

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

PATERSON PUBLIC SCHOOLS
SCHOOL OF GOVERNMENT AND PUBLIC ADMINISTRATION
ALLEGED HIGH SCHOOL PROFICIENCY ASSESSMENT BREACH
OFAC CASE #INV-099-14

INVESTIGATIVE REPORT

JUNE 2015

**PATERSON PUBLIC SCHOOLS
SCHOOL OF GOVERNMENT AND PUBLIC ADMINISTRATION
ALLEGED 2014 HSPA BREACH**

EXECUTIVE SUMMARY

On March 6, 2014, [REDACTED], Principal, School of Government and Public Administration (GoPA) in the Paterson Public Schools (district), notified [REDACTED], Assistant Superintendent, and [REDACTED], District Test Coordinator (DTC), of an alleged breach that occurred during the administration of the March 2014 High School Proficiency Assessment (HSPA). The allegation, made by [REDACTED], a certified and tenured English teacher, and [REDACTED], a certified and tenured English teacher, was lodged against [REDACTED], a certified and tenured mathematics teacher who served as an examiner during the March 2014 High School Proficiency Assessment (HSPA). According to [REDACTED] and [REDACTED], [REDACTED] entered [REDACTED]'s and [REDACTED]'s classroom, on the first day of testing, during the mathematics portion of the March 2014 HSPA, and began walking up and down the aisles and interacting with the students. [REDACTED] sent an email to [REDACTED], the Reform and Innovations Officer for the district, informing her of the alleged breach. [REDACTED] forwarded the email to [REDACTED], the County Education Specialist. On March 7, 2014, [REDACTED] forwarded the email to the New Jersey Department of Education (NJDOE) Office of Assessments (OA). The OA requested that [REDACTED] conduct an investigation of the alleged test breach. Also on March 7, 2014, [REDACTED] sent a letter to the OA informing them of her interviews with the staff and students thought to have knowledge of the alleged breach, and provided the OA with her findings. After reviewing [REDACTED]'s letter, the OA made the determination to administer an alternate HSPA mathematics assessment to both [REDACTED]'s and [REDACTED]'s classes.

On March 18, 2014, [REDACTED] submitted a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program (preliminary investigation) to the OA. After reviewing [REDACTED]'s preliminary investigation and [REDACTED]'s letter, the OA made the determination to refer the case to the Office of Fiscal Accountability and Compliance (OFAC) for further investigation.

On August 4, 2014 the OFAC investigators (investigators) began a review of the allegations at GoPA. The investigators reviewed the letter from [REDACTED], the preliminary investigation from [REDACTED], and the documents relevant to testing. In addition, the investigators interviewed 27 students, 10 district personnel, and the County Education Specialist.

The information obtained during the OFAC investigation confirmed test breaches occurred during the administration of the March 2014 HSPA at GoPA. The remainder of this report contains an investigative summary, a conclusion, a recommendation, and a referral to the State Board of Examiners for further review.

INVESTIGATIVE SUMMARY

On March 6, 2014, an allegation of a test breach was lodged against [REDACTED], a certified and tenured mathematics teacher who served as an examiner during the March 2014 High School Proficiency Assessment (HSPA). The allegation was made by [REDACTED], a certified and tenured English teacher, and [REDACTED], a certified and tenured English teacher, at the School of Government and Public Administration (GoPA) in the Paterson Public Schools (district). [REDACTED] served as an examiner for 28 students during the administration of the March 2014 HSPA and [REDACTED], a certified and tenured English teacher, served as the proctor in [REDACTED]'s classroom. [REDACTED] served as an examiner for 26 students during the administration of the March 2014 HSPA, and [REDACTED] served as the proctor in [REDACTED]'s classroom.

An investigation was prompted after [REDACTED], Vice Principal, was informed by [REDACTED] that [REDACTED], who was testing in an adjoining classroom, entered [REDACTED]'s and [REDACTED]'s classroom, on the first day of testing, during the mathematics portion of the March 2014 HSPA, and began walking up and down the aisles talking to the students. Both classrooms were contained in a single trailer separated by a common door, allowing easy access to each room. After briefly speaking to [REDACTED] about the alleged breach, [REDACTED] spoke with [REDACTED] Principal, to apprise her of the situation. Principal [REDACTED] spoke with [REDACTED] and [REDACTED] and proceeded to the district office where she informed [REDACTED], Assistant Superintendent, and [REDACTED], District Test Coordinator (DTC), of the alleged breach. [REDACTED] sent an email to [REDACTED], Reform and Innovations Officer for the district, informing her of the alleged breach. [REDACTED] forwarded the email to [REDACTED] County Education Specialist. On March 7, 2014, [REDACTED] forwarded the email to the New Jersey Department of Education's (NJDOE) Office of Assessment (OA). The OA requested [REDACTED] conduct a preliminary investigation. Also on March 7, 2014, [REDACTED] sent a letter to the OA informing them that she interviewed the vice principal, the examiners, a proctor, and students, thought to have knowledge of the alleged breach. In this letter, [REDACTED] provided the OA with her findings. After reviewing [REDACTED]'s letter, the OA made the determination to administer an alternate HSPA mathematics assessment to both [REDACTED]'s and [REDACTED]'s classes.

On March 10, 2014, [REDACTED] conducted a County Office Preliminary Investigation of a Security Breach in the Statewide Testing Program (preliminary investigation) of the alleged breach. On March 18, 2014, [REDACTED] sent the results of her preliminary investigation to the OA. After reviewing both [REDACTED]'s letter and [REDACTED]'s preliminary investigation, the OA made the determination to refer the case to the Office of Fiscal Accountability and Compliance (OFAC) for further investigation.

On August 4, 2014, the OFAC investigators (investigators) began a review of the allegations at GoPA. The investigators reviewed the letter from [REDACTED] and the preliminary investigation from [REDACTED] and conducted interviews with 27 students, 10 district personnel, and the County Education Specialist.

The investigators determined that the following three staff members breached the security of the March 2014 HSPA at GoPA:

1. [REDACTED] – Mathematics Teacher and Examiner
2. [REDACTED] – English Teacher and Examiner
3. [REDACTED] – English Teacher and Proctor

[REDACTED] – Mathematics Teacher and Examiner

The investigators concluded [REDACTED] breached the security and confidentiality of the March 2014 HSPA by providing instruction or review of the tested content areas while in possession of secure test materials, and by coaching students during testing and interfering with students' responses. During the interview phase of the investigation, the investigators learned that [REDACTED] requested that Principal [REDACTED] reassign him from his original classroom in the main building to a classroom in a trailer outside of the building, where his mathematics students would be testing. This request was approved by Principal [REDACTED]. [REDACTED] felt his presence in the classroom that contained his mathematics students would "calm them down from stress."

Providing Instruction or Review of the Tested Content Areas While in Possession of Secure Test Materials

According to witness statements, on the first day of the March 2014 HSPA, after handing out the pencils and the New Jersey High School Proficiency Assessment Mathematics Reference Sheets (reference sheets), and just prior to distributing the test booklets, there was an announcement that there would be a delay before the test began. The delay was estimated by witnesses to be between 30 minutes and two hours. During the prolonged test delay, the students got up and began walking around in both [REDACTED]'s classroom and [REDACTED]'s classroom. It was alleged by [REDACTED] and [REDACTED] that [REDACTED] was discussing mathematics formulas with the students during the delay in his classroom which they then wrote on their reference sheets. [REDACTED] provided the student reference sheets to the investigators. These reference sheets were the ones used by [REDACTED]'s and [REDACTED]'s students.

The investigators interviewed a total of 27 students beginning September 16, 2014. Ten students stated that during the test delay they were discussing the mathematics formulas and writing them on their reference sheets. Three of these students spoke specifically of how [REDACTED] was reviewing tested content areas. One of the three students told the investigators prior to taking the test; [REDACTED] was going over formulas with some of the students to "refresh" their memories. The second student stated during the test delay [REDACTED] walked between his classroom and [REDACTED]'s classroom, talking and reassuring the students, and discussing the mathematics formulas, which the students then wrote down on their reference sheets. The third student stated that during the test delay, [REDACTED] entered [REDACTED]'s classroom and was reviewing mathematics formulas, "Yeah he was mentioning a couple of things. I remember he was mentioning a couple of formulas and certain little tricks that he would always mention during class." The student confirmed that once the students were in possession of their reference

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sheets, [REDACTED] reminded them of specific formulas that possibly could be useful during the test. As [REDACTED] was discussing these formulas the students were writing them down on their reference sheets.

On September 22, 2014, the investigators interviewed [REDACTED] School Test Coordinator (STC). During her interview she informed the investigators that she first learned of the alleged breach on the Friday after the completion of the March 2014 HSPA. According to [REDACTED], [REDACTED] came to GoPA to interview the principal and vice principal. Both were out of the building so [REDACTED] came to [REDACTED]'s office. While there, she asked [REDACTED] if she had heard of the alleged breach. When [REDACTED] stated she had not, [REDACTED] told her there may have been a security breach and informed her there would be an investigation that included two classrooms. When [REDACTED] learned which classrooms were involved in the alleged breach from [REDACTED], she pulled all the reference sheets from [REDACTED]'s and [REDACTED]'s classrooms. According to [REDACTED], they were the only classrooms with handwritten formulas on the reference sheets.

During the conversation with [REDACTED], [REDACTED] informed her that the "testing assignments" were changed, referencing the change Principal [REDACTED] requested on the day before the March 2014 HSPA was to be administered. Principal [REDACTED] had instructed [REDACTED] to change [REDACTED]'s original examiner location to one of the trailer classrooms so that he could be with his mathematics students. While telling the investigators about this interaction with [REDACTED], [REDACTED] commented to the investigators that she thought "it was odd" he was switched at the last moment. She also told the investigators that [REDACTED] told her to take note of the change "just in case there was anything" and then requested copies of the old "testing assignments" and the new one.

On September 23, 2014, the investigators interviewed [REDACTED]. [REDACTED] told the investigators that due to the prolonged test delay the students got up and began walking around in both [REDACTED]'s and [REDACTED]'s classrooms. Once they were given instructions to begin the HSPA, the students filtered back into their assigned classrooms and took their seats. [REDACTED] proceeded to hand out the test booklets and followed the proper protocol for administering the test. [REDACTED] stated, "I noticed that the kids had written down some formulas on the back of the reference sheets . . . I really didn't question if that was okay or not okay. I figured we hadn't started the test and the kids wanted to go over things with each other and just, I don't know, just like a last minute kind of review type of thing, I figured that was okay. I really didn't question it, it wasn't coming from me, I'm not the math person."

On September 26, 2014, the investigators interviewed [REDACTED]. According to [REDACTED], as the students were returning to her classroom from [REDACTED]'s classroom, she observed formulas written on the back of the students' reference sheets. [REDACTED] stated, "They were coming in almost like giddy, like they had these reference sheets with the formulas on the back." [REDACTED] claimed that the formulas were not on the back of the students' reference sheets prior to entering [REDACTED]'s classroom. [REDACTED] heard the students as they were returning to her classroom state, "Look what we have," referring to the formulas written on their reference

sheets. At the same time her students were returning to her classroom, [REDACTED] stated that [REDACTED] instructed her to have the students erase the formulas once the test was over. When questioned by investigators if she ever observed formulas written on reference sheets prior to this year's testing, [REDACTED] informed the investigators she had not. When asked by investigators if she or [REDACTED] provided any of the students with formulas, she said she did not, stating, "I can't do math." When asked by investigators whether the students that did not go into [REDACTED]'s classroom during the delay were discussing math formulas on the reference sheets, [REDACTED] stated that she did not observe any of the students exchanging the mathematics formulas in her presence during the test delay. "The ones that had gone into [REDACTED]'s classroom came back in with the formulas. It was on there when they came back to my trailer."

On October 10, 2014, the investigators interviewed [REDACTED] the proctor in [REDACTED]'s classroom. [REDACTED] informed the investigators that during the test delay the students were talking to each other and writing formulas on their reference sheets. [REDACTED] stated, "I believe that I saw some of them, you know, just practicing, not practicing out, like, remembering formulas." She recalled [REDACTED] talking to the students prior to the HSPA, during the delay, discussing formulas and test-taking strategies. When asked by the investigators if she observed [REDACTED] write any formulas on the blackboard during the test delay, [REDACTED] responded, "I know he was - he would talk with the kids, whether he did it on the board, I don't remember that."

In accordance with the New Jersey High School Proficiency Assessment District/School Test Coordinator Manual, March 2014, Security Procedures, page 19:

Examiners, proctors, and other school personnel, may not discuss or disclose any test items either before, during, or after the test administration. In addition, examiners and proctors are forbidden from providing instruction or review of the tested content areas while in possession of secure test materials.

On October 9, 2014, the investigators interviewed [REDACTED] in the presence of [REDACTED], his New Jersey Education Association Consultant. [REDACTED] confirmed he asked Principal [REDACTED] to be transferred from his original HSPA classroom assignment to one of the trailer classrooms testing his mathematics students, stating his presence would be a calming factor. He also stated he did not give assistance to any of the students during testing.

Prior to the test beginning, and during the delay, a combination of [REDACTED]'s and [REDACTED]'s students were in his classroom. All of the students had the reference sheets and were discussing, sharing, and writing down the mathematics formulas.

As the students were leaving his classroom and returning to [REDACTED]'s classroom, he observed formulas written on their reference sheets. [REDACTED] denied discussing formulas once the students were in possession of the reference sheets; however, he stated he did observe the students congregating and discussing formulas, then writing them down on their reference sheets. [REDACTED] stated it bothered him that the students were discussing and writing down the

formulas on their reference sheets during the test delay. He said discussing the formulas and having them on their reference sheets was an issue, and told [REDACTED], "If somebody sees this we'll be in trouble, I don't know what kind of trouble, but discussing is not allowed."

When asked by the investigators if he recalled discussing the formulas with the students during the test delay, [REDACTED] responded, "I don't remember that." [REDACTED] went on to state, "I saw students moving from one room to the other and I asked them to go back, that is what I remember. About the formulas I don't think I have talked about any formulas." He was then presented with the statements made by students that he supplied them with formulas during the test delay. The investigators showed [REDACTED] the reference sheets with written formulas and the visible efforts made by the students to erase the formulas. [REDACTED]'s response was, "I gave them some formulas to them, either, I don't know."

Coaching Students during Testing or Interfering With Students' Responses

When interviewed by the investigators, witnesses indicated they observed [REDACTED] enter [REDACTED]'s classroom during testing, and assist students with mathematics problems during and after testing.

On September 3, 2014, the investigators interviewed [REDACTED] Principal. Principal [REDACTED] told the investigators [REDACTED] requested to be reassigned from his original classroom to the trailer classroom for the March 2014 HSPA. She granted him this request, and stated, "You know what he said to me, he said students are more comfortable when they see a familiar face." When the investigators asked Principal [REDACTED] how she became aware of the alleged breach, she stated, "On Thursday, which would have been the final day of the language arts, the vice principal walked in and said, 'Have you seen [REDACTED] and [REDACTED], did they come to you?' I said, 'No what's wrong?' [REDACTED] said that I needed to talk to them; they have some concerns about something that went on in the testing room." Principal [REDACTED] then went to speak to [REDACTED] and [REDACTED], who told her they suspected [REDACTED] gave an answer to one of their students during the March 2014 HSPA. After being informed of the alleged breach, Principal [REDACTED] proceeded to the district and notified [REDACTED] Assistant Superintendent, and [REDACTED]. When Principal [REDACTED] spoke to [REDACTED] and asked him why he entered [REDACTED]'s classroom during testing, [REDACTED] told her, "I did it for support."

The investigators also interviewed [REDACTED] on September 3, 2014, at the district office. [REDACTED] stated she was made aware of the alleged test breach by Principal [REDACTED] who came to her office and informed her [REDACTED] and [REDACTED] reported [REDACTED] walked into their classroom and it appeared that he was providing students with answers as he walked up and down the aisles.

[REDACTED] interviewed students from [REDACTED]'s classroom. The students stated that [REDACTED] and [REDACTED] walked up and down the aisles and did not supply them with any answers. [REDACTED] confirmed going into [REDACTED]'s classroom during the March

2014 HSPA when interviewed [REDACTED] however, stated he did not speak to the students or provide them with answers.

During the student interviews the investigators learned that [REDACTED] entered [REDACTED]'s classroom during testing and walked up and down the aisles. Three of these student witnesses also spoke of [REDACTED]'s interaction with students during testing, in both his classroom and [REDACTED]'s classroom.

When the investigators asked one of the three students if they ever observed [REDACTED] stop at a student's desk during testing, stated, "Yeah, sometimes he was at a desk for a while."

A second student, one of [REDACTED]'s, told the investigators that the student observed [REDACTED] interacting with students during testing, stating, "... Like whispered, kind of like, you know, like how you nick over someone's shoulder, you see. I wouldn't really pay attention but he would like, tap on their desks."

This same student stated during one of the breaks the student got up and was walking around the classroom and stopped near another student's desk, "...[his/her] desk was right there and I see [him/her] with a little notebook corner paper, and it had like, the numbers, like, one through whatever, I forgot how many there were. There was like a bunch of letters and [he/she] was like, writing it on [his/her] desk: I was just, like, walked away. ...[he/she] wrote it and then [he/she] passed it to someone else and they wrote it on their desk, I forget who it was, I don't remember." When asked if the student recalled whether [REDACTED] helped the student with the notebook paper during the actual test the student stated, "He helped a couple, I guess you could say. . . during the test, yeah."

The student went on to describe how [REDACTED] assisted other students. [REDACTED] would stop at a student's desk and, "The person would look up and he would like, tap on their desk or something like that, pretty much, and walk away."

The student further stated as [REDACTED] was collecting the tests, several students were opening their test booklets trying to finish unanswered questions or make corrections with the aid of the piece of notebook paper that the student described earlier.

The student told investigators, "I knew personally he was helping students out because I could see it." When asked to describe the comment in more detail the student stated, "I'm in the back of the classroom, and I'm also blind as a bat, but I can see clearly when you go up to a person and it's like Morse code type, type thing. Obviously you're not going to speak out because people would be confused. So you can see it clearly, yeah, he was helping someone out."

The student was asked to describe Morse code and stated the following, "Like tapping." The student tapped the table once to indicate a Morse code signal. When asked, the student agreed that a single tap could possibly indicate the letter "A", twice to indicate the letter "B", and three times to indicate the letter "C". According to the student, [REDACTED] performed this type of

Morse code action on several occasions at different students' desks. One of these students was sitting directly next to this student.

The investigators asked a third student if they had any personal knowledge about a piece of notebook paper being passed around the classroom and the student responded, "I'm not going to lie, there was a piece of paper, but I don't know if it was being passed around. I know it became, it came into my hands and that I had it."

During her September 23, 2014 interview with the investigators, [redacted] spoke of what she observed during testing. According to [redacted] [redacted] entered [redacted] s classroom unannounced and walked up and down the aisles as the students were testing. She observed [redacted] stop and point at a student's test booklet, but was unsure if he was talking to the student, stating, "I can't be 100 percent sure, but yeah, probably a little whisper."

At the end of the first day of testing, she and [redacted] began to collect the test materials, the test booklets, the pencils and the reference sheets. During this process, [redacted] entered their classroom and sat on an unknown student's desk and began to talk to the student and "motioned to a student who was on the next aisle, to give him . . . a mechanical pencil. The student handed it to him and he handed it to a girl and opened up the booklet and she changed an answer." Upon making this observation, [redacted] stated, "I called out, 'Close the book the test is over,' as loud as could be." When [redacted] was asked if she was positive in her observation, she responded, "Absolutely no doubt in my mind." [redacted] was later informed by [redacted] that [redacted] instructed her to have the students erase the mathematics formulas on their reference sheets at the end of the testing day.

Before the second day of testing began, [redacted] overheard [redacted] ask one of [redacted] s students if the student changed an answer. "Before we settled down, [redacted] . . . I saw him talking. I heard him ask a student from my trailer, he came in from his trailer, they were standing, like, near the door that separates the trailers and I was close enough where I could hear him ask [the student] if [the student] changed the answer. I don't know which answer, obviously [the student] knew what he was talking about, and [the student] like, 'Yeah, yeah,' and he was like, 'Shhh,' he shushed [the student]." According to [redacted] this was not the same student that [redacted] assisted on the first day of the testing.

On the final day of testing, [redacted] entered [redacted] s classroom and told [redacted] to advise [redacted] not to hover over students, that her actions might be misconstrued. [redacted] told [redacted], [redacted] we're not the ones that you need to worry about." When [redacted] inquired what she meant, [redacted] stated, [redacted] has been giving the kids the answer. We are not the ones you need to worry about." After [redacted] disclosed this information to [redacted], he left their classroom. According to [redacted], he proceeded to Principal [redacted] office and informed her of the alleged breach.

[redacted] went on to describe on the final day of testing, as she was leaving the classroom, [redacted] entered and sat next to [redacted] and began talking to her. Later [redacted] informed

██████████ that ██████████ instructed her on what to say if someone were to ask the reason for him being in her classroom during testing.

During her September 26, 2014, interview ██████████ stated on several occasions ██████████ entered her classroom during testing and began walking up and down the aisles checking the students' tests. She stated that ██████████ would stop at students' desks and look at and point to the tests. ██████████ told the investigators when ██████████ stopped at students' desks she could see his lips moving and thought that some of the students were "erasing stuff," but was unable to hear what was actually being said. She told investigators, "I didn't hear his voice, but I could assume that he was saying something. . . There just seemed to be interaction, some kind of interaction that shouldn't have been going on, and all these red flags were going up over the course of that first day."

According to ██████████, after the first day's testing was completed, and while she was collecting the test materials, ██████████ entered ██████████'s classroom, walked over to a student's desk and pointed at the student's test. ██████████ stated, "I know there was one part where the testing had been over and he was bending over somebody's desk and he, I just remember him like, leaning over a kid's desk and he went like this, like to get a pencil and he, we had already collected the pencils. And someone handed him, like you know, like, a mechanical pencil or something. And I remember him handing it to the kid." ██████████ was unable to recall the name of the student whose desk ██████████ was standing at or the student that gave him the mechanical pencil.

██████████ expressed concern to the investigators about what she witnessed stating, "Why would you do that, why would you risk?...He must have assumed that I would go along, that we would go along with it cause (sic) he was just very brazen about it. There was no, he wasn't like, trying to sneak it."

During the third and last day of testing, as ██████████ was walking up and down the aisles making sure the students were on the correct page of the test, ██████████ entered her classroom and stated, "You know ██████████ if anyone sees you hovering that could be misconstrued as something." According to ██████████, ██████████ stated, "██████████'s not the one you need to be worried about, you need to be worried about ██████████." When ██████████ asked what they were referring to, ██████████ and ██████████ informed him of ██████████'s interference with the students as they were engaged in the March 2014 HSPA. After being supplied with this information, ██████████ departed ██████████'s classroom.

On the final day of testing, when testing was complete, ██████████ stated, ██████████ entered my classroom, sat down beside me, and said, ██████████, if anybody asks you anything, these are the words I want you to use. I want you to tell them that the kids were nervous and I came in to calm them down because they had a question about a triangle on the test and I, and you came to get me to tell me to come and calm them down and explain that all they had to do was to use their little ruler and they'll be able to figure out the answer." When asked if she was positive about the content of her last statement ██████████ stated, "I will never forget that conversation, ever."

In accordance with the District/School Test Coordinator Manual (DTC Manual), page 29, and the New Jersey High School Proficiency Assessment March 2014 Examiner Manual (Examiner Manual), page 11, Examiner Responsibilities During Testing:

12. Refrains from coaching or providing any assistance to students other than the directions outlined in the Examiner Manual.

In accordance with the New Jersey HSPA March 2014 DTC Manual, page 63, APPENDIX O, New Jersey Department of Education Statewide Assessments Test Security Agreement, which was signed by [REDACTED]

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.

During the interview with [REDACTED], the investigators asked if he ever left his classroom to enter [REDACTED]'s classroom. [REDACTED] responded he had done so on his break and only after being informed by [REDACTED] that [REDACTED] wanted him to come to her classroom. [REDACTED] stated when he entered [REDACTED]'s classroom her students were still taking the test, and he began to walk up and down the aisles. [REDACTED] denied speaking to any of the students or tapping on their desks. As the investigators continued to interview [REDACTED], he changed his original statement, he recalled speaking to students, but only to offer words of encouragement and for them to stay focused on the task at hand, stating, "Keep working, keep working."

When the investigators asked [REDACTED] about statements previously made by witnesses regarding him hovering over a student's desk in [REDACTED]'s classroom and requesting a mechanical pencil from another student, [REDACTED] responded, "I don't recollect all these things." [REDACTED] stated he did not ask a student for a pencil, did not receive a pencil, and did not tap on students' desks in a Morse code method to indicate a correct choice.

When asked if he entered [REDACTED]'s classroom and instructed her what to say if anyone should ask why he was in her room during testing, [REDACTED] confirmed entering [REDACTED]'s classroom and making this request, but his only concern was how his presence would be perceived if he was observed in another teacher's classroom during testing. [REDACTED] stated, "I was worried about my presence." When asked why, he responded, "I don't know, was my presence in that room appropriate?"

[REDACTED] – English Teacher and Examiner
[REDACTED] – English Teacher and Proctor

The investigators concluded both [REDACTED] and [REDACTED], who served as the examiner and the proctor in the adjoining classroom from [REDACTED] breached the security of the March 2014 HSPA by failing to complete an Irregularity Report detailing the alleged breach involving

██████████ An Irregularity Report provides a record of testing irregularities involving test materials or the test administration and must be completed and reported to the school test coordinator (STC) immediately after testing on the day of the irregularity.

Failing to Complete an Irregularity Report

As stated earlier in the report, during the last day of testing, ██████████ observed ██████████ looking at the students' tests and warned her that what she was doing could be "misconstrued as something." That is when ██████████ informed ██████████ that she and ██████████ believed ██████████ had interfered with the students as they were engaged in the March 2014 HSPA.

On September 22, 2014, the investigators interviewed ██████████, STC. When questioned about the alleged breach reported by ██████████ and ██████████, ██████████ confirmed the alleged breach should have been reported to her in an Irregularity Report on the day it was observed.

On September 26, 2014, the investigators interviewed ██████████, Supervisor, Language Arts Literacy. ██████████ stated she met with ██████████ and ██████████ on the last day of testing. ██████████ and ██████████ informed her of the alleged test breach, stating, "We don't know what's happening, we just feel something, something is not right. We think ██████████ was helping students." After being informed of the alleged test breach, ██████████ notified Principal ██████████.

In accordance with the DTC Manual, page 25, Topics for School-Level HSPA training sessions:

Prior to the training session . . . each examiner and proctor should receive an Examiner Manual. The appropriate manual(s) must be read before the training session.

The following topics should be discussed at the training session:

- *Procedures for completing School Security Checklists and Irregularity Reports*

In accordance with the DTC Manual, page 29, and the Examiner Manual, page 11, Examiner Responsibilities During Testing:

11. Completes an Irregularity Report when needed.

In accordance with the Examiner Manual, page 32, Directions for Administering the HSPA:

Record any irregularity pertaining to materials and answer folders on a copy of the Irregularity Report form and give it to your school test coordinator immediately after testing on the day it occurs.

Report testing incidents to the school test coordinator immediately, along with anything else that might affect student answers, such as cheating, timing problems, student illness, disruptions of any kind, and the presence of materials in the test site that could influence student answers.

In accordance with the DTC Manual, page 29, and the Examiner Manual, page 11, Examiner Responsibilities After Testing:

10. Returns test materials, student rosters, and any Irregularity Reports to the school test coordinator immediately after testing each morning.

During their interviews with the investigators both [REDACTED] and [REDACTED] informed the investigators they observed testing irregularities during the first day of the March 2014 HSPA; however, did not report the irregularities until the last day of testing.

According to [REDACTED]'s interview with the investigators, she and [REDACTED] told [REDACTED] of their suspicions regarding [REDACTED] and then met with their immediate supervisor, [REDACTED] and told her of [REDACTED]'s alleged misconduct in their classroom during the March 2014 HSPA. This occurred on the last day of testing.

[REDACTED] was unable to provide a reason why she failed to submit an Irregularity Report immediately after witnessing [REDACTED]'s actions. When questioned about this, [REDACTED]'s response was, "I've been asking myself that since it happened and I don't have an answer. I don't know why, I think I was just second guessing myself, thinking maybe he really can do that or he seems to act like it's okay that he's doing that. I don't, I can't really answer that."

CONCLUSION

Based upon the preponderance of evidence collected during this investigation, the investigators concluded that [REDACTED], [REDACTED], and [REDACTED] breached the security of the test during the administration of the of the March 2014 HSPA. Although a Correction Action Plan (CAP) was submitted to the NJ DOE Office of Assessments (OA) on May 13, 2014, by Dr. Donnie Evans, Chief School Administrator, addressing test breaches that were identified by the district, the CAP did not address all of the alleged test security breaches committed by [REDACTED]. The CAP was approved by the OA on May 13, 2014; however the OA requested the OFAC complete a follow up investigation of the alleged misconduct by district staff at GoPA.

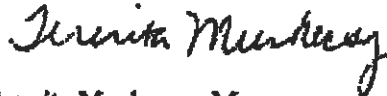
RECOMMENDATION

The district shall submit a corrective action plan to the OFAC indicating the measures it will implement to correct the security breaches listed above and it should also include the measures the district will implement to ensure staff compliance with the testing security procedures.

REFERRAL

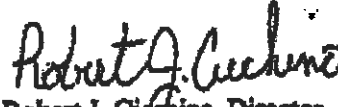
This investigative report will be referred to the State Board of Examiners for further review and whatever action it deems appropriate.

Submitted by:



Teresita Munkacsy, Manager
Special Investigating Unit

Approved by:



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

Investigators

Robert Sensi
Robert Cochran

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


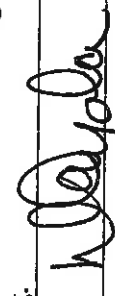
SCHOOL DISTRICT NAME Paterson Public Schools COUNTY PASSAIC
 TYPE OF EXAMINATION: High School Proficiency Assessment: March 2014 HSPA Breach
 DATE OF BOARD MEETING: _____ OFAC Case # INV-099-14
 CONTACT PERSON Jazmin Rotger de Parra
 TELEPHONE NUMBER 973-321-0867 FAX NUMBER 973-321-0604

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
1.	The District will review testing protocols/administration, proctoring and test security procedures with school administration and school test coordinators.	The district Director of Assessment, Planning, and Evaluation will work directly with the school's test coordinator/alternate test coordinator to discuss the elements of the CAP and focus on the issues of proper test administration, proctoring, and test security procedures.	Director of Assessment; Supervisor of Assessment	15-16 School Year

Donnie W. Evans 6/17/15 Daisy Ayala g/p
 Donnie W. Evans, Ed.D. Date
 Chief School Administrator ~~Board Secretary/Interim Business Administrator~~ Date

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

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
2.	The District will require that test coordinators participate in mandatory state-wide and District training sessions pertaining to proper test administration and security procedures in preparation to the current test administration.	The test coordinators will be required to attend the mandatory state-wide training session provided by the State Department of Education in preparation for state assessment administrations. In addition, the test coordinators will take part in the district turnkey training to review and clarify issues regarding proper test administration and security procedures. Key training points will include: understanding language of the security forms/training materials, irregularity report, handling of secure materials, and emphasize the responsibilities of school personnel pertaining to, but not limited, to appropriate test security measures during testing.	State Trained Coordinator(s); Director of Assessment; Supervisor(s) of Assessment	15-16 School Year

 6/17/15
 6/16


Donnie W. Evans, Ed.D.
Chief School Administrator

Daisy Ayala
~~Board Secretary~~/ Interim Business Administrator

Date

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
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RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
3.	<p>The Division of Assessment and the School Test Coordinator will work on designing a PowerPoint presentation detailing the protocols of active monitoring/proctoring, teacher/student interaction and communication, and maintaining a secured testing environment. Emphasis: Forbidden from providing instruction or review; Refrain from coaching or providing any assistance; Compromising security; School Security Checklists and Irregularity Reports procedures and completion.</p>	<p>The test coordinators will work closely with the district Division of Assessment to develop a turnkey-training program for all school personnel, including the administration, who will participate in the testing administration to ensure examiners and proctors are notified as to the proper procedures and protocols for testing. A copy of the training agenda, sign-in sheets and training materials for the testing administration will be available and forwarded upon request to the NJDOE Office of State Assessment once completed. Key points of the training will include the roles and responsibilities of the examiner and proctor. The Director/Supervisor(s) of Assessment will be available to assist the test coordinators during training to ensure the accurate communication of information and to answer any additional questions, upon request.</p>	<p>Test Coordinator; Director of Assessment; Supervisor(s) of Assessment;</p>	<p>15-16 School Year</p>
4.	<p>The District will monitor turnkey training at the schools to ensure examiners and proctors are notified as to the proper procedures and protocols for testing. Emphasis will be placed on: Maintaining testing integrity protocols via monitoring/proctoring the students; reporting irregularities promptly, within specified timeframes, to test coordinator and addressing such irregularity immediately; ONLY communicating with students in regards to being on the correct section of the test; ONLY addressing student needs such as pencils/scrap/calculator issues/erasers/illnesses; Forbidden from providing instruction or review; Refrain from coaching or providing any assistance; Compromising security; School Security Checklists and Irregularity Reports procedures and completion.</p>	<p>The test coordinators will work closely with the district Division of Assessment to develop a turnkey-training program for all school personnel, including the administration, who will participate in the testing administration to ensure examiners and proctors are notified as to the proper procedures and protocols for testing. A copy of the training agenda, sign-in sheets and training materials for the testing administration will be available and forwarded upon request to the NJDOE Office of State Assessment once completed. Key points of the training will include the roles and responsibilities of the examiner and proctor. The Director/Supervisor(s) of Assessment will be available to assist the test coordinators during training to ensure the accurate communication of information and to answer any additional questions, upon request.</p>	<p>Test Coordinator; Director of Assessment; Supervisor(s) of Assessment;</p>	<p>15-16 School Year</p>



 Donnie W. Evans, Ed.D. Date 6/17/15
 Chief School Administrator Daisy Ayala 6/16
Board Secretary/ Interim Business Administrator

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

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
5.	<p>The District will monitor the test administration throughout Paterson Public Schools.</p> <p>The District will continuously monitor the testing procedures to ensure proper security and administration measures are in place.</p>	<p>A member of the district Division of Assessment will be present regularly at the schools during the administration of State assessments.</p>	<p>Director of Assessment; Supervisor(s) of Assessment; Trained Central Office Staff Members (E.g. Curriculum and Instruction Supervisors)</p>	<p>15-16 School Year</p>
6.	<p>Certification that test Administration is in accordance with the rules and procedures specified by the state/district.</p>	<p>The principal, test coordinators, and examiners will sign a district developed Statement of Assurance certifying that they administered the test in accordance with the rules and procedures specified by the state.</p>	<p>Director of Assessment; Supervisor(s) of Assessment; Trained Central Office Staff Members (E.g. Curriculum and Instruction Supervisors)</p>	<p>15-16 School Year</p>
7.	<p>Staff member(s) found to be at fault during OFAC investigation will be penalized for their actions resulting in a security breach during the administration of the assessment.</p>	<p>The Legal Department will discuss findings with Superintendent/Deputy Superintendent and conclude as to the next course of action and proceed with legal action if applicable.</p>	<p>General Counsel</p>	<p>Immediate Action</p>

Donnie W. Evans
 Donnie W. Evans, Ed.D.
 Chief School Administrator

6/17/15
 Date

Daisy Ayala
 Daisy Ayala
~~Board Secretary~~ / Interim Business Administrator

10/19
 Date