

REPORT OF INDEPENDENT INVESTIGATION
INTO ALLEGATIONS OF TAMPERING WITH SUMMER, 2008
CRCT MATHEMATICS RETEST AT DEERWOOD ACADEMY

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I. Scope and Methodology of the Investigation

The Atlanta Public Schools [APS], through the Office of the General Counsel and the Office of Internal Resolution [OIR], communicated with Penn Payne, LLC on June 19, 2009, and retained the firm to conduct an independent and unbiased investigation into allegations contained in the Preliminary Comprehensive Audit Report: Summer 2008 CRCT Retest Grade 5 ("the Report"), dated June, 2009 and prepared by the Governor's Office of Student Achievement ("GOSA"). [A copy of the Report is attached as Exhibit A.] The Report alleged that "someone who had access to test materials after testing concluded changed multiple students' answers on the 5th grade mathematics CRCT Retest ("the Retest") at Deerwood Academy ("Deerwood") in July, 2008. The Report alleged that the motivation for altering test answers was to enable enough Deerwood students to pass the test so as to achieve Adequate Yearly Progress ("AYP"). It stated: "Schools that do not make AYP ... suffer consequences," but without specifying those consequences. The Summer 2008 Retest was the first time that a Retest was allowed to be used for purposes of AYP.

Five APS elementary schools sent their students to the Deerwood Summer school: Perkerson, Fickett, Continental Colony, Kimberly, and Deerwood. Thirty-two Deerwood 5th grade students attended Summer school and took the Retest. All of them were students who had not passed the Spring CRCT testing in mathematics. The Report identified eleven of those 32 students through erasure analysis who were in the 98th-99th percentiles on total erasures and/or wrong-to-right changes of answers (the "flagged students"). The Report concluded: "Given the results of ... erasure analysis, the unusually high gains made over the Spring CRCT administration, and the fact that the scores of the other four Summer school programs at Deerwood did not spike, GOSA finds overwhelming evidence to show that someone changed multiple students' answers."

The scope of my investigation was to determine whether there was evidence to support or contradict GOSA's allegations of tampering with the 5th grade mathematics Retest. I considered the following issues: (1) whether the processes and procedures that were employed at Deerwood Academy for the Retest were in conformity with APS and Georgia Department of Education instructions; (2) if not, what were the irregularities and who was responsible for them; (3) whether there was opportunity for tampering with the completed tests; (4) whether there was evidence that someone actually altered students' answers on their answer sheets; and (5) if so, who made the alterations.

The undersigned, Penn Payne, conducted the investigation. On June 23, 2009 Colinda Howard, Esq., and I met with Kathleen Mathers, the Executive Director of GOSA, and John Grant, the Chief Investigator for the Georgia Professional Standards

Commission. They described the information they had obtained from various APS personnel during their investigation in the Spring, in more detail than was in the Report. During the time period June 19 – August 19, 2009, I obtained background information from Colinda K. Howard, Esq., Dr. Cari Ryan and Lester McKee, reviewed the Report, decided whom to interview, drafted preliminary and final interview questions, obtained and reviewed numerous documents, lists and charts, and conducted detailed interviews with the following people:

- Lashanna Morrison**, the administrative assistant at Deerwood (2 interviews);
- Lavonia Ferrell**, a retired APS educator and the test coordinator for the 2008 CRCT testing at Deerwood (2 interviews);
- Margaret Merkerson**, a former APS teacher and current substitute teacher (2 interviews);
- Jeff Diggs**, a teacher at Deerwood during the regular school year, who taught 5th grade reading and mathematics at the 2008 Deerwood Summer school and had one Deerwood student in his class;
- Adrian Woods**, a teacher at Fickett Elementary School during 2008-2009 school year and at Grove Park Elementary School the previous two years, who taught 5th grade mathematics at the 2008 Deerwood Summer school and had ten Deerwood students in her class;
- Roxanne King**, a teacher at Fickett Elementary School during the regular school year for the past five years, who taught 5th grade reading and mathematics at the 2008 Deerwood Summer school and had nine Deerwood students in her class;
- Roland Perrin**, in the Security Department at APS;
- Sharon Davis-Williams**, the Executive Director of School Reform Team 1 (responsible for Deerwood) (2 interviews);
- Lisa Smith**, the principal at Deerwood;
- Tabeeeka Jordan**, the assistant principal at Deerwood and the site administrator for the 2008 Summer school at Deerwood (2 interviews);
- Valjean Williams**, a former APS PEC teacher and current substitute teacher;
- Robin Holloway**, a teacher at Perkerson Elementary School during the regular school year, who taught 5th grade mathematics at the 2008 Deerwood Summer school and had six Deerwood students in her class;
- Gayle Burnett**, Research Associate in Research, Planning and Accountability at APS;
- Cari Ryan**, Senior Research Associate for Testing and Assessments at APS;
- Lester McKee**, Executive Director, Research, Planning and Accountability at APS;
- David Resmondo**, APS Building Systems Technician;
- Herb Joseph**, APS Director of Administration and Management in Facilities Department;
- Christine Blackwell**, APS Sub-Finder expert;
- Taylor Ramsey**, Teach for America;
- Alex Lunding**, Teach for America;
- Eunice Jones**, PEC Coordinator for SRT 1.

I conducted a brief telephone interview with Krynica Drake, who taught 5th grade mathematics at the 2008 Deerwood Summer school but who had only three Deerwood students in her class. I conducted a telephone interview with Sandra Sessoms, the principal at Continental Colony Elementary School, who was the principal for the Deerwood Summer school in 2008. I conducted follow-up telephone interviews with Jeff Diggs, Lisa Smith, Margaret Merckerson, Adrian Woods and Roxanne King. All the in-person interviews except those with Cari Ryan, Lester McKee, Gayle Burnett, Roland Perrin, Sharon Davis-Williams, David Resmondo, Herb Joseph, and Christine Blackwell, and the second interview with Ms. Ferrell, were tape recorded and have been transcribed.¹

I requested information from GOSA that I believed would be relevant to my investigation. I sent the following requests to GOSA's counsel, Nels Peterson, and received the following responses:

Dear Ms. Payne,

I'll address your requests in order.

1. *The originals of the mathematics answer sheets of the 32 5th grade Deerwood students who took the 2008 Summer Re-test and printouts of all identification done by the scanner – I can arrange to have them picked up and sent to me by courier and overnight mail.*

These documents are held by the Professional Standards Commission as relevant to a pending or imminent investigation. Because the PSC has its own set of policies with respect to such documents, and because the Governor's Office of Student Achievement wants to respect the PSC's process, GOSA would ask that you direct such requests to the PSC.

2. *Any analysis that GOSA has done about the erasures of the 32 Deerwood students – i.e., was there any pattern to the questions that were changed from wrong to right answers, or the questions that were changed from wrong to wrong or right to wrong answers, or any other pattern that would indicate tampering;*

GOSA contracted with the Georgia Center for Assessment to analyze the changes made on the test answer documents in question. The details of that analysis have been shared with Dr. Beverly Hall and Colinda Howard in a report entitled *APS_ErasureAnalysisReport*. Details are also included on pages 7-12 of GOSA's Comprehensive Audit Report, which is available at <http://www.gaosa.org/news.aspx?mode=detail&obj=1842>.

3. *Transcripts or copies of the original recordings of the interviews that Ms. Mathers and Mr. Grant did with various APS personnel relating to Deerwood.*

As with Request #1, these records are held by the Professional Standards Commission as relevant to a pending or imminent investigation. Because the PSC has its own set of policies with respect to such documents, and because the Governor's Office of Student Achievement wants to respect the PSC's process, GOSA would ask that you direct such requests to the PSC.

¹ I cite to the transcripts of the interviews with the name of the interviewee, a Roman numeral I or II, if there were two interviews, to indicate which one, and the page numbers on the electronic transcripts. I am maintaining the electronic transcripts at my office and have not printed hard copies either for myself or to include with this report. I believe that OIR has the original tapes of the interviews, which were returned to OIR after being transcribed by Deb Puckett, the court reporter. OIR made a copy of each tape, as well, and I had the copies in my possession for a period of time before the interviews were transcribed, but I have since returned them to OIR.

4. *Any statutes, rules or regulations, or other information, that led GOSA to conclude that volunteers should not handle test materials even if they are certified educators;*

GOSA was informed by the Georgia Department of Education's Associate Superintendent for Assessment that such policy was not permissible.

5. *Any information that led GOSA to conclude that no one was responsible for locking the room at Deerwood where the tests were kept at the end of the day;*

GOSA interviewed Deerwood's Summer school test coordinator, Lavonia Ferrell, regarding test conditions. Ms. Ferrell stated that the secretary was responsible for access to the room. GOSA also interviewed the secretary, LaShaunna Morrison, who stated that she was responsible only for providing access at the beginning of the day.

6. *Any information that led GOSA to figure out how someone actually obtained access to completed answer sheets and physically accomplished the alleged erasures and changes to the answer sheets;*

At no point has GOSA claimed to have determined the specific facts of how answers were changed at each school. Rather, GOSA has determined (and the State Board of Education has agreed) that overwhelming evidence demonstrates that answers were changed. The precise details of how the changes were made and who made them are for the PSC to determine.

7. *The names of the person or persons whom GOSA believes changed the answers, and the information that led GOSA to that conclusion.*

As discussed in response to Requests #1, #3, and #6, it is simply not the role of GOSA to make final and public determinations of this sort. Please direct such requests to the PSC.

In short, I would really appreciate it if you and Ms. Mathers and Mr. Grant would tell me whatever you all believe is "overwhelming evidence" of tampering. If I have missed something so far in my investigation, or have not had access to relevant information, I want to know about it.

GOSA's Comprehensive Audit Report, referenced in response to Request #2, articulates the evidence of tampering. Ms. Mathers summarized that evidence in her July 8, 2009 presentation to the State Board of Education as boiling down to "Four Indicators". Those indicators were as follows, with citation to the Audit Report for specific details where applicable:

1. Deerwood's 5th grade math students' gain on the 2008 CRCT Retest were drastic and warranted investigation (report p.1 and 5-6);
2. The erasure analysis conducted by the Georgia Center for Assessment showed clearly that Deerwood had significantly more changes made to the 5th grade math CRCT 2008 Retest than the representative state sample (report p.7-12);
3. Five schools sent students to Summer school at Deerwood. Students from the different schools were placed in classrooms with one another for instruction, yet only Deerwood students' scores spiked. The other four schools' score gains were at or near the state average (report p.15-16);
4. Of the Deerwood students who failed the spring 2008 CRCT in 5th grade math who retook the test in Summer school, nearly 50% failed the 6th grade math CRCT in 2009.

This response from Mr. Peterson gave me no new information that was not already in the GOSA Report, except for one small detail about the prohibited use of volunteers in the testing process. Nevertheless, as Mr. Peterson suggested, I then directed items 1, 3, 6 and 7 to John Grant of the PSC by email on July 14, 2009. He responded that he had turned over my request to the PSC's in-house counsel and the Attorney

General's office. When I returned from being out of town on July 26, a letter was waiting for me from Tanis Miller, the Legal Liaison of the PSC, declining to release any information to me. [Ex. H.]

This report is based on information that was available to me as of August 19, 2009.

II. Executive Summary

The investigation showed that there were irregularities in the 2008 Summer Retest process at Deerwood Academy. Some of the procedures used there by the testing coordinator and site administrator were in violation of the Georgia Department of Education instructions for administering the Retest. The flaws in the process of administering the tests gave several people the opportunity to alter test answers, although not necessarily the answers of the 11 students flagged by GOSA. Based on the evidence described in this report, I conclude that the irregularities were the result of negligence in record keeping, lack of energy and diligence in following the rules, and supervisory failure, rather than being deliberate attempts to find opportunities to alter the test answers.

GOSA did not attempt to determine how the Retest answers were altered or who had done it. The Report simply determined that "someone who had access to test materials after testing concluded changed multiple students' answers..." GOSA used four indicators as proof. Of those four indicators, I conclude (1) that the gains in Deerwood's scale scores can be explained by factors other than test tampering, such as the small class size and individual attention the students received in Summer school; (2) that without access to the original answer sheets, I cannot evaluate the evidence of erasure analysis, and there are questions that create doubt about the reliability of the erasure analysis to indicate tampering; (3) that, although there is a partial explanation for the "spike" in Deerwood's math scores in contrast to the four other schools, this spike is the strongest and most persuasive statistical indicator of tampering; and (4) that the comparison between some of the Deerwood students' 5th grade Retest scores and their 6th grade scores in the Spring of 2009 is invalid, based on the Georgia Department of Education's own CRCT Score Interpretation Guide, which states that "it is not appropriate to compare scale scores across grades and content areas." The comparison therefore does not provide proof of tampering. As a result, GOSA's four factors provide some indication of tampering, but not "overwhelming" evidence. And when I take these indicators and combine them with the lack of evidence of how tampering was accomplished and who did it, the persuasiveness of the statistical indicators is diminished.

The investigation showed that the test coordinator, the school principal, the school administrative assistant and one volunteer retired APS educator had access to the conference room where the completed answer sheets were stored. The site administrator, who was Deerwood's assistant principal, did not have a key to the conference room where the test materials were stored, but she should have been regarded as a person

authorized to enter the room, according to the 2008 "School and System Test Coordinator's Manual," and she might therefore have gained access to the answer sheets. Deerwood's principal was not at Deerwood during the week of testing, except for the Monday of that week, and the test administration did not begin until Tuesday. She was not the principal on duty for that week and was not required to be there. Any scenario that places her at Deerwood after the tests were administered is speculation, and she could not have tampered with the tests without being physically present. There is no evidence that any of these people used their access to change students' answers, however.

The school principal and the site administrator had some motivation, but not strong motivation, to make AYP for the sake of their careers. Making AYP in 2008 could have resulted in a small cash remuneration to the school, in an amount similar to the 2007 payment of \$824. But the direct financial benefit is far too small to be a motivating factor for anyone to tamper with the answer sheets. They had more motivation to achieve the APS targets for their school than to make AYP, but the Summer Retest did not count for purposes of a school making its APS targets, only the Spring administration counted toward that goal. Tampering with the tests in the 2008 Summer Retesting could not, therefore, change the fact that Deerwood had not come close to making its APS targets in 2007-2008.

The test coordinator and the two volunteer retired APS educators did not have an independent motivation for Deerwood to make AYP, and the evidence does not support a motive to conspire with others to alter the test results. The administrative assistant had some minimal career motive to give the site administrator access to the room where the completed tests were stored, but there is no evidence that she did so. The teachers who taught the large majority of Deerwood students had no motivation whatsoever to help Deerwood make AYP, since they taught at other schools during the regular school year.

It would not have been an easy task to change answers on the students' tests in a way that would result in an increased pass rate. A person tampering would need a test booklet and then would have to answer all the questions, mark the correct answers, possibly make their own answer key, identify the Deerwood students' tests from among the other four schools, decide which children's tests needed altering, decide how many questions to alter on each test, decide which questions to change by identifying wrong answers on each test, physically make the erasures, and then bubble in the right answers. It would have taken several hours to do all of this activity. I did not find evidence that any of it was done.

My overall conclusion is that, despite the irregularities in the testing process and despite some evidence of opportunities and motive to tamper with the tests, there is no concrete, non-statistical evidence that anyone actually altered answers or tampered with the answer sheets. Any contrary conclusion could only be based on speculation and on possibilities about what might have happened, not what can be proved to have happened. In a matter as serious as this one, I will not reach a conclusion of tampering without more persuasive evidence than I have found in this investigation.

III. Facts

A. People

Ms. Lisa Smith is the principal at Deerwood, but was not on site, and was not required to be on site, during most of the Summer school. [Ex. I, schedule of principals' duty rotation.] She was not on duty during the week of testing.

Ms. Tabeeka Jordan is the assistant principal at Deerwood, and she was the site administrator for the Deerwood Summer school in 2008. She was therefore responsible for the Retest, even though she hired a test site coordinator.

Ms. LaShanna Morrison is the administrative assistant at Deerwood. If the principal's office and the conference room were locked, Ms. Morrison and Ms. Smith were the only people with access to the conference room where the testing materials were stored.

The test site coordinator was Ms. Lavonia Ferrell, a former APS educator who had retired at the end of the 2007-2008 school year after 27 years with APS. She had previously served as a school testing coordinator for 7 years. [Ferrell, 5 - 9.] She asked Ms. Margaret Merkerson to help with bubbling the students' demographic data onto the test materials.

Ms. Merkerson was not paid for the work she did in connection with the CRCT Retest. According to the current Georgia Professional Standards Commission website, Ms. Merkerson held a certificate in Educational Leadership, Data Collection, Early Childhood Education (P-5), Elementary Grades (P-8), Gifted Consultative, Gifted Language Arts, Gifted Science, Middle Grades (4-8), Middle Grades Language Arts, Middle Grades Science, and Reading Endorsement in July 2008 (and currently). Ms. Merkerson has held the position of substitute teacher since August 2007. She was therefore a "certified educator" in July, 2008. She did not attend the in-service training conducted by Ms. Ferrell for test examiners on July 7, 2008. She did not have experience administering CRCT tests or being the classroom teacher who administered them during her tenure as an APS educator, but she served as a proctor at Fickett in the Spring of 2008. [Merkerson I, 8-9.]

Another APS teacher, Valjean Williams, served as a test examiner for PEC students and was not paid for her work. Ms. Williams had been employed by APS since 1968 until she retired at the end of the 2007-2008 school year. According to the Georgia Professional Standards Commission website, Ms. Williams held a certificate in Data Collection, Early Childhood Education (P-5), Family and Consumer Sciences Education (6-12), Middle Grades (4-8), Middle Grades Language Arts, Middle Grades Science, Middle Grades Social Science, and Teacher Support Specialist in July 2008 (and currently). Ms. Williams held the position of teacher in July 2008. Ms. Williams' status changed to substitute teacher in October 2008. Ms. Williams is presently classified as a substitute teacher. During the 2008-2009 school year, she was a substitute teacher and

interim PEC teacher at Deerwood. She had experience with CRCT testing for PEC students. [Williams, 8 -9.]

B. The Testing Process

Contrary to the practice during the regular school year administration of the CRCT, there were not pre-printed labels on the test materials containing demographic data for each student for the Summer Retest. Ms. Ferrell was responsible for bubbling that data on the test sheets, and she said that she could not get it done in time for the first day of testing by herself. That was the reason she asked Ms. Merkerson to help. [Ferrell I, 16 - 17.]

Initially, Ms. Merkerson herself and Ms. Jordan flatly denied that Ms. Merkerson had done any testing. [Merkerson I, 9-10: "I didn't do any make-up testing."] [Jordan I, 41-42: "So it was just the bubble sheets, basically. Writing out the names. It was just somebody who was going to help write out names. So it wasn't like authorized. She was just like, you know, I'll ask Ms. Merkerson, you know, to come or whatever and she bubbled. And, you know, that was it. ... She didn't test -- I know that much -- or anything like that and didn't touch testing materials."]

In Ms. Merkerson's second interview, however, she admitted that she had actually served as a test examiner for a small group of math students, in addition to her help with the bubbling. She knew that she wasn't supposed to do any testing, because she had not taken the in-service training. She says that she didn't tell me about serving as an examiner in the first interview because Ms. Jordan had tried to tell her that she had **not** served as an examiner. Although Ms. Merkerson's testimony is rambling and disjointed, it appears to me as though Ms. Jordan was trying to persuade Ms. Merkerson not to reveal the irregularity of Ms. Merkerson being an examiner without having the required training. [Merkerson II, 4, 16 - 24.]

In Ms. Jordan's second interview, she more or less admitted Ms. Merkerson's role as a test examiner, although she initially protested that she didn't really remember. Ms. Jordan's rambling explanation is defensive, and I believe that she was doing everything she could to explain away the use of Ms. Merkerson as an examiner, while not admitting that she had lied to me in the first interview. [Jordan II, 31-37.]

Ms. Ferrell, in her first interview, said that Ms. Merkerson was not with her on the day of the math and make-up tests—that she was only there for the preliminary matters. [Ferrell I, 45.] In her second interview, she did not remember that Ms. Merkerson had served as a test examiner, even when I asked her that question directly. I find it hard to believe that she did not know or could not remember that Ms. Merkerson had actually tested a group of students. When I told her that Ms. Merkerson said she had done so, Ms. Ferrell said that it must be true, then, if Ms. Merkerson says so. [Ferrell interview notes.]

Ms. Merkerson's use as an examiner came about on short notice. She remembers that the site administrator, Tabeeka Jordan, came and got her at some point during the

morning of one of the two test days and said, "Come with me." Ms. Jordan found a classroom to use for testing and Ms. Merkerson administered the test to a small group of students. Ms. Merkerson's understanding was that this group had been separated from another class because of behavior problems. [Merkerson II, 5 - 16.] She is very vague about the details of that morning otherwise. She does not remember what she did with the answer sheets and test booklets, but it sounded as though she had been given no clear guidance on what she was supposed to do with them. [Merkerson II, 29 - 34.] Ms. Ferrell had not remembered that Ms. Merkerson was an examiner, and so she does not remember Ms. Merkerson giving her the test materials. Ms. Merkerson did not sign out any tests or sign any tests back in, or account for the number of test materials that she had. [Merkerson II, 33 - 34.]

To the extent Ms. Merkerson remembers events, she is largely consistent with Roxanne King, who taught both reading and math in the Deerwood Summer school. Ms. King remembers that someone came to her classroom on the morning of the math test (she is reasonably sure that it was for the math test and not both math and reading days), and removed 5 or 6 or 7 or perhaps more of her students to be tested. Ms. King had 9 Deerwood students in her class of 14 students, and they were the students with most of the lowest Spring scores of all the Deerwood Retest students. Ms. King had several children who had significant behavior problems and were disruptive, and she had been fairly vocal in talking about that fact during the Summer school. She remembers this clearly, because after the students were removed, the room was abnormally quiet and peaceful, and she was delighted not to have the disruptive students in her testing session. She remembers that the majority of the students who were moved were Deerwood students. She does not remember the reason given for moving these students, but she did not question it because she was so happy to have them gone. [King, 7 - 14.] This is the group of students whom Ms. Merkerson tested.

Pulling these students out of Ms. King's class and having them tested by Ms. Merkerson was not the usual practice. It may have been a wise move if it kept disruptive students from bothering other students during the test-taking, but it gave Ms. Jordan (or possibly Ms. Ferrell) access to a small group of completed answer sheets for a period of time without the need for another person to account for them on paper or otherwise.

When I first put this chain of events together, I was suspicious that the answer sheets from this small group were ones that had been altered. I obtained a list of the 11 students whom the State has flagged as being in the 98th-99th percentiles on total erasures and/or wrong-to-right changes of answers. I read Ms. King a list of the students in her class, and she identified 7 students whom she thought were the ones who were moved.² I then cross-referenced those students with the list of the 11 flagged students, thinking that I might find a high correlation, but I did not. Only two students were on both lists. I have therefore concluded that this chain of events could have provided either Ms. Ferrell, Ms. Jordan or even Ms. Merkerson with the opportunity to alter some of the answers on

² I subsequently learned that one of those students was in the Program for Exceptional Children (PEC) and was moved to be tested by a PEC teacher.

the completed answer sheets, but I have also concluded that it does not provide reliable proof that they did.

As part of the process of accounting for all test materials, the teachers (test examiners) were required to sign their names on a "CRCT Security Management Form" [Ex. C] and were supposed to count out the number of test booklets and answer sheets they took out and returned on each day of the testing. The numbers of test booklets and answer sheets opposite some of the teachers' names have been obviously altered, without explanation. Neither Ms. Merkerson's nor Ms. Valjean Williams' names appear on the sheet, and both of them administered tests. In addition, the total number of answer sheets signed out on Exhibit C for 5th grade is 120, but the checklist that was filled out at the Brewer Center when Ms. Ferrell brought the test materials back to APS on July 11, 2008 [Ex. D] shows a total of 128 "answer documents" for 5th grade.

Ms. Ferrell did not have a serious explanation for any of the discrepancies, and she is the person who was in charge of these processes. When I asked her about the group of 5 or 6 or 7 students being moved because of behavior problems, she remembered only that there was talk of two girls who were disruptive. A PEC coordinator took one of the girls to be tested, and Ms. Ferrell does not remember what happened to the other. She acknowledges that Ms. Merkerson's name is not on the teacher sign-out list, and does not remember receiving testing materials back from Ms. Merkerson. She believes that Ms. Merkerson must have put her answer sheets with Ms. King's materials and that Ms. King then turned them in. This explanation, however, is not consistent with the teacher sign-out list [Ex. C], because it shows that Ms. King took out and turned back only 10 booklets and answer sheets, when she had 14 students.

Ms. Ferrell did remember that Valjean Williams administered tests to PEC students, and she said that Ms. Williams brought the test materials back to Ms. Ferrell, who then divided them up into different piles based on the home school of the student. This is not consistent with her earlier interview, in which she said that she *did not* do anything to organize the tests until the next day—Thursday. [Ferrell I, 49 -51.] When I asked her why Ms. Merkerson and Ms. Williams were not on the sign-out list, she said that it must have been because they picked up the tests from the classroom teacher and because they were not being paid. I asked her how she accounted for the tests that Ms. Merkerson and Ms. Williams administered, and she said that they should have been taken back to the classroom teachers. If that is true, then it is inconsistent with her memory that Ms. Williams brought back the PEC students' tests to her. When I asked her about the numbers of the tests that were erased or whited out on the sign-out sheet, she had no explanation. Similarly, she had no explanation for the discrepancy between 120 tests accounted for on the sign-out sheet that the teachers initialed and the 128 tests that were recorded as being checked in at the Brewer Center.

Although she talked at great length, Ms. Jordan had no explanation that would account for the tests of the students who were moved from Ms. King's class [Jordan I, 11-17; Jordan II, 57 - 58]; no explanation for the altered numbers of test materials on the teacher sign-out form [Ex. C] [Jordan I, 11-17; Jordan II, 46 - 47, 56]; no explanation for

the absence of Ms. Merkerson's and Ms. Williams' names on Exhibit C or to account for the tests of the students they tested [Jordan II, 54 – 55]; and no explanation for the discrepancy between the 120 5th grade tests accounted for on Exhibit C and the 128 answer documents turned in to the Brewer Center [Jordan II, 60 – 62]. She disclaimed her own responsibility and blamed Ms. Ferrell for everything.

I have not been able to find a credible explanation for any of these irregularities. It is possible, therefore, that either Ms. Ferrell, Ms. Jordan or even Ms. Merkerson had the opportunity to alter answers on the 8 completed answer sheets that were not accounted for on Exhibit C, or on the tests of the Deerwood students who were moved out of Ms. King's class.

Ms. Jordan says that she needed another PEC examiner and she asked Ms. Williams to do that testing. She tried to arrange for Ms. Williams to be paid for her work, but was not successful. [Jordan II, 48 – 54.] So Ms. Williams said that she would come on in and do the testing anyway for the reason, as she told me, that she was concerned about her PEC students. [Williams, 25; see also Jordan II, 48 – 54.] She told me that she did not take the in-service training for test examiners. Her name is not on Exhibit C, the Security Management Form, and she did not sign tests out or in on the form.³

Both Ms. Jordan and Ms. Ferrell signed a document named "School Certification Form, July 2008" and dated July 11, 2008, certifying that they had done eleven items relating to the testing process. [Ex. F.] Their certification of at least three of these items was false. Item # 3 was false because a session was not provided for Ms. Merkerson and Ms. Williams to review the Examiner's Manual and test procedures. Item # 5 was false because all materials were not accounted for. Item # 9 was false because all forms were not accurately completed. Ms. Jordan again disclaimed responsibility and blamed Ms. Ferrell, saying that she [Ms. Jordan] took Ms. Ferrell's word that the proper procedures had been followed. [Jordan II, 63 – 69.]

Kathleen Mathers and John Grant indicated to me during our meeting on June 23, 2009 that they believed it was unusual to hire a test coordinator for the Summer Retest when there were already two administrators at Deerwood—the principal and assistant principal. But the assistant principal, Ms. Jordan, was the site administrator for the Summer school, which was a full-time job, and the Deerwood principal was not there during the week of testing or much of the summer. The principals from the five schools whose students attended Summer school each took a week to be on duty, and Ms. Sandra Sessoms was the principal on duty during the week of testing. [Ex. I.] In addition, Dr. Cari Ryan said that although some schools used the Summer school site administrator as the testing coordinator, it was a full-time job during the testing period, and it was not unusual to have a separate test coordinator like Ms. Ferrell last Summer.

³ For Ms. Williams, this may be a situation that "no good deed goes unpunished." She was concerned about her PEC children and she wanted to make sure that the testing for them was done properly, even though she was not paid. Now she has been pulled into this investigation. I do not believe that she did anything wrong in any way.

C. Security Systems at Deerwood

Deerwood had an alarm system with door contacts and motion detectors.⁴ On July 8, 9, 10 and 11, 2008 the alarm system was activated between 9:00 p.m. and 10:00 p.m. by the contract cleaners each night and deactivated each morning between 6:00 and 6:30 a.m. by Elroy Flowers, the SRT1 site manager. [Ex. J, Event Report, and Ex. K, Badge Report.] During the period of time that the alarm system was activated, no one could get into the building without either swiping a badge or having a building key, plus having an access code to turn off the alarm system. Ms. Smith, Ms. Morrison and Ms. Jordan had access codes so that they could turn off the alarm system. Swiping a badge created a badge report, and using an access code to turn off the system created an entry on an event report. David Resmondo, a Building Systems Technician with knowledge of Deerwood's security systems, along with Herb Joseph, the Director of Administration and Management, matched up the Event Report and the Badge Report for July 8 - 11 and stated that the reports did not show anything out of the ordinary. Mr. Resmondo's conclusion was that no one came into the building after hours on those days. If anyone had purposefully stayed in the building at night after the alarm system was set, they would have been picked up by the motion detectors, triggering the silent alarm, and the security cameras.

Deerwood also had a video recording system which was active 24 hours a day, with cameras located at numerous points inside and outside of the building. This system did not save video footage back to July, 2008. [Ex. L, Response of Chief Marquenta Sands.] As a result, there is no video record for the critical time period when tampering could have occurred. In any event, there were no cameras in the office suite, including the conference room where the tests were stored, but there were motion detectors. If anyone had been tampering with the tests, that person or persons would have to be concerned that their entry to and exit from the building was not only being recorded at the time, but that the cameras were being monitored in real time from a central security location.

During the time that the alarm system was not activated, *i.e.*, approximately 6:00 a.m. until 10:00 p.m., access into the building was controlled. Anyone entering the building must have either swiped a badge, used a J key, been buzzed in from the main office on the "A phone" audio and video system, or been allowed to walk in with someone who had access in one of those three ways. Anyone who was once inside the building, however, could leave without needing to swipe a badge, use a key or be buzzed out.

Ms. Smith, Ms. Jordan and Ms. Morrison all had keys that allowed them access into the building, so they did not need to swipe their badges to get in. As a result, all of them could go in and out of the building, as long as the alarm system was not set, without creating a record in the form of a badge report of their entries and exits. Ms. Ferrell, Ms.

⁴ All information about the security systems relates to the time period of July, 2008, although much of the security is still in place or has been upgraded.

Merkerson and Ms. Williams, who did not have a J key to get into the building and who did not use badges to gain access on the days in question [Ex. K, Badge Report], had to have been buzzed in or have walked in with someone else. Like everybody else, they could have walked out at any time, all without creating any record of their activity.

D. Security of the Testing Materials

Turning to the security of the testing materials themselves, they were delivered to Deerwood without incident and were kept in the principal's conference room next to the Ms. Smith's office. There were two doors into the conference room—one from the hallway and one from Ms. Smith's office. If Ms. Smith, Ms. Jordan and Ms. Morrison, the school administrative assistant, are telling the truth,⁵ only Ms. Smith had a key into the room from the hallway, and only Ms. Smith and Ms. Morrison had a key into Ms. Smith's office, from which it was possible to get into the conference room. According to Ms. Smith, Ms. Jordan and Ms. Morrison, the conference room was locked when it was not being used. Ms. Jordan said that she did not have either keys, although she did have a key to the school building. [Jordan I, 42 – 43; Jordan II, 85 – 86; Smith, 16 – 17.] When Ms. Ferrell needed access to the room, Ms. Morrison unlocked the principal's office door, opened the door to the conference room from there, and then opened the door from the conference room into the hall to let Ms. Ferrell in. [Morrison, 6-8.] Ms. Morrison insists that Ms. Ferrell knew to keep everything locked when she was not there, and that Ms. Morrison always made sure it was locked when she left at the end of the day. [Morrison I, 6 – 18; Morrison II notes.]⁶ Ms. Ferrell said that she always left the conference room through the door to the hallway, not through the principals' office, and that door locked automatically when it closed behind her. She did not need a key to lock it, or to ask Ms. Morrison to lock it. [Ferrell, 29 – 31.] It was not a door, like a hotel door, that closed automatically, however, so Ms. Ferrell could have walked out of the room without closing the door and Ms. Morrison would not have known that the door was open until she checked it when she left for the day. Ms. Morrison said that she did not find the door open on any of the days in question, when she checked it before leaving for the day. [Morrison II notes.].

Ms. Ferrell said that on the day of the math test, she left the school very soon after the testing was finished. She did not attempt to sort the tests at that time, but she left them just as the teachers had brought them back—each teacher had a bin or container,

⁵ Ms. Jordan has not been truthful about Ms. Merkerson's role, and evasive in much of her testimony, so I can have little confidence that she is telling the truth about other matters. Ms. Smith and Ms. Morrison, however, corroborate that Ms. Jordan did not have a key to the conference room or to Ms. Smith's office.

⁶ The following information was provided by GOSA through its counsel in response to my request for "Any information that led GOSA to conclude that no one was responsible for locking the room at Deerwood where the tests were kept at the end of the day": "OSA interviewed Deerwood's Summer school test coordinator, Lavonia Ferrell, regarding test conditions. Ms. Ferrell stated that the secretary was responsible for access to the room. GOSA also interviewed the secretary, LaShaunna Morrison, who stated that she was responsible only for providing access at the beginning of the day." This information is contradictory to the information Ms. Morrison provided in her interview with me. Since GOSA and the PSC have thus far refused to give me the recording of the interviews that they did, I have no way to verify what Ms. Morrison told the GOSA and PSC investigators.

and his or her test booklets and answer sheets were in that bin. At that point, the tests were not separated into stacks according to each school. For example, Ms. King had students from Deerwood, Continental Colony, Kimberly and Perkerson in her test group, but all those test booklets and answer sheets were still in her bin. [See Ex. E, color-coded list of the each teacher's initial class assignments for the Summer school. Students are identified by name on Exhibit E.] The test materials were in these bins or containers on the conference room table on Wednesday, July 9 after the testing was completed, and they were not sealed or protected in any way. Ms. Ferrell said that when she returned the next day, Thursday, July 10 (the day of the make-up testing), she sorted the test materials by school, and then followed the instructions for putting a strip of paper around each stack and filling out the stack cover card. She organized everything on that Thursday to take to the Brewer Center the next morning, because she had an early appointment there—9:00 a.m.—and she wanted to be able simply to come to Deerwood in the morning and pick up all the materials, without having any tasks left to do. On Thursday, she boxed up and sealed the test booklets to be sent back to the testing vendor. All the answer sheets were in their respective stacks with a strip of paper around them, and were in a type of box that Ms. Ferrell described as a “Coke flat,” which was an open box without a lid. Ms. Ferrell said that it would have been possible to slip the answer sheets out of the stack and then put them back in, although she did not see evidence of such tampering. They were not sealed or secured in any other way. Ms. Ferrell picked up the materials on Friday morning, July 11 and took them to the Brewer Center for delivery at 9:00 a.m. [Ferrell, 10 – 13; 31 – 44.]

IV. Correct Testing Process and Procedure

I have obtained from Cari Ryan a copy of the 2008 “School and System Test Coordinator’s Manual” (the “Manual”) for the Summer CRCT Retest [Ex. B], and I am using that information as a guide to evaluate the processes and procedures that were actually used at Deerwood in the Summer of 2008. I have also obtained from Cari Ryan an APS Power Point presentation that was used for the Pre-Administration Workshop on July 1, 2008 to train the individual school test coordinators. [Ex. G.]

These documents [Exhibits B and G] lay out the proper procedures for the administration of the CRCT Retest in great detail. It is not necessary to repeat them here. Instead, I will identify the irregularities that the facts, described above, revealed, using the Manual to define the conduct or circumstances that constitute an irregularity or violation of testing procedure.

The Summer 2008 testing protocol is essentially the same as the protocol for the regular school year testing in the Spring. *The guidelines and instructions are as strict for the Summer as the Spring, and the Department of Education demands the same adherence to them.* There are a few differences worth noting, however. In the Summer the test coordinator must separate the completed answer sheets from each test examiner into stacks for each home school, whereas in the Spring, when testing is done at each individual school, no such separation is necessary. In the Summer the answer sheets do

not arrive with preprinted demographic data for each student, as they do in the Spring. The testing coordinator, or the test examiners, must bubble this data. This difference was responsible for Ms. Ferrell's decision that she needed help from Ms. Merkerson to finish the bubbling in time for the testing. Finally, there is only one form of the test in the Summer, with the same questions in the same sequence for all students, whereas in the Spring there are several different forms. This fact would make tampering with the tests easier in the Summer, because it would not be necessary to match up an answer sheet with a specific form of the test.

In addition, although this is not a matter of test protocol, the Summer Retest did not count for purposes of a school making its APS targets, only the Spring administration affected those targets.

V. Irregularities in the Testing Process

A number of irregularities emerge from the facts recited above.

A. Failure of the Test Coordinator to Account for All Tests

Ms. Ferrell was responsible for accounting for all test materials, along with the test examiners. The School Test Coordinator Instructions state that "All test materials must be accounted for and returned. The School Test Coordinator is responsible for returning all scorable materials to the System Test Coordinator immediately upon completion of testing." [Manual, p. 28.] The Test Examiner Instructions further provide: "All test materials must be accounted for and returned. The Test Examiner is responsible for returning all testing materials to the School Test Coordinator immediately after completion of testing." [Manual, p. 27.]

The Manual provides, as item #6 on the School Inventory Checklist: "Before distributing secure test materials to Test Examiners, record the Test Examiner's name on the *School Security Checklist* next to the security number of each booklet assigned to that Test Examiner. At the beginning of each day of testing, the Test Examiner must date and initial the *receipt* of materials. At the end of each day of testing, the School Test Coordinator must date and initial the *return* of materials, prior to placing them back in locked storage. Store the *School Security Checklist* in a safe place until testing is complete." [Manual, p. 13.] [Ex. M. form document from Manual, p. 9.]

APS used a different form than the School Security Checklist as a method of accounting for the tests that each teacher took out and brought back—the Security Management Form. [Ex. C.] Irregularities occurred with the use of this form because it was incomplete and inaccurate. Both Ms. Merkerson and Ms. Williams served as test examiners at the request of Ms. Jordan, but their names were not on the Security Management Form, and they did not sign out or sign in the tests they administered or date and initial the receipt of materials. Without their names on the form, Ms. Ferrell could not count the number of test booklets and answer sheets that these two examiners had or

returned, or even verify that they did return all materials. Ms. Ferrell simply could not account for the completed tests that these two examiners administered.

In addition, the number of tests checked out and in by several teachers on the Security Management Form had been altered without explanation, so it is unclear whether all tests were accounted for. The fact that Ms. Jordan pulled students out of Ms. King's class and assigned them to Ms. Merckerson to test added to the confusion, because neither Ms. Jordan nor Ms. Ferrell could account for those children's tests.

Finally, the total number of answer sheets signed out on the Security Management Form [Ex. C] for 5th grade is 120, but the checklist that was filled out at the Brewer Center when Ms. Ferrell brought the test materials back to APS on July 11, 2008 [Ex. D] shows a total of 128 "answer documents" for 5th grade. As a result, eight tests were unaccounted for on the form used at Deerwood. The upshot is that no completely accurate paper trail exists to account for the tests.

B. Failure of APS to Verify Test Coordinator's Accounting for Tests

Ms. Ferrell turned in the testing materials to the Brewer Center on Friday morning, July 11, 2008. As described above, the form that she used to account for the testing materials [Ex. C] was flawed on its face, with changes in the number of test documents taken and turned in by several of the teachers, without any explanation for the changes. And the total number of 5th grade tests on Exhibit C was 8 less than the total number on the Brewer Center check-in sheet. Apparently, no one looked at the Security Management Form or matched up those numbers with the scorable materials.

The security form described in the Manual was in a packet of forms that Research, Planning and Accountability ("RPA") distributed at the pre-administration workshop for test coordinators, which Ms. Ferrell attended. [Ex. N, packet of forms.] Ms. Ferrell herself filled out this form and turned it in, but she did not use it as a method to check the tests out and in. [Ex. W.] Instead she listed every student opposite the security number of his or her test booklet and then put the name of their home school in the space where the teacher would have signed for the test. There were 122 5th grade students listed, so even this list did not match the total number of students on either the Security Management form or the checklist that was filled out at the Brewer Center.

The State-recommended form, the *School Security Checklist*, would have accounted for every test booklet given to every test examiner for every child tested. If it had been used, and used as designed, it would have forced each teacher to know and document the exact number of test booklets he or she was taking at the beginning of the test day, and it would have forced Ms. Ferrell to match up each test that was returned at the end of the test day to a specific test examiner and child. The APS Security Management Form did not match up each test by security number, student name and test examiner name; instead, it only required test examiners (not Ms. Ferrell) to initial the number of tests they received and turned back in each day. Ms. Ferrell said that she herself had filled in the number of students each teacher was going to test. [Ferrell, 63.]

Even if this APS form had been filled out properly, which it was not, it would not have provided the same level of accountability and precision as the *School Security Checklist*.

Lester McKee, Executive Director, Research, Planning and Accountability at APS, said that the primary concern was whether the number of test booklets that were sent to Deerwood was the same number as the answer sheets that were turned in at the Brewer Center. He asked for every test to be accounted for—whether they were completed answer sheets, extra test booklets that were not used, or a test booklet and answer sheet that was given to a student but the test was not administered for some reason. If these numbers matched the number of test materials sent to Deerwood, they did not look at any other form, including the APS Security Management Form. If they had seen that they had sent a certain number of tests to Deerwood and one or more of them was missing upon return, they would have reported it to the State right away.

Nevertheless, Ms. Ferrell did not maintain an accurate paper trail to account for all the tests, and no one at the Brewer Center recognized that failure.

C. Failure to Train Two Test Examiners

The Manual provides that “Test Examiners must be trained prior to the actual administration of tests” [Manual, p. 14] and that one of the responsibilities of the School Test Coordinator is to “organize orientation sessions for all Test Examiners.” [Manual, p. 1.] Ms. Jordan, however, had Ms. Merkerson and Ms. Williams act as test examiners, and by their own account, they had not participated in an orientation session for the Summer Retest. [Merkerson II, 4 -5; Williams 41.] The case of Ms. Merkerson is more troubling than that of Ms. Williams, because Ms. Merkerson had not administered CRCT testing previously, whereas Ms. Williams was experienced in testing PEC students, and those were the students whom she tested at Deerwood on the Retest. [Merkerson II, 4 - 5; Williams, 8-9.] Ms. Jordan is very defensive about the fact that neither Ms. Merkerson nor Ms. Williams had the in-service training for the Summer Retest [Jordan II, 30 - 39, 39 - 43, 49 - 54], and her explanations contradict Ms. Merkerson’s and Ms. Williams’ denial of having had the training.

Ms. Williams believes that she followed proper procedures for administering the tests on both days, although she does not remember whether she signed the tests out or in, “but I probably did.” [Williams, 38 - 41, 10 -14.] She sounded like an experienced educator in describing how she settled the children down and how she handled a particularly disruptive child. She does not remember how many students she tested, but it was more than two and probably 10 or less. [Williams, 15 - 16.] She did return the tests to the conference room when she was finished, and she did not see any failure to follow proper procedures. She said that she would have noticed if there was something unconventional. [Williams, 33 - 41.]

As noted above, Ms. Merkerson remembers very little about the testing procedure or the events of July 9, 2008, so there is really no way to determine if she followed proper testing protocols or if she was shown how to follow proper procedure by either Ms.

Ferrell or Ms. Jordan. She does not remember what she did with the answer sheets and test booklets [Merkerson II, 29 - 34], and her name was not on the Security Management Form, so Ms. Ferrell and Ms. Jordan apparently did not hold her accountable for the tests she administered.

D. Use of Volunteer Certified Educators as Test Examiners

The Manual states: "The CRCT Retests must be administered by a certified educator." [Manual, p. 3.] The GOSA Report faulted Deerwood as follows:

In addition, GOSA found several areas of test protocol that were carried out inappropriately. A retired educator volunteered to help coordinate CRCT Retesting, and volunteers should not be permitted to handle test materials whatsoever. It is also possible, although unclear, that another retired educator volunteered to test students in an alternative test environment.

Report, p. 17.

Both Ms. Merkerson and Ms. Williams were certified educators in July, 2008, and still are. By recruiting them to volunteer their services, Ms. Jordan did not violate the Manual's requirement to use certified educators. I have not found a written prohibition on the use of volunteers, even though the Report says that it is not permitted. The Manual does not use the word "volunteer" anywhere in its text, nor does the Georgia Department of Education's 2008-2009 Student Assessment Handbook. I attempted to find out from GOSA if there was a statute, rule or regulation forbidding the use of volunteers, and the response I received was: "GOSA was informed by the Georgia Department of Education's Associate Superintendent for Assessment that such policy was not permissible."

If GOSA is correct that a volunteer—even an experienced volunteer—should not be permitted to handle test materials or serve as a test examiner, then using Ms. Williams as a test examiner and using Ms. Merkerson as a test examiner and to help with the bubbling were irregularities in the testing process. Unless GOSA can point to something in writing setting out this policy, however, I cannot conclude that Ms. Jordan or Ms. Ferrell violated the policy.

E. Security of Testing Materials at Deerwood

The Manual provides, under the heading "Test Security":

Maintaining the security of all test materials is crucial to obtaining valid and reliable results. Therefore, test materials must be kept in locked storage, except during actual test administration. Access to secure test materials must be restricted to authorized individuals only (e.g. Test Examiners and the School Test Coordinator). It is the

direct responsibility of all individuals who administer the test to follow security procedures.

Manual, p. 3. Moreover, the Manual emphasizes that it is the responsibility of everyone involved in testing to keep the materials in locked storage when they are not in use. [Ex. B, pp. 10, 11, 13, 14.]

The Manual does not define "authorized individuals" to whom access must be restricted, but it gives as examples the Test Examiners and the School Test Coordinator. Based on these two examples, it would be reasonable for the Site Administrator, Ms. Jordan, to be considered an authorized individual as well. The Manual also does not define "locked storage." Applying a reasonableness test, a locked room to which only authorized individuals had access and which remained locked at all times when an authorized individual was not present would seem to be a satisfactory definition.

Ms. Morrison, as the administrative assistant, was not an authorized individual, but she was the person who had access to the conference room and gave access to the two people who would be considered authorized—Ms. Ferrell and Ms. Jordan. While it may have been practical for Ms. Morrison to have the key through Ms. Smith's office that allowed others to enter, it was nevertheless an irregularity.

Ms. Smith was the only other person to have keys that gave her direct access to the conference room from the hallway as well as through her own office. If she is going to be held responsible for everything that happened at Deerwood, as the Professional Standards Commission appears to be doing, then she should be considered an authorized individual, and her access to the testing materials is not an irregularity. On the other hand, she was not the principal responsible for the Summer school, she was not at the school during much of the Summer, she was one of five principals who rotated being on duty for a week, and she was not at the school during testing. It is not reasonable to hold her responsible, and vicariously liable, for events at Deerwood when she was not the person in charge, unless she engaged in wrongdoing herself. And if she was not responsible, then she was not an authorized individual, and her access to the test materials was an irregularity.

Given that at least one unauthorized person—Ms. Morrison—had access to the conference room, Ms. Ferrell and Ms. Jordan should have made sure that the test materials were not left out in the open, lying on the conference room table, when they were not in the room. If they had put all the materials in locked filing cabinets or even in sealed boxes, especially during the time after completed answer sheets were in the room, then it would be far more difficult now to make an accusation of tampering. In addition, when Ms. Ferrell transported the test materials to the Brewer Center, they were unsecured. Under the circumstances, the failure to keep the testing materials in some kind of secure and tamper-evident storage was an irregularity.

If Ms. Ferrell and Ms. Morrison are telling the truth, the conference room door was closed and locked when Ms. Ferrell was not there, except for short periods of time when she stepped out of the room, such as to use the rest room. The GOSA Report

stated, however, that "the secretary was asked by the Summer school administrator to open the door each morning, but no one took direct responsibility each day to make sure that the door was closed and locked." Ms. Ferrell's interview with me indicated that she did, in fact, take responsibility for closing and locking the door when she left. I would like to know what Ms. Morrison and Ms. Ferrell told the GOSA and PSC investigators about the security of the conference room, but GOSA and the PSC have declined to provide the recordings of their interviews with these individuals. Without contradictory evidence, I conclude that the conference room was not left open and unattended during the test week, except for short periods of time while Ms. Ferrell was there.

F. School Certification Form

The School Certification Form [Ex. F] is an APS form, not a Georgia Department of Education form. I did not find any mention of it in the Manual or the Power Point presentation, but the fact that Ms. Jordan and Ms. Ferrell signed it when at least three of the items were not true⁷ may be a violation of Standard 11 of the Code of Ethics for Educators, effective June 15, 2009: "An educator shall administer state-mandated assessments fairly and ethically."

G. Other Issues

Ms. Jordan was the Summer school site administrator. Although she has disclaimed responsibility for the irregularities outlined here, saying that she relied on Ms. Ferrell as the test coordinator, she does in fact bear responsibility for them. Not only did she take actions herself in having Ms. Williams and Ms. Merckerson serve as test examiners without taking the required training, she did not supervise Ms. Ferrell adequately or else she would have been aware of the various irregularities as they occurred.

Ms. Ferrell's interview indicates that she carried out the instructions in the Manual, other than those noted here, adequately. [Ferrell. 10 - 13, 19 - 23, 26 - 30, 33 - 45, 47 - 51, 56 - 64.]

It appears that APS, and its Research, Planning and Accountability Department ("RPA") in particular, had the State-required procedures in place for the Retest. RPA conducted a Pre-Administration Workshop on July 1, 2008 that was required for all test coordinators, whether they were veterans of testing or not. The material was covered in depth [Power Point presentation, Ex. G], a packet of forms was given to the participants [Ex. N], and a Power Point presentation to use to train the test examiners was emailed to the testing coordinators [Ferrell. 57-58.]. RPA followed the required timeline for testing events and had a check-in process set up at the Brewer Center. [Ex. O, from Cari Ryan interview.] It was the implementation of the procedures that was flawed, as described above.

⁷ Item # 3 was false because a session was not provided for Ms. Merckerson and Ms. Williams to review the Examiner's Manual and test procedures. Item # 5 was false because all materials were not accounted for. Item # 9 was false because all forms were not accurately completed.

VI. GOSA's Reasons for Finding That Data "Overwhelmingly Showed That Someone Who Had Access to Test Materials After Testing Concluded Changed Multiple Students' Answers" on the Retest

I do not have the expertise to evaluate GOSA's statistical evidence or methodology, and will leave that analysis to experts in that area. But there are a number of non-statistical factors other than tampering that could account for GOSA's observations in the Report and that contradict its conclusion of "overwhelming evidence" of tampering. GOSA's counsel, citing Ms. Mathers' presentation to the State Board of Education on July 8, 2009, identified four "indicators" of tampering. I will discuss each one in sequence.

A. "Deerwood's 5th grade math students' gains on the 2008 CRCT Retest were drastic and warranted investigation."

Deerwood was a Teach for America site during the 2008 Summer school, meaning that four college graduate teacher trainees per class taught the material under the supervision of an experienced teacher, rotating into the class in groups of two. The large majority of Deerwood students were in either Ms. King's, Ms. Woods' or Ms. Holloway's class, all of which were staffed by Teach for America teachers. [Jordan I, 34 – 35.] In fact, all Deerwood students except one were in Teach for America classes.⁸ This meant that there were five adults working with an already small group of students—a maximum of 15 students in each of those three classes. The students got an extraordinary amount of individual attention and help, as well as benefitting from the energy and hard work of the Teach for America teachers.

The GOSA Report stated that the Deerwood students "were placed in classrooms with students from the other schools..." [Report, p. 17.] That statement is misleading, because the large majority of the Deerwood students (25 out of 32) were in a classroom where there were only a few students from the other schools or where they constituted the largest group of students from any one school. [See Ex. E, color-coded list of the initial class assignments for the Summer school.] Ms. Jordan readily admitted that, at the request of Ms. Smith [Smith, 40 – 43], she deliberately put the Deerwood students in the classes with the best teachers, as judged by their previous results with other students and principals' ratings. While she said that all the teachers were good teachers, she put the Deerwood students with the teachers who would go "the extra mile." During the first week of Summer school, she checked to make sure that the Deerwood students were with teachers who used a lot of manipulatives and "hands-on stuff." She had initially put all the Deerwood students with either Ms. King, Ms. Woods or Ms. Holloway, having decided that they were the best and most experienced teachers, but then decided to take a few of the Deerwood students out and distribute them among the other teachers. [Jordan I, 20 – 22, 24 – 25, and 26 – 27.] Out of the 32 Deerwood students taking the Retest, 25 of them were with those three teachers. [Ex. E.]

⁸ Only one math class was not a Teach for America class, and it had 2 students from Perkerson, 4 from Continental Colony, and 2 from Kimberly, as well as the one Deerwood student.

