

December 1, 2017

Dr. Watson,

As per your request I have carefully reviewed Principal Phee Simpson’s response to Mr. Aldinger’s report, excluding the section that pertains to 504 plans. My findings are as follows:

Ms. Simpson stated that many scholars received extra help as required for an Appeal to Graduate with a Lower Score on a Regents Exam as they were provided with AIS (Academic Intervention Services) in the form of after-school tutoring. Specifically, Ms. Simpson wrote:

*All Assistant Superintendents, Ms. Tracy Farrell, Mr. Mario Fernandez, Dr. Steven Rappleyea, and the Director of Data Analysis and Accountability, Dr. Elizabeth Ten Dyke all [sic] were assigned as additional support to tutor our scholars **after school** beginning in December 2016 and again in February 2017 [emphasis in the original].*

This statement is true, and Ms. Simpson attached a schedule of tutoring assignments to support her assertion. Ms. Simpson wrote that the section on each appeal form pertaining to extra help was “left blank, because it was understood by Ms. Farrell and myself that all scholars received this service through Operation Graduation.” However, the appeal process, as defined by New York State regulation, clearly calls for “evidence” not “understanding.”

Ms. Simpson concluded, “Therefore, according to NYSED Regulations [the following students] received AIS after school support.”

Contrary to Ms. Simpson’s claim, according to the schedule provided by Ms. Simpson, the following students were *not* scheduled for after-school tutoring:

██████: appeal CC Algebra, not assigned to Algebra tutoring

██████: appeal CC Algebra; not assigned to Algebra tutoring

██████: appeal CC Algebra; not assigned to Algebra tutoring

██████: appeal CC Algebra; not assigned to Algebra tutoring

██████: appeal CC Algebra; not assigned to Algebra tutoring

██████: appeal Algebra, not assigned to Algebra tutoring

██████: appeal Algebra, not assigned to Algebra tutoring

██████: appeal Integrated Algebra, not assigned to Algebra tutoring

██████: appeal Integrated Algebra, not assigned to Algebra tutoring

██████: appeal Integrated Algebra, not assigned to Algebra tutoring

██████: appeal Integrated Algebra, not assigned to Algebra tutoring

- ██████: appeal Global, not assigned to Global tutoring
- ██████: appeal Global, not assigned to Global tutoring
- ██████: appeal Global, not assigned to Global tutoring
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- ██████: appeal Global, not assigned to Global tutoring
- ██████: appeal Global, not assigned to Global tutoring
- ██████: appeal Global, not assigned to Global tutoring
- ██████: appeal Global, not assigned to Global tutoring
- ██████: appeal Living Environment, not assigned to LE tutoring
- ██████: appeal Living Environment, not assigned to LE tutoring
- ██████; appeal Living Environment, not assigned to LE tutoring
- ██████: appeal US History, not assigned to US tutoring

In addition, for an Appeal to be valid, it is not sufficient that the school offers extra help. The Appeal requires evidence that the student has “taken advantage” of this extra help. Ms. Simpson did not provide attendance sheets showing that the students who were assigned to tutoring actually participated, and thus “have taken advantage of extra help provided by the school in the subject tested by the Regents examination under appeal” as required. Specifically, as one of the assigned tutors, I know that out of twenty-five students assigned to after-school help for US History and Government, only about six scholars attended any given session. I have not had the opportunity to review attendance records for the other subjects.

The following students were assigned to after-school tutoring, however no attendance records were provided to demonstrate that the students actually took advantage of the extra help offered, as required for an Appeal:

- ██████: appeal CC Algebra, assigned to Algebra tutoring, but no evidence of participation provided
- ██████: appeal CC Algebra; assigned to Algebra tutoring, but no evidence of participation provided
- ██████: appeal ELA, assigned to English tutoring but no evidence of participation provided

██████: appeal ELA, assigned to English tutoring but no evidence of participation provided

██████: appeal English, assigned to English tutoring but no evidence of participation provided

██████: appeal Global, assigned to Global tutoring but no evidence of participation provided

██████: appeal Global, assigned to Global tutoring but no evidence of participation provided

██████: appeal Global, assigned to Global tutoring but no evidence of participation provided

██████: appeal Living Environment, assigned to LE tutoring but no evidence of participation provided

██████: appeal US History, assigned to US tutoring but no evidence of participation provided

██████: appeal US History, assigned to US tutoring but no evidence of participation provided

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As per Ms. Simpson, some students received extra help as they were scheduled for an AIS class pertaining to the Regents exam under Appeal. In half of these cases, student absenteeism was very high, far in excess of the district's attendance policy 5100, which permits up to 28 absences from a full year course, and up to 14 absences from a half year course.

These students had absences from their AIS classes in excess of the district's attendance policy:

██████: appeal Global; AIS Global on report card, but not on Appeal. Student had 48 absences from full year AIS Global, *exceeding* absences permissible according to the attendance policy.

██████: appeal Living Environment. AIS LE on report card, but not Appeal. Student had 29 absences from ½ yr AIS LE, equivalent to 58 from full year course, *exceeding* the district's attendance policy.

██████: appeal Living Environment. AIS LE on report card, but not Appeal. Student had 12 absences from every-other-day, 1/2 year AIS LE, equivalent to 48 from full year course, *exceeding* the district's attendance policy.

██████: appeal Global, AIS Global on student schedule. Student had 36 absence from 1/2 year course, *exceeding* the attendance policy.

██████: appeal both Global and US History; scheduled for AIS Global and US History, had 44 absences from full year AIS Global and 41 absences from full year US History, which falls *well outside* the attendance policy.

The following students were scheduled for AIS in the subjects of the exams under appeal, and their attendance fell within the school's attendance policy:

██████: appeal Global, AIS Global on report card, but not on Appeal. Student had 8 absences from half year AIS class. Attendance falls *within* parameters of attendance policy.

██████: appeal both Algebra and Global. AIS Algebra appears on the student's schedule in the 2014-15 school year, for fall semester beginning October 30, 2014. AIS Global appears on the student's schedule in 2014-15, and the student had 14 absences in a half year course, which *exactly met* the district's attendance policy.

██████: appeal both Algebra and Global, no AIS Algebra on schedule, but student enrolled in non-credit bearing, every-other-day course called "Math Tech Algebra." Student had 12 absences which *falls within* the attendance policy. Student was scheduled for 1/2 year of AIS Global and had 14 absences, which *exactly meets* the district's attendance policy.

██████: appeal English, student had 9 absences from full year course, which *falls within* the attendance policy.

██████: appeal Global, scheduled for AIS Global, had 6 absences from half year course which *falls within* the attendance policy.

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Please note: Student ██████ appears in Ms. Simpson's letter as having been registered for AIS in the subject for the exam under appeal. If there was an Appeal completed for this student I do not have a copy to review. The student had an IEP and he passed three exams with a score of at least 55 (ELA, math, science). His highest score on the Global exam was 54. In addition he passed the Global 10 course, and he attempted the exam at least two times, so the student may have qualified for an appeal of his Global exam score. However, the student's highest score on

US History was a 34, and he attempted this exam only one time. It is not clear to me how this student qualified for graduation.

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Ms. Simpson also responded to concerns beyond the question of extra help:

█: appealed Earth Science. Ms. Simpson stated “Did receive an appeal for Earth Science based on her passing AIS Earth Science Class with an average of 65.” “AIS Earth Science” is a non credit-bearing extra-help class that does not appear on the student’s transcript. This student attempted the credit-bearing Earth Science course required for an appeal on two different occasions, failing with scores of 58 and 59 respectively in the 2014-15 and 2015-16 school years. Thus, the student did not pass the course associated with the exam under appeal, and was not eligible for the Appeal.

█ and █: Ms. Simpson stated, “We used the attached 2016 memorandum to grant the appeal where it clearly states “No. Students are not required to take any Regents examinations more than once to be eligible for the Superintendent Determination.”

Please note that graduation by “Superintendent Determination” is entirely different from an “Appeal to Graduate with a Lower Score on a Regents Exam.” The documentation submitted for these students, which was used to qualify them for graduation, was for an “Appeal,” not a “Superintendent Determination.” The students did not qualify for the submitted “Appeal” as they did not attempt the exams at least twice, as required.

In addition, there is no evidence provided that the procedural requirements for a “Superintendent Determination” were fulfilled. These include, but are not limited to, a request for Superintendent Determination made in writing by the parent or guardian, development of transition goals and services at a CSE meeting, and written notification to the parent that, once the student has received a Local Diploma by Superintendent Determination, the student is no longer eligible for a Free and Appropriate Public Education (FAPE) in New York State.

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Ms. Simpson further addressed the issue of students graduated with fewer than the 22 credits required:

█: Ms. Simpson stated, “This scholar has the correct amount of credits. Please see the attached report card with PE Credit and Final score from Plato (credit recovery).”

The student's transcript reflects 21.25 credits, that is .75 credits fewer than the 22 credits required for graduation.

The student's "credit summary" in Infinite Campus reflects PE credit earned as follows: 9<sup>th</sup> grade: .25; 10<sup>th</sup> grade: 0; 11<sup>th</sup> grade: .5; 12<sup>th</sup> grade: 1 credit including a Plato class. Thus, including the Plato class, the student earned 1.75 PE credits, short .25 required for graduation. In addition, please note the student's record indicates that failing grades originally assigned in senior year PE were subsequently changed to passing by the PE teacher, despite the fact that the student had 71 and 58 absences respectively from her PE classes.

In addition, while there is documentation provided that the student completed a Plato course "English 12B" with teacher S Hoop, there is no documentation provided showing that Principal Simpson approved this course for credit for the student, or added the credit to the student's transcript and legal record. The student's transcript reflects .5 credits for English 12A only, and not the additional .5 credits for English 12B.

Thus, this student was graduated both without fulfilling the requirement for PE, and with insufficient credits overall.

█: Ms. Simpson stated, "This scholar has the correct amount of credits. Please see the attached Final score from Plato (credit recovery)." Documentation attached indicates a final grade of "B" for a course with teacher Socci entitled "Career Explorations." There is no documentation provided indicating that Principal Simpson followed procedures to approve this course for credit for the student in question, or had the credit added to the student's transcript and legal record. In addition, please note that the senior year course "Career Explorations" may duplicate the course the student took freshman year entitled "Career Choices." This student was graduated with insufficient credits.

█: Ms. Simpson stated, "This scholar was scheduled for all the classes he needed to graduate. Mrs. Lovinsky sent an email (attached) to Science Teacher requesting an update on the scholar's status in Forensics class and failed to receive a reply. It was erroneously assumed that the lack of a reply meant the class was passed. Final report cards do not come out until after graduation . . ."

While it is true that final report cards are not distributed until after graduation, final grades are due prior to graduation. Specifically, the spring 2017 semester ended on June 15, 2017. Final course grades were due from high school teachers no later than June 22, 2017. The student was graduated the next day, June 23, 2017, deficient 1 science credit. Thus, this student was graduated with insufficient credits.

█: Ms. Simpson stated, “This scholar was eligible to graduate after the August Regents. An Appeal was completed and forwarded to the Curriculum and Instruction Department. Once completed and forwarded from the high school the form leaves our control so I can offer no opinion as to what occurred in this circumstance.”

There is no documentation of any Appeal for this student—either incomplete or complete. Nonetheless, without evidence that an Appeal had been approved by the Superintendent of Schools, as required by New York State Regulation, in August 2017 Ms. Simpson reported to me, in writing, that the student had qualified for graduation. Thus, unless a properly completed, approved Appeal can be located, this student was graduated with insufficient exams.

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Finally, Ms. Simpson wrote, “Scholars █, █, █, █, █, █, and █ are all part of the 2011 or 2012 Cohorts. They are considered Super Seniors are not a part of the 2013 Cohort Graduation Rate.” This is correct, however there are no exceptions to the rules for an Appeal in these cases.

█: This Appeal was not signed by the Superintendent of Schools, or any other central office administrator.

█: There was no evidence provided that the student took advantage of extra help, and the Appeal was not signed by the Superintendent of Schools.

█: There was no evidence provided that the student took advantage of extra help in either of two subjects under appeal, and the Appeal was not signed by the Superintendent of Schools.

█: There was no evidence provided that the student took advantage of extra help in either of two subjects under appeal, and the Appeal was not signed by the Superintendent of Schools.

█: The Appeal was not signed by the Superintendent of Schools. The student was assigned an AIS class for one of the two subjects under appeal, but had 55 absences from the ½ year course, equivalent to 110 absences from a full-year course, well outside the district’s attendance policy.

█: There is no evidence that the student took advantage of extra help, and the Appeal was not signed by the Superintendent of Schools. In addition, the student did not pass the corresponding course, as required for the Appeal.

█: There is no evidence that the student took advantage of extra help, and the Appeal was not signed by the Superintendent of Schools.

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Ms. Simpson stated, “There were three scholars [REDACTED], [REDACTED], and [REDACTED] included in the documents sent to my attention that were not included in Attorney Aldinger’s report. However these scholars are all early graduates from the 2014 Cohort not the 2013 Cohort which is the subject of Attorney Aldinger’s investigation.” Ms. Simpson further explained that the students were properly graduated with 1.5 PE credits, not the 2 PE credits typically required, due to the students’ early graduations. This is correct and the scholars’ graduations are not in question.

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I have been as accurate as possible, to the best of my ability, in combing through this information and providing a comprehensive response.

Please do not hesitate to advise if I can be of any additional assistance.

Sincerely,

*Dr. Elizabeth Ten Dyke*

Dr. Elizabeth Ten Dyke  
(electronically signed)