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June 1, 2018

Dr. Nicole Williams, Superintendent
Poughkeepsie City School District
11 College Avenue
Poughkeepsie, NY 12603

Dear Dr. Williams,

I have enclosed the Poughkeepsie City School District Graduation Report, the Corrective Action Plan (CAP) (which is to be submitted to SED), and the CAP recommendations from the Review Committee.

Naturally, if you have any questions, you may contact me or the members of the Review Committee.

Sincerely,

A handwritten signature in blue ink that reads "Richard M. Hooley".

Richard M. Hooley, Ed.D.
District Superintendent
Dutchess BOCES

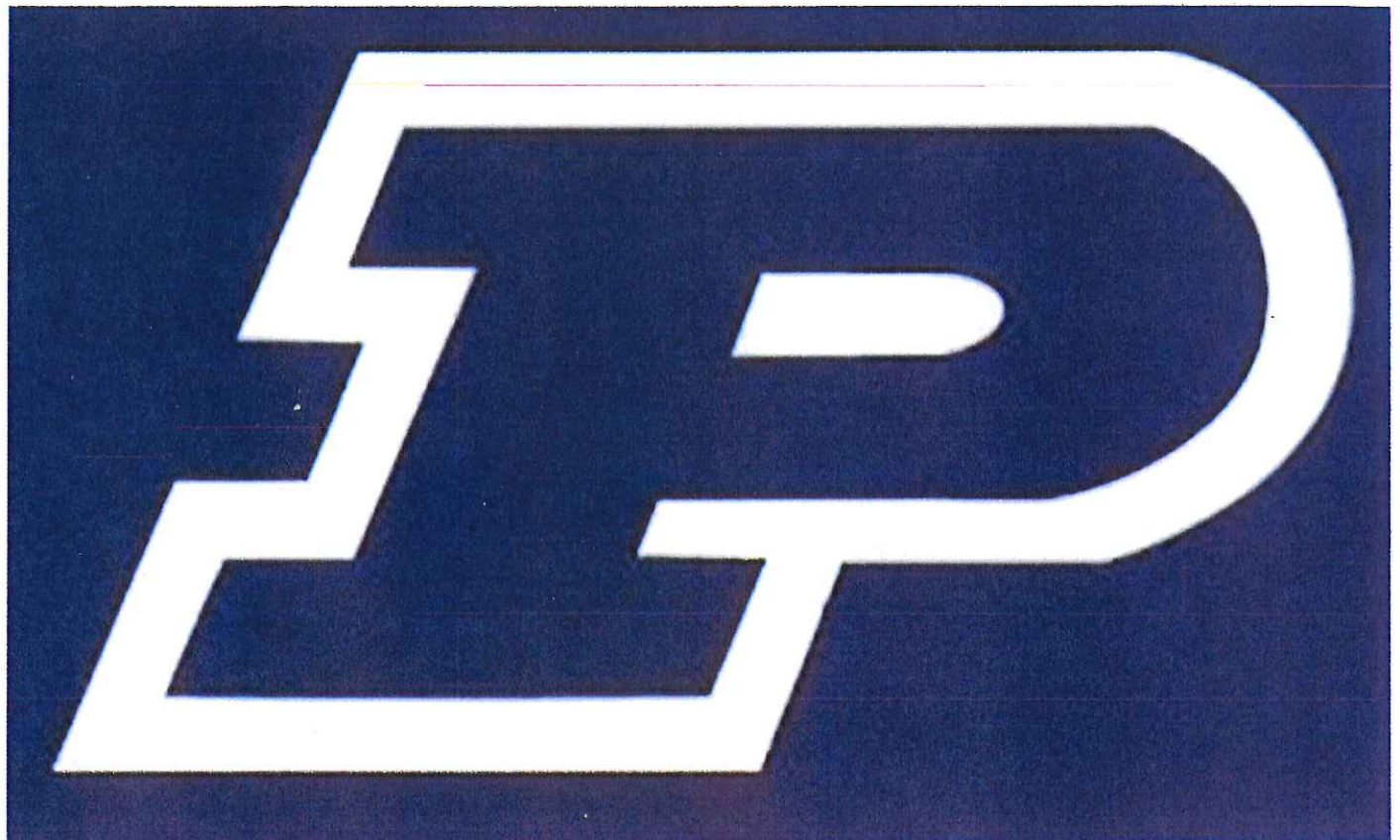
Cc: Cora Stempel
Deputy Superintendent

Enc.

Poughkeepsie City School District

Allegations of Improper Graduations

May 31, 2018



Report prepared by Office of School Professional Review and Accountability /Test Security Unit Investigators Lynn A. Gretschel and Roy F. Tario, and Deputy Superintendent Cora Stempel, Dutchess County BOCES Integrity Officer.

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Attachment:

Corrective Action Plan

Overview of the Investigation

This joint investigation was conducted by the Test Security Unit and the Dutchess County BOCES into allegations of misconduct made by the Poughkeepsie City School Board (hereafter PCSB) against Superintendent of Schools Nicole Williams, Principal Phee Simpson, and other Poughkeepsie City School District (hereafter PCSD) employees. The School Board is represented by Private Counsel Todd Aldinger and the School District is represented by the firm of Bond, Schoeneck, and King.

On December 13, 2017, the Test Security Unit (hereafter TSU) was notified by the NYSED Office of Fraud, Waste, and Abuse that PCSB/Aldinger was attempting to make a report of alleged misconduct regarding June 2017 Poughkeepsie High School (hereafter PHS) graduates. The TSU contacted PCSB/Aldinger telephonically and briefly discussed their following allegations of forty-one (41) erroneous graduations at PHS regarding:

- 1) Section 504 programs that were created late or just prior to graduation as a sole means to allow students to take advantage of the 504 Safety Nets.
- 2) Improperly approved Superintendent Appeals for students who were ineligible for such. (i.e. single Regents failures, excessive absenteeism, and no evidence of Academic Intervention Services)
- 3) Students who graduated with less than the required 22 credits.

Mr. Aldinger advised that he had already submitted a report of his findings to the PCSB and would obtain their permission to provide us with a copy. We requested that he submit his allegations in writing on the TSU web-based Information Reporting Form (IRF).

On December 18, 2017, PCSB/Aldinger submitted an IRF to the Test Security Unit alleging the misconduct detailed above and naming PCSD Superintendent of Schools Nicole Williams and PHS Principal Phee Simpson as persons involved in the incident. His narrative was an abbreviated version of the first of two reports that he had filed with the PCSB on November 14, 2017 and December 15, 2017. Regardless, both reports were provided to the TSU in their entirety on December 19, 2017.

On the same date, the TSU contacted Assistant Superintendent/Integrity Officer Cora Stempel of the Dutchess County BOCES to request that she begin gathering documents and other evidence that would either prove or disprove PCSB/Aldinger's claims. IO Stempel was aware of the current issues at PCSD and advised us of the

long-standing conflict that existed between the School Board and PCSD Superintendent Williams. (Most recently this involved the PCSB's countermanding the Superintendent's legitimate transfer of teachers and the subsequent findings on her behalf by Commissioner Elia.) In her role as the BOCES Assistant Superintendent, Mrs. Stempel had already been involved in the review of many of the documents relevant to the allegations and, at the request of the PCSD Superintendent, met with PCSD employees named in the alleged misconduct. During this involvement she stated that many of PCSB/Aldinger's allegations did not appear to be substantiated but agreed with us that a full investigation was warranted, particularly as the allegations alleged misconduct by the PCSD Superintendent of Schools.

Overview of the Allegations made by PCSB/Aldinger.

(The applicable regulations in italics were inserted for reference by the TSU.)

Appeals

PCSB/Aldinger alleged that: (1) The high school principal and superintendent failed to properly follow the graduation regulations, thereby allowing students to graduate with improperly executed forms (five students); (2) there is a lack of evidence of academic intervention services provided (including after-school tutoring) (thirty students); (3) evidence indicates that students assigned AIS instruction (including after-school tutoring) did not participate (twenty-six students); (4) students that did receive documented help had high absenteeism and therefore it should be said that they did not "take advantage" of the extra help provided by the school (five students); and (5) there are students that did not qualify for a Superintendent's Appeal for other reasons, i.e. one student did not pass the course with a grade of 65% or higher and two students had taken the required Regents examination only once rather than the required two or more attempts.

(General education students can graduate with Regents scores lower than a 65% and special education students with Regents scores lower than 55%, pursuant to an Appeal to Graduate with a Lower Score on a Regents Examination, as set forth in 8 NYCRR 100.5. For both general education and special education students, these regulations require separate criteria be met: (1) a student must have, at least twice, attempted the Regents examination to be appealed; (2) a general education student must obtain a score of 60-64 and a special education student must obtain a 52-54 score on the Regents examination to be appealed; (3) a student must obtain at least a 65 course average in the subject area of the Regents examination under appeal; (4)

there must be evidence provided that the student has received academic intervention services, by the school, in the subject area of the Regents examination under appeal (Specifically, 8 NYCRR 100.5(a)(7)(i)(a) (2) states that the student “provides evidence that he or she has received academic intervention services by the school in the subject area of the Regents examination under appeal.”); (5) a student has attained a course average in the subject area of the Regents examination under appeal that meets or exceeds the required passing grade by the school; and (6) the student is recommended for an exemption to the passing score on the required Regents examination under appeal by his or her teacher or department chair in the subject area of the Regents examination under appeal.)

Tutoring

PCSB/Aldinger alleges that many students (twenty-one) “did NOT receive this tutoring...” and that for several students assigned to after-school tutoring “no records were provided to demonstrate that the students actually took advantage of the extra help offered...” (nine students)

(After-school tutoring in a subject area qualifies as a proper academic intervention service.)

Insufficient Credits

PCSB/Aldinger alleged that there were instances of students graduating with less than 22 credits, or students graduating without fulfilling the subject matter credit distribution requirements or students graduating without receiving a passing grade on five Regents examinations (five students).

(Unless there is an exception, students are required to have obtained 22 credits to graduate: 4 credits in English, 3 credits in Math, 3 credits in science, 3 credits in social studies, and 2 credits in physical education. Additionally, unless students are in the 4-1 program or have successfully appealed a low score of received a superintendent’s determination, students must pass five Regents examinations with a 65.)

Section 504

PCSB/Aldinger alleges that PHS utilized the low-pass Safety Net inappropriately to graduate marginal students, and PHS also failed to provide 504 accommodations in a manner that would benefit the students for as much education as possible. He interprets their actions to indicate a “means to graduate these students, by whatever

means possible”, “charade-like and contrary to the requirements of Section 504” and “suspect.”

(Section 504 of The Rehabilitation Act of 1973 can provide eligible students with reasonable and appropriate accommodations, so they may participate fully in school. Such accommodations are provided as part of a “Section 504 Plan” after a “Section 504 Committee” has a “Section 504 Meeting.” New York State allows for a Section 504 Plan to provide various aides and services, as well as an eligibility for “Safety Net.” Safety Net allows for a low-pass option, where a score of 55-64 on required Regents examinations is deemed to meet testing requirements for a local diploma.)

Investigative Methodology

Working in conjunction with Deputy Superintendent Cora Stempel, the Dutchess BOCES Integrity Officer, we gathered documentation from the District to either prove or disprove the allegations made by PCSB/Aldinger. A file was constructed for each student minimally containing the student’s Official Transcript Statistics, Senior Year Report Card (that includes their Attendance Summary, and Senior Year Schedule). Two File Review Checklists were also created to assist in our review, one for each student and one, more detailed for students who were recent recipients of Section 504 Accommodations. As detailed further into this report, these documents were critical in our evaluation into the veracity of the allegations. After sufficient documentation was obtained, we began our interview process.

Twelve employees of the Poughkeepsie City School District were interviewed, as well as Mr. Aldinger, the Special Counsel for the Poughkeepsie City School Board. Highlights of those interviews are included in this report. Two other “whistleblowers” were interviewed that were loosely related to this investigation but their interviews added no substantive information and are not included in this report.

We also met with the Director and Specialists from the Mid-Hudson Regional Information Center who provided us with a wealth of detail on the IEP Direct Program. A synopsis of that meeting has been included in this report.

Interviews

The following are paraphrased highlights of the interviews of the following individuals, the complete interviews are available for review.

1. Todd Aldinger, Special Counsel for the Poughkeepsie City School Board
2. Nicole Williams, Superintendent of Schools

3. Tracy Farrell, Assistant Superintendent for Curriculum, Instruction, and Grants Management
4. Jessica Lovinsky, former Assistant Principal for Poughkeepsie High School
5. Yvonne Palmer, Director of Instructional Support Services
6. Steven Rappleyea, Assistant Superintendent for Student and Family Support Services
7. Phee Simpson, Principal of Poughkeepsie High School (currently on paid admin leave)
8. Mary Ellen Trocino, School Psychologist, and Section 504 Committee Chairperson
9. Maribeth Smith, Kindergarten Teacher and Section 504 Committee Member
10. Carol Waldschmidt, Special Education Teacher, Section 504 Committee Member
11. Elizabeth Ten Dyke, Assistant Superintendent for Data Analysis and Accountability
12. Lisa Velez, IEP Typist for Student and Family Support Services
13. Clarissa Banks Whitaker, Teaching Assistant, Online Credit Recovery Coordinator

1. Todd Aldinger stated that he was retained in mid-October of 2017 by PCSB President Felicia Watson to investigate the allegations of illegitimate graduations at PHS.

As the Complainant, Mr. Aldinger was the first interview. When comparing his answers from this interview, to the allegations he made in his two reports, it appears that many of his previous conclusions were erroneous due to his apparent lack of sufficient and accurate information.

- He alleged that numerous students did not attend the tutoring required for their receipt of the Appeals to Graduate with a lower Score on a Regents Examination (hereafter Appeal), yet he admitted that he never reviewed the sign-in sheets used for tutoring attendance. Our review of the tutoring sign-in sheets revealed that many of these students did take advantage of what tutoring sessions were available.
- He alleged that many students did not attend the required Academic Intervention Services (hereafter AIS) required for the Appeal yet he admitted that he did not know that the students' attendance of College

Prep Algebra and / or Summer School Algebra sufficed as AIS for Appeal purposes. As such, he discounted the students' attendance.

- He alleged that many students would not be eligible for Appeals as they accrued excessive absences. He admitted that he never verified the completion of student make-up work, which consistent with Poughkeepsie City School District Policy 5100, could negate a student's absences. He also admitted that there was no system for enforcing the attendance policy and the lack of enforcement predated the current principal. (PCSD has serious attendance issues that will be addressed in the Corrective Action Plan.)
 - He alleged that students graduated with insufficient credits that were not made up by the online program known as PLATO. He stated that the online program lacked required hours and rigor. When asked how he determined the difference between online original course credit, credit recovery, and blended courses when evaluating a students' credits, he stated: "I don't have that level of detail, I have a password but never got into the system."
 - He alleged that the Section 504 Accommodations that were granted to five August 2017 graduates were "charade-like" and "suspect". However, when asked about his level of understanding of Poughkeepsie City School District's Section 504 Accommodation Support System, he admitted that he had not seen their plan, nor did he have the exact details of their plan. He also stated, "I can't say that any of the 504's should not have been granted, they possibly all should have been granted." (There is little debate that the lateness of these 504's clearly shows that they were submitted solely to provide Safety Net accommodations to students who would have not otherwise graduated. Regardless, the lateness of the 504 accommodations does not affect their legitimacy.)
2. Dr. Williams has been the Superintendent at Poughkeepsie since July of 2013. She was interviewed in the presence of her private attorney, Stanley Silverstone. Our questions focused on her district's procedures for Appeals and Section 504 cases, to which she seemed very forthcoming and eager to answer.

- Dr. Williams admitted the Assistant Superintendent for Curriculum, Instruction, and Grants Management was signing the (Appeal) forms rather than herself as required. She stated that the process broke down but going forward she would be signing those documents. She provided no explanation as to why the required Summary of Appeals had not been forwarded to the State Education Department and simply agreed that it did not occur.
 - Dr. Williams discussed the District's Section 504 plan, the appointment of Dr. Rappleyea, the Section 504 coordinator, and the training and conference days for the Guidance and Psychologists. She explained that she does not sit on the 504 Committee nor is it her area of expertise.
 - Dr. Williams stated that she has very limited access to the Student Support Services and does not have access to IEP Direct. (We reviewed the IEP Direct User List and verified that she did not even have "View" access.)
 - Dr. Williams spoke to us about Operation Graduation which identifies students as Red/Yellow/Green depending on their preparedness to graduate and their proactive measures to help students reach their graduation goal.
 - Dr. Williams discussed student absences, Policy 5100, and indicated that it was overwritten to state that if a student completes the (make-up) work "then it's okay" and negates the absences. PHS administration meets with the teachers to assign students extra work and works with parents to get the students back in line.
3. Tracy Farrell, Assistant Superintendent for Curriculum, Instruction, and Grants Management has been in this position since of August of 2015. She admittedly had been signing (her own name) on the Appeals on the Superintendent's signature line on the form.
- A/S Farrell admitted that she never spoke with Dr. Williams about the legality of her signing the Appeals forms, but rather transmitted her

concerns through the clerical staff. She added that she requested to speak with Dr. Williams on a few occasions, but that those meetings never occurred.

- When asked why she would sign Appeals that were facially incomplete, she stated that some of these Appeals were given to her only two hours before the students' intended graduation and that she understood that the back-up documentation existed.
 - A/S Farrell described her role in the tutoring program (in response to the allegation that tutoring did not occur) and how attendance was taken by her and the other tutoring instructors.
 - When asked if she believed that anyone was attempting to graduate students that did not deserve to graduate? She responded, "I never had the feeling that anyone was attempting to graduate students who did not deserve it."
4. Jessica Lovinsky, former Assistant Principal for Poughkeepsie High School, resigned her position in January of 2018. She began her career as a Special Education Teacher and was last assigned as the 12th Grade Assistant Principal. Our interview questions discussed her involvement in the Section 504 program and in particular a Section 504 Committee Meeting on August 15, 2017 where it was alleged that she manipulated the process to graduate undeserving students.
- Ms. Lovinsky was provided with an e-mail dated June 21, 2017 from Assistant Superintendent Rappleyea (Student and Family Services) to her and copied to Dr. Williams. The e-mail was a response to her request to have the five students in question evaluated for Section 504 Accommodations. In brief, Dr. Rappleyea stated that they could complete the 504's before the end of August. When asked for her recollection of these students, Ms. Lovinsky provided the following:

"What happened was that the Global History Exams were the last graded. On June 20, 2017 these six students (five of which went to the August 15, 2017 504 Committee Meeting) received failing scores and they were not graduating. The next day they were getting their

graduation tickets and caps and gowns, six of our yellows didn't pass. I requested 504 meetings – those requests were sent after the students last failure. When I started in Poughkeepsie all we had was the mentoring program where each teacher chooses a student to help during the year. In December 2016 tutoring started. When they failed in January, all the yellows and reds were assigned. Students with chronic absenteeism were assigned to Saturday School and Independent Study to make up absences. Others had extra PLATO time. I contacted the parents and teachers and we created individual plans with what portions the students were missing.”

- Ms. Lovinsky was asked if it was accurate to state that the Section 504 meeting that occurred on August 15, 2017 was held for students that you referred much earlier in the year. She responded: “Three were referred throughout the year consistently. Parents push back about their child needing services. Many of these students were missed, and should have been evaluated long ago, one was an ELL. Again, I have to say that the RtI process is broken. It's dependent on a nomination process and no one is really looking at the data to see what students are eligible.”
- In response to the allegations that there was some malfeasance in the selection of Elementary School professionals for the (High School) Section 504 Committee members, Ms. Lovinsky was asked if she selected the members of the 504 team. She responded: “No, I didn't. It was June and the students hadn't passed. I called all the parents and met with them. Five parents signed off on 504 and on June 22nd I walked them over to Lisa Velez. Steve (Dr. Rappleyea) said there wouldn't be any meetings in June as it was too close to the end of the school year to test them. The students didn't walk (graduate) or go to the prom. July passes, not a word, students did Castle Learning (a Regents prep website) over the summer. In August there was no word from Steve's (Dr. Rappleyea) office about meetings, so I called (Principal) Phee Simpson who called Dr. Williams. Dr. Williams called (Director of Instructional Support Services) Yvonne Palmer, who didn't know about the referrals. It was difficult to get the students in for the evaluations.”

Two students who graduated in August of 2017, did so only because of the Safety Net designation on their Section 504 Detail sheet. There have been allegations that Ms. Lovinsky may have misrepresented these students to

the 504 Committee or in some other way affected the data on IEP Direct. She responded: "That's not right. I was present for all the meetings, start to finish. We only talked about the safety net where the student might be eligible. The meeting was "what did you do before we say yes?" It was disorganized, and no one had the necessary data. It was all done based upon my words, the students' words, and the parents' words. All students had been tested and the team had those results and the cognitive data. Everyone was in agreement when I left the room. I don't know if decisions were made after I left the room. I don't have (administrator) access to IEP Direct." (It was verified that she only had "View" access.)

- When asked if she believed that someone attempted to graduate students that did not deserve to graduate, she answered: "No. We tried so hard, we tried to create systems. We documented everything."

5. Yvonne Palmer, Director of Instructional Support Services - Elementary School for the past two years, previously a Poughkeepsie High School Assistant Principal and a Special Education Teacher.

- Director Palmer discussed how the August 15, 2017 Section 504 meeting occurred. She stated that she was called to the High School to meet with Principal Simpson, AP Lovinsky, and Dr. Williams. She said that it was the first time that she saw the (June 21, 2017) e-mail from Dr. Rappleyea. She felt that she should be supportive and texted Dr. Rappleyea (who was out-of-state) and he said to expedite the 504 process.
- She stated that she had chosen the team of Elementary Professionals to comprise the Section 504 Committee as they were her Elementary Team that she had hired to do summer work. She didn't consider this alarming as AP Lovinsky and other High School Administrative Staff were invited to talk at the meeting.
- Director Palmer stated that she did not believe that the Section 504's were granted improvidently. She said that "knowing the team and the committee, I believe the data supported and the accommodations were properly granted, I trust the experts."

- When asked if she believed if someone was attempting to graduate students who did not deserve to be graduated, she replied, “No, absolutely not.”
6. Steven Rappleyea, Assistant Superintendent for Student and Family Support Services has worked for the District since September of 2015. Previously he was a school psychologist.
- Dr. Rappleyea explained the role of his office and their responsibilities for providing related services. He discussed the Section 504 notification process and stated that he had concerns on what was being done to support these students (the August 2017 graduates) leading up to the 504's.
 - Dr. Rappleyea was shown the June 21, 2017 e-mail that he had sent to AP Lovinsky stating that the students would be evaluated over the summer; to which he commented:

“Ms. Lovinsky made an aspirational request to refer a group and have them evaluated. I wanted to be clear that we would help, but not jeopardize the process. We were having summer work done and this would fit in there.”
 - When asked why the delay until August, he answered: “Clerical staff may have delayed sending out the notices. Getting them done in September is as good as getting them (the 504s) done in June, as there is no coursework over the summer.”
 - When asked if the August 15, 2017 Section 504 meeting was held for students referred earlier in the year, he answered: “Absolutely.”
 - He stated that a student's absenteeism would be taken into account when approving Section 504 Accommodations but added that a 504 would not necessarily ever be denied on absenteeism; “it would not be an automatic disqualifying factor.”

- When asked if he believed that the five students' Section 504 accommodations were granted improvidently he responded: "I have no reason to believe that."
 - When asked if he believed that someone was attempting to graduate students that did not deserve to be graduated, he answered: "I don't think that either."
7. Phee Simpson, Executive Principal Poughkeepsie High School, has been in that position for four years and in the PCSD for 17 years.
- Principal Simpson was asked about her involvement in the 504 process, she answered: "I am informed about the process but make no determination. She offered that the Assistant Principal (AP Lovinsky) and the Guidance staff work with the teachers and the Instructional Support Team (IST) and after interviews they make a referral."
 - Principal Simpson was asked about the process to qualify students for an Appeal to Graduate at a Lower Score on a Regents. She provided that PHS uses a multi-tiered approach: Adopt-a-Senior Program and Operation Graduation Program. Adopt-a-Senior matches a student with a teacher for the entire year. Students, through Operation Graduation, are also assigned to AIS, Credit Recovery, Regents Prep, and after-school tutoring by AP Lovinsky and Guidance to help them succeed. Guidance then uses this information to identify who would qualify for an Appeal, sets up a binder for each student and when completed fills out the forms and provides to her for signature, then distribution to the district office (Assistant Superintendent Farrell.)
 - Principal Simpson was asked regarding her awareness of the incompleteness of these appeals and why she signed them. She responded that "everyone knew the process and that as Part of Operation Graduation all students were getting extra services." She also offered that the administration team that consisted of Guidance (Ingram), AP Lovinsky, and Dr. Ten Dyke (data person), were aware of the students referenced, met on bi-weekly basis and provided this information to Dr. Williams and at no point in time was there any indication that there were

any issues. This also included Assistant Superintendent Tracy Farrell once she reviewed the completed binders.

- Principal Simpson was asked about two students who were allowed to graduate with a lower (failing) Regents score, when in fact they were ineligible as they had failed the Regents only once, not two or more times as required. She acknowledged that these students were allowed to graduate in error.
- When asked about her understanding of PLATO she explained the general operations and that the TA, Mrs. Whitaker, sets up the lab and is in the room for the day. She offered that Guidance adds to the student's transcript when they are provided grades from Mrs. Whitaker.
- Principal Simpson was asked about evidence of make-up work and she indicated that Infinite Campus should be able to print out a report.

Three Section 504 Committee Members who sat on the August 15, 2017 committee were interviewed and provided the following information.

8. Mary Ellen Trocino has been a school psychologist for 17 years who, amongst other duties, conducts counseling, crisis intervention, and chairs a CSE.
 - On August 15, 2107, she was assigned as the Chairperson for the Section 504 High School Committee. Although she is an elementary professional, she stated that the basic process for IEP reviews was similar at all levels. She stated that she was contacted by the Office of Student and Family Services and that this was the only meeting that she was involved in that summer. She said that later, "she thought something fishy was going on, and that is why some of the regular members did not want to participate."
 - When asked to explain the process the Committee used that day, she provided the following: "All students had parents or guardians, one guardian came without a student. Ms. Lovinsky provided all the information from her computer. We had an evaluation from a psychologist. I asked Ms. Lovinsky if she had hard copies of the

information and she said that she would provide them, but never did. That was very unusual.”

- When asked if she thought it odd that these Section 504 meetings occurred so closely to the students’ intended graduation, she answered: “I was told that they were seniors, but I thought that they were going into their senior year. It was awhile before I realized that they were graduating. Ms. Lovinsky was fine to work with, she was persistent and believable. Now I believe that she was trying to fool us, I don’t know why I say that, it’s what other people said.”
- It was alleged that students [REDACTED] and [REDACTED] were not granted Safety Nets by the 504 Committee, yet they appeared on their 504 Accommodation Plans and the students only graduated as someone other than the committee provided that accommodation. When Ms. Trocino was shown the 504 Accommodation Plans for these two students she recalled granting Extended Time and Refocusing for student [REDACTED] and she was unsure of what they granted for student [REDACTED]. Later during the interview, she said that “I normally don’t work at the high school level, even now I don’t know when a student should get a Safety Net.”

(On March 28, 2018, TSU Investigators met the Director and two Specialists at the Mid-Hudson Regional Information Center in New Paltz, NY. (See Report of Investigation dated 3/29/2018) The Special Education Specialist was able to provide audit details and audit history that showed that Lisa Velez changed student [REDACTED]’s Safety Net Accommodation “from Empty to Eligible” on 8/18/2017 at 9:29 AM and Mary Ellen Trocino did the same for student [REDACTED] on 8/15/2017 at 3:40 PM.)

9. Maribeth Smith, Kindergarten Teacher, has been a teacher in the Poughkeepsie City School District for 16 years. She has experience in both CPSE (Preschool) and CSE. In the summer of 2017 she was hired as a substitute committee member from mid-July to late August.
 - She stated that she was surprised to be dealing with high school students and remembered that the other committee members expressed surprise that as elementary professionals, they were dealing with these students. She said that she vaguely remembers that the meeting was about testing accommodations but recalled little else.

10. Carol Waldschmidt, Special Education Teacher, has worked for the Poughkeepsie City School District for 36 years. She chaired the CPSE and CSE for 12 years but no longer has that assignment.

- During the summer of 2017, she worked on a part-time, as needed basis as the special education representative conducting evaluations. Ms. Waldshmidt expressed her dismay about being brought in to be on a committee for high school students as she did not like doing high school. She continued that she did not know about 504s, and if she had known what the meeting was about, she would have declined.
- Ms. Waldschmidt had retained her notes from that meeting and explained in detail what was discussed with each student. Her recall of the meeting was consistent with the other participants. She stated that “Mary Ellen Trocino was entering directly (IEP Direct) into the computer, as the chair, and she was madly typing.”
- When asked if she believed if anyone at Poughkeepsie City School District intentionally graduated students in 2017 that did not deserve to graduate, she answered: “Yes. I don’t know, but several of those students should never have been brought to that committee, administration has to ensure that they are ready to go. For example, attendance, attendance is the first thing to talk about, so don’t bring students with that many absences. Students should not be brought to committee just to graduate, a 504 is to help students. I would have felt better knowing that these students had fundamental math and literacy skills, not just to meet graduation criteria. If students don’t attend they can’t profit from instruction and it seems that many levels of administration knew this. The elementary teachers sat in good faith but the only thing that they wanted was the Safety-Net.”

11. Elizabeth Ten Dyke, Assistant Superintendent for Data Analysis and Accountability has worked at Poughkeepsie City School District since 2013. She was referred by PCSB President Felicia Watson to assist Special Counsel Aldinger in obtaining data during his investigation. He described her as his “access point and the least fearful of upsetting the current administration.”

- Dr. Ten Dyke stated that “Dr. Williams had requested that I make a presentation to the School Board on 9/16/2017. The Superintendent was proud of the fact that the graduation rate was getting better, and she wanted to advise the board of the progress. During her presentation, new Board Member Debra Long started asking a flurry of questions and pulled out a piece of paper and started to read from it. Then Dr. Watson, the School Board President started asking questions. Dr. Watson asked that I investigate further and about two weeks later she emailed me specific questions. I went into Infinite Campus to look at the 2013 cohort. There were between 180-200 students; I paged through transcripts and identified a “host” of concerns, some students did not have the five required regents, some did not have enough credits, and some did not pass certain classes. I went to the clerk (Victoria) and told her I wanted to speak to Dr. Watson. I then met with Dr. Watson and School Attorney Miller. I was concerned with approximately 20 students at this time. I was aware of the low scores and looked at the binder for Appeals, I did not dig into the 504s, but pulled things together. It was at this time that I was told that Mr. Aldinger was hired.”
- Dr Ten Dyke was asked about her responsibility to provide reports on graduation issues to the Superintendent. She responded: “I did not routinely provide reports to the Superintendent. Leadership is chaotic. When Dr. Williams asked, I would provide her with a report. In 2016-17 she did ask, this year, not at all.”
- When asked why she did not review the student’s schedule, report card or Summer school in her review of material for presentation to Mr. Aldinger, she responded: “I was only responding to questions posed to me. I was not doing the investigation.” She indicated that she also did not look at the student binders maintained at the high school because she “did not want to poke the dragon.”
- When asked about her involvement in Operation Graduation she indicated that she attended weekly meetings, they would comb over the cohort, categorize the students, and talk about interventions that were in place. She then would write up the minutes and provide them to the Superintendent.

- When asked if she believed that someone in the district was intentionally trying to graduate students that did not deserve to be graduated, she answered: “Intentionally, no. However, there was intense pressure to get the best possible graduation rate. Individuals are taking advantage of the staff to get there and the actions are careless and reckless. These items are not discussed in cabinet meetings. Meetings are supposed to be held weekly, but they are not, and it is unpredictable as to when they are held. There is an agenda, but it is typically a boiler plate and just shows general topics, that are the same for every meeting. The Superintendent is directly and explicitly pressuring staff, she posts the 75% goal on a wall and shows how far away the school is.”

12. Lisa Velez, IEP Typist for Student and Family Support Services has worked at Poughkeepsie City School District for the last 17 years. She is responsible for a variety of tasks in her position that include: handling special education data, submission of monthly board packets that include CSE and 504s to the Board for approval, scheduling of CSE / 504 meetings and typing the notes that result from these meetings, updating IEPs / 504s / and IEP Direct.

- Ms. Velez explained that part of her duties involved the finalization of the Committee reports in IEP Direct. When asked what this finalization entailed, she responded: “After the 504 meeting I get paperwork from the chairperson, the chair-person enters comments, I do spellcheck, check grammar, I check for completeness, list the attendees, outcome class, eligibility, school, grade, program, goal entered, AIS entered, do they need transportation (IEP plan). I compare the papers from the chair to what is in the computer, to make sure it all matches. Teachers enter the accommodations, there are dropdowns for them to use. I make updates if they do not match because I have the paper. The chairperson does not get a draft copy of the IEP because they are online and has access to that information.”
- Ms. Velez explained that if the teachers don't update the student's accommodations she fixes them on IEP Direct.

- When asked what type of information she wrote into IEP Direct, she responded: “Sometimes in the chairperson comments, notes might mention something that I need to check, if I see something that has not been entered, something on transportation, if there is something in the comments and in the CSE/CPSE recommendations (last paragraph) that has not been entered I do that. The IEP training says that the chairperson should do the final review but PCSD does not do that, it has been like this for many years. I ask for clarity if the message comes up and I don’t have the answer, for example when a student is declassified the system automatically says that the student is eligible for Safety-Net and /or Compensatory Option and a screen asks if it should be applied. Sometime it happens in the middle of the year and sometimes at the end of the year.”
- Ms. Velez was shown the Section 504 Accommodation Plans and Audit sheets for students [REDACTED] and [REDACTED], specifically the section that granted the Safety Net Accommodation. Ms. Velez is clearly shown as the only person accessing student [REDACTED] file immediately after the date of the Committee meeting, and that Committee Chairperson Mary Ellen Trocino positively denies granting this student the Safety Net. Regardless, when asked if someone requested or directed her to add the Safety Net Accommodation to student [REDACTED]’s file, she responded: “If it is there, then Mary Ellen Trocino must have asked me to do it.”

Although Ms. Velez was not notified of the specifics of our meeting on March 28, 2018, the Audit History on both these files show that on the morning of our interview, at 9:33 and 9:34 AM, Ms. Velez went into IEP Direct to review them.

- When asked directly if she added the Safety Net Accommodations to the 504s of these two, Ms. Velez said, “Yes, but only if Mary Ellen Trocino told me to.”
- Adam Garfield, the Labor Relations Specialist accompanying Ms. Velez asked: “Is it possible that someone could have made these changes from Lisa’s desk? As the system requires a unique

password, I asked Ms. Velez, do you share your password? She responded: "It is always open on my desk. It never shuts off or locks out.

On March 29, 2018, we contacted Shawn Daneshvar, Director of Technology for Poughkeepsie City School District (845-204-4400) and he confirmed that the computers at the District do not have a timeout security feature which allows them to be left on. Though he added that the office where Lisa Velez sits is one open room and it would be obvious if someone went to use another's computer. Ms. Velez' explanation of the awarding of the Safety Net to student [REDACTED] is not credible, although her motivation for doing so has not been established.

13. Clarissa Banks Whitaker, Teaching Assistant at PCSD since November 2, 1987, (24 years) and the Online Credit Recovery Coordinator since she was moved to the high school in the 2009-10 school year. She did PLATO on and off again in the 2017-18 school year due to budget issues and indicated that at the time of this interview she was not working on PLATO. Sign in sheets dated March 2018 shows her currently participating in PLATO meetings.

- When asked to explain her knowledge of and involvement in the online learning PLATO program, Ms. Banks-Whitaker said was aware that AP Lovinsky and Building Administrator Phee Simpson (Principal) work with it and that Phee Simpson with a department chair would go over the syllabus and determine which course modules would be required for successful course completion. She stated that at times throughout the school year, the administration would advise to remove additional lessons from the modules that the students needed to successfully complete a course (documents were provided for our review.)
- Ms. Banks-Whitaker shared that she would enroll students in PLATO, provide the students a sign-on and password, conduct a student orientation, that included a video tour, how to download the app on their phones, highlight, etc. She would be in the lab for four periods and the students would show up and/or the teacher would bring them down.
- When asked to provide an overview of credits earned for several students, Ms. Banks-Whitaker provided documents printed from PLATO for our review.

- When asked if anyone placed improper pressure on her to provide online credit to a student that had not earned it Ms. Banks-Whitaker replied: “I’m not making up jack-crap.”

Meeting at the Mid-Hudson Regional Information Center (RIC)

On March 28, 2018, TSU Investigators met with RIC Director Eugene Knudsen, Specialist Mariah Adin, and Specialist Susan Alexander. The purpose of the meeting was review five former Poughkeepsie High School student files in IEP Direct to determine who made certain changes and/or updates to the students’ Section 504 plans.

The Section 504’s for students [REDACTED], [REDACTED], and [REDACTED], were reviewed at their office and the MHRIC staff provided us with a copy of the 504 Document Details that showed in red, changes that were made after the date of finalization. They also provided the (RtI) Intervention History and the Audit Data. As we had to leave to conduct another interview, they provided the same data for students [REDACTED] and [REDACTED] upon our return that afternoon.

In the afternoon, the MHRIC staff also provided a list of the Central Office Supervisory Users, all IEP Direct Users, IEP Training sign-in sheets, and the Frontline Audit History information that provided a greater level of detail of the changes than was provided in the previously received Audit Data.

Two important details revealed in the Frontline Audit History information are as follows:

Mary Ellen Trocino, Psychologist and 504 Committee Chairperson on August 15, 2017 told us that she did not authorize a Safety Net accommodation for either student [REDACTED] or [REDACTED]. The Frontline Audit History shows that for student [REDACTED], Mary Ellen Trocino, user 8282, changed the field “from Empty to Is Eligible” for the Safety Net on 8/15/17 at 3:40 PM.

Lisa Velez, IEP Clerical Supervisor, provided testimony that she called Ms. Trocino the day after the (8/15/17 Tuesday) Section 504 Committee meeting and asked if Ms. Trocino was going to provide students [REDACTED] and [REDACTED] the Safety Net accommodations. Ms. Trocino agrees that this occurred. They also agree that Ms. Trocino told Ms. Velez that she was not going to provide the Safety Net accommodation, although it appears that Ms. Trocino already had done so for student [REDACTED].

The MHRIC provided Frontline Audit History shows that for student [REDACTED], Lisa Velez, user 7428, changed the Safety Net field “from Empty to Is Eligible on 8/18/2017 at 9:29 AM. This change would have occurred after Ms. Velez had been advised by Ms. Trocino that she was not authorizing the Safety Net for this student.

Section 504 Students

These five students’ Section 504 applications were presented to the 504 Committee at the August 15, 2017 meeting. Although it is arguable that Chairperson Trocino did not intend to approve a Safety Net Accommodation for student [REDACTED], an audit review of IEP Direct reveals that she in fact did so. Additionally, student [REDACTED]’s Safety Net accommodation was entered into IEP Direct by IEP Typist Lisa Velez, not Chairperson Trocino. Ms. Velez does not deny entering [REDACTED]’s accommodation into the database and obliquely explains “that if she did so, it was because Chairperson Trocino told her to do so”, a claim that Chairperson Trocino vehemently denies.

SUBJECT ID#	Alleged	SED FINDINGS	Impermissibly Graduated?
[REDACTED]	No Safety Net granted	IEP Typist Velez awarded Safety-Net on 8/18/17 @ 9:29 am; Rtl shows intervention dating back to 2010.	NO
[REDACTED]	Excessive Absences	Passed 2 Regents, Chairperson Trocino gave Safety-Net on 8/15/17 @12:02 pm. Rtl shows teacher referred 12/2014 & 4/2016	

██████	Safety Net not specifically designated, 504 granted after the date of last Regents Exam	Dr. Rappleyea recalled Safety-Net being granted during the June 2017 504 Committee Meeting. Date of 504 granting has no bearing on graduation eligibility.	NO
██████	504 granted after date of last Regents Exam	504 Plan provided is dated 6/6/17 & has Safety Net eligibility, student had successfully passed 4 Regents with 7 failed attempts at Math. Date of 504 granting has no bearing on graduation eligibility.	NO
██████	No Safety Net Granted, Excessive Absences	504 Plan provided is dated 8/15/17 & has Safety Net eligibility per Chairperson Trocino. There is evidence of make-up work being done (per 504 Plan). Rtl shows interventions in 2015 & 2016. Rtl shows intervention dating 2014, 2016 due to attendance issues.	NO

Insufficient Credits

All three students should not have graduated as they lacked the required number of credits to do so.

Student ID #	Alleged	SED Findings	Impermissibly Graduated?
██████	Student had only 21.5 credits.	All parties agree the student should not have graduated and was lacking a mandatory Science Credit.	YES
██████	Student had only 21.25 credits.	The student should not have graduated due to PLATO failure of Career Explorations.	YES
██████	Student had only 21.25 credits.	Student's transcript does not reflect the PLATO .50 credits for English 12B which the student passed with a grade of 72%. Which still left the student .25 credits (not PE) short.	YES

Appeals

Mr. Aldinger and the Poughkeepsie City School Board alleged that twenty-seven (27) students graduated impermissibly due to one or more of the following causes: lack of AIS/tutoring, excessive absences, improperly signed appeals, failing the Regents course, and/or their single failure of the Regents examination.

Our review of these students' files revealed all the appeals were either unsigned or signed by Assistant Superintendent Farrell rather than Superintendent Williams. Additionally, excessive absences plagued many of these students and a strict interpretation of Poughkeepsie City School District's attendance policy would have made many of them ineligible for that reason alone.

For this investigation, the above factors have been set aside and we looked at addressing the allegations that the students were not provided with AIS and/or tutoring, had failed the Regents course, or had failed the Regents examination only once. Utilizing that criterion, five of the twenty-seven (5 of 27 or 18.5%) 2013 cohort students graduated impermissibly, and one of the seven (1 of 7 or 14%) 2011 and 2012 students did so also.

Student ID #	PCBS/Aldinger Allegations	SED Findings	Impermissibly Graduated?
██████	No Evidence of AIS/Tutoring Participation	Tutoring participation verified/AIS scheduled and grade provided.	NO
██████	Appeal unsigned by Superintendent	Appeal unsigned by Superintendent	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed	NO
██████	No Evidence of Tutoring Participation	AIS completed in Global History	NO
██████	Did not maintain a course grade of 65%	All parties agree that there is no 65% course grade, therefore student was ineligible for graduation.	YES
██████	No Evidence of Tutoring Participation	Tutoring attended only 2X for Global History.	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed	NO

Student ID #	PCBS/Aldinger Allegations	SED Findings	Impermissibly Graduated?
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with Global in Grade 11, 15-16 SY.	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed / Global completed and passed in summer school	NO
██████	No Evidence of AIS/Tutoring Participation	Participation in AIS for Living Environment is noted on student's report card.	NO
██████	No Evidence of AIS/Tutoring Participation	Student attended both AIS for both tutoring in both Global and US History.	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed	NO
██████	No Evidence of AIS/Tutoring Participation	Student completed AIS in Living Environment	NO
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied with College Prep Algebra completed	NO
██████	No Evidence of AIS/Tutoring Participation	No evidence of the required tutoring or AIS in Global	YES
██████	Single failure of Regents Exam	Student should not have been granted an Appeal with a single Regents failure	YES
██████	No Evidence of AIS/Tutoring Participation	AIS satisfied in 15-16 SY (although AIS proceeded 1st Regents attempt.)	NO
██████	Single failure of Regents Exam	Student should not have been granted an Appeal with a single Regents failure	YES
██████	Student graduated by "passing" four Regents exams with the low pass option. No record of Appeal although eligible.	No evidence of Appeal or "passing" grade on 5 th required Regents	YES
██████	No Evidence of AIS/Tutoring Participation	Student participated in Global tutoring 11X and Algebra tutoring 8X.	NO
██████	No Evidence of AIS/Tutoring Participation	Student received AIS in Global during 2016-17 Summer School	NO
██████	No Evidence of AIS/Tutoring Participation	Student attended ELA tutoring, albeit only 2X.	NO
██████	No Evidence of AIS/Tutoring Participation	Student attend tutoring and AIS for Global.	NO

Student ID #	PCBS/Aldinger Allegations	SED Findings	Impermissibly Graduated?
██████	No Evidence of an Appeal completed	Student required an Appeal for Global. Student the Global Regents 3X and participated in Global AIS in 2016-17 Summer School. Appeal would have been granted except for the oversight.	NO

Cohort 2011 and 2012

Subject ID #	Alleged	SED Findings	Impermissibly Graduated?
██████	No Evidence of AIS/Tutoring Participation	Student again passed Global II in SY 16-17 which suffices as AIS. Student did have a high number of absences.	NO
██████	No Evidence of AIS/Tutoring Participation	Student participated in AIS in SY 14-15.	NO
██████	No Evidence of AIS/Tutoring Participation	Completed College Prep Algebra in SY 15-16 which suffices for Algebra AIS.	NO
██████	No Evidence of AIS/Tutoring Participation	Completed College Prep Algebra in SY 15-16 which suffices for Algebra AIS.	NO
██████	No Evidence of AIS/Tutoring Participation	Completed Algebra 1 in SY 14-15 and College Prep Algebra in SY 15-16 which suffices for Algebra AIS.	NO
██████	No Evidence of AIS/Tutoring Participation	There is no evidence of LE AIS or tutoring.	YES
██████	No Evidence of AIS/Tutoring Participation	Completed Math 10, Math 11 and Algebra 1 in Summer School which suffices for Algebra AIS.	NO

Conclusions

Although just 12 of the more than 800 employees of the Poughkeepsie City School District (PCSD) were interviewed as part of this investigation, those interviewed were carefully chosen to provide maximum clarity to the allegations made by the Poughkeepsie City School Board (PCSB). While no School Board members were interviewed, Mr. Aldinger, legal counsel for the Board, willingly met with us and provided us copies of his written reports. These reports, however helpful in our evaluation of the allegations, lacked critical information that we believe, had they been known to him, would have guided Mr. Aldinger to different conclusions. Although this report is at times critical of his findings, it should not be misconstrued

that we are ungrateful for Mr. Aldinger's assistance and are hopeful that much of his research will provide some future benefit to the students of PCSD.

Three Assistant Superintendents were amongst the twelve employees interviewed. They were very willing to speak with us and provided us with their insight into the innerworkings of PCSD. However accommodating they were with us, it was clear that an unfortunate lack of open communication existed between these administrators and Superintendent Williams. The cause of this communication breakdown could be the result of the School District's leadership style differences or possibly the PCSB's insertion of its members between Dr. William's and her staff. Specific items requiring attention in each of the staff's functional areas will be addressed in the attached Corrective Action Plan.

Many of the allegations of impermissible graduations made by the PCSB/Mr. Aldinger were due to excessive student absences. It has been noted in this report and in the Corrective Action Plan that PCSD has an attendance problem that needs to be controlled. Regardless of the amount of make-up work that the PCSD Attendance Policy 5100 allows, students willingly missing half, or more, of their available class time face a nearly impossible chance of possessing the required mastery of their subjects for graduation. Nevertheless, the lack of attendance has not been used as an automatic disqualifying factor from graduation at PCSD in the past, and it is not considered to be so here.

Five students graduated PHS in 2017 with Section 504's accommodations that were undeniably granted late in their scholastic careers. Each student's circumstances was slightly different, some were referred in earlier years and never acted upon for a variety of reasons, some were referred after their June 2017 Regents failures and their 504 packets sat idle for the summer. Regardless, each of these five students only graduated because of the granted Safety Net provision. Who granted this accommodation for two of the five graduated students remains an open question that may never be adequately answered.

Three students graduated PHS in 2017 who each required an additional .75 credits to meet the minimum 22 credits and should not have graduated.

Six of the thirty-four students who graduated PHS in 2017 (includes prior cohorts) on Appeals should not have graduated. Arguably, this number could be much higher considering that Dr. Williams did not sign any of the Appeals as she was required to do so. However, this was not past practice at PCSD and that issue will be addressed in the attached Corrective Action Plan. Our investigation looked at the other factors

that would negate the Appeals. In Mr. Aldinger's reports, the numbers of impermissible graduations due to the lack of AIS and/or Tutoring was substantially higher than our findings. During our interview with Mr. Aldinger it was learned that his PCSD point of contact had not provided him with the tutoring sign-in sheets, nor was he ever briefed on what alternative courses were considered AIS for appeal purposes.

Inarguably, errors were made that resulted in a number of students graduating from PCSD in 2017 that should not have graduated, although the numbers are far less than alleged. The attached Corrective Action Plan addresses those errors with the intent of assisting the PCSD to move forward with their processes.

However, our findings did not show any intentional manipulation of students' records that would question the moral character of any individual, nor lead this department to refer Part 83 charges under the Commissioner of Education's Regulations.



**NEW YORK STATE EDUCATION DEPARTMENT
Test Security Unit**

Corrective Action Plan

TSU Case #: 17-6707718

Date: 05/31/2018

Date Due: 8/31/2018

Directions: The District is to complete this Corrective Action Plan (CAP) by the due date identified above. The District can obtain guidance regarding the CAP from the Test Security Unit (TSU) and/or the Test Security Unit Integrity Officer assigned to the District. The school principal, the District superintendent, and the Integrity Officer must review, sign and date the CAP prior to submission to the TSU.

The completed CAP should be submitted to the TSU by fax at (518) 473-5261 or email at tsu@mail.nysed.gov

Confidentiality: All information contained in a CAP should be treated confidentially.

1. Identifying Information:

BOCES or Big 5 District	Dutchess County BOCES
School Name and BEDs Code	Poughkeepsie High School, 1315 0001 0010
Allegation and School Year	Students were improperly graduated for the 2016 – 2017 school year.
Educator(s) identified in the complaint/report (if applicable)	Superintendent of Schools Nicole Williams, Principal Phee Simpson, and other Poughkeepsie City School District (hereafter PCSD) employees
Name of Superintendent	Nicole Williams
Name of Integrity Officer	Deputy Superintendent Cora Stempel for Richard M. Hooley District Superintendent

2. Description of Incident (to be completed by NYSED):

It is alleged that Superintendent Williams, High School Principal Phee Simpson and other PCSD employees: (1) Created Section 504 programs that were late or just prior to graduation as a sole means to allow students to take advantage of the 504 Safety Net (60-64%) and graduate, (2) Improperly approved Superintendent Appeals for students who were ineligible for such and (3) graduated students who had less than the required 22 credits.



**NEW YORK STATE EDUCATION DEPARTMENT
Test Security Unit**

Corrective Action Plan

TSU Case #: 17-6707718

Date: 05/31/2018

Date Due: 8/31/2018

3. Issues/Areas to Address in CAP (to be completed by NYSED based on the incident reported):

See the attached document: CAP Poughkeepsie CSD

4. District Corrective Action Plan (include any disciplinary action taken and the date of report to the school board):

Signature of School Principal and Date

Integrity Officer and Date

Signature of School District Superintendent and Date

NYSED TSU Investigator and Date

Poughkeepsie City School District Corrective Action Plan

Appeals 100.5 (d)(7) - To keep their students engaged in learning, PCSD encourages students to make multiple attempts to pass the Regents before applying for an appeal or the 504-designation. While this can be applauded, evidence suggests that it may be overwhelming to the student and is reflected in poor attendance in school and tutoring and AIS instruction. It also creates the appearance of impropriety when submitted too closely to the end of the student's high school education. It is critical that PCSD establish policies that provide clear and concise instructions for filing Superintendent Appeals. The following should be addressed as part of your corrective action:

1. Final approval by the Superintendent of all Appeals and Superintendent Determinations
 - a. Superintendent Signature indicating approval
 - b. Form to allow for additional administrative review signoff or instructions be provided on how to accommodate additional signatures.
2. Annual remittance of the Appeal/Determination Summary to NYSED, as required.
3. Adherence to the PCSD attendance policies Appeals and 504s
 - a. adjustments must be made to the school management system to allow for proper reporting of attendance issues, including the documentation of work completed as "make up" for absences.
4. Adherence to proper completion of the appeal package and checklist: the checklist must be completed and initialed on each line by the building principal, and the appeal package must contain all supporting documents necessary to confirm student entitlement.

Tutoring – As provided by the school, tutoring participation satisfies the SED requirement for academic intervention services resulting from a student's failure to pass a Regents examination. However, there are factors that will ensure that the student is as adequately prepared as possible to pass their next attempt at the Regents. The following should be addressed as part of your corrective action:

5. Sign-in attendance logs (electronic and/or manual).
6. Clearly stated attendance rules, to include consequences for non-compliance.
7. Instruction provided by a content certified instructor.
8. Tutoring assignments should be timely and relative to the students' testing needs.

Section 504 Plans and Accommodations – It was evident that the timing of submissions and requests for 504 Plans and Accommodations contributed to the appearance of inappropriate graduations. As such, all possible measures should be taken to identify students early in high school and place students in appropriate AIS and Tutoring programs. Subsequent Regents attempts, and failures should be closely monitored. The following should be addressed as part of your corrective action:

9. There should be a cutoff date for submission of 504s for seniors. Only in extreme exceptions should late filings be accepted.
10. IEP Direct should be restricted to persons on a "need to know" basis and be properly restricted. This includes a periodic audit and a security time-out feature on computers to prevent unauthorized access.

11. Persons expecting to chair a CSE or 504 meeting at the secondary level must be provided with training on graduation requirements, appeals, and Safety Nets for students with disabilities.
12. 504s, CSE, IEPs should be reviewed and finalized by a supervisor, not a clerical staff member.
13. The Response to Intervention (RtI) database must be updated regularly and documentation must be provided to all 504 Committee members for review during the 504 committee meetings.
14. Include the building principal in instruction and updates on the 504 process, as well as reporting on the students receiving those supports.

Plato 100.5 (d)(9)(10) – Plato, online credit recovery and course acquisition, can be a useful tool in providing alternative methods to students to assist in fulfilling graduation requirements. However, as it currently exists the program does not account for individualized student programs, does not account for attendance, does not include a mechanism for ensuring that grades associated with these courses are recorded on a student’s report card and transcript, does not clearly indicate how it is being used and student progress is not monitored by a PCSD administrator. The following should be addressed as part of your corrective action:

15. Designate a PCSD Administrator to manage PLATO.
16. Create an Online-Credit Policy Handbook that includes:
 - a. NYSED and PCSDBOE policies and how PCSD will comply with these policies.
 - b. Define types of online recovery.
 - c. Requirements for course participation within each type of online recovery
 - d. Define and limit the number of courses each student can participate in for a semester, school-year, etc.
 - e. Define attendance policies and requirements.
17. Create attendance logs for in-school on-line lab
18. Prepare and present to administration reports of PLATO activity that indicate activity, compliance, and identify students that are not participating.

Guidance and Insufficient Credits – Guidance is an integral component for a high school student to attain graduation. In PCSD guidance staff is assigned to a cohort year and follows that cohort through graduation. In a school the size of PCSD that can be overwhelming, and it is imperative that guidance has what they need to succeed, thereby allowing the student to succeed. Evidence suggests that guidance supervision was fragmented between the Principal and Student Support Services, that they received documentation pertinent to their job untimely and on occasion with no administrative guidance or interpretation, and that they failed to properly document for each student course credits and subjects needed to graduate, as well as Regents required to graduate. The responsibilities of each Assistant Superintendent/staff relative to curriculum and instruction, as well as Operation Graduation, needs to be clearly articulated. The following should be addressed as part of your corrective action:

19. Student Support Services must provide all Guidance staff, SED and BOCES documentation necessary to perform their duties and it must be provided within a reasonable period to be determined by the Superintendent.

20. Each Student's personal file should contain documentation reflecting the status of credits needed to graduate and Regents required to graduate.
21. Each Student's personal file should be reviewed yearly, starting no later than the conclusion of Grade 9, to determine the most feasible Pathway to Graduation.
22. Identify students after two failed Regents for possible 504 accommodations.
23. Utilize SED tools and reporting to identify all at risk students (not just seniors).
24. Utilize free periods within a student's schedule to provide AIS services.
25. Students must be directed into required classes for graduation and not placed in classes that were not needed, as seen in several 2013 cohort students.

AIS 100.2 (ee) and Rtl 100.2 (ii), PCSD 4325 ACADEMIC INTERVENTION SERVICES and 4321.11 SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTIONS – Evidence indicates that the efforts to provide AIS services are disorganized and inadequate to meet the needs of the struggling student population at PCSD. The program is not successful for a variety of reasons: undefined procedures and protocols, inadequate staffing, poor communication between all parties, etc. The following should be addressed as part of your corrective action:

26. Reevaluate the Rtl Program and Instructional Support Team procedures at PCSD
 - a. Re-educate and reinforce these processes within the PCSD staff
27. Determine how Operation Graduation contributes to the AIS program and define protocols and responsibilities for all related parties.
28. Define procedures to identify students after one failed Regents and prepare individualized plans to guide them toward graduation.

Attendance PCSD 5100 – The failure to utilize Infinite Campus for adherence to stated PCSD attendance policies for all students has left students, programs and staff at risk for failure to comply with PCSD and SED graduation policies. The following should be addressed as part of your corrective action:

29. Update Infinite campus to comply and document adherence with PCSD attendance policies.
30. Create administrative reporting protocols and guidelines and distribute appropriately.
31. Produce reports for administrative review.

Reporting – Although data cannot be the sole determining factor in all decisions school district personnel use to make decisions, it is a critical component. Data can only be utilized if it is made available and appropriately defined. The following should be addressed as part of your corrective action:

32. Data Coordinators should provide all appropriate reporting to administrative personnel (not to be limited to the following)
 - a. End of Year Data Certification Tools
 - b. SIRS Reasonableness Reports
 - c. Attendance reports to Superintendent, Curriculum and Instruction, and Guidance on a regular basis to be determined by the Superintendent.