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April 5, 2013

Dr. Bolgen Vargas, Superintendent
Members of the Board of Education
Rochester City School District
131 W. Broad Street
Rochester, NY 14614

Report Number: S9-12-25

Dear Dr. Vargas and Members of the Board of Education:

A top priority of the Office of the State Comptroller is to help school district officials manage their districts efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support district operations. The Comptroller oversees the fiscal affairs of districts statewide, as well as districts' compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving district operations and Board of Education governance. Audits also can identify strategies to reduce district costs and to strengthen controls intended to safeguard district assets.

In accordance with these goals, we conducted an audit of eight school districts throughout New York State. The objective of our audit was to determine whether school districts have designed Credit Recovery Programs (CRPs) to meet the requirements of Section 100.5(d)8 of the New York State Commissioner of Education's Regulations (Regulations). We included the Rochester City School District (District) in this audit. Within the scope of this audit, we examined the policies and procedures of the District and reviewed its CRP for the period July 1, 2011, to May 21, 2012.

This report of examination letter contains our findings and recommendations specific to the District. We discussed the findings and recommendations with District officials and considered their comments, which appear in Appendix A, in preparing this report. District officials generally agreed with our findings and recommendation. We addressed an issue raised by the District in its response to this audit in Appendix B. At the completion of our audit of the eight school districts, we prepared a global report that summarizes the significant issues we identified at all of the school districts audited.

Summary of Findings

District officials did not document that students were instructed in a manner that conformed to the Regulations. In 18 of 20 CRP classes we examined, the teachers actively instructing students were not certified in the subject areas being taught. Moreover, in five of those classes, the teacher of record was a teaching assistant, not a certified teacher. The District did not maintain any documentation to demonstrate that certified teachers interacted with the students or teaching assistants.

District officials maintained adequate documentation and controls to demonstrate that the District met most other CRP requirements. For example, the District documented each participating student's progress, and adopted formal procedures for establishing and approving CRPs. In addition, the District designed an adequate system of access controls for online study and the CRP was aligned with NYS learning standards. However, District officials do not maintain documentation to support the approval of the students' participation in the CRPs.

Background and Methodology

The Rochester City School District is located in the City of Rochester, in Monroe County, and has about 31,000 students. The District has 60 schools in operation, 18 of which are high schools, and employs approximately 7,200 staff. The District's operating expenditures totaled \$691.6 million in the 2011-12 school year. Major costs included administration and operations. These costs are funded primarily through State aid, aid from the City of Rochester, and grants.

The District is governed by a seven-member Board of Education (Board). The Board's primary function is to provide general management and control of the District's financial and educational affairs. The Superintendent of Schools (Superintendent) is the chief executive officer of the District and is responsible, along with other administrative staff, for the day-to-day management of the District under the direction of the Board.

Typically, a student successfully passes a high school class and, if applicable, a Regents exam, and is awarded credit for the course. If a student is unable to complete a course satisfactorily, then the student can earn the credit by alternative means as listed in the Regulations. A make-up credit program may include, but is not limited to, repeating an entire course, taking the course again as part of a summer school program, receiving intensive instruction in the deficiency areas of the course, or pursuing digital learning (online study). The Regulations allow school district officials to provide such programs to students who were previously enrolled in a course, but failed to demonstrate mastery of the intended course outcomes. To receive credit, the student must successfully complete a make-up credit program and demonstrate mastery of the subject by passing the Regents examination in the subject or by completing some other assessment required for graduation.

Our audit focused specifically on students' participation in programs other than summer school or repeating the entire course to make up credit; namely, we examined intensive instruction in deficiency areas and on-line study. These educational programs are referred to CRPs.

The Regulations include the following requirements:

- Instruction by a Certified Teacher – The District must ensure that the students enrolled in CRPs receive equivalent, intensive instruction in the deficiency areas of the course under the direction of and/or supervised by a teacher certified in the subject area. An official in the New York State Department of Education (Department) told us that a teaching assistant could be the teacher of record, if the teaching assistant is under the supervision of a certified teacher. School districts using this approach should maintain documentation of the interactions between teaching assistants and the certified teachers overseeing the instruction.
- Alignment with the Learning Standards – The CRP must be aligned with the applicable Learning Standards for such subject.
- CRP Design and Student Participation Approval – A school-based panel (consisting of, at a minimum, the principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator) must approve the student’s participation in the CRP.

In the 2010-11 and 2011-12 school years, the District offered 1,059 and 1,866 CRP classes, respectively. All 18 District high schools offer CRPs through online courses. According to District guidelines, in order to qualify for a CRP, a student “has to have earned an F”¹ or students who are currently failing a course of which they have completed at least 50 percent can participate in an “online pro-active recovery” program,² which allows them to reattempt identified units of study online. According to District officials, if a student is in danger of failing a course, the student is withdrawn from the class and enrolled in an on-line course in an effort to bring his or her grade up. The grade received in the online portion is averaged in with the numerical failing grades the student already received in the other marking periods during the year.

With the consent of each high school principal, students may take the following credit recovery courses (units) online: Physical Education, English I, English II, English III, English IV, Integrated Algebra, Algebra 2 and Trigonometry, Geometry, Living Environment, Earth Science, Environmental Science, Participation in Government, United States History, Global I, Global II, Economics, and Spanish I.

To complete our objective, we interviewed District officials, and reviewed policies, procedures, student information, the CRP course list, and the online learning program. We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). More information on such standards and the methodology used in performing this audit is included in Appendix C of this report.

¹ An “F” indicates a grade falling below 65.

² District officials were unable to identify the number of students that were enrolled in online pro-active credit recovery in both 2010-11 and 2011-12.

Audit Results

District officials did not document that students were instructed in a manner that conformed to the Regulations. In 18 of 20 classes we examined, the teachers actively instructing students were not certified in the subject areas being taught. Moreover, in five of those classes, the teacher of record was a teaching assistant, not a certified teacher. The District did not maintain any documentation to demonstrate that certified teachers interacted with the students or teaching assistants.

District officials maintained adequate documentation and controls to demonstrate that the District met most other CRP requirements. For example, the District documented each participating student's progress, and adopted formal procedures for establishing and approving CRPs. In addition, the District designed an adequate system of access controls for online study and the CRP was aligned with NYS learning standards. However, District officials do not maintain documentation to support the approval of the students' participation in the CRPs.

Instruction by a Certified Teacher – The District is not ensuring that the students have received equivalent, intensive instruction in the deficiency areas under the direction of and/or supervised by a certified teacher in the subject area.

The District offers an online learning program for students enrolled in a CRP. Each high school selects an individual to act as an E-Learning Facilitator (ELF). The ELFs are the students' primary point of contact and the only staff members with access to the online CRP. Each school principal has a dedicated ELF who has been trained in the online CRPs and is responsible for overseeing the students and taking daily attendance. In many instances, the ELFs are certified teachers; however, because there is such a limited number at each high school, they generally are not certified in all subject areas. Therefore, the schools also assign to each student a teacher who is certified in the subject the student is taking. According to District guidelines, all students must have meaningful contact with an appropriately certified District teacher. However, the appropriately certified teacher has no ability to assess the students' progress reports in the online system; ELFs are the only people with access to the progress reports and online grade records. If the named certified teacher is not also the student's ELF, the certified teacher can access the student's progress reports only by requesting printouts from the ELF.

In 18 of the 20 classes we reviewed, the ELFs were not certified in the subject areas they oversaw and monitored. Moreover, in five of those classes, the teacher of record was a teaching assistant, not a certified teacher. The District did not maintain any documentation to demonstrate that certified teachers interacted with the teaching assistants. In addition, while the District provided us with a corresponding list of certified teachers (of record) in the subject areas tested, we found no evidence in the 20 classes we examined that the assigned certified teachers interacted with the students. The ELFs were listed on the students' schedules instead of the certified teachers.

Alignment With the Learning Standards – The CRP courses were aligned with the Learning standards. District officials reviewed the CRP online course curriculums and made necessary modifications to the course content with the assistance of the vendor. The vendor advertises its CRP as being 80 percent aligned with the Learning Standards. The District through its review also concluded that the vendor's product, at a minimum, was 80 percent aligned with the

Learning Standards. Per District officials, 80 percent of the course is 100 percent aligned with the Learning Standards.

District officials said that the courses included all of the components required to be considered aligned with the Learning Standards.

CRP Design and Student Participation Approval – The District has adopted formal guidelines for establishing and approving CRPs, to help in the administration of CRPs, and to ensure that each school is following Regulations. At the beginning of each year, the principal of each school must review the guidelines and decide which courses from the approved online District course list they would like to offer the students. The principal has discretion about which courses will be offered. Each principal must also identify an online learning team charged with monitoring the CRPs. According to guidelines, each school’s online learning team must meet with the associate director of information technology (IT) and the school building IT lead teacher once a month. Each school’s online learning team is responsible for ensuring CRP implementation is continually monitored and adjusted if necessary. The team is generally made up of an administrator, such as the principal or assistant principal, and teachers.

However, the District does not have documentation to support the approval of the students’ participation in the CRPs, as the Regulations require. District officials said that the high school principals and guidance counselors have informal meetings prior to approval and enrollment of applicable students into CRPs. Generally, when a student fails a course, the student’s guidance counselor recommends a CRP for the following year. According to District officials, in each instance, the high school principal is then responsible for approving the student’s enrollment in the online CRP. We judgmentally tested the records of 20 students who participated in CRPs in 2011-12 and found no documentation approving their participation.

Documentation of Participation and Progress – Good practice dictates, and Department staff told us, that District officials should maintain documentation of a student’s participation and learning progress to manage and evaluate the success of CRPs and demonstrate that students have achieved mastery of the learning outcomes of a subject. Further, the Regulations state that online learning programs should provide for documentation of satisfactory student achievement.

The District has maintained documentation to support the participation and learning progress of students in CRPs. This includes a daily and twice-daily report for each student enrolled in the CRP which also serve as progress reports for the students. The daily report lists a student’s first and last name, tutor,³ certified teacher, and the start and end date of the CRP. The twice-daily report shows the student’s total login time for the week as well as the last time the student was logged in. The report also indicates the student’s progress to date and the cumulative grade. The District also maintains complete course listings that indicate which courses are CRP courses, and detail the individual student schedules and attendance records for the CRP.

Online Access Controls – School districts should have access controls in place over online CRPs to ensure the individual working on the computer is the student approved to participate in the

³ The District recorded the ELF’s as tutors, while also listing certified teachers of record in the documentation. However, unlike the ELF’s, the certified teachers could not access the students’ progress reports and online grade records.

CRP. We found the District's designed system controls are adequate for qualifying students before enrollment and mitigating the risk of cheating.

Principals direct the ELF's to enroll students in online courses. The online enrollments are then electronically passed on to the Instructional Technology (IT) lead teacher, who works at the District level (instead of at an individual school) and has the ability to either approve or deny access to the course. To ensure that students are eligible for a CRP, the IT lead teacher performs random tests of the students' transcripts to verify that the students failed the courses.

Once the student is granted access to the course, he or she is allowed to do class work both at home and in school. The District gives students the option to work at their own pace to complete coursework, and has established controls to mitigate the risk of cheating. Upon enrollment, students have access to the entire course with the exception of all tests, which are ultimately the deciding factor for passing the course. The tests are locked and can be unlocked only with a password to which the ELF, who oversees the credit recovery lab, has sole access. This control requires the students to take tests inside the school. The District also uses a software program that locks a student's computer so that the student cannot open other windows and use the Internet to search for test answers. Each ELF can also gain remote access of a student's computer and lock the student out of the course for the period if the student is not staying on task.

Recommendations

1. The District should ensure that teachers certified in the areas being taught are available to direct or supervise the equivalent, intensive instruction received by students in the CRPs.
2. The District should maintain documentation regarding the approval of students' participation in CRPs.

The Board has the responsibility to initiate corrective action. Pursuant to Section 35 of the General Municipal Law, Section 2116-a (3)(c) of the Education Law, and Section 170.12 of the Regulations of the Commissioner of Education, a written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and forwarded to our office within 90 days. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The Board should make the CAP available for public review in the Clerk's office.

Our office is available to assist you upon request. If you have any further questions, please contact Ann Singer, Chief of Regional and Statewide Projects, at (607) 721-8306.

Sincerely,

Steven J. Hancox
Deputy Comptroller
Office of the State Comptroller
Division of Local Government
and School Accountability

APPENDIX A

RESPONSE FROM DISTRICT OFFICIALS

The District officials' response to this audit can be found on the following pages.



Rochester City School District

Board of Education

President
Malik Evans

Vice President
Jose Cruz

Members
Mary Adams
Melisza Campos
Cynthia Elliott
Willa Powell
Van Henri White

*Superintendent of
Schools*
Dr. Bolgen Vargas

November 8, 2012

Office of the State Comptroller
Division of Local Government & School Accountability
Ann Singer, Chief of Regional and Statewide Projects
State Office Building, Room 1702
44 Hawley Street
Binghamton, New York 13901-4417

Unit Name: Rochester City School District

Report Title: Credit Recovery Programs

Audit Report: S9-12-25

This letter serves as the Rochester City School District's combined response and Corrective Action Plan to the findings in the Office of the State Comptroller's Draft Audit Report for Credit Recovery Programs dated October 11, 2012.

On behalf of our District, we extend our appreciation to the Comptroller's Office and staff for the work performed on this audit, and the recommendations offered to improve the administration of Credit Recovery Programs.

The Rochester Board of Education and Superintendent are committed to providing effective Fiscal Governance and Accountability for District operations. We are committed to the students of this District and believe that credit recovery programs are a forward-thinking opportunity to meet the individual needs of our diverse urban population.

Our Credit Recovery Program was established utilizing a vendor that meets or exceeds New York State Learning Standards. This selection ensured the quality of the services delivered to our students in need of remediation. We thoughtfully selected eLearning facilitators at each of our 18 secondary locations who acted as student advocates to motivate and encourage students to master course requirements and recover lost credits. These individuals were responsible for taking attendance, coordinating and managing the technical aspects of the credit recovery lab. We also assigned certified educators for meaningful contact with our students. Through this process, we were able to offer in excess of 1,800 credit recovery courses to our students in the 2011-2012 school year.

**Rochester City School District
Board of Education**

District Response

Formal documentation was not maintained to substantiate the meaningful contact with the appropriately certified District personnel. We agree that formal documentation should be maintained when meaningful contact takes place. Although meaningful contact was performed by either Certified Teachers and/or Administrators, we did not establish formal documentation standards to substantiate that meaningful contact had occurred. We have already implemented standard documentation requirements in September 2012 for the 2012-2013 school year.

We respectfully disagree with the following statements included within the report:

“In 18 of 20 instances examined, the teachers actively instructing students were not certified in the subject areas being taught. Moreover, in five of those instances, the teacher of record was a teaching assistant, not a certified teacher.”

This statement does not acknowledge the established structure and fidelity that was used to establish our Credit Recovery Program (CRP). We communicated and provided our implementation documentation to the auditors for our Credit Recovery Program. Each principal was required to select which classes would be offered for credit recovery, as well as acknowledge their understanding in writing that each student must be assigned an appropriately certified District teacher. Throughout the implementation guidelines and directly above the principal’s signature, this requirement was reinforced.

The above comment assumes that the eLearning Facilitator (ELF) is the only meaningful contact that CRP students had with District personnel for credit recovery. This assumption is incorrect. The CRP student’s schedule documented the class location and eLearning Facilitator for administrative purposes only. The facilitator had administrative responsibilities for the CRP students including attendance, technology support and lab supervision. The eLearning Facilitator was not intended to be the certified teacher for every CRP subject area.

An appropriately certified teacher was responsible for any required instruction for CRP students. It would not be a sound business practice to assign a group of teachers certified in every area to remain in the lab for the entire school day. For this purpose, we utilized an eLearning Facilitator. Our expectation was to allow the certified teachers to periodically interact with their students either in the lab or schedule office hours to evaluate student progress in any identified deficiency areas. These deficiency areas would be identified by the certified teacher by asking the student to logon and open their grade book, or the teacher could obtain a copy from the eLearning Facilitator. For this reason, direct access for each teacher was not necessary.

While we recognize that we did not maintain documentation, we believe it is misleading to the reader to suggest that 18 of 20 students were taught by uncertified teachers and teaching assistants. The documented implementation guide clearly outlines the structure that was established at our District.

See
Note 1
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Rochester City School District Board of Education

There was thoughtful consideration by school personnel regarding which students would be successful in credit recovery prior to approval; however, we did not document this collaboration. We acknowledge that we did not maintain formal documentation for CRP student placement decisions. We will establish documentation in the future.

Corrective Action Plans

Audit Recommendation #1:

The District should ensure that teachers certified in the areas taught provide the equivalent, intensive instruction received by students in the CRPs.

District Corrective Action Plan:

We previously assigned certified teachers to provide meaningful contact with CRP students. For the 2012-2013 school year, we implemented documentation standards for meaningful contact with CRP students. Individuals responsible for providing meaningful contact are required to log student contact on a weekly basis. This documentation will be forwarded to the Department of Instructional Technology upon course completion to provide visibility and monitoring for intensive meaningful contact.

Responsible Party: Deputy Superintendent of Administration

Due Date: Implemented in September 2012

Audit Recommendation #2:

The District should maintain documentation regarding the approval of students' participation in credit recovery programs.

District Corrective Action Plan:

We agree with this recommendation. We will establish a formal documentation process that will include approvals from the Principal, Guidance Counselor and an Educator from the appropriate certification area. We will evaluate the feasibility of centralized storage of these approvals, otherwise it will be maintained at each school location.

Responsible Party: Deputy Superintendent of Administration

Due Date: January 2, 2013

**Rochester City School District
Board of Education**

In closing, we are appreciative that the Office of the State Comptroller has decided to bring attention to online learning initiatives and the open dialog that occurred during the process. We look forward to receiving clearer guidance from the State regarding online learning which considers efficiencies required to implement this program in a District of our size.

The Board of Education and Superintendent recognize that continued efforts are required to ensure the fidelity of all education programs, including online credit recovery courses. We believe that this learning opportunity is student focused with enough flexibility to meet student needs. We will continue to consider our students' needs in our educational offerings and investigate ways to improve student success.

Our Credit Recovery Program is a creative solution to meet the needs of our students requiring remediation. Through this program we ensure our students receive an equivalent intensive instruction utilizing online instruction from certified teachers and meaningful contact from District certified teachers. We remain steadfast in our efforts to provide a quality education to every student in our District.

Respectfully Submitted,

Malik Evans, President
Rochester Board of Education

Bolgen Vargas, Superintendent
Rochester City School District

Cc: Board of Education Members

APPENDIX B

OSC COMMENT ON DISTRICT OFFICIALS' RESPONSE

Note 1

As District officials acknowledged in the response letter, the District did not have documentation to show that certified teachers supervised the E-Learning facilitators assigned as teachers of record or worked with students participating in CRPs. According to Department officials, school districts using a teaching assistant as the teacher of record should maintain documentation of the interactions between teaching assistants (sometimes assigned as E-Learning facilitators in Rochester) and the certified teachers overseeing their instruction.

APPENDIX C

AUDIT METHODOLOGY AND STANDARDS

We reviewed the 2011-12 course curriculum guide that describes the original class course and what is covered in the course, and interviewed teachers and a guidance counselor to identify and review any documentation that was kept on the CRP. We interviewed the teachers who taught the credit recovery course and examined their Teacher Certifications, the 2011-12 report cards of the students participating in the CRP, an interim student progress report, student attendance records in the CRP, and the teacher-student performance and participation report book. We also reviewed quizzes given and the results to determine whether the program was addressing student needs and whether the students were receiving equivalent, intensive instruction under the direction of a certified teacher. Using a non-biased judgmental sampling method, we tested a sample of 20 students to determine the level of documentation maintained and compliance with regulations. We also reviewed documentation that the District maintained to support student learning progress and participation.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.