

**Virginia Department of Education
Report to Montgomery County Public Schools
On the Investigation of
Standards of Learning Testing Irregularities
At Eastern Montgomery High School**

PURPOSE

The purpose of this investigation was to inquire into alleged Standards of Learning (SOL) testing irregularities at Eastern Montgomery High School (EMHS), a school in the Montgomery County Public Schools' (MCPS) system, to determine the extent to which state testing policy and/or procedures were violated, and to determine whether any such irregularities or violations affected school and/or student performance.

BACKGROUND

On June 12, 2009, Virginia Department of Education (VDOE) officials received a report of possible SOL testing irregularities at EMHS in Elliston, Virginia during the 2006-2007, 2007-2008, and 2008-2009 test administrations. The report alleged that students at EMHS who were potentially at risk of failing SOL tests were removed from courses that required SOL test participation.

REQUIREMENT FOR STUDENTS TO BE TESTED

The Standards for Accrediting Schools at 8 VAC 20-131-30.E state "Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction."

Superintendent's Memo No. 52, March 7, 2008, provided guidance to local school divisions regarding policies for changing students' course schedules. This memo referenced two other Superintendent's Memos, one from June 15, 2001, and another from July 24, 1998, both providing guidance regarding student schedule changes and their relationship to SOL test administration. The language from the June 15, 2001, Superintendent's Memo states:

Students in middle and secondary schools who are enrolled in courses for high school credit for which there are end-of-course tests are expected to take the tests during the semester in which they are expected to complete the courses. INTERPRETIVE SUPTS. MEMO NO. 2, July 24, 1998, which stated that school divisions may develop and implement policies regarding changing schedules or dropping and adding courses for middle school students who take courses for high school credit, is equally applicable to policies regarding changing of schedules or adding/dropping courses by secondary school students.

The development and implementation of such policies is the responsibility of local school boards. In developing such policies, please avoid giving the impression that the requirements of the assessment and accountability programs are being circumvented. One such policy would be one that would allow the student to change his/her schedule or drop a course just before the test is scheduled to be administered. As you review and revise your promotion and retention policies, note that the standards in 8 VAC 20-131-30 expressly prohibit policies that would "... systematically exclude students from membership in a grade or course in which SOL tests are to be administered."

MCPS provided the following statement as their policy for dropping/changing courses for a school on Four-by-Four Block scheduling. The policy number is 6-6.2 in the MCPS Policy Manual and states:

If a student drops a course after five (5) days of membership in the course, the grade shall be recorded as a "WF" (computed as an "F" for G.P.A.) for the term in which the course is dropped. Levels in a subject may be changed up to three (3) days after the issuance of the first progress report (three weeks into the term.) Exceptions to this provision may be granted by the principal in cases of extenuating circumstances.

The EMHS Course Description Guide for 2006-2007, 2007-2008, and 2008-2009 in the "Course Schedule Changes" section states:

The deadline for dropping a course with no penalty will be the 5th day of each semester. If a course is dropped after the deadline, a "WF" will be recorded and calculated in the GPA.

AUTHORITY FOR A STATE-DIRECTED INVESTIGATION

Based on its authority under *Code of Virginia*, § 22.1-253.13:3 D which states, "the Virginia Department of Education may initiate or cause 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," VDOE initiated an investigation to determine the validity of the allegations at EMHS.

While most testing irregularities are investigated by the Division's Director of Testing (DDOT) under the guidance of the Virginia Department of Education's Office of Test Administration, Scoring and Reporting, in some cases VDOE staff conduct the investigation. For example, if the reported irregularity suggests that staff from the school division's central office are involved, then an investigation by the Virginia Department of Education on behalf of the Virginia Board of Education may be warranted. In the case of this irregularity, the DDOT was initially contacted about the allegation, and she obtained many of the records necessary for the investigation. However, because the former principal at EMHS allegedly involved in the irregularity was now a member of the central office staff, VDOE staff took over the investigation on behalf of the Virginia Board of Education.

METHODOLOGY

On June 18, 2009, VDOE personnel obtained lists of student names and associated schedule changes from school years 2006-2007, 2007-2008, and 2008-2009 for EMHS. Accompanying these lists was additional student information, including transcripts, attendance records, course drop and add information, student schedules, individualized education plans (IEP), withdrawal and transfer-in documentation, and student discipline data. This data was analyzed and compiled by VDOE staff, and a list of students that had been dropped from SOL courses late in the semester, prior to SOL testing was prepared. VDOE staff analyzed course-change data, including course descriptions, assigned course instructors, and the scheduled time of the courses, to determine where students had been moved, who their new instructors were, and during which block they had been instructed. It was determined that there were 39 instances in the 2006-2007 and the 2007-2008 school years, involving 24 students, where students had been dropped from an SOL course and placed into a non-SOL course after the designated deadline established in the MCPS policy manual. In 35 of the 39 instances, the student involved stayed in the same classroom, with the same teacher, but under a different course title and course code.

VDOE personnel determined that interviews regarding the alleged irregularity should be conducted with EMHS staff members (teachers, guidance counselor, and administrators) that taught specific students or approved course changes during the 2006-2007 and 2007-2008 school years. Teachers chosen for interview taught the students on the VDOE list that had been enrolled in an SOL course and removed from that course late in the semester. Following the course changes, these student(s) had also stayed in the same classroom, during the same block, with the same teacher. The administrators chosen for interview were the principal, assistant principal, and former principal of EMHS during the 2006-2007 through 2007-2008 school years. The current EMHS principal was also interviewed; however, he had assumed the principal position on July 1, 2009. The interviews were conducted on July 8, 2009, in Montgomery County at EMHS.

On July 8, 2009, VDOE personnel obtained additional documentation from staff members at EMHS, including course description guides from 2006-2007 to present, testing schedules, course enrollment/registration information from 2006-2007 to present, lists of students receiving special education services from 2006-2007 to present, and student diploma designation information. This information was used in conjunction with the previously received information to establish and verify student schedules, diploma statuses, course registrations, and appropriate placements of students in designated courses.

EXAMINATION OF EMHS DATA

VDOE staff reviewed enrollment data, attendance records, course change data, transcripts, and discipline data for students who received a course change during the 2006-2007 through 2008-2009 school years. These data were reviewed to determine which students were tested and which students were potentially excluded from SOL testing as a result of being dropped from an SOL course late in the semester near the testing window. The results of the examination revealed that

24 students were dropped from a total of 39 SOL courses during the time frame of 2006-2007 and 2007-2008.

VDOE staff also reviewed Montgomery County Public School's (MCPS) policy manual, specifically policy 6-6.2, the procedure for dropping/changing a course in a Four-by-Four Block schedule which states:

If a student drops a course after five (5) days of membership in the course, the grade shall be recorded as a "WF" (computed as an "F" for G.P.A.) for the term in which the course is dropped. Levels in a subject may be changed up to three (3) days after the issuance of the first progress report (three weeks of the term.) Exceptions to this provision may be granted by the principal in cases of extenuating circumstances.

Thirty-eight of the 39 instances of course changes were not within the timeframe for dropping a course or changing levels within a subject as stated in MCPS policy. Further, most of the students who dropped a course also did not receive a "WF" as indicated in MCPS policy as the grade for the course that was dropped. As well, written documentation establishing evidence of extenuating circumstances for removing students was not maintained at the school and therefore was not provided to the VDOE.

INFORMATION OBTAINED FROM STAFF INTERVIEWS

VDOE staff interviewed five teachers, the former principal, guidance counselor/STC, and the current principal of EMHS. Results of the interviews are as follows:

Criteria for Removing a Student from a Course:

- Teachers did not appear to have any knowledge of the MCPS policy for schedule changes. After having the policy read to them, several teachers stated that they were not familiar with the procedure for making schedule changes.
- None of the staff members interviewed were able to provide the criteria used to determine if a student should be dropped from a course.
- Interviews with administrators and the guidance counselor indicated that the principal provided the teachers with rosters of students listed by demographic subgroups around the midterm of each semester. Most staff interviewed stated that the principal would solicit input of how students were performing in their class, their attendance, any behavioral issues, and other pertinent information (family issues, etc) that might explain student performance. Teachers would provide the information and then meet with the principal. Several teachers stated that the question, "Will the student be able to pass the SOL test?" was asked during this process. As a result of the teacher-principal meetings, student course scheduling for the remainder of the semester was determined with parent, student, teacher, guidance, and administrative input. Some students remained in the course and received remediation while others had their schedules changed to Part 1 of the course or to Learning Strategies (Learning Strategies, as described by school staff, was used as a type of "independent study" or "self-guided" learning experience for students enrolled in that course.). In nearly every case, the students with schedule changes remained in the same classroom, with the same teacher,

during the same block as they had previously. Only the course title and code were changed.

- The staff did not provide a specific time frame for the process other than several staff stating that it happened “around mid-term” which for EMHS would be approximately 9 weeks into the semester.
- The staff was split, 4 ‘no’ and 3 ‘yes’, when asked if the same criteria was used for all students.
- All teachers noted a significant decline in the number of students dropped from their courses during the 2008-2009 school year. A review of the student data by VDOE staff did not reveal any questionable course changes for the 2008-2009 school term.

Explanation of Extenuating Circumstances for Removing Students

- The teachers interviewed could not provide an explanation of what constituted an extenuating circumstance for a course change.
- The former principal stated that the term “extenuating circumstance” wasn’t used during the process he had established. He said he did not consider the schedule changes as “extenuating circumstances” because the central office and superintendent knew the changes were being made at the midpoint of the semester at EMHS.
- The former principal did not offer any explanation as to why the MCPS policy for schedule changes was not followed.
- The guidance counselor stated “anything that alters a student’s life” as the definition of extenuating circumstances.
- Teachers were not required to provide any type of documentation to the administration to establish an extenuating circumstance. Many assumed that the same type of documentation as mentioned in “Criteria for Removing a Student from a Course” would be used.

Grade Received by Student After Dropping a Course

- Staff explained that students were not given grades of “WF” for courses dropped because the grades would either transfer to the new course for which a student was enrolled or a student’s grades would begin with the newly added course. There was not a consensus among the teaching faculty as to which method was used. The former principal and guidance counselor both believed that the grades would transfer from the dropped course to the added course.
- Notes contained on the “Spring 2008 – SOL Course Change Request/Actions” report provided by the former principal, indicate that most students’ grades for the new courses would be based on “effort/motivation/improvement” rather than content mastery.
- Of the 39 instances found, 1 of those students received a “WF” for the course dropped.

Course Descriptions and Order of Taking Courses

- EMHS staff explained they often instruct students taking various courses within the same classroom and must differentiate instruction. For example, a class may have Biology I, Biology Part I, and Functional Science courses being taught in the same room at the same time. This explanation established why students were listed as dropping one course and picking up a new course while maintaining the teacher, block,

and semester of the previous course. The teachers stated that the teaching faculty was not large enough to send students to a different teacher to take the new course.

- After reviewing the EMHS course descriptions, there appeared to be little difference between the SOL course and the non-SOL course descriptions. With the exception of Algebra I Part I and Geometry I Part I, the teachers stated that there was not a set curriculum for Part I courses such as Earth Science I Part I and Biology I Part I. They stated the courses were essentially the same as the regular class but were taught to a different depth of knowledge than the main course.
- EMHS enrolled students of all diploma types in Part I courses, but enrollment data showed that students were rarely enrolled in these courses at the start of the semester (with the exception of Algebra I Part I and Geometry Part I). Most students were moved to these courses at the midpoint of the semester or later. The guidance counselor stated that the intent was for all students taking Part I courses to take the complete SOL main course during the next semester that it was offered.
- The staff stated that if a student seeking a standard or advanced studies diploma took a Part I course (excluding Algebra I Part I and Geometry I Part I), then the student always took the main course and attempted the SOL test. However, there was no policy or procedure put in place to ensure that this happened. The former principal and guidance counselor both stated that it was the guidance counselor's responsibility to make sure the student took the main course and the associated SOL test.
- Staff stated that the Learning Strategies course, and in some instances the Part I courses, were used as a type of "independent study" or "self-guided" learning experience for students enrolled in those courses. According to teachers, there was not a defined curriculum for these courses and grades were often based on effort, motivation, and improvement on behalf of the student.

CONCLUSIONS

- The former principal, by failing to establish any 'extenuating circumstances' in 38 instances, did not follow MCPS policy regarding dropping courses for students in a Four-by-Four Block schedule.
- Students were dropped from courses late in the semester after it had been established that they would not likely be able to pass the course or the SOL test for the associated subject.
- Students that were dropped from classes late in the semester were not given a grade of "WF" in accordance with the MCPS policy manual and the EMHS Course Description Guide instructions.
- The number of students that dropped courses significantly decreased during the 2008-2009 school year versus the 2006-2007 and 2007-2008 school years. There was a change in on-site administration during the 2008-2009 school year.
- Course codes and course titles in MCPS do not match the list provided by the VDOE. For example, World History and Geography I Part I in the MCPS course description guide for 2008-2009 has a course code of 22190. The VDOE lists World History and Geography I, a course requiring an SOL test, as course 2219. In the MCPS course description guide for 2008-2009 the World History and Geography I course code is 22150, which is not listed in the VDOE document at all.

RECOMMENDATIONS

MCPS should:

- provide training to administrators, guidance counselors, and teachers regarding the proper procedures for dropping students from a course, specifically the appropriate timeline and documentation required to make those changes.
- provide training to EMHS staff in appropriate procedures for determining a student's grade when a course is dropped.
- examine course offerings to be sure that all Part I courses have specific course descriptions that differentiate the courses from the full course in that subject.
- evaluate course enrollment patterns to ensure students are being properly prepared for completion of their chosen diploma type.
- ensure students identified for Modified Standard Diplomas are not prohibited from accruing course credit for Standard and Advanced Studies Diplomas due to limited course offerings. For example, if a student takes Biology I Part I and earns a passing grade, limited course offerings should not impede his or her ability to take Biology I Part II and the associated SOL test.
- review, evaluate and adjust as necessary, course codes and course titles to ensure compliance with the VDOE course codes and titles.
- evaluate the value of the Part I courses, as well as Learning Strategies, to ensure that there is an educational benefit to students participating in these courses.

ACTIONS

- The superintendent and central office staff shall review MCPS's existing policy for dropping classes and make changes necessary to ensure that it complies with the guidance provided to school divisions in Informational Superintendent's Memo No. 52, March 7, 2008, and Interpretive Superintendent's Memo No. 4, July 15, 2001. Specifically the policy should clearly identify a deadline after which students may not drop a class even with a failing grade. If the policy continues to offer flexibility to principals in addressing situations where there are extenuating circumstances, training as to what is meant by extenuating circumstances must be provided to all principals.
- The superintendent will take appropriate action to ensure proper SOL implementation at EMHS.
- The principal and STC at EMHS will work with MCPS central office staff to develop a corrective action plan that establishes consistent procedures for:
 - dropping students from a course, including the appropriate timeline and documentation required.
 - determining a student's grade when a course is dropped, including the circumstances for awarding a "WF" and those for transferring grades from the dropped course to the added course.

- This corrective action plan shall be submitted to the Division of Student Assessment and School Improvement at the VDOE by Montgomery County's Division Director of Testing within 30 days of receiving this report.
- Assessment staff from the VDOE shall monitor the administration of SOL tests at Eastern Montgomery High School during the 2009-2010 school year to ensure students are being tested appropriately.