

C
O
P
Y

BOARD OF EDUCATION

RESOLUTION

**ACCEPTANCE OF OFAC REPORT ISSUED IN CASE #INV-023-14
REGARDING ELIZABETH PUBLIC SCHOOL – STATE ASSESSMENTS
(NJ ASK SCIENCE, PARCC, NJBCT)
AND ADOPTION OF DISTRICT CORRECTIVE ACTION PLAN**

WHEREAS, on or about August 31, 2016, the State of New Jersey Department of Education Office of Fiscal Accountability and Compliance (“OFAC”) issued a report in Case #INV-023-14 of its findings and recommendations related to its review of the District’s State Assessments (NJ Ask Science, PARCC, NJBCT); and,

WHEREAS, the District has prepared a Corrective Action Plan for adoption by the Board of Education to enact the recommended practices set forth in the OFAC report; and,

WHEREAS, the Board of Educations is required by regulation (N.J.A.C. 6A:23A-5.6) to publicly review and discuss (1) the findings and recommendations contained in the OFAC report at a public meeting of the Board of Education, and (2) the Corrective Action Plan to be adopted by the Board of Education;

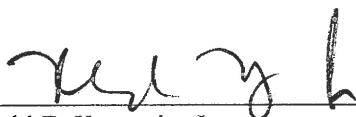
NOW, THEREFORE, BE IT RESOLVED, that the Elizabeth Board of Education acknowledges receipt of the OFAC report issued regarding the Elizabeth Public School – State Assessments (NJ ASK Science, PARCC, NJBCT) (Case #INV-023-14).

BE IT FURTHER RESOLVED that the Elizabeth Board of Education adopts the Corrective Action Plan to address the recommendations and findings that were made in the OFAC report for implementation by District personnel, as set forth in the Corrective Action Plan.

BE IT FURTHER RESOLVED that a copy of the OFAC report and Corrective Action Plan shall be posted on the District’s website with the agenda and meeting minutes for the September 22, 2016 meeting.

BE IT FURTHER RESOLVED that a copy of the Corrective Action Plan and this resolution shall be forwarded to OFAC immediately in accordance with N.J.A.C. 6A:23A-5.6(c).

TRUE COPY APPROVED AND ADOPTED AT
THE ELIZABETH BOARD OF EDUCATION MEETING
HELD ON September 22, 2016



Harold E. Kennedy, Jr.
School Business Administrator/Board Secretary

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

SCHOOL DISTRICT NAME Elizabeth COUNTY Union

TYPE OF EXAMINATION: State Assessments (NJ ASK Science, PARCC, NJBCT)

DATE OF BOARD MEETING: September 22, 2016 OFAC Case # INV-023-14

CONTACT PERSON Amy L. Gil, Director of Research, Evaluation, and Assessment; District Test Coordinator

TELEPHONE NUMBER 908-436-5375 FAX NUMBER 908-436-5378

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
	<ul style="list-style-type: none"> Improve training materials for state assessments to include explicit lists of what examiners and proctors MUST do and what examiners and proctors MUST NOT do Review the Test Security Agreement in its entirety with all staff during training to ensure they have an understanding of what is contained within Continue to observe testing sites throughout the district to ensure procedures are followed Continue to disallow any examiner or proctor who was involved with a security breach to act as an examiner or a proctor 	<ul style="list-style-type: none"> Training sign-in sheets Provide school training materials to the School Test Coordinators (STCs) at training for all state assessments (paper materials and PowerPoint presentation) Collect Test Security Agreements before the administration of all state assessments Provide schools with a list of their teachers who may not administer or proctor state assessments each year 	Amy Gil	Implemented in the 2013-2014 school year and continues for all state assessments annually



Chief School Administrator

9/22/2016
Date



Board Secretary/Business Administrator

9/22/2016
Date



State of New Jersey

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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DAVID C. HESPE
Commissioner

August 30, 2016

Ms. Olga Hugelmeyer, Superintendent
Elizabeth Public Schools
505 North Broad Street
Elizabeth, NJ 07208

Dear Ms. Hugelmeyer:


SUBJECT: Elizabeth Public Schools – Nicholas Murray Butler School No. 23
Alleged New Jersey Assessment of Skills and Knowledge Breach – OFAC Case #INV-023-14

The Department of Education, Office of Fiscal Accountability and Compliance (OFAC) recently investigated a complaint involving an alleged security breach that occurred during the administration of the 2013 Grade 7 New Jersey Assessment of Skills and Knowledge at Nicholas Murray Butler School No. 23 in the Elizabeth Public Schools (District). 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 Elizabeth Public 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 District board of education must adopt a resolution certifying that the findings were discussed in a public board meeting and approving a corrective action plan, which addresses the issues raised in the undisputed findings and/or 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 the OFAC within 10 days of adoption by the District board of education. 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, Special Investigations Unit, at (609) 984-7096.

Sincerely,


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

R:\CS\SI\UNION\Elizabeth Public Schools\INV-023-14 Nicholas Murray Butler School 1\#23\Report\INV-23-14 Nicholas Murray Butler School No. 23.doc
Attachment

c: Robert Bumpus
Michael Yaple
Jeffrey Hauger
Teresita Munkacsy
Juan Torres
Stephen Eells

www.nj.gov/education

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

ELIZABETH SCHOOL DISTRICT
NICHOLAS MURRAY BUTLER ELEMENTARY SCHOOL
ALLEGED NJ ASK 7 BREACH
OFAC CASE #INV-023-14

INVESTIGATIVE REPORT
AUGUST 2016

INVESTIGATIVE REPORT-JULY 2016
ELIZABETH SCHOOL DISTRICT
NICHOLAS MURRAY BUTLER ELEMENTARY SCHOOL
ALLEGED NJ ASK 7 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 test breach involving the administration of the 2013 New Jersey Assessment of Skills and Knowledge Grade 7 (NJ ASK 7) at the Nicholas Murray Butler Elementary School (Nicholas) in the Elizabeth Public Schools (District).

On May 2, 2013, Mindy Caprio, notified Amy Gil, Director of Research Evaluation and Assessment and District Test Coordinator (DTC), she had discovered Lacey Hix-Thompson a Mathematics teacher and examiner, was erasing items in a student's answer folder during the administration of the 2013 NJ ASK 7. Ms. Gil notified the Union County Office of Education (County) and the Office of Assessments (OA) the same day.

On May 3, 2013, Eileen Gavin, Union County Educational Program Specialist, conducted 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. Gavin 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, the NJDOE State Assessment contractor for the NJ ASK, 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 Ms. Hix-Thompson, breached the security and confidentiality of the 2013 NJ ASK 7 when she interfered with the independent work of a student by erasing items in the student's test booklet. 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 Lakeya Hix-Thompson, a Mathematics teacher who served as an examiner, during the 2013 New Jersey Assessment of Skills and Knowledge Grade 7 (NJ ASK 7) at the Nicholas Murray Butler Elementary School (Nicholas) in the Elizabeth School District (District). The investigation was prompted after Mindy Caprio, teacher, reported the NJ ASK 7 may have been compromised due to teacher misconduct for erasing in the mathematics (MATH) portion of a student's answer folder.

On May 2, 2013, Ms. Caprio, notified Amy Gil, Director of Research, Evaluation, and Assessment and the District Test Coordinator (DTC) of the alleged breach. Ms. Gil notified the Union County Office of Education (County) and the Office of Assessments (OA) the same day.

On May 3, 2013, Eileen Gavin, Union County Educational Program Specialist, conducted 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. Gavin submitted a report based on the Preliminary Investigation to the OA, and the case was subsequently referred to the OFAC for further investigation.

On March 22, 2016, the OFAC investigators (investigators) initiated the follow-up investigation and conducted interviews with individuals thought to have knowledge relevant to the incident. In addition to the witness interviews, the investigators reviewed documents relevant to testing.

From witnesses' accounts and a review of the pertinent documentation including historical testing data, the OFAC investigators concluded Ms. Hix-Thompson breached the security and confidentiality of the testing materials during the 2013 NJ ASK 7. The information obtained during the OFAC review of these matters is detailed below.

Lakeya Hix-Thompson - Mathematics Teacher and NJ ASK Examiner

Based on witnesses' accounts the investigators determined Ms. Hix-Thompson breached the security and/or confidentiality of the 2013 NJ ASK 7 MATH when she failed in her responsibilities as an examiner to ensure a proper and secure administration by interfering with the independent work of a student.

Interfering with the independent work of a student

Ms. Thompson failed to follow the guideline regarding the security of the test when she took a student's MATH answer folder and erased certain sections of the student's test while the test was still in progress. Ms. Hix-Thompson administered the NJ ASK 7 to 14 general education students; however, Ms. Caprio only noticed her erasing one of the student's answer folder.

On May 25, 2016, the investigators interviewed the student involved in the incident, in the presence of Cheryl Ann Popielarski, Vice Principal. During the interview, the student informed

investigators Ms. Hix-Thompson had flipped through the student's answer folder while the test was in progress on more than one occasion. The student did not remember whether Ms. Hix-Thompson erased any items, but stated she did spend a lot of time at the student's desk, pointing out the student wrote in the wrong section, but did not give any hints about the correctness of the student's responses. The investigators showed the student a copy of the student's answer folder and asked the student to review it. Upon review, the student noticed the diagram on page 39 in the MATH section did not look like the student's handwriting. When the investigators asked the student if that was the student's work, the student stated, "Maybe. Not the diagram, I'm not that smart enough."

On May 25, 2016, the investigators interviewed Mindy Caprio. During the interview, Ms. Caprio informed the investigators she was present outside the testing room of Ms. Hix-Thompson and observed Ms. Hix-Thompson standing over the desk of a student while the test was still in progress and erasing a portion of the test. According to Ms. Caprio, this lasted approximately one to two minutes. The investigators showed Ms. Caprio her original statement she provided to the District, which stated, "On Thursday, May 2, 2013, I observed an examiner Ms. Thompson, at Nicholas Murray Butler, School Number 23 in Elizabeth NJ, erasing something on a student's test booklet or answer folder during the NJASK Test. Ms. Thompson's back was facing the door so she did not see me until she stopped and turned around." Ms. Caprio stated she immediately reported this incident to her supervisor Amy Gil.

On June 14, 2016, the investigators interviewed Lakeya Hix-Thompson, in the presence of her attorney, Paul Tyshchenko Esq. During her interview, Ms. Hix-Thompson told investigators she was collecting all the students testing materials after MATH Day Two testing. She stated she noticed an incorrect State Member Identification (SMID) number was entered on a student's test. Ms. Hix-Thompson stated she only erased the incorrect SMID and replaced it with the correct SMID. Ms. Hix-Thompson denied erasing any of the student's answers and also denied writing anything other than the correct SMID. Ms. Hix-Thompson's statement of erasing the SMID after collecting the test materials contradicts the student's statement and Ms. Caprio's statement indicating the incident occurred during testing at the student's desk.

Ms. Hix-Thompson stated she signed the NJDOE Statewide Assessment Test Security Agreement (TSA) on April 15, 2013, the day she received NJ ASK training, acknowledging she would have access to secure test materials, and it was her professional responsibility to protect the security of the test.

Subsequently to all the interviews the investigators reviewed a copy of the student's MATH answer folder provided by MI. The investigators noticed the diagram the student referred to and agreed with the student that it seemed to be in a different handwriting than the rest of the test. The investigators could not determine whether the SMID was erased.

The New Jersey Assessment of Skills and Knowledge Spring 2013 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 24, **PREPARATION FOR TEST ADMINISTRATION, Gridding of Student Information,**

The “School Use Only” section may only be completed by certified staff in a secure location under the supervision of the school test coordinator. Information to be gridded regarding the students to be tested must be included on the Student Roster provided by the school test coordinator. A sample Student Roster, along with a sample of page 1 of the answer folder, is provided in Appendix C.

Page 62, **Appendix D, “School Use Only” Gridding Instructions**

The “School Use Only” grid section on the cover of the NJ ASK 3-4 test booklet and the NJ ASK 5-8 answer folder contains seventeen separate fields. They are:

4. Examiner State Member Identifier (SMID)

Examiner Staff Member Identifier Field (SMID)

Completion of the field is mandatory. This field must be completed for each day of testing, identifying the licensed professional employee of the district who is in the classroom administering statewide assessment on that testing day.

Page 73, **APPENDIX I, NJDOE, Statewide Assessments Test Security Agreement:**

I acknowledge that I will have access to the secure test material 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:

(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:

(9) I will administer the assessment in accordance with the directions for administration set forth in the test examiner manual.

CONCLUSION

Based upon the preponderance of evidence collected during the investigation, the OFAC investigators concluded Ms. Hix-Thompson breached the security of the test during the administration of the 2013 NJ ASK 7, by erasing items on a student’s answer folder and interfering with the independent work of the student.

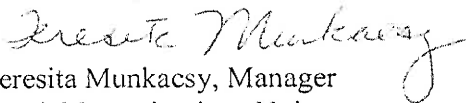
RECOMMENDATION

The district developed and submitted a CAP to the OA on June 3, 2013, which was accepted by the OA on June 12, 2013. The district shall submit an additional CAP to the OFAC indicating the measures it will implement to correct the security breaches listed above and include the measures the district will implement to ensure staff compliance with the testing security procedures. Upon the district's completion of the revised CAP, the OFAC will close the file on this matter.

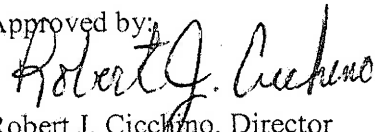
REFERRAL

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

Investigator

Richard Mandel
John DiLorenzo