

State of New Jersey

CHRIS CHRISTIE Governor

KIM GUADAGNO

Lt. Governor

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

David C. Hespe Commissioner

March 22, 2016

Dr. Richard R. Corbett Chief School Administrator Hardyston Township Schools 183 Wheatsworth Road Hamburg, NJ 07419

Dear Dr. Corbett:

SUBJECT:

Hardyston Township Schools — Hardyston Elementary School Alleged NJ ASK Security Breach — OFAC Case #INV-099-12

The Department of Education, Office of Fiscal Accountability and Compliance (OFAC), recently investigated a complaint by the Hardyston Township Schools involving a security breach that occurred during the 2012 New Jersey Assessment of Skills and Knowledge third grade (NJ ASK 3). The results of the investigation are detailed in the attached investigative report. Please provide a copy to each board member for his/her review.

Utilizing the process outlined in the attached "Procedures for LEA/Agency Response, Corrective Action Plan and Appeal Process," the Hardyston Township Schools 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 report on your district's website. Should you have any questions, please contact Teresita Munkacsy, Manager, Special Investigations Unit, (609) 984-7096.

Sincerely

Robert J. Cicchino, Director

Office of Fiscal Accountability and Compliance

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Attachment

c: Robert Bumpus

Michael Yaple

Jeffrey Hauger

Rosalie S. Lamonte

Teresita Munkacsy

Stephen Eells

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

HARDYSTON TOWNSHIP SCHOOLS HARDYSTON ELEMENTARY SCHOOL ALLEGED NJ ASK 3 SECURITY BREACH OFAC CASE #INV-099-12

INVESTIGATIVE REPORT

MARCH 2016

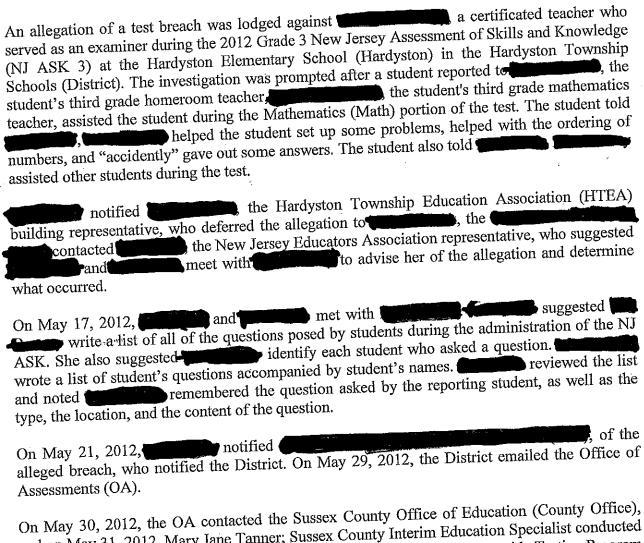
HARDYSTON TOWNSHIP SCHOOLS HARDYSTON ELEMENTARY SCHOOL ALLEGED 2012 NJ ASK 3 BREACH

EXECUTIVE SUMMARY

The New Jersey Department of Education (NJDOE), Office of Fiscal Accountability and Compliance (OFAC) conducted a follow-up review of a self reported alleged test breach involving the administration of the 2012 New Jersey Assessment of Skills and Knowledge Grade 3 (NJ ASK 3) at the Hardyston Elementary School (Hardyston) in the Hardyston Township Schools (District).

On May 11, 2012, a student reported to the student's homeroom teacher, assisted the student during the administration of the mathematics portion of the NJ ASK 3. The student also told helped other students as well. On May 21, 2012, the reported the incident to the May 29, 2012, the alleged breach to the Office of Assessments (OA).
The OA contacted the Sussex County Office of Education (County Office) and on May 31, 2012, Mary Jane Tanner, Sussex County Interim Education Specialist, conducted a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program (Preliminary Investigation) of the alleged breach. At the conclusion of her investigation, Ms. Tanner submitted her Preliminary Investigation to the OA, and the case was referred to the OFAC for further investigation.
The OFAC follow-up investigation included reviewing the Preliminary Investigation, relevant test documents, written statements, a written students' question list provided by and scanned student test booklets provided by Measurement Incorporated (MI), the NJDOE state assessment contractor for the NJ ASK. In addition, the OFAC conducted interviews with individuals thought to have knowledge relevant to the incident.
The OFAC investigation concluded test breaches occurred during the administration of the 2012 NJ ASK at Hardyston by third grade teacher, and the report contains an investigative summary, a conclusion, a recommendation, and a referral to the State Board of Examiners for further review.

INVESTIGATIVE SUMMARY



On May 30, 2012, the OA contacted the Sussex County Office of Education (County Office), and on May 31, 2012, Mary Jane Tanner; Sussex County Interim Education Specialist conducted a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program (Preliminary Investigation) of the alleged breach. On June 5, 2012, Ms. Tanner submitted a report based on her Preliminary Investigation to the OA. After reviewing the Preliminary Investigation, the OA made the determination to refer the case to the Office of Fiscal Accountability and Compliance (OFAC) for further investigation.

In February 2015, the OFAC investigators (investigators) initiated a follow-up investigation which included the following; a review of the Preliminary Investigation, a review of all pertinent documents provided by the district, and a review of the scanned student test booklets provided by Measurement Incorporated (MI), the New Jersey Department Of Education (NJ DOE) state assessment contractor for the NJ ASK. In addition, the investigators interviewed nine students, six staff members, and Ms. Tanner.

From witnesses' accounts, a review of the pertinent documentation and students' scanned tests, the investigators determined breached the security and confidentiality of the 2012 NJ ASK 3 at Hardyston. The OFAC investigation further concluded and also breached the confidentiality and security of the 2012 NJ ASK. The information obtained during the OFAC investigation is detailed below.

Third Grade Teacher and Examiner

Based on witnesses' accounts and a review of the pertinent documents, the investigators determined breached the confidentiality and security of the 2012 NJ ASK 3 when she interfered with the independent work of students by coaching students during testing and reviewing and divulging secure test items.

Interfering With the Independent Work of the Students

administered the 2012 NJ ASK 3 Math to 13 general education students. The investigators were able to interview nine students. Five of the nine students stated assisted them with the NJ ASK, specifically with fractions and division.

"Would help figure it out, would help us figure it out." The One student stated student further stated, "She, she came very close to giving me the answer and then, she was like, which one do you think and I pointed to one and she was like, okay, yeah." Another student stated, "Um, like she would, she wouldn't give us the answer, she would like show us how to do that problem if we didn't know how to do it or not." This student also stated class, before the test, there were questions on the test they did not go over yet, mainly division problems. Two other students stated would "walk us through it" if the student didn't understand how to answer the question. One of the two students added, "I don't know how to say it but, um, she would tell you kinda how to walk you through it and how to do it, and then she wouldn't answer it though." This student also stated would help the student by writing down a couple of things on the student's scratch paper to further facilitate the assistance and she would also discuss test questions after the test. This student stated the assistance was would warn the class before she offered for division problems. A fifth student stated read the directions, there were questions on the test she did not teach yet, mainly, "how to do larger number division and fractions."

The New Jersey Assessment of Skills and Knowledge Spring 2012 Examiner Manual (Examiner Manual) and the New Jersey Assessment of Skills and Knowledge Spring 2012 Grades 3-8 Test Coordinator Manual (Coordinator Manual) governs specific procedures to maintain the confidentiality and security of the testing process for all grades three through eight. The pertinent portions of the Examiner Manual and the Coordinator Manual as they relate to interfering with the independent work of the students and coaching students during testing are:

Page 13, Coordinator Manual, SECURITY PROCEDURES:

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 correction or a response.

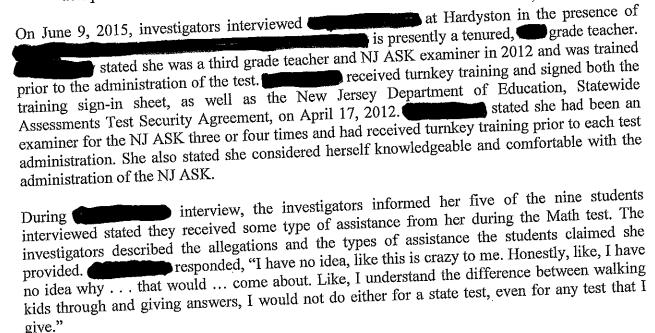
Page "i", Examiner Manual, Reminders to Teachers:

 You may answer any questions students may have about test direction, timing, etc., but may not answer any question about test items, test content, etc.

Page 73, Coordinator Manual, New Jersey Department of Education, Statewide Assessments Test Security Agreement, APPENDIX I:

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 personal responsibility to protect the security as follows:

- 8. I will not interfere with the independent work of any student taking the assessment, and I will not compromise the security of the test by any means including, but not limited to:
 - c) Coaching students during testing or altering or interfering with the student's responses in any way.
 - g) Participating in, directing, aiding, counseling, assisting, or encouraging any of the acts prohibited in this section.



Reviewing and Divulging Secure Test Items

The investigators reviewed the written statement wrote as part of the Preliminary Investigation and the list of students' questions she wrote for in both documents, stated a student asked her a question about fractions and cupcakes. In both documents, identified the question as being "the last open-ended question." also identified the student who asked the question. This was the student who initially reported the alleged breach. She further wrote this same student also asked a question in the multiple choice section. Wrote, "The only question [the student] asked was on a multiple choice. "[The student] did the work, but no answer matched."

Upon further review of the students' questions list written by the investigators noted she named other students who asked mathematics questions. When the investigators interviewed these students, they discovered some of these same students reported getting assistance from

In an effort to confirm memory of the student's open-ended question she referenced in her written documents, the investigators reviewed that student's Math test booklet. The investigators found question number 55 on the Math Day 2 test for the above indicated student, dealt with fractions and asked about circling cupcakes that have cherries. The investigators also confirmed question number 55 was the last open-ended, extended constructed-response question on the test. This confirmed what the wrote in both her written statements and also confirmed she read and remembered the test question.

On May 27, 2015, the investigators interviewed She identified the copy of her written statement and verified the chain of events described above. Stold the investigators she obtained a list of students' questions from during her meeting with and stated, "I had advised, when we talked to for her to write down everything that, that she remembered, that any of the children had said to her and she did, how many questions she had, who it was that asked the question, so that she had that for the meeting, because you tend to forget and you get nervous when you are being interviewed." Continued, "So we sat down with and she, I had her write down the stuff. She told us what happened, . . . and I did note and I did point out to red flag that went off for me, an and it didn't really say one way or another whether, whether help was given or it wasn't given, but remembered the question [the student] asked and it was about cupcakes with cherries and I went, indicating to myself and not verbally to how do you know what the question was, we're not suppose to read it, so to me that was . . . obviously protocol wasn't followed."

The Coordinator Manual and the Examiner Manual governs specific procedures to maintain the confidentiality and security of the testing process for all grades three through eight. The pertinent portions of the Coordinator Manual and the Examiner Manual as they relate to reading, reviewing and divulging secure test items are:

Page 13, Coordinator Manual, SECURITY PROCEDURES:

The NJ ASK 3–8 test booklets and their contents are secure materials. They are not to be read or copied, either wholly or in part, for any purpose without express written permission from the New Jersey Department of Education. It is the responsibility of the school districts to guarantee the security of the test materials. Security breaches may have financial consequences for the district, professional consequences for staff, and disciplinary consequences for students.

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.

Page 73, Coordinator Manual, New Jersey Department of Education, Statewide Assessments Test Security Agreement, APPENDIX I:

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 personal responsibility to protect the security as follows:

I will not divulge the contents of the secure materials to any other person through verbal, written, or any other means of communication. Failure to comply with the directives outlined below may result in professional and or financial consequences including but not limited to: revocation of licensure and credentials; dismissal from employment; and or other disciplinary actions the local education agency imposes.

Page "iv", Examiner Manual:

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

During interview, the investigators showed her the written statement she provided to Ms. Tanner during the Preliminary Investigation. She read her written statement and verified she wrote it.

The investigators asked if she remembered meeting with writing a list of students' prior to the Preliminary Investigation and, at the request of writing a list of students' questions.

The investigators asked if she remembered meeting with writing a list of students' writing a list of questions. The remembered the meeting and writing the list of questions. The investigators showed a copy of the list; she read the list and verified she wrote it.

The investigators asked about the question she described in both of her written documents. Stated, "I think because it was, what, who the student was, like they had told me who it was about, so I was trying to . . . just remember from that date what . . . I don't know now a question about cupcakes."



Based on witnesses' accounts and a review of pertinent documents, the investigators determined breached the confidentiality and security of the 2012 NJ ASK by failing to properly prepare for test administration and failing in their responsibilities as program personnel.

Failure to Properly Prepare for Test Administration

The DTCs and STCs are required to attend the regional NJ ASK training sessions provided by the NJ DOE OA each year prior to the administration of the NJ ASK. The representatives from the district who register to attend the training sessions are required to sign in upon arrival at those training sessions. Upon review of the Test Coordinator Training Sign-In sheet provided by MI, the investigators found and both attended training on March 19, 2012 at the Birchwood Manor in Whippany. During this training session, attendees received a packet which contained all manuals and documents to be utilized before, during, and after the administration of the NJ ASK, in addition to a detailed explanation of the procedures contained in the manuals and documents.

Upon review of the documents provided by the District, the investigators found student rosters, which should have pertinent information related to student testing, were not utilized during the administration of the NJ ASK.

The Coordinator Manual governs specific procedures to maintain the confidentiality and security of the testing process for all grades three through eight. The pertinent portions of the Coordinator Manual as it relates to student test rosters are:

Page 22, PREPARATION FOR TEST ADMINISTRATION, Student Rosters:

Student Rosters, with appropriate special codes, must be prepared by the DTC for each and every third-through eighth- grade student in the district. A sample Student Roster, along with a sample of page 1 of the answer folder/test booklet, is provided in Appendix C.

The Student Rosters 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 numbers.

Page 28, RESPONSIBILITIES OF PROGRAM PERSONNEL, GENERAL RESPONSIBILITIES, District Test Coordinator Responsibilities:

- 5. Assists the STCs with test administration and procedures
- 6. Becomes familiar with all test materials and procedures

Page 28, RESPONSIBILITIES OF PROGRAM PERSONNEL, GENERAL RESPONSIBILITIES, School Test Coordinator Responsibilities:

- 5. Becomes familiar with all test materials and procedures
- 6. Assists the DTC and Examiner with their testing duties

Page 29, RESPONSIBILITIES OF PROGRAM PERSONNEL, BEFORE TESTING, District Test Coordinator Responsibilities:

10. <u>Directs</u> school test coordinator on procedures to be used regarding the production of student rosters.

Page 30, RESPONSIBILITIES OF PROGRAM PERSONNEL, BEFORE TESTING, School Test Coordinator Responsibilities:

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

On March 9, 2015, the investigators requested the 2012 NJ ASK documents from Upon review of these documents, the investigator noted the student rosters were not included. During several phone conversations and email correspondences with and an an interview with they both stated recreated a version of the Student Roster Sample which did not include the necessary information, such as student identification numbers, IEP/504 information, and student attendance status.

Failure to Follow Security Procedures Regarding the Use of Test Booklet Receipts

Upon review of the NJ DOE Security and Confidentiality Agreement Test Booklet Receipts (Test Booklet Receipts), the investigators noticed they were signed and dated on the day of training, April 17, 2012, instead of on each day of testing.

The Coordinator 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 Coordinator

Manual as it relates to the proper administration of the NJ ASK and, the use and dissemination of Test Booklet Receipts are:

Page 22, PREPARATION FOR TEST ADMINISTRATION, Coordinator Manual:

The district test coordinator (DTC), school test coordinators (STC), and examiners (EX) are responsible for the proper administration of the *New Jersey Assessment of Skills and Knowledge* Grades 3–8. The successful administration of these tests depends upon cooperation and adherence to the procedures outlined in this Test Coordinator Manual. Specific instructions for the test administration are contained in the Test Examiner Manual. The DTC, STC, and EX must read all manuals carefully to get an overview of all activities.

Page 74, Coordinator Manual: Appendix "J", New Jersey Department of Education Security and Confidentiality Agreement Test Booklet Receipt:

<u>Please Note</u>: 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.

- ONLY interpreters for the hearing impaired may have the test booklet one to two hours prior to the start of the test for the purpose of review in order to ensure that they translate the test items correctly.
- Test examiners will receive their copy of the test booklet when they sign out the secure documents for their class. However, test examiners may not review test booklets in advance but may only use their copy to read aloud from when administering the test.

During the interview with the reviewed the copies of the signed Test Booklet Receipts. He confirmed the forms were signed by the examiners who administered the test to students with accommodations. The investigators informed the Test Booklets Receipts were signed on the day the examiners were trained and should have been signed when they actually received the students' test booklets on the day of testing. Stated, "Really? We always did it right when the training was done."

During the interview with the continued, the investigators showed her the signed Test Booklet Receipts provided by the confirmed they were signed only by the teachers who administered the test to students with accommodations. The investigators also pointed out the forms were signed on the day the examiner was trained, not on the day they were administering the test. The investigators asked her if she could explain why that occurred.

CONCLUSION

Based upon the preponderance of the evidence collected during this investigation, the investigators concluded breached the security and confidentiality of the 2012 NJ ASK 3. In addition, the investigators further conclude and also breached the security procedures of the 2012 NJ ASK by not following the proper administrative procedures to maintain the security of the test.

RECOMMENDATION

On June 11, 2012, the OA requested a Corrective Action Plan (CAP) from the District and approved the CAP on August 3, 2012. The district shall submit an additional CAP to the OFAC indicating the measures the district will implement to ensure staff compliance with the testing security procedures and proper test administration.

REFERAL

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

Submitted by: Jeresetz Menhaery

Teresita Munkacsy, Manager Special Investigation Unit Approved by:

Robert J. Cicchino, Director

Office of Fiscal Accountability and Compliance

<u>Investigator</u> John Walker

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

PROCEDURES FOR LEA/AGENCY 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 LEA/Agency is in agreement with any tof 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 LEA/Agency must submit the following information:

- Recommendation number
- Corrective action (approved by the board)
- 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 LEA/Agency indicating that it has been accepted.

If the corrective action plan is not acceptable, a letter will be sent to the LEA/Agency indicating whether further clarification is required or further action is necessary.

Appeal Process:

The appeal process is used to contest disputed 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 LEA/Agency 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 LEA/Agency 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 LEA/Agency, the LEA/Agency may file a Petition of Appeal pursuant to N.J.A.C. 6A:3-1.3.

I:\tconaway\CAP Procedures\capformlea.docx Attachment

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

SCHOOL DISTRICT NAME: Hardyston

TYPE OF EXAMINATION: NJ ASK

DATE OF BOARD MEETING: May 10, 2016

CONTACT PERSON: Richard R. Corbett

TELEPHONE NUMBER: 973-823-7000

FAX NUMBER: 973-827-9664

OFAC Case # INV-099-12

COUNTY: Sussex

IMPLEMENTATION COMPLETION DATE OF RESPONSIBLE FOR IMPLEMENTATION INDIVIDUAL METHOD OF IMPLEMENTATION CORRECTIVE ACTION submit and additional CAP to the OFAC indicating the On June 11, 2012, the OA proper test administration. RECOMMENDATION the District and approved measures the district will Action Plan (CAP) from compliance with testing security procedures and 2012. The district shall requested a Corrective the CAP on August 3, implement to ensure NUMBER

Chief School Administrator

Date

Board Secretary/Business Administrator

Date

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

COMPLETION DATE OF IMPLEMENTATION	February 2017	December 2016	CEL	TBD
INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	Superintendent	Superintendent	Superintendent	Superintendent
METHOD OF IMPLEMENTATION	At least two faculty meetings (at each school) shall be dedicated to training examiners, specifically regarding testing security and procedures	The DTC and STC shall meet three times prior to the above faculty meetings to prepare for faculty/examiner presentations.	Release time shall be provided to the DTC and the STCs to attend the require trainings.	Release time shall be provided to the DTC and the STCs to meet, as needed.
CORRECTIVE ACTION	1) All testing examiners will be trained by the district testing coordinator (DTC) regarding how to respond to student questions during testing.	2) The DTC will train each school testing coordinator (STC) regarding security procedures, the preparation of student rosters, and the receipt of test booklets.	3) The DTC and STCs will attend all required Department of Education training sessions.	4) The DTC and STCs shall meet following required DOE training sessions to cross check their understanding of security protocols and testing procedures.
RECOMMENDATION NUMBER				

Board Secretary/Business Administrator Date Chief School Administrator

Date

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

Board Secretary/Business Administrator Date

Chief School Administrator

Date