

**REPORT
TO
ROANOKE CITY PUBLIC SCHOOLS**

**On the investigation of irregularities related to the
Standards of Learning testing requirements and students
with disabilities 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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