

INTRODUCTION

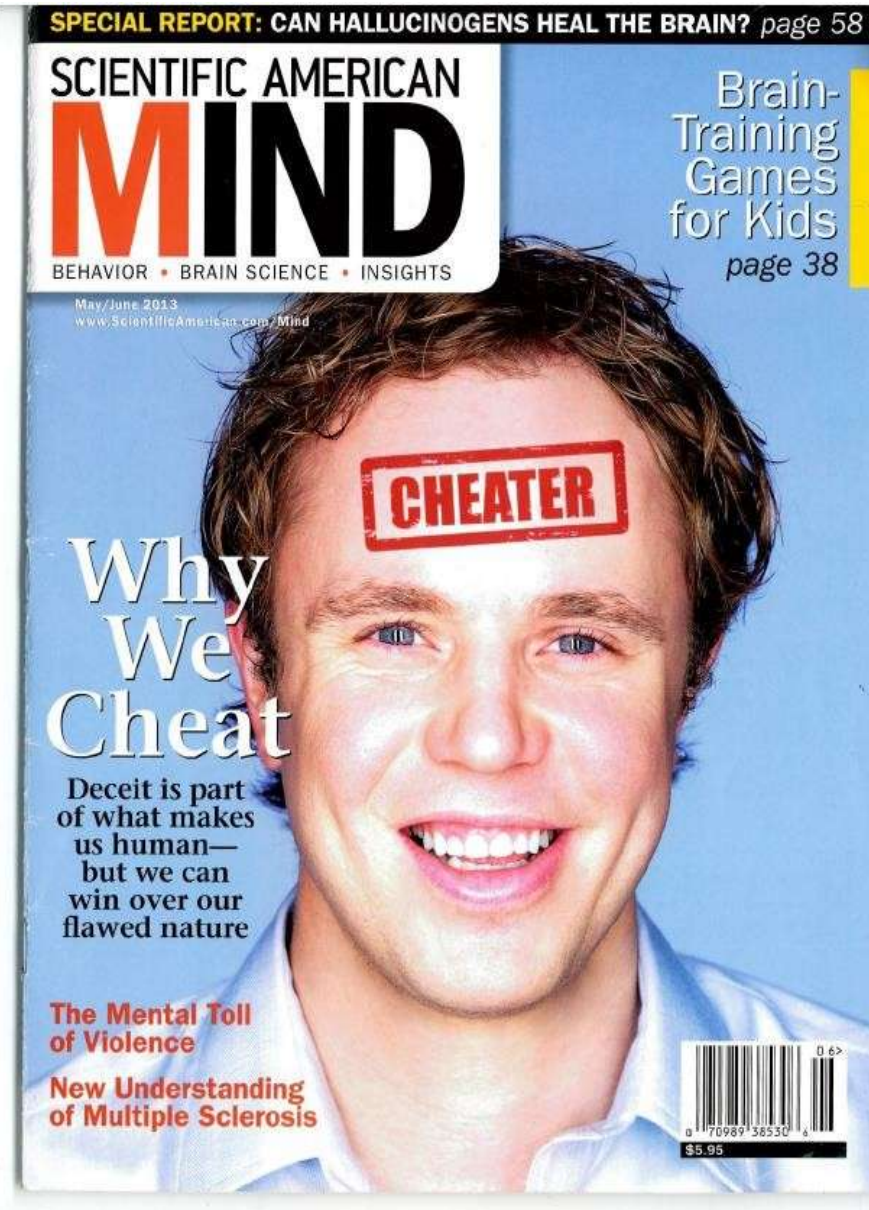
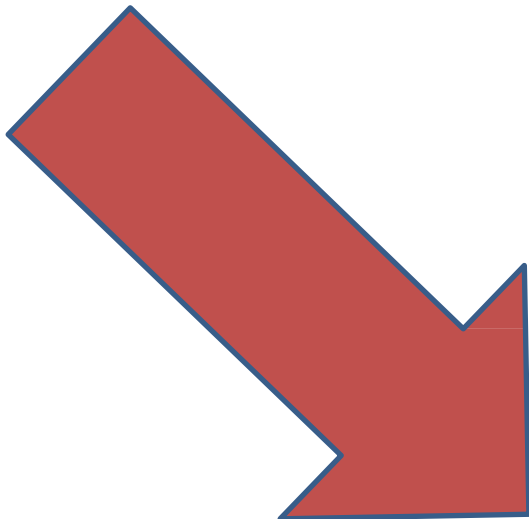
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Discouraging Cheating with Detection, Deterrence and Investigative Systems

Three Systems Compared: NY, GA and DC

International Center on Academic Integrity Conference
February 27, 2014

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What is Cheating?

- To break a rule or **law** usually to gain an advantage at something
- To take something from (someone) by **lying** or breaking a rule
- To prevent (someone) from having something that he or she deserves or **was expecting to get**

Source: Merriam- Webster online dictionary

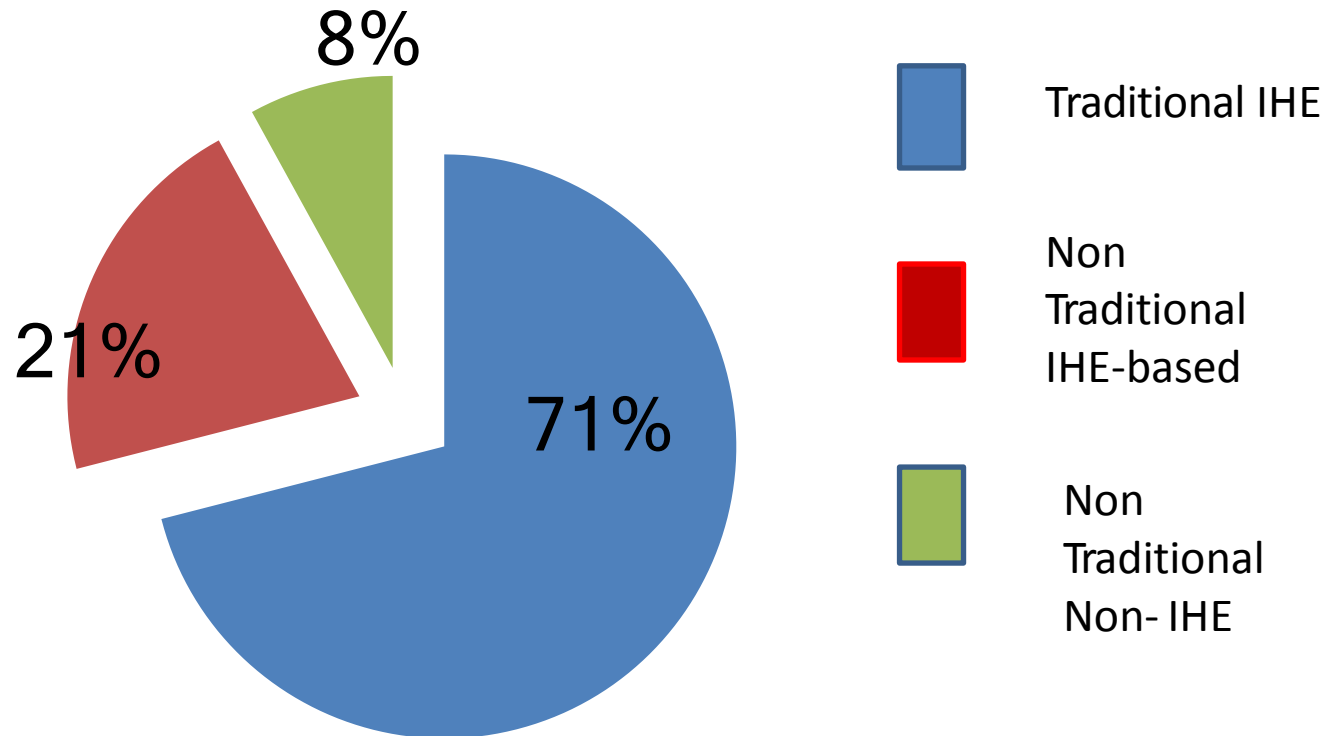
Why is this Important?

“Preventing cheating by those who give tests is a particularly under researched topic. It is ironic that much attention has been given to preventing cheating by individual students-behavior that can cause a single score to be of questionable value- and so little attention has been paid to cheating by those who give tests which can invalidate the scores of entire groups of students”

Source: Cizek, G. (1999) Cheating on Tests: How to Do It, Detect It, and Prevent It. Mahwah, NJ: Lawrence Erlbaum

Newly Hired Educators

Where do they receive their training?



Source: Preparing and Credentialing the Nation's Teachers: The Secretary's Eighth Report on Teacher Quality Based on Data Provided for 2008, 2009, 2010. US Department of Education, Office of Post-Secondary Education, November 2011

What is Fraud?

Fraud

Any intentional act or omission designed to **deceive** others, resulting in the victim suffering a loss and/or the perpetrator **achieving a gain**

Why does it occur?

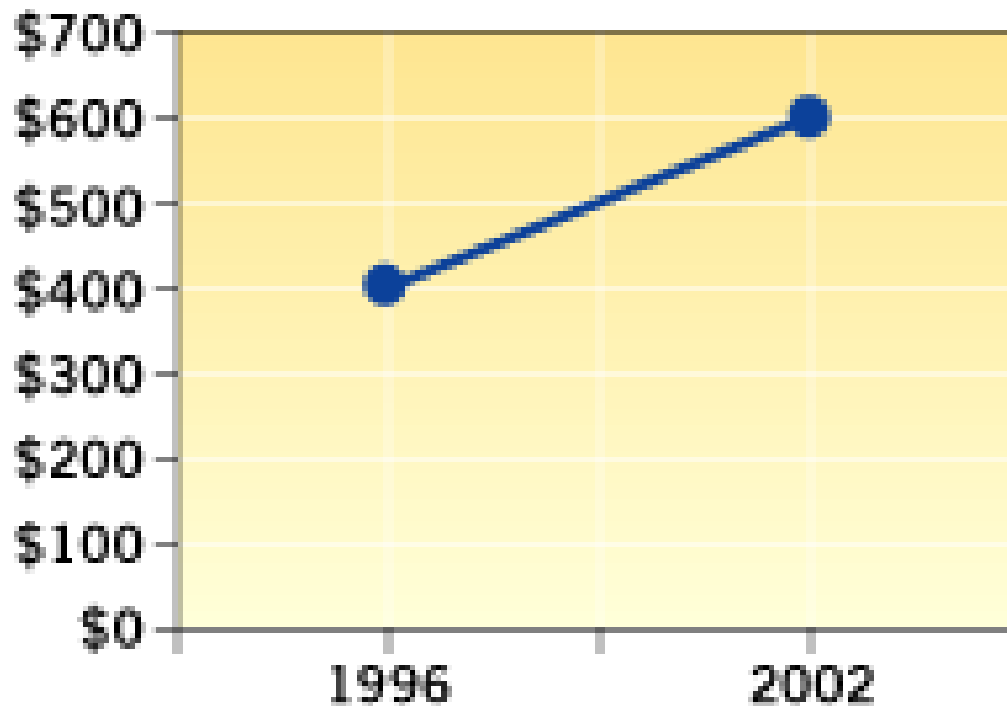
Respondents to 2007 Oversight Systems Study

- Pressures to do 'whatever it takes to meet goals'
- To seek personal gain
- Actions not considered fraudulent

Source: Managing the Business Risk of Fraud: A Practical Guide. Sponsored by the Institute of Internal Auditors, The American Institute of Certified Public Accountants, and the Association of Certified Fraud Examiners. Retrieved from <http://acfe.gr/wp-content/uploads/2013/10/managing-business-risk.pdf>

Occupational fraud losses

Billions of dollars



Source: Wells, J.T.
(2004, February)
New Approaches
to Fraud
Deterrence.
*Journal of
Accountancy*
Retrieved from
<http://www.journalofaccountancy.com/Issues/2004/Feb/NewApproachestoFraudDeterrence>

THE EDUCATOR FRAUD DIAMOND

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Source: Wolfe, D.T. & Hermanson, D.R. (2004, December 4). The Fraud Diamond: Considering the Four Elements of Fraud, The CPA Journal. Retrieved from <http://www.nysscpa.org/cpajournal/2004/1204/essentials/p38.htm>

Incentive

Chicago Study, 1993-2000

- Schools with low scores face the threat of restructuring
- Schools with high scores are rewarded
- Students in certain grades, schools, must pass EOY to advance to the next grade or graduate
- Teachers may earn merit pay bonuses in schools with large test score gains
- Test performance as a factor for teacher performance reviews

Source: Jacob, B. & Levitt, S. (2002, December). Rotten Apples: An Investigation of the Prevalence and Predictors of Teacher Cheating. Working Paper 9413. National Bureau of Economic Research. Retrieved from <http://www.nber.org/papers/w9413>

Atlanta Public Schools, Special Investigator's Report, 2011

- Intense fear of failure to meet annual performance targets for student achievement
- Culture of fear, retaliation and intimidation
- Failure of principal and administrative leadership and the use of an incentive's policy
- Teacher Competitive Pressures, secondary incentives cited by Kaufmann
- Better Working Conditions, secondary incentives cited by Kaufmann

Source: Kaufmann, J. (2012). Protecting the Veracity of our Children's Test Scores. Dartmouth College
Retrieved from http://www.thepresidency.org/storage/documents/Fellows_2011_2012_Papers/Kaufmann-



Opportunity

US ED Testing Integrity Symposium: Issues and Recommendations (adaptation), 2013

- Inadequate internal control
- Insecure and uncontrolled testing environments
- Unclear policies
- Unhealthy testing culture
- Inadequate training
- Long test windows
- Poor chain of custody procedures
- Poor monitoring
- Test materials stored on-site

Source: Testing Integrity Symposium: Issues and Recommendations for Best Practice. U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, 2013.



Capability

“I have the necessary traits, abilities and skills required to undertake academic fraud.”



Rationalization

“I have convinced myself that the fraudulent behavior is worth the risk.”



Georgia

Office of the Governor, Special Investigators, State Bureau of Investigations, Former Attorney General and Former DeKalb County District Attorney (with subpoena powers) and 2 law firms

Governor controls the Office of Student Achievement (auditing powers) separate from the Department of Education

Criminal Penalties (Subject to these Charges)

- RICO
- Making false statements & writings
- False swearing (perjury)
- Theft by Taking
- Influencing Witnesses

Source: "Read the Indictment." (2013, March 29). *The Atlanta Journal Constitution*. Retrieved from <http://www.ajc.com/documents/2013/mar/29/read-indictment/>

Cost Estimates

- \$3 million for investigations
- \$698,000 for attorneys hired by the school system
- \$738,000 to tutor kids who may have been victims of test cheating
- \$2.4 million to 'idled' teachers impacted
- The APS investigation team included over 60 State agents, attorneys, paralegals who conducted a total of 2,200 interviews and reviewed over 800,000 documents in a ten-month span.

Tagami, T. & Suggs, E. (2011, November 22). "The high cost of test cheating." *The Atlanta Journal Constitution*. Retrieved from <http://www.ajc.com/news/news/local/the-high-cost-of-test-cheating/nQNqR/>



New York State

New York State Education Commissioner appointed a Special Investigator- recommended a Test Security Unit Director, Former Federal Prosecutor, 2 prosecutors and 4 investigators
42 IO throughout Boards of Co-op Education
1 Dedicated investigator per IO
Legal Counsel and IT Specialist

New York State Education Commissioner
The Office of Personnel Review and Accountability

Administrative Penalties

- | | |
|---|---|
| <ul style="list-style-type: none">• Suspension, Denied Tenure• Not allowed to participate in testing | <ul style="list-style-type: none">• Banned from state, or Fired• Storage of test items rescinded |
|---|---|

Source: Sciocchetti, T.E. (2012, December). "Ensuring the Integrity of the New York State Testing Program: Test Security Unit Update." New York State Department of Education. Retrieved from http://www.highered.nysed.gov/tsei/documents/tsufinal1ppt_1.pdf

- Warning letter, Letter of Reprimand
- Disciplinary 3020a charges
- Annual training mandated
- Moral Character Complaint, Part 83

- Report to Superintendent, Attorney, or Administrative Trials Unit
- Civil Penalties
- Fined 1 week pay
- Fined \$5,000
- Civil prosecution

Cost Estimates

- \$1 million
- Seven member Test Security and Integrity Unit

Source: "School cheating investigations by New York State." *Long Island Newsday*. Retrieved from <http://data.newsday.com/long-island/data/schools/tests-cheating/?currentRecord=151>

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District of Columbia

Test Integrity Coordinator in the Office of the
State Superintendent of Education
Senior Data Forensics Analyst
54 LEA Test Integrity Monitors
Third Party Investigations Firm
Legal Counsel from Assistant Attorney General

Mayor of District of Columbia

Division of Data, Assessment and Research
under the Chief of Staff, The Office of the State
Superintendent of Education

Personnel Penalties

- Re-testing within the test cycle period (potential costs to LEAs)
- Denial, suspension, revocation, cancellation/placement of restrictions on the issuance of renewal of teaching/ administrative credential or teacher certificate either indefinitely or for a set term not less than one year, or
- Administrative fine, not to exceed \$1,000 for each violation

Source: DC State Test Security Guidelines. Retrieved from <http://osse.dc.gov/publication/dc-state-test-security-guidelines>

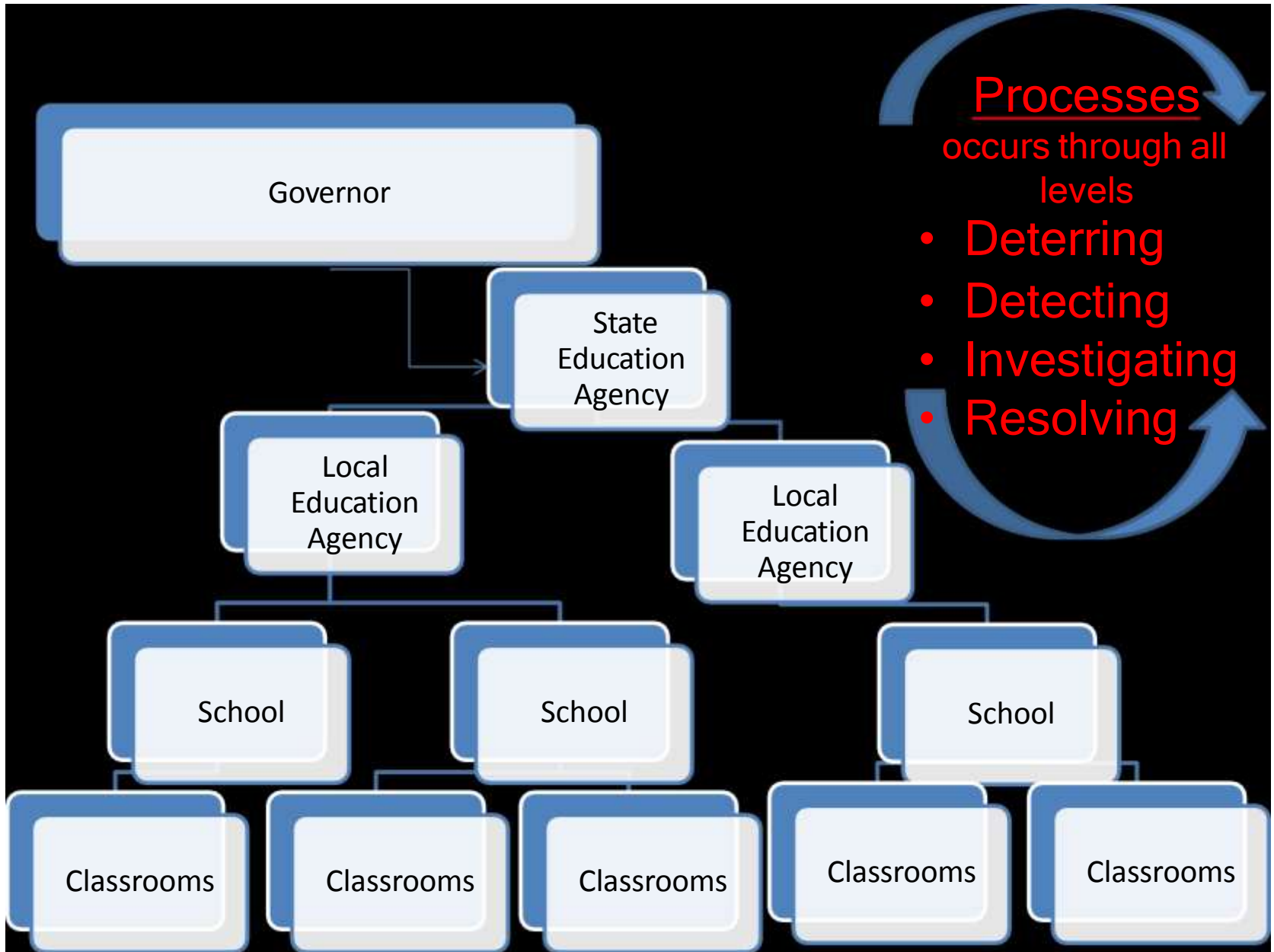
LEA & School Penalties

- Invalidation of scores
- Payment of any expenses incurred by the LEA/SEA due to the violation
- Administrative fine of not more than \$10,000 for each violation
- Test booklets held in abeyance
- LEA and/or school placed on monitoring list for future years

Cost Estimates

- \$400,000 costs for the third party investigative firm to investigate flagged schools and testing groups

Source: Brown, E. (2012, June 22). Probe finds test cheating at several D.C. schools. *The Washington Post*. Retrieved from http://www.washingtonpost.com/local/education/probe-finds-test-cheating-at-several-dc-schools/2012/06/22/gJQAD4UXvV_story.html



Suggestions for Designing a System

1. Establish an Institutional Policy
2. Educate stakeholders on Institutional Policy
3. Find a Champion(s) to Lead the New Initiative
4. Enforce the Institutional Policy
5. Integrate Deterrence, Detection, Investigation and Resolution into Current Infrastructure or Create New One

Suggestions for Designing a System

6. Assign Staff Roles and Responsibilities
7. Establish the Process and Procedures for
 - Deterring
 - Detecting
 - Investigating
 - Resolving
8. Introduce Administrative Due Process
9. Celebrate Progress
10. Evaluate using Data and Expect Evolution

References

- Brown, E. (2012, June 22). Probe finds test cheating at several D.C. schools. *The Washington Post*. Retrieved from http://www.washingtonpost.com/local/education/probe-finds-test-cheating-at-several-dc-schools/2012/06/22/gJQAD4UXvV_story.html
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- Managing the Business Risk of Fraud: A Practical Guide. Sponsored by the Institute of Internal Auditors, The American Institute of Certified Public Accountants, and the Association of Certified Fraud Examiners. Retrieved from <http://acfe.gr/wp-content/uploads/2013/10/managing-business-risk.pdf>
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- Waldman, S. (2012, March 15). State acts to derail standardized test cheats. *Times Union*. Retrieved from <http://www.timesunion.com/local/article/State-acts-to-derail-standardized-test-cheats-3411013.php>
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Resources

- DC Test Integrity and Investigations Main Page
<http://osse.dc.gov/service/test-integrity-and-investigations>
- DC Test Integrity Technical Assistance Page
<http://osse.dc.gov/service/test-integrity-technical-assistance>
- DC Test Integrity Monitor Training Page
<http://osse.dc.gov/publication/2013-dc-cas-osse-monitor-training-presentation>