

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



January 18, 2013

The Honorable Kenyan McDuffie
Chairman
Committee on Government Operations
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Suite 506
Washington, D.C. 20004

Dear Chairman McDuffie:

This responds to your correspondence of January 7, 2013, in which you request responses to questions concerning Office of the Inspector General (OIG) operations as well as the District of Columbia Public School (DCPS) test cheating investigation.

Like you, I too am concerned about maintaining the integrity of and public confidence in not only the OIG but also the District government through the expeditious performance of our work, as expressed in your letter. For this reason, in light of the independent nature of this Office and its mission of promoting economy, efficiency, and effectiveness in the programs and operations of the government by, among other things, preventing fraud, waste, and abuse, I believe that it is incumbent that the OIG's work not be conducted through the press or media, but rather that our reports speak for themselves, particularly to be beneficial to the public. This being the case, it is also incumbent that such reports, which are distributed to legislative and executive branch stakeholders, as well as published on our website, be as thorough and accurate as possible so as to be both informative to the public and useful tools for the Council in the performance of its oversight responsibilities.

Accordingly, this Office strives to perform its work - whether audits, investigations or inspections - as expeditiously as possible. Depending on the complexity of the matter, some reviews take longer than others. Just as it is difficult to predict how long an investigation or audit may take because new information or leads, among other things, may develop during the course of the review, it likewise is important not to overly rush an audit or investigation for the same reason, as such action may result in overlooking key information or evidence.

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While it is important that we proceed as expeditiously as possible, it is just as important that any review be substantively constructive and meaningful to the extent that it can be useful in correcting any deficiencies. Unlike most law enforcement-related or quasi-law enforcement entities, this Office like other inspector general offices, particularly in the area of investigations, is responsible not only for citing or finding fault but also for recommending that corrective action be taken.

At the outset, before responding to your specific questions, I believe that it may be helpful if I provide you with an overview to give you a sense of the types/nature of significant matters, in addition to the DCPS test cheating matter, that this Office has handled or been involved with over the years. Those significant or key matters have included the: emergency response to the assault of David Rosenbaum, the New York Times journalist (6/2006); review of the police homicide closure rate by ward for the city (6/2007); review of services provided to the at-risk family of Banita Jacks (4/2009); review of the administration of the Summer Youth Employment Program (6/2009); review of the police escort for Charlie Sheen (7/2011); award of the lottery contract (1/2012); review of the donation of a fire truck to the Dominican Republic (4/2011); review of services provided to former White House staffer and District resident, Theodoric James (2/2012); conviction of Harriette Walters, an employee of the Office of Tax and Revenue for theft of District funds (7/2009); issuance of a Management Implication Report citywide, compiling internal control deficiencies by agency as determined through OIG audits for the period 2004-2007 (10/2007); audit of the Department of Health's administration of HIV policies, programs and grant management (10/2008); payroll verification audit of DCPS (7/2010); conviction of the executive director within the city's charter school program for, among other things, embezzlement with respect to contracts (8/2007); and an audit of the rate-setting process for intermediate care facilities for individuals with developmental disabilities (6/2010).

In some of these matters, such as Rosenbaum, James, Jacks and the summer youth program, the reviews were completed in record time, with the Office providing constructive guidance and recommendations to the relevant agencies and to the Council for use in conducting legislative oversight, as appropriate. Similarly, while the lottery review was expanded at the Council's request, resulting in an extension of the completion date, the OIG nevertheless produced a timely document that I believe was useful at the time of the hearing and that provided extremely beneficial and constructive information and guidance to the Council and the public, among others.

Even those matters that I personally would have liked to have been completed sooner, like our review of the fire truck donation, resulted in what I believe to be valuable sources of information and guidance for the Council, relevant agencies, and the public. Specifically, the fire truck inquiry provided guidance with respect to possible conflicts of interest and the providing of counsel by government attorneys, which is valuable and useful information from a programmatic and operational standpoint. The other above cited matters included findings or recommendations related to monitoring healthcare subgrantees with respect to the city's HIV program;

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coordination among city agencies and governmental entities with respect to providing necessary services for at-risk families and individuals, as well as those in need of emergency medical services; providing adequate oversight of recipients of District funds under health-related programs to guard against, among other things, excessive executive compensation with respect to intermediate care facilities; and the correlations among crime rates, income levels, truancy rates and unemployment rates. I believe such findings and/or recommendations, like those in all of our reports, can and should be useful and important tools in the Council's performance of its oversight functions.

Similarly, the lottery report provided helpful, beneficial, and constructive information, considering the findings and the recommendations that resulted. These findings and recommendations, among other things, dealt with the Council's role in the contract review process as well as whether a new code of conduct should be established or developed, and financial disclosure requirements. These are findings and recommendations that appear to have played some role in the Council's actions with respect to its deliberations and considerations concerning ethics reform. Finally, I note that in this same vein of useful or beneficial results, a month before the Harriette Walters matter came to light in October 2007, this Office issued the Management Implication Report, referenced above. That report, which was distributed to the Council, agencies citywide, and placed on our website, highlighted OIG reviews conducted from 2004-2007, where, among other things, internal control weakness for detecting and/or preventing fraud within agencies existed, and the Office of the Chief Financial Officer (OCFO) had the second highest number of such deficiencies.

I hope the foregoing is insightful as to the work of the Office. And now, please see below specific responses to your questions.

1. *The amount of Full Time Equivalent (FTE) in your office; the amount of unfilled positions; descriptions of the duties of each FTE; and, the percentage of FTE's in your office that are dedicated to conducting investigations, and audits.*

Response:

- The OIG has 112 FTEs. Twenty-three FTEs are located in the OIG's Medicaid Fraud Control Unit (MFCU), which receives federal funding.
- As of December 29, 2012, the OIG has five vacant positions including one in the MCFU.
- See attachments A and B describing the duties of each FTE.
- Investigations Division: 22% dedicated to conducting investigations (20 locally funded FTEs – investigators).
- Audit Division: 24% dedicated to conducting audits (21 locally funded FTEs – auditors).
- Inspections and Evaluations: 10% dedicated to conducting inspections and evaluations (8 locally funded FTEs – management analyst).

- 2. The average amount of audits and investigations that each FTE in your office has conducted every year for the last four years; the average amount of pre-planned (i.e. those identified in the Fiscal Year Audit and Inspection Plan) audits and inspections that your office has conducted over the last four years; and, the average amount of unplanned (i.e., audits and investigations conducted by your office but not identified in the Fiscal Year Audit and Inspection Plan) audits and investigations that your office has conducted over the last four years.*

Response:

The average amount of audits and investigations that each FTE in your office has conducted every year for the last four years:

Initially, with respect to the annual Audit and Inspection Plan (Plan) of the Office, it is important to note, as it is stated in the cover letter to the Plan, due to limited resources, among other things, this Office does not realistically expect to complete all the audits and inspections listed therein, nor, in my estimation, should it be expected to do so. Further, again as stated in the cover letter, the Plan can and should be used by District managers to identify areas of risk that this Office believe are of concern. Accordingly, each Plan “can and should be viewed by management as a risk assessment of district programs and operations.”

Inspections and Evaluations (I&E): The average amount of reports ¹ that each FTE has produced each year for the last 4 years is 1-2 reports per year.

Audit: The average amount of audits that each FTE has produced each year for the last 4 years is 1-2 audits per year.

Investigations: The Investigations Division does not quantify its cases in the same manner that I&E and Audit quantify inspections and audits. However, the following information provides a snapshot similar to information submitted by the Inspections and Evaluations and Audit Divisions:

- Over the past 4 years, the average caseload for the FTEs dedicated to conducting investigations was 15-18 cases.
- FY 2009: 136 Formal Investigations Opened, 79 Formal Investigations Closed, 37 cases presented for prosecution, and 18 cases accepted.
- FY 2010: 129 Formal Investigations Opened, 116 Formal Investigations Closed, 48 cases presented for prosecution, and 26 cases accepted.
- FY 2011: 140 Formal Investigations Opened, 125 Formal Investigations Closed, 52 cases presented for prosecution, and 20 cases accepted.

¹ The Division issues Reports of Inspection, Reports of Special Evaluation, Management Alert Reports (MARs), and Management Implication Reports (MIRs). Between October 1, 2008 and December 31, 2012, I&E published 50 reports containing over 525 recommendations.

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- FY 2012: 227 Formal Investigations Opened, 194 Formal Investigations Closed, 61 cases presented for prosecution, and 18 cases accepted.

The average amount of pre-planned (i.e., those identified in the Fiscal Year Audit and Inspection Plan) audits and inspections that your office has conducted over the last four years:

Response:

Inspections and Evaluations: In each of the last 4 years, I&E averaged completion of four planned projects.

Audit: The average amount of pre-planned audits that were conducted over the last 4 years is 10 audits per year.

Investigations: See response to question below.

The average amount of unplanned (i.e., audits and investigations conducted by your office but not identified in the Fiscal Year Audit and Inspection Plan) audits and investigations that your office has conducted over the last four years:

Response:

Inspections and Evaluations: In each of the last 4 years, I&E averaged completion of three unplanned projects.²

Audit: The average amount of unplanned audits conducted each year over the last 4 years is 5 audits per year.

Investigations: The nature of the Investigations Division work does not allow for planned or unplanned criminal and/or administrative work. The investigations arise from the OIG Hotline; email messages to the Inspector General; letters from citizens; requests from city officials including the Mayor, the Council, and agency directors; referrals from other law enforcement agencies; and proactive OIG work. Furthermore, unlike the Inspections and Evaluations and Audit Divisions, the Investigations Division does not issue an annual plan for investigations.

² Unplanned projects ranged from a month-long effort that resulted in a Management Implication Report (MIR) being sent to the Office of the City Administrator, to special evaluations lasting 1-2 years.

- 3. The average amount of time it takes for your office to complete pre-planned audits and inspections; and, the average amount of time it takes your office to complete unplanned audits and investigations.*

Response:

Inspections and Evaluations: 22 months was the average time to complete pre-planned inspections and 15 months was the average time to complete unplanned inspections during the last 4 years.

Audit: 9 months was the average time to complete pre-planned audits and 15 months was the average time to complete unplanned audits during the last 4 years.

Investigations: As previously noted, pre-planned and unplanned investigations are not applicable to the Investigations Division.

- 4. A list of the factors that your office has identified as contributing to delays in the completion of investigations.*

Response:

Overall or agency-wide factors that I believe contribute to delays in the completion of work products include an inability of the Office to recruit and retain staff consistently, resulting in a shortage of staff to perform the work. This inability, I believe, stems from the office not being able to compete with other District offices or the federal government with respect to salary levels. As an example, the executive staff inclusive of Management Supervisory (MSS), Excepted and Executive service levels have not received any salary increase since 2007. This group has not received any increase despite the fact that one person in the group had negotiated an increase, which had been approved and which he decided to forego at that time. This shortcoming, I believe can be addressed by this Office being given independent hiring authority and having its own independent salary scale that is not tied to the citywide scale, as I understand similarly independent city entities have.

Another factor that has contributed to a delay in completion of work products under this Office's purview stems from the enactment of legislation requiring the performance of audits and/or other reviews by the office where this Office has become aware, after the fact and by happenstance on its own initiative. Three relatively recent examples of this relate to audits or reviews concerning special education attorney certifications, the West End Library and Fire Station Maintenance Fund, and commercial real property assessments. In the latter situation, the matter was exacerbated by the fact that under the legislation, another city agency was required to fund the review and the competitive bidding process needed to be utilized. That audit was ultimately performed at, among other things, the urging of this Office to acquire

the necessary funding from the other agency. This shortcoming can be addressed by this Office being notified of legislation either at the time of proposal or enactment of same.

Inspections and Evaluations:

- Inspections typically cover all key elements of an agency's operations, including management, regardless of the agency's size. Sometimes projects in large agencies must be broken up into multiple parts. Many projects, particularly those concerning the city's administration of social and health services have numerous legal and regulatory complexities and sensitivities that can extend a project's timeline.
- Information and documentation frequently are not readily available or are missing or disorganized because of poor or no recordkeeping in many District agencies.
- Attempts to accommodate schedules of agency employees to acquire required information or conduct interviews and meetings often result in significant delays.
- Requests by agencies of additional time for their review of draft reports by seeking multiple extensions to the standard 2-week review period.
- I&E's small staff of eight FTEs dedicated to conducting inspections is seriously impacted by staff turnover and position cuts because departures and vacancies mean delays in completing ongoing projects. The division averages two vacancies and two new hires per year, which equates to a 25% annual turnover. As of this date, the division has two vacancies to be filled.
- Unplanned special evaluations such as the Banita Jacks and Theodoric James special evaluations require that projects already underway be put "on hold," sometimes indefinitely, and analysts reassigned, thus delaying the completion or start of planned projects.
- Fieldwork and information gathered by inexperienced analysts often must be revisited to ensure thoroughness and accuracy.
- There is a very small applicant pool of skilled analysts and writers who can produce a quality draft report independently soon after hiring. This results in a lengthy on-the-job training period and intensive editorial review and multiple drafts prior to publication of a report.

Audit:

- Agency delays in responding to open audit report items.
- Slow response to our requests for information.
- Slow management response to our draft report findings and recommendations. We normally grant extensions when requested.
- Lack of resources with audit staff reductions (approx. 23%) from 40 FTEs in FY 2009 to only 31 in FY 2012; many audits are assigned to one person.

- High turnover in the Audit Division involving seasoned auditors (14 Auditors (45%) left OIG Audit from July 1, 2010 to present). These auditors left the division for better paying jobs in other District agencies, or in the federal government. Without competitive compensation packages and incentives, it is increasingly difficult to retain seasoned audit professionals capable of conducting/completing audits with a higher degree of efficiency. A significant amount of time is expended in hiring and training new auditors to conduct audits without any guarantee of retaining them once they obtain the requisite knowledge, experience, and expertise to assist the division in improving its audit efficiency.
- When the auditors that stay have to take on the unfinished work started by the senior auditors that have left, it often takes the new Auditors-In-Charge (AIC) time to revise audit plans (adding/deleting audit steps), obtain approvals of revised audit plans, and secure audit staff that need to be brought up-to-date on the current audit. In some cases the new AIC must revise the audit scope due to the passage of time since the start of a given audit.
- The elimination of the automatic career ladder for entry level auditors has hampered our Office's ability to recruit young, talented auditors who would be eligible for promotion based upon satisfactory evaluations.
- The elimination of salary increases for MSS positions has hampered retention of seasoned audit supervisors.

Investigations:

- As a watchdog entity, this Office has to rely on the United States Attorney's Office for the District of Columbia or the Office of the Attorney General for the District of Columbia for the criminal prosecution and/or litigation of matters that it investigates and refers to those offices. The speed with which those offices make a decision to either decline or accept a matter for prosecution or litigation can delay the resolution of a matter and the ultimate issuance of an applicable report.
- Due to a lack of certain investigative tools that are available to investigators, investigators often have to rely on such law enforcement entities as the Federal Bureau of Investigation (FBI) and/or the Metropolitan Police Department (MPD) to jointly investigate matters. Examples of the lacking tools, include such things as "bribe money", surveillance equipment and confidential informants; all tools that are utilized by the FBI and the MPD in conducting undercover operations. Accordingly, the availability of these entities under these circumstances can impact the speed with which investigations are completed.
- In general, the accessibility and availability of witnesses can impact the speed with which investigations are completed. Non-District employees may refuse to talk or cooperate with investigators. In those instances, assessments must be made as to whether the issuance of subpoena would be in order or whether the information may be acquired through other means, if it is believed that an individual has relevant or pertinent information. The issuance of subpoenas requires time and many times can delay the completion of an investigation, especially if action to enforce the subpoena is required.
- Many investigations require the issuance of subpoenas to financial institutions and other

entities for records to substantiate allegations. In those instances, time must be allowed not only for the receipt of such records but also for the analysis of such. Again, this can account for a delay in the completion of an investigation.

- The conducting of simultaneous inquiries and/or court actions by legislative bodies or courts of law while this Office is conducting an investigation into the same or related matter, can result in prolonging and/or delaying the completion of an investigation. This is the case in these instances because those proceedings may produce information relevant to our investigation or impact our investigation from a strategic standpoint. A good example of the latter is where there is a simultaneous court proceeding where pleadings are under seal.
 - As with most law enforcement, quasi-law enforcement or law enforcement-related entities, particularly in urban areas, there is no shortage of caseloads for the applicable personnel, and this Office is no different. The caseloads of the agents are such that they are regularly required to juggle the work, in other words multi-task, resulting in cases taking longer to complete.
5. *Any recent steps your office has taken to improve efficiency; and the steps your office plans to take going forward to improve efficiency.*

Response:

Inspections and Evaluations:

- Revised and simplified the report writing process.
- Updated key operational elements of the I&E Handbook.
- Using small teams of analysts (2-4) to conduct each project instead of sometimes relying on one analyst to conduct the majority of information gathering, analysis, and writing.
- Emphasis on eliminating unnecessary interviews and streamlining documentation of unproductive interviews.
- Increased in-house training for both supervisors and analysts.
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Audit:

- Established a Directorate of Prior Performance Audits (2011).
- Data mining efforts, specifically in the Medicaid Audit area.
- Use of unpaid interns. Audit staff FTEs have been decreased by 9 (23%) over the last 4 years - from 40 in FY 2009, to 38 FY 2010, to 31 in FYs 2011 and 2012. However, interns are limited in use for performing audits.
- Weekly status project management update meetings.
- Drafted an Internal Control Brochure that is currently in the review process.

- Completed a 3-year Peer Review that had no written recommendations. Based on their opinion, the OIG Audit Division's internal quality controls system was suitably designed and operating effectively to provide reasonable assurance of compliance with Government Auditing Standards for audits and attestation engagements during the period January 1, 2009, to December 31, 2011.
- Issuance of a Report on Open Recommendations (expected January 2013).
- Continue to incorporate data mining efforts.
- Hold one on-one-project management meetings to review each Audit Directorate's progress bi-weekly.
- Conduct all-hands training sessions to brainstorm on best practices and improved project management for all audits and identify bottlenecks in an effort to increase timely performance of scheduled audits.

Investigations:

- Streamlining the internal division review process by, among other things, increased case activity reviews.
- Increased monitoring of case statuses at the executive level.
- Review and consideration of Peer Review suggestions for improvement of the office review process.

With respect to the test cheating matter, please find the responses below.

1. *Did the OIG interview former principal, Ms. Adell Cothorne? If not, why?*

Response:

No, OIG investigators did not interview former principal, Ms. Adell Cothorne. The OIG did not interview Ms. Cothorne because, her attorney, Devanshi Patel, communicated to OIG investigators that Ms. Cothorne did not want to be interviewed by D.C. OIG investigators.

On April 27, 2011, an OIG investigator called Noyes Education Campus (Noyes) to schedule interviews with Ms. Cothorne and other Noyes personnel to discuss the DCPS cheating allegation. The investigator left a telephone message for Ms. Cothorne to return his call. Instead of Ms. Cothorne returning the call, the investigator received a call from Devanshi Patel, of Patel & Williams, PLLC, who told the investigator that she represented Ms. Cothorne. The investigator explained the purpose of the call. Ms. Patel told the investigator that Ms. Cothorne did not want to speak to D.C. OIG investigators but was willing to be interviewed by federal investigators (United States Department of Education OIG agents). The OIG investigator asked why Ms. Cothorne would not consent to an interview by District investigators. Ms. Patel did not provide the OIG investigator with a reason for Ms. Cothorne's refusal to meet.

On May 2, 2011, at the D.C. OIG's request, an investigator from the U.S. Department of Education OIG sent an email message to Ms. Patel, requesting that Ms. Cothorne be interviewed by a federal investigator on May 5, 2011. A week later, on May 12, 2011, Ms. Cothorne sent an email to a D.C. OIG investigator and asked that the investigator provide details as to how he wanted to conduct the interviews at Noyes. The next day, on May 13, 2011, the D.C. OIG investigator responded to Ms. Cothorne's email, and wrote, "I just spoke with your attorney to confirm that we could communicate regarding scheduling/staff matters only." Thus, Ms. Patel permitted D.C. OIG investigators to communicate with Ms. Cothorne solely for the limited purposes of scheduling interviews with other Noyes personnel but not to discuss the substance of the investigation with Ms. Cothorne.

Nearly a year later, in April 2012, the D.C. OIG learned that in May 2011, Ms. Patel, on behalf of Ms. Cothorne, filed a *qui tam* civil action against the District of Columbia in the United States District Court for the District of Columbia. The civil complaint, under seal, alleged a violation of the federal False Claims Act claiming cheating on standardized tests for the payment of funds by the U.S. Department of Education to the U.S. Department of Justice. Among other things, Ms. Cothorne's lawsuit sought monetary relief including attorneys' fees against the District of Columbia whether or not the federal government intervened in her *qui tam* action.³

Through investigation and coordination with federal investigators, the D.C. OIG acquired information related to Ms. Cothorne's allegations. Investigative leads identified in those allegations were pursued with negative results, resulting in no basis to warrant expansion of the investigation. Because Ms. Cothorne's complaint remained under seal until December 2012, federal investigators, investigating the *qui tam* claims, could not and did not share the contents of their investigation with the D.C. OIG.

Finally, before the OIG released its report in the summer of 2012, OIG investigators made a final attempt to interview Ms. Cothorne. On June 11, 2012, an OIG investigator spoke telephonically with Ms. Patel and informed her that the OIG was close to completing its investigation of Noyes and requested, once again, that Ms. Cothorne consent to an interview. Ms. Patel told the investigator that she would attempt to contact Ms. Cothorne and would notify him by June 20, 2012. To date, the D.C. OIG has not heard from Ms. Cothorne or Ms. Patel, her attorney.

³ In spring 2012, the Court issued an order partially lifting the seal to permit the federal government to provide a copy of the complaint to the defendant, the District of Columbia. Because Ms. Cothorne's case remained under seal, appropriate steps had to be taken to maintain the confidentiality of the complaint, the identity of the relator, and the nature of the federal government's investigation.

2. *Did the OIG interview students? If not, why?*

Response:

Yes, the OIG interviewed students for this investigation. As reflected in the OIG report, specifically pages 2 and 8, this Office reached out to parents and students from 79 families, of which 23 parents consented to interviews. Based on the consent given, a number of students were interviewed. Neither the students nor the parents provided any information of cheating.

Furthermore, the parents and students indicated that they were not aware of any such cheating. Specifically, as reflected on pages 8 and 9 of the report, none of the parents reported that their children had informed them of instances of cheating or of teachers assisting them with correcting answers or selecting the right answer. Moreover, the parents the OIG interviewed felt that the scores their children achieved on the DC CAS exams were indicative of their overall school performance and consistent with other test scores.

3. *Did the OIG rely on the investigation completed by a third-party in making conclusions about the cheating at Noyes Education Campus (Noyes)? If so, why?*

Response:

No, the OIG did not rely on the investigation completed by a third party in making conclusions about cheating at Noyes Education Campus (Noyes). As reflected throughout the report, as exemplified on pages 1, 2, 7, 8, 9, 10, 11, and 14, based on the interviews conducted, as well as the documents reviewed, among other things, both the OIG and the U.S. Department of Education relied on their own independent, jointly-conducted investigation in reaching their conclusions. In this regard, the OIG notes that investigators reviewed a report previously issued by Caveon, a test security company that DCPS hired to conduct an analysis of the wrong-to-right erasures for the DC CAS exams administered during the 2008-2009 school year, in the spring of 2009. However, the report issued by Caveon was analyzed to provide investigative leads and not for the purpose of drawing any conclusions and/or findings issued by the OIG.

4. *Did the OIG expand the scope of its investigation beyond Noyes? If not, why?*

Response:

No, the OIG did not expand the scope of its investigation beyond Noyes. As stated on page 12 of the OIG report, during the course of its investigation, after completing the review of DC CAS exams administered at Noyes, this Office assessed whether expanding

the scope of the investigation to other schools was warranted. Again, as reflected on page 12, based on the assessment which, among other things, included the facts uncovered in the course of the investigation, it was determined that there was no basis warranting such an expansion. The factors considered, as stated on page 12, specifically, included:

- The OIG noted the disparity in the (unusually high) number of erasures. The mere disparity, as noted and/or inferred from the Caveon report, without more (such as specific evidence of impropriety), was not a sufficient basis to conclude the erasures resulted from cheating;
- A review of Caveon's report of investigation revealed no corroborated evidence of cheating or indicators of widespread cheating to provide investigative leads for OIG investigators to pursue;
- Several of those interviewed during the investigation had worked at other schools, either before or after working at Noyes. None of those interviewed informed investigators of cheating at any of those other schools;
- Although the OIG investigation as to Noyes revealed areas where test security should be improved, it did not reveal any evidence of widespread cheating or indicators of widespread cheating; and
- Information received from the current DCPS Chancellor regarding the Caveon investigation and report, as well as her knowledge of the issues relating to the allegations regarding erasures on DC CAS exams, revealed no additional evidence to corroborate the allegations or provide investigative leads to pursue.

5. *Did the OIG consult experts on the significance of the erasure marks? If not, why?*

Response:

Yes, the OIG consulted experts on the significance of the erasure marks. As reflected on pages 6-7 of the report, the Office reached out to CTB/McGraw Hill, the company that scores student test sheets. Specifically, investigators interviewed Steve Ferrara, Principle Research Scientist, CTB/McGraw Hill who was accompanied by Pierre Davis, Associate General Counsel, CTB/McGraw Hill. Mr. Ferrara told investigators that in the normal course of the administration of the DC CAS exams, CTB/McGraw Hill scores the student answer sheets using machines that perform a scan analysis. The machines are calibrated to detect the intensity or shading of the marks on the answer sheets on a scale of 0 (lightest) to 15 (darkest) and will score any pencil marks 5 and above as an intended response. Marks at level four are considered erased responses.⁴ Once the exams are scored, the CTB/McGraw Hill Research Department analyzes the scores, marks, and answer patterns. The machines used by CTB/McGraw Hill did not have the capability to analyze the type of pencil lead used or determine whether the same pencil lead was used on multiple score sheets.

⁴ Marks detected at levels one, two, or three are considered to be "noise" and are disregarded by the machine.

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While, it can be noted that neither CTB/McGraw Hill nor Caveon could conclusively determine that the erasures occurred as a result of outside or improper influences; it must more significantly be noted that the purpose of our investigation was to determine or find evidence of widespread misconduct or cheating with respect to the administration of the test. Accordingly, as indicated in the report, the joint investigation by this Office and that of the Department of Education found insufficient evidence to establish such.

In closing, I hope that the foregoing is responsive to your inquiries as well as gives you a sense of and clearly demonstrates the work that has been performed by this Office and which this Office continues to perform for the citizens of the District.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Charles J. Willoughby
Inspector General

Enclosures

CJW/zgh

cc: The Honorable Muriel Bowser, Councilmember, Council of the District of Columbia
The Honorable David Catania, Councilmember, Council of the District of Columbia
The Honorable Mary Cheh, Councilmember, Council of the District of Columbia
The Honorable Vincent Orange, Councilmember, Council of the District of Columbia