

# **Rights and Responsibilities of Test Takers: Guidelines and Expectations**

## **Preamble**

The intent of this statement is to enumerate and clarify the expectations that test takers may reasonably have about the testing process, and the expectations that those who develop, administer, and use tests may have of test takers. Tests are defined broadly here as psychological and educational instruments developed and used by testing professionals in organizations such as schools, industries, clinical practice, counseling settings and human service and other agencies, including those assessment procedures and devices that are used for making inferences about people in the above-named settings. The purpose of the statement is to inform and to help educate not only test takers, but also others involved in the testing enterprise so that measurements may be most validly and appropriately used. This document is intended as an effort to inspire improvements in the testing process and does not have the force of law. Its orientation is to encourage positive and high quality interactions between testing professionals and test takers.

The rights and responsibilities listed in this document are neither legally based nor inalienable rights and responsibilities such as those listed in the United States of America's Bill of Rights. Rather, they represent the best judgments of testing professionals about the reasonable expectations that those involved in the testing enterprise (test producers, test users, and test takers) should have of each other. Testing professionals include developers of assessment products and services, those who market and sell them, persons who select them, test administrators and scorers, those who interpret test results, and trained users of the information. Persons who engage in each of these activities have significant responsibilities that are described elsewhere, in documents such as those that follow (American Association for Counseling and Development, 1988; American Speech-Language-Hearing Association, 1994; Joint Committee on Testing Practices, 1988; National Association of School Psychologists, 1992; National Council on Measurement in Education, 1995).

In some circumstances, the test developer and the test user may not be the same person, group of persons, or organization. In such situations, the professionals involved in the testing should clarify, for the test taker as well as for themselves, who is responsible for each aspect of the testing process. For example, when an individual chooses to take a college admissions test, at least three parties are involved in addition to the test taker: the test developer and publisher, the individuals who administer the test to the test taker, and the institutions of higher education who will eventually use the information. In such cases a test taker may need to request clarifications about their rights and responsibilities. When test takers are young children (e.g., those taking standardized tests in the schools) or are persons who spend some or all their time in institutions or are incapacitated, parents or guardians may be granted some of the rights and responsibilities, rather than, or in addition to, the individual.

Perhaps the most fundamental right test takers have is to be able to take tests that meet high professional standards, such as those described in Standards for Educational and

Psychological Testing (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 1999) as well as those of other appropriate professional associations. This statement should be used as an adjunct, or supplement, to those standards. State and federal laws, of course, supersede any rights and responsibilities that are stated here.

## **References**

American Association for Counseling and Development (now American Counseling Association) & Association for Measurement and Evaluation in Counseling and Development (now Association for Assessment in Counseling). (1989). Responsibilities of users of standardized tests: RUST statement revised. Alexandria, VA: Author.

American Educational Research Association, American Psychological Association, & National Council on Measurement in Education. (1999). Standards for educational and psychological testing. Washington, DC: American Educational Research Association.

American Speech-Language-Hearing Association. (1994). Protection of rights of people receiving audiology or speech-language pathology services. ASHA (36), 60-63.

Joint Committee on Testing Practices. (1988). Code of fair testing practices in education. Washington, DC: American Psychological Association.

National Association of School Psychologists. (1992). Standards for the provision of school psychological services. Author: Silver Springs, MD.

National Council on Measurement in Education. (1995). Code of professional responsibilities in educational measurement. Washington, DC: Author.

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## **The Rights and Responsibilities of Test Takers: Guidelines and Expectations**

### ***Test Taker Rights and Responsibilities Working Group of the Joint Committee on Testing Practices August, 1998***

***As a test taker, you have the right to:***

1. Be informed of your rights and responsibilities as a test taker.
2. Be treated with courtesy, respect, and impartiality, regardless of your age, disability, ethnicity, gender, national origin, religion, sexual orientation or other personal characteristics.
3. Be tested with measures that meet professional standards and that are appropriate, given the manner in which the test results will be used.

4. Receive a brief oral or written explanation prior to testing about the purpose(s) for testing, the kind(s) of tests to be used, if the results will be reported to you or to others, and the planned use(s) of the results. If you have a disability, you have the right to inquire and receive information about testing accommodations. If you have difficulty in comprehending the language of the test, you have a right to know in advance of testing whether any accommodations may be available to you.
5. Know in advance of testing when the test will be administered, if and when test results will be available to you, and if there is a fee for testing services that you are expected to pay.
6. Have your test administered and your test results interpreted by appropriately trained individuals who follow professional codes of ethics.
7. Know if a test is optional and learn of the consequences of taking or not taking the test, fully completing the test, or canceling the scores. You may need to ask questions to learn these consequences.
8. Receive a written or oral explanation of your test results within a reasonable amount of time after testing and in commonly understood terms.
9. Have your test results kept confidential to the extent allowed by law.
10. Present concerns about the testing process or your results and receive information about procedures that will be used to address such concerns.

***As a test taker, you have the responsibility to:***

1. Read and/or listen to your rights and responsibilities as a test taker.
2. Treat others with courtesy and respect during the testing process.
3. Ask questions prior to testing if you are uncertain about why the test is being given, how it will be given, what you will be asked to do, and what will be done with the results.
4. Read or listen to descriptive information in advance of testing and listen carefully to all test instructions. You should inform an examiner in advance of testing if you wish to receive a testing accommodation or if you have a physical condition or illness that may interfere with your performance on the test. If you have difficulty comprehending the language of the test, it is your responsibility to inform an examiner.
5. Know when and where the test will be given, pay for the test if required, appear on time with any required materials, and be ready to be tested.
6. Follow the test instructions you are given and represent yourself honestly during the testing.
7. Be familiar with and accept the consequences of not taking the test, should you choose not to take the test.
8. Inform appropriate person(s), as specified to you by the organization responsible for testing, if you believe that testing conditions affected your results.
9. Ask about the confidentiality of your test results, if this aspect concerns you.
10. Present concerns about the testing process or results in a timely, respectful way, if you have any.

## ***The Rights of Test Takers: Guidelines for Testing Professionals***

Test takers have the rights described below. It is the responsibility of the professionals involved in the testing process to ensure that test takers receive these rights.

1. Because test takers have the right to be informed of their rights and responsibilities as test takers, it is normally the responsibility of the individual who administers a test (or the organization that prepared the test) to inform test takers of these rights and responsibilities.
2. Because test takers have the right to be treated with courtesy, respect, and impartiality, regardless of their age, disability, ethnicity, gender, national origin, race, religion, sexual orientation, or other personal characteristics, testing professionals should:
  - a. Make test takers aware of any materials that are available to assist them in test preparation. These materials should be clearly described in test registration and/or test familiarization materials.
  - b. See that test takers are provided with reasonable access to testing services.
3. Because test takers have the right to be tested with measures that meet professional standards that are appropriate for the test use and the test taker, given the manner in which the results will be used, testing professionals should:
  - a. Take steps to utilize measures that meet professional standards and are reliable, relevant, useful given the intended purpose and are fair for test takers from varying societal groups.
  - b. Advise test takers that they are entitled to request reasonable accommodations in test administration that are likely to increase the validity of their test scores if they have a disability recognized under the Americans with Disabilities Act or other relevant legislation.
4. Because test takers have the right to be informed, prior to testing, about the test's purposes, the nature of the test, whether test results will be reported to the test takers, and the planned use of the results (when not in conflict with the testing purposes), testing professionals should:
  - a. Give or provide test takers with access to a brief description about the test purpose (e.g., diagnosis, placement, selection, etc.) and the kind(s) of tests and formats that will be used (e.g., individual/group, multiple-choice/free response/performance, timed/untimed, etc.), unless such information might be detrimental to the objectives of the test.
  - b. Tell test takers, prior to testing, about the planned use(s) of the test results. Upon request, the test taker should be given information about how long such test scores are typically kept on file and remain available.
  - c. Provide test takers, if requested, with information about any preventative measures that have been instituted to safeguard the accuracy of test scores. Such information would include any quality control procedures that are employed and some of the steps taken to prevent dishonesty in test performance.
  - d. Inform test takers, in advance of the testing, about required materials that must be brought to the test site (e.g., pencil, paper) and about any rules that allow or prohibit use of other materials (e.g., calculators).

- e. Provide test takers, upon request, with general information about the appropriateness of the test for its intended purpose, to the extent that such information does not involve the release of proprietary information. (For example, the test taker might be told, "Scores on this test are useful in predicting how successful people will be in this kind of work" or "Scores on this test, along with other information, help us to determine if students are likely to benefit from this program.")
  - f. Provide test takers, upon request, with information about re-testing, including if it is possible to re-take the test or another version of it, and if so, how often, how soon, and under what conditions.
  - g. Provide test takers, upon request, with information about how the test will be scored and in what detail. On multiple-choice tests, this information might include suggestions for test taking and about the use of a correction for guessing. On tests scored using professional judgment (e.g., essay tests or projective techniques), a general description of the scoring procedures might be provided except when such information is proprietary or would tend to influence test performance inappropriately.
  - h. Inform test takers about the type of feedback and interpretation that is routinely provided, as well as what is available for a fee. Test takers have the right to request and receive information regarding whether or not they can obtain copies of their test answer sheets or their test materials, if they can have their scores verified, and if they may cancel their test results.
  - i. Provide test takers, prior to testing, either in the written instructions, in other written documents or orally, with answers to questions that test takers may have about basic test administration procedures.
  - j. Inform test takers, prior to testing, if questions from test takers will not be permitted during the testing process.
  - k. Provide test takers with information about the use of computers, calculators, or other equipment, if any, used in the testing and give them an opportunity to practice using such equipment, unless its unpracticed use is part of the test purpose, or practice would compromise the validity of the results, and to provide a testing accommodation for the use of such equipment, if needed.
  - l. Inform test takers that, if they have a disability, they have the right to request and receive accommodations or modifications in accordance with the provisions of the Americans with Disabilities Act and other relevant legislation.
  - m. Provide test takers with information that will be of use in making decisions if test takers have options regarding which tests, test forms or test formats to take.
5. Because that test takers have a right to be informed in advance when the test will be administered, if and when test results will be available, and if there is a fee for testing services that the test takers are expected to pay, test professionals should:
- a. Notify test takers of the alteration in a timely manner if a previously announced testing schedule changes, provide a reasonable explanation for the change, and inform test takers of the new schedule. If there is a

change, reasonable alternatives to the original schedule should be provided.

- b. Inform test takers prior to testing about any anticipated fee for the testing process, as well as the fees associated with each component of the process, if the components can be separated.
6. Because test takers have the right to have their tests administered and interpreted by appropriately trained individuals, testing professionals should:
  - a. Know how to select the appropriate test for the intended purposes.
  - b. When testing persons with documented disabilities and other special characteristics that require special testing conditions and/or interpretation of results, have the skills and knowledge for such testing and interpretation.
  - c. Provide reasonable information regarding their qualifications, upon request.
  - d. Insure that test conditions, especially if unusual, do not unduly interfere with test performance. Test conditions will normally be similar to those used to standardize the test.
  - e. Provide candidates with a reasonable amount of time to complete the test, unless a test has a time limit.
  - f. Take reasonable actions to safeguard against fraudulent actions (e.g., cheating) that could place honest test takers at a disadvantage.
7. Because test takers have the right to be informed about why they are being asked to take particular tests, if a test is optional, and what the consequences are should they choose not to complete the test, testing professionals should:
  - a. Normally only engage in testing activities with test takers after the test takers have provided their informed consent to take a test, except when testing without consent has been mandated by law or governmental regulation, or when consent is implied by an action the test takers have already taken (e.g., such as when applying for employment and a personnel examination is mandated).
  - b. Explain to test takers why they should consider taking voluntary tests.
  - c. Explain, if a test taker refuses to take or complete a voluntary test, either orally or in writing, what the negative consequences may be to them for their decision to do so.
  - d. Promptly inform the test taker if a testing professional decides that there is a need to deviate from the testing services to which the test taker initially agreed (e.g., should the testing professional believe it would be wise to administer an additional test or an alternative test), and provide an explanation for the change.
8. Because test takers have a right to receive a written or oral explanation of their test results within a reasonable amount of time after testing and in commonly understood terms, testing professionals should:
  - a. Interpret test results in light of one or more additional considerations (e.g., disability, language proficiency), if those considerations are relevant to the purposes of the test and performance on the test, and are in accordance with current laws.

- b. Provide, upon request, information to test takers about the sources used in interpreting their test results, including technical manuals, technical reports, norms, and a description of the comparison group, or additional information about the test taker(s).
  - c. Provide, upon request, recommendations to test takers about how they could improve their performance on the test, should they choose or be required to take the test again.
  - d. Provide, upon request, information to test takers about their options for obtaining a second interpretation of their results. Test takers may select an appropriately trained professional to provide this second opinion.
  - e. Provide test takers with the criteria used to determine a passing score, when individual test scores are reported and related to a pass-fail standard.
  - f. Inform test takers, upon request, how much their scores might change, should they elect to take the test again. Such information would include variation in test performance due to measurement error (e.g., the appropriate standard errors of measurement) and changes in performance over time with or without intervention (e.g., additional training or treatment).
  - g. Communicate test results to test takers in an appropriate and sensitive manner, without use of negative labels or comments likely to inflame or stigmatize the test taker.
  - h. Provide corrected test scores to test takers as rapidly as possible, should an error occur in the processing or reporting of scores. The length of time is often dictated by individuals responsible for processing or reporting the scores, rather than the individuals responsible for testing, should the two parties indeed differ.
  - i. Correct any errors as rapidly as possible if there are errors in the process of developing scores.
9. Because test takers have the right to have the results of tests kept confidential to the extent allowed by law, testing professionals should:
- a. Insure that records of test results (in paper or electronic form) are safeguarded and maintained so that only individuals who have a legitimate right to access them will be able to do so.
  - b. Should provide test takers, upon request, with information regarding who has a legitimate right to access their test results (when individually identified) and in what form. Testing professionals should respond appropriately to questions regarding the reasons why such individuals may have access to test results and how they may use the results.
  - c. Advise test takers that they are entitled to limit access to their results (when individually identified) to those persons or institutions, and for those purposes, revealed to them prior to testing. Exceptions may occur when test takers, or their guardians, consent to release the test results to others or when testing professionals are authorized by law to release test results.
  - d. Keep confidential any requests for testing accommodations and the documentation supporting the request.

10. Because test takers have the right to present concerns about the testing process and to receive information about procedures that will be used to address such concerns, testing professionals should:
  - a. Inform test takers how they can question the results of the testing if they do not believe that the test was administered properly or scored correctly, or other such concerns.
  - b. Inform test takers of the procedures for appealing decisions that they believe are based in whole or in part on erroneous test results.
  - c. Inform test takers, if their test results are under investigation and may be canceled, invalidated, or not released for normal use. In such an event, that investigation should be performed in a timely manner. The investigation should use all available information that addresses the reason(s) for the investigation, and the test taker should also be informed of the information that he/she may need to provide to assist with the investigation.
  - d. Inform the test taker, if that test taker's test results are canceled or not released for normal use, why that action was taken. The test taker is entitled to request and receive information on the types of evidence and procedures that have been used to make that determination.

### ***The Responsibilities of Test Takers: Guidelines for Testing Professionals***

Testing Professionals should take steps to ensure that test takers know that they have specific responsibilities in addition to their rights described above.

1. Testing professionals need to inform test takers that they should listen to and/or read their rights and responsibilities as a test taker and ask questions about issues they do not understand.
2. Testing professionals should take steps, as appropriate, to ensure that test takers know that they:
  - a. Are responsible for their behavior throughout the entire testing process.
  - b. Should not interfere with the rights of others involved in the testing process.
  - c. Should not compromise the integrity of the test and its interpretation in any manner.
3. Testing professionals should remind test takers that it is their responsibility to ask questions prior to testing if they are uncertain about why the test is being given, how it will be given, what they will be asked to do, and what will be done with the results. Testing professionals should:
  - a. Advise test takers that it is their responsibility to review materials supplied by test publishers and others as part of the testing process and to ask questions about areas that they feel they should understand better prior to the start of testing.
  - b. Inform test takers that it is their responsibility to request more information if they are not satisfied with what they know about how their test results will be used and what will be done with them.

4. Testing professionals should inform test takers that it is their responsibility to read descriptive material they receive in advance of a test and to listen carefully to test instructions. Testing professionals should inform test takers that it is their responsibility to inform an examiner in advance of testing if they wish to receive a testing accommodation or if they have a physical condition or illness that may interfere with their performance. Testing professionals should inform test takers that it is their responsibility to inform an examiner if they have difficulty comprehending the language in which the test is given. Testing professionals should:
  - a. Inform test takers that, if they need special testing arrangements, it is their responsibility to request appropriate accommodations and to provide any requested documentation as far in advance of the testing date as possible. Testing professionals should inform test takers about the documentation needed to receive a requested testing accommodation.
  - b. Inform test takers that, if they request but do not receive a testing accommodation, they could request information about why their request was denied.
5. Testing professionals should inform test takers when and where the test will be given, and whether payment for the testing is required. Having been so informed, it is the responsibility of the test taker to appear on time with any required materials, pay for testing services and be ready to be tested. Testing professionals should:
  - a. Inform test takers that they are responsible for familiarizing themselves with the appropriate materials needed for testing and for requesting information about these materials, if needed.
  - b. Inform the test taker, if the testing situation requires that test takers bring materials (e.g., personal identification, pencils, calculators, etc.) to the testing site, of this responsibility to do so.
6. Testing professionals should advise test takers, prior to testing, that it is their responsibility to:
  - a. Listen to and/or read the directions given to them.
  - b. Follow instructions given by testing professionals.
  - c. Complete the test as directed.
  - d. Perform to the best of their ability if they want their score to be a reflection of their best effort.
  - e. Behave honestly (e.g., not cheating or assisting others who cheat).
7. Testing professionals should inform test takers about the consequences of not taking a test, should they choose not to take the test. Once so informed, it is the responsibility of the test taker to accept such consequences, and the testing professional should so inform the test takers. If test takers have questions regarding these consequences, it is their responsibility to ask questions of the testing professional, and the testing professional should so inform the test takers.
8. Testing professionals should inform test takers that it is their responsibility to notify appropriate persons, as specified by the testing organization, if they do not understand their results, or if they believe that testing conditions affected the results. Testing professionals should:

- a. Provide information to test takers, upon request, about appropriate procedures for questioning or canceling their test scores or results, if relevant to the purposes of testing.
  - b. Provide to test takers, upon request, the procedures for reviewing, re-testing, or canceling their scores or test results, if they believe that testing conditions affected their results and if relevant to the purposes of testing.
  - c. Provide documentation to the test taker about known testing conditions that might have affected the results of the testing, if relevant to the purposes of testing.
9. Testing professionals should advise test takers that it is their responsibility to ask questions about the confidentiality of their test results, if this aspect concerns them.
  10. Testing professionals should advise test takers that it is their responsibility to present concerns about the testing process in a timely, respectful manner.
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**Members of the JCTP Working Group on Test Taker Rights and Responsibilities:**

- Kurt F. Geisinger, PhD (Co-Chair)
- William Schafer, PhD (Co-Chair)
- Gwyneth Boodoo, PhD
- Ruth Ekstrom, EdD
- Tom Fitzgibbon, PhD
- John Fremer, PhD
- Joanne Lenke, PhD
- Sharon Goldsmith, PhD
- Julie Noble, PhD
- Douglas Smith, PhD
- Nicholas Vacc, EdD
- Janet Wall, EdD