

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

**NEWARK PUBLIC SCHOOLS**  
**GEORGE WASHINGTON CARVER ELEMENTARY SCHOOL**  
**ALLEGED NJ ASK BREACH**  
**OFAC CASE #INV-088-12**

**INVESTIGATIVE REPORT**

**APRIL 2016**

**NEWARK PUBLIC SCHOOLS  
GEORGE WASHINGTON CARVER ELEMENTARY SCHOOL  
ALLEGED NJ ASK 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 test breach involving the administration of the 2012 New Jersey Assessment of Skills and Knowledge Grade 8 (NJ ASK 8) at the George Washington Carver Elementary School (Carver) in the Newark Public Schools (District).

On May 3, 2012, Dr. Winston Jackson, Principal, reported via email to Rochanda Jackson, Supervisor for the Office of Planning, Research, and Assessment, a classified student indicated Wanda Blackwell, Special Education teacher and examiner, assisted the students in answering items during the administration of the 2012 NJ ASK 8.

On May 10, 2012, Rochanda Jackson contacted the Office of Assessments (OA) and the Essex County Office of Education (County Office), and on May 18, 2012, Maria Mendez, Essex County Education Specialist for the County Office, conducted a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program (Preliminary Investigation) of the alleged test breach. At the conclusion of her investigation, Ms. Mendez submitted a report based on the Preliminary Investigation to the OA, and the case was subsequently referred to the OFAC for further investigation.

The OFAC follow-up investigation involved reviewing the Preliminary Investigation, along with statements of the individuals involved, reviewing historical erasure analysis data provided by Measurement Incorporated, reviewing documents relevant to testing, and conducting interviews with individuals thought to have knowledge relevant to the incident.

As a result of the investigation, the OFAC concluded Wanda Blackwell, Special Education teacher, breached the security and confidentiality of the 2012 NJ ASK 8 when she coached and interfered with the independent work of students and failed to follow the accommodations and modifications set forth in the students' Individualized Education Programs. The remainder of this report contains an investigative summary, a conclusion, a recommendation, and a referral to the State Board of Examiners for its determination.

### **INVESTIGATIVE SUMMARY**

An allegation of a test breach was lodged against Wanda Blackwell, a certificated teacher who served as an examiner during the 2012 New Jersey Assessment of Skills and Knowledge Grade 8 (NJ ASK 8) at the George Washington Carver Elementary School (Carver) in the Newark Public Schools (District). The investigation was prompted after a student reported to Dr. Winston Jackson, Principal, Ms. Blackwell provided answers to the students during the NJ ASK.

Dr. Jackson contacted Rochanda Jackson, Supervisor for the Office of Policy, Planning, Research, and Assessment, who then contacted Orlando Vadel, Education Program Development Specialist and NJ ASK Coordinator for the Office of Assessments (OA) and Maria Mendez, Essex County Educational Specialist for the Essex County Office of Education (County Office). On May 18, 2012, Ms. Mendez visited Carver and conducted a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program (Preliminary Investigation) of the alleged test breach.

At the conclusion of her investigation, Ms. Mendez submitted a report based on the Preliminary Investigation to the OA, and the case was subsequently referred to the Office of Fiscal Accountability and Compliance (OFAC) for further investigation.

On December 3, 2015, following their review of the Preliminary Investigation and supporting documentation, the OFAC investigators (investigators), began interviews with the students and District personnel.

From witnesses' accounts, a review of historical erasure analysis data provided by Measurement Incorporated (MI), a review of the students' Individualized Education Programs (IEPs), and a review of pertinent documentation, the investigators determined Ms. Blackwell breached the confidentiality and security of the 2012 NJ ASK 8.

The information obtained during the OFAC review of these matters is detailed below.

#### **Wanda Blackwell – Special Education Teacher/Examiner**

Based on witnesses' accounts, the investigators determined Ms. Blackwell breached the security and confidentiality of the 2012 NJ ASK 8 when she coached and interfered with the independent work of students. In addition, Ms. Blackwell failed to follow the accommodations and modifications set forth in the students' IEPs.

#### **Coaching students, interfering with, and influencing their responses**

Ms. Blackwell failed to follow the guidelines regarding the security of the test by providing students with answers and hints about the correctness of responses during the 2012 NJ ASK 8.

Ms. Blackwell administered the NJ ASK 8 to 11 special education students. The investigators were able to interview seven of the 11 students who were administered the 2012 NJ ASK 8 by Ms. Blackwell. Four of the students stated Ms. Blackwell assisted by telling them when the answers were wrong and providing them with the correct answer. One student stated Ms. Blackwell did not give the correct answer, but she would tell the student to check their answer while tapping on the desk. Two students stated Ms. Blackwell did not give them answers. In addition, four of the seven students stated they recalled Ms. Blackwell reading the stories to them or to other students who had difficulty reading during the LAL portion.

According to another witness, Ms. Blackwell arranged the students' desks so a lower functioning student sat next to a higher functioning student, then Ms. Blackwell would tell the lower functioning student to look at the test booklet of the higher functioning student. This witness also stated Ms. Blackwell told the students to change their answers because they were wrong and she provided them with the correct answer. The witness stated during the test the witness heard Ms. Blackwell tell a student, "The answer is B." The witness said Ms. Blackwell read the stories to the students who had trouble reading. This witness stated, Ms. Blackwell said she wanted the scores to go up just a little, not to make them pass, just to improve.

On February 23, 2016, the investigators interviewed Jill Summers, Vice Principal and School Test Coordinator during the 2012 NJ ASK. Ms. Summers stated she held several training sessions for the staff. She said she administered training at a staff meeting after school, during the day at the teachers' prep time, and if anyone was absent, they had another training for those staff members. Ms. Summers said she kept the training documents in a closet in the art room. When she was transferred to another school, she left the documents at Carver. The investigators requested the training documents from several district staff members; however, they are no longer available. The training agenda for a faculty meeting dated April 17, 2012, was the only document provided to the investigators.

On March 2, 2016, the investigators interviewed Dr. Jackson, who said in 2012, a student came to him and stated Ms. Blackwell assisted the students during testing. He told the investigators he interviewed witnesses who were in the classroom during the testing who supported the information the student provided.

The investigators asked Dr. Jackson if the staff received training. He responded, "Ms. Summers did train the staff. This came up even when the county came in, whether Ms. Blackwell was actually trained with the group or separately. I can't say one hundred percent who she trained with, but I'm quite sure she was trained. Ms. Summers seems to think that it was with a second group because she was absent. I'm sure everybody was trained, there's no doubt about that. We do it during a staff meeting first, then those folks who missed the staff meeting for whatever reason, then the next day or two they're trained."

On March 30, 2016, the investigators interviewed Wanda Blackwell, in the presence of her attorney, Nancy Iris Oxfeld. During her interview, Ms. Blackwell denied assisting students with any answers and reading the passages.

The investigators asked Ms. Blackwell if she received training in 2012, prior to the administration of the NJ ASK. Ms. Blackwell stated she administered the NJ ASK every year, but she did not receive training every year. She added the years she was not trained was because she was absent during the training. She stated she was sick a lot, including prior to the 2012 administration and did not receive training that year. The investigators asked Ms. Blackwell if she mentioned her lack of training to Dr. Jackson. She stated, "I didn't mention anything to him, because he knew I wasn't even there. I was out three days sick. I was not in the building."

The New Jersey Assessment of Skills and Knowledge Spring 2012 Test Coordinator Manual (the 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 the investigation is:

**Page 13, SECURITY PROCEDURES,**

*Examiners, proctors, and other school personnel may not discuss or disclose any test items either before, during, or after the test administration. Examiners are not to influence, alter or interfere with examinees' responses in any way. Examiners are not to provide feedback, including any hint about the correctness of a response.*

**Page 28, RESPONSIBILITIES OF PROGRAM PERSONNEL,**

*The DTC, STC, and examiners are responsible for the proper administration of the NJ ASK 3-8. The successful administration of this test depends upon cooperation and adherence to the procedures outlined in this Test Coordinator Manual and in the Test Examiner Manuals.*

**Page 28, GENERAL RESPONSIBILITIES, EXAMINER GENERAL RESPONSIBILITIES,**

*2. Maintains test security*

**Page 32, DURING TESTING, Examiner Responsibilities,**

*6. Maintains security during the test administration*

**Page 73, APPENDIX I, New Jersey Department of Education Statewide Assessments Test Security Agreement,**

*I acknowledge that I will have access to the secure test materials for the purpose of administering the statewide assessments. I understand that these materials are highly secure, and it is my professional responsibility to protect the security as follows:*

*I will not divulge the contents of secure materials to any other person through verbal, written, or any other means of communication.*

- 4. I will provide the appropriate test accommodations and modifications to limited English proficient (LEP), Special Education (SE), and/or Section 504 plan students in accordance with testing policy and procedures.*
- 6. I will not review any test items or passages with students before, during, or after the assessment.*
- 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:  
b) Copying, reproducing, transmitting, distributing, or using in any manner inconsistent with test security all or any section of any secure test materials.  
c) Coaching students during testing or altering or interfering with the students' responses in any way.  
f) Failing to follow test administration directions specified in test examiner manuals.  
g) Participating in, directing, aiding, counseling, assisting in, or encouraging any of the acts prohibited in this section.*
- 9. I will administer the assessment in accordance with the directions for administration set forth in the test examiner manuals.*

**Failure to follow the accommodations and modifications set forth in the students' Individualized Education Programs (IEPs)**

The investigators reviewed the District and State Assessment (DSA) page of the IEPs of the students who were administered the 2012 NJ ASK 8 by Ms. Blackwell. All of the 11 students were entitled to have the questions read aloud, and two of the 11 students were entitled to have the directions read aloud. As stated earlier, during the interviews, five witnesses stated Ms. Blackwell read the stories to the students who had difficulty reading. In addition, during the interview with Ms. Blackwell, she admitted to reading the answer choices to two students. Reading the passages or the answer choices was not an accommodation listed in any of the students' IEPs.

During her interview, Ms. Summers stated she reviewed the IEPs with Ms. Blackwell and she felt Ms. Blackwell was well aware of the students' accommodations during testing. Ms. Summers stated she believed Ms. Blackwell was aware she could read the directions and questions, but not the answer choices. Ms. Summers described the procedures for each day of testing, "The teachers would come to the classroom to pick up their materials for the day with reminders and positive reinforcement for testing. They received a bin with all of the testing materials. When each teacher was done with testing, they would signal a hall monitor for relief, so they could return their materials in the bin."

During the interview with Ms. Blackwell, the investigators asked if she was aware of what she could and could not do during testing. She responded, "Because I have special needs kids, the kids get extra time. You could read the instructions, you could read the directions, and you could read the choices to the kids, but you cannot read the passages. Not all the kids had the same

accommodations; it's according to the kids' IEPs. So, some kids, I think, I had like two or three kids, that you could read to them because they were so low functioning . . . but I did not read the passages to them even though they needed it."

The investigators showed Ms. Blackwell the DSA page of the IEPs, which were in place for the 2011-2012 school year, and during the administration of the 2012 NJ ASK. Reading the answer choices was not part of any of the IEPs. Ms. Blackwell stated, "I don't know. I might have got questions confused with choices, because I know you can read aloud certain things to the kids and each kid is different." Ms. Blackwell said she met with the Child Study Team (CST) and they discussed the students. She said she was only doing what the CST told her she was allowed to do, but they had not put it into the IEPs yet. She stated the IEPs of her students "were not compliant." In an effort to clear up the confusion regarding the IEPs, the investigators asked Ms. Blackwell if she was administering the test according to the accommodations she thought should have been in place. She replied, "No, I didn't think that, I got confused. It's not like I read everybody's accommodations before I gave them the test. I remember, I was out three days sick, when I came back it was like here Ms. Blackwell this is your test. You're gonna test the kids. I didn't go run and get my IEPs to see what everybody's supposed to get. So, I got a little mixed up, I was in the hospital for three days. So, I got a little bit confused about I'm supposed to read the questions, not the choices, at the time I didn't remember that. So, that's what I'm saying. I made a mistake. I got mixed up. I read the choices instead of the questions. If I would have looked at everybody's IEP first, then I would had knew for sure. But, I didn't do that. I didn't have enough time to do that. The testing is in the morning. I'm coming back from being sick. I didn't even know I was giving no test. And when they're talking about here go down there. I went down there. I thought it was a district test. I totally forgot because I was not here. I thought they took the test already."

Based on the information provided by Ms. Blackwell, the investigators requested Ms. Blackwell's attendance records for the 2011-2012 school year from the District. As mentioned earlier, one of the training sessions was offered on April 17, 2012. According to Newark's Time Detail, April 17, 2012 was the only day in April Ms. Blackwell was absent. The eighth grade regular testing schedule in 2012 was April 23-April 26. Ms. Blackwell did not have three consecutive days absent for the entire 2011-2012 school year, with the exception of scheduled holidays and recess.

In accordance with the Manual:

**Page 11, TEST ACCOMMODATIONS AND MODIFICATIONS,**

*Any IEPs in effect after July 1, 1998 must list any test modifications or accommodations that will be utilized during statewide assessment.*

**Page 24, Examiner Training Sessions,**

*Examiners administering the test to students who are allowed to have the test read to them per an IEP or 504 plan, must never read a reading passage to a student.*

Page 31, **RESPONSIBILITIES OF PROGRAM PERSONNEL, BEFORE TESTING, Examiner Responsibilities,**

10. *Special education teachers ensure that school test coordinators have accurate IEP information to grid onto "School Use Only" sections of test booklet/answer folders*

Page 32, **RESPONSIBILITIES OF PROGRAM PERSONNEL, DURING TESTING, Examiner Responsibilities,**

15. *Ensures that accommodations/modifications listed in the IEPs/504 plans of students with disabilities are implemented*

Page 49, **APPENDIX A, Accommodations and Modifications of Test Administration Procedures for Special Education Students and Students Eligible under Section 504 of the Rehabilitation Act of 1973,**

*Any accommodations or modification of test administration procedures for students eligible for special education under IDEA or under Section 504 of the Rehabilitation Act of 1973 must be specified in the student's IEP or 504 accommodation plan.*

Page 73, **APPENDIX I, New Jersey Department of Education Statewide Assessment Test Security Agreement,**

4. *I will provide the appropriate test accommodations and modifications to limited English proficient (LEP), Special Education (SE), and/or Section 504 plan students in accordance with testing policy and procedures.*

**Data Review**

The investigators reviewed the Language Arts Literacy (LAL), Mathematics (Math), and Science (Sci) historical data of Ms. Blackwell's students. The investigators found the following statistics relevant:

According to the 2012 data from MI, the statewide mean WTR erasure rate for an eighth grade student for LAL was 1.22. In 2012, the 11 students who were administered the LAL portion of the NJ ASK 8 by Ms. Blackwell had 55 erasures, 27 WTR, with a mean WTR erasure rate of 2.45, which was 2.41 standard deviations (SD) above the statewide mean. In 2011, those same students were administered the NJ ASK 7 by a teacher other than Ms. Blackwell and had 16 erasures, one WTR, with a mean WTR erasure rate of 0.09, which was -1.78 SD below the statewide mean. In 2010, the same 11 students were administered the NJ ASK 6 by a teacher other than Ms. Blackwell and had 16 erasures, three WTR, with a mean WTR erasure rate of 0.27, which was -1.81 SD below the statewide mean.



According to the 2012 data from MI, the statewide mean WTR erasure rate for an eighth grade student for Math was 0.88. In 2012, the 11 students who were administered the Math portion of the NJ ASK 8 by Ms. Blackwell had 87 erasures, 37 WTR, with a mean WTR erasure rate of 3.36, which was 6.89 SD above the statewide mean. In 2011, those same students were administered the NJ ASK 7 by a teacher other than Ms. Blackwell and had 28 erasures, 12 WTR, with a mean WTR erasure rate of 1.09, which was 0.82 SD above the statewide mean. In 2010, those same students were administered the NJ ASK 6 by a teacher other than Ms. Blackwell and had 36 erasures, 13 WTR, with a mean WTR erasure rate of 1.18, which was 0.64 SD above the statewide mean.

According to the 2012 data from MI, the statewide mean WTR erasure rate for an eighth grade student for Sci was 1.26. In 2012, the 11 students who were administered the Sci portion of the NJ ASK 8 by Ms. Blackwell had 104 erasures, 53 WTR with a mean WTR erasure rate of 4.82, which was 7.42 SD above the statewide mean.

### CONCLUSION

Based upon the preponderance of evidence collected during the investigation, the OFAC investigators concluded, Ms. Blackwell breached the confidentiality and security of the test during the administration of the 2012 NJ ASK. Ms. Blackwell coached and interfered with the independent work of students and failed to follow the accommodations and modifications set forth in the students' IEPs.

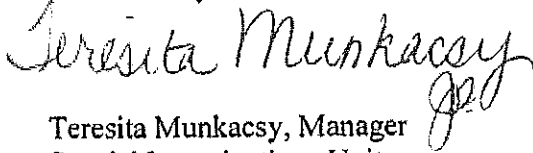
### RECOMMENDATION

The District developed and submitted a corrective action plan (CAP) to the OA on August 15, 2012, and it was accepted by the OA on September 17, 2012. The OFAC reviewed the CAP and found while it addressed some of the issues related to the breaches described there were still issues not addressed. The District shall submit an additional CAP to the OFAC indicating the measures the District will implement to ensure staff compliance with student IEPs and testing groups.

**REFERRAL**

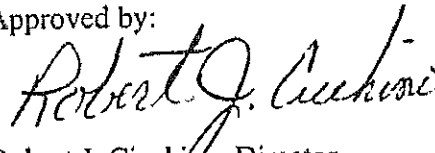
This investigative report will be referred to the State Board of Examiners for further review and whatever action it deems appropriate.

Submitted by:



Teresita Munkacsy, Manager  
Special Investigations Unit

Approved by:



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

**Investigators**

Jeannine Pizzigoni  
Robert Sensi