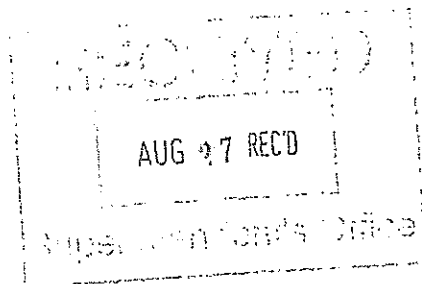




State of New Jersey

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



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

DAVID C. HESPE  
Commissioner

August 21, 2015

Mr. Christopher Cerf  
State District Superintendent  
Newark Public Schools  
2 Cedar Street  
Newark, NJ 07102

Dear Mr. Cerf:

SUBJECT: Newark Public Schools – Ivy Hill Elementary School  
Alleged NJ ASK 3 Security Breach – OFAC Case #INV-070-14

The Office of Fiscal Accountability and Compliance (OFAC) conducted a review of a self reported test breach involving the administration of the 2013 New Jersey Assessment of Skills and Knowledge Grade 3 (NJ ASK 3) at Ivy Hill Elementary School (Ivy Hill) in the Newark Public Schools (district).

Following a review of all pertinent information and documentation, a determination could not be made whether a test breach occurred at Ivy Hill. 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 member of the Advisory Board.

Utilizing the process outlined in the attached “Procedures for State-Operated School Districts Response, Corrective Action Plan and Appeal Process,” the district board of education is required, pursuant to N.J.A.C. 6A:23A-5.6, 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 that the findings were discussed in a public meeting, and approving an appeal of any findings in dispute. A copy of the resolution and the appeal must be sent to this office within 10 days of adoption by the board. Please 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 OFAC audit or investigation on the district’s web site, if one exists. Should you have any questions, please contact Teresita Munkacsy, Manager, Special Investigations Unit, at (609) 984-7096.

Sincerely,

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

RJC/ASI/ESSEX\Newark Public Schools\INV-070-14-Ivy Hill ES\Report\INV-070-14 Ivy Hill ES Final Report.docx  
Attachment

**Distribution**

William Haldeman  
Robert Bumpus  
Michael Yaple  
Jeffrey Hauger  
Joseph Zarra  
Teresita Munkacsy  
Stephen Eells

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

NEWARK PUBLIC SCHOOLS  
IVY HILL ELEMENTARY SCHOOL  
ALLEGED NJ ASK 3 BREACH  
OFAC CASE #INV-070-14

INVESTIGATIVE REPORT

AUGUST 2015

**NEWARK PUBLIC SCHOOLS  
IVY HILL ELEMENTARY SCHOOL  
ALLEGED NJ ASK 3 BREACH**

**EXECUTIVE SUMMARY**

The New Jersey Department of Education Office of Fiscal Accountability and Compliance (OFAC) conducted a follow-up review of a self reported alleged test breach involving the administration of the 2013 New Jersey Assessment of Skills and Knowledge Grade 3 (NJ ASK 3) at Ivy Hill Elementary School (Ivy Hill) in the Newark Public Schools (district).

On Friday, November 22, 2013, an anonymous letter was sent to the Commissioner of Education claiming a third grade teacher at Ivy Hill allegedly assisted students during the 2013 NJ ASK 3. The letter also alleged Lisa Brown, Principal, was made aware of the allegation, but chose not to report it. The letter referred to Veronica Avery's transfer from Ivy Hill to a charter school in the district, inferring the transfer was made rather than deal with the alleged cheating. The letter went on to state Marcus Anthony, Vice Principal, was also made aware of the cheating; however, did not report it for fear of losing his job. In conclusion, the letter stated that a review of the test scores of the third grade students would prove cheating took place. The letter was signed "Concerned Citizens."

On December 3, 2013, the Office of Assessments (OA) requested the Essex County Office of Education (county) conduct an investigation at Ivy Hill. Maria Mendez, Essex County Education Specialist, was tasked with conducting a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program (preliminary investigation). From December 2013 to May 2014, the county attempted to conduct a preliminary investigation. Several meetings on several different dates were scheduled with the district, and according to the county, the district canceled every meeting, citing various reasons. On May 6, 2014, the county contacted the OA and requested the matter be handled by the OFAC due to the county not being able to complete their preliminary investigation. The OA subsequently referred the case to the OFAC for further investigation.

On February 25, 2015, the OFAC initiated the follow-up investigation and conducted interviews with individuals thought to have knowledge relevant to the incident. In addition to witness interviews, the investigators reviewed documents relevant to testing.

The OFAC investigation concluded, due to inconsistencies of witness statements obtained from interviews, a determination could not be made whether a breach had occurred during the administration of the 2013 NJ ASK 3. The remainder of this report contains an investigative summary and a conclusion.

### INVESTIGATIVE SUMMARY

An allegation of a test breach was lodged against Veronica Avery, literacy coach, who served as an examiner during the 2013 New Jersey Assessment of Skills and Knowledge Grade 3 (NJ ASK 3) at Ivy Hill Elementary School (Ivy Hill) in the Newark Public Schools (district). The investigation was prompted after an anonymous letter was sent to the Commissioner of Education expressing concern the NJ ASK 3 may have been compromised due to teacher misconduct.

The anonymous letter from “Concerned Citizens” was dated November 22, 2013 and stated:

*Veronica Avery was a third grade teacher at Ivy Hill Elementary School, who we believe is no longer there because she was caught cheating on the NJ ASK 3 in April 2013. During the test, Ms. Avery walked around the room directly giving some students answers and signaling to others they had chosen the wrong answer. A proctor was in the room with Ms. Avery and the cheating made the proctor so nervous, she asked to be moved to another class. Ms. Avery also had access to the testing materials because she assisted Dorrice Rayam-Johnson, Vice Principal, with coordinating the test. Lisa Brown, Principal, was also made aware of the allegation, but chose not to report it; instead she transferred Ms. Avery to a charter school in Newark. We are certain that Marcus Anthony, Vice Principal, was also made aware of the cheating and he wanted to report it, but feared losing his job. We believe if the test scores of Ms. Avery and another third grade teacher, Darlene Devries, were carefully examined, it would be determined that cheating took place.*

On December 3, 2013, the Office of Assessments (OA) requested the Essex County Office of Education (county) conduct an investigation at Ivy Hill. Maria Mendez, Essex County Education Specialist, was tasked with conducting a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program. From December 2013 to May of 2014, the county attempted to conduct the review. Several meetings on several different dates were scheduled with the district, and according to the county, the district canceled every meeting citing various reasons. On May 06, 2014, the county contacted the OA and requested the matter be handled by the Office of Fiscal Accountability and Compliance (OFAC) due to the county not being able to complete their review. The OA subsequently referred the case to the OFAC for further investigation.

On February 25, 2015, the OFAC initiated the follow-up investigation and conducted interviews with individuals thought to have knowledge relevant to the incident. In addition to witness interviews, the OFAC investigators (investigators) reviewed documents relevant to testing. A review of historical testing data of the students did not disclose any irregularities in the wrong to right erasure patterns or test scores.

From witnesses’ accounts and a review of pertinent documentation, the investigators concluded, due to inconsistencies of statements obtained from the interviews, a determination could not be

made whether Ms. Avery committed a test breach during the administration of the 2013 NJ ASK 3. The information obtained during the OFAC review is detailed below.

### Interviews

According to the district documents, there were 20 students who were administered the 2013 NJ ASK 3 by Ms. Avery. The investigators were able to interview 10 of the students, along with six staff members. The other 10 students were unavailable for an interview. Three were out of the state, five were out of the district, one dropped out for reasons unknown, and one was absent on medical leave.

#### **Student interviews**

Nine students did not provide any information regarding test security breaches or procedural irregularities. One of the 10 students stated Ms. Avery assisted with the NJ ASK by interfering with their responses. The student stated Ms. Avery told the students to look over their work and to make sure they put either divide or multiply on a question. The student also stated Ms. Avery told them to eliminate D or B from a question.

#### **Staff interviews**

##### **Wakina Humphrey – proctor**

On May 28, 2015, the investigators interviewed Ms. Humphrey. In 2013, she was assigned as a proctor for Ms. Avery's class for only the first section of Day 1 Language Arts Literary (LAL). Ms. Humphrey stated she did not witness any security breaches or irregularities during the administration of the NJ ASK. Ms. Humphrey was asked if she left Ms. Avery's room because she witnessed "cheating," as stated in the letter, and she replied, "No, I didn't do that." Ms. Humphrey stated she wasn't feeling well after the first section. The principal told her to go to the office to take a break and rest. She then was assigned to lunch duty and did not have any other involvement with testing.

##### **Linda Meola – proctor**

On May 28, 2015, the investigators interviewed Ms. Meola. In 2013, she was assigned to fill in as the proctor for Ms. Avery's class after the original proctor was reassigned. Ms. Meola did not provide any information regarding security breaches or irregularities in the administration of the NJ ASK.

##### **Darlene DeVries – 2013 second grade teacher, Ivy Hill**

On May 28, 2015, the investigators interviewed Ms. DeVries regarding the statement in the letter *"We believe that if the test scores of Mrs. Avery and another third grade teacher, Ms. Darlene*

*Devries, were carefully examined it would be determined that cheating took place.”* In 2013, Ms. DeVries was a second grade teacher (not third grade); therefore, she did not participate in the administration of the NJ ASK. She did not provide any information regarding security breaches or irregularities in the administration of the NJ ASK.

**Dorrice Rayam-Johnson – 2013 Vice Principal/School Test Coordinator (STC), Ivy Hill**

On May 28, 2015, the investigators interviewed Ms. Rayam-Johnson. In 2013, she was the Vice Principal/STC at Ivy Hill. She conducted the turnkey training for the entire staff. When asked if Ms. Avery assisted her in coordinating the administration of the NJ ASK, she responded, “No.” Ms. Rayam-Johnson stated Ms. Avery left Ivy Hill for a promotion in another school, and was not transferred because of “cheating.” She confirmed Ms. Avery’s proctor, Ms. Humphrey, left the NJ ASK testing on the first day because she was not feeling well. She was never made aware of any “cheating” and did not provide any information regarding security breaches or irregularities in the administration of the 2013 NJ ASK.

**Marcus Anthony – 2013 Vice Principal, Ivy Hill**

On June 9, 2015, the investigators contacted Mr. Anthony by telephone. He did not want to be interviewed in person, but did agree to speak over the phone. Mr. Anthony stated he was not aware of any “cheating” on the 2013 NJ ASK and was not fearful of losing his job. He did not inform any other staff members that Ms. Avery was “cheating” on the test. He did not have any other information that would aid in the investigation.

**Lisa Brown – 2013 Principal, Ivy Hill**

The investigators attempted to interview Ms. Brown, who is currently the principal at P.J. Hill Elementary School in Trenton. She refused to be interviewed.

**Veronica Avery – 2013 Literacy Coach/third grade examiner**

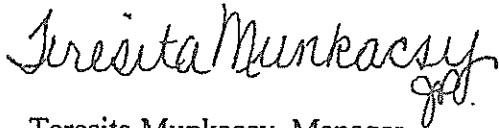
On June 10, 2015, the investigators interviewed Ms. Avery. In 2013, she was the Literacy Coach at Ivy Hill, and was a third grade examiner during the NJ ASK. The investigators asked Ms. Avery whether she was fired from Ivy Hill due to cheating. She stated, “No, I left Ivy Hill to pursue a Vice Principal position at the Seek Charter School and I took a leave of absence from Ivy Hill.” When asked whether Ms. Humphrey, the proctor on Day 1 of LAL, left her class because of cheating, she stated, “I was told Ms. Humphrey left her post as a proctor to do lunch duty.” The investigators asked Ms. Avery if she assisted the vice principal with the coordination of the NJ ASK. She stated, “No.”

Ms. Avery stated she believed Ms. Brown, former principal at Ivy Hill, wrote the letter to get rid of her because Ms. Avery was opinionated and had disagreements with Ms. Brown.

CONCLUSION

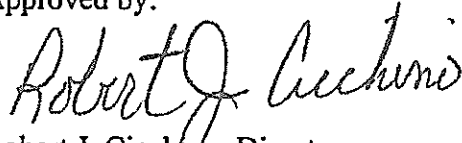
Based upon witnesses' accounts and a review of pertinent documentation, the investigators determined the allegations against Veronica Avery were unsubstantiated.

Submitted by:



Teresita Munkacsy, Manager  
Special Investigations Unit

Approved by:



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

Investigators

Francesco Frangella  
Jeannine Pizzigoni



State of New Jersey  
Department of Education  
Office of Fiscal Accountability and Compliance

PROCEDURES FOR STATE-OPERATED SCHOOL DISTRICTS RESPONSE  
CORRECTIVE ACTION PLAN AND APPEAL PROCESS

**Board of Education Response:**

Pursuant to N.J.A.C. 6A:23A-5.6, the following actions shall occur:

- (a) Any school district or county vocational school district that has been subject to an audit or investigation by the Department of Education, Office of Fiscal Accountability and Compliance (OFAC) shall discuss the findings of the audit or investigation at a public meeting of the district board of education no later than 30 days after receipt of the findings.
- (b) Within 30 days of the public meeting required in (a) above, the district board of education shall adopt a resolution certifying that the findings were discussed in a public board meeting and approving a corrective action plan to address the issues raised in the findings. The resolution shall be submitted to the OFAC within 10 days of adoption by the board of education.
- (c) The findings of the OFAC audit or investigation and the board of education's corrective action plan shall be posted on the district's web site, if one exists.

If the board of education disputes any of the findings of the audit or investigation, it may file a written appeal with the OFAC of any disputed finding(s) within 10 days of adoption of the resolution. Seeking an appeal of the findings does not preclude adherence to the provisions of (a), (b), and (c) listed above.

**Corrective Action Plan:**

The corrective action plan is to be used when the state-operated school district is in agreement with any of the findings. To contest a finding the appeal process must be used. After the appeal is settled, a corrective action plan must be filed for any finding upheld during the appeal process.

The corrective action plan must be prepared by completing the attached form. The following information must be submitted by the state-operated school district:

- Recommendation number

- Corrective action (approved by the administration)
- Method of implementation
- Person responsible for implementation
- Completion date of implementation

If the corrective action plan is acceptable, a letter will be sent to the state-operated school district indicating that it has been accepted.

If the corrective action plan is not acceptable, a letter will be sent to the state-operated school district indicating whether further clarification is required or further action is necessary.

### Appeal Process:

The appeal process is used to contest findings.

Within 10 days of the board's adoption of the resolution approving an appeal of the findings of the audit or investigation, a written request by the state-operated school district to review the disputed finding(s), recommendation(s) or questioned costs must be submitted to the OFAC Director. The Request for Appeal must indicate the finding(s) in question.

The Request for Appeal must be in writing and the state-operated school district must present any supporting documentation for the appeal. Subsequent to the submission of the Request for Appeal, the OFAC Director will issue a written decision.

If the final determination made by the Director, is still unsatisfactory to the state-operated school district, the state-operated district may file a Petition of Appeal pursuant to N.J.A.C. 6A:3-1.3.