



RIVERSIDE ASSESSMENTS, LLC TEST DISCLOSURE POLICY

Riverside Assessments, LLC dba Riverside Insights (*Riverside Insights*) does not consent to the copying of testing materials or to the distribution of such materials to those not professionally qualified to obtain them. The following paragraphs explain the reasons for Riverside Insights' commitment to this policy.

- **Copyright Ownership.** It is well established that testing materials can be the subject of copyright protection. Riverside Insights' assessment products are therefore protected by the copyright laws of the United States and other countries. Accordingly, as the copyright owner or authorized licensee, Riverside Insights' retains the right to control the copying and distribution of these materials. The unauthorized copying or distribution of Riverside Insights' testing materials constitutes copyright infringement.
- **Test Security.** Confidentiality is critical to the integrity, validity, and fairness of the testing process. Widespread dissemination of test protocols, which include substantial portions of the actual test items, would inevitably damage this process. For this reason, Riverside Insights' tests are distributed only to recipients that agree to take appropriate steps to protect the confidentiality of the test instruments. Providing actual copies of these materials to unauthorized third parties, permitting note-taking by non-professionals during test administrations, or permitting the audio or video recording of test administrations would compromise test security and violate the test administrator's legal and contractual obligations to Riverside Insights.
- **Professional Duty.** Riverside Insights restricts distribution of certain testing materials to qualified institutions and examiners. Under the *Standards for Educational and Psychological Testing* (2014), published by the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, educators and psychologists have a duty to protect the integrity of secured tests by maintaining the confidentiality of test questions and answers and by releasing such tests only to professionals who have the same duty.
- **Family Access to Educational Records.** Questions often arise about the federal requirement that families be given access to certain educational records. In order to comply with these requirements, a school or school district may be required to permit "access" to test protocols; however, "access" does not include the right to make copies of the materials provided. The Family Education Rights and Privacy Act (*FERPA*) provides that parents/legal guardians are to be given the right to "inspect and review" the educational records of their children. 20 U.S.C. § 1232g(a)(1)(A). The right to inspect and review is defined to include the "right to a response from the participating agency to reasonable requests for explanations and interpretations of the records" and the "right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent/legal guardian from exercising the right to inspect and review the records." 34 C.F.R. § 300.613. So long as the test protocols are made available to the parent/legal guardian or a representative thereof for review, all requirements of the law are met without violating the publisher's rights or the obligations of the educational institution to keep the test materials confidential. There is, therefore, no obligation to provide copies or to permit the parent/legal guardian to make copies.
- **Legal Proceedings.** While Riverside Insights does not wish to impede the progress of legal proceedings, Riverside Insights is unwilling to jeopardize the security and integrity of testing materials by



consenting to the release of those materials to those not professionally qualified to obtain them. If a court of competent jurisdiction issues a valid order requiring production of a copy of a Riverside Insights assessment, Riverside Insights will permit delivery of the materials, provided that the court takes certain steps to protect the confidentiality of the assessment and to prevent further copying or dissemination of the test. Such steps include issuing a protective order prohibiting parties from copying and distributing the materials; returning the materials to the qualified professional upon the conclusion of the proceedings; and ensuring that the materials and all references to the content of the materials will not become part of the public record of the proceedings.

- **Contact.** If you have further questions you may contact the Legal Department of Riverside Insights by mail at One Pierce Place, Suite 900W, Itasca, IL 60143, Attn: General Counsel, or via email at contracts@riversideinsights.com.