

Office of Inspector General
The School District of Palm Beach County

Case No. 16-526

Issue: Violation of FLDOE Rule

Location: Adult & Community Education Department

INVESTIGATIVE REPORT – FINAL

AUTHORITY

School Board Policy 1.092, Inspector General (4)(a)(iv) provides for the Inspector General to receive and consider complaints, and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the Inspector General deems appropriate.

This investigation was conducted by Veronica Rodriguez, Senior Investigator I.D. #200, in compliance with the *Quality Standards for Investigations, Principles and Standards for Offices of Inspector General*, promulgated by the Association of Inspectors General.

BACKGROUND

On October 30, 2016 the Office of Inspector General (OIG) received a whistleblower complaint from Ms. Deborah Utterback-Nash (Complainant) regarding the Adult and Community Education Department (Department). The Complainant alleged a directive from Adult and Community Education manager, Jane Kim, violated Florida Department of Education (FDOE) rules pertaining to the reporting of adult student attendance and withdrawal. The Complainant further stated the manager's actions might constitute a violation of ethics, professional conduct and gross mismanagement.

In December 2016, the Complainant submitted supplemental information that alleged a District Bulletin (P 17-168 DSCOS – Adult Education Attendance Procedures) dated November 30, 2016 addressed to all principals from the Deputy Superintendent was in violation of FDOE rules pertaining to adult student withdrawal reporting.

On January 10, 2017 the OIG received a referral from Superintendent Dr. Robert Avossa related to a whistleblower complaint from the Complainant associated with the same matter.

Per *School Board Policy 3.28 Whistleblower Protection Policy* the OIG concluded the complaint did not meet the requirements of a whistleblower.

DOCUMENTS REVIEWED

- *School Board Policy 3.28 – Whistleblower Protection Policy*
- *School Board Policy 3.02 - Code of Ethics*
- Florida Department of Education Procedures for the Reporting of Instructional/Contact Hours in Adult General Education Courses

- Florida Auditor General Report No. 2015-090
- Florida Auditor General Report No. 2014-163
- Florida Auditor General Report No. 2011-168
- Memorandum from Florida Auditor General staff
- PBCSD Bulletin # P 17-168 DSCOS
- PBCSD Bulletin # P 17-190 DSCOS

INTERVIEW STATEMENTS

Guarn Sims, Director of Adult and Community Education

On December 5th and 16th, 2016 the OIG discussed the allegations of case 16-526 with Mr. Sims. Mr. Sims stated he was aware of the FDOE procedures regarding student withdrawals and certain the District follows the procedures. Mr. Sims stated the District uses TERMS to report student information to the State. Mr. Sims further stated that in order to properly report the information, the school uses it the student's last day of attendance. Mr. Sims also stated the matter regarding which date should be used, was discussed extensively with the FTE Department and the Bureau Chief of FDOE.

Mr. Sims explained TERMS will no longer be used next school year; the District will start using a software system called Student Information Reporting (SIS).

Jane Kim, Adult and Community Education Manager

On February 1, 2017, the OIG met with Ms. Kim to discuss the allegations of case 16-526. Ms. Kim explained the Department procedures were revised and implemented in fall of fiscal year 2016/17 due to a determination that instructional hours were not being reported accurately to FDOE. Ms. Kim stated sites were entering, into TERMS, a student's withdrawal date as the day after the last date of attendance which in turn caused TERMS to report inaccurate information. Ms. Kim stated the notification of procedural changes were conveyed to employees through communications and webinar trainings.

With respect to the information reported to FDOE and how TERMS calculates instructional hours, Ms. Kim stated the current process is accurate. Ms. Kim stated the Department has continuously worked with the FTE Department to ensure accuracy and performs periodic spot checks of the information that is entered on TERMS by the school sites throughout the year. Ms. Kim explained that using the day after the last date of attendance as the withdrawal date would cause the District to over report instructional hours to FDOE.

Ms. Kim further explained that with regard to TERMS, a student's date of absence and withdrawal date are not related therefore withdrawal dates are different than attendance. Ms. Kim also explained instructional hours reported to FDOE are not just based on attendance and withdrawal dates, there are other variables that are taken into account.

Susan Hobson, FTE Specialist

On January 24, 2017, the OIG met with Ms. Hobson to discuss the process of Adult Education reporting in the TERMS system. Ms. Hobson provided an overview of the Adult Education reporting process. Ms. Hobson stated District procedures are accurate in relation to how TERMS calculates the instructional hours that are reported to FDOE. Ms. Hobson stated the accuracy of the calculation used in TERMS has been tested numerous times. Ms. Hobson explained that if TERMS were to capture the day after the last date of attendance it would produce inaccurate figures to FDOE.

Ms. Hobson stated the District will be migrating to a new software (SIS) that is scheduled to go live in August 2017. Ms. Hobson further stated this new system will use the last day of attendance when referencing student withdrawal dates.

RESULTS OF INVESTIGATION

The OIG researched and reviewed FDOE and District procedures related to the reporting of instructional/contact hours in adult general education.

As it relates to student withdrawals:

FDOE procedures state:

“The standard for setting the withdrawal date shall be six consecutive absences from a class schedule, with the withdrawal date reported on the day after the last date of attendance.” (See Exhibit 1)

School District Bulletin # P 17-168 DSCOS state:

“Adult students must be withdrawn after six consecutive absences. The withdraw date for the students must be the last date the student attended class.” (See Exhibit 2)

The OIG also reviewed the State of Florida Auditor General’s operational audit reports (Report No. 2015-090 and 2017-149) dated January 2015 and March 2017, respectively. Both audit reports included the District’s Adult Education program. The Auditor General found that for fiscal year 2013/14 and 2015/16 the District over reported hours to FDOE. In both reports, the Auditor General recommended the District strengthen its controls to ensure accurate reporting and determine the extent of hours misreported and contact FDOE for proper resolution. The District’s Superintendent provided a management response to report 2015-090 stating the District was working on creating a uniform process in order to minimize errors in reporting hours and also reviewed the hours reported and corrected any discrepancies identified with FDOE. The management response noted none of the corrections resulted in a negative financial impact to the District. (See Exhibit 3) The March 2017 report states District personnel indicated the errors found occurred mainly because a Districtwide uniform process had not been established to appropriately document student attendance, students were not always withdrawn after six consecutive absences, and the hours reported did not always agree with

attendance records. The District's Superintendent provided a management response to report 2017-149 stating the Department of Adult & Community Education continues to implement processes to ensure attendance data is captured accurately. The management response further stated each school site will utilize software to track daily attendance, run reports to withdraw students after six consecutive absences, verify start date, and enter last physical date of attendance in TERMS. (See *Exhibit 4*)

Based on the information above, it appears the District's procedures are different from FDOE's procedures. However, interview statements from staff provide an explanation for the variance, as follows: If the District captured the withdrawal date as the day after the last date of attendance, it would cause the District to over report instructional hours to FDOE. The method TERMS uses to capture accurate data with regard to a student's withdrawal date, requires the date to be the last day the student attended class after having six consecutive absences.

Additionally, the OIG inquired with Ms. Tara Goodman, FDOE Bureau Chief of Budget, Accountability and Assessment, regarding the matter in question. Ms. Goodman stated: "I know that some systems require that the date of withdrawal occur on the last date of actual attendance. Regardless of any system issues, the last instructional hours that may be reported for a student are those through the last date of actual attendance. No hours should be reported for days after that." (See *Exhibit 5*)

The OIG found no evidence directives from Department staff pertaining to adult student reporting were intended to violate laws, rules, or policies. As reflected in the interview statements from staff, the procedures were revised and implemented in FY 16/17 to coincide with the method TERMS uses to capture data in order to accurately report adult student instructional hours to FDOE. Furthermore, the OIG found no evidence staff's actions violated laws, rules, or policies regarding ethics, professional conduct or gross mismanagement. The allegations of this complaint are unsubstantiated.

RECOMMENDATION

The OIG recommends the Department consider informing its staff why TERMS and the new system, SIS, require student withdrawal dates to be the last day a student attended class after six consecutive absences. This may avoid confusion and the appearance the District is in violation of any laws or procedures related to the reporting of adult education instructional hours.

AFFECTED PARTY RESPONSES

In accordance with School Board Policy 1.092 (6)(iv), a draft copy of this report was provided to Mr. Guarn Sims and Ms. Jane Kim, who were given an opportunity to respond. As of April 21, 2017 no responses were received.