National College Testing Association
NCTA

April 16, 2019

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor and Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Virginia Foxx
Chairwoman
Committee on Education and the Workforce
United States House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions
United States Senate
632 Hart Senate Office Building
Washington, DC 20510

The Honorable Bobby Scott
Ranking Member
Committee on Education and the Workforce
United States House of Representatives
2101 Rayburn House Office Building
Washington, DC 20515

Re: Test Security Reform for Online Programs in the Higher Education Opportunity Act (P.L. 110-315)(HEOA)

Dear Chairman Alexander, Chairwoman Foxx, Ranking Member Murray, and Ranking Member Scott:

We write on behalf of the National College Testing Association (NCTA) to urge the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce to revise current identification authentication provisions in the Higher Education Opportunity Act (P.L. 110-315)(HEOA) Section 496. The current provisions do not adequately provide for the security of tests used in online higher education programs.

NCTA is a network of over 2300 testing professionals in colleges, universities, testing companies and policy-making agencies. Since our inception, we have practiced and promoted test security within our universities in order to ensure that tests are fairly administered and accurately measure the performance of the intended student. Our members play a critical role within the testing industry in terms of creating, managing and administering tests employed in higher education. As technology has increased the threat of test takers stealing test content or misrepresenting themselves as other test takers, the need to ensure the security of all test content has become even more important. We bring to your attention that the identification

authentication standards included in current law do not adequately safeguard against test fraud, including sophisticated, organized cheating activities.

Higher education systems have a civic and moral duty to treat the authentication of test takers as diligently as financial institutions do for account holders and healthcare providers do for patients. Not only does identity management protect against identity theft and safeguard intellectual property, it also preserves the public trust in colleges and universities, and ensures the value and validity of the degrees that we grant. This has never been truer than now, as we see an increasing popularity in online higher education programs as well as online services for students in a traditional brick and mortar higher education settings.

While we are encouraged by some changes put into place by Congress, specifically by attempting to address concerns of student identity fraud in online distance education programs, we believe there are still areas where the law falls short. For example, current law requires accrediting agencies to ensure that institutions of higher education offering online distance education programs verify that a student who enrolls in the course is the same student who participates in and completes the course. (Higher Education Opportunity Act (P.L. 110-315) (HEOA), Part H-Program Integrity, Section 496 (20 U.S.C. 1099b amendment to paragraph 5, ii)). Indeed, Federal Requirement 34 CFR §602.17(g) and the Higher Learning Commission Policy Number FDCR.A.10.050 have adopted this HEOA requirement as well. Current law provides that institutions must use one of the following methods to verify the identity of a student who participates in an online distance education course: (1) secure log-in and passcode; (2) proctored examinations; or (3) new or other technologies and practices that are effective in verifying student identity. However, the currently specified authentication methods leave intact significant vulnerabilities that can be exploited by those intent on committing fraud. Congress can and should strengthen these authentication requirements, as explained in further detail below.

Unfortunately, the Department of Education regulations fail to meet the objectives of the requirement in HEOA to ensure a school verifies that students are who they say they are, specifically when completing online assessments. In particular, we are concerned about the inclusion of "(1) secure log-in and passcode" as an acceptable identity verification approach. Having a passcode is an important component of strong security measures; however, because log-ins and passcodes can easily be shared or even sold among individuals they are an ineffective single-factor method for authenticating a person's identity.

Based on the foregoing, we request that Congress update the student authentication provisions in HEOA during the Higher Education Act Reauthorization proposed in 2019 to ensure the Department of Education establishes security standards for authenticating student identity while taking online tests. The authentication standards set forth in the publication "Proctoring Best Practices," are instructive and include:

> "proctor comparing the likeness of the test taker and a government-issued ID card or the collection and comparison of biometric information. It is also possible for the system to include automatic features, such as facial detection software or image analysis, to identify the test taker"
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> *ATP-NCTA. (2015). Proctoring Best Practices. Washington, DC: Author, p.48.*

We recommend the following update to the language of Higher Education Opportunity Act (P.L. 110-315) (HEOA) Part H-Program Integrity, Section 496 (20 U.S.C. 1099b amendment to paragraph 5, ii.):

> (ii) the agency or association requires an institution that offers distance education or correspondence education to have processes through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives the academic credit. **Identity verification processes should follow multifactor authentication, and may include proctored examinations, or a combination of verification of government-issued identification document, secure login and password, and biometric authentication.**

Innovation makes it difficult for Congress to prescribe the specific technologies colleges and universities should use to ascertain and protect a person's identity. As such, Congress should provide flexibility to colleges and universities on what identity management technologies and policies they can use, including two-factor and multi-factor authentication tools or systems as described above. These authentication tools or systems are a best practice in many industries, and there are a variety of ways institutions of higher education can implement these practices to improve test security without incurring significant additional costs. In fact, many colleges and universities already use these authentication practices.

Updating security standards around online test security will ensure that Congress succeeds in meeting the purpose of Higher Education Opportunity Act (P.L. 110-315) (HEOA). As the 116th Congress considers reauthorizing HEOA, we strongly encourage thoughtful attention to this matter. If this matter is left unaddressed, Congress may unintentionally protect for years to come higher education programs and systems that are susceptible to fraudulent activity and may fail to ensure the integrity of online tests, negatively impacting completion indicators such as certificates, diplomas, or degrees, and thus on the integrity of the workforce.

The NCTA is available to discuss this matter further, specifically as it pertains to industry best practices in testing, if so desired. Contact information has been listed below for your convenience.

We thank you for considering our request.

Sincerely,

Jarret M. Dyer
NCTA President
(630) 942-3202

Duane Goupell
NCTA Past-President
(920) 424-0068

NCTA Governing Board

Naora Ben-Dov
Woodbury University
(818) 929-4924
naora.ben-dov@woodburyuniversity.edu

Sally Carter, M.Ed., Ed.D.
Southeast Missouri State University
(573) 651-2837
sacarter@semo.edu

Nancy Guidry-Hall
Florida State University
(850) 644-3541
nguidry@campus.fsu.edu

Rachel Hample
Temple University
(215) 204-4789
tua76024@temple.edu

Alex Martinez
Texas A&M International University
(956) 236-3955
amartinezjr@tamiu.edu

Sara Rieder Bennett, Ph.D.
The University of Akron
(330) 972-7084
slr45@uakron.edu

Mark Ross
Miami Dade College
(305) 237-4233
rossm@cf.edu

William Thelen
Central Washington University
(509) 963-1860
william.thelen@cwu.edu

Kristen Vickery
Anne Arundel Community College
(410) 777-2543
kbvickery@aacc.edu