



State of New Jersey

DEPARTMENT OF EDUCATION
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CHRIS CHRISTIE
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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 – Rafael Hernandez School
OFAC Case #INV-118-12

The Office of Fiscal Accountability and Compliance (OFAC) completed an investigation of the testing procedures utilized at Rafael Hernandez 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 Rafael Hernandez 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-118-12 Rafael Hernandez\RH 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

RAFAEL HERNANDEZ SCHOOL

NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE

ERASURE ANALYSIS SECURITY REVIEW

OFAC CASE #INV-118-12

INVESTIGATIVE REPORT

NOVEMBER 2014

INVESTIGATIVE REPORT – NOVEMBER 2014
NEWARK PUBLIC SCHOOLS
RAFAEL HERNANDEZ 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 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.

In the Newark Public Schools (district), the Rafael Hernandez School (Rafael Hernandez), third, fifth, sixth, seventh, and eighth grades in 2010, 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 procedures at Rafael Hernandez. The district responded with a report (district report) in November 2011. The district report disclosed evidence of testing irregularities. Specifically, the district report stated the principal of Rafael Hernandez, Juan Carlos Ruiz, was "reportedly detached from nearly all aspects of the 2010 NJ ASK administration, including training." According to the district report, Mr. Ruiz explained his disconnection from the process as being grounded in trust in his vice principal. The vice principal and School Test Coordinator (STC) was Luanne Macri. The findings of the district report revealed the school did not properly provide training to all required staff, provided training which did not take place until after testing was initiated, utilized staff other than the STC to handle test materials before or after testing, allowed examiners to be in possession of test materials "notably beyond the scheduled allotment for testing," and did not properly document irregularity reports. Based upon the findings which resulted from its investigation, the district took disciplinary action against both Mr. Ruiz and Ms. Macri. In the case of Mr. Ruiz, the district issued a letter informing him a pay increment would be withheld, while Ms. Macri was issued a letter of warning. 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 Office of Assessments (OA) reviewed the data and determined that Rafael Hernandez had unusually high WTR erasure patterns for the NJ ASK 3, 5, 7, and 8 for Language Arts Literacy (LAL) and the NJ ASK 3, 5, 6, and 7 for Mathematics (MATH) again in 2011. As a result of this information, the OA requested the OFAC include the Rafael Hernandez 2011 NJ ASK results in this review.

In order to determine the underlying causes of the excessive WTR erasures on the 2010 and the 2011 NJ ASK, the OFAC investigators (investigators) examined the following: the district report, the 2010 and the 2011 NJ ASK EA Reports, the 2010 and the 2011 testing data provided by MI, the 2010 and the 2011 test administration documents provided by the district, and the individual LAL and MATH test scores. The investigators also conducted 112 interviews including teachers, staff, students, and administrators from the school, as well as district supervisors and administrators.

As a result of the investigation, the OFAC concluded test security breaches were committed by the school principal, vice principal/STC, and four teachers utilized by the STC to assist in administering the NJ ASK.

The security of testing materials was compromised by the following: the security procedures training provided to school personnel was belated, inadequate or otherwise non-existent for some personnel; test documents were not properly secured by the STC when not in use by examiners; examiners were encouraged by administrators to look ahead at the test questions in order to prepare students prior to testing; staff was directed by the school administrators to review test questions, formulate answers to test questions, place the answers on answer keys, and provide the answer keys to Mr. Ruiz; small groups for testing were not separated by similar accommodations; and the STC did not maintain an accurate record of the chain of distribution and collection of the test booklets for all grades.

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 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 the 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 examined the mean WTR erasure rates of all New Jersey schools to identify potential irregularities in response patterns and then compared each school mean to the statewide mean.

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).

The reports prepared by MI indicate that, despite the seemingly significant number of schools flagged using the 4 SD criterion, in actuality only a handful of schools exhibited grade and subject WTR erasure rates in excess of five per student during the 2010 and the 2011 NJ ASK. The MI reports for these years identified Rafael Hernandez as one of these schools. Four SDs

above the statewide mean was the criteria used to identify schools requiring further investigation. In 2010, Rafael Hernandez recorded WTR erasure rates ranging from 7.45 SDs to 13.91 SD above the statewide mean. In 2011, Rafael Hernandez recorded WTR erasure rates ranging from 7.15 SD to 13 SD above the statewide mean.

INVESTIGATIVE PROCEDURES¹

Review of District Report: The OFAC investigators (investigators) reviewed the district 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 the 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 WTR erasures.

Erasure Analysis Data Review: The investigators reviewed and analyzed erasure analysis data received from MI, from the 2010 and the 2011 NJ ASK testing cycles, in order to assist in determining the underlying cause of the excessive WTR 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 Folder Analysis: The students' multiple choice answers for the LAL and MATH tests and open-ended responses 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

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

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 he/she received; (3) whose signatures appeared on the 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

The investigators reviewed the district report, the 2010 and the 2011 NJ ASK EA Reports, the 2010 and the 2011 testing data provided by MI, the 2010 and the 2011 test administration documents provided by the district, and the individual LAL and MATH test scores.

The review of the testing data revealed WTR erasure rates which often far exceeded the threshold of 4 SD initially flagged. In an effort to determine the underlying causes for the excessive erasure rates the investigators conducted 112 interviews including teachers, staff, students, and administrators from the school, as well as district supervisors and administrators. The information garnered during the course of the interview phase of the investigation could not account for the high rate of erasures associated with the tests. Both students and teachers recalled minimal erasing. References regarding non-verbal gestures made by teachers during testing were related by three students. The students believed these gestures may have been an indication an answer was incorrect and described a teacher either making a face, a noise, or shaking their head “no.” A student also recalled a teacher who pointed and commented, “Check your work.” No additional interviews were able to corroborate these comments, and students who provided comments regarding having time to go back over their work indicated they did not have sufficient time to do so. Students who were able to recall how frequently they erased refuted the high numbers associated with their tests. With a few and uncorroborated exceptions, the statements provided refuted the notion that the erasures at issue occurred in the classrooms during testing.

Interviews of staff assigned to the school revealed that, aside from a number of procedural deficiencies relating to the proper administration of the NJ ASK, the excessive WTR erasure rates were attributable to an effort by Mr. Ruiz and Ms. Macri to enlist school staff to review test questions in order to formulate answers. These answers would in turn be utilized to change incorrect answers on student tests. Witnesses were extremely reluctant to provide information when interviewed during the course of the investigation; and many cited fear of physical and/or professional retaliation should Mr. Ruiz learn they were providing information to, or cooperating with investigators. Several witnesses would not provide any information when interviewed during school hours or when in the presence of union representatives. In numerous cases, these witnesses later asked to provide follow-up interviews absent union representation and after hours at locations other than the school, expressing concern for potential retaliation. Some witnesses provided interviews only after Mr. Ruiz and Ms. Macri tendered formal resignations and were no longer administrators at Rafael Hernandez.

Based on the document and testing data reviews stated above and the witness interviews, the investigators concluded the following six Rafael Hernandez staff participated in a variety of activities that breached the security and confidentiality of the testing materials:

1. Juan Carlos Ruiz, Principal
2. Luanne Macri, Vice Principal and STC
3. Linda Medves, crisis teacher
4. Francine Cruz, first grade teacher
5. Danielle Brodo, fifth grade teacher
6. Joseph Oliveri, reading and mathematics teacher

Juan Carlos Ruiz, Principal

The investigators concluded Mr. Ruiz breached the security of the NJ ASK by delegating administration of the NJ ASK to the vice principal and by failing to ensure his associated responsibilities were fulfilled. In addition, Mr. Ruiz encouraged examiners to look ahead at test questions in order to prepare students to answer those questions on subsequent testing days. The investigation also determined Mr. Ruiz directed a group of staff to go through test booklets at the end of testing each day, formulate a list of answers to the test questions, and provide that list to him when completed.

Failing to Ensure the Principal's Associated Responsibilities Were Fulfilled

- The investigators received a copy of the 2010 NJ ASK Rafael Hernandez Header Sheets with Mr. Ruiz's signature affirming test administration procedures were followed; however, the district report stated Mr. Ruiz, was "reportedly detached from nearly all aspects of the 2010 NJ ASK administration, including training." Mr. Ruiz explained his disconnection from the process as being grounded in trust in his vice principal.

In accordance with the Spring 2010 Grades 3-8 Test Coordinator Manual, page 15, Security Procedures: *The principal and the chief school administrator or his/her designee must review and sign the completed Header Sheets before they are submitted to Measurement Incorporated. These signatures affirm that the number of used grade 5–8 answer folders and used grade 3–4 test booklets returned is correct and that all NJ ASK 3–8 test administration procedures outlined in the manuals have been followed.*

- Mr. Ruiz failed to ensure all test administration procedures outlined in the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals were followed. According to the district report,

district documents and witness accounts, the STC failed to provide proper and timely training to all required staff.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 23, Examiner Training Sessions: *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.*

Encouraging Examiners to Review Test Items Before the Test Administration

- Mr. Ruiz failed to follow security procedures and to guarantee the security of the test materials. According to witness statements, Mr. Ruiz encouraged examiners to look ahead at test questions in order to prepare students for subsequent testing days. One witness stated,

“After the first day of testing, uh, Mr. Ruiz said, ‘Did you get a chance to look at what the writing task is for tomorrow,’ and I said, ‘No. I don’t even have a book in front of me,’ and he said, ‘Because you know this afternoon you could probably help the kids with it.’”

The witness added,

“I mean I spoke to some of my colleagues about it, just saying that it made me feel awkward because, you know, having somebody who is supposed to be my leader tell me to do something like that and then me saying ‘no,’ I kinda - it was just awkward. It was an awkward situation.”

A second witness stated,

“Now my direct involvement was, um, ya know, the, the worst I think it was my second or third year, uh, the principal said, um, ‘You can look ahead to see what the writing task is tomorrow and teach it, ya know prep your kids, get ‘em ready.’ So uh, having talked to other teachers after school that day, ya know, everybody pretty much said he said the same thing to them. Not everybody but the couple I talked to.”

It was the recollection of this second witness that this took place between the first and second day of LAL, and possibly for the 2010 test.

A third witness, when asked whether a supervisor ever encouraged the practice of looking ahead, responded, “Yes.” The witness recalled hearing this on more than one occasion and when asked who made such comments replied, “My boss. Mr. Ruiz.”

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 13, Security Procedures: *The items and passages contained in NJ ASK 3–8 test booklets must remain confidential since some of the test items will reappear in future versions of the test. This will be done to maintain the stability of the test item pool over time from a technical perspective and to enable comparisons to be made from one year to the next.*

Examiners, proctors, and other school personnel may not discuss or disclose any test items either before, during, or after the test administration.

Directing Staff to Review the Test and Provide Answers to Mr. Ruiz

- Mr. Ruiz failed to follow security procedures and to guarantee the security of the test materials. According to witness statements, Mr. Ruiz encouraged staff members to review test questions in order to provide him with the answers. He informed staff they could do this after school or on weekends and enlisted the efforts of a small group to perform this task. After the answer keys were formulated as requested, they were turned over to Mr. Ruiz. One witness interviewed stated,

“He asked, if he could get them out of the classroom, if they would be willing to come in here and do what he told them to do.” The witness indicated this referred to formulating answers to test questions and overheard Mr. Ruiz making such a request of Joseph Oliverie, stating to him, “Mr. Oliverie, I really need this to be done.” During this conversation, Mr. Ruiz explained what he needed done regarding formulating answers, and, according to the witness, Mr. Oliverie indicated “he would do what he needed to do.” During this interview, the witness became increasingly upset, and eventually stated, “He asked me to cheat, alright! He asked me to do it. He asked me to freakin’ sit and change answers. He did ask me.”

By way of explaining the request made by Mr. Ruiz, the witness stated,

“He asked me, ‘In order for this school to get outta AYP, that students need to perform. The only way we can perform is to do what Roberto Clemente did, to cheat.’”

When asked how the answers were eventually provided to Mr. Ruiz, the witness stated,

“Joe gave it to him.” According to the witness, at one point after having completed an answer key, Mr. Oliverie commented, “They’re done, I’m gonna give ‘em to him,” or words to that effect.

A second witness stated Mr. Ruiz offered an opportunity to change assignments for the upcoming year to what he referred to as a “cushy” job which would be more desirable. According to this witness,

“And then he said, ‘But ya know, I gotta be back here for you to get this job.’ He said, ‘I gotta do better scores on the test.’” The witness informed Mr. Ruiz the teachers were trying as hard as they could Mr. Ruiz replied, “No. You’re gonna have to help Mac on the test.” Mr. Ruiz then became threatening and began telling the witness they had it easy at the school and he could make things very difficult, naming a number of adverse actions he could take if he chose.

This second witness stated Mr. Ruiz would deliver test booklets to a group of staff members in a second floor office and ask them to formulate the answers. The group would go through the books and answer the questions, and Mr. Ruiz would return later to retrieve the materials.

In accordance with the Spring 2010 Grades 3-8 Test Coordinator Manuals, page 15, Security Procedures: *The principal and the chief school administrator or his/her designee must review and sign the completed Header Sheets before they are submitted to Measurement Incorporated. These signatures affirm that the number of used grade 5–8 answer folders and used grade 3–4 test booklets returned is correct and that all NJ ASK 3–8 test administration procedures outlined in the manuals have been followed.*

Also in violation of the aforementioned, and contrary to proper test administration requirements, it was learned Mr. Ruiz disregarded information which was brought to his attention indicating test materials were found improperly rearranged after being secured at the end of testing days. A witness stated that, when apprised of this issue, Mr. Ruiz replied, “Don’t worry about it.” Mr. Ruiz did nothing further to address this matter. Additionally, it was learned Mr. Ruiz directed that subordinates identify those students who would not be expected to pass the NJ ASK, and to see that a school code other than that for Rafael Hernandez was entered on their test materials to ensure the scores for those tests would be attributed to a school other than Rafael Hernandez.

The investigators interviewed Mr. Ruiz on February 6, 2014. Mr. Ruiz asked to open with a comment and stated, “I have never, and I do not condone, nor have I directed anyone to do anything that is unethical or, and/or illegal. Um, during my term here as the principal in this

school, um, never has . . . have I witnessed any activity that, um, was of concern to me regarding standardized testing after school. Uh, it never raised my concern, uh, or would it lead me to believe that anything improper has taken place in the school, um, during or after the actual testing of students.” He stated the district never required principals to attend training in any testing protocols or procedures, adding this did not indicate he was unaware of testing procedures which he did keep abreast of. After acknowledging he was the principal during the years under review, and after relating who his vice principals were during his tenure, he then stated, “I have no further comment on any of this anymore.”

Luanne Macri, Vice Principal and STC

The investigators concluded Ms. Macri breached the security of the NJ ASK by failing, in her responsibilities as an STC, to ensure proper administration of the NJ ASK. These breaches include the following; failing to provide proper and timely training to examiners and proctors, failing to properly record and retain information documenting a chain of custody regarding test materials, failing to ensure the security of test materials, failing to properly record student testing attendance, offering test information to an examiner to prepare students for test questions, encouraging staff to assist her in formulating answers to test questions to be provided to Mr. Ruiz, and failing to properly complete and/or submit irregularity reports to document testing irregularities.

Failing to Provide Proper and Timely Training to Examiners and Proctors

- Ms. Macri failed to supervise testing and ensure proper test security and test administration procedures were followed. A review of the 2010 training sign-in sheets revealed 15 examiners and 10 proctors did not receive training. Two examiners were listed as being trained after testing actually began. The signatures are unclear on sign-in sheets and the investigators were unable to determine who signed for training at the April 30, 2010 training session. Training sign-in sheets for 2011 indicate four staff members listed as examiners and 13 staff members listed as proctors were not trained.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 23, Use of Proctors: *When more than 25 students are tested in one room, the examiner should use the assistance of proctors. The STC should brief the proctors on the test materials and procedures and specify their responsibilities before, during, and after test administration.* In addition, on 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.*

- Ms. Macri failed to follow guidelines regarding completion of the 2010 TSAs. A review of the TSAs for 2010 revealed 19 staff members signed the TSA document either before they received training or without having received training. Two examiners and one proctor did not sign a TSA. The school did not provide TSAs to the OFAC for the 2011 testing cycle.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 23, Examiner Training Sessions: *After each examiner training session, examiners must sign the NJDOE Statewide Assessments Test Security Agreement.*

- Ms. Macri failed to follow guidelines regarding the security of test items utilized by those examiners required to read test items aloud to students. In 2010, there were five NJDOE Security and Confidentiality Agreements: Test Book Receipts (Test Booklet Receipts) signed on April 27, 2010, the first day of seventh and eighth grade testing. According to the rosters provided to the OFAC, only two examiners tested seventh and eighth grade students. One teacher who signed a Test Booklet Receipt was not listed as testing classified students. One teacher who signed a Test Booklet Receipt was listed as an eighth grade examiner; however, a roster was not provided to the OFAC confirming any students tested by this examiner were classified. One examiner who signed a Test Booklet Receipt did not test seventh or eighth grade students.

In accordance with the Spring 2010 Grades 3-8 Test Coordinator Manual, 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.*

Failing to Properly Record and Retain Information Documenting a Chain of Custody of Test Materials

- Ms. Macri failed to follow guidelines to ensure the School Security Checklists were properly completed and maintained and that time constraints were adhered to. During the 2010 NJ ASK, testing exceeded the allowable testing times, including administrative times for general education examiners. During testing years, 2010 and 2011, the School Security Checklists, used to record the chain of distribution and collection of all grades 3 through 8 test booklets,

were inaccurate; issued and returned dates were missing, incomplete or inconsistent and testing times were, in some cases, excessive.

2010

- Thirteen issued dates and returned dates and times were missing or incomplete.
- Two examiners had more than one issued and returned time listed.
- One examiner signed out a test booklet and returned the test booklet 35 minutes later.
- One examiner signed out a test booklet and returned it nine minutes later.
- One examiner signed out one test booklet seven minutes after all other tests.
- General Education students' tests were returned late every day of testing. These overages were beyond the allowable testing time, including administrative time, and ranged from 21 minutes to 40 minutes or more beyond the allotted time.
- The STC's signature did not match from one School Security Checklist to another. On the School Security Checklists for the third and fifth grades, the STC's signature was "FC". It is believed Francine Cruz signed test booklets back in for these grades. She attended training on May 7, 2010; however, she did not sign a TSA. No documentation was provided from the district stating Ms. Cruz was an assistant to Ms. Macri.

2011

- One entire third grade class did not have a return time or date for the second day of MATH testing.
- Issued times varied within one group of an examiner's tests.
- General Education students' tests were returned late every day of testing. These overages were beyond the allowable testing time, including administrative time, and ranged from 17 minutes to 40 minutes or more beyond the allotted time.
- There were several instances where tests were not properly signed out or in or both.
- Examiners were signing out other examiners' tests.
- There are multiple examiners in a row with the exact same issued and returned times.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, 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.*

- Ms. Macri failed to follow guidelines regarding the administration of make-up tests. Examiners' names and signatures were missing on the 2010 and the 2011 NJ ASK 3-8 Make-Up Test Administration School Security Checklists (Make-Up Security Checklist.) In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 26, Make-Up Administration: *The school test coordinator must schedule make-up administrations for any students who missed one or more days of the regular testing period. Administrations for absentees must be scheduled on the test dates set aside for this purpose.*

On page 67, Appendix G, the manuals state: *The School Test Coordinator (STC) uses a copy of this form to sign out and sign in test booklets given to and received from each examiner (Ex) each day. Record the subject of the make-up test administration, then fill in the test booklet number(s) or test booklet number range in the "Test Booklet Number or Range" column. The Ex signs his or her name in the "Date/Time Received Ex" column when the test booklets are given to the Ex by the STC each day. The STC signs his or her name in the "Date/Time Returned STC" column each day when the test booklets are returned.*

Failing to Ensure the Security of Test Materials

- Ms. Macri failed to follow guidelines regarding the security of test materials. Witnesses indicated the room containing the NJ ASK test materials was unlocked and unattended. Witnesses stated they observed the NJ ASK test materials open and being discussed by staff in or near the test storage room, and it was learned the school custodian had a key to the storage room, entered the room to remove and transport test materials within the school, and had not been provided test security training.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 13, 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. *When not being used during testing, test materials must be stored in a secure, locked place that is accessible only to individuals whose access has been authorized by the school test coordinator. During testing, secure materials must not be removed from the testing room for review or photocopying. The security of test materials must be maintained at all times.*

- Ms. Macri failed to follow guidelines regarding the security of test materials. A total of eight witnesses told the investigators of their experiences with either missing or out of order test booklets. According to these witnesses, the test materials were placed in alphabetic order in boxes specific for each classroom. Examiners received their boxes from the STC at the start

of each testing day, counted the test booklets to ensure they had the correct number, signed the School Security Checklist, and proceeded to their classrooms. When testing was complete each day, the tests were placed back in the boxes in the same alphabetical order they had been received, and were immediately returned to the STC. On return to the STC, the examiners again counted the test booklets in front of the STC, who would put the test booklets into the examiner's box and the boxes were put aside to be secured for the next day. Witnesses told the investigators, on the second and subsequent testing days, when the examiners received their boxes of test booklets; the test booklets were either missing or out of order.

One witness recalled a day a test booklet was missing. The witness explained,

“Well like I said there was one missing, one day, and I let the test coordinator know and, um, she said that the student was absent or he got into an accident or something and he was gonna be tested at home, but then a few minutes later he was in class and she brought the book to me.”

This witness stated Ms. Macri and Ms. Medves acted like it was normal when first notified the booklet was missing. It was this witness' recollection that Ms. Medves brought the booklet to the classroom but stated that both Ms. Macri and Ms. Medves later came to the classroom with a plant and presented it as a gift. The witness stated,

“They brought me a plant and said, ‘Thank you for not making a big deal out of not having the correct number of books.’”

A second witness recalled receiving test booklets out of order at least once during one year but could not recall whether it was a test booklet or an answer folder, or which year this occurred. Yet another witness recalled receiving test booklets out of order and first thought it was possible that they had gotten mixed up when dropped off. A fourth witness also experienced receiving materials out of order on numerous occasions. A fifth witness referred to a circumstance where test booklets were out of order, stating:

“Now I go to my classroom and I go to distribute them and it's like, wait a second. Why are these not in the way I placed them in the box, which presumably is how they should be unless someone took them out. Cause all the exam-, cause all the, um, you know the test taking coordinators are suppose to just count them and sign off and they go into a vault somewhere, to my understanding. So when I went to then give them out they were all out of order. That was my personal experience. And I mean, you know, not Z to A as opposed to A to Z, I mean just randomly put back in the box.”

When questioned by the investigators about test booklets missing or being out of order, a sixth witness revealed:

“Yes. ...Um, it’s happened more than once. Ah, it happened once and I questioned it so then another time I purposely put a pencil in a book, like in the middle to see, you know. In my mind I thought well, if I’m handing them in, in a stack, and they’re going in a box, then that pencil should be in the book. When I had them the next day, the pencil wasn’t. I, I don’t know if the books are taken out, straightened out in any way, but I had noticed that one time and I noticed another time that they were in different order...”

A seventh witness told the investigators tests were returned in another examiner’s box from another grade. The witness stated:

“I’ve had them given back to me in a different box, not the grade that I had. And there was also one missing once.”

An eighth witness informed investigators test materials were found out of proper order numerous days during test administration, that this issue was brought to the attention of Mr. Ruiz, and that the issue was not further addressed. This witness indicated Ms. Macri had also observed this issue with the test booklets but had taken no action.

Investigators also received an anonymous phone call indicating the caller’s belief that test books had been tampered with. The caller based this belief on the caller’s experience with test booklets being returned out of order (a reference to the alphabetical order teachers were accustomed to receiving test materials from, and returning them to, the STC on consecutive testing days). The caller refused to provide their identity, stating a concern of being ostracized by school administration, and of repercussions such as general harassment, negative performance evaluations, and the withholding of salary increments.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 13, Security Procedures: *When not being used during testing, the test materials must be stored in a secure, locked place that is accessible only to individuals whose access has been authorized by the school test coordinator. During testing, secure materials must not be removed from the testing room for review or photocopying. The security of NJ ASK 3-8 test materials must be maintained at all times.*

Failing to Record Student Testing Attendance

- Ms. Macri failed to follow guidelines regarding the administration of make-up tests for students absent during the regularly scheduled testing dates. The 2010 and the 2011 Make-Up Test Security Checklist did not match the attendance sheets provided to the OFAC by Rafael Hernandez. Tests were listed for students that were not marked absent during the regular testing days. Conversely, there were students who were marked absent and their tests were not included on the Make-Up Test Security Checklist.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, pages 26 and 27, Make-Up Administration: *The school test coordinator must schedule make-up administrations for any students who missed one or more days of the regular testing period. Administrations for absentees must be scheduled on the test dates set aside for this purpose.*

- *Students who are absent for the regular test administration must be tested during the make-up test administration.*
- Ms. Macri failed to follow guidelines regarding completion of rosters to record student names, Special Education or other classifications, test booklet and answer folder numbers, and information for the “School Use Only” sections of test booklets and answer folders. A review of the 2010 and the 2011 classroom rosters revealed that several rosters did not document the students’ test booklet/answer folder numbers. In addition, several 2011 classroom rosters were found to be incomplete, missing student ID information, classifications, accommodations, and LEP status. The examiners listed on classroom rosters did not always coincide with the names of examiners signing out test booklets for the classrooms.

In accordance with the 2010 and 2011 Grades 3-8, Test Coordinator Manuals, page 22, Student Rosters: *The Student Roster must: List each grade 3 through 8 student’s name; Identify students with SE classifications, Section 504, or APA; Identify students who are designated LEP and/or LEPX (LAL only); and List test booklet/answer folder number.*

In accordance with the 2010 and 2011 Grades 3-8, Test Coordinator Manuals, page 24, Gridding of Student Information: *The “School Use Only” section may only be completed by certified staff in a secure location under the supervision of the school test coordinator. Information to be gridded regarding the students to be tested must be included on the Student Roster provided by the school test coordinator.*

In accordance with the 2010 and 2011 Grades 3-8, Test Coordinator Manuals, page 30, School Test Coordinator Responsibilities, Item number 12: *Prepares rosters of students to be tested that include the information needed to complete the "School Use Only" section of the NJ ASK 3-4 test booklet and NJ ASK 5-8 answer folder.* These are listed in Appendix D, "School Use Only" Grid Code Instructions on page 59.

Offering Test Information to An Examiner to Prepare Students for Test Questions

- A witness revealed Ms. Macri attempted to provide information related to test questions to the witness. The witness stated Ms. Macri asked 'Do you think if I show you something that your kids would say something?' According to the witness, Ms. Macri was attempting to show the witness a reading passage from the NJ ASK. The witness replied to Ms. Macri, 'Yeah, definitely.' The witness told the investigators the witness responded this way because "I just don't want to be a part of anything."

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 13, Security Procedures: *The items and passages contained in NJ ASK 3-8 test booklets must remain confidential since some of the test items will reappear in future versions of the test. This will be done to maintain the stability of the test item pool over time from a technical perspective and to enable comparisons to be made from one year to the next. Examiners, proctors, and other school personnel may not discuss or disclose any test items either before, during, or after the test administration.*

Failure to Properly Document Irregularity Reports

- Ms. Macri failed to follow guidelines regarding handling and documenting testing irregularities. During the 2010 NJ ASK, handwritten notes listed students who were unable to test for various reasons. No Irregularity Reports were forwarded to the OFAC regarding these students. During the 2011 NJ ASK, two Irregularity Reports were filed; however, no explanation concerning the reason for the report was provided. The Daily Attendance Report indicated two students were removed from testing for disruptive behavior; however, no Irregularity Reports were filed.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 27, Make-Up Administration: *If a student begins a test section and is unable to complete that entire section due to illness or interruptions during the administration of the test, he or she may complete the rest of that test section during make-up testing. There must be reasonable assurance that doing so will not unfairly affect the student's performance on the test. The*

student may not retake any part of the test or begin a test part left incomplete at the previous sitting. The testing must begin with the next timed part of the test, and the student must use the same test booklet/answer folder used during the previous sitting if that is possible. If not, the examiner should complete an Irregularity Report.

Directing Staff to Review the Test and Provide Answers to Mr. Ruiz

- Ms. Macri failed to follow security procedures and to guarantee the security of the test materials. According to witness statements, Ms. Macri encouraged staff members to review test questions in order to provide Mr. Ruiz with the answers. Ms. Macri personally participated in reviewing test questions and in formulating answers. One witness interviewed said Ms. Macri stated,

“Ya know we gotta help him (Mr. Ruiz) stay here.” Ms. Macri then met with a group of staff members in a second floor room where Mr. Ruiz would deliver them student test booklets after testing had concluded on a given day, the group would go through the books and answer the questions, and Mr. Ruiz would return later to retrieve the test materials and answer keys.

A second witness entered the second floor room on one occasion while the group was engaged in discussing and recording what were believed to be answers to test questions. Test booklets were open during this time and the witness indicated Ms. Macri came and went during this activity.

A third witness likewise indicated Ms. Macri was in and out of the room while the test booklets were reviewed and answers to test questions were formulated.

During her interview, Ms. Macri would not comment on issues relating to the administrative responsibilities and the breaches that were identified other than to deny test materials were improperly handled, were ever brought into her office, were ever reviewed or discussed to her knowledge, were ever missing, or that she ever presented an examiner with a plant, as related by witnesses.

Linda Medves, Crisis Teacher; Francine Cruz, First Grade Teacher; Danielle Brodo, Fifth Grade Teacher; and Joseph Oliveri, Reading and Mathematics Tutor.

The investigators concluded Ms. Medves, Ms. Cruz, Ms. Brodo, and Mr. Oliveri breached the security of the NJ ASK by reviewing and discussing the content of test materials with others, as well as attempting to formulate answers to test questions.

Reviewing Test Items Before the Test Administration

- According to a witness statement, during the 2009 NJ ASK, Ms. Medves, Ms. Cruz, and Mr. Oliveri were seen discussing the test in the room where the secure materials were being kept. According to the witness, the group present in the room consisted of Ms. Medves, Ms. Cruz, and Mr. Oliveri. The witness informed investigators Ms. Medves, Ms. Cruz, and Mr. Oliveri worked with test booklets in what the witness described as a teacher's lounge on the second floor next to the elevator. The witness stated the group was discussing the Pythagorean Theorem.² The witness stated Ms. Cruz was the one writing the numbers and the answers on a paper. It appeared to the witness the group of teachers was preparing for work to do later, "creating a key."

A second witness related a similar experience. According to the witness, Ms. Medves, Ms. Cruz, and Mr. Oliveri were involved with distributing and collecting tests. The witness stated,

"... one day I saw Ms. Medves and Ms. Cruz in Ms. Medves' room and it looked like they were touching the tests and they were going through them, but I don't know that for a fact. It was kind of scary. It was one of those things where I walked in and like, kind of walked out, ...So when I went in there, I saw her with Ms. Cruz. ...I saw test booklets open. I was too scared to even, to even look closely. I didn't know what to think. ...I asked her if she could, I don't know...I was in and out...can you go outside and I saw it and I just left."

A third witness stated the group of staff engaged in answering test questions consisted of Ms. Medves, Ms. Cruz, Ms. Brodo, and Mr. Oliveri. In describing when this activity took place, the witness stated,

"Hours, it was days, it was hours. It was all during the course of a school day. . ." This witness also stated the group discussed the Pythagorean Theorem while attempting to answer test questions.

A fourth witness attested to knowledge that a group consisting of Ms. Medves, Ms. Cruz, and Mr. Oliveri were provided with test booklets and formulated answers to those questions. According to the information provided by this witness, it was determined this group

² Question #21 of the eighth grade NJ ASK required students apply the Pythagorean Theorem in order to solve the problem presented.

conducted these activities the year after that which was recounted by the previous three witnesses.

In accordance with the Spring 2010 and 2011 Grades 3-8 Test Coordinator Manuals, page 13, Security Procedures: *The items and passages contained in NJ ASK 3–8 test booklets must remain confidential since some of the test items will reappear in future versions of the test. This will be done to maintain the stability of the test item pool over time from a technical perspective and to enable comparisons to be made from one year to the next. Examiners, proctors, and other school personnel may not discuss or disclose any test items either before, during, or after the test administration.*

CONCLUSION

Based upon the preponderance of evidence collected during the investigation, the OFAC concludes that the aforementioned named individuals breached, encouraged and/or facilitated the breaching of NJ ASK test security protocols.

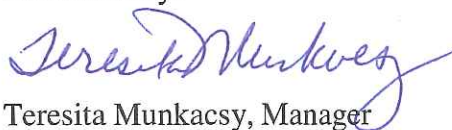
RECOMMENDATION

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
Special Investigations Unit

Approved by:



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

Investigators:

John DiLorenzo	Richard Lucherini	Jeannine Pizzigoni
Jeffrey Gale	Teresita Munkacsy	James Scaringelli

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

1

SCHOOL DISTRICT NAME: The Newark Public Schools – Rafael Hernandez School COUNTY: Essex

TYPE OF EXAMINATION: NJ ASK

DATE OF BOARD MEETING: December 16, 2014 OFAC Case #: INV-118-12

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>

Cami 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. <i>Continue current requirement for all School Testing Coordinators (STCs) to attend the District Testing Coordinator (DTC) Workshop provided by the NJDOE.</i></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. <i>Continue practice of General Counsel's review and approval of test security plans.</i></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. <i>Train and assign Central Office Staff to serve as District Testing Monitors.</i></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. <i>Monitor the implementation of STC “turn-key” trainings.</i></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