JOHN MARSHALL ELEMENTARY SCHOOL NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE ERASURE ANALYSIS SECURITY REVIEW OFAC CASE #INV-053-12 CORRECTIVE ACTION PLAN

Action Number	Corrective Action	Method of Implementation	Individual(s) Responsible for Implementation	Implementation Completion Date
1	Consequence for Staff Members	· Paid Administrative leave pending tenure charges	Elizabeth Board of Education	November 15, 2012
2	Revise District Training Manual (Testing Bulletin) to be used by the schools for State Assessment Training	· Document to be distributed to School Testing Coordinators (STCs) and School Principals. Document will be made available on Intranet	Director of Research, Evaluation and Assessment	Within one week of State Assessment Training provided by the NJ DOE.
3	Require all Principals, STCs, and alternate STCs to attend district-provided turn-key training on test administration and security procedures within one week of New Jersey Department of Education training.	· Director of Research, Evaluation and Assessment will provide initial and refresher training. ·Instructional video will be on the Intranet. · Power-point and handouts will be available on the Intranet.	Director of Research, Evaluation and Assessment	Within one week of State Assessment Training provided by the New Jersey Department of Education.
4	Submission of site rosters and examiner/proctor assignments with the Principal's signature of approval to the Division of Research, Evaluation and Assessment.	· Submit electronically to the Director of Research, Evaluation and Assessment within thirty days prior to start of state testing. · Changes and approvals will be made by the Director of Research, Evaluation and Assessment.	Director of Research, Evaluation and Assessment	High Schools · February 2013 Elementary Schools · April 2013
5	Develop on-line website tip line for reporting suspicion of testing irregularities.	· Develop protocol and incorporate into guidance document and all trainings	Assistant Superintendent for Teaching and Learning Director of Research, Evaluation and Assessment Legal Department	· January 2013

State of New Jersey
DEPARTMENT OF EDUCATION
PO BOX 500
TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

November 8, 2012

Mr. Fernando Nazco, Board President
Elizabeth Public Schools
500 North Broad Street
Elizabeth, NJ 07208

Dear Mr. Nazco:

SUBJECT: NJ ASK Security Breach – John Marshall School Number 20
OFAC Case # INV-053-12

The Office of Fiscal Accountability and Compliance (OFAC) has completed an investigation of the testing procedures utilized at the John Marshall School Number 20 (John Marshall), in the Elizabeth Public Schools, in response to findings resulting from the administration of the 2010 New Jersey Assessment of Skills and Knowledge Test (NJ ASK).

Following a review of all pertinent information and documentation with respect to this case, a violation of test security breaches was disclosed at John Marshall. The information obtained during the OFAC review in 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 LEA/Agency Response, Corrective Action Plan and Appeal Process," pursuant to N.J.A.C. 6A:23A-5.6, the Elizabeth Board of Education is required to publicly review and discuss the findings in the 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 a corrective action plan which addresses the issues raised in the undisputed findings and/or submit an appeal of any findings in dispute. A copy of the resolution and the approved corrective action plan 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 board's corrective action plan on your school district's website. Should you have any questions, please contact Mr. Thomas Martin, Manager, Investigations Unit, at (609) 633-9615.

Sincerely,

Robert J. Cicchino

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

RJC/tmm/S:\Elizabeth\No 20 John Marshall\John Marshall CAP letter.docx
Attachments
c: Christopher D. Cerf
Bari Erlichson
Justin Barra
Jeffrey Hauger
Barbara Morgan
Thomas C. Martin
Jeannine Pizzigoni
James Scaringelli
Teresita Munkacsy

STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE

INVESTIGATIONS UNIT

ELIZABETH SCHOOL DISTRICT

JOHN MARSHALL ELEMENTARY SCHOOL

NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE

ERASURE ANALYSIS SECURITY REVIEW

OFAC CASE #INV-053-12

INVESTIGATIVE REPORT

NOVEMBER 2012

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

ELIZABETH SCHOOL DISTRICT
JOHN MARSHALL ELEMENTARY SCHOOL
NJ ASK 2010 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 Acting Commissioner of Education 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 test.

The irregularities that launched the investigation were the wrong to right (WTR) erasure patterns detected on the tests by Measurement Incorporated (MI), the NJDOE state assessment contractor for the NJ ASK. The NJDOE set a threshold of four standard deviations (SD) above the statewide mean for WTR erasures before the OFAC was assigned to investigate. The SD is an indication of how far the values in a data set deviate from the mean.

In the Elizabeth School District (district), the John Marshall Elementary School (John Marshall), third grade, was identified as a school wherein an investigation would be conducted. In addition to the EA Report, information concerning a NJ ASK test breach was brought to the OFAC's attention by the Union County Prosecutor's Office (UCPO). The OFAC was provided with a report that documented a possible test breach that occurred in the principal's office.

In September 2011, the OFAC sent a letter directing the district to conduct a comprehensive analysis of the May 2010 NJ ASK testing procedures at John Marshall. The district responded with its report on November 9, 2011. The report stated testing irregularities such as excessive testing times, missing signatures on the Security Checklists, late return of secure testing materials to the district by the School Test Coordinator (STC), failure to return appropriate testing materials to the district on the part of the STC, a large number of instances when the time the materials were picked up or returned were not indicated, some personnel not being informed of security test procedures, and tests not being stored in a secure location occurred. At the direction of the OFAC, the district provided additional documentation on January 6, 2012 to support its review.

In order to determine the underlying causes of the excessive WTR erasures on the 2010 NJ ASK, the OFAC investigators (the investigators) examined the following: the district's supporting documents, 2010 test booklets, security checklists, testing data, and individual Language Arts Literacy (LAL) and Mathematics (MATH) test scores. The investigators also conducted interviews of 27 current or former district personnel, 14 current or former students, and one representative from the UCPO.

The investigators determined a security breach of testing materials was committed by two third grade teachers, a third grade proctor, a teacher/tutor designated as the Alternate Test Coordinator (ATC), and the school principal as a result of:

- Examiners and proctors influencing examinee's responses to test questions;
- Completed or partially completed secure test materials being read either wholly or in part during or after test administration;
- A failure to verify the return of a test booklet by signing the return receipt of the Security Checklist; and
- Discussion of test items during or after test administration.

The investigators also discovered procedural irregularities in the administration of the NJ ASK test to include the following:

- An excessive testing window;
- Staff members signing test booklet receipts when they were not entitled to receive these documents;
- Staff members involved with testing were not trained in test administration and security test procedures;
- All school personnel not being informed of NJ ASK security test procedures;
- Location of secure test materials when not in use;
- Assignment of examiner/proctor pairings; and
- An alternate test coordinator assuming the responsibilities of the STC without cause.

The remainder of this report consists of a background of events, investigative procedures, investigative summary, a conclusion, a referral to the State Board of Examiners for its determination, a list of procedural irregularities, 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 NJ ASK in LAL and MATH for grades three through eight and in Science (SCI) for 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.

NJDOE's Office of Assessments (OA) coordinates the development and implementation of the NJ ASK. MI, the contractor for NJ ASK, is responsible for all aspects of the testing program which include: 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's mean to the statewide mean. Those schools for which the erasure rate exceeded the NJDOE defined threshold of two SDs above the statewide mean were flagged and their WTR erasure rates were noted in the NJ ASK EA Reports. The OA assumed responsibility for investigating those schools that had WTR erasure rates exceeding four SDs above the statewide mean and set the criteria by which further investigation would be warranted by the OFAC.

John Marshall was one of the schools flagged in the 2010 NJ ASK EA Reports. The OA determined that an additional investigation was warranted to determine the underlying causes of the excessive WTR erasures on the third grade NJ ASK tests.

INVESTIGATIVE PROCEDURES[1]

Examiner/Proctors Training Sessions: Investigators interviewed the STC, test examiners, and test proctors to determine whether: (1) all school examiners and proctors attended a training session conducted at the testing site by the STC; (2) a copy of the examiner's responsibilities and one Test Examiner Manual was distributed to each examiner; and (3) all school examiners and proctors signed the NJDOE Statewide Assessments Test Security Agreement (Test Security Agreement).

Test Booklet Distribution and Security: Investigators interviewed the STC, test examiners, and 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; and (3) whose signatures appeared on the School Security Checklist acknowledging receipt of test materials.

Test Booklet Collection: Investigators interviewed the STC, test examiners, and test proctors to determine: (1) who collected the test booklets; (2) when the 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 Security Checklists: Investigators examined the 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 when returned.

Testing: Test examiners, proctors, and students were interviewed to determine whether: (1) the test examiners were the only individuals involved in distributing and collecting test booklets and answer sheets from students; (2) examiners and proctors circulated throughout the room during testing to ensure all students were working in the correct section by observing the correct symbol in the right corner of the test booklet and/or answer folder; (3) all curriculum materials pertaining to the subject matter were covered or removed from the room; (4) students were seated in such a way that they were not tempted to look at the answers of others; (5) test items were not discussed or disclosed either before, during, or after the testing administration; (6) examiners did not influence, alter, or interfere with examinees' responses in any way; (7) examiners did not provide feedback, including any hint about the correctness of a response; and (8) there was adherence to test time limits.

Testing Irregularities: Each person interviewed was asked if any testing irregularities involving test booklets, answer folders, or anything that could impact the scoring of the test booklet/answer folder occurred during the administration of the test and if so, was an irregularity report filed.

---

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

Test Booklet/Answer Sheet Analysis: Each student's multiple choice answers for the LAL and MATH tests and all 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.

Erasure Analysis Data Review: The results from the 2010 NJ ASK EA Report, received from MI, were reviewed to assist in determining the underlying causes of the excessive erasures.

INVESTIGATIVE SUMMARY

The investigators determined from witnesses' accounts, the data analysis review of the 2010 NJ ASK EA Report, the review of 2010 testing data, and the district's report that there was interference with the third grade examinees' responses and the security and/or confidentiality of the testing materials was breached at John Marshall.

Information obtained from the review led the investigators to conclude the following John Marshall staff participated in a variety of activities that breached the security and confidentiality of the testing materials:

1. Mrs. Barbara Bampoe-Parry, examiner and third grade teacher in 2010.
2. Ms. Christine Krzeminski, test proctor and resource teacher in 2010.
3. Mrs. Debra Stallone, examiner and third grade teacher in 2010.
4. Mrs. Nancy Yacabonis, guidance counselor and STC in 2010.
5. Mrs. Sandra Sussman, teacher/tutor and Alternate Test Coordinator in 2010.
6. Dr. Thelma Hurd, test proctor and principal in 2010.

Additional information concerning a NJ ASK test breach was brought to the OFAC's attention by the UCPO. An investigator with the prosecutor's office provided a report that stated a witness walked into the principal's office, saw the NJ ASK tests out on the desk and observed Dr. Hurd and another person erasing the answers. The OFAC investigators interviewed 14 current or former district employees who provided additional information as to the allegations made in the UCPO's report; however, no direct corroborating evidence could be obtained during the review.

The OFAC also reviewed the 2010 MI data for John Marshall to assist in determining the underlying causes of the excessive erasures and found the following:

- **19.64%** of the 2010 John Marshall Grade 3 students (11 of the 56) achieved a 300 MATH scale score. The **probability of having 11** John Marshall students achieve a score of 300 on the MATH test is **1.65 out of ten thousand**. Based on the scores these students achieved on the LAL test, approximately 5.36% of the students, or **three students, could have been expected to achieve a 300 MATH score**.
- **10.71%** of the John Marshall Grade 3 students (6 of the 56) achieved a perfect multiple choice (35/35 MC) score on the NJ ASK MATH test. The probability of having six John Marshall students achieve a perfect MC score on the MATH test is **4.96 out of ten thousand**. Based on

the scores these students achieved on the LAL test, approximately 1.79% of the students, or **one student, could have been expected to achieve a perfect MC score.**

- **23.21%** of the 2010 John Marshall Grade 3 students (13 of the 56) scored 34 or better on the MATH MC. The probability of having 13 John Marshall students achieve a MC score of 34 or above on the MATH test is **less than seven out of one hundred million.** Based on the scores these students achieved on the LAL test, approximately 3.57% of the students, or **two students, could have been expected to score 34 or better on the MATH MC.**

Barbara Bampoe-Parry and Christine Krzeminski

The investigators have determined through analysis of test documents, review of statistical information provided by MI, and witness interviews that Mrs. Barbara Bampoe-Parry and Ms. Christine Krzeminski breached test security during the third grade 2010 NJ ASK test by discussing the correctness of answers and initiating feedback with students, including providing hints about the correctness of examinee responses. Mrs. Bampoe-Parry served as the examiner and Ms. Krzeminski served as the proctor for one of the third grade classes at John Marshall for the 2010 NJ ASK third grade test administration. This class was Mrs. Bampoe-Parry's regular class during the 2009-2010 school year. Documentation from the test administration and witness statements confirmed Mrs. Bampoe-Parry was present for each day of testing and Ms. Krzeminski was present three of the four testing days.[2]

The 2010 third grade NJ ASK MATH test was administered to 102,085 students statewide. An examination of the WTR erasures determined the following information pertaining to students in Mrs. Bampoe Parry's class:

- Five hundred forty-seven of the 102,085 third grade students had eight or more WTR erasures on the 2010 NJ ASK MATH test. Twelve of those students were administered the test by Mrs. Bampoe-Parry and Ms. Krzeminski. According to MI, the probability of 12 of those 547 students with eight or more WTR erasures, ending up in the same class is **less than nine out of one trillion.**
- All 12 students who were administered the test by Mrs. Bampoe-Parry and Ms. Krzeminski and had eight or more WTR erasures received an advanced proficient MATH score. Four of the 12 students received a MATH score of 300. A review of these same 12 students' MATH scores for the 2011 fourth grade NJ ASK test determined only two of the students achieved an advanced proficient score; six students achieved a proficient score, while three students achieved a partially proficient score (**below the state minimum of proficiency**.) One student did not take the NJ ASK test at John Marshall in 2011.
- Sixty-eight of the 102,085 third grade students statewide had 12 or more WTR erasures (less than 0.07%). Six of those sixty-eight students (9%) were administered the test by Mrs. Bampoe-Parry and Ms. Krzeminski. Three students had 12 WTR erasures and three students

[2] The one day Ms. Krzeminski did not serve as proctor for Mrs. Bampoe-Parry, she was replaced by Sharon King-Jones a second grade teacher at John Marshall. The OFAC investigation determined that Mrs. King-Jones had not received training in the administration of the 2010 NJ ASK test. This matter will be discussed in a separate portion of this summary. Furthermore, the witnesses present during the test administration at no point identified Mrs. King-Jones as having participated in providing information as to the correctness of test answers.

had 13 WTR erasures. According to MI, the probability of six students in this particular class having 12 or more WTR erasures among sixty-eight of the 102,085 students taking the test statewide is **less than nine in one billion.**

Subsequent to a review of the 2010 EA Report, the investigators ascertained that 93% of the erasures (174 out of 187) on the MATH test were WTR erasures and 81% of the erasures (67 out of 83) on the LAL test were WTR erasures in Mrs. Bampoe-Parry and Ms. Krzeminski's class. Statewide 66.99% of the erasures on the MATH test and 56.15% on the LAL test were WTR erasures for the third grade.

The erasure analysis data review revealed the following information regarding the 20 students taking the third grade 2010 NJ ASK test administered by Mrs. Bampoe-Parry and Ms. Krzeminski:

- 90% of the students (18 of 20) achieved advanced proficient scores on the MATH test; six of those 18 students received a 300 test score.
- 10% of the students (2 of 20) achieved proficient scores on the MATH test.
- **None of the students** scored below the state minimum of proficiency on the MATH test.
- **None of the students** achieved advanced proficient scores on the LAL test.
- 80% of the students (16 of 20) achieved proficient scores in the LAL test.
- 20% of the students (4 of 20) scored **below the state minimum of proficiency** on the LAL test.

The investigators reviewed the fourth grade 2011 NJ ASK scores for 19 of the 20 students' who were in Mrs. Bampoe-Parry and Ms. Krzeminski's class and revealed a significant drop in test scores:

- **None of the students** achieved a 300 score on the MATH test.
- 21% of the students (4 of 19) achieved advanced proficient scores on the MATH test.
- 47% of the students (9 of 19) achieved proficient scores on the MATH test.
- 31% of the students (6 of 19) scored **below the state minimum of proficiency** on the MATH test.
- 6% of the students (1 of 19) achieved an advanced proficient score on the LAL test.
- 47% of the students (9 of 19) achieved proficient scores on the LAL test.
- 47% of the students (9 of 19) scored **below the state minimum of proficiency** on the LAL test.

Nineteen of the 20 students tested by Mrs. Bampoe-Parry and Ms. Krzeminski were returning students at John Marshall in 2011. A table comparing 2010 and 2011 MATH & LAL scores of these same students reveals the following information:

	2010	2011
Advanced Proficient Score MATH	**95%** (18 of 19 Students)	**21%** (4 of 19 Students)
Proficient Score MATH	**5%** (1 of 19 Students)	**47%** (9 of 19 Students)
Below State Minimum of Proficiency MATH	**0%** (0 of 19 Students)	**31%** (6 of 19 Students)
Advanced Proficient Score LAL	0% (0 of 19 Students)	6% (1 of 19 Students)
Proficient Score LAL	**84%** (16 of 19 Students)	**47 %** (9 of 19 Students)
Below State Minimum of Proficiency LAL	**16%** (3 of 19 Students)	**47%** (9 of 19 Students)

According to witness accounts, Mrs. Bampoe-Parry pointed to the test or verbally told students how to answer questions correctly on the third grade 2010 NJ ASK test. Some witnesses indicated Mrs. Bampoe-Parry would also tell students to check their answer again when she observed the students had an incorrect answer. One witness recounted Mrs. Bampoe-Parry telling students an answer was not right and to go back and check it. This witness further related Mrs. Bampoe-Parry would also point to a student's test booklet at a specific number and tell the student to look at it again because the answer did not make sense. According to the witnesses, based upon Mrs. Bampoe-Parry's actions, the students would change the original answers they had chosen.

According to witness accounts, during the third grade 2010 NJ ASK test, Ms. Krzeminski interacted with students by verbally stating specific answers were incorrect, pointing to specific answers indicating their correctness, or by placing a check mark next to a correct answer. The placing of a check mark next to a correct answer was verified by the OFAC investigator's examination of a student's test booklet. One witness recalled Ms. Krzeminski assisting so often, that instead of answering the questions on his/her own, the student would just look up at Ms. Krzeminski for the answer before answering the question. Another witness related the proctor would stand by a student's desk and say "this is wrong, this is wrong", causing the student to erase the incorrect answer. According to the witnesses, due to Ms. Krzeminski's actions, the students would then change answers they had originally chosen. One of the witnesses identified Ms. Krzeminski as Ms. Elana Rabinowitz. This misidentification was clarified through further investigation.[3]

The investigators interviewed John Marshall staff members who, after the administration of the third grade 2010 NJ ASK test, interacted with several of the students tested by Mrs. Bampoe-Parry and Ms. Krzeminski. The staff members provided their professional evaluations of these students and were asked to give their opinion of the NJ ASK scores these students received in the third grade in comparison to their assessment of the students in subsequent grades. The staff members were able to provide information for 18 students that continued their education at John Marshall. It was the staff's assessment that eight of the 18 students who achieved advanced proficient scores could not have achieved those scores based on their knowledge of the students' abilities. Two of those students were recommended to be retained; however, they attended summer school in lieu of retention. These assessments were reflected in the fourth grade 2011 NJ ASK test scores of these same students that were cited above.
The witnesses providing the statements concerning the actions of Mrs. Bampoe-Parry and Ms. Krzeminski during the third grade 2010 NJ ASK test administration had first-hand knowledge of these events.

During the course of the review, the investigators became aware of similar actions being performed by Ms. Krzeminski during the third grade 2009 NJ ASK test administration. In 2009, Ms. Krzeminski also served as a proctor to Mrs. Bampoe-Parry. A witness was identified and subsequently interviewed

[3]Examination of school records and an interview conducted with Elana Rabinowitz determined that she was not assigned to John Marshall during the 2009-2010 school year and she did not serve as a proctor for the 2010 NJASK test administration at John Marshall. Ms. Rabinowitz indicated in her interview that it was common for students to confuse her with Ms. Krzeminski. This was due to the fact that they shared the same position at John Marshall from September to November 2010 and subsequent to Ms. Krzeminski's departure from the school Ms. Rabinowitz remained the school resource teacher and they resembled each other slightly.

regarding these matters. This witness related that Ms. Krzeminski would tell students in the classroom the answer they had on the test was wrong. At other times Ms. Krzeminski would draw an imaginary "X" through an answer with her finger, indicating to a student the answer was wrong, and then pointed to the correct answer. The witness further related that Ms. Krzeminski would turn back the pages on a student's test booklet so she could check the answers she had previously assisted the student with.

While reviewing the 2010 School Security Checklists, the investigators noted one third grade test booklet was signed out by Mrs. Bampoe-Parry; however, the test booklet was not signed as returned after testing. Mrs. Bampoe-Parry signed out 21 student test booklets on both LAL testing days. Twenty booklets were used by students and one was used by Mrs. Bampoe-Parry for the reading prompts. Based upon the absence of Mrs. Bampoe-Parry and Mrs. Sussman's signatures on the portion of the Day 2 LAL security checklist that would document a test booklet return, it appeared as though test booklet #3094158 was not returned.

Debra Stallone

The investigators determined during their review, Mrs. Stallone breached the test during the 2010 NJ ASK Test.

Mrs. Stallone administered the third grade 2010 NJ ASK test to 21 students. The 2010 EA Report provided the following information regarding the 21 students taking the third grade 2010 NJ ASK test in the class administered by Mrs. Stallone:

- 52% of the students (11 of 21) achieved advanced proficient scores on the MATH test; four of those 11 students received scores of 300.
- 28% of the students (6 of 21) achieved proficient scores on the MATH test.
- 19% of the students (4 of 21) scored **below the state minimum of proficiency** on the MATH test.
- **None of the students** achieved advanced proficient scores on the LAL test.
- 66% of the students (14 of 21) achieved proficient scores on the LAL test.
- 33% of the students (7 of 21) scored **below the state minimum of proficiency** on the LAL test.

A comparison of 17 of the 21 students' fourth grade 2011 NJ ASK test scores to the scores they received when the test was administered by Mrs. Stallone revealed a significant drop in advanced proficient test scores:

- 17% of the students (3 of 17) achieved advanced proficient scores on the MATH test; none of those students received scores of 300.
- 58% of the students (10 of 17) achieved proficient scores on the MATH test.
- 23% of the students (4 of 17) scored **below the state minimum of proficiency** on the MATH test.
- **None of the students** achieved advanced proficient scores on the LAL test.
- 53% of the students (9 of 17) achieved proficient scores on the LAL test.
- 47% of the students (8 of 17) scored **below the state minimum of proficiency** on the LAL test.

Seventeen of the 21 students tested by Mrs. Stallone were returning students at John Marshall in 2011. A table comparing 2010 and 2011 MATH & LAL scores of these same students reveals the following information:

	2010	2011
Advanced Proficient Score MATH	**59%** (10 of 17 Students)	**17%** (3 of 17 Students)
Proficient Score MATH	**23%** (4 of 17 Students)	**59%** (10 of 17 Students
Below State Minimum of Proficiency MATH	**17%** (3 of 17 Students)	**23%** (4 of 17 Students)
Advanced Proficient Score LAL	0% (0 of 17 Students)	0% (0 of 17 Students)
Proficient Score LAL	**70%** (12 of 17 Students)	**53%** (9 of 17 Students)
Below State Minimum of Proficiency LAL	**29%** (5 of 17 Students)	**47%** (8 of 17 Students)

According to a witness account, Mrs. Stallone verbally told students to take a look at their answers again if she noticed an incorrect answer on a student's test. The witness recalled Mrs. Stallone walking around the room carrying a piece of paper. If a student had a question, Mrs. Stallone would use the paper to show the student an example of how to answer that question. Mrs. Stallone would also verbally tell the student another way to solve the problem using a similar situation to the one on the test.

Mrs. Stallone admitted during her interview that she discussed the MATH test questions after the test in the teachers' lounge with unidentified staff members. She recalled specifically stating, "Can you believe that test?", "Did you see that graph?", and "That was a ridiculous problem." referring to how difficult some of the math questions were.

Nancy Yacabonis

According to the November 9, 2011 district report, there were a large number of instances in several of the John Marshall grade levels, during the 2010 NJ ASK testing, when Mrs. Yacabonis, the STC, did not fulfill the requirement of recording the time and/or dating the materials which were being returned. Although the details of the Security Checklist revealed numerous instances of the failure to record the time and date, this action occurred only once in the *third* grade 2010 NJ ASK test administration.

The investigators conducted a detailed review of the third grade Security Checklists on file for John Marshall and determined the proper procedures were not followed. On Day 2 LAL Mrs. Bampoe-Parry did not return test booklet #3094158. The date and time returned area on the Security Checklist did not contain teacher, ATC, or STC signatures for that day signifying the return of the test booklet. No formal report was submitted documenting a breach in the test security had occurred due to a test booklet not being returned. As the STC, Mrs. Yacabonis was responsible for the discovery of the security breach and subsequent reporting and investigation of the matter.

Also, according to the district report, Mrs. Yacabonis stated she remembered some of the General Education site teachers returning the test materials later than the allotted time frame. She told the examiners they should not have kept their materials that long. At no time did she walk to the classrooms where testing was occurring to check on the progress of the test administration to ensure there were no problems causing the materials to still be signed out. Mrs. Yacabonis did not report these occurrences to the district's Division of Research Evaluation and Assessment.

The investigators questioned Mrs. Yacabonis concerning the length of time examiners were in possession of test materials and she stated, "Mrs. Bampoe-Parry had tests out a long period of time, MATH Day 2 specifically jumps out because they were waiting for her tests. We were like come on already. I think we called down to her room." No further action was taken by Mrs. Yacabonis regarding the excess time period Mrs. Bampoe-Parry was in possession of test material.

In 2010, Mrs. Yacabonis was late for her scheduled time to return test materials to the district office and she did not bring all the required test materials and paperwork with her. As a result, she was sent back to John Marshall to retrieve materials that were missing.

The district addressed these issues by mandating that Ms. Yacabonis will no longer be permitted to act as the STC.

Sandra Sussman

The investigators determined during their review, Mrs. Sussman breached the test during the 2010 NJ ASK Test.

During the 2010 testing period, Mrs. Sussman's job description was that of a teacher/tutor and she was designated as the ATC. Despite the fact the STC, Mrs. Yacabonis, was available and present during the entire 2010 NJ ASK testing; Mrs. Sussman was placed in charge of third and fourth grade testing by Dr. Hurd. Mrs. Yacabonis was responsible for fifth through eighth grade testing. This was verified by the John Marshall Security Plan-Appendix M indicating Sandra Sussman as the staff member in charge of third and fourth grade test and Nancy Yacabonis as the staff member in charge of fifth through eighth grades testing. Mrs. Sussman was designated as the ATC and was assigned to distribute and collect secure test materials for the third and fourth grade daily, documenting the transfer on the School Security Checklists. The STC, Mrs. Yacabonis, was assigned these same responsibilities for fifth through eighth grade. When questioned as to why Mrs. Sussman was given that responsibility, it was expressed by Dr. Hurd and many staff members that Mrs. Yacabonis was disorganized and could not handle the responsibility, yet she was the school's designated STC and was left in charge of testing for the upper grades. The test administration for the fifth through eighth grades is considered to be more complex than third and fourth grades, due to test and answer booklets being separate.

In addition, Mrs. Sussman failed to notice or report that on Day 2 LAL Mrs. Bampoe-Parry did not return test booklet #3094158. The date and time returned area on the Security Checklist did not contain teacher, ATC, or STC signatures for that day signifying the return of the test booklet. No formal report was submitted documenting a breach in the test security had occurred due to a test booklet not being returned.

Dr. Thelma Hurd

The investigators determined during their investigation Dr. Hurd reviewed completed test booklets and threatened staff to "please their boss" which resulted in breaches to the security and/or confidentiality of the testing materials for the NJ ASK test.

One witness stated Dr. Hurd would look over completed test booklets while awaiting the return of other classes' test booklets to see how the students did on each section. This witness specifically recalled Dr. Hurd reading the students' writing samples on the LAL test. This action is a security breach and violation of test security procedures which state, "The NJ ASK 3-8 test booklets and their contents are secure materials. They are not to be read or copied wholly or in part, for any purpose without the express written permission of the New Jersey DOE."

As learned from the witnesses' statements, Dr. Hurd's philosophy of "please your boss" was known throughout the building. When interviewed by investigators and questioned as to the term "please your boss" Dr. Hurd stated, "oh yes that is one of the best ways to run this school is please your bosses and I also did anything that I could to please Pablo". Investigators were told by witnesses Dr. Hurd would often intimidate her staff and placed an extraordinary amount of pressure on them to succeed. Witness statements detailed Dr. Hurd's no nonsense approach had them afraid to disappoint her, she ran a "tight ship" and she would often humiliate her staff. Witnesses recalled hearing announcements made by Dr. Hurd over the public address system embarrassing staff members by announcing that specific teachers' test scores were terrible and they were a failure to the entire school. They also recalled Dr. Hurd saying that if the students did not pass the test, teachers would be fired and teachers were described as lousy because their students did not do well on the test. Comments of this nature were directed at many of the staff members which created a stressful environment for the teachers at John Marshall according to the staff members interviewed. The need to "please your boss" and have students attain high test scores at all costs may have served as the motivation for manipulation of the test answers by staff members.

During an interview with investigators, Dr. Hurd admitted questioning Mrs. Bampoe-Parry about two specific students who received a score of 300 and others who achieved scores above their perceived capabilities on the third grade 2010 NJ ASK MATH test. Dr. Hurd could not understand how these students achieved such high scores, specifically the students that achieved the 300 score when, in her opinion, they were not capable of such accomplishments. Dr. Hurd stated she questioned Mrs. Bampoe-Parry about one student who had behavioral issues and who was often suspended from school. She further stated, "There is no way the student is going to pass the test. How could he pass when he is never there?" When questioned about his 300 score, Dr. Hurd stated Mrs. Bampoe-Parry said, "He was retained before and he may have remembered." When asked if there were any warning signs as to this student and his score, Dr. Hurd's reply was "Yes, we couldn't believe it, but what could we do? I told her (referring to Mrs. Bampoe-Parry) there has to be something wrong here." No further action was taken on the part of Dr. Hurd to follow up on these test results. In reference to another student who received a 300 score, Dr. Hurd said she was shocked and questioned Mrs. Bampoe-Parry asking, "How did he ever get a perfect score?" Mrs. Bampoe-Parry offered the students were just so bright and excelled and stupidly I bought it." Again, no follow-up action was taken to determine the legitimacy of this student's test results.

Miscellaneous Statistical Information

Investigators examining the 2010 EA Report discovered third grade students administered the 2010 NJ ASK test by Suhail Lessette Campos exceeded the four SDs above the statewide mean. Witness interviews regarding the administration of the test were conducted and no evidence of a security breach

was found. The following is presented to supplement the statistical information listed previously in this summary.

Ms. Campos administered the third grade 2010 NJ ASK test to three students. The three were tested separately from other students due to their classification as English as a Second Language (ESL) students. Two students were assigned to Mrs. Bampoe-Parry's class and one student was assigned to Mrs. Stallone's class for the 2010-2011 school year. The 2010 EA Report provided the following information regarding the three students taking the 2010 NJ ASK test in the class administered by Ms. Campos:

- 100% of the students (3 of 3) achieved advanced proficient scores on the MATH test with each student having 8 or more WTR erasures. **The probability of 3 out of 3 students having eight or more WTR erasures is estimated to be 1.5 out of ten million.**
- 100% of the students (3 of 3) achieved a proficient score on the LAL test.

A comparison of two of the three students' fourth grade 2011 NJ ASK test scores to the scores they received when the test was administered by Ms. Campos revealed the following:

- 50% of the students (1 of 2) achieved **advanced proficient** scores on the MATH test.
- 50% of the students (1 of 2) scored **below the state minimum of proficiency** on the MATH test.
- 100% of the students (2 of 2) achieved **proficient** scores on the LAL test.

In 2011 two of the three students tested by Ms. Campos were returning students at John Marshall. A table comparing 2010 and 2011 MATH & LAL scores of these same students reveals the following information:

	2010	2011
Advanced Proficient Score MATH	100% (2 of 2 Students)	50% (1 of 2 Students)
Proficient Score MATH	0% (0 of 2 Students)	0% (0 of 2 Students
Below State Minimum of Proficiency MATH	0% (0 of 2 Students)	50% (1 of 2 Students)
Advanced Proficient Score LAL	0% (0 of 2 Students)	0% (0 of 2 Students)
Proficient Score LAL	100% (2 of 2 Students)	100% (2 of 2 Students)
Below State Minimum of Proficiency LAL	0% (0 of 3 Students)	0% (0 of 2 Students)

Information Obtained-Union County Prosecutor's Office

Prior to the initiation of this review, the NJDOE received information from Lieutenant James Russo of the UCPO regarding a breach in NJ ASK test security at John Marshall. During the course of an unrelated investigation in the district, Lt. Russo received information, from an unknown source, that in 2007 a social worker identified as Victoria Lawrence White observed Dr. Hurd the school's principal and another unidentified staff member, whose name is phonetically spelled "Sessoms", erasing and correcting answers on NJ ASK tests. Subsequent to this observation Ms. White reported the incident to Alisa Olin, her supervisor and Natalie Kosonocky, Director of Curriculum and Instruction for the

district. The incident was then reported to Assistant Superintendents Olga Hugelmeyer, Jennifer Barrett, and the district's general counsel, Kirk Nelson. According to the report, the altered tests were then confiscated and secured after the witnesses in this matter were brought together in a meeting. Following this event at a meeting of Superintendent Pablo Munoz's Counsel Group, Dr. Susan Mettlen, the district's Director of Information and Technology stated she thought John Marshall was cheating, based upon her review of MAP test scores (which are considered to be highly predictive of students' performance on the NJ ASK test) that were very low in comparison to the same students' NJ ASK test scores.

OFAC follow-up to UCPO Information

In conjunction with the review of test procedures at John Marshall, the OFAC investigators sought to verify the information gathered by the UCPO.

In an effort to identify the staff member with Dr. Hurd during Ms. White's observation, a review of Criminal History Review Unit records was performed in order to determine if anyone with the last name of Sessoms had received approval for employment in the Elizabeth School District. It was discovered Lakeeda Sessoms had been approved for employment in the district on September 9, 2009 as a substitute teacher. Ms. Sessoms was contacted and related she had never substituted at John Marshall and had no knowledge of this event occurring. Ms. Sessoms further stated she knew of Dr. Hurd, but did not know her personally. Based upon information obtained during this review, Lakeeda Sessoms was not the individual allegedly observed erasing and correcting answers on NJ ASK test.

During the investigation Mrs. Sussman was identified as having worked with Dr. Hurd at John Marshall for over 30 years and was well known for being Dr. Hurd's "right hand woman" and having complete access to the principal. Based upon the close working relationship between Dr. Hurd and Mrs. Sussman and the possibility of phonetic misspelling of "Sessoms" and "Sussman" it is believed that the person in the office with Dr. Hurd alleged to have been erasing and correcting test answers is Mrs. Sussman.

Based upon information obtained during this review, investigators contacted and interviewed several current and former district employees with regard to their knowledge of this alleged incident. Each person stated they do not have any direct knowledge of these events and with the exception of one individual; no one spoke to Ms. White regarding her observations. Their knowledge of this incident is based upon third party conversations either alone or in a group setting.

One witness told investigators an e-mail had been sent through the district computer system detailing Ms. White's observations to two administrators in the district. Alberto Marsal, Coordinator of Network and Computer Systems for the district, was provided with information as to the time frame, author, recipients, possible subject matter, and contents of the alleged e-mail. Mr. Marsal related to investigators he had performed a search of the computer system and located in excess of one hundred e-mails between the author and recipients during the time period in question, however he could not locate any dealing with the subject heading and contents specified by investigators.

Due to the lack of supporting evidence, the allegation that Dr. Hurd and another individual were observed changing answers on NJ ASK tests is unsubstantiated.

PROCEDURAL IRREGULARITIES

Subsequent to a review of the third grade 2010 NJ ASK security checklist receipt and return times, the investigators noted the following:

- LAL Day One testing (May 10, 2010), Mrs. Bampoe-Parry was in possession of the test booklets from 9:00 a.m. until 12:10 p.m., a total of 190 minutes.
- LAL Day Two testing (May 11, 2010), Mrs. Bampoe-Parry was in possession of the test booklets from 8:55 a.m. until 12:05 p.m., a total of 190 minutes.

According to the NJ ASK 2010 Teacher's Manual, *"Day One and Two of the LAL sections of the test should take about 115 minutes each. This estimate includes time for giving directions, administering the test, and taking breaks."* Mrs. Bampoe-Parry exceeded the estimated allotted time by 75 minutes on Day One and Day Two.

- MATH Day One testing (May 12, 2010) Mrs. Bampoe-Parry was in possession of the test booklets from 9:00 a.m. until 11:20 a.m., a total of 140 minutes.

According to the NJ ASK 2010 Teacher's Manual, *"The first day of the test will take about 80 minutes; including actual testing times, directions, and breaks."* Mrs. Bampoe-Parry exceeded the estimated allotted time by 60 minutes.

- MATH Day Two testing (May 13, 2010) Mrs. Bampoe-Parry was in possession of the test booklets from 9:00 a.m. until 11:35 a.m., a total of 155 minutes.

According to the NJ ASK 2010 Teacher's Manual, *"Day Two will take 85 minutes. This estimate includes time for giving directions, administering the test, and taking breaks."* Mrs. Bampoe-Parry exceeded the estimated allotted time by 70 minutes.

Special education students are allowed scheduling accommodations per Appendix B: Modifications of Test Administration Procedures for Special Education Students and Students Eligible under Section 504. These accommodations include; adding time as needed, providing frequent breaks, and terminating a section of the test when a student has indicated they have completed all the items they can. During third grade 2010 NJ ASK testing, Eileen Coumbe's special education class completed the LAL Day One testing in 105 minutes. That is 10 minutes less than the estimated allotted time and 85 minutes less than Mrs. Bampoe-Parry's general education students. For LAL Day Two testing, Mrs. Coumbe's special education students completed the testing in 115 minutes, the suggested estimated allotted time and 75 minutes less than Mrs. Bampoe-Parry's regular education students. For MATH Day One testing, Mrs. Coumbe's special education class completed testing in 134 minutes, which is six minutes less than Mrs. Bampoe-Parry's regular education students. Mrs. Coumbe's special education students completed MATH Day Two testing in 167 minutes. This is the only day the special education students exceeded the time of Mrs. Bampoe-Parry's general education students and only by 12 minutes.

In addition to the individual daily estimated times, the Test Coordinator Manual defines the total testing time, including time for distributing and collecting materials, reading directions, and taking breaks, to be

approximately 7–8 hours, depending on grade level, over four successive days. The total testing time for the first four days of testing at John Marshall for the third grade general education students was over 11 hours, while the special education students was less than nine hours.

The NJ ASK Test Coordinator Training Manual (Test Coordinator Manual) requires that only examiners who read the test items aloud to the students as per the students' Individualized Educational Program or the students' Section 504 plan and educational interpreters for students with hearing loss should sign the NJDOE Security and Confidentiality Agreement Test Booklet Receipt (Test Booklet Receipt) on the first day of testing. At John Marshall, two weeks prior to the third grade 2010 NJ ASK testing on April 27, 2010, the STC had two third grade proctors, Ms. Krzeminski and Sandra Roldan-Arango sign a Test Booklet Receipt. The school security checklist for the third grade 2010 NJ ASK test did not document Ms. Krzeminski or Mrs. Roldan-Arango receiving a test booklet. According to the John Marshall Security Plan Appendix M, Ms. Krzeminski served as an examiner for the seventh grade 2010 NJ ASK test and Mrs. Roldan-Arango served as an examiner for the eighth grade 2010 NJ ASK test. The seventh and eighth grade 2010 NJ ASK testing began on April 27, 2010. Due to the lack of information contained in the Test Booklet Receipt, investigators were unable to determine if Ms. Krzeminski and Mrs. Roldan-Arango signed this document for the third grade or seventh/eighth grade 2010 NJ ASK test booklets. A recommendation pertaining to this matter is included in the recommendation section of this summary.

The investigators also reviewed the district's Test Security Plan Testing Bulletin dated Spring 2010. The memo directs each STC to schedule a training session for test proctors and/or examiners before the administration of the test, that attendance is documented on a sign-in sheet, and for the STC to create an agenda for the training. Investigators discovered Ms. Krzeminski was not in attendance at one of the LAL testing days. Dr. Hurd assigned Sharon King-Jones to act as the proctor in Mrs. Bampoe-Parry's class in place of Ms. Krzeminski. Mrs. King-Jones reported she did not receive NJ ASK training and was not made to sign the required NJDOE Statewide Assessments Test Security Agreement. When the matter of Mrs. King-Jones not receiving training was brought to Dr. Hurd's attention, it was dismissed. Additionally, the district's security plan states that any teacher, principal, STC, or other professional administering, distributing, proctoring, any portion of the test may not touch the test if they have not signed the Test Security Agreement, which states that the signee has been trained. The OFAC did receive a sign-in sheet from John Marshall, but it is missing the signature of Dr. Hurd. It was stated by Dr. Hurd and Melbelin Duran–Perez, in addition to being listed in the district Security Plan, that Dr. Hurd acted as the proctor for Mrs. Duran-Perez's fourth grade class and she did not sign the NJDOE Test Security Agreement and was not listed on the staff training attendance sheet-Appendix P. Therefore, it is uncertain as to whether or not she received training for the testing process in 2010.

The security procedures listed in the Test Coordinator Manual require that all school personnel should be informed of the NJ ASK security procedures prior to the test administration, including those personnel not directly involved in administering the test. During the interview process, investigators determined two school secretaries, Agnes Barone and Tanya Staggers, who had access to the keys and office where the tests were secured, and Carlos Rego, hall monitor were not informed of the security procedures.

In an effort to determine whether testing materials were securely stored in the designated test storage area, several staff members were questioned concerning the storage of secured test materials prior to, during, and after testing. The tests were locked in the closet that was located in Dr. Hurd's office. The key was kept in the secretary's desk who was not trained for testing. All staff, including custodians, had access to the key. Mrs. Sussman and Mrs. Yacabonis both stated that a desk was set up in the principal's office by the door. Examiners would come to the office to pick up their test booklets and then return them to the same place when they were done testing. Several staff members admitted during testing they would leave the building immediately at the end of the school day instead of staying late as they usually did. They stressed the fact they were uncomfortable with the way the tests were secured and they did not want to be associated with any irregularities. In addition, Mrs. Yacabonis requested the tests be stored upstairs in the guidance office where they would be more secure. Her request was denied by Dr. Hurd.

The Test Coordinator Manual provides descriptions of the major responsibilities of the DTC, STC, examiners, and proctors. Test Coordinator Manual states it is the STC's responsibility to select examiners and proctors. Mrs. Sussman admitted to asking teachers who they preferred to be paired with during testing. She also stated, as did other staff members, that Ms. Krzeminski and Mrs. Bampoe-Parry were **always** paired together.

CONCLUSION

Based upon the preponderance of evidence collected during the investigation, the OFAC concludes that Barbara Bampoe-Parry, Christine Krzeminski, Debra Stallone, Nancy Yacabonis, Sandra Sussman, and Thelma Hurd breached, encouraged, and/or facilitated the breaching of NJ ASK test security protocols.

Information obtained from interviews disclosed that employees were being pressured for students to perform at proficient and above proficient levels on the NJ ASK test and threats of job loss, undesirable assignments, private and public humiliation were methods utilized by Dr. Hurd to ensure teachers "pleased their boss". Based upon the concerns expressed by several of the interviewees with respect to the confidentiality of information they provided, the fear of retaliation was evident, despite some of those individuals no longer being employed by the district. In addition, a number of witnesses requested to be questioned off-site away from district facilities to prevent district officials from learning they had spoken to investigators.

The investigation further revealed a change in morale at John Marshall with the retirement of Dr. Hurd and presence of Dr. Lyle Moseley as the new school principal beginning in January 2011. Dr. Moseley was interviewed by investigators and related from the onset of his tenure as principal he has reinforced his belief of test accuracy being more important than test scores. John Marshall staff members stated throughout the investigation the inordinate amount of pressure Dr. Hurd placed upon them no longer exists with Dr. Moseley as principal.

RECOMMENDATIONS

The district shall submit to the OFAC a corrective action plan (CAP) indicating the measures it will implement to correct the procedural irregularities listed above and it should also 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:
Thomas C. Martin, Manager
Investigations Unit

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

Investigators:
James Scaringelli
Jeannine Pizzigoni