

State of New Jersey

DEPARTMENT OF EDUCATION PO Box 500 Trenton, NJ 08625-0500



DAVID C. HESPE Acting Commissioner

Governor
KIM GUADAGNO
Lt. Governor

CHRIS CHRISTIE

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 – Alexander Street School OFAC Case #INV-119-12

The Office of Fiscal Accountability and Compliance (OFAC) completed an investigation of the testing procedures utilized at Alexander Street 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 Alexander Street 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

Office of Fiscal Accountability and Compliance

RJC/S:\Newark\INV-119-12 Alexander St\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 ALEXANDER STREET ELEMENTARY SCHOOL NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE ERASURE ANALYSIS SECURITY REVIEW OFAC CASE #INV-119-12

INVESTIGATIVE REPORT

NOVEMBER 2014

INVESTIGATIVE REPORT – NOVEMBER 2014 NEWARK PUBLIC SCHOOLS ALEXANDER STREET ELEMENTARY SCHOOL NJ ASK 2010 AND 2011 ERASURE ANALYSIS SECURITY REVIEWS

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 NJDOE state assessment contractor for the NJ ASK. The NJDOE set a threshold of four standard deviations (4 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.

The Office of Assessments (OA) reviewed the EA Report at the grade level by subject area level to pinpoint a specific area of concern. After their review, the OA determined that an investigation would be warranted at the Alexander Street Elementary School (Alexander) in the Newark Public Schools (district). This determination was due to high WTR erasures in the Language Arts Literacy (LAL) and Mathematics (MATH) portions of the NJ ASK administered in 2010, third and fourth grade (NJ ASK 3, NJ ASK 4).

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 Alexander. The district responded with its report dated November 9, 2011, which disclosed evidence of testing irregularities. At the direction of the OFAC, the district provided additional documentation to support its review.

In May 2012, MI released the 2011 EA Report. The OA reviewed the data and determined that Alexander had unusually high erasure patterns for the 2011 NJ ASK 3 LAL and MATH. As a result of this information, the OA requested that the OFAC include Alexander's 2011 NJ ASK test data in this review.

In order to determine the underlying causes of the excessive WTR erasures on Alexander's 2010 NJ ASK 3 and 4, and 2011 NJ ASK 3, the OFAC investigators (investigators) examined the following: the district report, the 2010 and the 2011 scanned test booklets and answer sheets, the testing data, the 2010 School Security Checklists, NJDOE Statewide Assessments Test Security Agreements, the NJDOE Security and Confidentiality Agreement Test Booklet Receipts, and the individual LAL and MATH test scores. The investigators also conducted interviews of 20 district personnel and 19 students.

As a result of its investigation, the OFAC concluded that during the administration of the 2010 and the 2011 NJ ASK, security breaches were committed by Denise Taylor, the School Test Coordinator. Ms. Taylor compromised the security of the testing materials by providing inadequate, and in some cases, non-existent security procedures training to school personnel, and allowing an extreme "testing window" for general education students.

The remainder of this report consists of a background, investigative procedures, an investigative summary, a conclusion, a recommendation, and a referral to the State Board of Examiners for its determination and recommendations.

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 (SCI) 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 (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's mean to the statewide mean.

In 2010 and 2011, those schools for which the erasure rate exceeded the NJDOE defined threshold of two standard deviations (2 SD) above the statewide mean were flagged and their WTR erasure rates were noted in the NJ ASK Erasure Analysis Reports (EA Reports). The OA assumed responsibility for investigating those schools that had WTR erasure rates exceeding four standard deviations (4 SD) 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), Alexander Street Elementary School (Alexander) was flagged for the 2010 NJ ASK 3 and NJ ASK 4, and for the 2011 NJ ASK 3. Alexander's mean WTR erasure rate for the 2010 NJ ASK 3 LAL was 2.43, which is 7.25 SD above the statewide mean of 0.40. The school's mean WTR erasure rate for the 2010 NJ ASK 3 MATH was 3.78, which is 4.44 SD above the statewide mean of 1.20. The mean WTR erasure rate for the 2010 NJ ASK 4 LAL was 1.78, which is 3.96 SD above the statewide mean of 0.51. The school's mean erasure rate for the 2010 NJ ASK 4 MATH was 3.24, which is 4.07 SD above the statewide mean of 1.12. In 2011, the mean WTR erasure rate for the 2011 NJ ASK 3 LAL was 2.08, which is 4.76 SD above the statewide mean of 0.46. The school's mean erasure rate for the

2011 NJ ASK 3 MATH was 3.66, which is 4.09 SD above the statewide mean of 1.16. As a result, the OA determined that further investigation was warranted to determine the underlying causes of the excessive WTR erasures during these school testing years.

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 <u>not</u> 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 and the 2011 NJ ASK EA Reports, received from MI, were reviewed to assist in determining the underlying causes of the excessive erasures.

Erasure Analysis Data Review: The investigators reviewed erasure analysis data received from MI for the 2010 and the 2011 NJ ASK testing cycles, in order to assist in determining the underlying causes of the excessive erasures.

Historical and Mapped Testing Data: The investigators reviewed and analyzed students' historical testing data, as well as 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: The 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), the test examiners, and the 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, the test examiners and the test proctors 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; (3) whose signatures appeared on the

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

School Security Checklist acknowledging receipt of test materials, and (4) where and how the test booklets were secured when not in use.

Test Booklet Collection: The investigators interviewed the STC, the test examiners, and the test proctors to determine: (1) who collected the test booklets; (2) when the test booklets were collected; (3) where 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, the 2010 and the 2011 EA Reports, the 2010 and the 2011 testing data, the School Security Checklists, the TSAs, and the NJDOE Security and Confidentiality Agreement Test Booklet Receipts (Test Booklet Receipts), the investigators concluded that the security and confidentiality of the testing materials was breached at Alexander by the STC, Denise Taylor.

In an attempt to determine the source of the exceptionally high WTR rates at Alexander, the investigators interviewed 19 students and 20 staff personnel. The staff members included 13 examiners and/or proctors who administered the NJ ASK for the grade and year being investigated, five teachers who taught those students the following year, the STC, and the current principal.

Some of the students interviewed stated that examiners provided verbal and non-verbal cues during testing, which did, in fact, cause them to change some of their answers. Although every effort was made to identify which of the examiners provided cues that caused the students to change their answers, they were unable to definitively recall who was responsible in any given instance. As a result, there is insufficient evidence to determine whether the actions described by the students were the underlying causes of the excessive erasure rates for the years under review. Some of the examiners interviewed stated that their teaching style included the use of facial expressions and/or body language. The examiners who acknowledged use of this teaching style denied engaging students in this or any other manner during the NJ ASK.

Denise Taylor, Vice Principal and STC

The investigators concluded that Ms. Taylor breached the security of the 2010 NJ ASK 3 and 4 and the 2011 NJ ASK 3 by failing, in her responsibilities as the STC, to ensure proper administration of the NJ ASK. These breaches included the following: failing to ensure that all 2010 NJ ASK tests were completed within test window allotments; failing to properly document the chain of custody of secure testing materials during the 2010 testing; failing to provide adequate and timely training to examiners in 2010; failing to ensure all examiners signed the TSAs after training and failing to ensure that only examiners serving in a particular professional position signed a Test Booklet Receipt on the day they actually received the test booklets.

On June 18, 2014, Ms. Taylor was interviewed at the Oliver Street Elementary School. Ms. Taylor was accompanied by Leonard Pugliese, a legal representative for the Newark Public Schools' administrators. When presented with all of the aforementioned discrepancies, Ms. Taylor offered no valid explanation as to why any of these events occurred.

Failing to ensure that all 2010 NJ ASK tests were completed within test window allotments

Ms. Taylor failed to follow guidelines to ensure that the actual testing times were maintained and that time constraints were adhered to. During the 2010 NJ ASK 3 and 4, testing exceeded the allowable testing times, including administrative times, for general education examiners.

• All general education students' tests were returned late on DAY 2, 3, and 4. The return times for DAY 1 were not discernible. The overages were well beyond the allowable testing time, including administrative time, and ranged from 69 minutes to 149 minutes beyond the allotted time.

In accordance with the Spring 2010 Grades 3-8 Test Coordinator Manual, page 27, Testing Time Requirements: Testing time will vary based on differences in the time needed to distribute and collect materials, to read directions, or, on the first day of testing, to complete the student information section of the answer folder. However, the actual testing times must be maintained.

Failing to properly document the chain of custody of secure testing materials

Ms. Taylor failed to follow guidelines to ensure that the 2010 School Security Checklists for grades 3 and 4 were properly completed.

- Examiners signed for their test booklets on the 2010 School Security Checklists, grades 3 and 4, using vertical signatures. This made it difficult to discern the actual test booklets that were signed for.
- A review of the 2010 NJ ASK 3 School Security Checklist revealed the following: on LAL DAY 1, Ms. Taylor failed to record the distribution and collection times for four test booklets distributed to examiners; on LAL DAY 2, for four test booklets, Ms. Taylor signed her initials across the area reserved for examiners.
- A review of the 2010 NJ ASK 4 School Security Checklist revealed the following: on LAL DAY 1, Ms. Taylor failed to obtain examiners' signatures for two test booklets; for the same two test booklets, Ms. Taylor failed to properly record the distribution and collection times; on LAL DAY 2, Ms. Taylor failed to properly record the distribution and collection times of two test booklets.

In accordance with the Spring 2010 Grades 3-8 Test Coordinator Manual, page 14, Using Security Checklists: As the school test coordinator distributes test booklets to each examiner, have the examiner verify the quantity and security numbers for the test booklets he/she is receiving. Have the examiner sign his/her name on the line for the first and last security number, and draw a line between the first and last signature to indicate the range of test booklets received. Write the date and time the examiner receives the test booklets. 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.

In addition, on page 30, School Test Coordinator Responsibilities: ...14. Distributes test materials to examiners each day of testing, acquiring examiners' signatures on the School Security Checklist to document the transfer of secure materials; on each day of testing, test booklets should be assigned and checked out to examiners on the School Security Checklists.

Failing to provide adequate and timely training to examiners in 2010

Ms. Taylor failed to ensure proper test security and test administration procedures were followed.

• A review of the 2010 training sign-in sheets revealed that one examiner did not receive training. Also, a proctor, who signed a 2010 TSA, was not listed on a sign-in sheet.

In accordance with the Spring 2010 Grades 3-8 Test Coordinator Manual, page 23, Examiner Training Sessions: All school examiners must attend a training session conducted by the school test coordinator. ... Working with the principal, the DTC and the STC for each school must schedule, organize, and conduct the training session.

Failing to ensure all examiners signed the TSAs after training

Ms. Taylor failed to follow guidelines regarding completion of the 2010 TSAs.

• A review of the 2010 TSAs revealed the following: one examiner did not complete or sign a TSA; four examiners completed and signed TSAs, three days after receiving turnkey training, on the first day of testing; and four examiners completed and signed a TSA, but failed to date them.

In accordance with the Spring 2010 Grades 3-8 Test Coordinator Manual, page 23, Examiner Training Sessions: After each examiner training session, examiners must sign the NJDOE Statewide Assessments Test Security Agreement.

In addition, on page 30, School Test Coordinator Responsibilities: ...20. Ensures that examiners have signed the NJDOE Statewide Assessments Test Security Agreement after training.

<u>Failing to ensure only examiners serving in a particular professional position signed Test Booklet Receipts</u>

Ms. Taylor failed to follow guidelines regarding the security of test items utilized by those examiners required to read test items aloud to students.

A review of the 2010 Test Booklet Receipts revealed the following: 24 of 25 examiners, and five of nine proctors, completed and signed Test Booklet Receipts; only six of the 29 Test Booklet Receipts were signed/dated on the first day of testing, while the remaining 23 Test Booklet Receipts were signed/dated several days prior to the commencement of testing.

 A review of the 2011 Test Booklet Receipts revealed the following: three Test Booklet Receipts were completed and signed by proctors on the date of their training; one Test Booklet Receipt was completed and signed by Ms. Taylor, the STC. Ms. Taylor was not an examiner for the 2011 NJ ASK.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 70, Appendix J, New Jersey Department of Education Security and Confidentiality Agreement Test Booklet Receipt: The following New Jersey Department of Education Security and Confidentiality Agreement is to be used by test examiners who will read the test items aloud to the students as per the Examiner Manual or the students' IEP or Section 504 plan and educational interpreters for students with hearing loss who will interpret the test items and directions.

CONCLUSION

Based upon the evidence collected during the investigation, the investigators conclude that there were test security breaches involving documentation related to training and testing materials used during testing. As a result, the OFAC concludes that the School Test Coordinator, Denise Taylor, breached, encouraged and/or facilitated the breaching of NJ ASK test security protocols.

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 include the measures the district will implement to ensure staff compliance with the testing security procedures.

REFERRAL

This investigative report will be referred to the State Board of Examiners for further review and whatever action it deems appropriate.

Submitted by:

Teresita Munkacsy, Manager (

Teresita Menhace

Special Investigations Unit

Approved by:

Robert J. Ciechino, Director

Office of Fiscal Accountability and Compliance

<u>Investigators:</u>

John DiLorenzo

John Sullivan

John Walker

Steve Zawada

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

SCHOOL DISTRICT NAME: The Newark Public Schools - Alexander Street School

COUNTY: Essex

TYPE OF EXAMINATION: NJ ASK

DATE OF BOARD MEETING: December 16, 2014 OFAC Case #: INV-119-12

CONTACT PERSON: Gabrielle Wyatt

TELEPHONE NUMBER: (973) 733-7334

FAX NUMBER: (973) 733-8771

			INDIVIDUAL	COMPLETION DATE
RECOMMENDATION	CORRECTIVE ACTION	METHOD OF	RESPONSIBLE FOR	OF
NUMBER		IMPLEMENTATION	IMPLEMENTATION	IMPLEMENTATION
1. Staff compliance	A. Ensure all STCs attend the Office of	A. Training	A. Gabrielle Wyatt	A. April 2015
with testing	Data & Policy's workshop on test	B. Training	B. Gabrielle Wyatt	B. April2015
security	administration.	C. Operational	C. Charlotte	C. May 2015
procedures	 Since SY10-11, all STCs have 	protocols	Hitchcock	D. April 2015
	attended a district-led testing	D. Training	D. Gabrielle Wyatt	E. May 2015
	compliance and security half-day	E. Training	E. Gabrielle Wyatt	8
	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			

Chief School Administrator

12/17/14

Board Secretary/Business Administrator

Date

Date

Date

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years thereafter. B. Continue current requirement for all School Testing Coordinators (STCs) to attend the District Testing Coordinator (DTC) Workshop provided by the NJDOE.	 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) 	 C. Continue practice of General Counsel's review and approval of test security plans. 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

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

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Ocheral Counsel a approvar on the	
plan's content.	
 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.	
to serve as District Testing Monitors.	
• 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	

Date

Board Secretary/Business Administrator

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

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of absent students (Appendix F:	
NJASK District Monitor	
Checklist).	
E. Monitor the implementation of STC	
"turn-key" trainings.	
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).	

Date

Date