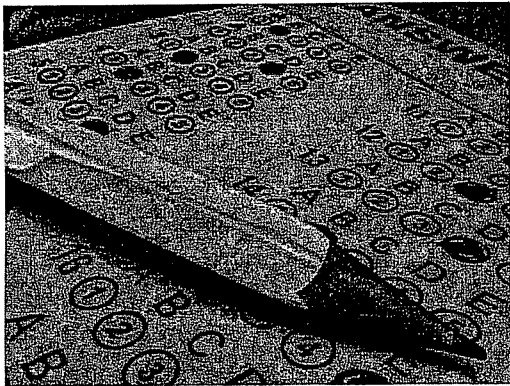


**CHEATERS NEVER WIN:
TESTING SECURITY AND IMPROPRIETY**

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SCANDALS SCANDALS EVERYWHERE

■ **Atlanta Journal-Constitution investigation**

- Analysis of test results for 69,000 schools
- Coast-to-coast high concentrations of suspect math or reading scores
- In 2010, reading scores of 24,618 students nationwide swung so improbably that odds of chance were less than one in 10,000
- Understatement of the day:

"These findings are concerning"

- Arne Duncan, Secretary of Education

SCANDALS SCANDALS EVERYWHERE

■ **Atlanta**

- **Atlanta Journal-Constitution Report**
- Analysis of test results for Atlanta schools
- Suspect results found
- Half of Atlanta middle & elementary schools involved
- 38 principals accused of cheating

(ALLEGED) SCANDALS SCANDALS EVERYWHERE



SCANDALS SCANDALS EVERYWHERE

■ **Atlanta**

- **Newspaper investigation**
- Half of Atlanta middle & elementary schools involved
- 38 principals accused of cheating

■ **New York**

- 100 principals or teachers caught cheating or lying to boost assessment/promotion scores in past 6 years
- Tests used to make decisions about schools to close
- Tests used to award bonuses to staffers

SCANDALS SCANDALS EVERYWHERE

■ Oklahoma

- Test scores invalidated for six schools because of systemic cheating during 2010-2011
- Scores invalidated for 6 schools because of systemic cheating during 2010-2011
- Erasure analysis discovered cheating
- State Board meeting:

State Board member question: "Is cheating more widespread than reported?"
Superintendent answer: "Of course." *

* NOTE: Superintendent gets medal for honesty.

WHO'DA THUNK?

- Unusually intensive drilling and "practice" by using actual testing questions
- Directing students to "recheck" their answers
- Carrying around answer key and telling students which questions they answered incorrectly
- Reading students' test sheets and commenting on them
- Nodding to students after looking at their answers
- Answering substantive student questions during test

WHO'DA THUNK?

- Failing to monitor students
- Averting eyes from "cheatsheets"
- Allowing students to use unauthorized materials (e.g., calculator, dictionary, lattice grid)
- Reading prompts or examiner directions
- Using vocal inflection when reading questions
- Arranging classroom seating to be conducive to cheating

WHAT TO DO?

- Take written attendance at all staff testing prep sessions

- Videotape test preparation sessions

- Require anyone who missed the test prep session to view video and certify that she/he did so

- Have administrator present at all staff testing prep sessions.

WHAT IF THERE'S A VIOLATION?

- **Be sure to self-report to DESE any possible violations via the reporting process: "Quality Assurance Self-Report"**
 - Your report is a foundational document
 - Stick to the basic, known facts
 - Run it by your legal counsel

- **Conduct prompt and thorough investigation**
 - Secure testing documents at issue
 - Interview alleged violator by asking precise questions
 - Obtain written statement from alleged violator
 - Obtain written statement from testing prep coordinator
 - Obtain written statements from students (if reasonable age)
 - Obtain written statements from other witnesses
 - Run it by your legal counsel

WHAT IF THERE'S A VIOLATION?

- Remedial memorandum
- PIP
- Notice of Deficiencies
- Statement of Charges
- Certification Revocation Process

WHAT IF THERE'S A VIOLATION?

CAN WE FIRE THIS TEACHER?

■ **Immoral Conduct**

- Conduct that is always wrong, goes beyond a matter of judgment, such that the teacher is presumed to have notice that it would be considered immoral; and
- Conduct that also is directly related to the teacher's ability to perform his or her duties and renders the teacher unfit to teach
- Requires a proof of inappropriate intent



WHAT IF THERE'S A VIOLATION?

■ **Willful and Persistent Violation of, and failure to obey, Board of Education policy**

- **"Willful Violation"**

Despite being on notice of the policy, teacher violated it.

- **"Persistent Violation"**

Despite being on notice of the policy, teacher violated it on more than one occasion.



WHAT IF THERE'S A VIOLATION?

■ **Insubordination (????)**

- Failure to comply with a clear, formal directive
- Must be an order or directive (not a "should" or suggestion)
- Requires preexisting Notice of Deficiencies on point



WHAT IF THERE'S A VIOLATION?

CAN WE GO AFTER THE CERTIFICATE?

■ **Immoral Conduct**

- Conduct that is always wrong & goes beyond a matter of judgment, such that the teacher is presumed to have notice that it would be considered immoral; and
- Conduct that also is directly related to teacher's ability to perform duties and renders the teacher unfit to teach
- However, revocation does not require intent; certificate may be revoked even if teacher is too impaired to form intent

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