposes. Only students with professionally diagnosed and documented disabilities and who receive accommodations in school should apply for ACT-Approved Accommodations. Examples of accommodations that may be requested include extended time, alternate test formats, stop-the-clock breaks, and authorization to test over multiple days. Requests will be reviewed by ACT staff, and if appropriate, by other expert disability consultants, to ensure they meet ACT's

established eligibility criteria and include the same supporting documentation required for approving all other ACT accommodations requests.

2. **State-Allowed Accommodations:** result in ACT scores used only for district testing purposes. Requests for state-allowed accommodations do not require student documentation and are not subject to an ACT approval process. This option allows schools to administer the ACT with accommodations approved at the local level. (For example, schools may wish to test English language learners under state-allowed accommodations who do not have a disability but receive accommodations in school). State-allowed scores will be reported only to the school and district. These scores are not college reportable. ACT will include such scores in the district testing summary reports ACT issues to districts and schools as part of the testing output. However, such scores are not maintained in ACT's database of ACT scores and are not included in any other reporting from ACT (e.g., ACT student/high school/college reports, graduating class high school profile reports, and PLAN linkage reports).

The school's appointed Test Accommodations Coordinator (TAC) will submit individual requests for test accommodations to ACT. The TAC will submit **one** of the following forms for each student for whom accommodations are requested:

Request for ACT-Approved Accommodations – This form will be used to request ACT's approval of test accommodations for students who meet ACT's established eligibility requirements for the April weekday administration.

Application for State-Allowed Accommodations – This application will be used to order test materials for students who will test with "State-Allowed" accommodations during the April weekday administration. This includes those students who do not meet ACT's eligibility requirements (e.g. English language learners with no disabilities) or whose requests for an ACT-Approved Accommodation have been denied.

All batches of requests for accommodations must be mailed to ACT under a *Test Accommodations Coordinator Header for the ACT for State Testing*. The TAC header may be photocopied if more than one batch is sent.

ACT Review of Requests for Accommodations on the ACT

ACT will review requests for ACT-Approved Accommodations by applying the Americans with Disabilities Act (ADA) standards. Approval is contingent on submission of all required documentation by the stipulated deadline and review by ACT. It is possible for ACT to approve an accommodation for one student, while the same accommodation may be denied for a different student. ACT has sole authority to decide whether a request for ACT-Approved Accommodations will be approved or denied. The District should refer all inquiries regarding ACT's accommodations decisions received from schools or parents to ACT for response.

Materials Provided by ACT

The Test Supervisor at each school is required to confirm the number of grade 11 students expected to test (other grades may not participate). These numbers will be used to ship materials as noted below.

ACT Materials

Student Test Preparation Materials

Each August, copies of ACT's free student test preparation booklet, *Preparing for the ACT*, are provided to all schools in the U.S. This booklet includes tips for taking the test, information about types of calculators allowed on the ACT Mathematics Test, and a complete practice test with answer key. This document is also posted on ACT's student website at www.actstudent.org.

ACT also offers ACT Online Prep™, an online ACT test preparation program that includes real ACT test questions, practice essays for the ACT Writing Test, and comprehensive content review for each of the ACT's four tests: English, mathematics, reading, and science. More information is available at www.actstudent.org.

Test Accommodations Request Forms

ACT will ship the ACT-Approved Accommodations request form and procedures. The shipment will also include a request form for State-Allowed Accommodations and information about this process.

Training Materials for Testing Staff

In the fall, ACT will distribute a DVD for Test Accommodations Coordinators. This training DVD will address the procedures for requesting ACT-Approved and State-Allowed Accommodations, and administering the test to accommodated students.

The *ACT Supervisor's Manual State Testing* and other administration instructions will be included in the training materials for Test Supervisors, Back-up Test Supervisors and TACs. These materials will help the Test Supervisor provide training to the school staff who will help with the administration. Additional quantities will be shipped to the Test Supervisor at the school before the initial test date in accordance with the published date on the *Summary of Key Events and Milestones*. The *ACT Supervisor's Manual State Special Testing* will be included with the training materials for Test Accommodations Coordinators. Additional copies will be included in each package of test materials assigned to a student approved for testing with ACT-Approved Accommodations.

The *ACT Administration Instructions for State-Allowed Accommodations* will be shipped to the TAC with the secure shipment of State-Allowed Accommodations materials. (See the Preliminary Accommodations Roster for State-Allowed shipment, and the Secure shipment of State-Allowed Accommodations materials on the *Summary of Key Events and Milestones*.)

Student Pre-Test Materials

Prior to the initial test date (see the *Summary of Key Events and Milestones*), ACT will ship quantities of the appropriate State Testing Answer Folder and copies of the student booklet, *Taking the ACT for State Testing*. Schools will be instructed to use these two publications in supervised in-school sessions prior to the test date. During these sessions, students will complete their basic identifying information, respond to non-cognitive questions including the Interest Inventory and Student Profile Section, and indicate their college choices on the answer folder. Students typically complete this activity in one hour. The partially completed answer folders must then be collected from the students for redistribution on the test date. Students will retain the student booklet. Students must complete the pre-test session prior to test day in order to be admitted on test day.

There are verbal instructions in the *ACT Administration Instructions for State-Allowed Accommodations* to use when conducting the in-school pre-test session for students testing with State-Allowed Accommodations. These are modified instructions as information will not be reported to colleges.

Secure Test Booklets

Initial Test Date

ACT will ship ACT test booklets to the Test Supervisor to arrive at the school prior to the test date (see the *Summary of Key Events and Milestones*). Included with this shipment will be all required administration forms and instructions for tracking and returning materials at the conclusion of testing.

Makeup Test Date

Based on counts provided by each Test Supervisor to ACT immediately after the initial test date, ACT will ship appropriate quantities of an alternate ACT test form to arrive at the school prior to the established makeup test date for the ACT standard time administration. (Schools will use answer folders from the original shipment.) Included with the makeup shipment will be all required administration forms and instructions for tracking and returning materials at the conclusion of testing.

Accommodated Test Materials

Separate materials will be shipped to the TAC for all students approved by ACT for ACT-Approved Accommodations or testing with State-Allowed Accommodations. Alternate test formats will include Braille, large print, audiocassettes, audio DVDs, and reader scripts.

Test Administration

Administration of the ACT must be in strict compliance with standardized procedures provided by ACT in its test administration materials and manuals. Consistent with processes used for national testing, high schools may be visited on the designated test dates by unannounced observers from ACT. ACT staff will be available via toll-free telephone to assist testing staff on test dates, 6:00 AM – 5:30 PM Central Time. ACT's requirements for standardized testing (see Attachment B) as implemented for participating districts are summarized in *ACT Standard Testing Requirements for District Choice State Testing*.

As noted in the *The ACT Supervisor's Manual State Testing*, ACT's test administration procedures emphasize continuous accounting for secure test materials from receipt to return, constant vigilance by testing staff, precise timing of tests, and documentation of all procedures during the administration.

Returning Test Materials

Detailed instructions for the return of answer folders for scoring and return of used and unused test booklets will be provided to each school. The Test Supervisor (or TAC, for accommodations materials) will be responsible for verifying counts of all secure materials and packaging materials for return immediately at the conclusion of each testing session. All answer folders must be received at ACT no later than May 20, 2011 to be included in scoring. Answer folders received after that date will not be processed and students will not receive scores. ACT will provide the district and appropriate school with documentation of those students for whom ACT has received answer folders after the deadline. The district will be responsible for notifying school personnel and the affected students that answer folders will not be scored.

ACT staff will monitor returned materials and documentation for discrepancies and will follow-up by telephone, e-mail or fax with the TS and/or TAC to resolve any testing issues. ACT will specify a date by

which all schools must provide ACT with any requested information for consideration in the determination of scoring any pending answer folders. Testing irregularities and discrepancies must be resolved prior to reporting.

Within three to eight weeks following receipt of the answer folders by ACT, and absent an irregularity that causes ACT to not issue the reports, standard ACT score reports will be mailed to each school and student as described below. Reports will be generated and mailed on a continuing basis as answer folders are returned and any irregularities are resolved.

ACT Reports

ACT reports will be distributed to individual students, to the high school for which a valid reportable high school code has been provided, and up to four colleges or universities listed by code on each student’s answer folder. The student copy of the score report will be mailed to the student’s mailing address as gridded on the answer folder. Students will receive a copy of the free student guide, *Using Your ACT Results*, along with their Student Reports. This guide explains the ACT Student Report and offers suggestions on using the results. High schools routinely receive copies of the *ACT User Handbook* through ACT’s annual distribution of materials. This free booklet is intended to help high school and college counselors effectively use and interpret ACT results and includes samples of all standard reports. Sample score reports are also posted on ACT’s website www.act.org.

The type of testing reported for ACT scores achieved through in-school testing, both those achieved with standard time and those achieved with accommodations, is “STATE.”

ACT will make available the following ACT reports for students tested through DCST administration:

STANDARD ACT REPORTS BY STUDENT			
Report	Media	When	Recipient
Student Report and <i>Using Your ACT Results</i>	Print	3-8 weeks after test date	Student at address entered on answer folder ¹
High School Report (1 per student)	Print	3-8 weeks after test date (in batches until reporting is complete)	Director of Counseling (by title only)
Score Labels (2 per student)	Print	3-8 weeks after test date (in batches until reporting is complete)	Director of Counseling
High School Report Checklist (listing of reports included in mailing)	Print	3-8 weeks after test date (in batches until reporting is complete)	Director of Counseling
College Report(s)	As requested by college	As requested by college (at least twice per month)	Up to 4 valid college codes entered by student on answer folder

¹ Undeliverable score reports returned to ACT will be mailed to the student’s high school.

STATE-ALLOWED ACCOMMODATIONS NOTIFICATION (if applicable)			
Report	Media	When	Recipient
State-Allowed Score Notification Letter (1 for student, 1 for school)	Print	August 2011	Principal

HIGH SCHOOL AGGREGATE REPORTS				
Report	Population Reported	Media	When	Recipient
ACT State Test Profile Report with College Readiness Standards Report (by high school)	All Students ¹	Print	August 2011	District DCST Contact

¹Including students tested with State-Allowed Accommodations or ACT-Approved Accommodations

DISTRICT REPORTS/DATA FILES				
Report	Population Reported	Media	When	Recipient
ACT State Test Profile Report with College Readiness Standards Report (by district)	All Students ¹	PDF on CD	August 2011	District DCST Contact
District Student Data File	All Students ¹	CD	August 2011	District DCST Contact

¹Including students tested with State-Allowed Accommodations or ACT-Approved Accommodations.

PRELIMINARY
Summary of Key Events and Milestones for
District Choice State Testing — April 27, 2011

- March 5, 2010** ACT mails select School Districts an agreement to be signed, including a Summary of Key Events and Milestones, Standard Testing Requirements, and qualifications for testing staff.
- March 23, 2010** **Implementation Workshops (1st Offering)** ACT conducts implementation training webcast for superintendents, high school principals, guidance counselors, and building- and district-level testing staff. Training to include an overview of testing cycle, processes, and responsibilities of testing staff. **Districts that are participating in the DCST program for the first time are encouraged to attend this initial offering.**
- March 30, 2010** **Implementation Workshops (2nd Offering)** ACT conducts implementation training webcast for superintendents, high school principals, guidance counselors, and building- and district-level testing staff. Training to include an overview of testing cycle, processes, and responsibilities of testing staff. **Districts that have participated in the DCST program previously are encouraged to attend this offering.**
- May 21, 2010** **Receipt Deadline** for districts to submit signed agreements with complete list of participating schools with required information (Attachment A). (District contact information as well as school name, school's mailing address, principal's name, e-mail address and phone number.)
- May 2010** Schools notify students/parents of District Choice State Testing test opportunity.
- Late September 2010** Test Center Establishment packets mailed to high school principal and informational copies mailed to District Assessment Coordinators; registration information included for Test Administration Training Workshops.
- Mid October 2010** **Receipt Deadline** for Principal to submit required Establishment forms to ACT and appoint Test Supervisor, Back-up Test Supervisor, and Test Accommodations Coordinator.
- Late October 2010** **Receipt Deadline** for appointed Test Supervisor, Back-up Test Supervisor, and Test Accommodations Coordinator to submit required Establishment forms to ACT.
- December 15, 2010** **Receipt Deadline** to submit *Proposal for Off-Site Administration* to ACT, if standard testing requirements cannot be met at your school.
- Late January/Early February** Test Administration Training Workshops – All newly appointed Test Supervisors, Back-up Test Supervisors, and Test Accommodations Coordinators are required to attend (previously trained staff and District Assessment Coordinators are invited, but not required to attend).

- January 27, 2011** **Deadline for ACT to receive *Requests for ACT-Approved Test Accommodations*** with accompanying documentation for students enrolled at the school as of January 1.

- February 15, 2011** **Receipt Deadline** for Test Supervisor to submit Enrollment Confirmation forms to ACT – confirm shipping address and Grade 11 enrollment.

- March 1, 2011** Districts must request preliminary invoicing by March 1, 2011

- March 11, 2011** **Deadline for ACT to receive *Application for State-Allowed Accommodations*** for students who did not first apply for ACT-Approved Accommodations..

- Week of March 14, 2011** Test Supervisor receives Non-Secure materials shipment – includes: answer folders, and copies of Supervisor’s Manual and *Taking the ACT*.

- Late-March -April 26, 2011** Window for schools to schedule supervised sessions for all students to complete identifying and non-test portions of the ACT answer folder (**these sections may not be completed on test day**); **complete HS code (if applicable)**.

- April 2011** Test Supervisor and Back-up Test Supervisor train Room Supervisors and Proctors; Test Accommodations Coordinator trains staff assigned to help with accommodations testing.

- Week of April 18, 2011**
 1. Test Supervisor receives Standard-Time Secure test materials shipment for Initial April testing. After check-in, place in locked storage.
 2. Test Accommodations Coordinator receives Accommodations Secure shipment of ACT-Approved materials including:
 1. Final roster of ACT-Approved Accommodations and student letters
 2. ACT-Approved alternate format test materials, such as large type, audio DVD, audiocassette, and Braille.
 State-Allowed Accommodations materials including:
 1. Final roster of State-Allowed Accommodations
 2. State-Allowed alternate format test materials, such as large type, audio DVD, and audiocassette.
 After check-in, place in locked storage.

- April 27, 2011** **ACT District Choice Test day**; after testing, prepare completed answer folders and test booklets (used and unused) for pickup and return to ACT.

- April 27-May 11, 2011** **ACT District Choice Test Accommodations testing window** for students approved by ACT for extended time or multiple-day testing, and students testing with State-Allowed Accommodations. Each student must use **only** the materials assigned to him/her. Package all materials for return pickup on May 12.

- by 5 pm Central Time April 28, 2011**
 1. **Receipt Deadline** for Test Supervisor to order standard time makeup test materials.
 2. Overnight carrier picks up Initial Test Date materials for return to ACT.

- By May 6, 2011** If makeup materials are ordered by deadline above, schools will receive secure standard time makeup test materials (addressed to

and checked in by Test Supervisor); after check-in, place in locked storage.

- May 11, 2011** **Makeup testing day** for students absent on Initial Test Date; all makeup materials packaged for return to ACT after testing.
- May 12, 2011** Overnight carrier picks up makeup **and** test accommodations materials for return to ACT.
- May 13, 2011** Schools are responsible to ensure all test materials have been shipped back to ACT no later than May 13, 2011. Failure to return materials on time following procedures outlined in the Supervisor's Manual and training materials may result in answer folders not being scored.
- May 20, 2011** Answer folders received after May 20 , 2011 will not be processed and students will not receive scores.
- 3-8 weeks following the test** ACT mails ACT reports for students with college reportable scores:
 1. To the student—one Student Score Report and interpretive booklet mailed to the address student entered on answer folder.
 2. To the high school (addressed to Director of Counseling)—one ACT High School Report and two score labels per student, plus a High School Report Checklist naming the students whose reports are in that mailing. Most schools will receive one large group of reports followed by smaller groups of reports.
 3. To colleges listed by students on their answer folders—one College Report per student in the format requested by the college.
- By June 30, 2011** A preliminary invoice will be available upon district request.
- August 2011**
 1. ACT sends an ACT State Test Profile Report (by district) and CD-ROM to each District Contact, reflecting the performance of all students tested as part of DCST testing (including State-Allowed Accommodations).
 2. ACT sends one ACT State Test Profile Report (by high school) per high school to each District Contact for delivery to Principals, reflecting the performance of all students tested as part of DCST testing (including State-Allowed Accommodations).
- August 2011** ACT mails to each Principal score notification letters for distribution to students who tested with State-Allowed Accommodations.
- By August 15, 2011** ACT provides final invoice (or credit reconciliation)

Billing

1. ACT will invoice the district at the conclusion of the testing for all tests administered, whether they result in scores or not. This includes answer folders voided for prohibited behavior or misadministrations. ACT fee waivers may not be used for DCST.
2. Unless otherwise designated, the invoice will be forwarded to the contact listed on the District Choice State Testing Purchase Agreement Form.
3. A preliminary invoice, provided by June 30 on a date determined by ACT, is available upon district request. The preliminary invoice will be based on enrollment numbers provided to ACT by each school. A final invoice (or credit reconciliation, as appropriate) will be provided after all answer folders are processed. The district must make the request for a preliminary invoice by March 1, 2011. The final invoice (or credit reconciliation) will be provided no later than August 15, 2011.

Please direct all questions about this agreement and requests for preliminary invoicing to:

Sean Moore
Contract Manager, State Programs
ACT, Inc.
500 ACT Drive, P.O. Box 168
Iowa City, IA 52243-0168
(319) 337-1768
Fax (319) 337-1790
sean.moore@act.org

Contact information will be provided to school personnel for test administration questions.

**Attachment A
Participating High Schools**

Excel form to be completed by each district

Attachment B
PRELIMINARY
The ACT for State Testing
STANDARD TESTING REQUIREMENTS

*All schools must meet these standard testing requirements on both the initial and makeup administrations.
This document does not replace the comprehensive information provided in the Supervisor's Manual.*

Facilities

- ◆ Choice of test rooms for standard time administration
 - Uncrowded seating – prefer classrooms with 25-30 examinees
 - Manageable security – prefer no more than 100 examinees in one room (if more than 100, see personnel requirements below)
 - Good lighting, comfortable temperature, quiet atmosphere
- ◆ Adequate writing surfaces
 - No lapboards permitted
 - Must accommodate both test booklet and answer folder
- ◆ Seating arrangements (requirements apply equally to desks and tables)
 - Seats must be assigned by testing staff as students enter room
 - Minimum of 3 feet apart side-to-side (measured shoulder-to-shoulder)
 - Minimum of 3 feet apart front-to-back (measured head-to-head)
 - All students must face the *same* direction, directly behind one another
- ◆ Freedom from distractions
 - No one not involved in testing may be in the room. Examples of those who may not be present include – media, parents, students who are not testing, school board members and district personnel (unless the district personnel have been trained to serve as members of the testing staff.)
 - Uninterrupted morning required for testing (3 1/2 hours minimum if your school district is testing ACT (No Writing) or 4 hours minimum if your school district is testing ACT Plus Writing)
 - No unnecessary noises (bells, public address system, etc., must be turned off)
 - Test rooms must be separated from regular school activities

Personnel

- ◆ Each school is responsible for testing their own students
- ◆ Each school must appoint staff to serve as the Test Supervisor, Back-up Test Supervisor and Test Accommodations Coordinator. The school must appoint other testing staff as needed (e.g., room supervisors). A person may not serve as a Test Supervisor, Back-up Test Supervisor or Test Accommodations Coordinator at more than one school.
- ◆ **Test supervisors (and their back-ups) have access to secure test materials prior to testing. To avoid the appearance of a conflict of interest—and to protect relatives or wards from allegations of impropriety—test supervisors (and their back-ups) may *not* be related to *any* examinee participating in State Testing with standard time on either the initial or makeup test dates this year, *anywhere* in your state. Relatives or wards include children, stepchildren, grandchildren, nieces, nephews, siblings, in-laws, spouses, and persons under your guardianship.**
- ◆ Required number of qualified assistants per room—1 room supervisor required for each room, *plus* 1 proctor for every 25 examinees in the room after the first 25 (i.e., 26-50=1; 51-75=2; 76-100=3)

- ◆ To avoid the appearance of conflict of interest, testing staff may *not* be:
 - Involved in ACT test preparation outside of normal teaching responsibilities
 - Enrolled in high school
- ◆ Room supervisors and proctors may *not* assist in a room where any relative is testing
- ◆ Adequate training for all staff
 - Testing staff must have read and be familiar with the Supervisor’s Manual
 - A local training session for all staff is required before testing
 - Each room supervisor must have a complete copy of the Supervisor’s Manual in the test room
- ◆ Attentiveness during testing—testing staff must:
 - Focus on monitoring tests (reading, grading papers, other personal work *not* permitted)
 - Circulate frequently around the room to monitor examinees
 - Recognize the potential for prohibited behavior and take action as instructed in Supervisor’s Manual
- ◆ Exact compliance with Supervisor’s Manual required, including reading spoken instructions verbatim

Security

- ◆ All test sites must test on the designated test days with testing as the first activity of the morning. All room supervisors must begin reading the Verbal Instructions for the timed tests **no later than 9:00 a.m.** Students whose schedules normally start earlier or later, including night school students, must adjust to meet this requirement.
- ◆ Constant security of materials
 - Receipt, check-in, and verification of test booklets by serial numbers
 - Restricted access at *all* times from moment of receipt to return (documented “chain of custody”)
 - Answer folders not returned to students after test responses gridded
 - Immediate and complete return of all materials to ACT
- ◆ Proper identification of examinees by room supervisor (personal recognition or photo ID)
- ◆ Direct consultation with ACT to handle administration irregularities

Exact timing of tests

- ◆ More than one timepiece must be used in each room to ensure accurate timing
- ◆ Time remaining may not be posted
- ◆ Announcement of five minutes remaining must be read verbatim from the Supervisor’s Manual

Documentation of test day procedures

- ◆ ACT Testing Staff List returned for each school with answer folders
- ◆ ACT Testing Roster, Seating Diagram, Test Booklet Count Form, and Time Verification Form returned for each room
- ◆ Supervisor’s Report Form completed accurately under which are answer folders returned for scoring
- ◆ Irregularity Report(s) returned with any voided answer folders attached per instructions provided in the *Supervisor’s Manual*

Attachment C
PRELIMINARY
The ACT for State Testing
Qualifications and Responsibilities—Spring 2011

Test Supervisor and Back-Up Test Supervisor

The Test Supervisor and Back-up Test Supervisor must assume important professional responsibilities to protect the integrity of all secure test materials and to ensure that all examinees at their school are tested under the same conditions as examinees at every other school administering the ACT for State Testing.

Qualifications and Requirements (you must meet *all* of the requirements below)

1. **Not be related to or guardian of any examinee participating in State Testing with standard time anywhere in your state on either the initial or makeup test date this year. (Relatives or wards include children, stepchildren, grandchildren, nieces, nephews, siblings, in-laws, spouses, and persons under your guardianship.)**
2. Be proficient in English.
3. Be experienced in testing and measurement.
4. Be a staff member of the school.
5. Have control over locked, limited-access storage at the school to secure the test materials.
6. Ensure that the tests are administered in strict compliance with all policies and procedures as documented in the Supervisor's Manual.
7. Not be engaged in test preparation activities for the ACT at any time during the current testing year (September through August), except as specifically required by school contract. The normal duties of a counselor or teacher are **not** a conflict of interest, *provided they are part of job responsibilities specifically defined by one's employer and the employer is not a commercial enterprise.*
8. May serve as the Test Supervisor or Back-up Test Supervisor at **one school only.**

Primary Responsibilities

1. Newly appointed Test Supervisors and Back-up Test Supervisors must participate in a mandatory training session conducted by ACT staff. and the designated state agency, if applicable. Workshop dates and times will be provided to appropriate staff in separate correspondence from ACT.
2. Read and follow exactly all policies and procedures in the Supervisor's Manual.
3. Arrange for all students to complete pre-test sections of their answer folders in a supervised session at school **before** test day.
4. Arrange for all students to test on the designated test dates with testing as the first activity of the morning. All room supervisors must begin reading the Verbal Instructions **no later than 9:00 a.m.**
5. Make arrangements for test rooms that meet standard testing requirements, including uncrowded seating facing the same direction, manageable security, good lighting and ventilation, adequate writing surfaces, and required space between examinees.
6. Ensure test rooms are free from distractions during the test session(s) (bells, public address system turned off, etc.) and separated from regular school activities.
7. Ensure standard time enrollment figures have been provided to ACT.
8. Receive, check-in, and ensure security of test materials from receipt until return. Take steps to protect materials from damage, theft, or loss, and from conditions that could allow prior access to the tests.

9. Identify a sufficient number of qualified assistants to serve as room supervisors and proctors. One room supervisor is required per room, plus one proctor for every 25 examinees in the room after the first 25. All testing staff must be proficient in English, may **not** be involved in ACT test preparation outside of normal school duties, and may not be enrolled in high school. No room supervisor or proctor may assist in a room where a relative is testing. Athletic coaches may not act as Room Supervisors in any one-on-one situation in which student athletes are testing.
10. Conduct training for all testing staff before the test dates, including a complete review of the Supervisor's Manual.
11. Ensure all testing staff remain attentive to testing responsibilities throughout the entire administration, including accurate timing and monitoring for prohibited behavior.
12. Complete, verify, and return all required reports, seating diagrams, forms, answer folders, and test booklets immediately after testing.
13. Document all irregularities and consult directly with ACT, as appropriate, regarding actions to be taken.
14. Cooperate fully with ACT, as appropriate, to investigate and resolve suspected or documented irregularities.

Test Accommodations Coordinator

One individual at the school will need to serve as the Test Accommodations Coordinator for the ACT for State Testing. This individual may be the appointed Test Supervisor, Back-up Test Supervisor, or a different staff member. The individual must meet **ALL** of the following qualifications and agree to the listed responsibilities.

Qualifications and Responsibilities (you must meet *all* of the requirements below)

1. Not be related to or guardian of any examinee participating in State Testing with accommodations anywhere in your state this year during the two week testing window for accommodations. (Relatives or wards include children, stepchildren, grandchildren, nieces, nephews, siblings, in-laws, spouses, and persons under your guardianship.)
2. Be proficient in English.
3. Be experienced in testing and measurement.
4. Be a staff member of the school.
5. Have control over locked, limited-access storage at the school to secure test materials.
6. Ensure that the tests are administered in strict compliance with all policies and procedures as documented in the Supervisor's Manual.
7. May serve as the Test Accommodations Coordinator at **one school only**.

To avoid the appearance of a conflict of interest and to protect both the examinee and testing staff from allegations of impropriety, the Test Accommodations Coordinator must also:

1. Not be a private consultant or individual tutor whose fees are paid by a student (or the student's family) for whom accommodations are requested.
2. Not be engaged in test preparation activities for the ACT at any time during the current testing year (September through August), except as specifically required by school contract. The normal duties of a counselor or teacher are **not** a conflict of interest, provided they are part of job responsibilities specifically defined by one's employer and the employer is not a commercial enterprise.
3. Not be involved in coaching high school or college athletics (applicable only if any student requesting accommodations participates in athletics). This qualification is in place to protect testing staff who receive and handle secure test materials and who administer the test to students individually or in very small groups without other testing staff present.

Primary Responsibilities

1. Determine which students need to apply for accommodations on the ACT, complete a request form for each, gather required signatures, and compile documentation.
2. Ship completed accommodations request forms and the completed Test Accommodations Coordinator Header as a group to arrive at ACT no later than the required deadline provided to you on the Checklist of Dates.
3. Provide timely response to requests from ACT for additional information about individual students.
4. Newly appointed Test Accommodations Coordinators must participate in a mandatory training session conducted by ACT staff. Workshop dates and times will be provided to appropriate staff and the designated state agency, if applicable in separate correspondence from ACT.
5. Identify a sufficient number of qualified assistants to serve as room supervisors and proctors. One room supervisor is required per room, plus one proctor for every 10 examinees in the room after the first 10. All testing staff must be proficient in English, may **not** be involved in ACT test preparation outside of normal school duties, and may not be enrolled in high school. No room supervisor or proctor may assist in a room where a relative is testing. Athletic coaches may not act as Room Supervisors in any one-on-one situation in which student athletes are testing..
6. Check-in all secure test materials shipped for students testing with accommodations and, in consultation with Test Supervisor, maintain security while materials are at the school.
7. Arrange for all students to complete pre-test sections of their answer folders in a supervised session at school **before** the test day.
8. Arrange for all students to test within designated accommodations testing window using only the authorized accommodations and materials assigned to each student.
9. Assign examinees to test rooms, separated by timing code with a room supervisor for each room. Separate students testing with different timing codes according to instruction provided in the Supervisor's Manual.
10. Complete, verify, and return to ACT all required reports, seating diagrams, forms, answer folders, and test booklets/alternate formats as directed immediately after the testing window.
11. Document all irregularities and consult directly with ACT, as appropriate, regarding actions to be taken.
12. Cooperate fully with ACT, as appropriate, to investigate and resolve suspected or documented irregularities.

Exhibit 2 Fees

Districts will be invoiced for each answer folder processed.

ACT Plus Writing \$48.00

Cancellation Policy

Districts cancelling after the execution of the agreement will be subject to the rates listed below:

Cancellation prior to August 31, 2010	\$500
September 1- December 31, 2010	ACT only fees for 5% of the estimated volume
After January 1, 2011	ACT only fees for 10% of the estimated volume