

1 BEFORE THE NEW YORK STATE SENATE
2 STANDING COMMITTEE ON HIGHER EDUCATION

3 PUBLIC HEARING

4 TRUTH-IN-TESTING: A COMPREHENSIVE LOOK
5 AT STANDARDIZED TESTING SECURITY PROCEDURES

6 State University at Farmingdale
7 Roosevelt Hall, Little Theater
8 Farmingdale, New York 11735

9 October 25, 2011
10 10:00 a.m. to 1:00 p.m.

11 PRESIDING:

12 Senator Kenneth P. LaValle
13 Chair

14 SENATE MEMBERS PRESENT:

15 Senator Toby Ann Stavisky (RM)

16 Senator John J. Flanagan

17 Senator Carl L. Marcellino

18 Senator Jack M. Martins

19 Senator Lee M. Zeldin
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1 SENATOR LAVALLE: Good morning, everyone.

2 I'm Senator Ken LaValle, Chairman of the
3 Committee.

4 To my left is Senator Toby Stavisky, who is
5 the ranking member of the Committee.

6 And I would say that there has been a
7 Stavisky involved in Truth-in-Testing hearings right
8 from the beginning.

9 Her husband, Leonard Stavisky, was the
10 ranking member, and now Senator Toby Stavisky is.

11 Her son was very much involved in -- as a
12 student at Queen's College, Evan Stavisky, and wrote
13 one of the early memos of support for the
14 Truth-in-Testing legislation.

15 So, I want to thank, not only you,
16 Senator Stavisky, but your family.

17 To Senator Stavisky's left is
18 Senator Jack Martins;

19 To my right, Senator Carl Marcellino;

20 And, to his right, is Senator Lee Zeldin.

21 I want to -- this hearing is going to cover
22 the policies and procedures pertaining to the
23 security of standardized tests; post-secondary
24 standardized testing.

25 I want to thank everyone for being here at

1 Farmingdale, and thank President Hubert Keen for
2 making the facility available to the
3 Higher Education Committee.

4 This hearing will focus specifically on
5 testing security and procedures; test-site security.

6 And, we know that there have been alleged
7 lapses to have occurred when a man was charged with
8 being paid to take the SAT for six Long Island high
9 school students.

10 Students now face misdemeanor charges for
11 allegedly paying 1,500 to 2,500 dollars to have the
12 test taken for them.

13 The test-taker has also been criminally
14 charged.

15 Just as disturbing, the test-taker, who is a
16 male, is alleged to have taken the SATs for a
17 female; a fact that points to serious flaws in the
18 administration of the test that determines a
19 high school's -- high schooler's academic future.

20 And I just want to emphasize that.

21 This test will determine, a person in high
22 school will determine, the future course of their
23 life path: What college they will get into, and
24 what will yield from that education, as they move
25 into adulthood.

1 This hearing is somewhat like the locust.
2 Every number of years, we have a hearing. And,
3 College Board is here, and ETS is here.

4 So, this is nothing new, certainly as I had
5 said to Senator Stavisky, who has been a part of
6 this in one way or another.

7 More than 20 years ago -- actually, 30 years
8 ago -- more than 30 years ago, I introduced the
9 Truth-in-Testing law; and that required test-takers
10 to be able to get the test question, the
11 test-taker's answer, and the correct answer.

12 And, that was not easy legislation to pass.

13 We followed that up with a number of other
14 laws that dealt with how race and gender played into
15 the test; whether there were biases, or not biases.

16 We then followed up with a law -- and we're
17 going to talk about that to a greater degree -- a
18 law that, uhm -- some of you may remember the movie
19 of, "Stand and Deliver," was about Hispanic students
20 who were in Los Angeles, and were accused of
21 cheating on the exam.

22 And, so, I and other people, both, here in
23 New York, and in California, felt that we were a
24 nation of laws, but due process is critically part
25 of our process. It's rooted in our democratic

1 processes.

2 And, so, we passed legislation that provide
3 due process when an accusatory finger is pointed at
4 a student, and someone says: We think you cheated.

5 Today, we're going to listen to people, to
6 whether we need to make changes, amendments, to that
7 law, but -- whether we need to strengthen it, in
8 light of what is happening, or has happened, here on
9 Long Island.

10 I would say, as Chairman, that I believe that
11 what has happened here on Long Island is not just a
12 Long Island issue. It's not a New York State issue.
13 This issue of cheating is one that is a nationwide
14 issue.

15 I think we all agree, and this is critically
16 important: Cheating on your SAT is wrong. And, the
17 Committee will have to consider whether it is indeed
18 criminal.

19 I'm also sure that we can agree that this is
20 something we can work together to repair.

21 It is very publicly known, that, during my
22 career, the testing agencies, College Board, and
23 ETS, myself and this Committee, have jousting over
24 many different things.

25 This is an issue I believe we can come

1 together, because the security of test
2 administration, and the test itself, must be the
3 focus of everyone, and work together to repair that.

4 There are some who will say that this topic
5 is not worth the time of the Higher Education
6 Committee, nor the local prosecutor.

7 We have to ask ourselves: Do we take this
8 seriously, or only confront the problem and deal
9 with it when someone is caught?

10 Sadly, the losers in this are the honest,
11 hard-working students who play by the rules.

12 And that's what this issue is about.

13 We have, most all the students who take test
14 preparation, they prepare for this like they're
15 preparing for the Super Bowl.

16 This is something that will determine the
17 course of their life.

18 And then we have others who feel, for
19 whatever, that they can take a shortcut.

20 And our rules in our democratic process, does
21 not allow for shortcuts. Everyone is on the same
22 level playing field.

23 In this case, this is not a case of sneaking
24 a peek on a fellow student's test paper; rather, it
25 is a well-planned and executed scheme to game the

1 system by utilizing forgery and impersonation.

2 Large sums of money changed hands, which
3 itself begs the question: Where, and how did the
4 students get the cash?

5 Are parents involved?

6 Who knew about this; and when did they know
7 about it?

8 There have been studies that show that almost
9 60 percent of students, when surveyed, admitted
10 cheating on a test during the last year, with
11 34 percent saying they did it more than once.

12 Look, students are being raised in a
13 pressure-filled environment to succeed.

14 We live in the age of the "tiger mom" and the
15 "helicopter parent," terms for a parent who pays
16 extremely close attention to his or her child, to
17 their experiences, and problems, particularly at
18 educational institutions.

19 Competition magnifies the importance of
20 choices people make.

21 As failure for penalties and rewards for
22 cheating increase, what would you do if faced with a
23 high-pressure choice and environment which tolerates
24 cheating?

25 And what we're saying is, we cannot tolerate

1 cheating.

2 I would say to you, that the pressure in our
3 society today is, not only on taking these tests,
4 but I see it in all forms in our society.

5 Out on the playing fields, I am a soccer
6 grandpa, and I -- and I watch the parents. And,
7 every game doesn't become fun. It's, like, you got
8 to win, you got to win.

9 So -- "just in closing" -- just in closing:
10 We are at a juncture here because education is
11 critically important. It gives one a ticket to
12 their success.

13 And this Committee, and our legislature, and
14 our society cannot tolerate, where one group of
15 students play by different rules that give them an
16 advantage over other students who want that ticket,
17 but are playing by the rules in an honest way, and
18 believe in their hearts that they are on a level
19 playing field.

20 Senator Stavisky.

21 SENATOR TOBY STAVISKY: Thank you.

22 And, thank you, Senator LaValle, for
23 convening the Committee meeting, because I too think
24 this is a very significant subject.

25 And thank you for the introduction.

1 Needless to say, dinner-table conversation at
2 that time, and I think it was in the late '80s, was
3 very interesting, with my son arguing with his
4 father on this particular issue.

5 He was, incidentally, active at NYPIRG; and
6 they have been in the forefront on this issue, and
7 we certainly ought to acknowledge NYPIRG's
8 contributions.

9 I was thinking about the hearing, the other
10 day, and I was saying to myself: Why are students
11 cheating?

12 And, I think there are a couple of reasons,
13 and one of which, I think, is the fact that we've
14 become overly dependent upon standardized testing.

15 And that is one issue I think ought to be
16 addressed, certainly at this hearing.

17 Obviously, this is not a legislative issue,
18 in terms of having remedial legislation, but it's
19 something that we really have to think about in
20 terms of education, or higher-educational
21 policy-making.

22 And why is this important?

23 Because, for one thing, students are
24 evaluated. Their progress for the future is based
25 upon standardized tests; whether the standardized

1 tests are regents or SATS or ACTs, or whatever.

2 And, often, teacher evaluation; whether the
3 teachers receive tenure or promotions is, often,
4 also based upon how the students do on these
5 standardized tests.

6 Schools receive report cards.

7 There was a story in the paper this morning,
8 in the "New York Times," about the evaluations of
9 the various high schools, based upon, in large part,
10 standardized tests.

11 And that sort of leads to the second issue, I
12 think, which is, what -- the question of, whether
13 students are prepared to go to college.

14 And, again, that story in yesterday's "Times"
15 and today's "Times," talked about the lack of
16 preparation, and the fact that, quite frankly -- and
17 I say this as a former high school teacher -- that,
18 I don't think we're preparing our students properly
19 for college. Pure and simple.

20 Too many students need remedial education or
21 remediation when they get to college.

22 I know at the City University of New York, it
23 falls to the community colleges, at great expense.
24 And we're fighting for the educational dollar.

25 It seems to me that the high schools have to

1 do a better job in preparing students for, not just
2 the standardized tests, but for the workplace.

3 So, I look forward to listening what the
4 various people who are testifying have to say.

5 I was very troubled when I saw the story
6 about the students in Nassau County. And, I am
7 absolutely convinced that this is a national
8 problem.

9 There was a problem in Atlanta, six months or
10 so ago.

11 There have been a lot of studies, both, by
12 ABC, and by that organization at Clemson University,
13 that talks about how widespread the cheating is, and
14 the question of, whether we are conveying the right
15 message to the students, both, at the college
16 level -- at the high school level, and at the family
17 level.

18 So, I thank, again, Senator LaValle for
19 convening this hearing; and, hopefully, we'll have
20 some answers.

21 Thank you.

22 SENATOR LAVALLE: Senator Martins.

23 SENATOR JACK MARTINS: Thank you.

24 I want to thank Senator LaValle for holding
25 this hearing. I also believe that this is an

1 important aspect to state government, and certainly
2 to society.

3 You know, honesty, integrity, and
4 accountability are essential to our society.

5 They're not just words; and, yes, they do
6 matter.

7 What we have is, unfortunately, yet another
8 example of individuals who thought the rules don't
9 apply to them, and that they were above the system.

10 And, fortunately, this group of rotten apples
11 did not ruin the bunch.

12 While, regretfully, these incidents did bring
13 alight issues with security surrounding the
14 test-taking process administered by ETS, those
15 issues, and ETS's response thereto, are the subject
16 of this hearing.

17 In short: How do we prevent this sort of
18 thing from happening in the future?

19 I want to acknowledge the Great Neck School
20 District, and its administrators, who carefully
21 followed up on the rumor that some students had
22 cheated; and in doing so, brought this incident to
23 light.

24 It speaks to the integrity of the
25 institution, and its commitment to having all

1 students treated fairly, that they did so.

2 It bears noting, as we go through these
3 proceedings today, that the rules already in place
4 would not have permitted the incidents to have
5 occurred; which, of course, begs the question: Why
6 didn't ETS implement its own security protocols that
7 were already in place? And if they had, could all
8 of this have been avoided?

9 So, I'm looking forward to the testimony we
10 hear today.

11 I'm looking forward to participating; and,
12 frankly, looking forward to, hopefully, arriving at
13 some consensus, and some answers, that will prevent
14 this sort of thing from happening in the future.

15 Senator, thank you.

16 SENATOR LAVALLE: Senator Marcellino.

17 SENATOR CARL MARCELLINO: Thank you,
18 Senator LaValle.

19 I appreciate the ability to be here.

20 As Chairman of the Investigations Committee
21 in the New York State Senate, I look forward to
22 hearing the testimony that is to come, and see what
23 recommendations come from those who are involved in
24 administering these tests for us.

25 Do we need new legislation, or do -- can it

1 be handled administratively without any new
2 legislation?

3 Frankly, I hope the former is the case, and
4 we don't need new legislation; but, let's see what
5 happens, and let's see what comes.

6 Cheating at any level, whether it be the
7 student taking the test, or, the teacher or the
8 proctor marking the test, is not to be tolerated.

9 These tests determine the person taking the
10 test's future.

11 As Senator LaValle correctly said, these
12 tests determine which college you're going to get
13 into; what college or university is going to accept
14 you.

15 And, based on that, and your ability to score
16 there, which firm, or law firm, or job, you're going
17 to get, as you leave. Your whole future is before
18 you; and these tests can be a determining factor, as
19 to where you go, and how you get there.

20 Like Senator Martins, I applaud the
21 administrators and teachers at the Great Neck
22 schools to -- for bringing this to light. It could
23 have been very tempting to just sit on it, and bury
24 it.

25 And I'm glad they didn't. They showed true

1 professionalism and caring for the system, and
2 caring for the education of our young people.

3 They demonstrated that opening -- that
4 openness and accountability is important, and they
5 took a very brave step in coming forward on this
6 issue; and I commend them.

7 I, again, look forward to hearing the
8 testimony.

9 And I'm going to apologize early; because I
10 have to be someplace at noon, so I'm going to be
11 leaving a little bit early.

12 So, if you see me sneaking out, it's not for
13 lack of interest or concern. It's because I have
14 another commitment.

15 But, I'm looking forward to hearing the
16 testimony.

17 Thank you.

18 SENATOR LAVALLE: Thank you,
19 Senator Marcellino.

20 Senator Zeldin.

21 SENATOR ZELDIN: Well, Senator LaValle, I
22 just want to thank you for taking the leadership on
23 this issue.

24 As someone that worked for you for a few
25 years, in Albany, during college and law school,

1 I've known, for a long time, your commitment to
2 these higher-education issues.

3 These cheaters, obviously, they lack honor,
4 integrity.

5 You mentioned in your words, Senator LaValle,
6 that the real victim here are the honest,
7 hard-working students who play by the rules.

8 And as a member of your Higher-Ed Committee,
9 I'd offer whatever help I can be in addressing this
10 situation.

11 But, thank you for doing this.

12 SENATOR LAVALLE: Okay, thank you,
13 Senator Zeldin.

14 We have with us, as the first person
15 testifying, our own regent in Judicial District 10,
16 Regent Roger Tilles.

17 Regent Tilles, thank you for joining us.

18 HONORABLE ROGER TILLES: Thank you,
19 Senator LaValle, Senator Stavisky, and members of
20 our outstanding Long Island delegation.

21 I remember communicating -- Ken probably
22 doesn't remember this -- but, 30 years ago, when I
23 was in Washington, working in Education,
24 communicating with Senator LaValle on just this very
25 issue.

1 So, I know he's been working on this for a
2 long time.

3 I will be very brief, and try to just make my
4 points. And I'll submit some papers that will go
5 along with what I say.

6 First, let me disclose that I am a graduate
7 of Great Neck North High School. And, my daughter
8 graduated there; and I have one who is a senior,
9 that will be taking the college boards in two weeks.

10 This is not a Great Neck problem. And I'm
11 glad that both Senators have mentioned that.

12 In a nationwide move for accountability,
13 transparency, and reliability, schools, teachers,
14 and individual students have grown up in an
15 atmosphere that education and student learning is
16 the test.

17 This is unfortunately true, looking at the
18 use of test scores as the measure of school success,
19 teacher quality, and student admission to college.

20 This, in turn, leads to focusing attention to
21 only what is being tested, often snuffing out
22 creative thinking needed for adult success.

23 And, then, I have some attachments that will
24 attest to that.

25 As tests get more and more high-stakes, the

1 tester needs to develop different tools to make sure
2 of the reliability of the testing system; and, that,
3 constantly changes.

4 The regents have recently looked at a major
5 overhaul of our testing procedures used for regents
6 testing, and for 3-through-8 assessments in all
7 schools.

8 I won't go into that at length, but they
9 include such factors as: Having one day for
10 testing, so that the answers can't get out.

11 That has, unfortunately, put a constraint on
12 many school districts' schedules, but, this is part
13 of the problem with high-stakes testing.

14 We are requesting the Legislature -- from the
15 Legislature, to develop scanning-erasure analysis,
16 which we have found, in the past, to have existed on
17 many of the 3-through-8 testing.

18 We have looked at inter-reliability of
19 analysis of open-response scoring.

20 We are looking at who will proctor the tests,
21 who can proctor the tests, and who will score the
22 tests; and to make recommendations for, perhaps,
23 making it less costly to score those tests.

24 A major issue is, prohibiting teachers from
25 scoring their own students' exams.

1 Districts must develop the capacity to
2 implement alternative scoring processes, such as,
3 external regional, or distributed technology, for
4 the scoring of the open responses.

5 My visits to many of the school districts on
6 Long Island -- and I think I've been to a little
7 more than half, which means, about 65 of them --
8 have led me to believe that the kind of cheating
9 that seems to have happened in my home district, and
10 home high school, goes on in many other schools on
11 the Island, and around the state, and around the
12 country.

13 While it seems to be more prolific in
14 high-performing districts, it is because of the
15 nature of the pressure to get into the name
16 colleges.

17 Again, misguided pressure, since we have
18 many, many wonderful colleges here on Long Island
19 that students often bypass to attend the,
20 quote/unquote, named Ivys, or other colleges around
21 the country; and, therefore, the test scores on SATs
22 are more significant for them.

23 The consequence of a culture of high-stakes
24 testing, unfortunately, has caused what might have
25 been an isolated incident to become more

1 commonplace.

2 ETS, the College Board, anyone responsible
3 for administering these high-stakes tests, need to
4 relook at their procedures to ensure that the
5 results are valid.

6 And I urge them to do so, as the regents have
7 done.

8 A better solution, would be to ramp-down the
9 stakes associated with these tests so effective
10 student learning may take place.

11 Thank you for allowing me the time to
12 testify.

13 SENATOR LAVALLE: I just have two questions.
14 Do you have set procedures for standardized
15 test proctors?

16 HONORABLE ROGER TILLES: We are -- that's one
17 of the recommendations we are making.

18 I know that in -- we've had examples of
19 teachers, for one reason or another, and in the
20 past, it has usually been to improve the school's
21 score, or to improve the student's score, when the
22 teacher is working directly with their own student.

23 Now, however, with the new laws and
24 regulations that we have to pursue as regents, the
25 teacher evaluation will be, anyplace, from 20 to

1 40 percent, based upon those scores, so that the
2 chances of cheating are probably increased
3 dramatically.

4 So, we are -- certainly, that's one of the
5 recommendations we'll be making.

6 SENATOR LAVALLE: And the other question is:
7 What are your procedures for detection of cheating
8 on regents exams; and, what happens once cheating is
9 detected?

10 HONORABLE ROGER TILLES: That's a good
11 question.

12 It is really up to the local district to
13 determine what kind of remedies there are, at least,
14 under present regulation.

15 We are looking at, as I said, erasure
16 analysis.

17 We look at computerized anomalies, where, if
18 a district has been doing one thing consistently,
19 and all of a sudden, has a jump-up in one of their
20 schools, that raises a red flag for us. And we have
21 computerized technology that will allow us to look
22 into that.

23 And we've had, unfortunately, several
24 incidents of that over the last few years. Some in
25 the urban districts, and some on Long Island

1 districts.

2 And, when we have investigated those, in some
3 cases, the professionals have been dismissed. And,
4 in some cases, the schools have to take whatever
5 action that they need to take.

6 But, we are looking into that; and
7 erasure analysis is another example of where we can
8 look at anomalies.

9 I think we're a little different from the
10 SATs, in the sense, that, we don't look at the
11 student score from one year to the next year.

12 Hopefully, in the future, when we have growth
13 testing instead of the kind of testing we have, it
14 might be easier to determine that.

15 SENATOR LAVALLE: We've been joined by
16 Senator Flanagan.

17 Anyone have questions of Regent Tilles?

18 SENATOR CARL MARCELLINO: Yeah, just one.

19 SENATOR LAVALLE: Senator Marcellino.

20 SENATOR CARL MARCELLINO: Roger, do you --
21 I'd raised this issue before in my comments: Do you
22 believe that this can be -- this problem can be
23 addressed administratively?

24 HONORABLE ROGER TILLES: I believe the
25 problem that happened, allegedly, in Great Neck, can

1 be, certainly, addressed administratively.

2 Some of it was so lax, that it's hard to
3 believe that it could have happened in the past.

4 But, it doesn't happen on regents tests,
5 because we -- the tests are taken within the
6 district itself, and people know who is taking the
7 test.

8 I suppose, when we change the proctoring, or
9 if we change the proctoring, rules, that, perhaps a
10 different teacher, perhaps from another school,
11 might be taking the tests -- might be proctoring the
12 tests, that some of that might creep in here, and we
13 have to look at that, too, and see how we can best
14 remedy that.

15 But, that has not been a problem so far.

16 SENATOR CARL MARCELLINO: Thank you.

17 SENATOR LAVALLE: Senator Stavisky.

18 SENATOR TOBY STAVISKY: Let me just
19 follow up.

20 Did I hear you say that the regents do not
21 have any rules or regulations in place to cover this
22 kind of situation?

23 HONORABLE ROGER TILLES: We have rules that
24 report back to the district, and can, I guess,
25 penalize the district, but I don't think that it

1 goes to a student or to a teacher. That's up to the
2 district to take care of.

3 I think, with the evaluation procedures for
4 teachers, there will have to be some rules set up by
5 the district, as to, if there is some kind of
6 cheating going on.

7 So far, it's been a district-by-district
8 response.

9 SENATOR TOBY STAVISKY: I think this is
10 something, certainly, that the regents can take a
11 look at --

12 HONORABLE ROGER TILLES: Yes.

13 SENATOR TOBY STAVISKY: -- for guidelines, so
14 that you don't have uneven justice; wherein, one
15 district, a high-achieving district, you know, they
16 sort of wink an eye, and say, Well, it will never
17 happen again; and another school district comes.

18 I think that that's unfair.

19 HONORABLE ROGER TILLES: If any, it should be
20 the other way around.

21 SENATOR TOBY STAVISKY: It should be the
22 other way around.

23 SENATOR LAVALLE: Any other -- okay.

24 Thank you, Regent.

25 HONORABLE ROGER TILLES: Thank you for having

1 the hearing.

2 SENATOR LAVALLE: Next one to testify is,
3 Bernard Kaplan, principal of Great Neck North
4 High School.

5 I just want to reiterate, again, that, in my
6 judgment, this is a problem much broader than just
7 one high school here on Long Island.

8 And, Mr. Kaplan, I want to thank you for
9 your professionalism, your concern about students,
10 and the level playing field.

11 Mr. Kaplan will be only reading his
12 testimony, and the Committee will not, at this time,
13 be asking him any questions.

14 Mr. Kaplan.

15 BERNARD KAPLAN: Well, first, I appreciate
16 all the comments of the Senators today.

17 I agree with them all.

18 I think that your awareness, your clear
19 awareness, of the issues are very important to the
20 state of New York, and to this country.

21 Senator LaValle, and the honorable members of
22 the Senate Higher Education Committee: Good
23 morning.

24 Thank you for inviting me here today.

25 I applaud your work, and I applaud each of

1 you for taking on this important issue.

2 The SATs have grown exponentially over the
3 years, and so has their influence grown over the
4 lives and futures of millions of people.

5 Hopefully, the effort that you have begun
6 here today will ultimately result in, at least, a
7 fair, more secure, and more equitable administration
8 of the SAT tests.

9 I also really want to thank you for
10 understanding that there's an ongoing criminal
11 investigation of the cheating scandal, and that I
12 myself might be called as a witness to testify in a
13 criminal prosecution.

14 Therefore, while I really would like nothing
15 better than to relate to you my entire personal
16 experience in regard to this issue, and SAT testing,
17 and answer, in detail, each and every question that
18 you might have, I am justly prohibited from doing
19 so.

20 If, at a later date, after the criminal
21 matters are resolved, this Committee would like me
22 to return, I would welcome the opportunity to tell
23 you the entire story in detail.

24 SENATOR LAVALLE: The answer is yes.

25 HONORABLE ROGER TILLES: Okay.

1 That's the quickest acceptance to an invite
2 I've ever gotten, Senator LaValle.

3 However, other than to say that I am
4 extraordinarily proud of our faculty, especially our
5 guidance department, and of our Board of Education
6 Superintendent for the thoughtful, reflective,
7 forthright, and, at times, courageous approach, that
8 they took in handling this complex and very
9 difficult situation, I will not specifically address
10 any events that allegedly involve students from
11 Great Neck.

12 Finally, please know, that none of my
13 comments today, in any way, are meant to excuse or
14 to mitigate the alleged behavior of any student or
15 person who cheated on an SAT.

16 There is no excuse.

17 We don't tolerate, accept, or condone such
18 behavior. And when we discover it, we aggressively
19 deal with it.

20 We refuse to hide cheating. We refuse to
21 sweep anything under the proverbial rug.

22 Yes, we reflect; yes, we try to understand;
23 but wrong is wrong, and wrong has, and should have,
24 consequence.

25 Let me begin with a very important concept:

1 Testing is not teaching.

2 The further you remove assessment from the
3 learning-teaching process, the less instructional
4 and educational value those assessments or tests
5 have.

6 That is why the SATs are, ultimately, a silly
7 test; while Advanced Placement tests, for instance,
8 have real value.

9 That is why the regents test in New York used
10 to be the gold standard of state assessments,
11 because they were created by the teachers of
12 New York State as a criterion reference test for the
13 students of New York State.

14 And that is why, as those tests are removed
15 farther and farther away from the teachers of
16 New York, that standards are being lowered, not
17 raised.

18 And as those tests are now to be used for
19 things that they were neither intended nor designed
20 to be used for, like evaluations of specific
21 teachers, that the entire fabric of public education
22 in New York State may well be torn apart.

23 This is politics, not education.

24 Unlike, for instance, the Advanced Placement
25 tests, or the old regents tests, which are criterion

1 reference tests, there is absolutely no independent
2 data that the SATs have, in any significant way,
3 improved education in the United States;

4 Nor is there any data, whatsoever, that
5 supports the using of standardized testing as a
6 measure of a specific individual teacher's
7 effectiveness, that will either accurately measure
8 in any meaningful way that teacher's effectiveness,
9 or improve student learning.

10 Zero data that supports that endeavor.

11 The current weight given to the SATs, and the
12 current rush to the bottom of chaos by New York
13 State, are two sides of the same coin of craziness.

14 Testing is not teaching.

15 The further you remove assessments from the
16 teaching-learning process, the less value those
17 tests have.

18 Don't be fooled.

19 This is money, on one side of the coin, and
20 politics on the other; not education.

21 All that being said, I am forced to limit my
22 comments today to the obvious and generic problems
23 and faults with ETS's current practice in
24 administering the SAT tests.

25 Whether the test is a valid measure of what

1 it claims to measure; that being, the college
2 preparedness of a student, is open to much debate.

3 Clearly, there are far better predictors of
4 college success than SATs.

5 The best predictor, by far, being a student's
6 secondary-school record.

7 SATs do measure something. They are kind of
8 a hybrid; a limited cognitive intelligence test
9 combined with a limited language-and-math
10 achievement test.

11 Many, many educators have come to believe
12 that the SATs are overused, overemphasized, and
13 generally given much more credibility than they
14 warrant.

15 In fact, when SAT -- what SATs measure best,
16 is how well you will do on your next SAT. They do
17 that very well. They're good at that.

18 Interestingly, historically, when the SATs
19 were justly being attacked for being culturally and
20 economically biased, which you referred to earlier,
21 which they certainly were, and to some extent, still
22 are, ETS used to argue quite vehemently, with all
23 kinds of charts and educational statistical
24 razzle-dazzle, that you couldn't, and shouldn't,
25 study for an SAT.

1 That is until Kaplan, Princeton, and a whole
2 industry of test-prep courses and tutors proved them
3 wrong.

4 But whether the test is good or bad, has
5 educational merit, or is actually educationally
6 destructive is not for me to address today.

7 What I am here to tell you, is that the
8 procedures ETS uses to give the tests are grossly
9 inadequate in terms of security.

10 And furthermore, that ETS's response when the
11 inevitable cheating occurs is grossly inadequate.

12 Very simply: ETS has made it very easy to
13 cheat; very difficult to get caught; and has failed,
14 completely, to include home schools in the process.

15 To top it all off, on the rare occasions the
16 cheater is found out, there is little consequence.

17 Allow me to take you through each one of
18 these trio of problems that make ETS's tests
19 prima facie insecure.

20 First, and foremost: Schools do not run SAT
21 tests. They are mere, quote, sites, which anyone
22 can request, and to which anyone can be assigned.

23 The only identification you need to produce
24 to take an SAT is a school ID, which any
25 fifth-grader with a computer can make.

1 Make up a school; put any name you like and
2 your picture on a card; sign that name, and pick a
3 mascot for good luck.

4 You now have everything you need to be anyone
5 that you want to be for purposes of taking an SAT.

6 You now can take an SAT anywhere in the
7 country under that name.

8 In fact, if you further want to cover
9 yourself, and cover your tracks, you don't even have
10 to go to the site that you requested or the site to
11 which ETS has assigned you. You can go as a walk-in
12 to any site that you desire, using that same made-up
13 ID.

14 Not a single one of the alleged
15 impersonations under investigation took place in my
16 school, or at any Great Neck public school.

17 Let me repeat that, because it's often
18 misunderstood: Not a single one of the alleged
19 impersonations under investigation took place at my
20 school. Not one; nor at any Great Neck public
21 school.

22 There are no allegations, whatsoever, of any
23 cheating, whatsoever, on SATs taking place at
24 North High. Not one.

25 In fact, I have personally been at every

1 single SAT and PSAT, except one -- I had a
2 Bar Mitzvah that day -- given at my high school for
3 the last 20 years.

4 And I am there, just to make sure that the
5 tests are safe, are secure, and as well run and
6 proctored as we can possibly make them.

7 I can say almost for sure, that no one in
8 those 20 years impersonated any one of my students;
9 nor did any one of my students impersonate any one
10 else at our high school.

11 But I can't say -- "I can't say" -- that no
12 one ever impersonated someone else at my high school
13 site; nor can any person at any site in the country
14 make that claim.

15 Why? Because there is no way to tell.

16 At last spring's SAT, for instance, we had in
17 the neighborhood of 300 students taking the test at
18 North High. Less than half of them were from my
19 school. The others were from all over.

20 The others all had some sort of picture ID,
21 but any one of those could be completely made up or
22 forged, and we would have no way of knowing; and
23 neither does ETS.

24 The proctors take a look, it says "Joe Schmo
25 from Hoover High School," with his picture; and

1 that's that.

2 It is ridiculously easy to take the test for
3 someone else.

4 That's why, when ETS says this kind of
5 impersonation is a rare occurrence, you just have to
6 laugh.

7 How would they know?

8 All they can say, is that they are unaware of
9 a large number of impersonations.

10 I am sure that that's true; they are most
11 assuredly unaware.

12 To make matters worse, no one is checking in
13 any serious way.

14 It used to be, in the old days, that ETS
15 would at least check SAT scores against a child's
16 PSAT scores.

17 As a matter of course, they would do that.
18 And if there was a huge discrepancy, ETS would
19 investigate.

20 There that is no longer true.

21 A student can get a 40, the equivalent of a
22 400, say, on a math PSAT, jump to a 720 on an SAT,
23 and no one raises an eyebrow.

24 Furthermore, there is no requirement to take
25 a PSAT. So, if a student plans to have someone take

1 his SAT for him or her, there's no baseline to which
2 to compare it, except the school record, which, of
3 course, ETS has no interest in, and never sees.

4 And the student is not required -- "the
5 student not required" -- to send his score to his
6 home high school.

7 So, a student can completely avoid school
8 authority; not that they really have much authority
9 over an ETS test, it's not the school's test in
10 anyway. But, just in case a guidance counselor or a
11 nosey principal might have concerns, the student can
12 completely circumvent his or her home school.

13 So, it is ridiculously easy to cheat, and
14 ridiculously hard to get caught.

15 What happens on the rare circumstances when
16 someone actually gets caught cheating?

17 Well, ETS gives them three options: They can
18 cancel their scores; they can retake the test at
19 ETS's expense; or, they can contest the accusation.

20 ETS does not report cheating to the
21 high school. ETS does not report cheating to the
22 college. ETS rarely reports the cheating to the
23 police or to civil authorities.

24 Therefore, we have a very high-stakes test,
25 as you've well pointed out; a test completely

1 divorced from the educational institutions of the
2 students who take the test, and not necessarily
3 related to their curriculum of those schools.

4 They let the students take it anywhere they
5 want. They make it easy to cheat, hard to get
6 caught. And if they do get caught, there is,
7 historically, minimal consequence.

8 This sounds crazy, because it is crazy.

9 In fact, a student can cheat on his SAT --
10 follow this -- a student can cheat on his SAT, get a
11 fraudulent score, get caught, and be told he or she
12 must retake the test.

13 So, he or she can then take a course, really
14 study hard this time, and retake the test at ETS's
15 expense, of course. And if he or she scores within
16 whatever metric ETS uses, that score can, quote,
17 validate the fraudulent score, and, ETS will let the
18 fraudulent score stand, even when they know that the
19 student has cheated, and the score is fraudulent.

20 That's unbelievable, but that is the insane
21 truth.

22 Testing is not teaching.

23 What should be done? Well, clearly, changes
24 must be made.

25 Some suggest fingerprinting the test-takers.

1 That process might dissuade the more casual of
2 impersonators, although, someone would still have to
3 check the fingerprints.

4 Others have suggested a photo of every
5 test-taker be taken at the test, and sent back to
6 the high school with the score report.

7 That assumes again, that students will be
8 required to send their scores back to their high
9 school, and that someone there will be required to
10 check all the photographs.

11 The Great Neck School District has been
12 trying to propose to ETS that we start a pilot
13 project, in cooperation with ETS, that will
14 absolutely ensure the security of all SATs for our
15 students.

16 We want to make our students take the test in
17 Great Neck.

18 We would like to require that all students in
19 our school district who take the SATs take them at
20 our schools. We will not accept any students
21 outside of Great Neck.

22 We will then take full responsibility for
23 security. We will offer alternative days for those
24 who are religiously observant.

25 We will require -- "we will require" -- all

1 students to report their scores to us.

2 If a student must take their test at another
3 site, we will validate the reason, and send a
4 picture of the student to that site.

5 In return, we ask that ETS pay our proctors a
6 reasonable stipend.

7 Right now, even though ETS did increase their
8 stipend when they lengthened the test, the
9 Great Neck Public School District adds an extra sum
10 to the ETS stipend so that we can be sure to get
11 good, qualified, responsible proctors for our
12 students.

13 So, the taxpayers of Great Neck are having to
14 help pay for the ETS test.

15 Public schools, as we all painfully know, are
16 struggling to finance their educational program, and
17 ETS is reporting millions of dollars in non-profit
18 profits for its non-profit organization; and, yet,
19 our schools are supporting ETS tests.

20 It's not right. It's just not right.

21 It should be the other way around.

22 Not only do we help to pay the proctors, but
23 our schools all over the country, provide the sites,
24 and all the money it takes to support that site;
25 from heating and cooling, to custodial service, to

1 repairs, to, you name it.

2 We also supply the networking and connection
3 to the students, and to their parents who pay to
4 take the test.

5 By default, we are the marketing system for
6 ETS.

7 So, in return for all of this, we ask ETS to
8 pay the school a token amount per testing event, as
9 a way of acknowledging all the services that we are
10 giving them for free.

11 We can use that money for scholarships for
12 needy students to go to college, and for merit
13 scholarships for deserving students.

14 So far, we haven't heard back from ETS, but I
15 am hopeful that they will show leadership and start
16 to get out in front of these issues.

17 I hope ETS accept our proposal. It's simple,
18 it's fair, and it will work. It will cost them
19 much, much less than a high-powered law firm.

20 With that, I again thank the Committee for
21 all of your efforts, and I really do wish you the
22 best of luck.

23 I hope, that at some future date, that I can
24 be of further service to the Committee.

25 Thank you for listening.

1 SENATOR LAVALLE: Mr. Kaplan, thank you for
2 great remarks. There was a lot in your testimony.

3 I would say to ETS and College Board, I did
4 not prepare Mr. Kaplan's remarks.

5 [Laughter.]

6 SENATOR LAVALLE: Just two things.

7 The Truth-in-Testing law came into being,
8 because I felt that students, having been a teacher,
9 should be able to see the test question, their
10 answer, and the correct answer, as a remedial
11 exercise, to be helpful to them.

12 So, that's how that came about.

13 The other thing I would say to you,
14 Mr. Kaplan, is that: Profiles in courage do have,
15 and yield, positive results.

16 Thank you for your citizenship.

17 Thank you very much for your professionalism.

18 Thank you.

19 HONORABLE ROGER TILLES: You're most welcome,
20 and thank you for yours; but, I would refer back to
21 my school.

22 The people that dealt with this the most
23 closely, and were the most involved with each of
24 these situations, were the guidance department, and
25 the Board of Education showed tremendous courage and

1 leadership; and I followed them.

2 But, thank you, Mr. LaValle.

3 SENATOR LAVALLE: Governor Caperton, and --
4 are we going to do it as a panel with Mr. Landgraf?

5 So, both of you can -- both, College Board
6 and ETS; and, Governor Caperton will make the first
7 remarks, followed by Mr. Landgraf.

8 Governor.

9 HONORABLE GASTON CAPERTON: My name is
10 Gaston Caperton, and I'm president of
11 the College Board.

12 I want to thank the Chairman,
13 Senator LaValle, and, the members of the Committee,
14 for the invitation to come here and contribute to
15 this dialogue.

16 I want to thank Senator LaValle for his
17 steadfast work protecting the best interests of
18 students throughout New York. You share the values
19 that I'm -- that I have insisted the college boards
20 be based upon.

21 I'm here today with Matthew Lisk, executive
22 director of the SAT program, to discuss
23 the College Board: who we are, what we do, and how
24 we interact with the education testing service.

25 I will also discuss the SAT program,

1 outlining a three-point plan for security
2 enhancement that includes an independent review of
3 security protocol by a world-class independent
4 expert.

5 The College Board is a New York-based
6 not-for-profit education membership association with
7 nearly 6,000 member institutions.

8 We were founded in 1900, to democratize
9 access to higher education, and to remain committed
10 to the principles of excellence and equity in
11 education.

12 Our mission is to connect students to college
13 success and opportunity, and our sole focus is to
14 serve education.

15 We do nothing else.

16 We carry out this mission through a robust
17 offering of programs and services, in college
18 readiness, college planning, and college admission
19 that are utilized by more than 7 million students
20 and countless educators every year.

21 Our most well-known program include
22 Advanced Placement, the PSAT, and the SAT.

23 The College Board's commitment to excellence
24 and equity extends to every one of our programs.

25 Our free on-line planning tools provide

1 students and families with unmatched resources to
2 help guide them through the college-admissions
3 process.

4 And though the work of our advocacy and
5 policy center, we support educators and policymakers
6 to address the most critical challenges facing
7 education today.

8 With the SAT, we set a standard of excellence
9 that provides students the opportunity to
10 demonstrate their readiness for college, no matter
11 where they come from or what school they attend.

12 The SAT is a highly reliable standardized
13 measure of college readiness used in the admission
14 process at nearly all four-year undergraduate
15 colleges and universities in the United States.

16 The SAT test -- the reading, math, and
17 writing skills -- and the knowledge students
18 acquired during high school, as well as the
19 critical-thinking skills, that are necessary to
20 succeed in college, it has consistently been shown
21 to be fair and valid predictor of college success
22 for all students.

23 While important as a common national measure
24 for comparison, the College Board makes clear to the
25 admissions offices, and other education

1 professionals, that the SAT should never be used as
2 a sole criteria in admissions.

3 The SAT is designed to be used in combination
4 with high school grades and other valid measures, as
5 part of a holistic comprehensive review of a
6 student's overall fit for a particular institution.

7 For over of 60 years, we have worked with the
8 Educational Testing Service, to provide programs and
9 service to students and educators across the
10 country, and around the world.

11 Under our agreement with them, ETS provides
12 the services, such as, test development, test
13 administration, test security, scoring, and score
14 reporting for a number of our assessments.

15 We have a long and productive relationship
16 with ETS, and we believe they're among the best in
17 world at what they do.

18 Senator LaValle, and other Senators, I would
19 like to make one thing crystal clear from the start:
20 No one despises cheating more than
21 the College Board, and the people who design the
22 SAT.

23 Cheating cuts at the core of what we do, and
24 what we stand for.

25 We strive to ensure that our assessments and

1 the security procedures used to administer our
2 assessments are the most fair and valid in the
3 world.

4 Recent events may have raised public
5 awareness of security in standardized testing, but I
6 assure you, that we at the College Board believe we
7 have given a -- we have been given a public trust,
8 and work to address these challenges each and every
9 day.

10 We're deeply disturbed by the cases of
11 test-takers' impersonation that have been recently
12 in the headlines, and occupied -- and occasioned
13 this hearing.

14 We can tell you that no more than 2 million
15 students take the SAT each year, at nearly
16 7,000 test centers in 170 countries.

17 The extensive protocols and procedures ETS
18 has in place, to prevent, detect, and remediate
19 testing irregularities at every step of the
20 test-administration process, give us confidence that
21 every -- that ETS regularly intercepts attempts at
22 cheating well before the scores are reported to
23 college.

24 However, let me once again be clear: We
25 believe that even one such occurrence, at any place,

1 or any time, is one too many.

2 I want to take the opportunity to applaud the
3 work of the Nassau County District Attorney,
4 Kathleen Rice, has done on this matter.

5 The serious consequences that her office is
6 visiting upon the offenders go beyond the limited
7 power and authority of any testing organization, and
8 will serve as a wake-up call to all students, not
9 only on Long Island, or in New York, but across the
10 country, who are thinking of risking their future
11 with such an unethical and foolish act.

12 The College Board and the SAT stand for
13 excellence in education, and all of our work, and
14 all of our assessments, are informed by our values
15 of equity and access.

16 When we speak of equity, we speak of
17 fairness, not only of groups of students, but
18 differing socioeconomic backgrounds, race, and
19 nationalities; but, also, fairness to the individual
20 student.

21 We take our assessment, and the trust that
22 the public puts in it, with the utmost seriousness.

23 At the same time, we recognize that we are
24 dealing with minors; children who feel they're --
25 that they are under great pressure from parents and

1 peers to succeed and excel.

2 We feel strongly that individual's actions
3 must carry with them consequences in order to ensure
4 equitable treatment of all students.

5 We also recognize that students at the age of
6 16, 17, or 18 will sometimes make bad choices.

7 We don't seek to balance these interests;
8 but, rather, to address them both at the same time.

9 Everything we do at the College Board, and
10 every policy and procedure we put in place, is to --
11 is designed to increase student access to college.

12 We are mindful that -- we are mindful, that
13 every well-intended solution to any particular
14 problem may carry with it the unintended
15 consequences that might discourage a student from
16 pursuing their college dreams.

17 The College Board was created, and exists
18 today, this day, to create opportunity, not
19 barriers, for young men and women to connect and to
20 succeed in college.

21 We are determined to let a student's concern
22 about privacy, complexity, and convenience, or
23 costs, stand in the way.

24 So, you see, our interests and our beliefs
25 are aligned with those of Senator LaValle, this

1 Committee, and District Attorney Rice.

2 However, words are just words, and it's our
3 actions that will demonstrate our sense of purpose.

4 Let me outline for you three step -- a
5 three-step process we are undergoing to address
6 concerns about test security; specifically, student
7 impersonification (ph.) -- impersonation.

8 As a first step, we have already implemented
9 certain enhancements in anticipation of the
10 November 5, 2011, test administration.

11 We have begun providing additional enhanced
12 training, messaging, and information for all
13 test-center supervisors that focus exclusively on
14 test security, before, during, and after the test
15 administration.

16 Topics include: Security of test materials,
17 identification at admissions of test-takers, seating
18 and room proctoring, and monitoring test rooms and
19 other test center areas.

20 We're providing additional information to
21 high schools, colleges, and other score recipients
22 regarding the important role they play in ensuring
23 test integrity.

24 Finally, ETS will be conducting additional
25 post-test analysis that will further enhance our

1 ability to identify potential impersonations' cases.

2 Secondly, because the SAT is a worldwide
3 enterprise that relies upon thousands of individuals
4 playing important roles, we need to be -- to
5 carefully construct security enhancements that to --
6 do not inadvertently decreases access or
7 disfranchises underserved students; or, are in any
8 way contrary, or violate the standards of testing
9 laws in New York and California, privacy laws, or
10 other school-protecting matters.

11 Among enhancements under consideration over
12 the next year, are:

13 Changes in the typed forms numbers and
14 qualifications of acceptable ID;

15 Changes to require for collection of
16 identification -- identifying information at a time
17 of registration, and on test day;

18 And, additional test-day security
19 requirements, including the use of digital
20 photography.

21 Each of these, and potential, enhancements
22 carries with it challenges that would need to be
23 analyzed, be they, legal, logistical, or otherwise.

24 We are determined to provide the most
25 rigorous test security available, while not

1 discharging a single deserving student from pursuing
2 his or her aspirations.

3 And, third, while we believe, that, between
4 ETS and the College Board, we have assembled
5 world-class talent when it comes to
6 designing/administering standardized tests, and
7 keeping them secure, neither organization ever
8 hesitates to look outside for expertise, to make
9 sure we're delivering on our promise and upholding
10 the trust placed in us.

11 As an indication of how serious we are taking
12 this matter, we have retained Freeh Group
13 International Solutions, LLC.

14 Freeh is an independence global
15 risk-management firm serving in the area of business
16 integrity, compliance, safety, and security.

17 FGIS was formed by Lewis Freeh, former
18 director of FBI, and former federal judge.

19 In addition to Judge Freeh, the management
20 team of FGIS includes, former senior law enforcement
21 officers, and security and compliance experts.

22 The College Board and ETS are pleased to take
23 this extra step, and are confident, that with the
24 help of such world-renowned security consultants, we
25 can address test security in a manner that best

1 benefits all the students who take the SAT as a
2 valuable step on their journey towards college
3 success.

4 In closing: I want to thank Senator LaValle,
5 his Committee, for this opportunity.

6 We will continue our work in support of the
7 investigation, and will continue our mission of
8 serving students of this nation.

9 Thank you very much.

10 SENATOR LAVALLE: Thank you, Governor.
11 Mr. Landgraf.

12 KURT M. LANDGRAF: Thank you,
13 Senator/Chairman LaValle, and members of the
14 Senate Higher Education, for inviting me here today.

15 I appreciate it.

16 I appreciate your invitation to discuss these
17 important issues, and I'm particularly glad about
18 two things.

19 First, to be sitting next to
20 Governor Caperton, who has been a long-term partner
21 of ETS in making this situation better.

22 And as the proud parent of three children who
23 were educated, and graduated from,
24 Huntington High School, I'm glad to see the
25 Long Island delegation is taking leadership on this

1 very important issue.

2 So, thank you, Senator; and thank you to the
3 Committee.

4 I've already submitted my written testimony,
5 which you have in front of you, so I won't devote
6 the limited time we have to restating that; however,
7 if it would please the Chairman and the Committee
8 members, I'd like you to know what our shared
9 commitments and commonalties.

10 Like you, we're committed to assuring that
11 assessments like the SAT are administered with
12 fairness and integrity so that valid test scores can
13 be reported to students and universities.

14 We also share the common concern that the
15 rights of students are protected in instances of
16 test security, and that they are afforded the due
17 process and confidentiality reflected in the
18 New York State laws regarding standardized testing,
19 that -- and that there should be serious
20 consequences when student misbehavior threatens the
21 validity of test scores.

22 We likewise agree that test-security
23 procedures must constantly be reassessed and
24 enhanced to meet new security threats.

25 Along those lines, as Governor Caperton just

1 mentioned, we welcome the opportunity to have the
2 Freeh Group International Solutions give us a
3 360-degree look at our security processes and
4 procedures.

5 We look forward to discussing these matters
6 today, and hope, as you do, that whatever measures
7 are considered or proposed not unnecessarily burden
8 test-takers or discourage any student or group of
9 students from taking the SAT, or affording
10 themselves the opportunity for a college education.

11 I'm accompanied today by the executive
12 director of our office of testing security, who can
13 serve as a resource during these discussions.

14 Again, thank you, Senator LaValle.

15 SENATOR LAVALLE: Thank you very much.

16 One of the things that we need to address,
17 is, whether we need to amend Section 344-b of the
18 education law. That's what I call the "due process"
19 provisions, given, now, in the year 2011, and what
20 is -- what we're potentially dealing with, here on
21 Long Island, and other places.

22 So, that is critically important in dealing
23 with the sanctions that we may want to impose on
24 students, that 344-b does not allow at this time.

25 Let me -- you can both answer it, or one

1 answer it; however you want to do it: How are the
2 test sites chosen?

3 KURT M. LANDGRAF: Sure.

4 So, test sites are chosen. They're typically
5 used year after year.

6 They are chosen on the basis of allowing us
7 to have use of the facilities;

8 They're chosen on their willingness to have
9 our -- their proctors trained by ETS, going through
10 a standardized testing protocol;

11 And, they're chosen for location relative to
12 test-takers.

13 SENATOR LAVALLE: I just want to jump to the
14 issue of proctors.

15 How are they selected, and how are they
16 trained?

17 Are they trained -- I have heard, in some
18 places, they're merely given a book; said, Read the
19 book, and that's your obligation.

20 So, question is: How do we train proctors?

21 KURT M. LANDGRAF: There is a standard
22 computerized-program training manual.

23 Test center supervisors must sign for their
24 knowledge and competency in our test-center security
25 protocols.

1 SENATOR LAVALLE: How much are the proctors
2 paid?

3 KURT M. LANDGRAF: What do we pay?

4 MR. NICOSIA (ph.): It's about, \$75 to \$80.

5 KURT M. LANDGRAF: \$75, Senator.

6 SENATOR LAVALLE: \$75?

7 KURT M. LANDGRAF: \$75.

8 SENATOR LAVALLE: Okay.

9 You heard Mr. Kaplan talk about the fact
10 that his school district supplements.

11 I mean, \$75 is kind of pitiful, to get people
12 to do that without talking about real money.

13 I don't know what real money is, but I would
14 think it would be to be more than \$75, to get people
15 who are really going to be, both, competent and into
16 their responsibilities.

17 Yes? No?

18 KURT M. LANDGRAF: Sure.

19 So, Dr. Kaplan, I think, brought forward
20 two key issues.

21 One is, the compensation of test-center
22 proctors.

23 To date, to my knowledge, we have not had any
24 problem recruiting and maintaining long-term
25 relationships with our proctors or test-center

1 supervisors.

2 The second issue he brought forward in his
3 testimony, was whether the school should be
4 compensated for their use of their facilities.

5 To my knowledge, we have just recently
6 received that proposal from Dr. Kaplan, and we are
7 in the process of reviewing it.

8 I will tell you, that, what he said, relative
9 to use of the school, actually makes a great deal of
10 sense to me.

11 SENATOR LAVALLE: Uh-huh. Okay.

12 Why don't you just walk us through; because
13 Committee feels, obviously, that there have been
14 breaches in the security policies and procedures.

15 I want to say, that the affirmative action
16 that you're taking to, you know, make an assessment
17 is really a good -- you know, a good start. And,
18 obviously, you have -- I don't know, but on the
19 surface, it seems that you have very competent
20 individuals.

21 Whenever you see initials, like the FBI, that
22 kind of rings that --

23 [Laughter.]

24 SENATOR LAVALLE: -- there's good confidence
25 there.

1 HONORABLE GASTON CAPERTON: Senator, we knew
2 that we come under your test, so, we got the best to
3 do that for us.

4 SENATOR TOBY STAVISKY: It's scary.

5 SENATOR LAVALLE: Yeah.

6 But, could you go through, just, what -- what
7 are the current procedures in place that obviously
8 need changes? The current security policies and
9 procedure, and how are they implemented?

10 KURT M. LANDGRAF: Senator, we have three
11 phases in test security.

12 I would like to emphasize, that, no one in
13 this room is more concerned than we are, ensuring
14 the validity and integrity of our test scores.

15 So, we have a three-stage process.

16 First: Our supervisors, are trained to pick
17 up irregularities, and submit reports.

18 Those irregularities can be, IDs which are
19 questionable. They can be someone who appears to be
20 looking at their neighbor's test score. It can be
21 an improper seating arrangement. It can be use of a
22 cell phone.

23 Just to give you a number, because I think
24 this will help the Committee: In 2010-'11, we had
25 about 6,000 reports from our test-center

1 supervisors. Of those reports, we eventually
2 canceled about 2,500 scores.

3 Other things that trigger our investigations,
4 people like Dr. Kaplan will call in to ETS.

5 But, most importantly -- and this is
6 something that I would like the Committee to be very
7 well aware of -- we do post-testing analysis to
8 ensure that the students who are taking the tests,
9 if they're taking it especially for the second time,
10 that their scores are not widely divergent.

11 If they are, that creates a situation where
12 we more closely look at the student's tests.

13 Often, we will find handwriting
14 irregularities; or, our Office of Test Integrity
15 will be able to determine that it wasn't the same
16 test-taker who took the test.

17 Of those cases, we had about a 1,000 test
18 scores that were canceled.

19 The other thing that we have happen
20 frequently, is that, someone -- a student; a
21 principal, like Dr. Kaplan; a parent; a member of
22 the community -- will call us and allege cheating at
23 one of our test centers.

24 Mr. Nicosia (ph,) who is our test center
25 security; we investigate those thoroughly, and look

1 for every possible piece of evidence.

2 Finally, Senator, if I might, your landmark
3 legislation in 1979 causes us to be very
4 introspective, and careful, relative to the rights
5 of student test-takers.

6 So, we must follow that landmark legislation
7 to the letter while we were conducting as thorough
8 an examination as we possibly can.

9 We want to find the cheaters, we want to find
10 those who impersonate, but we do not want to
11 improperly accuse or label students who did not
12 cheat, and who just, perhaps, had a differential
13 test score.

14 SENATOR LAVALLE: Dr. Kaplan repeated more
15 than once, for obvious reasons, that none of this
16 happened at a Great Neck high school.

17 The word out on the street -- when I was
18 first elected, I kind of discounted this -- it's out
19 on the street, that there are test sites that are
20 easier to cheat, or prone to cheat, at.

21 So, my question is: Is there validity to
22 that? And, have you discontinued a test site
23 because you picked up, that, indeed, that test site
24 had greater cheating than Great Neck where there was
25 never cheating?

1 MR. NICOSIA (ph.): Senator, we track all of
2 our test centers like a driver's license.

3 If they have an incidence of cheating, such
4 as impersonation or copying, they get negative
5 points. The centers that get a certain number of
6 negative points, we take action.

7 Immediately, they're sent a letter; we
8 contact them.

9 If they get a certain number of points, then
10 we go out and visit the test center; see with our
11 own two eyes, for instance: Are they spacing the
12 students proper distance? Are they thoroughly
13 checking the IDs at the door?

14 So, we go through that process. We try and
15 bring the center up to our standards.

16 And to answer your question: Yes, on
17 occasion, we do close test centers.

18 SENATOR LAVALLE: You do close test sites?

19 MR. NICOSIA (ph.): Yes, sir.

20 SENATOR LAVALLE: Let me ask you: Are there
21 different regulations or policies for,
22 public schools' versus private schools', testing
23 sites? Or is there one standard across the board?

24 KURT M. LANDGRAF: No, sir. Our standards
25 and policies are administered nationwide, at all

1 testing centers.

2 SENATOR LAVALLE: Okay.

3 Just the -- last thing, and this has been
4 something that has been discussed at every hearing;
5 and, that is, that both organizations are
6 not-for-profit, yet, your income is always greater
7 than the previous year.

8 So, the issue comes up: With all of that
9 income, why aren't we paying proctors, why have we
10 not been instituting greater security, using some of
11 that income?

12 Because, the answer is always: Well, we
13 invest in the test to make it a better product.

14 That's always been your answer.

15 So, now, we're not talking about the tests;
16 now we're talking about security.

17 Why can't we use some of that income,
18 invested into the security of the test?

19 KURT M. LANDGRAF: So, Senator, first: We at
20 ETS invest a significant amount of money.

21 SENATOR LAVALLE: Could you tell me what that
22 is in dollars? Do you know, offhand?

23 KURT M. LANDGRAF: Between 10 and 25 million
24 dollars in test security.

25 And we do that, to ensure that the materials

1 that we sent out are not compromised, either, from
2 the time they leave ETS, till the time they go to
3 the high school.

4 We then have a test-security organization --
5 and, again, I'm going to give you a rough figure,
6 sir, because you've asked -- which costs about
7 \$5 million, that is used to investigate these cases.

8 And then I would further reiterate my
9 commitment to you and this Committee, that if
10 the College board, after its thorough investigation
11 by the outside firm it's hired, comes back, and
12 indicates that they would like further test-security
13 measures implemented, we will implement those
14 immediately, without regard to cost.

15 SENATOR LAVALLE: Governor Caperton, what is
16 the timeline on that investigation?

17 HONORABLE GASTON CAPERTON: It would begin
18 immediately.

19 SENATOR LAVALLE: Will it conclude in, a
20 couple of months?

21 HONORABLE GASTON CAPERTON: It's -- I cannot
22 predict that yet, because we have to find out what
23 we find.

24 But we'd be happy to, after -- give us a
25 little while, and then we'll come back to you and

1 give you an indication of what that is.

2 SENATOR LAVALLE: Okay.

3 Just, the last thing before, maybe, the other
4 members of the panel want to ask questions; but, you
5 will recall the last time we were all together, and
6 it was over the fact that, after the exam, the exams
7 were bundled, or packaged, in a certain manner, and
8 then they disappeared.

9 To the best of my knowledge, I think we've,
10 kind of, have that secure now; buttoned that down.
11 I don't think that's happened, at least, there's not
12 been any public discussion of that.

13 My question is: What kinds of investments do
14 we make, to make sure that, given the age of
15 technology that we're in, and how students are so
16 creative and always ahead of, seem, us, as adults,
17 are we looking at every single phase of the test
18 administration, to make sure that we're ahead of the
19 curve?

20 Are we doing -- just, generically: Every
21 year, are we analyzing, you know, how we get the
22 proctors? How we bundle things? How we send it out
23 to the test sites?

24 What are the test sites? Should we change
25 that?

1 HONORABLE GASTON CAPERTON: Yes, sir, we
2 insist on that, both of us, that we continue to
3 improve and upgrade what we're doing.

4 KURT M. LANDGRAF: Senator, again to quantify
5 it, I think that is helpful to you: So, at
6 the College Board's insistence -- not request;
7 insistence -- for us to continue to be one of their
8 preferred providers of services, we've spent close
9 to \$100 million to upgrade our quality-management
10 system within the ETS entity.

11 SENATOR LAVALLE: Right.

12 Just for our audience, and that's a, you
13 know, good point: College Board is really the
14 general contractor; and they hire subcontractors, at
15 many different levels, to do things for them.

16 And, even though ETS develops the test, and
17 so forth, it is the College Board's test, not ETS's
18 test. They are the subcontractor.

19 Am I correct?

20 KURT M. LANDGRAF: Yes, sir.

21 SENATOR LAVALLE: Okay.

22 Any other questions?

23 Yes, Senator Stavisky, and then
24 Senator Martins.

25 SENATOR TOBY STAVISKY: Thank you, gentlemen,

1 for appearing today.

2 And I remember the -- there was, I think,
3 two hearings on the breach and security in the
4 missing exam papers.

5 But, let me -- I was curious about something,
6 so I went to your website; both the College Board
7 and the ETS website.

8 I see, on The College Board website, it talks
9 about "Misconduct" under "Exam Security Policies and
10 Procedures."

11 And one of the categories of misconduct is:
12 "Attempting to take the exam for someone else."

13 What is the penalty, besides withdrawing that
14 student's exam score?

15 (Discussion between Mr. Landgraf and
16 Mr. Nicosia.)

17 KURT M. LANDGRAF: So, there's -- Senator, I
18 just wanted to be absolutely sure that my answer was
19 correct, and thorough.

20 So, there's two situations.

21 If money changes hands during the
22 impersonation, as is alleged in Great Neck, we will
23 contact law enforcement.

24 If there is -- if we believe there is not
25 money changing hand, then what we do is, cancel that

1 test score.

2 SENATOR TOBY STAVISKY: Did you contact the
3 law enforcement agencies in the Great Neck
4 situation?

5 I hate to call it "Great Neck."

6 In the latest situation?

7 KURT M. LANDGRAF: Yes, ma'am.

8 SENATOR TOBY STAVISKY: You did?

9 KURT M. LANDGRAF: Yes, ma'am.

10 SENATOR TOBY STAVISKY: Before or after the
11 Great Neck School District did?

12 KURT M. LANDGRAF: To Dr. Kaplan's --

13 SENATOR TOBY STAVISKY: Yes.

14 KURT M. LANDGRAF: -- great credit,
15 Dr. Kaplan was the person who informed ETS about
16 this potential irregularity.

17 When we investigated it, and found out that
18 the allegations held some secondary merit, we then
19 contacted law enforcement.

20 SENATOR TOBY STAVISKY: Have you done that in
21 the past -- how many times have you done that in the
22 past?

23 (Discussion between Mr. Landgraf and
24 Mr. Nicosia.)

25

1 KURT M. LANDGRAF: About ten times,
2 contacting law enforcement.

3 SENATOR TOBY STAVISKY: Throughout the
4 country?

5 KURT M. LANDGRAF: Yeah, I -- Senator, this
6 is -- I'm going to give you an opinion.

7 So far, I believe I have given you --

8 SENATOR TOBY STAVISKY: So, in other words,
9 the answer really is: It's not common to --

10 KURT M. LANDGRAF: We don't believe that
11 impersonation is a common occurrence at test
12 centers.

13 SENATOR TOBY STAVISKY: Because I've -- sort
14 of curious why somebody would impersonate -- without
15 the exchange of money, it seems to me, rather, the
16 person is jeopardizing their career.

17 Let me ask you another question based, again,
18 upon your website. This is the College Board
19 website, not the ETS website.

20 But, you talk -- under the section that deals
21 with "Invalid Scores," you have a -- almost a
22 disclaimer.

23 Can you explain?

24 It says, "In no event shall the
25 College Board" -- et cetera, or the schools, or,

1 really, anybody else -- "shall not be liable."

2 Are you familiar with this, Governor, the
3 section that I'm --

4 HONORABLE GASTON CAPERTON: I'm not.

5 SENATOR TOBY STAVISKY: Well, I will provide
6 you with it. It's from your website.

7 HONORABLE GASTON CAPERTON: I'll be happy to
8 look at that, and give you an answer.

9 SENATOR TOBY STAVISKY: Yeah, because I'm --
10 this look like a general disclaimer, that you're not
11 liable for anything.

12 HONORABLE GASTON CAPERTON: I'll be happy to
13 respond to you.

14 SENATOR TOBY STAVISKY: Okay.

15 In other words -- well, you've answered my
16 questions. And, I --

17 Thank you.

18 SENATOR LAVALLE: Senator Martins; and, then,
19 Senator Flanagan; and, then, Senator Zeldin.

20 SENATOR JACK MARTINS: Thank you.

21 Good morning.

22 Thank you for testifying here this morning.

23 How many people take the SAT tests annually?

24 HONORABLE GASTON CAPERTON: Over 2 million.

25 SENATOR JACK MARTINS: Over 2 million.

1 And out of those 2 million, how many test
2 scores are canceled due to irregularities,
3 proactively, by ETS?

4 KURT M. LANDGRAF: About 4,000, Senator.

5 SENATOR JACK MARTINS: Four thousand?

6 KURT M. LANDGRAF: Yes, sir.

7 SENATOR JACK MARTINS: And out of those
8 4,000, are you able to characterize why they are
9 determined not to be valid?

10 KURT M. LANDGRAF: The largest number of
11 scores that are eventually canceled, we have
12 significantly higher amounts than we investigate.

13 Scores that are eventually canceled are
14 canceled because of the supervisor irregularity
15 reports. They noticed something in the test center,
16 they report it to us. We look into that, and cancel
17 the score.

18 Of the 1,000 that are canceled from other
19 triggers, a lot of it is, what we believe, is
20 large-score differential.

21 So, if a person scores, I think it's
22 250 points different, we look into why that's --
23 psychometrically, why that would occur.

24 SENATOR JACK MARTINS: No, I understand.

25 KURT M. LANDGRAF: If -- we usually find it.

1 SENATOR JACK MARTINS: I understand.

2 But, it was, impersonation is enough of an
3 issue, that it is part of your own website, and
4 analyzing difficulties that sometimes may arise
5 during the test-taking process; right?

6 KURT M. LANDGRAF: Yes.

7 Yes, Senator.

8 SENATOR JACK MARTINS: And, so, my question
9 is, and having heard the previous testimony today:
10 How have you taken steps to avoid instances, where,
11 people have, in the past, impersonated others for
12 purposes of taking this test?

13 KURT M. LANDGRAF: Well, this is a matter of
14 balance.

15 If you'll assume with me -- you don't have to
16 agree with me, sir -- if you'll assume with me that
17 99.9 percent-plus of the young people who take the
18 SAT take it with integrity and honor, so now we have
19 a very small percent who cheat in some form or
20 other.

21 Of that small percent, an even smaller
22 amount -- we think two or three hundred, perhaps --
23 are impersonation cases.

24 So, we have very stringent protocols, and
25 checking IDs.

1 We feel that the issue of access is extremely
2 important in determining further measures to
3 eliminate impersonation.

4 So, fingerprint -- you know the things we
5 could do.

6 Again, I'd like to reiterate: If the
7 College Board, through its outside independent
8 review, comes back, and changes their policy
9 relative to what we do, we will implement that
10 immediately.

11 I believe, Senator, that the Freeh report
12 will come back, and say, that impersonation is a
13 very small problem.

14 I'm not suggesting cheating is not an issue,
15 but, impersonation is a small problem.

16 SENATOR JACK MARTINS: You mentioned
17 stringent review of identification.

18 Can you tell us what forms of identification
19 are typically accepted for purposes of taking this
20 exam?

21 MR. NICOSIA (ph.): We accept passports,
22 driver's license, state ID cards, military ID cards,
23 high school ID cards. And we also allow the student
24 to get a letter of authorization from their
25 home school, which should have a stamp over a

1 photograph and signed by the guidance counselor.

2 SENATOR JACK MARTINS: Okay, so let's assume,
3 we'll take the passport, the driver's license, the
4 military ID, and the government-issued IDs out of
5 the question.

6 Let's go back to high school IDs, and let's
7 focus on that for a moment.

8 Is there a form, where, for example, if
9 you're taking an exam in a certain region, that
10 there's a template for the different valid
11 high school IDs that are issued by various
12 high schools in that region, so that, if someone
13 gets an ID from a student outside of the location
14 where they're taking the test, there's somewhere to
15 compare, the ID that is presented, to that which is
16 issued by the school?

17 MR. NICOSIA (ph.): Unfortunately, we don't
18 do that right now.

19 We do do the after-the-fact detection checks,
20 such as, large-score difference, and handling the
21 external inquiries, such as what Dr. Kaplan filed
22 with us.

23 So, if we do get a score that's questionable,
24 we do the research after the test is over.

25 SENATOR JACK MARTINS: I understand.

1 You know, I guess part of my difficulty comes
2 from, really, questioning whether or not you have a
3 sufficient baseline to determine whether or not you
4 have a significant problem with impersonations, or
5 not, since there doesn't seem to be a rigorous
6 standard by which you will follow security for
7 taking the test.

8 As was mentioned, these high school IDs can
9 readily be manufactured for anyone who has the
10 inclination to do so.

11 How do you avoid something like that
12 happening, which, again, undermines the integrity of
13 the system itself?

14 HONORABLE GASTON CAPERTON: That's the reason
15 that we've brought in the Freeh group, is to look at
16 situations like that.

17 You know, we look at it from year to year, or
18 for over a period of time. Maybe we've overlooked
19 something that we should be doing, that we don't
20 realize.

21 So, that's why we've found, that -- what we
22 think is the best person in the country to help us
23 to look at what we're doing, to see if we've done --
24 doing it right.

25 SENATOR JACK MARTINS: Forgive me, but I

1 would probably suggest that you may be equally well
2 served by just contacting the Great Neck School
3 District, and using their suggestions, and probably
4 saving a tremendous amount of money, which you can
5 then, probably, contribute to the Great Neck School
6 District, for which they'll be greatly appreciative,
7 and get the same result.

8 HONORABLE GASTON CAPERTON: I'm not sure that
9 people around the world would agree with that, but I
10 know you would.

11 SENATOR JACK MARTINS: Let's see what the
12 results are, and then we can compare after the fact.

13 HONORABLE GASTON CAPERTON: Yes, sir.

14 SENATOR JACK MARTINS: You know, again, there
15 are a number of issues that were raised earlier with
16 regard to, not only the ease with which a person who
17 is inclined to cheat, is able to cheat on these
18 exams, but then, again, the consequence, as a result
19 of being caught, being rather lax as well.

20 Can you comment on that?

21 KURT M. LANDGRAF: We follow, rigorously, the
22 1979 New York State legislation -- I believe,
23 Senator LaValle and others were the co-sponsors of
24 that legislation -- requiring due process.

25 So, we have to be very, very sure of our

1 facts before we go forward.

2 Secondly, Senator, we are not a
3 law enforcement agency; either ourselves, or as
4 representative for the College Board.

5 So, when we find instances where we believe
6 that the score is invalid -- "the score is
7 invalid" -- we have the right to cancel that score,
8 which we do.

9 We do not pursue it further unless we believe
10 that there are criminal improprieties.

11 SENATOR LAVALLE: Senator Flanagan.

12 SENATOR JACK MARTINS: I just wanted, just
13 one last question.

14 The range for test security; you mentioned
15 10 million to 25 million. And, it seems to be a
16 rather expansive range for amounts of resources that
17 are spent on security.

18 Is that, annually? Does it change year to
19 year? Have you spent 25 million one year, and
20 10 million the other?

21 What's the reason for such a wide range?

22 KURT M. LANDGRAF: Okay, that was me -- you
23 know, I was guesstimating.

24 I know -- I know, specifically, of
25 \$15 million, that I could open my books and show

1 them to you, Senator.

2 I also know that there are significant other
3 expenditures that we have within our organization,
4 to ensure the non-breaching of security of our
5 materials as we send them out.

6 I would say that 25 million is a minimum, and
7 that it increases every year due to the complexity
8 of the security issue.

9 SENATOR JACK MARTINS: Thank you.

10 Thank you, Senator.

11 SENATOR LAVALLE: Senator Flanagan.

12 SENATOR FLANAGAN: Yeah, thank you.

13 And I just actually want to follow up on the
14 question that Senator Martin just asked you, because
15 the 10 to 25 million caught my attention as well.

16 What's the size of your budget?

17 KURT M. LANDGRAF: For the College Board?

18 SENATOR FLANAGAN: Yes.

19 KURT M. LANDGRAF: About \$225 million.

20 SENATOR FLANAGAN: So, roughly, 10 percent is
21 dedicated to security?

22 KURT M. LANDGRAF: It's dedicated to security
23 in all of its forms, yes, sir.

24 SENATOR FLANAGAN: Okay, so, with a little
25 more particularity, you said 10 to 25 million. And

1 then you just said to Senator Martins, \$25 million
2 at a minimum.

3 KURT M. LANDGRAF: Right.

4 So, 5 million is for the Office of Test
5 Security. They look at, primarily, the
6 College Board programs, but also other ETS programs.

7 And the 10 -- there's 10 million that's spent
8 on things, like, shrink-wrapping, ensuring that the
9 delivery is secure, that the proctors have
10 appropriate training in how to handle those
11 materials when they arrive.

12 So, I would suggest to you that it's,
13 \$25 million, is a good estimate for what we spend on
14 test security.

15 SENATOR FLANAGAN: All right, and you have
16 both represented, that if this organization comes
17 back, and says to you, We want you to do A, B, C,
18 and D, that, unless it's something that is
19 completely outlandish, you have every intention of
20 implementing that?

21 HONORABLE GASTON CAPERTON: Certainly.

22 SENATOR FLANAGAN: Okay.

23 Now, commensurate with that, what kind of
24 effect is that going to have on the people taking
25 the test?

1 Let's assume they come back to you, and tell
2 you, that, you need to do another \$25 million in
3 test-security enhancements.

4 Is that going to have some type of effect on
5 the cost of the exam, or is that going to come out
6 of your bottom line?

7 HONORABLE GASTON CAPERTON: Certainly it will
8 have some effect.

9 SENATOR FLANAGAN: Okay, I -- in the realm of
10 fair and full public disclosure, I think I'm the
11 only one on the panel right now; I have a son who's
12 a senior in high school, so I've gone to the College
13 Board website, not to look at the misconduct
14 policies, but to register my son for his SATs.

15 So, that is something that certainly parents
16 will pay attention to, if you're going to be looking
17 at some type of test enhancements.

18 But, I wanted to go back to the question
19 about the test centers.

20 Now, I'm probably displaying my naivety, but,
21 I'm assuming that, you/contractor, you coordinate
22 with places like Great Neck, or other school
23 districts, primarily, throughout the country.

24 So, when you talk about monitoring a test
25 center, am I -- it seems to me what you're really

1 are monitoring is, your own people, because you are
2 the one that hire the people who administer the
3 exam.

4 Am I correct?

5 MR. NICOSIA (ph.): We contract with a --
6 it's called "a test-center supervisor." And that
7 person tends to be a guidance counselor, maybe a
8 teacher at the school. It could be an
9 administrator.

10 That person then goes out and recruits, and
11 trains, the people who work on the given Saturday to
12 administer the test.

13 We do monitor all the test centers, as I
14 said, with the point system, with negative points
15 being assigned for any security issues, as well as
16 customer-service issues. And, then, those that are
17 centers we target to do our audits at.

18 SENATOR FLANAGAN: So, if, for example,
19 Senator LaValle, as Chair of the Committee, said
20 he'd like to see a list -- and I don't want to speak
21 for him -- but if he'd like to see a list of the
22 test centers on Long Island, is that something that
23 you disclose? Do you consider that proprietary?

24 If we wanted to see the -- what's gone on at
25 this test centers, would that information be

1 available to the Committee?

2 MR. NICOSIA (ph.): Sure.

3 And I would also extend an invitation, if any
4 of the senators --

5 HONORABLE GASTON CAPERTON: It's on our
6 website.

7 SENATOR TOBY STAVISKY: Yeah.

8 SENATOR FLANAGAN: It's on the website.

9 SENATOR TOBY STAVISKY: It's on the website.

10 SENATOR FLANAGAN: Okay.

11 I should have asked Senator Stavisky that
12 question.

13 [Laughter.]

14 SENATOR FLANAGAN: The other question I had,
15 was -- well, two questions.

16 You mentioned the salary, or the
17 compensation, is approximately \$75 for your
18 proctors.

19 Is that the fee that gets paid nationwide?

20 MR. NICOSIA (ph.): Yes.

21 KURT M. LANDGRAF: Yes.

22 SENATOR FLANAGAN: Okay.

23 And then the last question, Mr. Landgraf,
24 in your testimony, and this is somewhat similar to
25 what Senator Martins asked of you, you have in here,

1 "When we suspect criminal conduct, we notify the law
2 enforcement authorities, and we support their
3 investigations."

4 Can you define, "When we suspect criminal
5 conduct"?

6 What's the benchmark? What makes you, or
7 your colleagues, pick up the phone and contact the
8 Nassau County DA, or the Suffolk County Police
9 Department?

10 KURT M. LANDGRAF: So, since he tells me when
11 we suspect that, I'm going let him tell you.

12 SENATOR FLANAGAN: Fair enough.

13 MR. NICOSIA (ph.): Overwhelmingly, our cases
14 are involving just high school students looking at
15 the neighbor's paper, or maybe taking the test for
16 their brother, or something along that nature.

17 On rare occasion, very rare, we do have a
18 professional test-taker, who is out there charging
19 some large sums of money. And in those situations,
20 that's when we would go to the local law enforcement
21 and alert them of the situation.

22 SENATOR FLANAGAN: Yeah, how do you -- how
23 would you know something like that?

24 And let me bifurcate that question.

25 If you -- you have -- you've suspect that a

1 child, or young man or woman, is looking at their
2 neighbor's paper, are you representing that you
3 consider that criminal conduct, and that gets
4 reported?

5 MR. NICOSIA (ph.): In that case, we would
6 just process the score.

7 We would not contact law enforcement for
8 someone looking at their neighbor's paper.

9 SENATOR FLANAGAN: I'm sorry --

10 MR. NICOSIA (ph.): We would not --

11 SENATOR FLANAGAN: You would process the
12 scores?

13 MR. NICOSIA (ph.): We would --

14 KURT M. LANDGRAF: He wants to know, when do
15 we determine it's criminal, period?

16 MR. NICOSIA (ph.): When we go to the police,
17 is when we see large sums of money, with a
18 professional test-taker.

19 SENATOR FLANAGAN: Okay, but not peering at
20 your neighbor's paper?

21 MR. NICOSIA (ph.): No, they cancel the
22 (inaudible).

23 SENATOR TOBY STAVISKY: No, they just cancel
24 (inaudible).

25 MR. NICOSIA (ph.): It just cancels.

1 SENATOR FLANAGAN: Thank you.

2 SENATOR LAVALLE: Senator Zeldin.

3 SENATOR ZELDIN: First, just to feedback the
4 last answer: With regards to notifying law
5 enforcement, you said, when you see an exchange of
6 large sums of money.

7 Was that a mistake in saying "large sums"?

8 Would you report if it was also, what you
9 would consider to be a small sum of money exchanged,
10 to impersonate?

11 I don't know if -- you might have just
12 misspoken, but what you just stated is, is that you
13 only notify when there's an exchange of "large sums
14 of money" to impersonate.

15 KURT M. LANDGRAF: Our error, Senator. I
16 apologize.

17 It's exchange of money that triggers the
18 criminality concept, in our mind.

19 SENATOR ZELDIN: All right, but if there was
20 an exchange of a small sum of money, you would be
21 reporting that to the law enforcement?

22 KURT M. LANDGRAF: Again, we must always
23 remember that we have got to respect the rights of
24 the test-takers. So, we need to be able to have
25 that allegation, and evidence of that allegation,

1 beyond a reasonable doubt before we move forward and
2 contact a criminal authority.

3 So, a very small amount of money, it would be
4 hard to prove.

5 SENATOR ZELDIN: So, you establish your own
6 standard of "beyond a reasonable doubt" before
7 notifying a law enforcement?

8 That's your standard of proof?

9 KURT M. LANDGRAF: I think, in each -- we
10 take each individual case, Senator, and look at it
11 upon its merits.

12 SENATOR ZELDIN: Yeah, and I would --
13 personally, I would strongly recommend, that if
14 there was a standard of probable cause that a crime
15 was being committed, that you would notify the
16 law enforcement.

17 I don't -- I would strongly disagree with the
18 concept of trying to establish on your own, a
19 "beyond a reasonable doubt" standard of whether or
20 not to notify law enforcement.

21 That's why we have law enforcement, that's
22 why we have courts, and that -- I would recommend
23 lowering your standard of notifying law enforcement.

24 KURT M. LANDGRAF: Senator, and you so noted.

25 I just would say, that we operate within the

1 New York State statutes about test-taker
2 protections.

3 But, having said that, I heard you, and we
4 will discuss that, and ensure that we do what's
5 appropriate.

6 SENATOR ZELDIN: Mr. Kaplan, when he spoke
7 earlier, he stated the following:

8 "So, it is ridiculously easy to cheat, and
9 ridiculously hard to get caught.

10 "What happens in those rare circumstances,
11 when someone actually gets caught cheating?

12 "Well, ETS gives them three options: "They
13 cancel the scores; they can retake the test at ETS's
14 expense; or, they can contest the accusation.

15 "ETS does not report that cheating to the
16 high school. ETS does not report the cheating to
17 the colleges. ETS rarely reports the cheating to
18 the police or to civil authorities."

19 Obviously, the last few questions that were
20 asked by Senator Martins and Senator Flanagan, and
21 between us, we were discussing that last part, about
22 notifying police or civil authorities.

23 But, what's your policy on -- is that true,
24 that you do not report cheating to the high school?

25 KURT M. LANDGRAF: Yeah, we rigorously adhere

1 to the New York State statute, as established in
2 1979.

3 SENATOR ZELDIN: And same thing for colleges?

4 KURT M. LANDGRAF: Yes, sir.

5 SENATOR ZELDIN: How many executives does ETS
6 have?

7 KURT M. LANDGRAF: About 31.

8 SENATOR ZELDIN: Okay, what's the total
9 compensation for those 31 executives?

10 KURT M. LANDGRAF: Between 2.5 and 3 million
11 dollars.

12 SENATOR ZELDIN: Well, there is -- I don't
13 know if you've also been following the news in the
14 state here, but there's been a lot of reporting,
15 lately, of non-profits who are disproportionate.

16 I don't know what you were going to say to
17 that. You might have told me it was 40 million.

18 But, it's certainly a problem, that the --
19 that Governor Cuomo, and members of the
20 State Legislature, are addressing, as -- that's why
21 I asked about executive compensation, because I
22 didn't know what you were going to answer.

23 But, thank you for that.

24 I believe it was noted, that, uhm -- I think
25 Senator Flanagan was taking the SAT scores when this

1 law was created.

2 I just noted to Senator LaValle that I wasn't
3 born yet when his landmark legislation was passed.

4 I appreciate both of you, all of you, taking
5 the time to be here, and to answer these questions.

6 And I would ask you to please report back to
7 Senator LaValle, with regards to my questions on the
8 standard, going forward, of notifying law
9 enforcement.

10 I would just encourage more, whenever there's
11 criminal activity, to be reported, and let the
12 law enforcement investigate.

13 Thank you.

14 SENATOR LAVALLE: In my opening statement, I
15 talked about 344-b of the education law, and that we
16 need to, now, in the year 2011, because of changing
17 circumstances over the years, to look at that.

18 At the time, no due process was in place, and
19 we put that in. And, the policy constrains you to
20 three options, I believe, or several options, by
21 law.

22 So, it's prescribed; and we need to revisit
23 that.

24 Secondly, Governor Caperton, I just tell you
25 to please reconsider, that students are not assessed

1 for any changes you put in, in terms of security,
2 because, I will say again, and we've been through
3 this multiple times, that the amount of money that
4 both ETS and College Board has, if this was a
5 private enterprise, we would say "profit."

6 "The profit"; we don't use that, because
7 you're not-for-profit.

8 Most people do not know, when I talk to them,
9 that you are not regulated by anyone. There is no
10 oversight of your operations.

11 So, that's -- that's a discussion for another
12 day.

13 But, before Senator Martins has some
14 follow-up, what I forgot to ask when I was asking
15 questions: Were there, nationwide, some allegations
16 and investigations into impersonations, for -- by
17 both coaches and agents, in test-taking for athletes
18 so that they could meet minimum standard?

19 You know, you had indicated this is -- the
20 impersonation is kind of a handful.

21 But, this, I -- you know, once again, I go
22 to, out on the streets, this is pretty -- it's
23 higher than just 10 incidents.

24 It's higher than just 10 incidents.

25 So, I really think that we need to

1 concentrate, right now, because that's the issue
2 that has happened here on Long Island: the
3 impersonation.

4 And people tell me, over and over, since this
5 happened: This is, not just at Great Neck, it's,
6 you know, across the board. This is a national
7 issue.

8 So I hope that you will take that, and
9 Judge Freed [sic] will really get into this, because
10 it is a problem.

11 It is a problem.

12 Senator Martins.

13 SENATOR JACK MARTINS: Thank you.

14 Gentlemen: Your test is being undermined,
15 the credibility of your exam is being undermined;
16 and, thereby, the credibility of a system that
17 allows access to college education for our children
18 is being undermined.

19 And I would implore you to consider some
20 commonsense approaches to addressing this situation,
21 even before the results of your investigation come
22 back.

23 And I would suggest that you consider some of
24 the suggestions that have been made already today;
25 but, certainly, some of the items that we have

1 discussed with regard to, types of identification
2 that are permissible, and different ways that you
3 can proactively protect the integrity of your own
4 exam.

5 I think it behooves you to do so.

6 You know, one of the topics that comes up,
7 and has been discussed here today, is the
8 differential between, these students who take the
9 exam at their local high school where there are
10 people who will know them, and those that take it
11 elsewhere.

12 And I believe that that may give you an
13 opportunity, certainly, to differentiate between
14 those students who take it locally; and those that
15 choose to take it at a different location, and treat
16 those students differently, for purposes of
17 identification.

18 And, again, I would urge you to explore that
19 as an option, and to implement those as quickly as
20 possible while you wait for the results of this
21 investigation.

22 But, I wanted to point, and, again, circle
23 back to a point that I just need some clarity on.

24 You're looking at tests in the abstract;
25 you're looking at numbers.

1 And if there's a differential in the numbers,
2 that will cause you to respond; correct?

3 KURT M. LANDGRAF: Yes, sir.

4 SENATOR JACK MARTINS: That is your only --
5 literally, your only contact with the test-taker is,
6 that score, absent some proctor having given you
7 some information with regard to somebody peeking at
8 someone else's exam, or some irregularity at a
9 location.

10 But, you're looking at differentials in
11 scores, and using those as the basis for evaluating
12 whether or not to revoke or to cancel the person's
13 score.

14 Correct?

15 MR. NICOSIA (ph.): That's a trigger that
16 would open up a case for us to review; a large score
17 difference.

18 SENATOR JACK MARTINS: When would you ever
19 have access to information with regard to monies
20 transferring hands, so as to cause you to seek out
21 the intervention of local criminal authorities?

22 How does that happen?

23 You mentioned it as an alternative, but isn't
24 that really -- you know, isn't that just throwing
25 words at a problem here?

1 When will you ever -- under the circumstances
2 that you mentioned, ever have the opportunity to be
3 aware of money changing hands, so as to reach out to
4 local law enforcement for intervention?

5 MR. NICOSIA (ph.): Occasionally, we do --
6 occasionally, Senator, we do conduct on-site
7 investigations, which, we're interviewing test
8 personnel and students, and that information will
9 come to light to us in that manner.

10 These are more of the group cases; not our
11 usual individual cases, which are the norm.

12 SENATOR JACK MARTINS: Thank you, Senator.
13 Thank you, gentlemen.

14 SENATOR TOBY STAVISKY: Very quickly, I find
15 it very difficult to understand, as Senator Martins
16 said, that a student is going to say, Hey, I got
17 money for this.

18 To me, it's very questionable.

19 But, I am very troubled by any improvements
20 that you make, where, the costs are not passed along
21 to the student taking the test.

22 To me, that would be outrageous.

23 SENATOR LAVALLE: Thank you very much.

24 Next person to testify is Robert Schaeffer,
25 who is the public education director of Fair Test.

1 I would say that, I'm not sure I recall a
2 time that we've had a hearing, that Bob Schaeffer
3 has not testified.

4 Fair Test is an advocate for exactly what the
5 names implies: fair test.

6 And, he represents the students, the
7 consumer, out there.

8 ROBERT SCHAEFFER: Thank you, Senator.

9 In fact, I have not testified at every
10 hearing. Fair Test was not created until 1985,
11 six years after the passage of Truth-in-Testing.

12 So, the roots of this go back to, your
13 husband, Senator Stavisky's work, and other members
14 of the New York State Higher Education Committee,
15 who have truly been the national leaders in the
16 movement to assure fair, open, and educationally
17 sound use of testing for higher-education
18 admissions.

19 You have my written testimony. I'm not going
20 to go through it in its entirety.

21 I wanted to clarify, first, a couple of
22 statements by the previous panel, which I think may
23 be misleading.

24 As I understand it, the 25 million a year
25 that the Educational Testing Service spends on test

1 security is not just for the SAT. It is not -- it
2 is for all of its tests -- the Graduate Record exam,
3 the AP exam, the PSAT exams -- around the nation.

4 And they have had serious test-security
5 problems, particularly in Asia, as they've rolled
6 out new forms of Graduate exams.

7 So, it is -- it's misleading to think, that,
8 of the money that SAT-takers and their parents pay,
9 \$25 million goes to security.

10 And, as Mr. Landgraf said, what they're
11 including in security costs are figures that we
12 would view as normal costs of test administration,
13 like shrink-wrapping test forms as they're sent to
14 centers.

15 The amount actually spent on security, as
16 you, I think, were asking, would be more, like,
17 \$5 million.

18 And beyond -- the second area, I think, goes
19 beyond misleading.

20 Mr. Landgraf answered, that there are 31 top
21 executives at the Education Testing Service.

22 That is true.

23 As I heard him, he said their total
24 compensation was between 2.5 and 3.1 million
25 dollars, in the aggregate.

1 That is not true.

2 I have their tax returns here, and I will
3 leave you a copy of them.

4 My eyeball, is that the four people on this
5 panel here, both College Board and ETS, had total
6 compensation in that range.

7 And that the total compensation of those
8 31 executives is more like 8 to 10 million dollars a
9 year.

10 Mr. Landgraf gets about two-thirds of a
11 million dollars.

12 Dr. Caperton gets three-quarters of a
13 million dollars.

14 Whether that's right, or not, it's important
15 to have the correct numbers.

16 I will leave, with the staff, the excerpts
17 from their publicly filed tax returns, which are
18 available, as they are for all non-profits,
19 including Fair Testing --

20 You can find out how much I was paid last
21 year. Take Landgraf; knock off a zero.

22 [Laughter.]

23 ROBERT SCHAEFFER: -- and you will see that
24 there's more to it than that.

25 So, SAT cheating is an issue that

1 periodically comes up. And I think it's important
2 to have some basic definitions.

3 There's really three categories of cheating.
4 We've only talked about two here, today.

5 The first, and the most common, by all
6 evidence, is collaboration; looking at somebody's
7 test sheet, and copying it.

8 And, the numbers that we have seen -- and we
9 talked to a number of kids and their parents --
10 every year, who are accused of that form of
11 cheating, is that it is in the several thousand a
12 year.

13 The second category, the one you're focus
14 primarily on, is impersonation.

15 And, indeed, as Senator LaValle said, there
16 was a spate of stories about impersonation, probably
17 a decade ago, dealing with college
18 student-athletes -- emphasis on the second term, I
19 think -- who, in order to meet the
20 then-National Collegiate Athletic Association's
21 test-score minimum requirements, appeared to have
22 collaborated with a set of athletic coaches and
23 agents, to have substitutes take the test for them
24 at test sites -- not on Long Island, not in
25 New York -- but at sites which were well known --

1 including one which was run by an agent's brother --
2 were well known as being relatively lax.

3 To my knowledge, those cases have been not --
4 were never fully proven.

5 But, for example, "Sports Illustrated"
6 magazine did a long expose about them, in which they
7 made a very strong case.

8 The most recent major impersonation case --
9 again, not proven, but widely alleged -- involves
10 the now-National Basketball Association, whatever
11 that was, star Derrick Rose, who was accused of
12 having a student take his tests for him before he
13 went to the University of Memphis.

14 And, that's -- that issue became mooted, in
15 effect, by him jumping, from college, directly to
16 the pros after one year.

17 But, yes, indeed, those cases are out.

18 The third type of case, which you haven't
19 addressed, is called "prior knowledge," in which
20 either, because somebody slits open those
21 shrink-wrapped packages of test forms; or, more
22 typically, in the ones that have been disclosed,
23 using time zones, a person who has seen the test at
24 an earlier time in the same day, is able to transmit
25 that information to collaborators across the

1 country; and indeed, now, globally, we've seen a
2 case, where, in Korea -- this is several years
3 ago -- a tutor in Korea was able to transmit the
4 test answers to a set of his collaborators, who had
5 paid him, in California, which was a number of time
6 zones later.

7 And we've seen that with Advanced Placement
8 exams, and others.

9 I mean, every kid has one of these (holds up
10 cell phone). There is no such thing as "time" in
11 the flat world.

12 And when you're administering a
13 pencil-and-paper test in various time zones, across
14 the country, and around the -- across the ocean, and
15 around the globe, you know, if I have a friend in
16 France -- which is, I think, plus-five right now --
17 from the U.S., I can get some of the key questions.

18 For example: I could get the questions that
19 are going to be for the essay on the SAT, perhaps,
20 in advance.

21 So, all of those things are indeed possible.

22 The biggest example of prior knowledge is, in
23 fact, a fictionalized, it's the very bad movie,
24 called "The Perfect Score," which got some attention
25 in 2004; in which, some kids, in the script,

1 allegedly broke into a yet-unnamed testing center
2 and were able to get copy of the exams in advance,
3 and disseminated it widely.

4 But, yes, all of those kinds of things do, in
5 fact, exist.

6 How many? We really can't be sure.

7 It's -- in these cheating cases, it's like an
8 iceberg. You don't know whether you're looking at
9 just the tip, or two-thirds, or the whole iceberg.

10 So, we can't tell whether the recent case in
11 Long Island just involved those seven kids; or
12 involved multiple schools, as the district attorney
13 has suggested; or, in fact, might be a very much
14 larger concern.

15 The real issue for Fair Test is: How do you
16 enhance security in the Internet age, and without
17 undermining kids' rights, and deterring kids from
18 taking the test?

19 And I think it's informative to look at the
20 ways the Educational Testing Service enforces
21 security on two of its exams: the SAT, on the one
22 hand; and the GRE at the other.

23 Now, they're given in different settings.

24 The SAT is given in thousands of test
25 centers, many high school auditoriums.

1 And I must say, I sympathize greatly with
2 Principal Kaplan, and the underpaid, overworked
3 test-site supervisors and proctors, who often get
4 there at 6:30 or 7:00 a.m., and work 6 or 7 hours,
5 for 75 bucks.

6 That 300 kids who come to Great Neck
7 High School to take the test, all come in the
8 ten minutes before the test is scheduled to begin --
9 because they're not crazy, and they're not getting
10 up at five in the morning -- and, you have a sea of
11 kids presenting their IDs.

12 On the SAT, as the previous panel said, you
13 need an acceptable form of photo identification.

14 It strikes me, that, in addition to,
15 potentially, forged driver's licenses --
16 (demonstrates) this is a real one -- but, I went to
17 high school on Long Island -- actually, I went to
18 Port Jefferson High School, which is why I have a
19 particular sympathy for Senator LaValle -- and, you
20 know, back in the pre-Internet,
21 pre-color-photocopying age, you could buy one of
22 these, back when the drinking age was 18, and you
23 didn't need to do it.

24 Nowadays, I suspect you can buy it.

25 But the real weak link is the student

1 photo ID school identification form.

2 How do you get that?

3 I went to their website. This is the form.

4 I will leave this, also, with the Committee.

5 It says, all you need to do is print this out
6 on school letterhead.

7 So, we're going to have, Fair Test High
8 School.

9 I'll print this out on the -- the high school
10 on it.

11 You need a seal.

12 I can buy one of those at my stationary store
13 for 10 bucks.

14 And, I have a form that, perhaps, will get me
15 into the testing center.

16 Another weak link, as I understand it -- and
17 I'm not 100 percent sure of this, because the image
18 on the web was a bit weak -- you wondered how a male
19 could take a test for a female?

20 I believe the "gender" is not indicated on
21 the test registration.

22 You fill it out when you register for the
23 test, but it's not on the ticket that you hand in.

24 And if I'm taking -- could I take a test for
25 somebody named Chris?

1 Is "Chris" a male or a female? You don't
2 know.

3 So, I think it is plausible, even without the
4 photo ID.

5 Contrast that with the Graduate Record exam,
6 which are given at private testing centers which are
7 a wholly owned for-profit subsidiary of ETS, called
8 "Prometric." It used to be Sylvan.

9 "There, ID verification of the test center
10 may include, thumbprinting, photographing,
11 videotaping, or some other form of electronic ID
12 confirmation.

13 "If you refuse to participate, you will not
14 be permitted to test, and you will forfeit your
15 registration and test fees.

16 "This is in addition to the requirement that
17 you present acceptable and valid identification."

18 How do you take a standard like that, and
19 apply it to the 7,000 test centers?

20 One possible way, would be to assign -- for
21 ETS to assign, out of its nearly \$900 million in
22 revenues last year -- to assign to each test center,
23 a camera, or two, or three; so, that, when kids come
24 in, you photograph each test-taker, like this
25 (indicating), holding up their student ID form.

1 Heck, I could do that with my smartphone,
2 like this (indicating). And, it's digitalized.
3 There's no -- you know, it's a 50-buck phone.

4 It's -- it is not very difficult to do.

5 And you would then, both, have a record of
6 who was actually there in the room with, presumably,
7 if you focus correctly, their ID form. And, you
8 would have a deterrent effect, I think, discouraging
9 students, who -- from taking the test anywhere --
10 home school, school across the country, or around
11 the world -- from going to a place where they think
12 they can get away with it, because they're going to
13 be permanently on a digital or video record, looking
14 like this.

15 So, to us, it is a question of priorities for
16 the test-makers, whether they choose to allocate the
17 resources that they now have.

18 And, indeed, I have been to both ETS and to
19 the College Board.

20 ETS owns an equestrian estate, not in
21 Princeton, but in Lawrenceville. But, Princeton
22 sounds better.

23 College Board owns a building across from
24 Lincoln Center.

25 These are not low-budget operations in a

1 second-floor office like Fair Test is.

2 These are very wealthy institutions.

3 And it becomes a resource-allocation
4 question, as to whether they're going to invest what
5 it takes to assure that the security needs, that you
6 and many other people have asserted, are met; or
7 whether the money is going to be spent for other
8 purposes.

9 I mean, again, College Board: about
10 \$660 million in annual revenues.

11 ETS: about \$900 million in annual revenues
12 last year.

13 The money is there.

14 What's the cost for digital cameras?

15 If there are 7,000 test centers across the
16 country, assign them two digital cameras, at
17 100 bucks each, that's, a million dollars? You
18 know, a couple million dollars?

19 It's not a lot of money to do it, and then
20 you have the record.

21 I do caution the Committee, that before
22 working to amend the landmark Truth-in-Testing
23 law --

24 Which it is important to understand: This is
25 law in New York only. But, because of the size of

1 the New York testing market, this is, de facto, the
2 law of the land in the United States, and, in fact,
3 the law of the world, for how testing is handled.

4 -- that, before you make changes in that
5 law, that you think about how they could impact
6 cases in which kids are falsely accused.

7 And I've cited examples of kids who we
8 think have cheated, and were not caught.

9 There are others, where, kids, for whatever
10 reason, have chosen to use judicial process to
11 challenge the finding that they had cheated, usually
12 a collaboration case, and they have proven that they
13 did not cheat; or that there was insufficient
14 evidence to prove that they -- they did not cheat.

15 So, right now, the standard for ETS canceling
16 a score is a very low one, legally.

17 It is just "substantial evidence," whatever
18 that means in the law. It is not preponderance of
19 evidence, it is not conclusive balance of evidence.
20 It's, just, they believe that there has been
21 cheating.

22 And I would caution, again, that you not
23 ratchet that up without thinking about the
24 consequence to kids who are charged with cheating,
25 and who may not have done so.

1 And, with that, I will take your questions.

2 SENATOR LAVALLE: I think you put Judge Freed
3 out of business with your simple solution of the ID.
4 And, it sounds very simple.

5 ROBERT SCHAEFFER: It is very simple.

6 I would -- you know, I would like to be on
7 the panel of the test-makers, and hear why they
8 think that something like that could not be
9 implemented.

10 There are simpler solutions, which I think
11 are unfair to kids; like, requiring them to go to
12 their own school, since kids do travel sometimes and
13 have to take a test outside of their home area.

14 And, require you to take the test at a school
15 where you're known doesn't deal at all with a
16 growing number of home-schoolers, who would not be
17 known, even to great leaders of their communities,
18 like Dr. Kaplan.

19 So, that strikes me as a first step.

20 You know, in a system like that, some kid
21 could make themselves up to look like someone else,
22 I suppose, and get away.

23 There is no system that cannot be beaten one
24 way or another.

25 Now, those kids should be going to Hollywood

1 rather than to college, perhaps.

2 But, that seems like a simple step to reduce,
3 di minus, to minimize, substantially, that type of
4 impersonation cheating.

5 SENATOR LAVALLE: Are there are test sites
6 that are easy to crack -- easier to crack than
7 others?

8 ROBERT SCHAEFFER: By reputation.

9 I have no independent knowledge to confirm
10 that.

11 SENATOR LAVALLE: Same kind of street talk
12 that I hear; right?

13 ROBERT SCHAEFFER: Well, the same sort of
14 street talk that you hear, confirmed by the
15 "Sports Illustrated" investigation that named names.

16 Because it's secondhand information to us, I
17 cannot confirm whether the sites that they said were
18 collaborators, were, or were not.

19 SENATOR LAVALLE: Just a comment: 344-b,
20 which is the "due process" section?

21 ROBERT SCHAEFFER: I brought my copy,
22 Senator.

23 SENATOR LAVALLE: You know, that was
24 hard-fought, to be consistent with our democratic
25 processes, that, when accused, you have an

1 opportunity to clear yourself.

2 On the other hand, we're going to have to
3 look at how we deal with situations, with
4 impersonation, or the other situation that you
5 talked about, because, you know you don't think
6 about that: the time zone change, and the passing of
7 information.

8 So, we're going to have to look at that,
9 where it either borders, or is, criminal activity,
10 because we also need to make sure that students
11 understand, there are consequences to their
12 behavior.

13 There are consequences to their behavior.

14 So, I'm sure you'll have input with the
15 Committee, so that we can preserve what we have, but
16 also address what has happened here on Long Island.

17 ROBERT SCHAEFFER: We share your concern, and
18 agree, that people who have cheated on the SAT
19 should suffer consequences.

20 However, our experience, talking to the
21 parents of kids who have been accused of cheating,
22 and kids, and guidance counselors -- and there's no
23 way that we can tell whether they did, or did not,
24 cheat -- is that, the process, as it is now, is
25 biased too much in favor of the test-maker, not the

1 test-taker.

2 That -- and it is not an example of U.S. due
3 process, in its fullest, because a student has to
4 prove their innocence, which is not the way the
5 American judicial system works.

6 If the ETS test-security office believes that
7 there is substantial evidence that someone has
8 cheated, whatever that standard is -- and you had
9 some difficulty, I think, getting them to say what
10 their standards precisely were -- the score is
11 canceled. And, then, you need to prove that you
12 didn't cheat, in a system in which ETS testing
13 security is the police officers, prosecuting
14 attorney, judge, jury, appeals court, and hangman.

15 That, we worked with you, and I know, you
16 personally, at one time, wanted to change the
17 standard, from "substantial evidence" to
18 "preponderance of evidence" -- and, in fact, the
19 testing industry lobbied against that -- before
20 scores are canceled.

21 It's a balancing act, as all judicial things
22 are, to make sure that people who have done wrong
23 are punished, and that others are deterred. And
24 that those who have not done something wrong, are
25 not falsely accused.

1 But, in the case of somebody taking money to
2 take a test for somebody else, you know, there is no
3 question about that one.

4 SENATOR LAVALLE: Thank you.

5 Anyone else?

6 SENATOR JACK MARTINS: I do have a question.

7 SENATOR LAVALLE: Yes, Senator Martins.

8 ROBERT SCHAEFFER: Please.

9 SENATOR JACK MARTINS: Thank you.

10 You mentioned that, you're not sure
11 whether -- when we're discussing these issues
12 specifically, with respect to the SAT, whether we're
13 looking at the tip of the iceberg, or whether we've
14 looked at the entire iceberg in its entirety.

15 Do you have a sense of whether or not, we're
16 looking at the tip, or whether we're looking at the
17 entire iceberg?

18 ROBERT SCHAEFFER: In terms of impersonation
19 cases, if I were forced to give an answer to that, I
20 would say, we are looking at -- we're looking at the
21 tip of a very small iceberg.

22 That there is -- that -- and, here, I have to
23 agree with the previous panel, that there are not
24 likely to be a lot of impersonation cases.

25 I was surprised that they said that there

1 were -- they've had a hundred or so a year.

2 I thought it was more like, dozens.

3 SENATOR TOBY STAVISKY: Ten, I think.

4 SENATOR LAVALLE: I think, ten.

5 ROBERT SCHAEFFER: But -- I'm --

6 SENATOR TOBY STAVISKY: I think there was

7 ten.

8 SENATOR LAVALLE: Ten.

9 SENATOR TOBY STAVISKY: Ten.

10 ROBERT SCHAEFFER: No, there are ten cases
11 involving cash, I believe.

12 I thought --

13 SENATOR TOBY STAVISKY: You're correct.

14 That's correct.

15 ROBERT SCHAEFFER: -- Mr. Landgraf said
16 there --

17 SENATOR TOBY STAVISKY: There were ten
18 (inaudible).

19 ROBERT SCHAEFFER: -- or Mr. Nicosia said,
20 that there were -- no, two to three hundred
21 impersonations a year, is what my -- your staff is
22 nodding affirmatively behind you, because they take
23 better notes than I do -- two to three hundred
24 impersonation cases a year.

25 That's, maybe, five times higher than I would

1 have guess.

2 But -- so, it's not a gargantuan iceberg,
3 but, any part of that iceberg can sink the ship of
4 testing credibility, as you suggested, Senator.

5 SENATOR JACK MARTINS: Thank you.

6 SENATOR LAVALLE: Thanks, Bob.

7 ROBERT SCHAEFFER: Thank you.

8 SENATOR LAVALLE: I'll let Senator Martins
9 introduce our next person to testify.

10 SENATOR JACK MARTINS: Thank you.

11 It is my great pleasure, and privilege, to
12 introduce Father Philip Eichner, who I had the
13 privilege of having as a teacher, a few years back,
14 when he was president of Chaminade High School,
15 currently president of Kellenberg Memorial
16 High School, and, a brilliant educator.

17 And, it is great to see you, Father Eichner.

18 Thank you for joining us.

19 FATHER PHILIP K. EICHNER: Thank you,
20 Senators.

21 In my paper, I say to the Judeo-Christian
22 ethic, which has been the basis of our civilization,
23 has always held that cheating and bribery and lying
24 as, not only lack of integrity, but also a wound to
25 society.

1 And I think, in our own society today, that
2 type of wound is very, very serious.

3 Certainly, cheating has been with us from the
4 beginning, and will continue to be so. But,
5 cheating is taking the good of another, and lying
6 about it.

7 Are there any reasons why this problem has
8 become more emphasized in our society?

9 And I believe there is one -- which,
10 basically, the Committee cannot address directly --
11 but I think it's one, that I as a clergyman should
12 bring up; and, that is: a change in moral attitude.

13 There's been a change in the moral attitude
14 in our society: a "me" society. A society that puts
15 the self before someone else.

16 In my paper, I mentioned an experience I had
17 with a student, a junior, who cheated on a -- our
18 comprehensive exam, and he admitted it.

19 Comprehensive is a three-hour exam at the end
20 of the year.

21 I spent two hours with him, trying to get
22 him, just by reason, to see that such action, in the
23 long run, was detrimental to him, and to society.

24 I could not do that.

25 And I have found since, that the moral

1 sensitivity to this issue has been substantially
2 dulled.

3 Substantially dulled; and a great deal of
4 credibility in institutions has been lost.

5 The Enron situation, the Wall Street problem,
6 all of that has lost credibility with young people;
7 and so they say: Why should we not? Why should we
8 not cheat if it's going to advance my own particular
9 career?

10 So, that's a whole moral question.

11 The other question I mention, is that, this
12 high-competition in academics, the competition is
13 extraordinary. And, it's often promoted by parents.

14 We mentioned before, the "helicopter
15 parents," and so forth.

16 That's very, very, very true. Our young
17 people are driven to distraction by that.

18 If you were to say, What percentage of my
19 students are overpushed? I'd say, about 60 to
20 70 percent, they're overpushed.

21 Years ago, we may have had students who
22 didn't work up to potential, and we would try to
23 spend a lot of our effort pushing them.

24 Now, we have to try to slow some of them
25 down, because, everything is programmed from the

1 time they're in the second and third grade.

2 I once had a mother call me. Her son was in
3 the fourth grade.

4 And she said to me: Well, how I do get him
5 into Harvard?

6 And I said to her: Well, madam, he hasn't
7 even gone through puberty yet. Wait a minute; he
8 has to mature.

9 He has to mature.

10 That is a tremendous pressure. It's our
11 pressure on the parent -- from the parents to the
12 student, and on to the teachers.

13 The common attitude we have of reforming
14 education, is to put the teachers somewhat in a
15 disadvantageous position.

16 We make the teacher responsible for the
17 performance of the student, so, these test scores
18 will determine the future of that teacher.

19 Now, I've been teaching, continually, since
20 1957. And, it's not only the competence of the
21 teacher, but it is also the cultural attitude of the
22 student.

23 So, it's unfair to put that whole burden on
24 the teacher.

25 And we're doing that all through the

1 United States; that the returns, these testing
2 things, it becomes, a teacher isn't teaching.

3 Well, that's not actually true. There's a
4 whole attitudinal question that is prevalent in the
5 United States: Do the students want to learn?

6 There is another -- while we're discussing
7 the SAT, and the standardized testing -- and I agree
8 with what you've all said about them. It's a real
9 problem.

10 There is the other question of the regents.

11 Now, the regents are not as serious as the
12 SAT for college application, but I agree, very much,
13 with Superintendent Kaplan; the regents system was a
14 magnificent educational tool.

15 And I taught in Ohio, where we didn't have
16 that.

17 In New York State, for example, we knew that
18 anyone who passed the Latin II Regents, we knew what
19 they knew. And it was clear.

20 But around 1969-'70, they started playing
21 around with it, changing the curriculum, and they
22 lost a good deal of security on that test.

23 Again, a good part of it was, teachers
24 fearing that they would lose their job if their
25 class did not succeed.

1 And that has a reason, why, at -- as you
2 know, at Shamenad, we did not have -- we gave up the
3 regents in '69 and put in our own comprehensive
4 exam, which guaranteed that the exam would represent
5 a core of information.

6 And that problem of the regents, I believe,
7 still exists today.

8 It's -- unfortunately, it is tearing apart
9 the system of New York State, which I believe had
10 the -- one of the most comprehensive and good
11 educational testing programs, rather than just the
12 SAT aptitude testing.

13 The other thing that I would like to
14 emphasize is, the question of accountability for
15 this.

16 I believe that this type, especially
17 impersonation, is fraud, not a misdemeanor.

18 As I said, a student will -- he'll risk a
19 misdemeanor for \$20,000. He'll risk that.

20 It has to be considered a -- a wound in
21 society, just like counterfeiting is; just like
22 bribery of a judge is; just like identity theft on
23 credit cards. There has to be some -- the only type
24 of legislation, I think, is the question of, the
25 seriousness of this act.

1 I think that there are possibilities within
2 our whole system to make sure it is valid. And I
3 believe -- I believe, having the student take this
4 test at their own school is the only way to do it.

5 We have been -- at Kellenberg, we have been a
6 center for many, many years, since our beginning.
7 And, at Shamenad, for many years.

8 And the brother, the priest,
9 Father Butoni Albert, is the one in charge of that.
10 He has a great deal of difficulty, on every morning,
11 that's a Saturday mornings, with some kids who come
12 in with no identity. And he's hard-lined on it.

13 He has a lot of grief, because it is very
14 easy to get a false ID.

15 It is -- I believe, that the -- I
16 personally -- impersonation is much wider because
17 it's so easy.

18 It's so easy.

19 And if you have a couple hundred students
20 coming into your school, whom you do not know at
21 all, and they present an ID, how do you deny that?

22 Ringers. They're ringers for somebody else.

23 So, I certainly was pleased that you asked me
24 to come.

25 I've been teaching here since 1966, and I

1 have seen this problem increase -- increase, and not
2 diminish.

3 And I think it's an ethical question. I
4 don't think that there are consequences. And I
5 think everybody is under the enormous pressure --
6 student, parent, and teacher -- to perform; and, so,
7 we give in to cutting the edges. Shortcutting.

8 Thank you.

9 SENATOR LAVALLE: Father, I just want to add
10 to your remarks, that, since I have been a member of
11 the Legislature, in the Senate, I've been asked, on
12 multiple -- at multiple times, to write letters of
13 recommendation for students entering kindergarten in
14 Manhattan, to very prestigious schools.

15 FATHER PHILIP K. EICHNER: Uh-huh.

16 SENATOR LAVALLE: So, for many parents, this
17 horse race begins with kindergarten, maybe even
18 preschool.

19 So, I just wanted to --

20 FATHER PHILIP K. EICHNER: You're exactly
21 correct. And it drives -- drives true educators
22 crazy --

23 SENATOR LAVALLE: Yeah.

24 FATHER PHILIP K. EICHNER: -- because it's
25 way out of proportion.

1 It's out of proportion. The child has to
2 grow. And you -- they have to learn how to play.
3 There's a play function that we're depriving the
4 students of.

5 This occurs even in sports. It's all
6 winning; it's all this stuff. We've lost that whole
7 idea of --

8 You know, I tell this to my students, and
9 they are -- oh, I couldn't believe it -- the Latin
10 word for "school" -- the Latin word for "play" is
11 ludus, L-U-D-U-S. It's also the word for "school."

12 And the word for "school" in Greek, "skhole,"
13 means "leisure."

14 And they look at me, and I say: Well, you're
15 supposed to be the leisure to develop your mind,
16 your heart, and everything else. It's supposed to
17 be a time in which you can develop, and which you
18 can grow.

19 It's not in a horse race. And that's --
20 that's a detrimental aspect to it.

21 SENATOR LAVALLE: Thank you.

22 FATHER PHILIP K. EICHNER: Thank you very
23 much.

24 SENATOR LAVALLE: Any other questions of
25 Committee members?

1 SENATOR TOBY STAVISKY: Thank you, Father.

2 Thank you, Father.

3 Last two to testify, are:

4 Dr. Herb Brown, who's the president of the
5 Nassau County Council of School Superintendents;

6 And, Dr. Alan Groverman, who is his
7 counterpart in Suffolk County.

8 I see we have a third member?

9 I brought up our Oceanside schools'
10 director of guidance, who's our SAT test
11 administrator.

12 SENATOR LAVALLE: Okay.

13 DR. HERB BROWN: Because I didn't think I
14 knew enough, to meet with you, so I brought some
15 support.

16 I thought you might have some questions
17 directly for a test administrator.

18 Good afternoon.

19 My name is Herb Brown. I'm superintendent of
20 the Oceanside School District, as well as president
21 of the Nassau County School of Superintendents.

22 I come here today representing the
23 Nassau County School Districts, and Nassau County
24 Superintendents, in an effort to provide
25 information, and answer any questions.

1 I have never personally administered the SAT
2 or PSAT exams, but I have brought with me our
3 director of guidance for Oceanside, Greg Sloan,
4 who's our test administrator.

5 Our school districts are asked by the
6 College Board to serve as test centers, and we're
7 asked to choose proctors who are paid by the
8 College Board.

9 We receive nothing from the College Board for
10 being a test center; and we are, in fact, not
11 required to be a test center. We do it as a service
12 to our own students.

13 Our security for identification of students
14 is in line with the recommendation of the
15 College Board, shown on pages 21 and 22 of the
16 "SAT Supervisor's Manual."

17 We actually go a step further in Oceanside,
18 by using our student-management system,
19 Infinite Campus, to identify students who attend
20 Oceanside High School, as they enter, by looking at
21 their pictures on our student-management system.

22 I'm not aware of how other high schools might
23 add to the recommendations of the College Board.

24 Some recommendations I would put forth to try
25 to improve test security for identification of

1 students, include, allowing all students who attend
2 the particular high school to take the test at that
3 particular high school.

4 Currently, registration with the
5 College Board is on a first-come, first-served
6 basis, online. And once the seats for students in
7 that school fills up, students are directed to an
8 alternate second-choice high school.

9 As a result, during the most recent
10 administration in Oceanside, 56 students came from
11 Long Beach High School, to take the test in
12 Oceanside, along with students from approximately
13 two dozen other schools; while Oceanside students,
14 who registered later, were directed to take the test
15 at schools other than Oceanside, including
16 Long Beach High School.

17 Keeping students at their home high school as
18 much as possible would certainly help increase
19 security.

20 All students -- all schools have
21 student-management systems similar to ours, with
22 student photos on them.

23 If Oceanside staff, the morning of the exam,
24 could have access to the student-management systems
25 of these other schools, we could check photo

1 identification for anyone who is not a student at
2 Oceanside High School.

3 Furthermore, we could require students who
4 are coming from another high school, to have the
5 school send to the testing center, a photo
6 identification from their student-management system
7 as confirmation of their identification.

8 Each student could then bring their own
9 student identification, and the test center could
10 match the pictures that they bring with the pictures
11 that were sent to us from their school.

12 Obviously, this would be a very low-cost
13 solution.

14 It wouldn't solve the entire problem, as
15 we've stated before, with students who are
16 home-schooled, et cetera, but it would solve a
17 portion of the problem.

18 Please keep in mind as you review these
19 suggestions, that the high schools are simply
20 providing space for the College Board, and would
21 cooperate in solving the problem.

22 The College Board should, therefore, fund any
23 solution that tightens security, since, in these
24 difficult financial times, school districts cannot
25 drain resources for an unfunded mandate.

1 Thank you for allowing me to testify.

2 SENATOR LAVALLE: You're a true
3 superintendent: "unfunded mandate."

4 DR. HERB BROWN: That's the first words we
5 learn.

6 SENATOR LAVALLE: Dr. Groverman.

7 And then we're going to come back to
8 Mr. Sloan; because, actually, you provided us with
9 a bonus, because we wanted to have a proctor, or
10 someone from the guidance department, to walk us
11 through procedures.

12 So that's, really, Mr. Sloan will be a
13 bonus.

14 Dr. Groverman.

15 JEFF SLOAN: Senator, thank you.

16 It's getting late, and you've heard all the
17 information before, so I won't take a lot of time,
18 or read through my prepared remarks, which you have
19 in front of you.

20 I would added, that, Dr. Kaplan had
21 indicated a number of recommendations that we would
22 all support.

23 Superintendents' associations, both Nassau
24 and Suffolk, as well as statewide, are very
25 concerned about cheating on any exams, especially

1 the high-stakes tests that these are.

2 And, you know, while I was sitting in the
3 audience, I went through my little flip-phone, and
4 found about nine sites to get false IDs, for
5 anywhere, from 5 to 25 dollars.

6 So, the real solution, as has been indicated
7 92 times already, is, to the degree possible,
8 students have to test in their home school.

9 To the degree that they're not, any
10 information that we can flow back and forth, from
11 the home school to the testing center, is going to
12 be the solution.

13 Short of biometric techniques, where the
14 students have to be fingerprint-scanned in their
15 home school, and then fingerprint ID'd at the
16 testing center, which is going to be, down the road,
17 probably an answer; but, right now, it's not
18 practical.

19 Simple photo IDs; we're all using
20 computerized systems for the ID scans for student
21 records.

22 We could easily do that at minimal cost to
23 the testing organizations, and provide that service.

24 So, with that, I'll let you ask the questions
25 that you have of our testing coordinator.

1 SENATOR LAVALLE: Good.

2 Mr. Sloan, can you walk us through, so we
3 could visualize a process of: How the tests come
4 into the building. Selection of the proctors. How
5 they're trained. Whether you have problems getting
6 proctors.

7 Just walk us through.

8 JEFF SLOAN: Sure.

9 The tests arrive -- well, students register
10 online for the SAT, so we actually don't take any
11 part of that process of registering students, other
12 than, students register. And, then, within a week
13 or so of the exam, the College Board ships us the
14 actual exams that we'll need. And, sometimes, some
15 extras as well.

16 So, they'll send them in packs of, 10, or 25.

17 So, if we have -- depending on the number we
18 have, we may have extra exams, which is where,
19 standby registrants that may want to just come in
20 that day, to see if we have an extra, may have an
21 opportunity.

22 SENATOR LAVALLE: How do they come in: FedEx?
23 UPS?

24 JEFF SLOAN: They come in FedEx. And, we
25 have a safe at the high school --

1 SENATOR LAVALLE: Goes into the safe?

2 JEFF SLOAN: Yes.

3 So, it goes straight into the safe.

4 We post signs, because we're not -- I'm not
5 the only one that has access to the safe. So, we
6 put signs up, that there's a, you know, secure test
7 materials that are here.

8 We limit access to that area of the
9 high school while we're holding onto those exams.

10 Based on the number of students that we have
11 testing, is how we determine how many proctors we'll
12 need.

13 At Oceanside High School, we choose to
14 proctor the exams in classrooms, as opposed to a
15 gymnasium, breaking it down to classes with no more
16 than 24 students.

17 In our eyes, that makes the testing situation
18 a little bit more secure; because, if there is an
19 isolated incident, of a cell phone going off in
20 class, even though, you know, they're not supposed
21 to have them on them at all, or, if something
22 happens, we have a smaller group of students that
23 are affected, as opposed to, perhaps, being in a
24 large venue, as -- such as this.

25 Based on that, we call for volunteers. We

1 send out a -- well, not volunteers. They are paid.
2 But, we do send a memo out to our staff, requesting,
3 anybody that would like to be a proctor, to let us
4 know.

5 Most of the proctors that we have are -- you
6 know, do it regularly, so, we don't typically have
7 to call new ones in.

8 This past October's exam, however, was over
9 the Rosh Hashanah weekend. There was a lot of
10 people that were on vacation. And, so, it was
11 difficult for us, during that time, to find
12 proctors.

13 I was kind of surprised that College Board
14 and ETS did not know how much they pay their
15 proctors.

16 SENATOR LAVALLE: How much?

17 JEFF SLOAN: They said they did, but, they
18 don't.

19 It's not \$75.

20 SENATOR LAVALLE: More than that?

21 JEFF SLOAN: It's \$125 for a proctor, for a
22 regular testing time;

23 For extended time, it's \$185;

24 And, for room proctors and hall monitors,
25 it's about \$100.

1 I don't think it's been \$75 for a long, long
2 time.

3 We do, though, supplement --

4 SENATOR LAVALLE: You do? Yeah.

5 JEFF SLOAN: -- because the registration
6 process itself requires that the proctors are there,
7 really, earlier than when the exam begins.

8 The exam doesn't start until 8:30, and 7:30
9 is really when the registration process happens.

10 We can host up to, 380 students is the max,
11 our test center, that -- and we came up with that
12 number.

13 So, 380 students walking through the door on
14 that October test, they all come into the
15 auditorium.

16 The way that we set it up, is:

17 We have a table, like the one that you're
18 sitting at, with about 15 chairs, with a proctor at
19 each one of those stations.

20 We have a list on the wall, because we know
21 which students are coming ahead of time, with their
22 room assignments on it.

23 So, the students would go, then, to their
24 room that they know they're going to be at.

25 So, we have the room numbers in front of the

1 proctors there, and they would go and meet their
2 proctor, show their ID. They'd be checked-off on a
3 list by the proctor, and then we send them to the
4 cafeteria, as kind of like a holding area, before we
5 send them into their classrooms.

6 At their classrooms, they have to have their
7 ID out on their table, as a double-check. But,
8 again, it was their proctor that signed them in in
9 the first place.

10 So, that's -- that's pretty much how the
11 process goes.

12 After that, you know, we collect the
13 materials. I bring it straight to UPS, to be sent
14 back -- that day, back to ETS, so we can get that
15 out of our hands.

16 SENATOR LAVALLE: What kind of -- are you the
17 supervisor of this process?

18 JEFF SLOAN: Yes.

19 SENATOR LAVALLE: And, what kind of
20 training --

21 I know you said, many of them are repeat
22 individuals.

23 JEFF SLOAN: Right.

24 SENATOR LAVALLE: But, do they undergo, you
25 know, training, what their responsibilities are,

1 et cetera?

2 JEFF SLOAN: Yes. Most of our proctors,
3 anybody that has been doing this for a little while,
4 there's nothing new that happens for them, other
5 than, that we do give them the electronic version of
6 the supervisor's manual, or the hard copy, before
7 the exam, so they're not just getting it that
8 morning, so they can kind of prep themselves of, you
9 know, everything they need to do.

10 For a new proctor, that -- anybody that I've
11 had to have, I sit down with them; I go over the
12 manual with them, just to highlight it to them.

13 It's, actually, very simple, and
14 straightforward.

15 College Board and ETS, actually, are a very
16 well-oiled machine, as far as process and
17 procedures. There may be gaps in certain areas,
18 but, the way they set it up makes it very easy for
19 the proctor to understand what their
20 responsibilities are.

21 They, literally, read from a script.

22 You read "this." Then you give the students
23 a few minutes. Then say "this."

24 And there's an area that's highlighted, like:
25 This is what you say out loud. And then there are

1 notes there, in between, so that they can, kind of,
2 look for other things.

3 The biggest thing for us has always been,
4 test-center security.

5 And I know that, after a lot of these issues
6 came to light, I was asked the question: This
7 doesn't happen in Oceanside, does it?

8 I said: Every student that tests here shows
9 a valid -- you know, shows an ID with a picture.

10 That's my answer; because, that's the only
11 way that we can know that we're following procedure.

12 There is no other way.

13 We do know ahead of time, though, which
14 students are coming from other high schools.

15 Actually, for our November exam, already --
16 I just checked earlier -- we have students from
17 15 different high schools testing at
18 Oceanside High School on November 5th.

19 I already know which high schools they are,
20 and I already know the contact information of how to
21 contact those schools if we needed to.

22 So, with the exception of walk-in registrants
23 that are, actually, just coming that day, there is a
24 way here for high schools.

25 If we know that we have -- if we are told by

1 another high school, that we have a student that's
2 registered to take the exam with them, they would
3 already know at this point, and we could provide
4 additional documentation, or, send something
5 directly from us to the test center, so that, you
6 know, it kind of gets around that.

7 So, I mean, there are ways to do this, that
8 don't have to be really complicated.

9 But, with being such a large test center, and
10 having so many students from another high school, it
11 would be a lot of leg-work, on our behalf, to try to
12 get that information.

13 SENATOR LAVALLE: I'm being told that you
14 will always have -- everyone talks -- has
15 recommended, that the student be able -- should take
16 the test in their own high school.

17 That's for simple confirmation of who the
18 student is, with the ID.

19 But it has been said, multiple times, because
20 of sporting events, and other kinds of conflicts,
21 that there will always be students who have to take
22 the test at another school.

23 Is that correct?

24 JEFF SLOAN: I would say that is correct.

25 And especially after, I don't know now, how

1 many years ago it was, College Board, in an effort
2 to ease the anxiety of their test-takers, chose to
3 adopt Score Choice; allowing students to report only
4 scores they want to be sent to colleges.

5 Now, the side effect that had, was, everybody
6 wanted to take that test.

7 And that year that they did that, all the
8 test centers were overflowed.

9 We were getting students in from Manhattan,
10 to come to Oceanside. We had students, families of
11 our own, looking to, maybe, go to high school in
12 Pennsylvania, to try to be able to take the test;
13 because, suddenly, it was: Well, now colleges
14 aren't going to see all my SAT scores, so, I can
15 take this test a fourth time, a fifth time, without
16 any fear that it would look like, I'm just trying
17 to, you know, up my score every time.

18 And, so, once that happened, when, suddenly,
19 the test centers did get very packed, and we may
20 have, actually, more than 380 of our own students
21 that want to take that test that day.

22 So, hypothetically, depending on the
23 test-center size, a school may not even be able to
24 accommodate all of their own students.

25 So, I think there will always be the need

1 to -- for a student to be able to test somewhere
2 else, but I think those students should have
3 different requirements for what they need to have,
4 in order to test somewhere other their home school.

5 SENATOR LAVALLE: I would appreciate it,
6 since you have such firsthand experience, if you
7 can, written form, make some recommendations to the
8 Committee. It would be helpful.

9 JEFF SLOAN: Sure.

10 SENATOR LAVALLE: Yes, Senator Martins has a
11 question.

12 SENATOR JACK MARTINS: Mr. Sloan, I'm going
13 to ask you a few questions, just, procedurally.

14 When a student from outside of the district
15 takes the SAT, at Oceanside, do you keep a copy of
16 the ID that's presented?

17 JEFF SLOAN: No. No, we don't.

18 SENATOR JACK MARTINS: And if a student does
19 not present an ID, and if a proctor chooses to
20 ignore the fact they don't have the ID, is there any
21 way of catching that?

22 JEFF SLOAN: Proctors are under -- you know,
23 we know all of our -- I know all of our proctors.

24 It's very clear to them that we will not test
25 any student without a photo ID, under any

1 circumstance.

2 And even our own students; if it's an
3 Oceanside High School student that comes without a
4 photo ID, we will look them up on our own
5 student-management system, just to make sure that
6 the student that's there is, indeed, the student
7 that is registered to take the test.

8 SENATOR JACK MARTINS: A that's a testament
9 to how carefully you administer the this exam.

10 In another school setting, if they do not
11 take such care, there is nothing that would prevent
12 a proctor from allowing a student to take an exam
13 without the need to present an ID.

14 JEFF SLOAN: That's correct.

15 There is, even in the supervisor manual,
16 actually, one of the things that it says, is that,
17 you don't actually need photo ID if one of the
18 proctors knows the students, or can vouch for that
19 student.

20 Not a parent, not somebody that's not being
21 paid that day to be a proctor; but, if any of the
22 test-administration staff, that they can vouch for
23 that student, the student could test without an ID.

24 SENATOR JACK MARTINS: So the proctor would
25 have the discretion of being able to allow a student

1 to take an exam, even if they don't present an ID.

2 JEFF SLOAN: Yes.

3 SENATOR JACK MARTINS: A student who attends
4 Oceanside High School, who's taking an exam outside
5 of Oceanside High School, would present an ID.

6 What does the Oceanside High School ID look
7 like?

8 Is it a laminated card?

9 Is it a --

10 JEFF SLOAN: (holds up a card.)

11 SENATOR JACK MARTINS: Well, okay. Exactly
12 like that.

13 So, it is a preprinted white card, that will
14 have their face, and certain indicia on them?

15 JEFF SLOAN: Yes.

16 SENATOR JACK MARTINS: Okay.

17 I think you mentioned, that, you already know
18 the other schools from which other students will
19 be -- or from which other students come, that will
20 be taking exams at Oceanside High School?

21 JEFF SLOAN: Yes, I do.

22 SENATOR JACK MARTINS: And, so, you have the
23 ability, should you choose to, to reach out, and get
24 copies of their ID; make sure that the ID that is
25 presented is consistent with the ID that they have.

1 And, certainly, ETS has that information,
2 because they provide it to you?

3 JEFF SLOAN: Yes.

4 SENATOR JACK MARTINS: So, it probably
5 wouldn't be much of a stretch to require that, as a
6 person who is administering an exam at a
7 high school; that you be given copies of the types
8 of ID that are acceptable, or presented from those
9 other high schools, so you know what to look for?

10 JEFF SLOAN: Yeah, I would say that would be
11 feasible.

12 SENATOR JACK MARTINS: I have no other
13 questions.

14 SENATOR TOBY STAVISKY: A quick one.

15 Do you have any students taking the exam at
16 Oceanside High School, who are home-schooled?

17 JEFF SLOAN: We may. We may.

18 And there is a home --

19 SENATOR TOBY STAVISKY: What do you do about
20 an ID in that situation?

21 JEFF SLOAN: I mean, that is, actually, a
22 good question. And I don't know if we have had --
23 if that's been an issue for us before.

24 But, we would, actually -- it would be
25 highlighted to us, by the fact that they might not

1 have an ID. So, if they did not have a photo ID,
2 our answer, at Oceanside, is that you are not taking
3 the test here.

4 SENATOR LAVALLE: I want to thank you.

5 Thank you very much.

6 Mr. Sloan, you were a bonus. And, we were
7 actually looking for someone like you, to testify.

8 So, Dr. Brown, thank you for that addition.

9 Dr. Groverman, thank you.

10 And, the hearing is concluded.

11 SENATOR JACK MARTINS: Thank you, gentlemen.

12 SENATOR TOBY STAVISKY: Thank you.

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16 (Whereupon, at 12:51 p.m., the public
17 hearing, held before the New York State Senate
18 Standing Committee on Higher Education,
19 concluded.)

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