



State of New Jersey

DEPARTMENT OF EDUCATION
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DAVID C. HESPE
Acting Commissioner

November 18, 2014

Ms. Cami Anderson, State District Superintendent
Newark Public Schools
2 Cedar Street, Room 1003
Newark, NJ 07102

Dear Ms. Anderson:

SUBJECT: NJ ASK Erasure Analysis Security Review – Abington Avenue School
OFAC Case #INV-065-12

The Office of Fiscal Accountability and Compliance (OFAC) completed an investigation of the testing procedures utilized at the Abington Avenue School in the Newark Public Schools. The investigation was initiated in response to irregularities in student answer patterns during the administration of the 2010 New Jersey Assessment of Skills and Knowledge (NJ ASK).

Following a review of all pertinent information and documentation, a violation of test security protocols was confirmed at the Abington Avenue School. The information obtained during the OFAC review of these matters is detailed in the attached report. Please provide a copy of the report to each board member.

Utilizing the process outlined in the attached "Procedures for Audit Response, Corrective Action Plan and Appeal Process, State-Operated School Districts," pursuant to N.J.A.C. 6A:23A-5.6, the Newark Public Schools is required to publicly review and discuss the findings in this report at a public board meeting no later than 30 days after receipt of the report. Within 30 days of the public meeting, the board must adopt a resolution certifying the findings were discussed during a public meeting. The resolution must indicate if the board approved a corrective action plan (CAP) as required by the report recommendation and/or submitted an appeal of any issue in dispute. A copy of the resolution and approved CAP and/or appeal must be sent to this office within 10 days of adoption by the board. Direct your response to my attention.

Also, pursuant to N.J.A.C. 6A:23A-5.6(c), you must post the findings of the report and the district's CAP on your school district's website. Should you have any questions, please contact Teresita Munkacsy, Manager, Special Investigations Unit, at (609) 984-7096.

Sincerely,

Robert J. Cicchino, Director *su*
Office of Fiscal Accountability and Compliance

RJC/S:\Newark\INV-065-12 Abington Avenue School\Report\Investigative Rpt Letter to the District.docx
Attachment

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STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
SPECIAL INVESTIGATIONS UNIT

NEWARK PUBLIC SCHOOLS
ABINGTON AVENUE SCHOOL
NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE
ERASURE ANALYSIS SECURITY REVIEW
OFAC CASE #INV-065-12

INVESTIGATIVE REPORT

NOVEMBER 2014

**INVESTIGATIVE REPORT – NOVEMBER 2014
NEWARK PUBLIC SCHOOLS
ABINGTON AVENUE SCHOOL
NJ ASK 2010 ERASURE ANALYSIS SECURITY REVIEW**

EXECUTIVE SUMMARY

Subsequent to the release of the New Jersey Department of Education's (NJDOE) 2010 New Jersey Assessment of Skills and Knowledge (NJ ASK) Erasure Analysis Report (EA Report), the then Acting Commissioner of Education, Christopher Cerf tasked the Office of Fiscal Accountability and Compliance (OFAC) to conduct an investigation into potential irregularities in student answer patterns during the administration of the 2010 NJ ASK and subsequent years.

The irregularities that launched the investigation were the wrong to right (WTR) erasure patterns detected on the tests by Measurement Incorporated (MI), the New Jersey Department of Education (NJDOE) state assessment contractor for the NJ ASK. The NJDOE set a threshold of four standard deviations (SD) above the statewide mean for WTR erasures before the OFAC was assigned to investigate. The SD is an indication of how far the values in a data set deviate from the mean.

In the Newark Public Schools (district), the Abington Avenue School (Abington), fourth, fifth, sixth, seventh and eighth grades, was identified as a school wherein an investigation would be conducted.

In September 2011, the OFAC sent a letter directing the district to conduct a comprehensive analysis of the May 2010 NJ ASK testing procedures at Abington. The district responded with its report in November, 2011. The report disclosed evidence of testing irregularities. At the direction of the OFAC, the district provided additional documentation to support its review.

In order to determine the underlying causes of the excessive WTR erasures on the 2010 NJ ASK, the OFAC investigators (investigators) examined the following: the district's report, the district's supporting documents; the 2010 NJ ASK EA Report, the 2010 test booklets and answer sheets; the School Security Checklists, the testing data, and the individual Language Arts Literacy and Mathematics test scores. The investigators also conducted interviews of 24 district personnel and 107 students.

As a result of its investigation, the investigators concluded that during the administration of the 2010 NJ ASK, security breaches were committed by the School Test Coordinator and several examiners.

The remainder of this report consists of a background, investigative procedures, an investigative summary, a conclusion, and a recommendation.

BACKGROUND

New Jersey's state-required assessment program was designed to measure the extent to which all students at the elementary, middle, and secondary-school levels have mastered the knowledge and skills described in New Jersey's Core Curriculum Content Standards. The statewide assessments for elementary and middle school grades are administered annually as the New Jersey Assessment of Skills and Knowledge (NJ ASK) in Language Arts Literacy (LAL) and Mathematics (MATH) at grades three through eight and in Science at grades four and eight. Testing is conducted in the spring of each year to allow school staff and students the greatest opportunity to achieve the goal of proficiency.

The Office of Assessments (OA) coordinates the development and implementation of the NJ ASK. Measurement Incorporated (MI), the New Jersey Department of Education's (NJDOE) state assessment contractor for NJ ASK, is responsible for all aspects of the testing program including receiving, scanning, editing, and scoring the answer documents; scoring constructed-response items; and creating, generating, and distributing all score reports of test results to students, schools, districts, and the state.

In 2008, the NJDOE requested information regarding erasure rates on the NJ ASK. Since that time, MI has provided such erasure analysis to the NJDOE. MI scans and scores the NJ ASK exams. Scanners are set to detect erasures. Computer scoring programs capture the evidence of erasures and accumulate the results by school. Erasures fall into one of three types: a change from a wrong to a right answer (WTR); a change from a wrong to another wrong answer (WTW); or a change from a right to a wrong answer (RTW). MI examines the mean WTR erasure rates of all New Jersey schools to identify potential irregularities in response patterns and then compares each school mean to the statewide mean.

In 2010, schools for which the erasure rate exceeded the NJDOE defined threshold of two standard deviations (SD) above the statewide mean were flagged and their WTR erasure rates were noted in the NJ ASK Erasure Analysis Report (EA Report). The OA assumed responsibility for investigating those schools that had WTR erasure rates exceeding four SDs above the statewide mean and set the criteria by which further investigation would be warranted by the Office of Fiscal Accountability and Compliance (OFAC). In the Newark Public Schools (district), Abington Avenue School (Abington), was identified as a school wherein an investigation would be conducted.

INVESTIGATIVE PROCEDURES¹

Review of District Analysis of the May 2010 NJ ASK Testing Procedures: The OFAC Investigators (investigators) reviewed the district's analysis report which included, but was not limited to: (1) a description of test administration training and personnel who received training; (2) a description of who handled the test material in any way but did *not* receive test administration training; (3) a description of how the test materials were distributed and collected; (4) who had access to secure test materials before and after testing during each day the test documents were kept in the school; and (5) a review of any irregularities found during the administration of the test.

Erasure Analysis Report Review: The results from the 2010 NJ ASK EA Report, received from MI, were reviewed to assist in determining the underlying causes of the excessive erasures.

Erasure Analysis Data Review: The OFAC investigators reviewed and analyzed erasure analysis data received from MI, from the 2010 NJ ASK testing cycle, in order to assist in determining the underlying cause of the excessive erasures.

Historical and Mapped Testing Data: The investigators reviewed and analyzed students' historical testing data and the erasure patterns within a grade for each subject in order to determine the underlying causes of the excessive WTR erasures.

Test Booklet/Answer Sheet Analysis: Students' multiple choice answers and open ended responses for the LAL and MATH tests were examined to determine whether any form of feedback or intervention, including any hint about the correctness of a response, was provided to any student.

Examiner/Proctor Training Sessions: The investigators interviewed the School Test Coordinator (STC), test examiners and test proctors to determine whether: (1) all school examiners and proctors attended a training session conducted at the testing site by the STC; (2) a copy of the examiner's responsibilities and one Test Examiner Manual was distributed to each examiner; and (3) all school examiners and proctors signed the NJDOE Statewide Assessments Test Security Agreement (TSA).

Test Booklet Distribution and Security: The investigators interviewed the STC and test examiners to determine: (1) whether test materials were stored in a secure and locked location that was accessible only to individuals whose access was authorized by the STC when not being used during a test period; (2) whether test examiners verified the quantity and security numbers for the test booklets they received; and (3) whose signatures appeared on the School Security Checklist acknowledging receipt of test materials; (4) where and how the test booklets were secured when not in use.

¹ The Security Procedures listed on page 13 of the Test Coordinator's Manual served as a guideline for the Investigative Procedures.

Test Booklet Collection: The investigators interviewed the STC and test examiners to determine: (1) who collected the test booklets; (2) when the test booklets were collected; (3) where the test booklets were located during any breaks; and (4) how the test booklets were returned to the test collection site.

Examination of School Security Checklists: The investigators examined the school security checklists to determine whether: (1) examiners properly signed for each test booklet they received; (2) the times and dates associated with the signatures corresponded with the test schedule time frames; and (3) the STC signed for the return of test materials and included the time and date returned.

INVESTIGATIVE SUMMARY

From witnesses' accounts, a review of the district's report, a review of the district's supporting documents, the 2010 NJ ASK EA Reports, the 2010 test booklets and answer sheets, the 2010 testing data, and the individual LAL and MATH test scores, the investigators concluded the security and confidentiality of the testing materials was breached at Abington by the School Test Coordinator (STC), Domenica Fernicola, and 17 examiners.

Domenica Fernicola – School Test Coordinator

The investigators determined that Ms. Fernicola breached the security and confidentiality of the 2010 NJ ASK at Abington. Ms. Fernicola did not maintain an accurate record of the chain of distribution and collection of the test booklets. Ms. Fernicola did not write the date and time the tests were returned on the School Security Checklists for grades four through eight. Additionally, Ms. Fernicola failed to provide accurate turnkey training records as well as signed security agreement forms for a large majority of the examiners and proctors. After reviewing the district's turnkey training sign-in sheets, the investigators determined several examiners administering the NJ ASK were not listed on the turnkey training roster; however, these examiners had signed the TSA. It is unclear as to whether the STC conducted all necessary scheduling and training for test administration within Abington.

The New Jersey Assessment Of Skills And Knowledge Spring 2010 Test Coordinator Manual (manual), governs specific procedures to maintain the confidentiality and security of the testing process for all grades three through eight. According to the manual, on page 13, under **Security Procedures:** "All district and school personnel should be informed of the NJ ASK 3–8 security procedures prior to the test administration, including those personnel not directly involved in administering the test."

The manual states on page 14, **Using Security Checklists:** "Use the School Security Checklist each time test booklets are checked out, following these steps to document the transfer of all test booklets to examiners . . . When the examiner returns the test booklets at the end of testing each day, the school test coordinator must initial the range of test booklets received and write the date and time of return."

The manual governs specific procedures to maintain the confidentiality and security of the testing process for all grades three through eight. According to the manual, page 22, **Selecting and Training Examiners:** the STC should ". . . emphasize to examiners that, during testing, students can be given no assistance or coaching beyond that specified in the manual. Strict test security must be maintained."

The manual states on page 23, **Examiner Training Sessions:** "All school examiners must attend a training session conducted by the school test coordinator . . . Training sessions must be conducted at each NJ ASK 3–8 testing site. Working with the principal, the DTC and the STC for each school must schedule, organize, and conduct the training session . . . After each

examiner training session, examiners must sign the NJDOE Statewide Assessments Test Security Agreement. The Test Security Agreement can be photocopied. Please refer to Appendix I for a copy of the Statewide Assessments Security Agreement.”

Seventeen Examiners breached the security and confidentiality of the 2010 NJ ASK

The investigators interviewed a total of 24 teachers and staff personnel. During the interviews, teachers and staff denied participating in, or having any knowledge of, any violations or wrongdoing during the administration of the 2010 NJ ASK at Abington.

The investigators also interviewed 107 students. Thirty five students indicated that examiners influenced their responses in some manner; however, none of the students stated that any examiner provided them with answers to questions on the NJ ASK. There were a total of 17 examiners who were named by the students. By interfering with the independent work of students taking the NJ ASK, these 17 teachers compromised the security of the test.

- **Janice Alfone** – Third, fourth, seventh and eighth grade ESL teacher
 - One student stated that Ms. Alfone would translate an English question to Spanish and help them locate words in the supplied dictionary.
- **Gina Carras** – Resource teacher
 - Two students stated that Ms. Carras explained/reworded/rephrased questions. If several students were having difficulty in understanding a specific question Ms. Carras, would address the entire class and clarify, rephrase or explain the question and what was actually being asked.
- **Danielle Catalano** – Sixth grade teacher
 - Two students stated that Ms. Catalano provided them with the definition of an unknown word and would give an example of what the question was asking.
- **Eva Colon** - Fifth and sixth grade bilingual teacher
 - One student stated that if several students were having difficulty in understanding a specific question, Ms. Colon would address the entire class and clarify, rephrase or explain the question and what was actually being asked.
- **Marie Couto** – Teacher
 - One student stated that Ms. Couto would clarify or explain a word and she would further translate a question or word from English to Spanish.
- **Virginia D’Antonio** – Fifth grade science teacher
 - Three students stated that Ms. D’Antonio allotted extra time to complete an answer. If several students were have difficulty in understanding a specific question, Ms. D’Antonio would address the entire class and clarify, rephrase or explain the question and what the question was asking. She would give a hint to

what formula to use during the MATH portion. She would use a synonym to replace a word.

- **Chantel Hernandez** – Sixth grade teacher
 - Three students stated that Ms. Hernandez would reread the question using a different tone and reworded questions. She addressed the entire class regarding an open-ended question when several students were having difficulty in understanding what was being asked. She instructed them in what equation to use during the MATH portion.
- **Vanessa Lampon** – Third grade teacher
 - One student stated that Ms. Lampon would give them hints to answer a question and pronounced words they did not understand.
- **Sabrina Leone** – Teacher
 - One student stated that Ms. Leone would rephrase the questions.
- **Tracy Marateo** – Seventh grade mathematics teacher
 - Two students stated that Ms. Marateo would reword the questions and repeat or explain a word.
- **Tracy Miranda** – Fifth grade science teacher
 - One student stated that as Ms. Miranda was walking around the room, she would touch a student's answer sheet indicating that they were to go back over and recheck their work, they had chosen a wrong answer. She also read questions using a different tone in her voice.
- **Jill Parisi** – Fourth grade teacher
 - Two students stated that Ms. Parisi would paraphrase a word or question to give them a better understanding as to what was being asked. She also reread questions.
- **Joseph Pelaia** – Teacher
 - Two students stated that Mr. Pelaia would reread and “breakdown” questions. If several students were having difficulty understanding a specific question, Mr. Pelaia would address the entire class and clarify, rephrase, or explain the question and what it was actually asking. He would instruct a student to recheck or go back over the question, an indication to the student that they had chosen the wrong answer and to make another choice.
- **Jillian Riccio** – Eighth grade teacher
 - Four students stated if several students were having difficulty in understanding a specific question, Ms. Riccio would address the entire class and clarify, rephrase, or explain the question and what it was actually asking. She would also rephrase questions to individual students.

- **Jennifer Rosario** – Fourth grade teacher
 - Five students stated that Ms. Rosario never gave a student a direct answer but would instead give “hints” to assist them in making an answer choice, gave examples and would explain or pronounce words.
- **Anne Marie Stelmach** – Seventh grade teacher
 - One student stated that Ms. Stelmach would explain what a question was asking.
- **Carol Wallace** – Eighth grade teacher
 - Two students stated that Ms. Wallace would use a synonym when a student did not understand a word. She used a different tone when rereading a question. If several students were having difficulty in understanding a specific question, Ms. Wallace would address the entire class and clarify, rephrase, or explain the question and what it was actually asking.

The manual describes the training sessions the STC is to administer, stating on page 23, **Examiner Training Sessions:** “... After each examiner training session, examiners must sign the NJDOE Statewide Assessments Test Security Agreement. The Test Security Agreement can be photocopied. Please refer to Appendix I for a copy of the Statewide Assessments Security Agreement.”

On page 28, the manual lists the Examiner General Responsibilities which include “2. Maintains test security.”

On page 31 the manual lists the Examiner Responsibilities during testing which include “6. Maintains security during the test administration.”

On page 69 of the manual, the TSA is provided. This agreement is signed by examiners after training acknowledging they have access to the secure test materials and confirming their understanding that these materials are highly secure and that it is their professional responsibility to protect the security of the test. This agreement includes the following:

- “8. I will not interfere with the independent work of any student taking the assessment, and I will not compromise the security of the test by any means including, but not limited to:
- c) Coaching students during testing or altering or interfering with the students’ responses in any way.
 - g) Participating in, directing, aiding, counseling, assisting in, or encouraging any of the acts prohibited in this section”


CONCLUSION

Based upon the preponderance of evidence collected during the investigation, the OFAC concludes that the aforementioned individuals breached, encouraged and/or facilitated the breaching of the NJ ASK security protocols. As earlier documented in this report, Abington was flagged on the 2010 EA Report for unusually high WTR erasures for the 2010 NJ ASK. Since being flagged in 2010 the OA has not referred Abington to the OFAC for any repeated/further or other reviews. Additionally, the Abington principal and vice principal received disciplinary action from the district regarding this incident, and the STC was replaced. After completing the review of the Abington 2010 testing procedures, the district revised the administration of the turnkey training to meet all the qualifications stated in the NJ ASK Test Coordinator Manual.

RECOMMENDATION

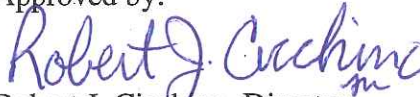
The district shall submit to the OFAC a corrective action plan indicating the measures it will implement to correct the security breaches listed above and it should also include the measures the district will implement to ensure staff compliance with the testing security procedures.

Submitted by:



Teresita Munkacsy, Manager
Special Investigations Unit

Approved by:



Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

Investigators:

Robert Sensi
Kip Cochran

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN**

SCHOOL DISTRICT NAME: The Newark Public Schools – Abington Avenue School COUNTY: Essex

TYPE OF EXAMINATION: NJ ASK

DATE OF BOARD MEETING: December 16, 2014 OFAC Case #: INV-065-12

CONTACT PERSON: Gabrielle Wyatt

TELEPHONE NUMBER: (973) 733-7334 FAX NUMBER: (973) 733-8771

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
1. Staff compliance with testing security procedures	<p>A. <i>Ensure all STCs attend the Office of Data & Policy's workshop on test administration.</i></p> <ul style="list-style-type: none"> Since SY10-11, all STCs have attended a district-led testing compliance and security half-day workshop (see Appendix A: NPS STC Training Presentation). In addition, the principals of the identified schools under investigation were required to attend the district's workshop in spring 2014. None of the STCs that served in this capacity during the years that were under investigation were permitted to serve as STCs in the 	<p>A. Training B. Training C. Operational protocols D. Training E. Training</p>	<p>A. Gabrielle Wyatt B. Gabrielle Wyatt C. Charlotte Hitchcock D. Gabrielle Wyatt E. Gabrielle Wyatt</p>	<p>A. April 2015 B. April 2015 C. May 2015 D. April 2015 E. May 2015</p>

Emi Adams
Chief School Administrator

12/17/14
Date

Valerie White

Board Secretary/Business Administrator

12/17/14
Date

NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN

	<p>years thereafter.</p> <p>B. Continue current requirement for all School Testing Coordinators (STCs) to attend the District Testing Coordinator (DTC) Workshop provided by the NJDOE.</p> <ul style="list-style-type: none"> • Since SY13-14, STCs were required to attend the State's DTC workshop (see Appendix B: DTC Presentation). • In addition, the principals of the identified schools under investigation were required to attend the NJDOE workshop in spring 2014. • All STCs received a copy of the NJDOE's Spring 2014 Test Coordinator manual (see Appendix C: Test Coordinator Manual) <p>C. Continue practice of General Counsel's review and approval of test security plans.</p> <ul style="list-style-type: none"> • The original Test Security Plans will continue to be kept on file at the district and a copy at schools, subject to audit by the district. • Since SY12-13, all principals were required to certify their test security plans, as well as receive 		
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Chief School Administrator

Date

Board Secretary/Business Administrator

Date

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN**

	<p>General Counsel's approval on the plan's content.</p> <ul style="list-style-type: none"> • Test plans are required to include information pertaining to: mandatory turnkey training; storage of secure materials; delivery problems; centrally located distribution center; missing test booklets; chain of command; sick students; disruptive students; fire/emergency procedures; and inclement weather (see Appendix D: Test Security Plans). • All school personnel are required to be informed of security procedures prior to all test administrations. <p>D. Train and assign Central Office Staff to serve as District Testing Monitors.</p> <ul style="list-style-type: none"> • Since SY10-11, Central Office staff members were assigned to serve as monitors during the NJASK administration (see Appendix E: Central Office Training Presentation). • Monitors are present for all days of the administration and report daily on: student attendance, staff attendance, staff notes, and call log 			
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Chief School Administrator

Date

Board Secretary/Business Administrator

Date

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN**

	<p>of absent students (Appendix F: NJASK District Monitor Checklist).</p> <p>E. Monitor the implementation of STC “turn-key” trainings.</p> <ul style="list-style-type: none"> • All STCs are required to train school-level examiners and proctors on testing protocols. • STCs will be required to send the training’s agenda, handouts, staff assignments, bell schedule, security plan, and sign-in sheet to their district monitor in advance of turn-key trainings. Audits of school presentations will be conducted as determined by the district. • Following the turn-key trainings, school examiners must read and sign a Test Security Agreement (See Appendix G: Test Security Agreement) • In SY13-14, a Central Office staff member attended the turn-key trainings at the schools under investigation (see Appendix H: Turnkey Trainings). 			
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Chief School Administrator

Date

Board Secretary/Business Administrator

Date