



INTERIM REPORT

OFFICE OF INTERNAL AUDIT

Grading Integrity Investigative Results

HISD Board of Education Trustees

Terry B. Grier, Superintendent of Schools

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Table of Contents

Clarity of Grading Responsibilities / Assignment of Grades	2
Principal Supervision	5
District Guidance	7
Excessive Non-certified Associate Teachers	8
Teacher of Record Controls	9
GradeSpeed and Alternative Grade Books	10
Chancery and GradeSpeed Access	12
FERPA Compliance	13
Fear of Retaliation	13

During the course of the Westbury High School investigation and other campus inquiries regarding the integrity of the grading process, the Office of Internal Audit searched for root causes to identify opportunities for improvement and potential compliance concerns. These concerns are escalated when principals fail to exercise adequate supervision, inherit a challenging campus, or when difficulties arise in the recruitment and retention of highly qualified staff. District personnel are in the process of reviewing options for providing an immediate remedy for the students affected by the situation at Westbury High School and to improve the integrity of the Spring semester grades at the campus.

We will issue a subsequent report once management's response and action plans are received.

Based on information gathered through interviews and observations related to the overall control environment, we noted the following concerns need to be evaluated on a district wide basis:

Clarity of Grading Responsibilities / Assignment of Grades

- The first and last sentences of the fourth paragraph on page XV-1 of the HISD 2014-2015 School Guidelines can be misinterpreted and need clarification as to who is eligible to assign grades in the case of associate teachers. There is currently no written policy or guidance that confirms explicitly whether associate teachers in general may or may not issue grades for students. As a result, interpretations vary widely.
- The associate teacher has a college degree, but does not hold any state issued teaching certification and has not been issued any other local permit by the school district.
- Grades assigned per the associate teacher's grade book did not agree with Chancery. The principal was listed as the Teacher of Record, but was also not certified in the subject area. Furthermore, the principal had no evidence to support the issuance of grades of 80.

- The issuance of grades of 80 without supporting documentation could potentially be record tampering as noted within HISD’s 2014-2015 Data Quality Manual.
- **If the associate teacher was not authorized to assign grades depending on the interpretation of HISD 2014-2015 School Guidelines page XV-1, and the principal was not certified in the course for which he was listed as Teacher of Record, neither the associate teacher nor the principal could assign grades. Therefore, the district’s core value of student achievement was not possible for these students.**

Page XV-1 of the HISD 2014-2015 School Guidelines contains the following language regarding who may assign grades:

In HISD, a person who does not have a college degree or appropriate certification cannot officially assign grades for students, even if that person is actively participating in instruction. There must be a teacher of record with appropriate certification or a valid permit to assign and be responsible for the student’s grades. The teacher of record must spend sufficient time in the class to adequately assess a student’s performance and degree of success in mastering the TEKS. A teaching assistant, volunteer or hourly lecturer without a degree or appropriate teacher certification may work with an official teacher of record in participating in instruction as long as the teacher of record gives the official grade.

In the section above, the first sentence states “a person who does not have a college degree or appropriate certification cannot officially assign grades for students” while the second sentence states the Teacher of Record must have “appropriate certification or a valid permit to assign and be responsible for the student’s grades.” The first and last sentences are unclear on whether or not a teaching certification is required, and could be misinterpreted because of the use of “or”, however the second sentence does state an appropriate certification or valid permit is required by anyone designated as “teacher of record” and responsible for assigning student grades. Sentence two is in compliance with Texas Education Commission (TEC) Sec. 21.003 which states “a person may not

be employed as a teacher... unless the person holds an appropriate certificate or permit as issued by Subchapter B.” The second sentence is further supported by the remaining sentences that address the responsibilities of the Teacher of Record.

In interviews with HISD staff, we noted various verbal interpretations whether or not associate teachers may assign grades. There is currently no written policy or written guidance that confirms explicitly whether associate teachers in general may or may not issue grades for students.

Based on the TEC’s definition of “teacher,” it can be concluded that any individual who does not possess the appropriate certification or permit would not be defined as a classroom teacher. Furthermore, TEC Sec. 28.0216 and TEC Sec. 28.0214 limits grading and “Finality of Grade” to grades issued by a “classroom teacher.” Neither the principal nor the associate teacher has the appropriate certification.

Recommendations

- The first and last sentences of the fourth paragraph on page XV-1 of the HISD School Guidelines should be revised to clarify the language regarding grade responsibility. All principals, other campus administrators, registrars, and SIRs should continue to receive training on an annual basis covering all changes to HISD policy and the future School Guidelines document, especially including clarity of grading responsibility.
- The last sentence of the fourth paragraph on page XV-1 of the HISD School Guidelines should be revised to include “associate teacher” in the list of employees.
- Human Resources should review and revise the associate teacher job descriptions to clarify responsibilities and duties.
- In temporary situations where there is a shortage of certified teachers and the Teacher of Record has not yet been assigned, principals should direct staff to enter a grade of INC for the students until a certified Teacher of Record can be hired or assigned to the class.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

Principal Supervision

- Grade books of associate teachers were not monitored by a certified Teacher of Record to validate compliance with HISD's 2014-2015 School Guidelines which state:
 - Grades reflect relative mastery of assignments
 - Assignments align with district curriculum and TEKS
 - Overall student achievement is being accomplished
- Per discussion with the associate teacher, administrator walk-throughs were not performed on the associate teacher to observe teaching.
- Per discussion with the associate teacher, she pulled the reading curriculum from files located in the classroom and did not work with the Department Chair on campus who normally should provide curriculum.
- Per discussion with the associate teacher, she implemented modified instruction for an individual student based on a conversation with a parent, who indicated the student had special needs. The associate teacher stated she did not confirm the need for modifications with school personnel.

The school principal stated there was no supporting evidence for the grades issued by the associate teacher. The Office of Internal Audit confirmed the associate teacher had a supporting gradebook, which the principal did not request from the associate teacher.

The supporting gradebook from the associate teacher contained grades for the grading cycle, however, the Office of Internal Audit is not in a position to determine if the grades shown met the requirements of the district's grading policy outlined in the 2014-2015 School Guidelines and HISD Board Policy EIA (LOCAL) which are in alignment with TEC Sec. 28.0216. District policy states:

- *A classroom teacher shall be required to assign a grade that reflects the student's relative mastery of an assignment;*
- *A classroom teacher shall not be required to assign a minimum grade for an assignment without regard to the student's quality of work; and*
- *A student may be allowed a reasonable opportunity to make up or redo a class assignment or examination for which the student received a failing grade.*

- *Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that the student's performance indicates the level of mastery of the designated district standards. The student's mastery level shall be a major factor in determining the grade for a subject or course.*

To these ends, each teacher will be responsible for:

- *Having fair, valid, and consistent grading procedures;*
- *Ensuring that conduct grades are maintained separately from academic ones;*
- *Using those procedures to encourage student success;*
- *Exercising a high degree of professional judgment in evaluating student achievement.*

The principal acknowledged there was an absence of adequate supervision of associate teachers. Adequate supervision would ensure all decisions and actions, at the campus and classroom level, focus on and support "effective student learning".

Recommendations

- In situations where students may be receiving instruction from an uncertified long-term associate teacher, HISD School Guidelines should specifically require enhanced supervision by an appropriately certified Teacher of Record to ensure all decisions and actions support effective student learning.

- The HISD School Leadership Framework and School Leader Appraisal System should be reviewed and revised to ensure it includes supervision of associate teachers by an appropriately certified Teacher of Record.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

District Guidance

- The Office of Internal Audit noted evidence that the SSO provided guidance to the principal to explain specific expectations to improve hiring and supervision of faculty and staff in January and February of 2015. These expectations were acknowledged by the principal's initials or signature.
- HISD's 2014-2015 School Guidelines do not contain clear and specific guidance on assignment and supervision of associate teachers and long-term associate teachers. While this may be implied, we noted specifically the HISD's 2014-2015 School Guidelines do not clearly state:
 - Procedures for the appropriate placement of certified associate teacher to ensure that certifications are in alignment with the content area
 - All class vacancies must have an appropriately certified Teacher of Record responsible for grading student work. If the associate teacher does not have the appropriate certification then the principal must designate another appropriately certified faculty member to serve as Teacher of Record for the course
 - Procedures for multiple levels of supervision (i.e. Teacher of Record, Department Chair, Assistant Principal) over the instruction of associate teachers
 - Procedures for providing appropriate curriculum to associate teachers and ensuring that all associate teachers are meeting weekly with the appropriate department or Professional Learning Communities (PLCs)
 - Procedures covering rare instances where certified associate teachers may be allowed to evaluate and assess student mastery of assignments

- Training provided by the district for associate teachers, including but not limited to, classroom instruction, curriculum, use of personal devices, grading, FERPA, and Special Education accommodations/modifications.

Recommendations

- Future editions of the School Guidelines should be revised to include a section pertaining to associate teachers, and this section must provide clear and comprehensive guidance to all school principals around placement, training, duties, and supervision of all associate teachers assigned to the campus. Based on discussions with Federal and State Compliance, we understand district personnel are already in the process of reviewing and editing future School Guidelines to reflect the recommended changes described above.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

Excessive Non-certified Associate Teachers

- An excessive number of long-term associate teachers were noted. The principal did not select qualified candidates from Human Resources' pool of certified personnel. Instead, the principal opted to perform his own selection process.
- Campus staff confirmed the parents of the students were not notified per state law (TEC SEC. 21.057) that the students were receiving instruction from a non-certified individual.
- Autonomy allowed to campuses in hiring and dismissal of staff can be detrimental to the district's core values and strategic objectives related to learning and achievement.

Recommendations

- Principals should collaborate with the Office of School Support, Human Resources, and Legal to develop an effective and strategic plan for the dismissal of faculty.
- The district should determine the appropriate percentage of vacancies that warrant notification to the Office of School Support. When any campus reaches that threshold percentage of vacancies at any point in time, Human Resources should notify the Office of School Support to assist with strategic planning.
- The district should review practices in recruitment, hiring, and retention to ensure the recruitment of highly-qualified, certified teachers and limit the number of long-term associate teachers across the district.
- To align campus practices with the district's core values and strategic objectives related to learning and achievement, we recommend the administration report the following to the Board of Education and the Office of School Support at mid-semester of each semester:
 - The number of long term associate teachers (i.e., terms greater than 30 days) by campus
 - Their related certifications or permits
 - The number of courses impacted (and the number of students impacted upon request by the Board)

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

Teacher of Record Controls

- The principal was Teacher of Record for the Spring semester for 30+ classes, but he was not certified for 25+ classes.
- The campus failed to notify parents that the Teacher of Record was not certified.
- The principal was physically not in a position to spend sufficient time in the class to adequately assess the student's performance across 30+ classes.

Recommendations

- All principals should be held accountable for ensuring each Teacher of Record holds a certification or permit in the subject area. In addition, principals should be held accountable for ensuring compliance with parental notification requirements as outlined in TEC SEC. 21.057.
- Only under extreme circumstances should the campus principal be assigned as Teacher of Record for any course or group of students. This must be done in compliance with HISD School Guidelines which requires the Teacher of Record to hold the proper teaching credentials for the course and spend sufficient time in the class to adequately assess a student's performance.
- Any principal assigned as Teacher of Record for any course must require the approval of the Office of School Support.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

GradeSpeed and Alternative Grade Books

- Supporting evidence provided by the associate teacher was in the form of a Microsoft Office Excel spreadsheet stored on her personal electronic device.
- The associate teacher reported to the Office of Internal Audit that she was not provided with access to the district's electronic gradebook (GradeSpeed) but was provided with a hardcopy "schedule book" which she decided not to use.
- Unsubstantiated allegations from other campuses indicated teachers were being asked to change grades in GradeSpeed before the grades are exported to Chancery so the changes cannot be easily tracked.

GradeSpeed is the electronic gradebook system that is required district-wide for all course grading. Associate teachers in HISD are generally not provided with access to the GradeSpeed electronic gradebook that is required for use by all regular classroom teachers in the district, however, it was confirmed verbally in a meeting with Federal and

State Compliance that GradeSpeed access may be provided to associate teachers who are in a long-term assignment on a campus. The HISD 2014-2015 School Guidelines does not include clear guidance on providing associate teachers with GradeSpeed or with an alternative system for recording grades.

Recommendations

- To improve the integrity of the grading process principals must ensure:
 - All teachers are using the GradeSpeed system to enter weekly grades for all courses on the campus
 - All course grades entered into the Chancery system are uploaded directly from GradeSpeed as per the existing policy and process guidelines to ensure accurate record-keeping of all grading. If extenuating circumstances prevent the use of GradeSpeed by any teacher or certified associate teacher designated as Teacher of Record for any grading period or any course, an appropriate alternative method for keeping records of course grading (i.e. hardcopy gradebook) must be in place to provide support for any grades entered into Chancery manually. In such circumstances, additional principal supervision is necessary.
 - Long-term certified associate teachers that are designated as the Teacher of Record are provided GradeSpeed access by following appropriate procedures for obtaining access.
- The district should implement an audit trail within GradeSpeed similar to the audit trail reports available within Chancery to enable monitoring and tracking of changes within GradeSpeed.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

Chancery and GradeSpeed Access

- The Office of Internal Audit confirmed Student Information Reps (SIRs) receive training related to entry of accurate student data in Chancery SMS on an annual and monthly basis.
- The grades entered into Chancery SMS were properly entered by SIRs on the campus.
- For all regular grade changes requested by individual teachers on the Westbury campus, the proper procedure outlined in the HISD 2014-2015 School Guidelines was followed by campus staff.
- Chancery is not purged periodically to eliminate legacy access issues due to transfer of personnel.

The Office of Internal audit did not identify any specific concerns with Chancery access, however, we did identify some areas for improvement regarding Chancery access controls.

Recommendations

- The Chancery/SIS Security form should be revised to include an acknowledgement statement indicating the employee is aware of the state and federal laws pertaining to records tampering and the employee is aware of the penalties under the law related to records tampering.
- All Chancery SMS access rights should be purged and renewed on an annual basis to limit access only to those individuals who require access for the upcoming school year.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

FERPA Compliance

- The associate teacher maintained student information on her own personal computer.
- The associate teacher allowed the news media to view the computer screen containing student data.
- Westbury student information (handwritten grades by the associate teacher) was removed from the campus and released to a member of the public.

Recommendations

Training relating to FERPA regulations should be enhanced for all campus personnel, including associate teachers.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

Fear of Retaliation

- Campus personnel expressed concerns with speaking out about issues and fear of retaliation, and stated they were not aware of options for reporting concerns anonymously.
- These personnel elected to disclose confidential student information protected by FERPA regulations to members of the public and exposed themselves to disciplinary action. Employee protection can not apply when personnel disregard federal law.

During the course of the investigation of 5th cycle grades, the Office of Internal Audit determined that personnel had additional concerns with 4th cycle grades, and those concerns continued when the 5th cycle grades were submitted. The concerns over grading at the end of the 4th cycle were not brought to the attention of the administration, nor were they reported to the district's AlertLine. If the initial concerns for the 4th cycle were reported to the district's AlertLine in a timely manner:

- Campus personnel would have avoided any concern related to retaliation due to the anonymity provided through the AlertLine
- Additional issues with grading could have been prevented
- Personnel would not have violated federal regulations

At the time of writing of this report, the Office of Internal Audit has issued an email blast to all HISD employees encouraging the use of the AlertLine and is in the process of distributing additional AlertLine posters to all campuses.

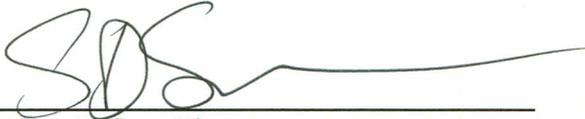
Recommendations

District and campus personnel should increase awareness of the AlertLine and encourage all employees to communicate all concerns.

Management Responses

Superintendent or delegate - Please provide an action plan and implementation date.

Investigation Team:



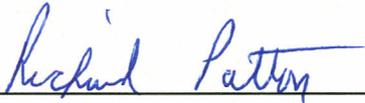
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