

Board of Education Agenda Item

Item: _____ F. _____

Date: November 17, 2009

Topic: First Review of a Report on the Investigation of a Testing Irregularity and Resulting Non-compliance with 8 VAC 20-131-30 of the Standards for Accrediting Schools at William Fleming High School in Roanoke City for the 2008-2009 School Year

Presenter: Mrs. Shelley Loving-Ryder, Assistant Superintendent, Division of Student Assessment and School Improvement

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Origin:

Topic presented for information only (no board action required)

Board review required by

State or federal law or regulation

Board of Education regulation

Other: Previous Board Resolution _____

Action requested at this meeting

Previous Review/Action:

No previous board review/action

Previous review/action

date:

action:

Background Information:

In May 2009, Virginia Department of Education (VDOE) staff received a report of possible Standards of Learning (SOL) testing irregularities at William Fleming High School in Roanoke, Virginia. The report alleged that students were being removed from classes with SOL end-of-course (EOC) tests just before the beginning of the testing window.

VDOE staff alerted Roanoke City's Division Director of Testing (DDOT) to the alleged irregularity and asked her to conduct an investigation. During the course of the investigation, Roanoke City staff discovered that a number of students with disabilities had been affected by the irregularity. Based on the involvement of special education students, staff from the Division of Special

Education and Student Services at the Virginia Department of Education conducted an on-site investigation. The report of that investigation is included as Attachment A.

While Roanoke City staff members were able to identify and test most students who were removed from classes with associated EOC tests just prior to the spring 2009 administration, there were some students who were not identified in time to test them prior to the close of the school year.

Summary of Major Elements:

The Standards for Accrediting Schools at 8 VAC 20-131-30 Part III E states “each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction.” The Board of Education is asked to review the results of the investigation of the testing irregularity and the actions taken by the school division in response to the report to determine whether action regarding the accreditation of William Fleming High School is required.

According to the Standards for Accrediting Schools, 8VAC 20-131-340. Special Provisions and Sanctions:

A. Any school in violation of these regulations shall be subject to appropriate action by the Board of Education including, but not limited to, the withholding or denial of a school's accreditation.

B. A school's accreditation rating may be withheld by action of the Board of Education for any school found to be in violation of test security procedures pursuant to § 22.1-19.1 of the Code of Virginia. Withholding of a school's accreditation rating shall not be considered an interruption of the three-consecutive-year period for purposes of receiving an Accreditation Denied status pursuant to 8 VAC 20-131-300.

C. The Board of Education may exercise its authority to seek school division compliance with school laws pursuant to relevant provisions of the Code of Virginia when any school within a division is rated Accreditation Denied.

The existing accreditation procedures exclude students who were not tested from the calculations. However, to assist the Board in determining the appropriate actions regarding the accreditation ratings for William Fleming, the Board will be presented with 1) pass rates and accreditation ratings calculated using the existing procedure in which these students were not counted and 2) pass rates and accreditation ratings calculated with these students counted as **failing**.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and determine Roanoke City Schools' compliance with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA). In 8 VAC 20-131-30 Part III B, the SOA states, “each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction.” According to the *Standards for Accrediting Schools, 8VAC 20-131-340 Special Provisions and Sanctions, any school in violation of these regulations shall be subject to Appropriate action by the Board of Education including, but not limited to, the withholding or denial of a school's accreditation.*

Impact on Resources: N/A

Timetable for Further Review/Action: N/A

**REPORT
TO
ROANOKE CITY PUBLIC SCHOOLS**

**On the investigation of irregularities related to the
Standards of Learning testing requirements and students at
William Fleming High School**

June 10, 2009



ACKNOWLEDGEMENT

The Virginia Department of Education Review Team expresses its appreciation to Dr. Rita D. Bishop, Superintendent of Roanoke City Public Schools (RCPS), the staff at William Fleming High School, and staff at RCPS central office for assisting us during our on-site review. All staff members were very cooperative and responsive to our requests for data, records, and scheduling of interviews.

We are particularly grateful to Dr. Vella Wright, Assistant Superintendent for Teaching and Learning, and her staff for their efforts to retrieve requested documents and data, for scheduling staff interviews with our team, and arranging work/interview rooms for our team.

We are also grateful to Dr. Bishop and Dr. Wright and their staffs who graciously extended their hospitality to make our on-site visit comfortable.

Virginia Department of Education Review Team

VIRGINIA DEPARTMENT OF EDUCATION

EXECUTIVE SUMMARY

On May 5, 2009, the Virginia Department of Education (VDOE) received a telephone call complaint alleging that selected students, general education and special education, had their course schedules changed for Algebra 1 at William Fleming High School (WFHS), Roanoke City Public Schools (RCPS), effectively removing them from taking the SOL test(s). These students, however, remained in the same class during the same class periods, but were reassigned to Algebra-Part 1 so that they would not be scheduled to take the SOL test for Algebra 1 for the Spring 2009 testing period. Additional calls from WFHS staff to VDOE and RCPS' initial review of data and interviews of selected staff at WFHS disclosed that the similar modifications to students' schedules had occurred during the Spring 2008 testing period, as well as the Spring 2009 testing period and that all testing categories (4 core subject areas) were affected for both testing periods. Because of the involvement of special education students in the schedule manipulation and the potential impact of not participating in SOL tests on their diploma status, VDOE's Division of Special Education and Student Services, Office of Dispute Resolution and Administrative Services initiated an investigation.

A three-member VDOE Review Team conducted an investigation regarding this complaint. The team made one two-day site visit; interviewed two central office administrators; interviewed 10 WFHS administrators and teachers; reviewed 11 written statements of WFHS administrators and teachers; analyzed 13,838 data record entries; reviewed 374 IEPs; and analyzed school attendance data covering the Spring 2008 testing period (April 14-June 12, 2008) and the Spring 2009 testing period (April 21-June 5, 2009). The data records related to: course enrollments (end-of-course/EOC classes) and class schedules, attendance records, test data, and IEPs.

The regulatory framework for the investigation included: the *Code of Virginia*, § 22.1-253.13:3 D; *No Child Left Behind Act* regulations, 34 C.F.R. § 200.6 (a)(1); *Individuals with Disabilities Education Improvement Act*, 20 U.S.C. § 1412 (a)(16)(A); *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30 E and F.

FINDINGS

1. Improper administration of testing occurred at William Fleming High School during the Spring 2008 and 2009 SOL testing periods. The course schedules for 31 students with disabilities were manipulated for the purpose of influencing WFHS' pass rates. The diploma status of 22¹ of these students was adversely impacted by the

¹ Two of these students were involved in testing irregularities during both the Spring 2008 and 2009 SOL testing periods.

manipulation of their course schedules. All testing categories (4 core subject areas) were affected.

- a. In further refining the data, the VDOE Review Team found that 35 students with disabilities, for whom class schedules were not changed, were enrolled in EOC classes but did not take the SOL assessments during the Spring 2008 and 2009 SOL testing periods. Because these additional students were not part of the original complaint, the VDOE Review Team did not include this population in the team's on-site investigation. However, the team brings it to the attention of RCPS and will recommend additional action by RCPS in the Corrective Action Plan.
2. The course schedules for general education students were also manipulated for the same purpose. The Virginia Department of Education's Division of Student Assessment and School Improvement worked with RCPS Superintendent Rita Bishop and staff to ensure full inclusion of these students and the above referenced special education students in the Spring 2009 SOL testing period.
3. The violations that occurred in the implementation of the Spring 2008 and Spring 2009 SOL assessments are specific to William Fleming High School and not indicative of a systemic division-wide issue. VDOE's review of RCPS' data relative to Patrick Henry High School found no testing irregularities.
4. RCPS central office administrators had no role in the violations created at William Fleming High School specific to the testing of students during the Spring 2008 and 2009 testing periods.
5. The administrators at William Fleming High School in the specific positions of principal, assistant principals (2), school testing coordinator, and special education department chair are responsible for the violations that occurred in this situation. They were fully aware of the regulatory requirements and yet, proceeded to change (or allowed to be changed) students' schedules in proximity to the testing windows. Evidence documents that the principal directed their course of action.
6. The other administrators and teachers, targeted for VDOE's investigation, were not complicit or culpable in this instance.
7. Administrators and teachers at William Fleming High School were properly trained in SOL implementation and testing requirements.
8. The absence of a division-wide tracking system of the SOL Assessment program restricted RCPS central office's oversight of the testing program at William Fleming High School.

9. Roanoke City Public Schools incurred six (6) areas of violations under the federal and state laws and regulations governing special education.

CORRECTIVE ACTION PLAN

The Virginia Department of Education has developed a Corrective Action Plan to assist Roanoke City Public Schools in correcting the deficiencies identified in the team's report. The components of this action plan include:

- Dr. Rita Bishop taking appropriate action to ensure proper SOL implementation at William Fleming High School.
- RCPS initiating remedial action for the students with disabilities identified in VDOE's report who graduated in 2008 and 2009 for whom adjustments may be due relative to their diploma status. This includes RCPS providing sufficient tutorial and remedial assistance as necessary for any one of these students.
- RCPS initiating remedial action for the students with disabilities identified in VDOE's report who have not graduated but may be entitled to readjustments relative to their diploma status. This includes RCPS providing sufficient tutorial and remedial assistance as needed to help the student in preparing for any required SOL assessment that should have been taken during the Spring 2008 SOL testing period.
- RCPS developing a mechanism for tracking the participation of RCPS' students in the statewide testing program.
- RCPS developing a plan that addresses additional oversight that will be provided by RCPS' staff in the Office of Research, Testing, and Evaluation, and the Office of Exceptional Student Education to RCPS' School Testing Coordinators and Special Education Department Chairs to ensure proper implementation of the 2009-2010 testing periods.

RECOMMENDATION

The VDOE Review Team recommends that RCPS examine the matrices attached to this report and review specifically the 35 students with disabilities who were not affected by schedule changes, but were enrolled in EOC classes and never tested during the Spring 2008 and 2009 reporting periods. We further recommend that if RCPS identifies testing violations with this group of students that RCPS develop and implement corrective measures as needed.

Additionally, and as noted in the Supplemental Section of this report, the VDOE team was provided information that suggests that schedule changes may have also occurred for students with disabilities in the 2006-2007 school year. Therefore, VDOE recommends

that RCPS examine the SOL assessment data for that school year, and develop and implement corrective measures as needed.

The Virginia Department of Education will:

1. Monitor the implementation of this Corrective Action Plan.
2. Provide any training and/or technical assistance upon request by RCPS for its administrators and staffs on the federal and state laws and regulations governing special education relative to SOL testing requirements, as well as any other special education matters.
3. Review RCPS's administration of the 2009-2010 SOL Assessment program at William Fleming High School for students with disabilities.

This particular Corrective Action Plan will be overseen by VDOE's Office of Dispute Resolution and Administrative Services. RCPS is currently working on an action plan to submit to VDOE's Division of Student Assessment and School Improvement relative to the testing irregularities that occurred with the general education students.

Questions regarding this Executive Summary or the Report should be directed to:

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PURPOSE

On May 8, 2009, the Virginia Department of Education (VDOE) received a phone complaint from a teacher alleging that testing irregularities occurred with the 2009 Spring Standards of Learning (SOL) Math assessments at William Fleming High School (WFHS) in Roanoke City Public Schools (RCPS). Specifically, the complainant asserted that selected students' schedules were changed for Algebra 1 so that they were reassigned to an Algebra-Part 1 class, a course for which there is no SOL assessment. These students, however, remained in the same class during the same class periods. VDOE then received an additional call from another teacher reporting that changes in students' schedules had occurred in classes, other than Math, resulting in those students not taking the SOL tests for which they had been enrolled previously for end-of-course (EOC) testing.

VDOE staff in the Division of Student Assessment and School Improvement contacted Ms. Jean Pollock, RCPS Director of Research, Testing and Evaluation. Dr. Rita Bishop, RCPS Superintendent, and Ms. Pollock then advised VDOE that their initial review of data for WFHS and Patrick Henry High School identified irregularities for WFHS that were much more significant than originally reported to VDOE.

RCPS' initial review found that:

- Twenty-two (22) students' schedules were changed on May 1, 2009, removing them from the rolls of Algebra 1 and placing their names on the rolls for Algebra 1-Part 1, effectively removing them from EOC Algebra 1 testing. Two students with disabilities were included in this group. RCPS' initial data further revealed that the two students with disabilities had already taken and passed the Algebra I-Part 1 in a previous year.
- By May 19, 2009, the affected students were moved back to their original Algebra 1 class roll.
- Course schedules had been changed for general education and special education students in both Spring 2008 and Spring 2009 in all four core subject areas such that students were removed from classes with an associated end-of-course SOL test and reassigned to classes without associated test.
- The diploma status for several students with disabilities who did not take the SOL tests was adversely impacted.
- No discrepancies were identified for Patrick Henry High School.

VDOE's Assistant Superintendents for Student Assessment and School Improvement, and Special Education and Student Services agreed with Dr. Bishop that VDOE would

initiate an investigation that included an on-site review of RCPS. A VDOE Review Team of three VDOE staff was selected:

Dr. Judith Douglas, Director, Dispute Resolution and Administrative Services
Division of Special Education and Student Services
VDOE Review Team Coordinator

Mr. Henry Millward, Complaints Specialist
Division of Special Education and Student Services

Ms. Melissa Smith, Coordinator of Administrative Services
Division of Special Education and Student Services

The purpose of VDOE's investigation was to determine the validity of the allegations and assist Roanoke City Public Schools with any required corrective action, as well as provide technical assistance to remedy any founded deficiencies.

STATUTORY AND REGULATORY AUTHORITIES

- Code of Virginia*, § 22.1-253.13:3 D. The Virginia Department of Education may initiate or caused to be initiated, on behalf of the Virginia Board of Education, an investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests.
- Individuals with Disabilities Education Improvement Act (IDEA)*, P.L. 108-446, 20 U.S.C. § 1412 (a)(16)(A). All children with disabilities are included in all general State and district wide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Act of 1965, with appropriate accommodations and alternative assessments where necessary and as indicated in their respective individualized education plans.
- No Child Left Behind Act (NCLB)* regulations, 34 C.F.R. § 200.6 (a)(1).
 - A State's academic assessment system must provide for the participation of all students in the grades assessed.
 - A student's IEP team must determine the appropriate accommodations that are necessary to measure the student's academic achievement relative to the State's academic content and achievement standards for the grade in which the student is enrolled.

(see also 34 C.F.R. § 200.1 (b)(2), (b)(3), and (c)).

As noted in the next section of this report, the focus of VDOE's review was on the IDEA-eligible students. It is noted, however, that the 504-qualified students are included in NCLB's regulatory requirements:

- A student's Section 504 team must determine which accommodations are necessary to measure academic achievement of a student related to the State's academic content and achievement standards for the grades in which the student is enrolled.
- *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30 E and F.

Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. Participation in the Virginia assessment program by students with disabilities shall be prescribed by provisions of their Individualized Education Program (IEP) or 504 Plan.

SCOPE OF THE REVIEW

VDOE determined that the target student population would be IDEA-eligible students, grades 9-12, who attend(ed) William Fleming High Schools during the school years of 2007-2008 and 2008-2009.²

An initial review of the complaint issues disclosed that both general education and special education students were implicated by the testing irregularities at William Fleming High School for the cited reporting years. When they first learned of these irregularities, Dr. Bishop and her staff initiated immediate action to ensure that all WFHS students who were entitled to be tested during the 2008-09 school year were tested. VDOE's staff in the Division of Student Assessment and School Improvement were satisfied with RCPS initiative.³ Therefore, it was unnecessary to include the general education students in VDOE's target student population for the purposes of this investigation. Since the reported testing irregularities have additional implications for the IDEA-eligible students, VDOE's Division of Special Education and Student Services determined that the target population would be the special education students.

² Based on reviewing SOL Testing data relative to Patrick Henry High School, the VDOE Review Team agreed with RCPS that the testing irregularities were unique to WFHS and thus, it was not necessary to include PHHS in this investigation.

³ RCPS is developing a corrective action plan to submit to VDOE's Division of Student Assessment and School Improvement to ensure continuing adherence to the testing requirements.

The VDOE Review Team established the following framework of questions to further define the scope of its review for the 2007-08 and 2008-09 school years:

1. Were selected students with disabilities at WFHS targeted to not take one or more of the SOL assessments?
2. Were any school division and/or building-level administrators and/or teachers complicit in limiting the participation of students with disabilities in the SOL assessments at WFHS for the cited school years?
3. Were administrators and teachers at WFHS properly and sufficiently trained on testing requirements?
4. Did administrators and/or teachers at WFHS follow proper procedures in reporting the alleged testing irregularities?

METHODOLOGY

The Virginia Department of Education Review Team conducted an on-site visit in Roanoke City Public Schools on June 4 and 5, 2009.

A. Pre-site activities

- Reviewed RCPS' chronology of events related to the complaint allegations (compiled by Dr. Bishop and central office staff).
- Reviewed the written statements of WFHS administrators and teachers who had provided them to Dr. Bishop and staff during RCPS' internal investigation.
 - ✓ Susan Willis, Principal
 - ✓ Michael Hill, Assistant Principal
 - ✓ William Downie, Assistant Principal
 - ✓ Keith Smith, Guidance Coordinator & School Testing Coordinator
 - ✓ Jennifer Hamlen, Mathematics Department Chair
 - ✓ Crystal Harman, Mathematics Teacher
 - ✓ Christine Lester, Mathematics Teacher
 - ✓ Nathan Hansard, Mathematics Teacher
 - ✓ Jennifer McMains, Special Education-English Teacher
 - ✓ Scott Larimer, Mathematics Teacher
 - ✓ Corey Alder, ELL Teacher

- Selected the names of the administrators and teachers to be interviewed.
- Requested and reviewed selected school-based data and records pertinent to the investigation.
- Requested and reviewed RCPS' profile of William Fleming High School that included information relevant to the:
 - ✓ total number of students
 - ✓ total number of IDEA-eligible students
 - ✓ total number of 504-qualified students
 - ✓ other enrollment data
 - ✓ 2007-2008 Adequate Yearly Progress (AYP) Report
- Developed schedule for the on-site activities.

B. On-site Activities

□ Interviews⁴

- Interviewed and selected RCPS central office administrators.
 - ✓ Jean Pollock, Director of Research, Testing, and Evaluation for 6 years (she served as interim Division Director of Testing in the Fall of 2004, and then assumed full responsibilities in her current position beginning with the 2005-06 school year). She reports to Dr. Vella Wright, Assistant Superintendent for Teaching and Learning.
 - ✓ Phyllis Cundiff, Director of Exceptional Student Education for 6 years. She reports to Dr. Vella Wright.
- Interviewed selected WFHS administrators and teachers:
 - ✓ Susan Willis, Principal for 4 years; formerly Division Director of Testing (DDOT) for Roanoke City Public Schools. She reports to Dr. Rita Bishop.
 - ✓ William Downie, Assistant Principal for 8 years. He reports to Ms. Willis.
 - ✓ Michael Hill, Assistant Principal for 1 year. He reports to Ms. Willis.

⁴ Appendix A contains the list of questions that the VDOE Review Team used during the interviews.

- ✓ Keith Smith, Guidance Coordinator and School Testing Coordinator for 2 years. He reports to Ms. Willis.
- ✓ Jennifer Hamlen, Mathematics Department Chair for 4 years. She reports to Ms. Willis.
- ✓ Brenda Hairston, Special Education Department Chair for 4 years. She reports to Mr. Downie and Ms. Cundiff.
- ✓ Christine Lester, Mathematics Teacher for 3 years. She reports to Ms. Hamlen.
- ✓ Amanda Rupe, Special Education and General Education Teacher for 3 years. She reports to Ms. Hairston.
- ✓ Jennifer McMains, Special Education and English Teacher for 5 years. She reports to Mr. Downie and Ms. Hairston.
- ✓ Crystal Harman, Mathematics Teacher for 1 year. She reports to Mr. Hill.

At VDOE's direction, Dr. Vella Wright contacted each of the above referenced individuals to schedule their interviews, and to advise them that: (a) the interviews would be audio recorded; and (b) each individual could be accompanied by legal counsel or representative. Each VDOE Team Reviewer began the interview asking the individual whether s/he had been advised that the interview would be audio recorded and of their right to counsel/representative to attend the interview with them. Each of the above referenced individuals acknowledged these points and elected to attend without counsel or representative.⁵

□ Analysis of Records and Data

The VDOE Review Team reviewed the following records and analyzed the following data:

- The 2007-2008 IEPs for WFHS students with disabilities.

⁵ Ms. Susan Willis, WFHS principal, stated to the VDOE Team Reviewer that she had been further told when the interview was scheduled that it was "expected that I not bring anyone". VDOE Team Review Coordinator examined Dr. Wright's "script" that she used when scheduling the interviews. The script contained the precise information VDOE had instructed be used in scheduling the interviews, including the interviewee's right to be accompanied by counsel/representative during the interview. Dr. Wright's assistant, who was present when Dr. Wright contacted Ms. Willis, verified that Dr. Wright had not deviated from the script. Ms. Willis raised no objection to continuing with the interview.

- The 2008-2009 IEPs for WFHS students with disabilities.
- Attendance records for these students covering the cited testing periods.
- Course enrollment data for Algebra 1, Algebra 2, Geometry, English 11, Earth Science, Biology, Chemistry, World History 1, World History 2, World Geography, US/VA History for all special education students enrolled in those courses during the cited testing periods.
- The materials that RCPS Director of Research, Testing and Evaluation uses for training school personnel on the testing requirements.
- Record information provided by Susan Willis relative to students' participation in the SOL assessment program.⁶
- Copies of RCPS' summaries of phone interviews with selected Algebra 1 students.⁷
- Data specific to the disposition of testing for students in the following EOC classes:
 - ✓ Algebra 1 2008-09, Crystal Harman's class
 - ✓ Geometry 2007-08, Christine Lester's class
 - ✓ English 11 2007-08, Jennifer McMains' class
 - ✓ 504 Testing Irregularities, 2005-06 at WFHS⁸
- File information provided by Phyllis Cundiff regarding special education compliance issues.

⁶ Ms. Willis submitted this information following her interview with the VDOE Team interviewer. VDOE had not requested this information of her; the team noted that the information was part of the records provided by RCPS during the team's first day of its on-site visit. Ms. Willis also provided a signed statement that Mr. Hill had provided her prior to his RCPS interview. This statement had not been part of RCPS' initial submission of records to VDOE, but was included in RCPS' file information provided the team during its first review day.

⁷ For reasons of student confidentiality and compliance with privacy mandates under the *Family and Education Protection Act*, VDOE will not list or release the names of these students.

⁸ As noted previously, VDOE's focus for this investigation did not include 504-qualified students. However, and for reasons that will be noted later, RCPS provided information to the VDOE Review Team relative to systemic concerns that arose in the 2005-06 school year.

Summary Profile of William Fleming High School

The following summarizes the enrollment data and 2007-2008 AYP Report for William Fleming High School.

- Documentation shows that WFHS was fully accredited, and meeting the benchmarks in all four (4) categories of English, Math, History, and Science.

The total number of students:

2007-2008: 1,590

2008-2009: 1,612

The total number of IDEA-eligible students⁹

| 9-30-07 | 12-1-07 | 9-30-08 | 12-1-08 |
|---------|---------|---------|---------|
| 190 | 134 | 184 | 155 |

Other enrollment data

| | 2007-2008 | 2008-2009 |
|---------------------------------|-----------|-----------|
| 504 Students | 18 | 15 |
| Homeless Students | 9 | 7 |
| Economic Disadvantaged Students | 1,087 | 1,122 |
| LEP Students | 88 | 124 |

Additional

As part of RCPS' internal investigation, on May 17, 2009, Ms. Pollock contacted 10 Algebra 1 students. These students' schedules had been changed to move them from Algebra 1 to Algebra 1- part 1. The VDOE Review Team examined the phone accounts

⁹ The change in numbers at mid-year takes into account revisions to a child's eligibility status following re-evaluations or triennials.

of 4 of these students who were available when Ms. Pollock called them. Ms. Pollock advised them that their schedules had been readjusted to ensure their participation in the SOL test. The VDOE Review Team did not find it necessary to re-interview these students.

ANALYSIS AND FINDINGS

Introductory Findings:

- 1) The VDOE Review Team verified the accuracy of RCPS' data and other file information provided by RCPS from the school division's electronic data bases in response to VDOE's request for this information. The team's verification process involved a three-part filter review of cross-checking course enrollments, attendance records, IEPs, test participation records in Pearson Access¹⁰.
- 2) All administrators and teachers who were interviewed by the VDOE Review Team fully understand the regulatory mandates requiring students with disabilities to participate in statewide and division-wide assessment programs.
- 3) Following interviews and review of all data and information related to this investigation, the VDOE Review Team concludes that RCPS central office administrators had no role in the violations created at William Fleming High School specific to the testing of students with disabilities during the Spring 2008 and 2009 testing periods.
- 4) The VDOE Review Team further concludes that building-level personnel involved in the SOL testing program were properly trained. RCPS' Director of Research, Testing and Evaluation and her staff maintain an exemplary training program and materials. The School Testing Coordinator for William Fleming High School provided the testing proctors and examiners appropriate training for the Spring 2008 and 2009 testing periods.
- 5) For reasons that will become apparent in the next section, Roanoke City Public Schools would benefit from developing and implementing a system of Self-Monitoring (Checks and Balances). The absence of a division-wide tracking system of the SOL Assessment program restricted RCPS' oversight of the testing program at William Fleming High School.

¹⁰ Pearson Access is a web based system used by VDOE and Virginia school divisions for the administration and management of Virginia's SOL Testing Program.

Findings Specific to the Complaint Issue

For reasons detailed below, the Virginia Department of Education’s Review Team concludes that:

- ☐ Roanoke City Public Schools incurred six (6) areas of violations under the federal and state laws and regulations governing special education.¹¹**

- ☐ Students with disabilities who attend(ed) William Fleming High School were selected to have their course schedules changed for reasons that were not in the best interests of the students’ educational needs or consistent with regulatory requirements. Thus, these students were denied access to the general curriculum during the 2007-2008 and 2008-2009 school years.**
 - a. 31 students’ course schedules were manipulated for the purpose of influencing WFHS’ pass rates.¹²**

 - b. The diploma status of 22 students was adversely impacted by the manipulation of their course schedules.**

 - c. The administrators at William Fleming High School in the specific positions of principal, assistant principals (2), school testing coordinator, and special education department chair are responsible for the egregious violations that occurred in this situation. They were fully aware of the regulatory requirements and yet, proceeded to change (or allowed to be changed) students’ schedules in close proximity to the testing windows. Evidence documents that the principal directed their course of action.**

 - d. The other administrators and teachers, targeted to be interviewed for this investigation, were not complicit or culpable in this violation.**

 - e. The violations that occurred in the implementation of the Spring 2008 and Spring 2009 SOL Assessments are specific to William Fleming High School and not indicative of a systemic division-wide issue.**

¹¹ The specific citations and description of the requirements are detailed in the “Findings” section of this report.

¹² Please recall that the manipulation of students’ schedules included general education students, as well as special education students. As noted in the introduction section of this report, VDOE’s investigation focused only on students with disabilities.

ANALYSIS OF INTERVIEWS

Review of the Spring 2008 Testing Period

- During her interview with the VDOE Review Team member, Principal Willis repeatedly and emphatically stated that she had no knowledge of any manipulation of students' schedules during the 2007-08 school year. In fact, she clearly asserted that her interview with the VDOE Review Team member was the first time that the issue had been brought to her attention.
- When interviewed, STC Smith was aware that schedules had been changed but did not question it, assuming that revisions to the students' IEPs or remedying attendance concerns prompted the schedule changes.
- During her interview, Ms. Hairston said that she had told Ms. Willis and teachers that students with disabilities had to take the EOC tests unless data supported that the SOL test was not appropriate for the student and changes were made to the student's IEP.
- When interviewed, Mr. Downie said that Ms. Willis directed him to take from Ms. Hairston the list of those students who had passed the 8th grade SOL and move them from their English 11 course to Reading 11.

Interviews and the written accounts of the teachers present an even more alarming picture.

- The teachers first learned of the schedule changes prior to the testing period when they accessed the Teachers Access Center, an electronic system for taking attendance. They immediately noticed that the selected students were not moved out of their classes but were assigned to a different course code, indicating that the students would not take the SOL assessment(s).
- Knowing that a schedule change related to SOL assessments, independent of an IEP team and written parental consent, is a violation of testing and IDEA requirements, the teachers questioned several administrators. Teacher McMains questioned Ms. Hairston who reportedly said that Ms. Willis wanted the schedules changed to impact the school's pass rates; specifically, because the students could not have the read-aloud accommodation.
- Teacher Lester stated that mostly her special education students were moved on the rolls from Geometry to Math classes; e.g., Math 9. In both of these instances, the students remained in the Geometry class.
- Ms. Lester questioned Math Department Chair Hamlen who when interviewed said that she agreed with Ms. Lester's concern and spoke with Ms. Willis who reportedly

dismissed the issue, indicating that there would be no further discussion on the matter. Ms. Hamlen further said that when she told Ms. Willis that Ms. Lester had a particular student in mind, who should be re-enrolled, Ms. Willis responded, "Not without a guarantee". Ms. Hamlen repeatedly told the VDOE interviewer that "Ms. Willis was aware of the situation (scheduled changes) in Ms. Lester's room." Ms. Hamlen also spoke with AP Downie who reportedly said that the issue was simply about course numbers.

- Teacher McMains' account even more significantly underscores the egregious impact this action had on students with disabilities. Ms. McMains reported that students with disabilities on a Modified Standard Diploma track, who had passed the 8th grade SOL or were on a special diploma track, were moved from English 11 to Reading 11 (which does not have an EOC requirement). The students who remained in English 11 and took the EOC were students who were on the Modified Standard Diploma track and who had not yet passed the 8th grade SOL. Removing the first group eliminated the risk of the students failing the SOL, whereas the latter group needed the SOL to get the Modified Standard diploma. Ms. McMains estimated that schedule changes were made for 13 of her 17 students.

Review of the 2009 Spring Testing Period

- Administrators Willis, Smith, Downie and Hill all stated that they were not aware of any issue related to the manipulation of student schedules until they were notified by central office on or about May 15, 2009. Principal Willis said that on May 15, prior to central office contacting her, one student with a disability questioned her regarding his not being able to take the Algebra 1 SOL. Ms. Willis stated that she immediately corrected the situation by directing Mr. Downie to ensure that the student was re-enrolled in the EOC course. She further stated that she spoke then with AP Hill and when he noted that other students were also affected, she "informed him to move all students back to their original schedules. I realized Mr. Downie and Mr. Hill did not thoroughly review each student's attendance and academic records prior to making schedule adjustments."¹³
- Ms. Willis further states in her account that Mr. Hill had "...approached me with attendance concerns for students in Ms. Harman's Algebra classes. I instructed him to meet with Mr. Downie and Keith Smith to review the status of the students. Mr. Hill and Mr. Downie met regarding the students without my assistance. I was not informed of student names or academic status."

¹³ When interviewed by the VDOE Review Team member, Ms. Willis was adamant that she took immediate action on May 15 to correct this issue by directing APs Downie and Hill to reverse the schedule changes. The database, however, shows that the students did not have Algebra 1 added back to their schedules until May 19. The data actually shows that a WFHC counselor (not STC Smith) added the Algebra 1 course back to the students' schedules.

- According to her written account, Ms. Willis requested Mr. Hill provide her with a written statement regarding this matter. Mr. Hill's signed statement notes, "Mr. Downie and I met to discuss students without your assistance. Student lists were never provided to you."
- Mr. Hill provided also a written, signed statement to Dr. Wright and Ms. Pollock during RCPS' internal investigation. In that statement, Mr. Hill notes that Ms. Willis had told him to meet with Mr. Downie and compile a list of students who were having difficulties with attendance, grades, and discipline, and then move the students into Algebra 1- part 1, while remaining in Algebra 1 with their teacher. Mr. Hill stated in his written account, "This was a directive of the principal. To move them." Mr. Downie confirmed that he also had received this same directive.
- Ms. Harman stated that Mr. Hill informed her on May 15, 2009 that the students had been moved back on the roster of Algebra 1 and would be included in the SOL testing. Ms. Harman reported that Mr. Hill said, "These students better pass".
- According to STC Smith's signed statement, Ms. Willis told him that "some students would be moved to Algebra 1, Part 1 and Mr. Downie was moving them." He could not recall the exact date of the conversation but that it was on or around the opening of the testing window, which was April 21, 2009. When interviewed by the VDOE interviewer, Mr. Smith said that Mr. Downie and Mr. Hill gave him the list to initiate the changes. Later in the interview, Mr. Smith said that he could "not recall who gave me the list." Mr. Smith called the VDOE Review Team and spoke with Dr. Douglas on June 8, 2009 to provide an additional statement. He stated that he had not uploaded the selected students whose schedules had been changed until he received the list on May 15, 2009.

These same administrators (Willis, Smith, Downie, and Hill) do not dispute that selected students' schedules were changed prior to the testing window (both general education and special education students). They maintain, however, that the purpose was to address attendance concerns, even though Mr. Downie included grades and discipline as identifying factors. Sequentially, AP Hill identified the students; AP Downie made the schedule changes; STC Smith removed the students from the testing session. As noted above, STC Smith later said that he had not uploaded the names of the students until he received the list on May 15, 2009. However, STC Smith said that he never questioned any of these schedule changes, either in the previous year or this school year. He assumed the changes were prompted by IEP revisions or "elimination of the course(s)."

- As with the previous year, the teachers learned of the changes during the Spring 2009 testing period when they logged on to the TAC. Again, the teachers noted that they immediately saw that selected students had been moved from their rolls but remained in their classes.

- Teacher Rupe said that schedule changes had occurred with her students but it did not impact her students participating in the SOLs. She said that in response to Ms. Willis asking her to identify the diploma types for her special education students, she provided Ms. Willis and Mr. Smith this list.
- Ms. McMains said that Ms. Hairston “pointedly asked” and questioned teachers as to which students had to take the EOC tests and their diploma status. She further noted that up until days before the testing period, Ms. Hairston was encouraging them to get IEPs revised to indicate that the students were not to take the SOL, even though the student was in the EOC class.¹⁴
- Ms. Harman said that when she questioned Mr. Hill, he responded by saying that “we’re trying something new”. When she asked him if these students would be taking the Algebra 1 SOL test, she was told ‘no’.
- Teacher Lester said during her interview by central office administrators that she asked about her special education students being placed on a “special roll” and “no one told me why”.
- Ms. Hamlen noted that she did not believe anything could be done, since she had questioned the practice last year and nothing happened to help the students. When it was evident that Ms. Harman’s Algebra 1 students were affected this year, Ms. Hamlen thought that there was no remedy for the situation.

Relative to Ms. Hamlen’s perspective of not seeing where anything could be done to protect the entitlement of the students, members of the VDOE team asked the teachers and Ms. Hamlen, as Math Department Chair, why they did not approach central office or VDOE. This was of particular interest to the team as Ms. Willis told the interviewer of her “open door policy” wherein she has a specific date and time when anyone may come visit her with problems, concerns or issues. In summary, the faculty members are paralyzed from fear of the principal’s retribution. They noted:

- “We live in an atmosphere of fear and in jeopardy of career retaliation.”
- “We didn’t get anywhere last year when we questioned it; what was going to change this year?”
- One of the teachers had witnessed Ms. Willis reprimand (“dress down”) a teacher in front of a student and noted at the time, “I didn’t want to be on the receiving end of that”, referring to the language and tone of Ms. Willis’ statements to the teacher.

¹⁴ The team’s review of the IEPs did not identify revisions to these students’ IEPs.

- A teacher noted reporting the matter to VDOE this year because her contract was not being renewed, and she “had nothing to lose”.
- Mr. Downie noted that he would not question Ms. Willis; that she fired “2-3” assistant principals since she came to WFHS, so “I do what I have to do”.
- STC Smith said that he “follows the directives” of Ms. Willis; “I am a ‘yes-no’ employee”. He also noted that because of Ms. Willis’ previous background of being a DDOT, she “knew what needed to be done”.

DATA REVIEW – Students with disabilities

| | SCHOOL YEAR | | TOTAL |
|---|-------------|-----------|-------|
| | 2007-2008 | 2008-2009 | |
| Total # of Students With Schedule Changes | 24 | 7 | 31 |
| # of Modified Diploma Students With Schedule Changes | 18 | 4 | 22 |
| # of Modified Diploma Students With Schedule Change That were Affected in Previous Year | | 2 | 2 |
| Total # of Students w/o Schedule Changes But Enrolled in EOC SOL Courses and Were Not Tested | 17 | 18 | 35 |
| # of Modified Diploma Students Enrolled in EOC SOL Course But Not Tested | 8 | 6 | 14 |
| # of Modified Diploma Students w/o Schedule Changes But Enrolled in EOC SOL Courses and Were Not Tested | | 2 | 2 |

| LEGEND |
|---------------------|
| EOC = End of Course |

WILLIAM FLEMING HIGH SCHOOL
STUDENTS WITH DISABILITIES NOT TAKING SOLs
SY 2007-2008

| SUBJECT | ENROLLED | PRESENT ON TEST DATE | PRESENT ON MAKE UP DATE | ABSENT BOTH DATES |
|------------------------------|----------|----------------------|-------------------------|-------------------|
| <u>MATH</u> | | | | |
| ALGEBRA 1 | 6 | 5 | 1 | 0 |
| ALGEBRA 2 | 0 | 0 | 0 | 0 |
| GEOM | 4 | 3 | 0 | 0 |
| GR 8 MATH* | NA | 2 | 0 | 0 |
| <u>SCIENCE</u> | | | | |
| EARTH SCIENCE | 5 | 4 | 1 | 0 |
| BIOLOGY | 7 | 4 | 0 | 3 |
| CHEMISTRY | 0 | 0 | 0 | 0 |
| <u>SOCIAL STUDIES</u> | | | | |
| WORLD HISTORY 1 | 5 | 2 | 1 | 2 |
| WORL HISTORY 2 | 4 | 3 | 1 | 0 |
| VA/US HISTORY | 6 | 2 | 1 | 3 |
| <u>ENGLISH</u> | | | | |
| ENGLISH 11 | 20 | 18 | 0 | 0 |
| GR 8 READING* | NA | 1 | 0 | 0 |
| <u>DIPLOMA STATUS</u> | | | | |
| MODIFIED DIPLOMA | 26 | | | |
| SPECIAL DIPLOMA | 6 | | | |
| STANDARD | 9 | | | |

* Students whose IEP indicated they were working toward a Modified Standard Diploma and their IEP directed that these tests were needed but the record does not reflect that they took the test.

| COURSE ENROLLMENT AND TEST PARTICIPATION ROANOKE CITY PUBLIC SCHOOLS SCHOOL YEAR 2007-2008 APRIL 14, 2008 - JUNE 13, 2008 WILLIAM FLEMING HIGH SCHOOL STUDENTS WITH DISABILITIES | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|----|-------------------|-----------|-----------|----------|------------|---------------|----------------|-----------|-----------------|--------------------|---------------|-----------|-----------|----------|---------|--------------------|--------------------|-----------------|-----------------|---------------|---------|-----------|-----------------|-----------------|---------------|---|
| ID NUMBER | | COURSE ENROLLMENT | | | | | | | | | TEST PARTICIPATION | | | | | | | | | | | | | | | | |
| | | MATH | | | ENG | SCIENCE | | SOCIAL STUDIES | | | MATH | | ENGLISH | | | SCIENCE | | SOCIAL STUDIES | | | | | | | | | |
| | | DIPLOMA | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | ENGLISH 11 | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | US/VA HISTORY | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | GRADE 8 | ENGLISH 11 READING | ENGLISH 11 WRITING | GRADE 8 READING | GRADE 8 WRITING | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | US/VA HISTORY | |
| | S | | | | X | | | | | | | X | | | | | X | | | | | | | | | X | |
| | M | | | X | X | | | | | | | | | | | | | | | | | | | | | | |
| | M | | | | X | | | | | | | | | | | | | | | | | | | | | | |
| | S | | | | X | | | | | | | X | | X | | | | | | | | X | X | | | | |
| | M | | | X | X | | | | | | | | | | | | X | | | | | | | | | | X |
| | S | | | | X | | X | | | | | | | | | | | | | | | X | X | | | | |
| | SP | | | | | | | | | | | X | | | | | | | | | | | | | | | X |
| | S | | | X | X | X | | | | | | X | X | | | | X | X | | | | X | X | | | | X |
| | M | | | | | X | | | | X | | | | | | | | | | | | | | | X | | |
| | S | | | X | X | | | | | | | | | | | | | | | | | | | | | | |
| | S | X | | | | | X | | | X | | | | X | X | | | | | | | X | | | X | | |
| | M | | | | X | | X | | | X | | | | | | X | | | | | | | | | X | | |
| | M | | | | X | | | | | X | | | | | | | X | | | | | X | | | | | X |
| | M | X | | | | | X | X | | | | | X | | | | | | X | X | | | | | | | |
| | SP | | | | X | | | | | | | | | | | | | | | | | | | | | | |
| | S | X | | | | | X | | | | X | | | | | | | | | | | X | | | X | | |
| | SP | | | | | | X | | | | | | | | | | | | | | | | | | | X | |
| | M | | | X | X | | | | | | | | | | X | | | | | | | X | | X | | | X |
| | M | X | | | | | X | | | | | | | | | | | | | | | | | | X | | |
| | M | X | | | | | | | | | | | | | | | | | | | | | | | X | | |
| | M | X | | | | | | | | | | | | | | | | | | | | X | X | | | | X |
| | M | | | | X | | | | | | | | | | | | | | X | | | | | | | | X |
| | M | | | | X | | X | | | | | | | | | | | | | | | X | | | | | X |

| ID NUMBER | COURSE ENROLLMENT | | | | | | | TEST PARTICIPATION | | | | | | | | | | | | | | | | | | |
|-----------|-------------------|-----------|-----------|----------|------------|----------------|---------|--------------------|-----------------|-----------------|--------------|-----------|-----------|----------|---------|--------------------|--------------------|-----------------|-----------------|---------------|---------|-----------|-----------------|-----------------|--------------|---|
| | DIPLOMA | MATH | | ENG | SCIENCE | SOCIAL STUDIES | | MATH | | | ENGLISH | | | SCIENCE | | SOCIAL STUDIES | | | | | | | | | | |
| | | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | ENGLISH 11 | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | USVA HISTORY | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | GRADE 8 | ENGLISH 11 READING | ENGLISH 11 WRITING | GRADE 8 READING | GRADE 8 WRITING | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | USVA HISTORY | |
| | M | | | | X | | | | X | | | | | | | | | | | | | | | | | |
| | S | | | | | | X | | | | | X | | | | | | | | | | | | X | | |
| | SP | | | | | X | | | X | | | | | X | | | | X | | X | | | | | | |
| | M | X | | | | X | | | X | | | | | | | | | | | X | | | | | | |
| | S | X | | | | | X | | | | | | | | | | | | | | | | | | | |
| | M | | | | | X | | | | | | | X | X | | | | | | | | | | | | X |
| | M | | | | X | | | | | | | X | | | | | X | | | X | X | | | X | | X |
| | M | | | | | | | | X | | | | | | | | | | | | | | | | | |
| | M | X | | | | | | | | | | | | | | | | | | | | | | | | |
| | M | | | | X | X | | | | | | | | | | X | | | | X | X | | X | | | |
| | SP | | | | X | | | | | | | X | | | | | X | | | X | X | | X | | | |
| | M | | | | X | | | | | | | | X | X | | | | | | | | | X | | X | |
| | M | X | | | X | | X | | | | | | | X | X | | | | | | | | X | | | |
| | M | | | | | X | | | X | | | | | | | | | | | | | | | | | |
| | SP | | | | X | | | | | | | | | | | | | | | | | | | | X | |
| | M | | | | X | | X | | X | | | X | | | | X | | | X | | | | X | | | |
| | M | | | | | | X | | X | | | | | | X | | | X | | | | | X | | | |

 Enrolled course in which the End of Course SOL test was not taken
 Testing was affected by schedule changes

WILLIAM FLEMING HIGH SCHOOL
STUDENTS WITH DISABILITIES NOT TAKING SOLs
SY 2008-2009

| SUBJECT | ENROLLED | PRESENT ON TEST DATE | PRESENT ON MAKE UP DATE | ABSENT BOTH DATES |
|------------------------------|----------|----------------------|-------------------------|-------------------|
| <u>MATH</u> | | | | |
| ALGEBRA 1 | 5 | 4 | 0 | 1 |
| ALGEBRA 2 | 1 | 1 | 0 | 0 |
| GEOM | 2 | 2 | 0 | 0 |
| GR 8 MATH* | NA | 4 | 0 | 0 |
| <u>SCIENCE</u> | | | | |
| EARTH SCIENCE | 2 | 2 | 0 | 0 |
| BIOLOGY | 5 | 3 | 1 | 1 |
| CHEMISTRY | 3 | 3 | 0 | 0 |
| <u>SOCIAL STUDIES</u> | | | | |
| WORLD HISTORY 1 | 3 | 1 | 1 | 2 |
| WORL HISTORY 2 | 6 | 4 | 1 | 3 |
| VA/US HISTORY | 4 | 4 | 0 | 13 |
| <u>ENGLISH</u> | | | | |
| ENGLISH 11 | 3 | 3 | 0 | 0 |
| GR 8 READING* | NA | 2 | 0 | 0 |
| <u>DIPLOMA STATUS</u> | | | | |
| MODIFIED DIPLOMA | 10 | | | |
| SPECIAL DIPLOMA | 1 | | | |
| STANDARD | 14 | | | |

* Students whose IEP indicated they were working toward a Modified Standard Diploma and their IEP directed that these tests were needed but the record does not reflect that they took the test.

| COURSE ENROLLMENT AND TEST PARTICIPATION ROANOKE CITY PUBLIC SCHOOLS SCHOOL YEAR 2008-2009 APRIL 21, 2009 - JUNE 5, 2009 WILLIAM FLEMING HIGH SCHOOL STUDENTS WITH DISABILITIES | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-------------------|-----------|-----------|----------|----------------|---------------|---------|-----------|--------------------|-----------------|---------------|-----------|----------------|----------|---------|--------------------|--------------------|-----------------|-----------------|---------------|---------|-----------|-----------------|-----------------|---------------|---|---|
| ID NUMBER | | COURSE ENROLLMENT | | | | | | | | TEST PARTICIPATION | | | | | | | | | | | | | | | | | | |
| | | DIPLOMA | MATH | ENG | SCIENCE | SOCIAL STUDIES | | | MATH | ENGLISH | | | SCIENCE | SOCIAL STUDIES | | | | | | | | | | | | | | |
| | | | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | ENGLISH 11 | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | US/VA HISTORY | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | GRADE 8 | ENGLISH 11 READING | ENGLISH 11 WRITING | GRADE 8 READING | GRADE 8 WRITING | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | US/VA HISTORY | | |
| | | M | | | | | | | | | | | | | | | | | | | | | | | | | | X |
| | | M | X | | | | | X | | | | | | | | | | | | | | | X | | | | | X |
| | | S | X | | | | | X | | X | | | | | | | | | | | | | | | | | | |
| | | R M | X | | | | | X | | | | | | | | | X | | | | | X | | | | | | |
| | | R M | | | | X | | | | | | | | | | | | | | | | | | | | | | |
| | | S | X | | | | | X | | | | X | | X | | | | | | | | X | | | | | | |
| | | R S | | | X | X | | | X | | | | X | | | | | | | | | | | | | | | X |
| | | S | | | X | | | | | | | | | | | | | | | | | | X | | | | | X |
| | | S | | | | | | | | X | | | | | | | | | | | | | X | | | | | |
| | | M | | | X | | | X | | | X | | | | | | | | | | | X | | | | | X | |
| | | S | X | | | | X | | | | X | | | X | | | | | | | | X | | | X | | | |
| | | M | | | X | | | | | | | | | | | | X | | | | | | | | | | | |
| | | S | | | | X | | X | | | X | | | | | | | | | | | X | | | | | | X |
| | | SP | | | X | | X | | | | | | | | | X | X | | | | | | | | | | | X |
| | | S | | | | | | | | X | | | | | | | | | | | | | | | | | | |
| | | S | | X | X | | | X | | | | | | X | X | | | | | | | X | X | X | X | X | X | X |
| | | S | | X | | | | X | | | X | | | X | X | | | | | | | X | X | X | | | | |
| | | S | | | | X | | | | X | | | | | | | | | | | | | | | | | | |
| | | M | X | | X | | X | | | | | | | X | X | | X | | | | | X | X | X | X | | X | |
| | | M | | | | X | | | | X | | | | | | | | | | | | | | | | X | | |
| | | S | | X | | | | | X | | | | | | | | | | | | | | | | | | | |
| | | S | X | | | | | X | | | | | | | | | | | | | | | | | | | | X |
| | | M | | | | | | X | | | | X | | | | | | | | | | X | | | | | | X |
| | | R M | X | | | | | | | | X | | | | | | | | | | | | | | | | | |
| | | S | | | | | | X | | X | | | | | | | | | | | | X | | | X | | | |

Enrolled course in which the End of Course SOL test was not taken
 Students who were also impacted in 2007-2008
 Testing was affected by schedule changes

The VDOE Review Team finds that Roanoke City Public Schools has violated the following federal and state laws and regulations governing special education:

- Code of Virginia, 22.1-214; 8 VAC 20-80-40 B; 34 C.F.R. § 300.2*
Each local school division shall ensure that all children with disabilities, aged two to 21, inclusive, residing in that school division have a right to a free appropriate public education.
- 8 VAC 20-80-62 A; 34 C.F.R. §300.112
The school division shall ensure that an IEP is implemented for each student served by that school division.
- 8 VAC 20-80-62 B.7; 34 C.F.R. § 300.323
The school division must provide special education and related services to a student with a disability in accordance with the student's IEP.
- 8 VAC 20-80-62 B.4; 34 C.F.R. § 300.324
The school division must conduct an IEP team meeting to revise the IEP of a student with a disability.
- 8 VAC 20-80-62 F; 34 C.F.R. § 300.324; *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30 E, F
The IEP team is responsible for developing the content of the student's IEP including the student's right to access the general curriculum and participation in the state's assessment program and identifying the student's diploma track.
- 8 VAC 20-80-70 E.1.c
The school division must obtain parental consent to any revision in the student's IEP.

SUPPLEMENTAL

During the VDOE Review Team's investigation, RCPS provided the team with information that suggested that there was a systemic concern about the leadership at William Fleming High School. Specifically, the team reviewed matters related to:

- Other special education requirements: pre-determining placements independent of the IEP team process; failing to implement students' IEPs; and special education

teachers being assigned non-special education responsibilities, even though the teachers were funded under federal monies.

- Possible issues related to SOL testing in 2005-2006.

Both of these areas were outside the scope of this review and therefore, not addressed. In the team's review of these matters with Dr. Bishop, Dr. Wright, and Ms. Cundiff, however, we were satisfied that the special education issues have been properly addressed and resolved before the end of this school year. We are providing this information to VDOE's Office of Federal Monitoring Review to be included in their follow up process to RCPS' April 2009 monitoring review.

We are unable to process the SOL testing issues in 2005-2006, since they were outside the scope of VDOE's investigation and the principal parties were not provided the opportunity to respond during the team's interview process.

**VIRGINIA DEPARTMENT OF EDUCATION
CORRECTIVE ACTION PLAN
FOR
ROANOKE CITY PUBLIC SCHOOLS**

The Virginia Department of Education, through its Office of Dispute Resolution and Administrative Services (ODRAS), seeks to assist Roanoke City Public Schools in correcting the deficiencies identified in this report. To that end, VDOE provides the following collaborative framework to meet this goal.

I. Personnel

- A. The Superintendent should take appropriate action to ensure proper implementation of requirements related to SOL assessments and federal and state laws and regulations governing special education at William Fleming High School.
- B. VDOE requests that RCPS provide ODRAS with a plan that addresses additional oversight that will be provided by RCPS' staff in the Office of Research, Testing, and Evaluation, and the Office of Exceptional Student Education to RCPS' School Testing Coordinators and Special Education Department Chairs to ensure proper implementation of the 2009-2010 testing periods.

II. AYP/ACCREDITATION

The VDOE verified RCPS' self-corrective measure to ensure that students were properly scheduled for the Spring 2009 SOL assessments. Nothing can be done to correct the deficiencies related to the Spring 2008 testing period, since the school report card was issued in September 2008.

III. Remedial Student Action

To address the needs of the 22 students with disabilities identified in this report whose diploma status was affected, VDOE requests that:

- A. RCPS will notify in writing the parents of those students (or adult students) identified in this report who graduated in 2008 or 2009 with a Modified Standard Diploma that:
 - an error in accounting for students eligible to take the Spring 2008 SOL Assessments entitles their child to take the assessment(s) identified in this report and,

- RCPS will provide sufficient tutorial and remedial assistance as needed to help the student in preparing for the assessment(s), if the student elects to take the identified assessment(s) to obtain a Standard Diploma or Advanced Studies Diploma.¹⁵

B. For similarly situated students who have not yet graduated, review each student's educational file and determine what 2007-08 SOL assessments were not taken, but the student remained in the EOC class, VDOE requests that:

- RCPS will notify in writing the parents of these students that an error in accounting for students eligible to take the Spring 2008 SOL Assessments entitled their child to take the assessment(s) RCPS has identified, and
- RCPS will provide sufficient tutorial and remedial assistance as needed to help the student in preparing for the assessment(s).

IV. Self-Monitoring (Checks and Balances)

VDOE requests that RCPS develop a mechanism for tracking the participation of students with disabilities and general education students in the RCPS and statewide testing programs.

- The mechanism must include tracking students in SOL assessments from data and information obtained from the students' course enrollment data, IEP/504 Plans, attendance records, and student test records.

RECOMMENDATION

VDOE recommends that RCPS examine the matrices attached to this report and review specifically the 35 students with disabilities who were not affected by schedule changes, but were enrolled in EOC classes and never tested during the Spring 2008 and 2009 SOL testing periods. We further recommend that RCPS develop and implement corrective measures as needed.

Additionally, and as noted in the Supplemental Section of this report, the VDOE team was provided information that suggests that schedule changes may have also occurred for students with disabilities in the 2006-2007 school year. Therefore, VDOE recommends

¹⁵ This entitlement ends when the student turns 21 on or before September 30.

that RCPS examine the SOL assessment data for that school year, and develop and implement corrective measures as needed.

CONCLUSION

The submission date for the above plans, documents, and information is 30 calendar days from the school division's receipt of this report. All materials are to be submitted to VDOE's Office of Dispute Resolution and Administrative Services, Dr. Judy Douglas, Director.

Please know that VDOE is available for technical assistance on any of these matters. Any questions regarding this report of the Corrective Action Plan should be directed to Dr. Douglas.

Code of Virginia, § 2.2-3705.3, Exemptions to requests under the Freedom of Information Act

12. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review of investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (1) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

APPENDIX A

VDOE INTERVIEW QUESTIONS

Roanoke City Public Schools
June 4-5, 2009

Interviewer: _____

Date: _____

Person being interviewed: _____

Introduction: I am _____. The Virginia Department of Education received an allegation that testing irregularities occurred in the 2007-08 and 2008-09 SOL assessments, involving students with disabilities. I will be asking you a series of questions in order to determine the facts surrounding these events. I will also provide you time at the end of this interview to add or clarify any information that you have shared with me, or to ask of me any questions.

Turn on the recorder Statement of introduction:

We are on the record now. My name is _____ with the Virginia Department of Education. I am interviewing _____. [If the person has counsel/representative, identify the individual.]

1. Please give us your name and position with Roanoke City Public Schools.
2. How long have you held this position?
3. Please describe briefly your responsibilities.
4. To whom do you directly report?
5. The No Child Left Behind Act and the Individuals with Disabilities Education Act mandate that students participate in state-wide and division-wide testing, unless in the case of a student with a disability, the student's IEP directs otherwise. Are you familiar with this mandate?
6. To your knowledge, how is this mandate implemented in Roanoke City Public Schools?
7. If there is any irregularity in the SOL testing given to students, both general education and special education students, how is that irregularity reported?

8. Concern has been raised that testing irregularities occurred with students with disabilities at William Fleming High School and their taking of the 2007-08 and 2008-09 SOL tests. Please tell us what you know about this issue.
9. Was there any irregularity reported?
 - a. During the testing periods in 2007-08?
 - b. During the testing period in this current school year?
10. What actions, if any, did you take once you became aware of this issue?
 - a. During the testing periods in 2007-08?
 - b. During the testing period in this current school year?
11. What training have you received on SOL assessments? Testing irregularities? Reporting testing irregularities? Describe the content of the training.
 - a. 2007-08
 - b. 2008-09
12. Are you familiar with the SOL Testing Irregularity form? If yes, who is responsible for filing this form?
13. How is Student Data uploaded into the PEMSolutions?

Additional questions will be tailored to the specific individual.

Closing

Is there any additional information you wish to offer?

Do you have any questions of me?

Thank you. We are now going off record.

Turn off the recorder.

| ID NUMBER | | IEP REQUIREMENT | | | | COURSE ENROLLMENT | | | | TEST PARTICIPATION | | | | ATTENDANCE RECORD | | | | | | | | | | | | | | | | | |
|-----------|----|-----------------|-----------|----------|--------------|--------------------|--------------------|-----------------|-----------------|--------------------|---------|-----------|-----------------|-------------------|--------------|-----------|-----------|----------|---------|--------------------|--------------------|-----------------|---------------|---------|-----------|-----------------|-----------------|----------------|--|--|--|
| | | MATH | | | | ENGLISH | | | | SCIENCE | | | SOCIAL STUDIES | | | MATH | | | | ENGLISH | | | | SCIENCE | | | | SOCIAL STUDIES | | | |
| DIPLOMA | | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | GRADE 8 MATH | ENGLISH 11 READING | ENGLISH 11 WRITING | GRADR 8 READING | GRADE 8 WRITING | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | USVA HISTORY | ALGEBRA 1 | ALGEBRA 2 | GEOMETRY | GRADE 8 | ENGLISH 11 READING | ENGLISH 11 WRITING | GRADR 8 READING | EARTH SCIENCE | BIOLOGY | CHEMISTRY | WORLD HISTORY 1 | WORLD HISTORY 2 | USVA HISTORY | | | |
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