

Final Report to the District School Board of Collier County
by
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Background Information

Approximately ten years ago, following the implementation of block scheduling, Collier County Public Schools (“CCPS” or “the district”) began pairing certain advanced placement (AP) courses with honors courses. Although Collier County Public Schools offer many of the honors courses on a stand-alone basis, in the instances where an AP course has been paired with an honors course students are not permitted to take the AP course on a stand alone basis. The practice of pairing courses allowed students to receive more hours of instruction in the AP subject matter at issue during the course of the entire school year. For example, Physics I Honors was paired with Advanced Placement Physics B to create a year-long program of study. Students who successfully completed the paired courses earned 2 credits, with both credits receiving AP weight for purposes of calculating class rank.

The practice of pairing non-AP courses with AP courses has been sanctioned by the College Board. According to studies conducted by the College Board, students who are taught in compressed schedules score lower on AP Examinations than those who receive year-long instruction. Further, higher AP Examination grades are obtained when testing immediately follows instruction. College Board, *Block Schedules and Student Performance on AP Examinations*, RN-03, May 1998. In order to maximize the opportunity for students to perform well on the AP Examination, then, schools (such as CCPS) have determined that certain AP classes are to be taught on a year-long basis. However, because a maximum of one credit hour can be awarded for designated AP courses,¹ in order to provide instruction in the subject matter at issue every day for an entire school year, CCPS policy allows schools to pair certain AP courses with designated honors courses.

When the district initially implemented the AP program, there were only a handful of courses that were offered to students; and, only a limited number of students took advantage of the program. In the limited number of instances where a transfer student entered the district having already taken the paired non-AP course and nevertheless sought to take the paired AP course, the district would accommodate the student by enrolling the student in a different course which has a different course number. However, in most instances, the transfer student would not receive differential instruction and the course work was not distinguished from that of other students who were seated in the same class. For example, if a transfer student had previously obtained credit for Physics I Honors and sought to take Advanced Placement Physics B, the student would

¹ In defining the term “credit,” the Florida legislature mandated that a student who successfully completes a full-year course must be awarded “a full credit;” and, a student who successfully completes one semester (or, in the case of block scheduling, in one term) of a full-year course must receive “one-half” credit. The legislature has therefore effectively limited a school district’s ability to award more than one credit for any full-year course. 1003.436 F.S.

be enrolled in Physics II Honors as the separate paired course. Other students who had not previously received credit for the lower level honors course and who were in the same class, doing the same work and receiving the same instruction received credit for Physics I Honors.

The number of students enrolling in the AP courses has substantially increased over the years. The increase can be attributed, in part, to the district's efforts at increasing the number of minority students enrolled in AP classes. To this end, the district has actively recruited minority students for the AP Laureate program, removed certain district-imposed prerequisites for enrolling in AP classes (such as, for example, teacher recommendation) and identified alternative methods for determining the academic potential of students so as to open the program up to a greater number of students.² The growth of the AP program can also be attributed, in part, to legislative changes and financial incentives offered by the State to the school district and to teachers. Thus, there are more AP courses being offered and more students enrolling in these courses.

At the time the decision was made to pair courses, the district had greater control over the schedule and course loads of its students. This is because, in most instances, the district was the sole provider of educational services. In other words, there were limited opportunities for students to obtain courses from other institutions. With recent legislative mandates and widespread alternative educational opportunities being made available to Florida students, students can obtain credit for high school courses from a variety of sources, such as and including through the Florida Virtual School and through colleges.

As a result of the educational opportunities and the growth of the AP program, there have been an increasing number of instances where students seek to take an AP course even though they had previously obtained credit for the mandatory paired course. Consistent with the long-standing past practice, guidance counselors in each of the CCPS high schools typically automatically enroll such students in the AP course and in the next higher level honors course as a substitute for the standard paired course. If a higher level course is not available, guidance counselors will enroll students in an honors course in another course within the same general subject area. For example, students who had previously obtained credit for World History Honors would be designated as being enrolled in Biology I Honors even though they are seated in the same class, doing the same work and receiving the same instruction as those students who are enrolled in Biology II Honors. The students at issue are automatically enrolled in these alternative (or substitute) paired courses even though these alternative courses do not appear on the enrollment form which identifies the various electives offered at each school.

Project Overview

The practice of enrolling students in alternative paired courses was recently called into question. There are concerns that the students who are enrolled in the alternative paired course are not receiving the requisite instruction as set forth in FDOE curriculum standards. Other students

² The College Board encourages schools to provide open enrollment to advanced placement courses. Further, the College Board's Advanced Placement Program's Access and Equity Initiative was created to reach out to groups that are not traditionally represented in the AP community.

believe that the practice has not been equitable inasmuch as some students were informed that if they took an honors course on a stand-alone basis, then they would not receive credit for the paired course. Some students who received credit for a lower level paired course believe that they may be negatively impacted if college admission officers compare these students against students who received credit for a seemingly more rigorous course (e.g., Physics II versus Physics I). On the other hand, other students and parents expressed concerns that students who transfer into the district and/or who participate in high school credit bearing courses during middle school may be denied the opportunity to earn AP credit if they are not permitted to enroll in a mandatory paired course – and, thus, the AP course.

A number of other concerns and issues were raised at or about the same time that the pairing of courses came to a head. The general perception of the students and parents was that, over the last several years, there has been a dramatic decline in student camaraderie due to favoritism, differential treatment, and failure to adhere to established policies, procedures, and rules. **The specific concerns and/or allegations which were articulated by parents/students were as follows:**

- Some counselors are more available and responsive to some students than to others. Specific complaints included that some students were offered counseling services during a transition period wherein counselors were reassigned and other students were not. Additionally, non-exceptional students and students with extra needs are not provided with access to counselors even after repeated requests by parents and students.
- Some counselors directed certain opportunities (such as scholarships and summer enrichment programs) to selected students, ignoring other qualified students.
- Some students were allowed to receive honors credit for regular education courses, either when transferring into the CCPS or after completing a class through the Florida Virtual School and then submitting extra credit projects to their assigned school.
- Some students were allowed to complete prerequisites for classes at the same time they were enrolled in the higher level class – or in some instances after having taken the higher level course.
- Some counselors and high school administrators share information with students/parents about other students.
- Some counselors sign authorizations allowing some students to enroll in an excessive number of virtual classes.
- Some counselors sign authorizations allowing some students to enroll in virtual classes even though the students have already completed and obtained credit for the comparable higher level credit class (e.g., after obtaining credit for AP Biology, the student will enroll in Honors Biology I).

- Homebound students are not provided with the opportunity to take AP classes due to a lack of tutors/instructors.
- Students who participate in a dual enrollment course may have been awarded more credit than that provided by policy (e.g., 6 credit hours of dual enrollment equate to 1 high school credit); and, the dual enrollment course may not be equivalent to the high school course for which credit was received.
- Students who received high school credit while in middle school are retaking these classes in their senior year of high school (e.g., after receiving a B in Algebra I as a middle school student, a senior will take Honors Algebra I as a senior in order to boost his/her overall GPA, even though the student has already taken advanced courses such as and including Geometry and Algebra II).
- The Progression Plan requirements for dual enrollment do not match Florida Statutes and are being used as an opportunity to build a class rank instead of assisting in career planning.

In light of the numerous concerns, the board made the decision to contract with Hinshaw & Culbertson LLP to conduct an independent analysis of the respective courses offered and credits awarded and the validity/integrity of the resulting academic records. After gathering and reviewing initial facts and data (such as and including the Student Progression Plan, FDOE course descriptions and the Florida Sunshine Standards, College Board course descriptions, district policies and procedures, etc.), Hinshaw & Culbertson LLP began interviewing staff, parents, and students. On-site interviews were conducted during the weeks of May 21, 2007 and May 28, 2007 at each high school (with the exception of Everglades High School). Individuals interviewed included guidance counselors, gifted consults, teachers, principals, and assistant principals of curriculum. In addition, in person and telephone interviews were conducted of school administrators, parents and students. Hinshaw & Culbertson LLP also received a number of phone calls and communications from individuals seeking to provide information.

School administration facilitated access to all requested materials and information. Similarly, personnel at each high school fully cooperated and readily provided documents upon request. Documents which were gathered and/or reviewed and analyzed at each high school included student transcripts, class rankings of students, a sampling of the permanent record files maintained by the schools on individual students, grade change forms, parent override forms, course syllabi and material prepared by teachers, lab books and other class work completed by students, material from middle school guidance counselors, a listing of middle school students who obtained high school credit, current AP course authorization of teachers, personnel files, education equity data reports and related grants, dual enrollment and early admission agreements, FDOE course code manual, CCPS course offerings for 2006-2007 and 2007-2008 school years, master schedule of classes offered at each school, course elective forms used by students at each school to select available classes, information related to the manner in which scholarships are communicated and awarded to students, and home telephone numbers of teachers.

Findings and Recommendations

Thus, the focus of the interim report was on the overall educational environment and specifically on the manner in which class rank is published and determined. The findings and recommendations of the interim report have not changed and, therefore, will not be repeated within this report.

The present report is in addition to and does not supplement the interim report. Instead, the intent of this report is to focus on those issues and concerns outlined above in the “Project Overview” section.

1. Curriculum Issues

Stated Concern: *Students who are enrolled in the same course, receiving the same instruction, and completing the same work are being awarded credit for completing different courses.*

Analysis: We have confirmed that students who are enrolled in the same course, receiving the same instruction, and completing the same work are not always receiving credit for taking the same class. While the initial concern was directed at the practice of providing credit to certain students who were enrolled in courses paired with AP courses, our inquiry revealed that the practice occurs in other classes as well. For example, one assistant principal noted that during the 2006-2007 school year when an insufficient number of students enrolled in a Law Studies/Legal Systems honors level class offered at one high school, the school allowed students to enroll in the class for regular credit. All students received the same instruction (honors level), completed the same work (honors level). However, the students who enrolled in the class for regular credit were not awarded honors credit while those enrolled for honors credit did. Other examples included students who exhausted the number of credits available for weightlifting classes and therefore would be credited for courses such as Leadership Development (both regular and honors level), Peer Tutoring or Water Sports while the content of the class continued to be weightlifting. Some students even received credit for courses such as Leadership Development and Peer Tutoring even though these students were washing towels/carrying water for a sports team.³

Prior to July 1 of each year, the superintendent is required to certify that “the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs.” 1011.67(2) F.S. As part of this annual certification, the superintendent is

³ The Course Offerings Booklet creates additional confusion. On page 93 of the 2007-2008 High School Course Offerings Booklet, the Leadership Skills Development course (2400300) is identified as a Grade Level 12 course with a prerequisite of Leadership Education and Training 3. However, on page 127 of the 2007-2008 High School Course Offerings Booklet, the course is identified as a Grade Level 10, 11, and 12 course with a prerequisite of “teacher recommendation.” This same information was included in the 2006-2007 High School Course Offerings Booklet, pp. 80 and 118.

required to not only verify that training was provided to staff, but also that the instructional materials used by staff “are being implemented as designed.” 1011.67(2) F.S. Implicit in this verification is that a student is receiving instruction based upon the instructional materials for the course in which the student is enrolled and receiving credit. The practice of awarding credit to students for courses where the required standards are not being taught and are not expected to be taught is contrary to the general purpose and intent of requiring this annual certification. Moreover, it is contrary to the Florida Sunshine State Standards which were implemented with the purpose of ensuring uniformity of curriculum such that any public school within the State of Florida should be able to look at a student’s transcript with the assurance that the student was exposed to and expected to demonstrate some competency in the standards for the courses listed on the transcript.

The deviations from the State mandates and the district policy can be traced to decisions made at the local school building level. The decision to allow an exception in policy or State mandate is generally made with the well-meaning intent of assisting a student. Nevertheless, while not frequent in nature, these practices create difficulty as a whole inasmuch as they open the door for all students to request that an exception be made for them. These practices also call into question the overall academic integrity of the Collier County Public Schools.

Similarly, the academic integrity of the schools is called into question by the practice of awarding different credit to students who are enrolled in the same class, receiving the same instruction, doing the same work, taking the same exams, yet receive credit for different course.

The tables below identify the number of students who received credit for courses that differ from the traditional courses that were paired with the AP course in the same subject matter.

Total Between School Years 2002-2003 and 2006-2007				
	Bio II	Chem II	Physics II	E/W Heritage
Everglades	0	0	0	0
Naples	14	22	5	10
Lely	8	10	0	0
Imokolee	56	0	0	0
Barron Collier	5	6	1	0
Gulf Coast	14	11	1	1
Palmetto Ridge	4	8	2	0
Golden Gate	8	5	0	0

2006-2007				
	Bio II	Chem II	Physics II	E/W Heritage
Everglades	0	0	0	0
Naples	2	0	2	0
Lely	0	2	0	0
Imokolee	31	0	0	0
Barron Collier	1	0	1	0
Gulf Coast	3	4	0	0
Palmetto Ridge	4	2	2	0
Golden Gate	5	5	0	0

The analysis described in the appendix to this report focused on six subject areas: World History, American/U.S. History, Biology, Calculus, Physics and Chemistry. The courses within these subject areas were analyzed to determine whether the courses offered by the Collier County Public Schools (“CCPS”) meet the standards set by the Florida Department of Education (FDOE), and whether courses designated as AP comport with College Board standards.⁴

Notably, as of the 2007-2008 school year, the College Board launched its own mandatory audit for AP courses. Schools that seek to label courses as “AP” or “Advanced Placement” are required to comply with and “pass” the audit. The AP Course Audit evaluates high school courses based on expectations established by college faculty for college-level courses. According to the College Board website, “[c]ourses that meet or exceed these expectations will be authorized to use the “AP” designation.” The College Board’s preferred date for submission of syllabi and course materials for the AP Course Audit was June 1, 2007. The results of the AP Course Audit of the CCPS AP courses should provide empirical evidence of the compliance of those courses with AP requirements. For this reason, the analysis herein of CCPS courses in the context of AP curriculum content requirements is less detailed than the analysis of courses in the context of FDOE standards.

Conclusion: A review of school district materials, course descriptions and practices reveal that the district’s World History, U.S. History, Biology, Calculus, Physics, and Chemistry courses all appear to meet the content requirements imposed by Florida law. However the review of materials has disclosed a number of issues which the district should address:

⁴ The College Board does not require that a student take an AP course as a prerequisite to sitting for an AP exam.

1. The FDOE mandates that credit may only be awarded for courses that appear in the Florida Course Code Directory, which lists authorized course titles and their numerical designations. Rule 6A-1.09441.⁵ The district has renamed certain upper level math and science courses to append the “Honors” designation courses despite the fact that the FDOE has not authorized a course title to include this designation. That being said, although the FDOE does not permit changes to the titles and designations of courses, school districts do have the ability to assign weight to courses. 1003.437 F.S. Pursuant to the CCPS High School Course Offerings booklet, “[f]or purposes of establishing GPA,04 bonus points per ½ credit in Advanced Placement, or courses ‘paired’ with AP courses are added to the unweighted GPA calculation for each course in which a grade of ‘C’ or better is earned.” 2007-2008 High School Course Offerings Booklet, p. 46; 2006-2007 High School Course Offerings Booklet, p. 30. Therefore, for example, while the District cannot add the “Honors” designation to the course titles of Calculus, Physics II, Chemistry II, Biology II, it is permitted to give more weight to these classes for purposes of calculating class rank provided they remain paired with an AP course.

2. Although the College Board recommends pairing non-AP courses with AP courses, when CCPS pairs non-AP courses with AP courses, the courses are reported as being merged together in the instructional process such that one course is indistinguishable from another. By combining a non-AP course with an AP course, the district *effectively* gives students who complete an AP course two credits toward graduation for taking the course. The approach of integrating and combining courses is recognized as an acceptable practice under the Education Code. *See, generally*, 1003.413(3)(c) F.S. (“Applied, integrated, and combined courses that provide flexibility for students to enroll in courses that are creative and meet individual learning styles and student needs.”). However, the FDOE limits the amount of credit that may be awarded for full-year courses to one credit. 1003.436(2) F.S. No exception is made for integrated or combined courses. The district’s practice of awarding two credits for an integrated course therefore seems to be contrary to the Education Code which limits a school district’s authority to award more than one credit for any full-year course. To the extent the district seeks to continue the current

⁵ A similar issue was analyzed by the FDOE in Opinion 02-10. The issue presented was whether the School Board of Leon County could assign honors weight to Latin I and II without violating Rule 6A-1.09441. The Leon County Course Directory showed that the district only assigned weight to Level 3, or above, courses. Latin I and II courses were Level 2 courses. The General Counsel concluded that Leon County School Board could not assign honors weight to these courses because, by doing so, the district would be treating Latin I and II (Level 2 courses) the same as Level 3 courses if it assigned honors weight to these courses. In other words, by assigning honors weight to Latin I and II, the school district was acting contrary to Rule 6A-1.09441.

practice of integrating and merging the courses, it should seek an opinion from the FDOE as to validity of this practice under Florida law.

3. The district has failed to uniformly award credit to students taking courses paired with AP courses, and has instead awarded credit for alternative non-AP courses (such as and including Biology 2, Physics 2 or Chemistry 2) to some students, while awarding credit for lower level courses (Biology 1 Honors, Physics 1 Honors, or Chemistry 1 Honors) to other students in the same course who are doing the same work.

There are several different ways in which these issues can be remedied, such as and including:

- (a) If the students are taking the same class, performing the same work, and receiving the same instruction, then their respective transcripts should reflect that the students were enrolled in the same class.

- (b) If the school district seeks to credit students for different classes even though the students are physically placed in the same classroom, the school district should ensure that the expectations, coursework and instruction are distinct for the respective courses for which students are being credited.

- (c) Although pairing non-AP courses with AP courses is a best practice, the district need not mandate that student take both courses. However, if students are provided with an opportunity to opt-out of the paired non-AP course, then the teachers need to ensure that there is a clear division between the paired non-AP course and the AP course. Stated another way, the courses would need to be taught as stand-alone courses and not integrated courses.

- (d) If the district elects to continue mandating that students take the paired non-AP course with the corresponding AP course, the district can allow students to audit the non-AP portion of the course.

- (e) The district can submit a request to the FDOE to approve a unique course name and code for each of the non-AP courses that are paired with the AP courses. The content of the merged/integrated courses is generally unique and would likely support such designation. This would help to eliminate any future occurrence of individuals having taken the paired non-AP course at another district or through the Florida Virtual School.

4. When a course is listed on a student's transcript, it is assumed that the student was exposed to the content for that course as set forth in the Sunshine State Standards. Here, this is not the case. Students are being awarded credit for courses which they have not taken and are not being awarded credit for courses which they have taken. Administrators at each school and at the district level should ensure that students are being

properly credited for the courses in which they are enrolled. When students are taking an honors class, doing the honors work, and receiving the same instruction as the honors students, then the students should be credited for the honors class. Students should not be permitted to receive credit for Water Sports, Leadership Development, or Peer Tutoring when they are in fact taking weight-lifting or assisting sports teams.

5. As discussed herein and in the curriculum analysis, a number of errors and miscommunications were identified in some of the materials that are published at the district-wide level such as and including in the High School Course Offerings booklet as well as the Pacing and Instructional Guides. These errors contribute to the overall confusion and misunderstandings that have arisen in this matter.

Stated Concern: *Some students were allowed to receive honors credit for regular education courses, either when transferring into the CCPS or after completing a class through the Florida Virtual School and then submitting extra credit projects to their assigned school.*

Analysis: According to FDOE Rule 6A-1.09941(1), credits and grades earned at public or private accredited schools must be accepted at face value if submitted on an official transcript. Validation of an official transcript from an unaccredited school may be done if required by the receiving school's accreditation; such validation must be done through the evaluation of the student's performance during the first grading period. 6A-1.09941(1-2).

Counselors are responsible for reviewing the transcripts of transfer students. Counselors are responsible for ensuring that out-of-district courses are properly transferred on a student's transcript. Because of the widespread use of the FDOE course codes, counselors rarely have any difficulty in transferring courses taken by students from private or public schools within the state of Florida. Counselors noted that it is sometimes more difficult to identify the course equivalencies for out-of-state courses. The counselors generally denied evaluating the substance of out-of-district courses when evaluating transcripts of transferring students or out-of-district courses taken by in-district students. For example, the counselors will not consider whether a course should be assigned to regular course taken at a private school simply because the student and/or school represents that the course is "more rigorous" than a comparable course offered by a public school if the transcript lists it as a regular class.

Periodically, if the in-district course equivalent cannot be readily identified, the counselors will contact the out-of-district school in order to obtain any necessary clarification or information. Some counselors explained that they may require the transferring school to determine the in-district course equivalent. Some counselors reported speaking with their colleagues to determine past practice, if any, in assigning comparable transfer courses and would focus their efforts on matching courses in the same general content area. If there remained any

question as to the course equivalent, the issue would be referred to a CCPS assistant principal of curriculum. Counselors routinely denied that they would assign “honors” weight to regular, non-honors out-of-district courses. They stated that if the transcript of the transferring student or transferring course does not identify the course as “honors,” then the counselor will designate the course as a regular (i.e., non-honors course).

Although counselors evaluate transcripts and courses, the actual entry of the courses into the computer systems is completed by a data entry clerk. Thus, most counselors denied having the authority and/or the ability to change grades or the weight assigned to grades within the computer system. A report showing the identities of individuals who actually accessed and changed grades and/or course weight, however, revealed that in most instances grade/course weight changes are completed by a data entry clerk. Such changes are documented through grade change reports, which generally require the review and approval of an administrator (and, if it is a change to an in-district course, then the approval of the teacher at issue). There were isolated instances where counselors have in fact accessed a student’s on-line permanent transcript which is maintained in the TERMS database and changed the student’s grade and/or the weight assigned to the course. The sample of changes that were reviewed were made with the knowledge and approval of the high school administration.

A review of a sampling of student transcripts revealed three instances where out-of-district regular, non-honors courses were transferred and assigned “honors” weight. In all instances, the transferring courses were taken at in-state schools. Specifically, two students were permitted by their respective high school principals to submit an “extra credit” report in order to receive “honors” credit for foreign language courses taken through the Florida Virtual School. The third student was given honors weight for a ninth grade foreign language course taken at a private Florida school when the transcript did not reflect honors status.

Conclusion: As noted above, there are documented instances of students receiving honors credit for regular education courses, either when transferring into the CCPS or after completing a class through the Florida Virtual School and, as part of the course, submitting an “extra credit” project. Such a practice is contrary to FDOE Rule 6A-1.09941(1) which requires credits and grades to be transferred at face value. This practice also exposes the district to claims of unequal treatment. As for the three students who benefited from this practice, because the credits and the respective weight given for the courses have been approved by school administrators it is not recommended that the weight given to the courses be altered. It is interesting to note, however, that even if the honors weight were removed from these courses, the ranks of the students at issue would not change.

Although there was no evidence that counselors acted without authorization and/or approval by their respective administrators, counselors should not be permitted to alter or change grades or grade weights in the TERMS database.

Only the designated school clerical employee should be authorized to make such changes. This would ensure consistency in the underlying documentation of such changes.

Each high school requires documentation for each change to a transcript. Most schools have implemented a form entitled “Grade Change Report.” The district should consider implementing a standardized form and ensure that uniform procedures are implemented for instances where grades or course weight is changed.

Stated Concern: *Some students were allowed to complete prerequisites for classes at the same time they were enrolled in the higher level class – or in some instances after having taken the higher level course.*

Analysis: There were confirmed instances where students were permitted to enter higher level courses without taking the published course prerequisites. There were also instances where students were permitted to take the course prerequisites concurrently with the higher level course. For example, transcripts reveal that some students have been concurrently enrolled in a lower level course through the Florida Virtual School at the same time they were taking a higher level course at CCPS.

The implied purpose of requiring students to complete course prerequisites is to ensure that students have the necessary foundation to succeed in the course at issue. The Florida legislature, however, does not impose any mandate that would require the school district to establish prerequisites for courses. Moreover, the FDOE standard course descriptions do not include prerequisites. CCPS has nevertheless designated prerequisites for certain courses. The High School Course Offerings Booklets for 2006-2007 and for 2007-2008 not only identify course prerequisites, the booklets also identify the “Required order/sequence” of courses. For example, according to the High School Course Offerings Booklets, lower level courses must be taken before higher level courses.

Senior administrators consistently reported that the Course Offerings prerequisites were “suggestions” and were not mandatory requirements. Many counselors similarly approached the prerequisites as optional, and some have allowed sequenced courses to be taken concurrently. A few counselors, however, did treat the prerequisite courses as mandatory courses and indicated that they would not approve a student taking a higher level course prior to completing the lower level course in the sequence. Counselors additionally noted that parents have the ability to complete a “Parental Override” form such that students can take courses which the counselors otherwise recommend against taking. Some parents and students indicated that they were not aware of the Parental Override practice and/or that they assumed the Parental Override form was limited to allowing a student to enroll in an AP course. They also indicated that the student’s assigned counselor never offered to waive the course prerequisite. They perceived there to be inequity inasmuch as they “followed the rules” and counselor recommendation

while others circumvented the rules and were allowed to take classes out of sequence.

In addition to the instances where students are taking a higher level course without having taken the prerequisite courses or concurrently while taking the prerequisite courses, there is an increasing number of students who are retaking courses for which they received passing grades in middle school for high school credit. This practice is discussed more fully below.

Finally, there were some students who have completed AP classes who indicated that they were presently enrolled in lower level honors courses through the Florida Virtual School. Unlike the students who seeking to replace a grade earned while in middle school, these students have not taken the lower level course. Pursuant to the Sunshine State Standards, a student is not permitted to receive credit toward the graduation requirements for a lower level course if the student has already received credit for the higher level course. For example, if a student received credit for AP Chemistry, the student is not permitted to subsequently receive credit toward graduation for Chemistry I Honors.

Even though such courses do not count toward the credits needed for graduation, the grades received must be included in the students' cumulative grade point average. 1003.43(5)(e) F.S. In addition, according to the CCPS Course Offerings Booklet, all courses that are taken during grades 9, 10, 11 are included in determining class rank – with the exception that if a student retakes a class “to make-up failing grades, improve knowledge, and/or improve G.P.A. . . . the higher grades are used in computing GPA.” 2007-2008 Course Offerings Booklet, p. 47; 2006-2007 Course Offerings Booklet, p. 30. Thus, there is no language in the current method of calculating class rank that would allow the school district to exclude classes taken out of sequence from being included in the calculation of class rank. Moreover, the existing language serves to invite students to improve their rank in class by retaking those classes in which they received a “B” or “C.”

Conclusion: There are documented instances where students have been allowed to complete prerequisites for classes at the same time they were enrolled in the higher level class – or in some instances after having taken the higher level course. The district should revise its current method for calculating rank in class by excluding classes which are not eligible for grade forgiveness. Likewise – with the exception of retaking middle school classes (as discussed below) – the district should exclude from the calculation of class rank any lower level class which is taken after the student has received credit for an affiliated higher sequence level class.

Stated Concern: *Homebound students are not provided with the opportunity to take AP classes due to a lack of tutors/instructors.*

Analysis: A few counselors noted that some homebound students are not always provided with an opportunity to take AP classes because of a shortage of

tutors/instructors for these classes. Although the homebound students may be able to take AP courses through the FLVS, there are only a handful of these courses available in comparison to the number of AP courses that are offered at the high schools.

Section 504 of the Rehabilitation Act mandates that the school district provide reasonable accommodations necessary to allow a student with a verified disability equal opportunity to access educational services and programs, unless to do so would cause an undue burden. Likewise the Individuals with Disabilities in Education Improvement Act of 2004 (IDEA) requires school districts to provide a free and appropriate public education to students with qualifying disabilities.

Conclusion: The district should review its present homebound instructional program to determine its compliance with Section 504 and the IDEA. Furthermore, to the extent it is not able to find a sufficient number of teachers to provide educational services to students with disabilities after the regular school hours, the district should evaluate whether these services can be provided to homebound students during the regular school hours through the use of homebound tutors who could serve a conduit between the student and the assigned teacher.

Stated Concern: *Students who participate in a dual enrollment course may have been awarded more credit than that provided by policy (e.g., 6 credit hours of dual enrollment equate to 1 high school credit); and, the dual enrollment course may not be equivalent to the high school course for which credit was received; and/or the Progression Plan requirements for dual enrollment do not match Florida Statutes and are being used to as an opportunity to build a class rank instead of to assist in career planning.*

Analysis: The school district may only report the student for a maximum of 1 credit for any dual enrollment course, as provided in Section 1003.436(1)(a) F.S. and 1007.271(6) F.S. The FDOE identified the specific dual enrollment courses that meet high school graduation requirements and assigned a specific amount of high school credit that must be granted for each dual enrollment course. These courses must be accepted by all high schools in Florida in accordance with the State Board of Education list and weighted in the same manner as AP, IB, and AICE courses for purposes of GPA calculations. 1007.271(16) F.S. Typically, six semester credit hours earned through dual enrollment equals one high school credit. However, some three and four semester credit courses have also been identified as equaling one high school credit. A list of courses and the corresponding credits that are recognized by the FDOE is available online at www.FACTS.org.

In order to be considered a “dual enrollment course,” the district must have entered into an interinstitutional articulation agreement, as provided under 1007.235(1) F.S., with the post-secondary institution that is granting the credit to the student. Absent such an interinstitutional articulation agreement, the district

may still award credit to the student as set forth in the district's policy regarding correspondence courses. Pursuant to the stated district procedure, a maximum of 1 credit earned in correspondence courses may be applied toward meeting the graduation requirements. Any exception to the 1 credit limit must be approved by the Executive Director of Secondary Programs. 2007-2008 High School Course Offerings Booklet, p. 30; 2006-2007 High School Course Offerings Booklet, p. 14.

Parents and students were concerned that students who took summer enrichment programs received dual enrollment credit and, thus, received honors weight for these courses. A review of transcripts revealed that there were instances where summer enrichment programs were awarded honors.

Conclusion: There was no indication that students received more credits for dual enrollment courses than were otherwise allowed or contemplated by the FDOE. Although there is some concern that the dual enrollment courses are not the equivalent to those being taught in the high schools, the district cannot refuse to accept the corresponding high school equivalent course once it has been recognized by the FDOE. Finally, with respect to summer enrichment programs, the district should ensure that these programs are scrutinized to ensure that the applicable course equivalent credit and weight is applied. To avoid instances of disparate treatment, the district should eliminate the exception contained in the Course Offerings Booklet that allows a student to receive more than 1 credit if approved by the Executive Director of Secondary Programs.

Stated Concern: *Students who received high school credit while in middle school are retaking these classes in their senior year of high school (e.g., after receiving a B in Algebra I as a middle school student, a senior will take Honors Algebra I as a senior in order to boost his/her overall GPA, even though the student has already taken advanced courses such as and including Geometry and Algebra II).*

Analysis: According to counselors at the some of the CCPS high schools, there appears to be an increase in the number of seniors and juniors who are seeking to retake middle school courses which were taken for high school credit and in which the student received a "C" or "B". The purpose for retaking the course is to improve the students' overall GPA. The troubling aspect of this practice is that the student has already obtained credit for higher level courses. For example, students who received high school credit for Algebra 1 Honors while in middle school will elect to retake the Algebra 1 Honors class during their senior year even though they have already taken and received credit for Geometry, Algebra 2 Honors, Calculus Honors and AP Calculus AB/BC.

Pursuant to language previously contained in the Education Code, 1003.413(3) F.S., as interpreted in the FDOE Course Code Directory, middle school students who took courses for high school credit were permitted to retake the course upon entering high school. The policy was directed at ninth grade students and did not contemplate that a student would seek to retake the courses as a senior. The

Education Code has recently been amended to align the grade forgiveness policy to the new high school graduation requirements, adding that middle school students taking high school courses for high school credit who get a grade of “D” or “F”, must have their grade replaced with a “C” or higher in a comparable course. In all middle and high school cases, only the new grade shall be used in the calculation of the student’s grade point average. 1003.413(3)(e) F.S.; *see also*, <http://www.fldoe.org/APlusPlus/pdf/MAJORSplusplusQA.pdf>. All courses taken by a student must be listed on the student’s transcript. 1003.43(5)(e) F.S.; *see also*, 1003.413(3)(e) F.S. and Rule 6A-1.0955(3)(a)(7). All courses must also be included in the student’s unweighted cumulative grade point average – unless otherwise replaced through the grade forgiveness statutory provision. *Id.*

The present CCPS method of calculating a weighted cumulative grade point average for purposes of class rank invites students to retake courses for a higher grade (in which case only the higher grade is included in the calculation of class rank) and allows all other classes to be included in the overall calculation of class rank even if the course does not count toward graduation. Thus, under district policy, even though the student who retakes a course may not have the grade replaced under the grade forgiveness provision, the student can have grade used for purposes of calculating class rank.

Conclusion: The district should revise its method of calculating class rank in order to eliminate the present loophole which allows students to retake classes even though such classes cannot be used toward meeting the mandated graduation requirements.

2. Personnel Issues

Even though there a number of counselors (if not the majority of counselors) within the district who appear to be stellar performers – based upon the reports of their peers and administrators as well as our limited interaction with these counselors – this report is directed at addressing the specific concerns expressed by parents and students. It is not intended to be a broad-based assessment of the performance of any particular counselor or group of counselors.

A number of the complaints and concerns presented by parents and students derived from their personal interactions with guidance counselors and administrators; and their perceptions of the manner in which the counselors and administrators interacted with other parents and students. There is a general perception that some students have been treated more favorably than others such that the select students would be provided with opportunities that were unfairly being denied to the general student population. A few of the complaints, however, raised issues of serious misconduct; such as, for example, providing confidential student information to unauthorized parties, unauthorized changes of grades or the weight given to such grades, improperly directing scholarships to favored individuals, etc. Each complaint and concern was scrutinized. Although we have identified areas of improvement, the current investigation did not result in any findings of serious misconduct on the part of the counselors.

The analysis of specific complaints and concerns is set forth below:

Stated Concern: *Some counselors are more available and responsive to some students than to others.*

Analysis: There was a general concern that some counselors were readily accessible and more responsive to certain students. Counselors across schools acknowledged that, because of the volume of students for which they were responsible, they may only have one or two interactions with an assigned student during the school year. Nevertheless, counselors may initiate additional meetings with students – for example, to address student performance issues. Students likewise may initiate additional meetings. Although the guidance office at each school has established protocol for scheduling meetings with counselors, most students who seek the assistance of their assigned guidance counselor will simply come to the guidance office for an impromptu meeting. Counselors noted that they can be contacted via e-mail or by telephone. The counselors also explained that they generally will not meet with a student who is assigned to another counselor unless the issue must be immediately addressed and/or unless the student is distressed. They also noted that students/parents have various avenues available to them in the event they are displeased with an individual counselor or the services provided. Students/parents may seek the intervention of the principal or another administrator. In some instances a student may be reassigned to another counselor.

Despite the multiple communication avenues available to students and/or their parents, the parents and students relayed examples of instances where certain counselors were less than responsive to specific concerns. For example, in a series of e-mails exchanged between a parent and one counselor, the parent attempted to schedule a meeting with the counselor to address certain concerns related to her child. The counselor directed the parent to a web-site for information related to the concern, but did not respond to the specific concern and did not make any effort to schedule a meeting – despite the parent’s subsequent e-mails which repeatedly sought more specific information related to her child. Another example was provided by a parent of a poorly performing student. This parent expressed frustration that her repeated requests for assistance (both to counselors and administrators) have been to no avail. Some students explained that they did not receive guidance services during the transitional period which occurred as a result of the decision to change the manner in which students were assigned to counselors at Naples High School.

Conclusion: There are sporadic instances where some counselors are not as responsive or as effective as other counselors. Some of these instances appear to be the result of the different levels of performance and capabilities of the individual counselors instead of intentional misconduct or malfeasance. In other instances, the root of the problem may be due to matters outside the control of the counselors (e.g., workload, changes in student assignments). The district should consider implementing a system across schools which requires each counselor to

log student contact by student name, date, time, category of service provided (e.g., course selection, college planning, scholarship, student performance, student attendance, etc.). This would allow the district to monitor the workload, accessibility of counseling services, and the efficiency with which such services are delivered. It would also provide the district with performance-related data with which to evaluate the performance of individual counselors.

Stated Concern: *Some counselors directed certain opportunities (such as scholarships and summer enrichment programs) to selected students, ignoring other qualified students.*

Analysis: We reviewed the manner in which scholarships and enhanced programs were offered to students. Each high school communicates these opportunities in a several ways. The opportunities are typically posted on the school's websites and are easily accessible in the public areas of the counseling offices and/or school media centers. Further, counselors will go to classrooms and/or will hold forums at which time announcements will be made to the student body about the available opportunities. An individual counselor may also encourage a select student to apply for a particular scholarship or program if the counselor believes the student is a viable candidate for this scholarship. Counselors consistently reported, however, that students primarily are self-directed in their pursuit of scholarship opportunities.

There was a concern that one counselor was improperly directing opportunities toward favored individuals. While favored individuals did receive a number of scholarships in excess of those received by other students, there was no indication that the counselor had any input into the selection of the students for purposes of awarding the scholarship or special program. At most, the counselor had the capability of viewing the number of students who applied for the scholarship and was therefore able to encourage the favored individuals to apply for certain scholarships for which they had the most likelihood of receiving the award.

Another concern was raised about the extraordinary lengths one counselor went through to ensure that a student applied for an extracurricular opportunity. Even though the student at issue had not completed the application form for the program, the counselor called the student out of class and into the counseling office and had the student complete the application in the counselor's assigned office when the student was supposed to be in the classroom receiving instruction.

Conclusion: While it is not improper for a counselor to urge particular students to apply for scholarships and awards, it is not proper for a counselor to call a student out of class to complete such applications. Furthermore, counselors should avoid conduct that suggests that the process of awarding scholarships is biased or unfair.

Stated Concern: *Some counselors and high school administrators will share information with students/parents about other students.*

Analysis: Section 1002.22(3)(d) requires school districts to ensure the privacy of student records.

Counselors, teachers, and administrators uniformly denied sharing confidential student information. Parents and students, however, reported instances where they would be provided with information regarding the classes taken by other students and/or the exceptions allowed for some students. Although we could not definitively confirm this to be the case, there were instances where parents/students would confront counselors/administrators with partial information concerning another student. The response received would provide the parents/students with information which either confirmed or refuted the partial information possessed by the parents/students. There were also isolated instances where counselors provided parents/students with seemingly unidentifiable student information but which, when put together with other readily available information which was distributed by the local school could allow the parents to discern confidential student information. For example, one counselor provided a parent with a list of the weighted grade point averages for the top students at a particular school. If this information was compared to the published class rank of each student at the school, the parent could identify the grade point average of each of the listed students.

Parents/students expressed some concern that some students who are regularly in the counselors' offices might have access to confidential student information. For example, some students have been left alone in a counselor's office with access to the counselor's computer. One student was witnessed accessing a guidance counselor's computer. A review of the computer records regarding access to confidential information did not reveal this to be the case.⁶ Nevertheless, counselors and administrators should avoid the perception of impropriety by ensuring that students and guests (including favored individuals) are not left alone in an office. Likewise, students and guests should not be permitted to use the computer equipment which has been assigned to the counselors and/or administrators.

There have also been confirmed instances where parents/students could have obtained student information through the CCPS computer system. For example, on three separate occasions, it was discovered that information could be accessed without having to log-in to the CCPS computer system.⁷ When these issues are brought to the attention of the administration, they have been immediately corrected. Other concerns included that parents/students could obtain the log-in and password numbers of other students and thereby access confidential information of particular students. In light of the fact that the student ID number

⁶ It is our understanding that the system tracks all instances where a student record is accessed, irrespective of whether the record is simply viewed or whether the record is modified.

⁷ One instance was reported by a teacher last year and was immediately corrected. Two instances occurred in the Spring 2007 and were immediately corrected.

is the same as the assigned log-in and the student's date of birth is the same as the assigned password, this is a valid concern. It is our understanding that the Information Technology department has taken steps to eliminate these issues.

Conclusion: To ensure and verify that all computer security issues have been resolved, the district should consider hiring a computer "hack" to thoroughly test the system.

The district should provide training to counselors and administrators related to maintaining confidential student information. Students and guests of the counselors/administrators should not be provided with unlimited and/or unsupervised access to the offices of the counselors and/or administrators. Nor should students/guests be allowed to use the computers which have been assigned to counselors/administrators.

Stated Concern: *Some counselors sign authorizations allowing some students to enroll in an excessive number of virtual classes.*

Analysis: Section 1001.42(21), F.S., requires school districts to provide access to FLVS during or after the normal school day and through summer school enrollment. In addition, Section 1002.37(3)(c) F.S. expressly states that school districts may not limit access to FLVS courses. However, the FDOE has issued interpretative guidance indicating that the counselor is responsible for determining "if the course is academically appropriate for the student based upon course prerequisites and the student's academic history and age." (See, 06/21/2006 Memorandum issued by John L. Winn, Florida Commissioner of Education). Thus, simply because a course is offered through FLVS does not mean that a counselor must authorize a student's enrollment in the virtual course without question.

Most counselors who were interviewed indicated that they did not believe that they could refuse a request to take a course through FLVS. There were a few counselors who expressed concern that the building administrators would not allow students to enroll in FLVS courses during the regularly scheduled CCPS school hours. Other counselors noted that when they attempted to limit courses taken outside the regularly scheduled CCPS school hours, the student would have another counselor authorize the courses.

Parents and students expressed concern that the FLVS courses were taken off-campus and, thus, a student could cheat by having someone else do the actual course work for the student. These parents and students therefore suggested that the district either limit the number of FLVS courses which can be taken by students or that the district limit the number of FLVS courses which may be included in the calculation of class rank. The FDOE requires the FLVS courses to be treated the same as any other transfer course. (See, 06/21/2006 Memorandum issued by John L. Winn, Florida Commissioner of Education, explaining that "Rule 6A-1.09941, FAC, requires that credits earned and offered for acceptance

shall be based on official transcripts and shall be accepted at face value, subject to validation if required by the receiving school's accreditation.”). The FDOE guidance, likewise requires school districts to treat FLVS credits in the same manner as other transfer credits from other public schools for purposes of calculating class rank. *Id.*

Conclusion: Training should be provided to counselors regarding their responsibility in providing guidance to students who seek to enroll in FLVS courses. This training should incorporate the factors outlined by the FDOE which would permit a counselor to refuse to authorize courses which are not academically appropriate for the student.

To the extent the building administration has issued directives to counselors which prohibit counselors from authorizing FLVS courses to be taken during regularly scheduled school hours, this directive should be rescinded inasmuch as it is contrary to the Education Code. 1002.37(3)(c) F.S.

The district is not responsible and does not have the authority to impose restrictions on when, where, or how a student is to take FLVS courses. While the concerns related to the overall academic integrity of the FLVS courses have been called into question, there is little that the district can do to address these concerns. FLVS credits must be accepted at face value. All courses taken through FLVS must be treated the same as other courses taken through other Florida public schools for purposes of calculating class rank.

Stated Concern: *Some counselors sign authorizations allowing some students to enroll in virtual classes even though the students have already completed and obtained credit for the comparable higher level credit class (e.g., after obtaining credit for AP Biology, the student will enroll in Honors Biology I).*

Analysis: According to the FDOE Sunshine State Standards for certain courses – such as AP Biology, a student may not receive credit toward his/her graduation for a lower level course after the student has already taken and received credit in the comparable course. For example, the student may not take and receive credit toward graduation for Honors Biology I, if the student has already taken and received credit for AP Biology. The Education Code nevertheless requires that all courses taken by a student must be listed on the student's transcript. 1003.43(5)(e) F.S.; *see also*, 1003.413(3)(e) F.S. and Rule 6A-1.0955(3)(a)(7). All courses must also be included in the student's unweighted cumulative grade point average – unless otherwise replaced through the grade forgiveness statutory provision. *Id.* The present CCPS method of calculating a weighted cumulative grade point average for purposes of class rank invites students to retake courses for a higher grade (in which case only the higher grade is included in the calculation of class rank) and allows all other classes to be included in the overall calculation of class rank even if the course does not count toward graduation.

There are confirmed instances where students were enrolled in a higher level class at one of the CCPS high schools and, at the same time, were enrolled in the prerequisite lower level course through the FLVS. These students completed the higher level class prior to completing the lower level class and yet were able to receive credit for both courses toward their high school graduation. In addition, there are a number of instances where students will retake a middle school class (in which they received a “B” or “C” grade) after the students have taken and received grades for higher level courses within the same subject area. Finally, at least one student was recently allowed to enroll in a lower level class through FLVS even though the student had taken and received an “A” in the corresponding higher level course.

Conclusion: As discussed above, counselors may refuse to authorize a student’s enrollment in a virtual course if the course is not academically appropriate. Because it is not academically appropriate for a student to take a lower level class after having taken and received credit in the comparable higher level course, the counselor should not sign an authorization allowing the student to enroll in the class. Counselors should also ensure that a student has or is on track for completing the lower level course prior to allowing the student to enroll in and receive credit for the comparable higher level course. Finally, the district should revise its present method of calculating class rank and eliminate the provision which allows students to retake classes in order to improve their class rank and/or allows students to include lower level courses in the class rank calculation – even though these classes cannot be counted towards the necessary graduation credits.