

**CONFIDENTIAL**

**Preliminary Investigative Report**

**Prepared for the Illinois State Board of Education  
on behalf of the  
Board of Education of Peoria Public Schools District No. 150**

**By: Hodges, Loizzi, Eisenhammer, Rodick and Kohn LLP**

**Re: Allegations of Testing Irregularities on the Illinois Standards Achievement Test  
at Charter Oak Primary School**

**I. FINDINGS OF FACT**

**A. Background**

In November, 2013, [REDACTED] reported to District administration their concerns with the Illinois Standards Achievement Test (“ISAT”) scores of the incoming special education student population from Charter Oak Primary School (“Charter Oak”). [REDACTED] staff reported that the former Charter Oak special education students’ 4<sup>th</sup> grade ISAT scores were significantly higher in both reading and math when compared with the students’ present levels of academic achievement on curriculum-based assessments (“CBMs”). The CBMs included the MAP test, a reading and math academic measurement administered to all District students across grade levels. According to [REDACTED] staff, while the students’ scores on the MAP assessments were statistically consistent from 4<sup>th</sup> grade at Charter Oak to 5<sup>th</sup> grade at Mark Bills, the students’ percentile scores on both the reading and math portions of the ISAT assessment administered to these students at Charter Oak were shockingly disproportionate with the students’ academic achievement as measured by both the MAP at both Charter Oak and Mark Bills.

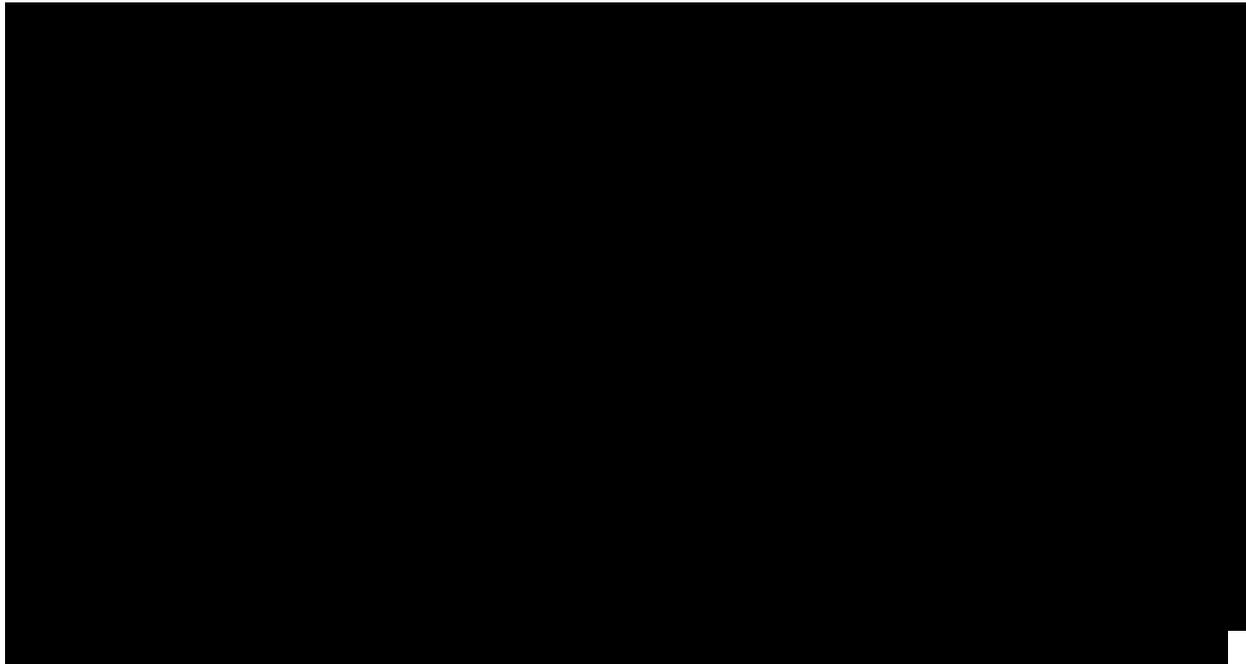
Staff [REDACTED] also noted that the current special education students in 6<sup>th</sup> and 7<sup>th</sup> grades received drastically lower scores on their 5<sup>th</sup> grade ISAT assessment at Mark Bills when compared to their scores on both the 3<sup>rd</sup> and 4<sup>th</sup> grade ISAT administered at Charter Oak. Staff reported that nearly all of the special education students at Mark Bills experienced a 20% to 30% decrease in ISAT scores between 4<sup>th</sup> and 5<sup>th</sup> grade.<sup>1</sup>

Finally, [REDACTED] staff reported that former Charter Oak special education students would often ask the special education teachers to read portions of the ISAT to them during administration, claiming that staff at Charter Oak would “always” read the assessments to the students during administration and would only require the students to work for a specific period of time on the ISAT before providing additional support to the students in completing the assessment – *e.g.*, reading the test passage and/or question.

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<sup>1</sup> Current 5<sup>th</sup> graders at Mark Bills have not taken the ISAT for this year; these students will take the assessment in the Spring.

After receiving this report from [REDACTED] staff, District administration reviewed: (1) ISAT data for special education students enrolled at both Charter Oak and Mark Bills from the 2008-2009 school year through the 2012-2013 school year; (2) MAP data for the same student population from the 2008-2009 school year through the 2012-2013 school year; and (3) IEPs from the special education students enrolled at Charter Oak and Mark Bills from 2008-2013. After the administration's preliminary review of the ISAT scores, MAP scores, and IEPs, administration consulted with the District's legal counsel and requested that attorneys from Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP investigate the response of the school administration to the allegations of testing irregularities and provide legal services in connection with this specific representation.



Please note that this report is only intended to provide a summary of significant information from the individuals interviewed and should not be interpreted as a detailed description of each individual's interview.

**B. Charter Oak and Mark Bills**

Charter Oak is one of twelve elementary schools in the District serving children grades kindergarten through 4<sup>th</sup> grade. During the 2012-2013 school year, Charter Oak had a total enrollment of 418 students, with an average class size of 23.8 students per grade level. [REDACTED]

In 2013, 21 students at Charter Oak were eligible for special education and related services and received educational programming, accommodations, and modifications as provided in their Individualized Educational Plans ("IEPs"). The students' IEPs contained specific accommodations and modifications for standardized testing, including the ISAT.

Mark W. Bills Middle School (“Mark Bills”) is one of six middle schools in the District. Mark Bills serves children in 5<sup>th</sup> through 8<sup>th</sup> grades and in 2012-2013, the middle school had a total enrollment of 237 students. [REDACTED]

In 2013, 43 students at Mark Bills were eligible for special education and related services as provided in their IEPs. As a result of the District’s designated geographic boundaries, Charter Oak students feed directly into Mark Bills for 5<sup>th</sup> grade.

### C. Student Data

#### i. Comparison of ISAT and MAP Assessments

##### *ISAT*

The Illinois Standards Achievement Test (“ISAT”) measures the achievement of students in reading and mathematics in grades 3<sup>rd</sup> through 8<sup>th</sup> and science in grades 4<sup>th</sup> and 7<sup>th</sup>. Students answer the questions with a pencil in either an answer booklet or a “scantron” depending on the subject and question (multiple choice question v. extended response).<sup>2</sup> Per the Illinois State Board of Education’s (“ISBE”) website, the ISAT is designed and reported as follows: in reading, mathematics, and science, the assessments include a combination of multiple-choice items from the Stanford Achievement Test, Tenth Edition (SAT 10) and items written by Illinois educators.<sup>3</sup> The reading and mathematics tests also contain open-ended questions that require a written response from students. The format of the ISAT allows reporting of nationally norm-referenced results on individual student achievement such as national percentile rank (NPR), stanines, and percent of students in national quarters. The overall ISAT scale scores are based on all items (SAT 10 and Illinois items).

The student’s overall scale score in reading, mathematics, and science is placed in one of four performance categories described below:

- **Exceeds Standards:** Student work demonstrates advanced knowledge and skills in the subject. Students creatively apply knowledge and skills to solve problems and evaluate the results.
- **Meets Standards:** Student work demonstrates proficient knowledge and skills in the subject. Students effectively apply knowledge and skills to solve problems.
- **Below Standards:** Student work demonstrates basic knowledge and skills in the subject. However, because of gaps in learning, students apply knowledge and skills in limited ways.
- **Academic Warning:** Student work demonstrates limited knowledge and skills in the subject. Because of major gaps in learning, students apply knowledge and skills ineffectively.

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<sup>2</sup> 3<sup>rd</sup> grade students fill in their answers directly in the ISAT test booklet; scantrons are introduced in 4<sup>th</sup> grade.

<sup>3</sup> See [http://www.isbe.net/assessment/htmls/isat\\_guides.html](http://www.isbe.net/assessment/htmls/isat_guides.html).



negated by the accommodation; (3) test security is not compromised by the accommodation; and (4) the student should be familiar and comfortable with the accommodation.

ISBE also provides examples of inappropriate accommodations. For example, it is inappropriate for the test administrator to read any portion of the reading test to students, including the questions and answer choices. Additionally, students may not be tested out of their grade level. Test administrators also may not highlight key parts of passages or test questions for students or cross out incorrect alternatives from multiple choice questions. Finally, ISBE does not allow dictionaries or thesauruses to be used as an accommodation.

Although ISBE does not list every possible appropriate accommodation, ISBE has identified the following four general categories of accommodations: (1) time/scheduling; (2) setting; (3) presentation; and (4) response. With respect to accommodations related to time/scheduling, students with disabilities may be allowed additional time beyond that allowed for the regular administration of the ISAT. ISBE does not restrict the amount of additional time that may be afforded to students with disabilities; however, students receiving additional time must still begin and end the exam in a single school day. Schools may also adjust the testing schedule for students with disabilities by allowing them to take the test during their optimal time of day, breaking the test into small segments with frequent breaks, and allowing students to take content area assessments in a different order.

Accommodations related to the test setting involve modifications or adjustments to the student's testing environment or conditions. For example, students with disabilities may be tested in a separate location either in small groups or individually. Test administrators may also make adjustments to the student's environment by providing special lighting, adaptive furniture, and noise buffers. Students may be given the opportunity to stand and move around the room, provided that the student is being tested separately so as not to disturb other test takers.

Modifications to the presentation of the ISAT are used to accommodate students with hearing and/or vision related disabilities. Visual assistance may include Braille, large print, graphic organizers, magnifiers, color copies, and oral presentation via reader script, audiocassette or CD. Oral presentation by an instructor may be used only on the math and science portions of the ISAT. ISBE strictly prohibits oral presentation of any portion of the reading test. Auditory assistance for students with hearing related disabilities include paraphrasing directions, amplifiers, allowing students to read aloud to themselves, and signing test items for the math and science portions of the ISAT. Test administrators may not sign any portion of the reading test.

Finally, accommodations may be provided to assist students in responding to test items. As accommodations, students may point to or mark multiple-choice answers in the test booklet, dictate answers to a scribe or utilize a tape recorder, write answers on large paper, or utilize assistive technology such as word processors, provided that the spellcheck and grammar check functions are disabled. If a student is permitted the use of a scribe, the scribe must record the student's answers verbatim. Although the scribe may ask the student to slow down or repeat a response, the scribe is not allowed to prompt, remind, or otherwise assist the student in formulating his or her answers. Students who utilize a scribe may review their answers prior to the end of the exam; however, no one may suggest corrections or improvements to the student.

## MAP

NWEA states that anyone assisting a student during testing must be neutral in responding to the student during test administration. Assistance in test administration must not lead a student to the correct answer. NWEA cautions that the student's response must accurately represent the student's own choice. As with the ISAT, NWEA also states that the reading test should not be read aloud to students. NWEA goes even further than ISBE in the administration of the ISAT by stating that neither math nor science symbols should be read or explained to students.

NWEA provides a non-exhaustive list of possible accommodations, many of which are similar to accommodations identified by ISBE for the ISAT. For example, NWEA suggests timing and scheduling accommodations, including administering tests at a particular time of day most optimal for the student and allowing flexible schedules for assessment completion.

NWEA also suggests setting accommodations such as testing students in individual or small group settings or use of a study carrel. NWEA recommends several presentation and response accommodations as well, including the use of scribes to record student responses and visual magnification devices or software.

Although most of the accommodations suggested by NWEA for the MAP closely resemble the accommodations identified by ISBE for the ISAT, there are two differences to note. NWEA allows the test to be taken over multiple days. ISBE, however, requires that tests be completed in a single day. Additionally, NWEA states that math and science symbols should not be pronounced or explained to students. ISBE, however, permits the math and science portions of the ISAT to be read to students and does not expressly prohibit test administrators from pronouncing or explaining symbols. ISBE does, however, generally prohibit test administrators from explaining questions to students.

### ii. Student Test Scores

#### Analysis of ISAT and MAP Testing Data

An important component of the District's investigation was an examination of recent Charter Oak test score data. The objectives for this component of the investigation were to determine whether the data was consistent with cheating by students or teachers and, if so, whether it was systemic or limited to certain students or groups of students. To accomplish this, the investigators examined the available ISAT and MAP test score data for all students who were Charter Oak 4<sup>th</sup> graders in the last three years (26 total students who matriculated to Mark Bills) and for all students who were 4<sup>th</sup> graders during those years at comparable elementary schools in the District that feed into middle schools Lindbergh and Rolling Acres. [REDACTED]

[REDACTED] As discussed in greater detail below, the data suggests that special education students at Charter Oak benefited from some form of improper assistance on the ISAT tests in 2010-2013. The data does not provide the reason for the anomalies, of course, but the scope of the discrepancies suggests this improper assistance was not an isolated incident involving one or two students.

## Correlation between ISAT and MAP Testing

Before reviewing the data, it is important to recognize, as ISBE undoubtedly already recognizes, that there is a strong correlation between the ISAT tests and the NWEA's MAP tests. Though distinct tests, the MAP tests are one way that many—if not most—school districts gauge student needs and plan appropriate academic interventions. Indeed, one critical role of the MAP tests is to give teachers data during the fall, winter, and spring that can be used to provide targeted interventions to improve overall student achievement and boost students' upcoming ISAT scores.

The NWEA publishes an *Illinois Linking Study*<sup>5</sup> that highlights the correlation between these two tests in a few different ways. First, the *Linking Study* shows the best estimate of the fall and winter MAP scores (on NWEA's RIT scale) that will be equivalent to each of the ISAT cutoff levels (*i.e.*, Academic Warning, Below Standards, Meets Standards, Exceeds Standards). *Linking Study* at Tables 1-2. The *Linking Study* also shows the estimated probability of a student receiving a proficient score (*i.e.*, Meets Standards or Exceeds Standards) on the ISAT, based on his or her fall or spring MAP score. *Linking Study* at Tables 3-4. Finally, the *Linking Study* shows—based on a sample of nearly 85,000 Illinois students—that the correlation between the ISAT and the MAP test is strong (between 0.798 and 0.849 on a scale of 0.0 to 1.0, with 1.0 being a perfect correlation), and that the MAP test accurately predicts ISAT performance well over 80% of the time (over 85% in math for 4<sup>th</sup> and 5<sup>th</sup> grade students and over 82% in reading for 4<sup>th</sup> and 5<sup>th</sup> grade students). *Linking Study* at Tables 5-6.

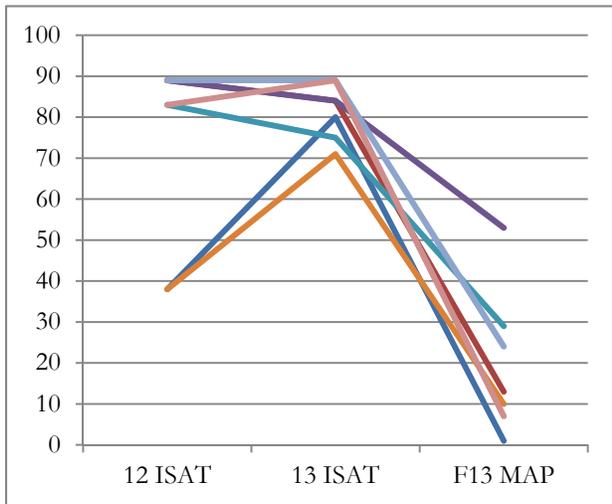
With the correlation between the MAP and ISAT tests well established, one would expect District students' MAP scores and ISAT scores to roughly parallel one another. As MAP scores go up, ISAT scores should generally go up. If one holds relatively steady, so should the other. If those figures do not parallel one another, it is either a true anomaly—for example, a student who performs unusually poorly on one ISAT while maintaining fairly consistent MAP scores—or an indication that something else is amiss—*e.g.*, over-accommodation or cheating. Given the strong correlation between the MAP and ISAT, the more of a discrepancy between MAP and ISAT scores or percentiles, the more likely the result was due to improper test administration rather than a true anomaly.

### Current 5th Grade Mark Bills Special Education Students Who Attended Charter Oak

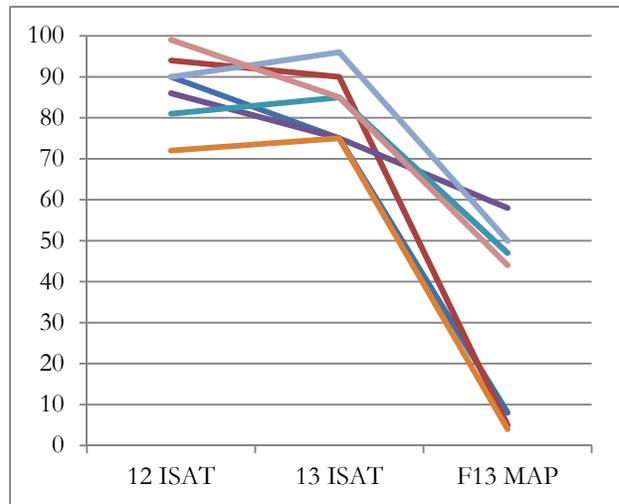
A first indication that testing irregularities exist can be found in the current 5th grade special education students, who attended Charter Oak up through last year and who now attend Mark Bills Middle School. Placing these students' percentile rankings on their ISATs from 3<sup>rd</sup> and 4<sup>th</sup> grade at Charter Oak against their percentile ranking on their MAP score from Fall, 2013, at Mark Bills—the only test score available for the current school year at the time this analysis was commenced—the dramatic decline after they left Charter Oak is obvious.

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<sup>5</sup> [REDACTED] Northwest Evaluation Association. *Illinois Linking Study: A Study of the Alignment of the NWEA RIT Scale with the Illinois Standard Achievement Test (ISAT)* February 2013, available at: [http://www.nwea.org/sites/www.nwea.org/files/resources/IL\\_2013\\_LinkingStudy.pdf](http://www.nwea.org/sites/www.nwea.org/files/resources/IL_2013_LinkingStudy.pdf).



**Chart 1.** Dramatic decline in *math* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.



**Chart 2.** Dramatic decline in *reading* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.

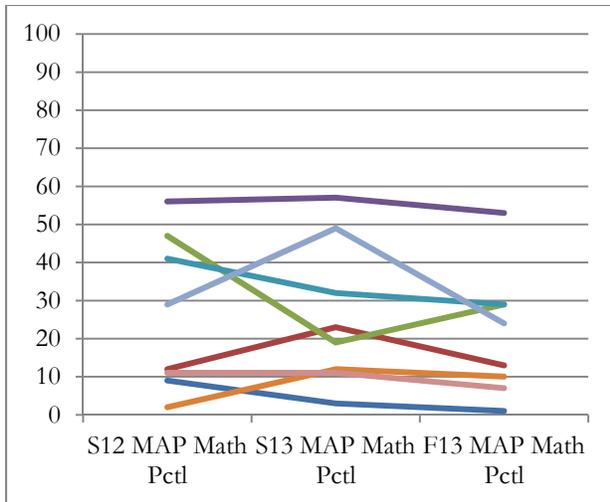
2012 ISAT Math Percentile	2013 ISAT Math Percentile	Fall 2013 MAP Math Percentile
38	80	1
89	84	13
49	-	29
89	84	53
83	75	29
38	71	10
89	89	24
83	89	7

**Table 1.** Data showing dramatic decline in *math* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.

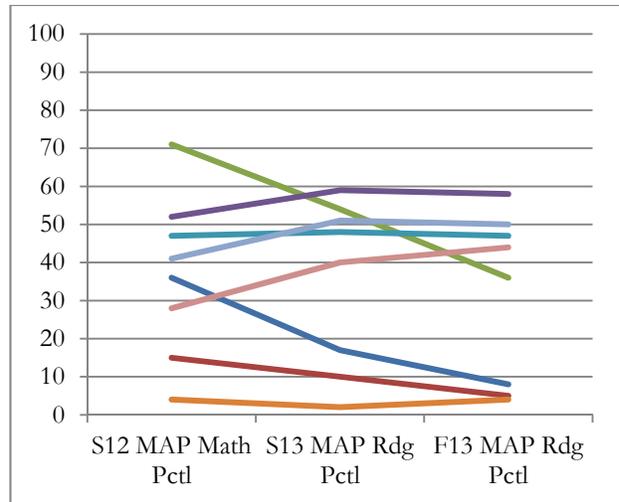
2012 ISAT Reading Percentile	2013 ISAT Reading Percentile	Fall 2013 MAP Reading Percentile
90	75	8
94	90	5
90	-	36
86	75	58
81	85	47
72	75	4
90	96	50
99	85	44

**Table 2.** Data showing dramatic decline in *reading* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.

This decline was not due to looking at different figures—*i.e.*, ISAT versus MAP data—for 4<sup>th</sup> grade versus 5<sup>th</sup> grade. Again, the two tests correlate, so performance level on one should be indicative of performance level on the other. Moreover, the numbers reiterate this point. Unlike the ISAT scores, the variation on MAP scores of the current 5th grade special education students who attended Charter Oak last year from the same time periods as the data from Charts and Tables 1-2 is much less; the scores held relatively steady, as would be expected.



**Chart 3.** Lesser variation in *math* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.



**Chart 4.** Lesser variation in *reading* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.

Spring 2012 MAP Math Percentile	Spring 2013 MAP Math Percentile	Fall 2013 MAP Math Percentile
9	3	1
12	23	13
47	19	29
56	57	53
41	32	29
2	12	10
29	49	24
11	11	7

**Table 3.** Data showing lesser variation in *math* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.

Spring 2012 MAP Reading Percentile	Spring 2013 MAP Reading Percentile	Fall 2013 MAP Reading Percentile
36	17	8
15	10	5
71	54	36
52	59	58
47	48	47
4	2	4
41	51	50
28	40	44

**Table 4.** Data showing lesser variation in *reading* percentile ranking by current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013.

The data set that is perhaps most telling that there must have been some sort of systemic cheating for Charter Oak special education students is a side-by-side comparison of the students' Spring, 2013, MAP test scores and their 2013 ISAT scores, which were taken that same spring. The numbers themselves are alarming. But for each student, we also indicated the *Linking Study's* estimated probability that the student, based on his or her MAP score, would even meet standards on the ISAT (let alone achieve at the percentiles at which they did).

Spring 2013 MAP Math Percentile	Spring 2013 ISAT Math Percentile	Based on MAP score, likelihood of even passing ISAT
3	80	9-14%
23	84	31-43%
19	-	31%
57	84	67%
32	75	43-55%
12	71	21-31%
49	89	55-67%
11	89	21%

**Table 5.** Data showing ISAT and MAP *math* scores from Spring 2013 for current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013, including likelihood based on MAP score of passing ISAT.

Spring 2013 MAP Rdg. Percentile	Spring 2013 ISAT Rdg. Percentile	Based on MAP score, likelihood of even passing ISAT
17	75	18-27%
10	90	12-18%
54	-	50-62%
59	75	62%
48	85	50-62%
2	75	5-8%
51	96	50-62%
40	85	38-50%

**Table 6.** Data showing ISAT and MAP *reading* scores from Spring 2013 for current 5th grade Mark Bills special education students who were at Charter Oak in 2011-2012 and 2012-2013, including likelihood based on MAP score of passing ISAT.

### Irregularities in Other School Years

Having determined that the data suggests that some form of cheating occurred for the benefit of current 5<sup>th</sup> grade Mark Bills special education students who were at Charter Oak last year, we also examined prior student data to determine if this had been ongoing for a longer period of time. The data in the District's possession limited this analysis to the 2010-2011 and 2011-2012 school years. The scores of those students, current 6<sup>th</sup> and 7<sup>th</sup> graders, reflect a similar trend: their MAP scores remain generally consistent while their high ISAT scores plummet when they leave Charter Oak and transition to Mark Bills.

Current 6<sup>th</sup> grade Mark Bills special education students who attended Charter Oak averaged a 41.8 percentile drop in their ISAT reading scores from 4<sup>th</sup> to 5<sup>th</sup> grade, while their MAP reading scores decreased only 4.0 percentiles in that same period, on average (*i.e.*, they held relatively steady). For math, their ISAT scores dropped an average of 45.2 percentiles the year they left Charter Oak, while their MAP scores again remained relatively steady, dropping 4.0 percentiles on average.

The same gaps can be seen in the reading scores of current 7<sup>th</sup> grade Mark Bills special education students who attended Charter Oak, but only slightly so in math. Their ISAT reading scores dropped an average of 38.1 percentiles from 4<sup>th</sup> grade at Charter Oak to 5<sup>th</sup> grade at Mark Bills, while their MAP reading scores hardly moved, increasing 2.9 percentiles. Meanwhile, their ISAT math scores decreased somewhat, by 5.6 percentiles on average, while their MAP math scores increased 7.0 percentiles.

### Comparison to Other Schools

For the sake of comparison, these averages were compared against the averages of special education students from two other comparable schools in the District, Kellar Primary School and Northmoor Primary School.

School	Average ISAT Reading Percentile Increase or Decrease from Elementary (4 <sup>th</sup> ) to Middle (5 <sup>th</sup> ) School	Average MAP Reading Percentile Increase or Decrease from Elementary (4 <sup>th</sup> ) to Middle (5 <sup>th</sup> ) School	Average ISAT Math Percentile Increase or Decrease from Elementary (4 <sup>th</sup> ) to Middle (5 <sup>th</sup> ) School	Average MAP Math Percentile Increase or Decrease from Elementary (4 <sup>th</sup> ) to Middle (5 <sup>th</sup> ) School
Current 6 <sup>th</sup> graders from Charter Oak → Mark Bills MS	-41.8	-4.0	-45.2	-4.0
Current 7 <sup>th</sup> graders from Charter Oak → Mark Bills MS	-38.1	2.9	-5.6	7.0
Kellar → Lindbergh MS	0.8	1.5	9.2	1.2
Northmoor → Rolling Acres MS	1.9	-1.6	8.9	-0.1

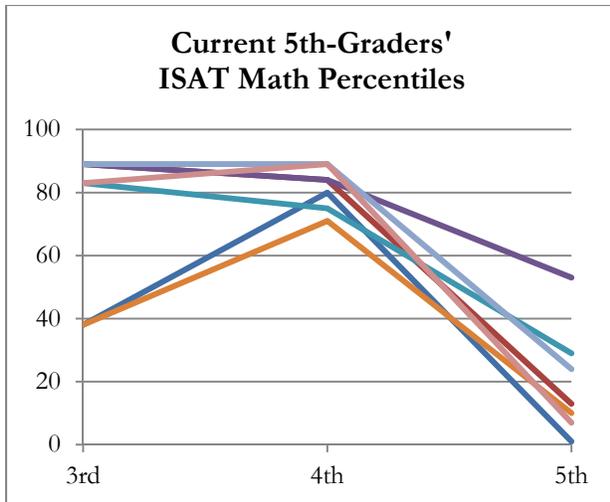
As is evident from the numbers, the average percentile increases or decreases of the two comparable schools were similar to each other, but markedly different than Charter Oak. While the MAP scores for all three schools held relatively steady, the ISAT scores at Kellar and Northmoor also held steady, unlike the Charter Oak ISAT scores. Of course, these numbers only illustrate increases or decreases in scores, but the magnitude of the difference between Charter Oak and the two comparable schools is significant enough to be considered anomalous.

### Timing and Duration of Testing Irregularities

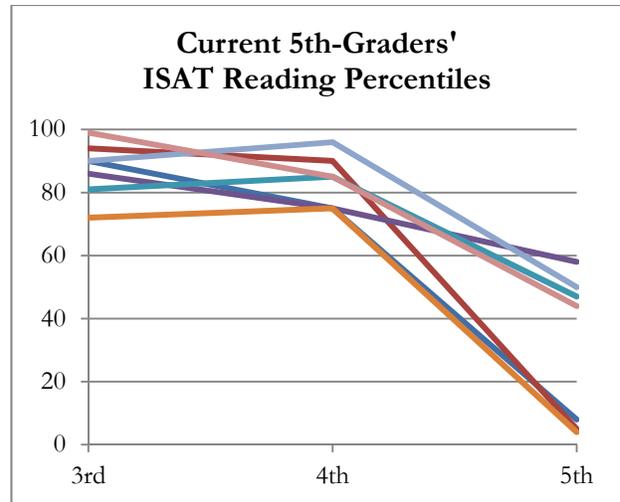
We also reviewed the data at both the 3<sup>rd</sup> and 4<sup>th</sup> grade levels to try to ascertain whether the cheating was occurring at both levels, and if so, for how long. The ISAT data indicated that Charter Oak special education students' percentile rankings were significantly higher in both 3<sup>rd</sup> and 4<sup>th</sup> grade than they were in 5<sup>th</sup> grade at Mark Bills—suggestive of cheating in both third and fourth grade—for each of the past three years, with two exceptions.

First, for current Mark Bills 7<sup>th</sup> graders, their 3<sup>rd</sup> grade percentiles were relatively consistent with their 5<sup>th</sup> grade percentiles. The spike in percentiles for this group when they were in 4<sup>th</sup> grade suggests that cheating only began that year.

Second, of the current Mark Bills 7<sup>th</sup> graders, their math scores do not all spike in 4<sup>th</sup> grade. This suggests that either there was not cheating in math for those students or the cheating was limited to only certain students.



**Chart 5.** Both 3<sup>rd</sup> and 4<sup>th</sup> grade *math* percentiles were much higher than 5<sup>th</sup> grade, suggesting cheating in both 3<sup>rd</sup> and 4<sup>th</sup> grade.



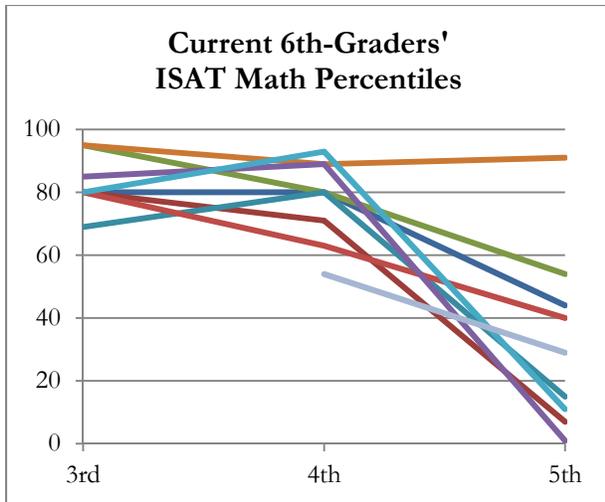
**Chart 6.** Both 3<sup>rd</sup> and 4<sup>th</sup> grade *reading* percentiles were much higher than 5<sup>th</sup> grade, suggesting cheating in both 3<sup>rd</sup> and 4<sup>th</sup> grade.

3 <sup>rd</sup> Grade ISAT Math Percentile	4 <sup>th</sup> Grade ISAT Math Percentile	5 <sup>th</sup> Grade MAP Math Percentile
38	80	1
89	84	13
49	-	29
89	84	53
83	75	29
38	71	10
89	89	24
83	89	7

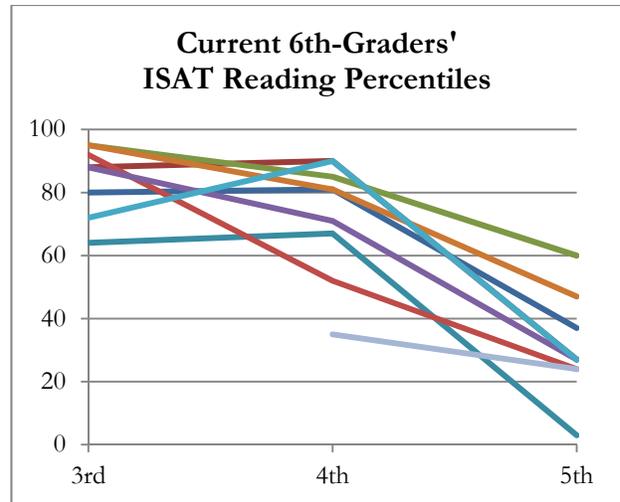
**Table 7.** Current Mark Bills 5<sup>th</sup>-graders' data.

3 <sup>rd</sup> Grade ISAT Reading Percentile	4 <sup>th</sup> Grade ISAT Reading Percentile	5 <sup>th</sup> Grade MAP Reading Percentile
90	75	8
94	90	5
90	-	36
86	75	58
81	85	47
72	75	4
90	96	50
99	85	44

**Table 8.** Current Mark Bills 5<sup>th</sup>-graders' data.



**Chart 7.** Both 3<sup>rd</sup> and 4<sup>th</sup> grade *math* percentiles were much higher than 5<sup>th</sup> grade, suggesting cheating in both 3<sup>rd</sup> and 4<sup>th</sup> grade.



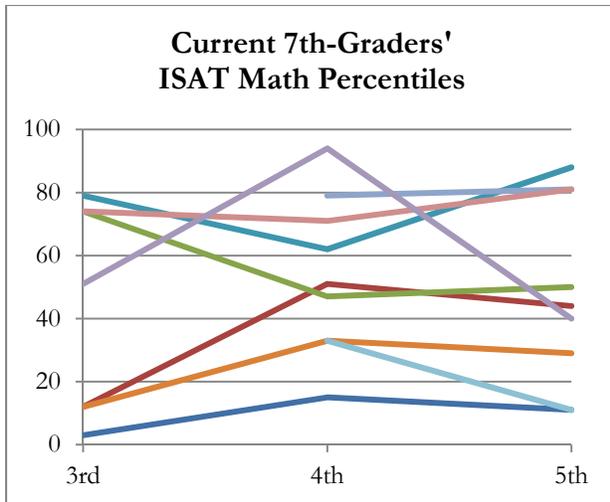
**Chart 8.** Both 3<sup>rd</sup> and 4<sup>th</sup> grade *reading* percentiles were much higher than 5<sup>th</sup> grade, suggesting cheating in both 3<sup>rd</sup> and 4<sup>th</sup> grade.

3 <sup>rd</sup> Grade ISAT Math Percentile	4 <sup>th</sup> Grade ISAT Math Percentile	5 <sup>th</sup> Grade ISAT Math Percentile
80	80	44
80	71	7
95	80	54
69	80	15
95	89	91
80	63	40
85	89	1
80	93	11
-	54	29

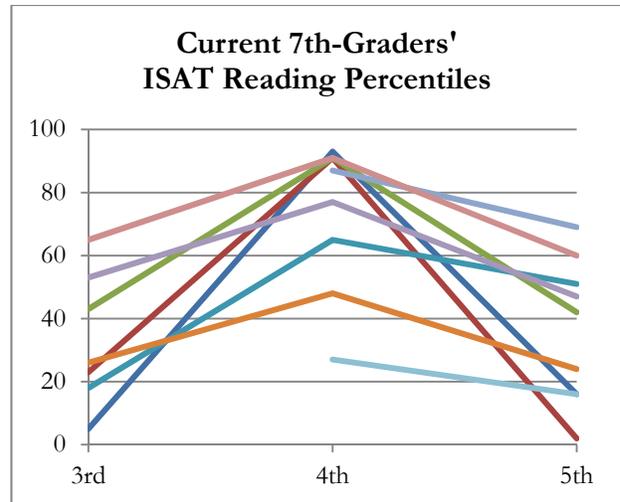
**Table 9.** Current Mark Bills 6<sup>th</sup>-graders' data.

3 <sup>rd</sup> Grade ISAT Reading Percentile	4 <sup>th</sup> Grade ISAT Reading Percentile	5 <sup>th</sup> Grade ISAT Reading Percentile
80	81	37
88	90	27
95	85	60
64	67	3
95	81	47
80	52	24
92	52	24
88	71	27
72	90	27
-	35	24

**Table 10.** Current Mark Bills 6<sup>th</sup>-graders' data.



**Chart 9.** Only a few 4<sup>th</sup> grade percentiles are considerably disparate from 5<sup>th</sup> grade, and the 3<sup>rd</sup> grade percentiles are relatively consistent with those in 5<sup>th</sup> grade. This suggests no cheating in 3<sup>rd</sup> grade, and either limited or no cheating in 4<sup>th</sup> grade, as opposed to the systemic cheating seen in the two most recent years.



**Chart 10.** The 3<sup>rd</sup> grade percentiles are relatively consistent with those in 5<sup>th</sup> grade, while the 4<sup>th</sup> grade percentiles were notably high. This suggests no cheating in 3<sup>rd</sup> grade, but systemic cheating in 4<sup>th</sup> grade.

3 <sup>rd</sup> Grade ISAT Math Percentile	4 <sup>th</sup> Grade ISAT Math Percentile	5 <sup>th</sup> Grade ISAT Math Percentile
3	15	11
12	51	44
74	47	50
79	62	88
12	33	29
-	79	81
74	71	81
51	94	40
-	33	11

**Table 11.** Current Mark Bills 7<sup>th</sup>-graders' data.

3 <sup>rd</sup> Grade ISAT Reading Percentile	4 <sup>th</sup> Grade ISAT Reading Percentile	5 <sup>th</sup> Grade ISAT Reading Percentile
5	93	16
23	91	2
43	91	42
18	65	51
26	48	24
-	87	69
65	91	60
53	77	47
-	27	16

**Table 12.** Current Mark Bills 7<sup>th</sup>-graders' data.

### Irregularities Limited to Special Education Students at Charter Oak

Finally, to ensure these testing irregularities within Charter Oak were limited to special education students, we calculated similar figures for the Charter Oak non-special education population. Those figures did not indicate the same irregularities as the special education population within the school. In reading, the regular education students increased an average of 4.5 percentiles on the ISAT from 4<sup>th</sup> grade to 5<sup>th</sup> grade. As would be expected, their average MAP percentile in reading also increased slightly, by 2.3 percentiles on average. Likewise, from 4<sup>th</sup> to 5<sup>th</sup> grade, the Charter Oak regular education students increased their math percentile by 5.6 on the ISAT and 2.0 on the MAP. These parallels are in line with what is to be expected, with the comparable schools cited above, and with the MAP/ISAT *Linking Study*. They do not suggest that Charter Oak ISAT testing irregularities extended beyond special education students.

iv. Individual Case Studies

The following section provides further information regarding the educational programming of five special education students affected by the testing irregularities. In total, 26 students demonstrated score irregularity from 2010-2013. We have included individual data for these 26 students to this report as [REDACTED]

We have selected five students to discuss in greater detail; we review their individual IEPs, ISAT and MAP data in greater detail below. As explained below, the ISAT scores for each of these five students is remarkable in light of their disabilities and current levels of academic functioning. The individual case studies suggest that special education students at Charter Oak benefited from some form of improper assistance on the ISAT tests in 2010-2013.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

**D. Summary of Interviews with District Staff and Students**

As a preliminary matter, four of the staff members at Charter Oak admitted to engaging in specific practices in testing administration that violate ISAT testing protocol in testing primary students. However, as discussed in greater detail below, the Charter Oak staff admissions alone in testing administration cannot likely account for the discrepancies in ISAT scoring for special education students when compared: 1) to the same students’ MAP assessment data at both Charter Oak and Mark Bills; and 2) to the 6<sup>th</sup> and 7<sup>th</sup> grade students’ scores on their 5<sup>th</sup> grade ISAT at Mark Bills.

However, it is clear from the investigation that during the previous three-year period the following occurred: (1) Charter Oak staff violated ISAT testing protocol in providing inappropriate testing accommodations to special education students during the administration of the ISAT; (2) [REDACTED] failed to provide District-required training to his staff on ISAT testing administration; (3) [REDACTED] reported to these investigators that he recognized a significant “spike” in the performance of his special education population in 2010-2011 and failed to either report the scores internally to central administration or individually investigate the increase in scores; and (4) Charter Oak staff likely provided special education students accommodations and modifications on the ISAT regardless of the students’ individual educational needs and accommodations in their individual IEPs.

i. ISAT Testing Protocol for Administration

As part of this investigation, the administration reviewed the following ISBE and ISAT materials for testing administration protocol and procedure: 1) *Professional Testing Practices for Educators*; 2) *District and School Coordination Manual, Spring 2013*; 3) *2013 Test Administration Manual (Grades 3-5)* and; 4) *ISBE Assessment Accommodations for Students with Disabilities; IEP and 504 Guidance for 2013-2014*.

The *Professional Testing Practices for Educators* manual states the following: “Test administrators or proctors must not coach students, edit their work, respond to their questions, or give them cues in any way during testing that would guide them to a correct answer or aid them in responding to any question. Coaching and cues include gestures, pointing out correct or incorrect answers, facial expressions, and encouragement to edit or change a response.” Further, the manual states that test administrators or proctors may not “refer to posters<sup>7</sup> or add posters [to the classroom] immediately prior to testing window;” may not read any part of the reading test (even as an accommodation for students with IEPs or Section 504 plans); must not change answers students have recorded on their answer sheet; and must not examine completed answer documents or erase stray marks or “clean up” the answer document.

Similarly, the *District and School Coordination Manual, Spring 2013*, prohibits test administrators from: 1) examining answer sheets or cleaning up stray marks on answer booklets; 2) reading any part of the reading portion of the assessment, even to those students with IEPs and 504 plans; 3) highlighting key parts of passages or test questions; and 4) giving help on specific test questions.

The *Standard Operating Procedures for Investigation of Alleged Test Irregularities on the Illinois Standards Achievement Test (ISAT) and the Illinois Alternate Assessment (IAA)* (“Standard Operating Procedures”) set forth a number of actions that constitute violations of test security. Section 5.3 of the Standard Operating Procedures states that it is a violation of test security for “teachers, test administrators, or others [to give] students unfair help with answers during the test, such as giving students correct answers, giving hints or prompts of any kind about a correct answer, indicating that a student’s answer may be incorrect and should be changed, returning an answer document or grade 3 test booklet to a student after document had been turned in by the student and requesting that the student alter or change written responses or answers to multiple-choice questions.” Additionally, Section 5.9 states that it is also a violation

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<sup>7</sup> Posters highlighting academic concepts and mathematical operations are acceptable materials for posting in the classroom before and during the administration of the ISAT. ISBE prohibits two types of posters from display on classroom walls during ISAT testing: 1) any poster that has step-by-step instructions for answering a reading extended-response question; and 2) any poster that provides definitions for those root words and affixes listed in the Illinois Assessment Framework for Reading.

Students may not get out of their seats to refer to a poster or classroom display during testing, nor may they ask about a poster or classroom display during testing. Test Administrators should not make reference to posters or classroom displays immediately prior to or during testing. Likewise, posters or classroom displays should not be added to the classroom immediately prior to or during the two-week test window. Posters and displays should simply be part of the background classroom environment.

of test security for “teachers, test administrators, or other school personnel [to alter] multiple choice answers or written responses on student answer documents during testing or after sessions are completed.” Finally, Section 5.10 further defines a violation of test security in administering the assessment to students eligible for special education in “giving accommodations to students with IEPs...that undermine or negate the purpose of the test; giving accommodations to students that are not written into IEPs...; and giving accommodations that are not expressly permitted in current state test administration materials.”

ii. Summary of Staff Interviews

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Charter Oak Staff Members*

In interviewing the staff at Charter Oak, four staff members reported engaging in conduct that violates the ISAT testing protocol as described above. Both [REDACTED], [REDACTED] teacher at Charter Oak, and [REDACTED] teacher at Charter Oak, [REDACTED] respectively. [REDACTED] administers the ISAT to students eligible for special education and related services under the category of [REDACTED]. [REDACTED] teacher, administers the ISAT to her [REDACTED] grade [REDACTED] class and has served in this position at Charter Oak for [REDACTED]. [REDACTED] reported that she has administered the ISAT to several special education students while teaching at Charter Oak.<sup>9</sup>

First, as a preliminary matter, [REDACTED] recognized that the ISAT scores for their students for the past three school years appeared high in relation to the students' academic performance. When asked to explain the drop in students' ISAT scores from Charter Oak to Mark Bills, [REDACTED] indicated that the high ISAT scores for these students could result from

<sup>8</sup> [REDACTED]

<sup>9</sup> We received the ISAT planning and preparation materials for [REDACTED] to ensure that staff had not improperly copied old ISAT assessments (in violation of testing protocol) or were using other inappropriate material. We did not find any prohibited or inappropriate material in our review of staff resource.

several environmental factors, including: 1) increased academic expectations from 4<sup>th</sup> to 5<sup>th</sup> grade, including the difficulty of the academic concepts; 2) the physical transition in testing site from a primary building to a middle school building; 3) the expertise of the teaching staff at Charter Oak in providing accommodations to special education students compared to the staff at Mark Bills; 4) the differences in administration of the ISAT versus the MAP assessment (see Section I(C)(i) above); and 5) the importance the District places on ISAT achievement compared to scores on the MAP. ████████ denied providing special education students inappropriate assistance during the assessment, and specifically denied reading the test or the test questions to the students during the reading portion of the ISAT.

When asked to explain the significant differences in the students' ISAT and MAP scores while the students were enrolled at Charter Oak, both ████████ pointed out that the MAP is administered in a computer lab because the assessment is electronic. ████████ believed that this electronic assessment was likely more difficult for special education students to complete when compared to the paper and pencil format of the ISAT. Both teachers explained that the special education students were assessed with their typically developing peers during the MAP, and, as a result, staff found it difficult to provide all of the assessment accommodations to the students during the MAP assessment. Finally, ████████ reported that the District only recently instituted MAP testing on a yearly basis as progress monitoring for students (within the last 5 academic years) and that the District's focus has historically centered on student achievement on the ISAT. When asked why the MAP scores for the special education students remained relatively consistent from Charter Oak to Mark Bills while the ISAT scores routinely dropped, neither teacher was able to provide any additional explanation for the irregularities in scores.

████████████████████

██████ reported that she administers the ISAT to the special education students on her ██████ grade caseload every year. ██████ explained that she will administer the assessment to a small group of students and provide the students with frequent breaks during administration. When asked to describe any additional accommodations she provided on the assessment to her special education students, ██████ reported that she would provide all of her students with extended time to complete the ISAT, typically "time and a half" (*i.e.*, 1 and ½ the time allotted for the administration of each section of the test); redirection and cueing to complete the assessment; an explanation or paraphrase of the test directions; highlight key words in the test directions; manipulatives (*e.g.* calculators, ISAT rulers) on the math portion of the test; and scratch paper for the math portion. ██████ further explained that she orally reads the questions and answers on the math portion of the test to all of her students in accordance with ISAT testing protocol. ██████ did not differentiate among students in providing these accommodations; instead, all of the students in her administration received the same accommodations on the day of testing. When asked how the building separated the special education students for ISAT testing, and whether the organization was based on testing accommodations, ██████ stated that she received a "list" from ████████ prior to testing that grouped the students into testing groups. ██████ reported that ████████ devised the list.

█ also self-reported that she provided inappropriate assistance in administering the ISAT to her students. First, █ stated that in the event her students asked substantive questions during the ISAT, █ would point the students to the concept posters in the classroom or guide the students to “try to use the context [of the question] to figure out [the answer].” █ also reported that after she collects the students’ answer booklets, she reviews the booklets to clean up extraneous markings or “blacken” in answer bubbles if a student has marked multiple answers in response to a test question. █ also reported that she directs her students to erase an answer during test administration if it is clear to her that the student intended to select another answer or she will “completely erase the answer [herself].”

█

█ reported many of the same standard testing accommodations for her █ grade students during the administration of the ISAT, in accordance with ISAT testing protocol. █ did admit to instructing students to access the classroom posters immediately before the administration of the ISAT in violation of testing protocol. Both █ reported that the students on their caseloads would take the math portion of the test as a “group” – meaning that █ would read each question and the answers orally to all students, wait for each student to answer the question with a “thumbs up” or other physical signal from the child to signify that the child has completed the question, and then move on to the next test question.<sup>10</sup>

█

█ reported that she would administer the ISAT to a small group of students each year █  
█ reported that she would typically require the students to read the test questions and answers aloud to her as the proctor to ensure that she could check for understanding during the assessment. █ stated that recently, she required Student J █ to read the reading portion of the ISAT assessment to her in 2012-2013. In review of Student J’s IEP, the IEP did not include this accommodation for the ISAT assessment.

█

Finally, █ reported several violations of ISAT testing protocol in her administration of the test to her █ students. First, █ stated that she directs her students to utilize their “classroom resources” (*i.e.* the concept posters) during the ISAT if they ask her substantive questions about a test question. Additionally, █ reported that she reviews the students’ answer sheets after the tests are collected to identify students who failed to answer questions or missed pages of the test during administration. █ then redistributes the test booklets to these students and directs the students to finish the incomplete answers.

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<sup>10</sup> █ also reported that she administers the ISAT to 3-4 special education students each year. █ stated that she administers the math portion of the assessment in the same manner as █ paces the students together and reads each question and answers orally, waiting for all students to finish the question before moving to the next question.



directed central administration to a file cabinet at Charter Oak where the testing security forms signed by staff in 2013 “may be located.” Administration recovered a sign-in sheet from a February 20, 2013, staff meeting titled “ISAT Training” with staff members’ signatures attached and signed testing security forms. It appears that staff signed the “sign-in” sheet when executing the testing security form required by ISBE; no formal training on test administration was provided. [REDACTED]

Finally, [REDACTED] failed to provide the District with any rationale as to why the special education students’ ISAT scores were significantly higher than their MAP scores in his building. When presented with the assessment data for Student E, [REDACTED] admitted it was highly unlikely that Student E could meet or exceed standards in reading on the ISAT in 4<sup>th</sup> grade based on [REDACTED] level of academic functioning at the time [REDACTED] left his building.

iii. Summary of Student Interviews

[REDACTED]

[REDACTED]

**III. ACTIONS TAKEN TO CORRECT OR RECTIFY VIOLATIONS OR DEVIATIONS FROM TEST ADMINISTRATION PROCEDURES AND REMEDIES THAT MAY BE APPLIED IN THE FUTURE**

District administration is currently considering what disciplinary action, if any, will be recommended to the Board of Education. In addition, at a minimum, administration is considering transferring staff members who violated the ISBE testing protocols for the ISAT during 2010-2013 from Charter Oaks. District administration will also be providing additional ISAT Test Administration training, including additional training for implementation of ISAT accommodations for this year’s administration of the 2014 ISAT. District administration will be reviewing this year’s IEPs and accommodations for each student to ensure that each student will only be provided accommodations afforded to them by their IEPs and in accordance with ISBE’s protocols. Senior level District administrators will also be on-site supervising this year’s ISAT administration at Charter Oak.

[REDACTED]

#### **IV. STUDENT INFORMATION**



#### **V. CONCLUSION**

As far as next steps in the District's process, the Board will meet on January 13 at its regularly scheduled meeting to discuss personnel issues for Charter Oak staff. The District will work with ISBE and its Assessment Division to provide any additional information required as part of its investigatory process. Thank you for your attention to this matter.

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