



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 – Benjamin Franklin Elementary School  
OFAC Case #INV-116-12

The Office of Fiscal Accountability and Compliance (OFAC) completed an investigation of the testing procedures utilized at the Benjamin Franklin Elementary School in the Newark Public Schools. The investigation was initiated in response to irregularities in student answer patterns during the administration of the Investigative Rpt Ltr to District 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 Benjamin Franklin Elementary 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

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

**NEWARK PUBLIC SCHOOLS**  
**BENJAMIN FRANKLIN ELEMENTARY SCHOOL**  
**NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE**  
**ERASURE ANALYSIS SECURITY REVIEW**  
**OFAC CASE #INV-116-12**

**INVESTIGATIVE REPORT**

**NOVEMBER 2014**

**INVESTIGATIVE REPORT – NOVEMBER 2014**  
**NEWARK PUBLIC SCHOOLS**  
**BENJAMIN FRANKLIN ELEMENTARY SCHOOL**  
**NJ ASK 2010 and 2011 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 D. 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 (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 to pinpoint a specific area of concern. After their review, the OA determined the Benjamin Franklin Elementary School (Franklin), third and fourth grades, in the Newark Public Schools (district), was identified as a school wherein an investigation would be warranted due to high WTR erasures on the Language Arts Literacy (LAL) portion of the test.

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

In order to determine the underlying causes of the excessive WTR erasures on the 2010 and 2011 NJ ASK, the OFAC investigators examined the following: the district's report; the 2010 and 2011 NJ ASK EA Reports, the 2010 and 2011 NJ ASK 3 and 4 test booklets, the School Security Checklists, the testing data, and the individual LAL test scores. The investigators interviewed a total of 99 individuals; 50 students, 33 teachers and 16 staff personnel.

During the investigation, the OFAC discovered security breaches in the administration of the NJ ASK for 2010 and 2011. The investigators learned one examiner in 2010 signed in on the Turnkey Training Roster but failed to complete a Test Security Agreement (TSA). In 2011, two staff members completed a TSA but did not sign in on the Turnkey Training Roster. Some school security checklists were missing the return date and time and no security checklist was

provided for 2011. According to witness accounts and teacher interviews, several examiners and one proctor had inappropriate verbal interactions with the examinees during testing, encouraging the examinees beyond the scope of the examiners duties.

The remainder of this report consists of a background, investigative procedures, an investigative summary, a conclusion, and 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 (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'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 analyses 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. Those 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 Reports (EA Reports). 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).

Benjamin Franklin Elementary School (Franklin), in the Newark Public Schools (district), was one of the schools flagged in 2010 for the third and fourth grades, and again in 2011 for the third grade, for high WTR erasures on the LAL portion of the test. Franklin's mean WTR erasure rate for the 2010 NJ ASK 3 LAL was 2.63, which is 7.96 standard deviations above the statewide mean of 0.40. In that same year NJ ASK 4 LAL WTR erasure rate was 2.91, which is 7.5 standard deviations above the statewide mean of 0.51. In 2011, Franklin had a mean WTR erasure rate of 2.78, which is 6.82 standard deviations above the statewide mean of 0.46. As a result, the OA decided that an investigation was warranted to determine the underlying causes of the excessive WTR erasures during these testing years.

## INVESTIGATIVE PROCEDURES<sup>1</sup>

**Review of District Analysis of the May 2010 NJ ASK Testing Procedures:** The OFAC 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 and 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 and analyzed erasure analysis data received from MI, from the 2010 and 2011 NJ ASK testing cycles, 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:** The students' multiple choice answers and open ended responses for the LAL 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, 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 School Security Checklists acknowledging receipt of test materials; and (4) where and how the test booklets were secured when not in use.

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<sup>1</sup> 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, test examiners, and test proctors 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 2010 School Security Checklists<sup>2</sup>, data analysis of the 2010 and 2011 testing data, and a review of the individual LAL test scores, the investigators determined that there was verbal encouragement given to some of the third and fourth grade examinees' during the 2010 NJ ASK and third grade examinees during the 2011 NJ ASK, and the security and/or confidentiality of the testing materials was breached.

During the 2010 NJ ASK 3 and 4 and the 2011 NJ ASK 3, a total of 37 teachers acted as examiners. Twenty of those 37 teachers were identified through analysis of the MI data as having higher than normal WTR erasure rates. The investigators were able to interview students who tested with 17 of those 20 examiners during the 2010 NJ ASK 3 and 4, and 2011 NJ ASK 3. From those interviews, witnesses provided information indicating 10 of the examiners gave verbal encouragement during the testing beyond the scope of the examiner's duties. Students from four examiners' classrooms could not recall any details regarding the 2010 and the 2011 NJ ASK and students from the other three examiners' classrooms gave conflicting statements. The investigators were unable to locate witnesses for the remaining three examiners.

Each student interviewed confirmed that no teacher gave them or a classmate an answer to questions on the NJ ASK. However, 32 of the 50 students related that as the examiner walked around the classroom, or if a student asked a question pertaining to the test, the examiner would state, "Go back over and check your work," or "Take your time and re-read the question, you can do it." When asked what the meaning of either of these statements meant to them, most of the students replied that there was the possibility that they had chosen the wrong answer, they needed to review their work and make another answer choice. In addition, one proctor was also identified as encouraging the students in the same manner during the NJ ASK 3 in 2010.

#### **Examiners and Proctor**

The examiners and proctor identified by witnesses' accounts were:

1. Isabel Abreu - 2011 3rd Grade
2. Tracy Blazquez - 2010 3rd Grade
3. Carmen Castellanos - 2010 4th Grade
4. Rosita Gonzales - 2010 4th Grade
5. Sally Luciano - 2010 4th Grade
6. Sonia Nobre - 2010 and 2011 3rd Grade
7. Krystle Singletary-Rhett - 2011 3rd Grade
8. Rosalis Rincon - 2010 and 2011 3rd Grade
9. Nancy Riva - 2010 3rd Grade Examiner
10. Jane Silva - 2010 and 2011 3rd Grade
11. Brandon Dorney - 2010 Proctor 3rd Grade

The investigators were able to interview a total of 33 current and retired school teachers and 16 school staff personnel. Each of these individuals interviewed denied any knowledge of, or participating in, any violation in administering the NJ ASK. The above listed examiners and one proctor acknowledged when interviewed by investigators using phrases such as, "Go back over and check your work," and/or "take your time, re-read the question," as they were walking

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<sup>2</sup> The School Security Checklists were not provided for 2011

around monitoring the classroom. Additionally, two retired teachers, Marie Tuosto, 2010 and 2011 NJ ASK 4, and Salene Sachs, 2010 NJ ASK 4 and 2011 NJ ASK 3, who also acted as examiners during this testing cycle, admitted to using the same phrases with students during testing when interviewed by the investigators. The investigators were able to determine through interviews and documentation that all of the above teachers and proctor did receive proper training and instruction regarding the administration of the NJ ASK for 2010 and 2011.

The New Jersey Assessment of Skills and Knowledge Spring 2010 and 2011 Examiner Manual governs specific procedures to maintain the confidentiality and security of the testing process for all grades three through eight. The pertinent portion of the Manual as it relates to this investigation is:

**Use of Proctors, Page 23:**

*Proctors may help in distributing and collecting materials (but not secure test booklets), in observing students from different points in the room while the test is being administered, and in answering student questions when there is a problem related to the test directions. In large group testing sessions, assigning the proctors to specific areas of the room to supervise during the administration of the tests will permit quick responses to students' questions. Proctors must also be advised that students cannot be coached or assisted on the test itself. For the exception to this rule, pertaining to special education students, see Appendix A.*

**APPENDIX I - New Jersey Department of Education Statewide Assessments Test Security Agreement, Page 69:**

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.*

**Cheryl Avraamides, Vice Principal and STC**

The investigators also uncovered the following security breaches involving training and testing materials after reviewing testing documentation from 2010 and 2011, provided by the district:

- Missing 2010 Test Security Agreement (TSA) for Elisa Parr, Hall Monitor; however, she did sign in on the Turnkey Training Roster.
- Return times were not provided on the School Security Checklist for the 2010 NJ ASK 4 Science.

There was no evidence developed during this investigation to indicate that any of the above participants did not receive proper training from the STC related to the NJ ASK. The breaches

involve the record keeping and procedures related to properly documenting attendance at the training sessions. In 2011, two staff members signed a TSA but did not sign in on the Turnkey Training Roster which made confirming who actually attended training through the documentation impossible. Both of these issues have been addressed through training put in place by the district after the 2011 testing cycle. Since no school security checklist was provided for 2011, there is no information available to document the chain of custody regarding test materials to and from the examiners.

The New Jersey Assessment of Skills and Knowledge Spring 2010 Examiner Manual governs specific procedures to maintain the confidentiality and security of the testing process for all grades three through eight. The pertinent portion of the Manual as it relates to this investigation is:

**Examiner Training Sessions, Page 23:**

*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*

**Using Security Checklists, Page 14**

5. 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.

**CONCLUSION**

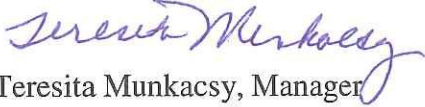
Based upon the evidence collected during this investigation, the investigators concluded that although answers were not given to the students by the examiners or proctors during testing, several of the aforementioned named individuals did provide encouragement to students which was beyond the scope of their duties. Additionally, there was evidence regarding test security breaches involving documentation related to training and testing materials used during testing.

**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.

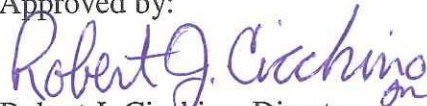
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Newark Public Schools – Benjamin Franklin Elementary School  
NJ ASK Erasure Analysis Security Review  
Page 9

Submitted by:



Teresita Munkacsy, Manager  
Special Investigations Unit

Approved by:



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

Investigators:

Robert Sensi  
Robert Cochran

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

SCHOOL DISTRICT NAME: The Newark Public Schools — Benjamin Franklin Elementary School COUNTY: Essex

TYPE OF EXAMINATION: NJ ASK

DATE OF BOARD MEETING: December 16, 2014 OFAC Case #: INV-116-12

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. <b>Ensure all STCs attend the Office of Data &amp; Policy's workshop on test administration.</b></p> <ul style="list-style-type: none"> <li>Since SY10-11, all STCs have attended a district-led testing compliance and security half-day workshop (see Appendix A: NPS STC Training Presentation).</li> <li>In addition, the principals of the identified schools under investigation were required to attend the district's workshop in spring 2014.</li> <li>None of the STCs that served in this capacity during the years that were under investigation were permitted to serve as STCs in the</li> </ul>	<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>

*Comi Anderson*

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>B. Continue current requirement for all School Testing Coordinators (STCs) to attend the District Testing Coordinator (DTC) Workshop provided by the NJDOE.</b></p> <ul style="list-style-type: none"> <li>• Since SY13-14, STCs were required to attend the State's DTC workshop (see Appendix B: DTC Presentation).</li> <li>• In addition, the principals of the identified schools under investigation were required to attend the NJDOE workshop in spring 2014.</li> <li>• All STCs received a copy of the NJDOE's Spring 2014 Test Coordinator manual (see Appendix C: Test Coordinator Manual)</li> </ul> <p><b>C. Continue practice of General Counsel's review and approval of test security plans.</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Since SY12-13, all principals were required to certify their test security plans, as well as receive</li> </ul>			
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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"> <li>• 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).</li> <li>• All school personnel are required to be informed of security procedures prior to all test administrations.</li> </ul> <p><b>D. Train and assign Central Office Staff to serve as District Testing Monitors.</b></p> <ul style="list-style-type: none"> <li>• Since SY10-11, Central Office staff members were assigned to serve as monitors during the NJASK administration (see Appendix E: Central Office Training Presentation).</li> <li>• Monitors are present for all days of the administration and report daily on: student attendance, staff attendance, staff notes, and call log</li> </ul>			
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**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><b>E. Monitor the implementation of STC “turn-key” trainings.</b></p> <ul style="list-style-type: none"> <li>• All STCs are required to train school-level examiners and proctors on testing protocols.</li> <li>• 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.</li> <li>• Following the turn-key trainings, school examiners must read and sign a Test Security Agreement (See Appendix G: Test Security Agreement)</li> <li>• In SY13-14, a Central Office staff member attended the turn-key trainings at the schools under investigation (see Appendix H: Turnkey Trainings).</li> </ul>			
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Chief School Administrator

Date

Board Secretary/Business Administrator

Date