MEMORANDUM

TO: Dr. Veronica C. Garcia
Secretary of Education

FROM: Dr. Mary Rose Cde Baca

RE: APS Rio Grande High School Grade Change Incident

Background
In the middle of May 2007 it became public knowledge that a student of Rio Grande High School in Albuquerque would receive his high school diploma as a result of a decision made by an APS administrator, the Rio Grande Cluster Leader/Director, to change the student's grade in English from an F to a D.

Dr. Elizabeth Everett requested that the Secretary of New Mexico Public Education Department, Veronica Garcia, conduct an investigation regarding this matter. The investigation focused on two objectives described below.

Objective #1
Did APS have policies guiding grading and transcripts and were these policies followed?

Objective #2
Was there an ethics violation as a result of the grade change?

Methodology and Scope
The investigation was conducted by the New Mexico Public Education Department Ethics Bureau in conjunction with the Inspector General’s office and examined the time period starting January 1, 2007 ending May 30, 2007. The investigation was limited to the review of processes related to one student whose grade was changed in a senior English class. The investigation consisted of document review and interviews. The investigators were:

- Dr. Mary Rose Cde Baca, Assistant Secretary for Educator Quality
- Mr. Paul Calderon, Director of the Ethics Bureau
- Ms. Sheridan Bamman, Inspector General

The following APS employees were interviewed:

- Nelinda Venagas, Associate Superintendent
- Roberta Aragon, Rio Grande High School Secretary
- Al Sanchez, Rio Grande High School Principal
- Ben Santistevan, Rio Grande High School Assistant Principal
- Anita Forte, 12th Grade English Teacher
- Elsy Fierro, Rio Grande Cluster Leader/Director

**Objective # 1 - Policy Summary**

The Grade Reporting and Recording Policy (Exhibit 22) states, “It is the responsibility of the principal of the school to keep parents informed of student progress through data processed grade cards. School developed progress reports may be used with the approval of the Superintendent or designee. The nine week period has been set for the regular reporting period to parents. Progress reports for students in danger of failing will be sent to parents by the fifth week of each quarter. At the end of the school year, parents should receive notification of failing grades in sufficient time to allow them to enroll failing students in summer school. Parent-teacher conferences may be used to notify parents of students’ progress but may not be used in lieu of a scheduled report in writing.”

Reporting Student Progress to Parents (Exhibit 22) states, “It is the responsibility of the school to keep parents informed of student progress through nine-week progress reports.”

Notification of Student Failures states, “It is the responsibility of each high school to notify parents/guardians of students who are in danger of failing. INS-76, available from Computer Services, can be used for this purpose. Schools must be able to verify that a failure notice was sent to the parent/guardian using the most current address on file. If the administration can verify notification was sent, failure on the part of the parent/guardian to receive notification does not constitute grounds for automatic passage of the student.”

School Attendance-Make-Up Work (Exhibit #21) states, “Students are entitled to make-up work for all absences – excused and unexcused, with the following exception. Principals have the discretion to decide whether or not truant students will be entitled to make-up their work. It is the student’s responsibility to request make-up work assignments. Teachers may need 24 hours from the time of the request to compile assignments. The student will have the opportunity to
complete the work in a period of time equal to the number of days absent, unless other arrangements have been mutually agreed upon by the student and the teacher.”

Objective #1 - Findings regarding parental notification of student failures

- A report card was sent at the end of the third nine weeks. This report showed that the student was failing English. (Exhibit 5b)
- A progress report was sent at the fourth nine-week mid-point period. This report showed that the student was failing English and U.S. Government. (Exhibit 5c)
- The final report card was sent at the end of the second semester and this showed that the student was failing English. (Exhibit 5d)
- Letters were generated from a “Senior Failure List” that is sent to the office by the teachers. The principal’s office staff developed an Excel spreadsheet from these lists and then did a mail-merge letter to the parents. (Exhibit 28)
- A letter notifying parent that student was in danger of failing was sent on March 27, 2007. This letter stated, “If your student fails any courses this semester he/she may not graduate.” (Exhibit 3a) Another letter notifying parent that student was in danger of failing was sent on April 18, 2007. This letter stated, “If your student fails any courses this semester he/she may not graduate.” (Exhibit 3b)

Objective #1 – Findings regarding make-up work

Ms. Forte exceeded the policy requirement by allowing students four and one half weeks to submit any make-up work. In late January English Teacher Anita Forte spoke with the student’s mother and informed her that he was failing and gave her a list of what he needed to do for make-up work. It was agreed that that this work would be submitted within seven to ten days. The student attempted to hand in the make-up work in May, 2007. Due to the fact that the agreed upon time period had had been exceeded by approximately nine weeks, Ms. Forte refused to grade the make-up work and threw it away.

Students in Ms. Forte’s class were given a choice of taking a written final exam or writing and delivering a speech for the final exam grade. The student in question selected the speech option. The student’s final grade was 70%. This took the student to a 54% average for the semester and students needed to have at least 60% to pass. The teacher notified the student that 54% was not enough to pass the class and then notified Mr. Santistevan, the Assistant Principal that the student was not passing. Mr. Santistevan called the mother. The student’s mother visited the teacher and asked if the student could take the written final to see if he could raise his average from 54% to 60%. The teacher agreed and modified the final exam for this student to include only questions from previous exams. The student had all of the previous exams with the correct answers. The teacher informed the mother that only a 100% score will be enough to take the average from 55% to 57.5%. The teacher was willing to accept the 57.5% average as enough to pass the class. The teacher did not allow any other student the option of taking both the written final and the speech option. The student failed to make 100% on the written final. The teacher met with the mother regarding her disagreement on some of the answers to the test. The teacher and the mother agreed to change four answers but this still did not get the student to 100%. The mother was informed that her son was not going to pass.
Objective #1 – Conclusions
In the area of grade reporting and notification of student failures, the student’s parents were provided with a minimum of five notices that their son was failing English and two of these notices specifically stated that failing a class could result in a failure to graduate.

In the area of make-up work, the teacher exceeded the policy requirements on make-up work. In the final exam, the teacher provided this student opportunities not afforded to other students by allowing this student to take two final exams and by modifying the written final to include only questions from previous tests. APS did in fact have policies guiding this area and the policies were followed.

Objective #2 - Was there an ethics violation as a result of the grade change?

Section 6.60.9.8.C Standard II: Duty to the Profession of the New Mexico Public School Code of Ethics reads as follows:

C. Standard II: Duty to the profession. The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession, and must strive consistently in educating the children of New Mexico, all of whom will one-day shape the future. To satisfy this obligation, we:

(9) shall avoid conduct connected with official duties that is unfair, improper, illegal or gives the appearance of being improper or illegal;

(19) shall not engage in any conduct or make any statement:

(e) that would assist students in obtaining services or benefits for which they do not qualify or are not entitled;

Objective #2 – Findings

- On May 8, 2007 the mother of the student in question called the APS Cluster Leader, Dr. Elsy Fierro regarding her son’s not qualifying for graduation. Additionally, the parent had concerns about make-up work that the teacher had refused to grade and had thrown away.
- On May 10, 2007 Dr. Fierro met with the English teacher, the AFT president, and Rio Grande High School administrative staff to discuss a possible grade change. The teacher refused to change the grade.
- On May 10, 2007 the parent of the student in question provided Dr. Fierro with make-up work. This work consisted of written essays that her son had printed off of his computer at home. Dr. Fierro then made arrangements to have a certified secondary English teacher evaluate and grade these essays.
- Neither Ms. Fierro nor the certified English teacher verified if in fact the student produced this work or verified with the teacher if this was work that the student had not turned in. The certified English teacher concluded that the student was an effective writer and clearly demonstrated mastery of the 12th grade writing standards.
On May 11, 2007, Ms. Fierro directed the Rio Grande Principal, Al Sanchez as follows, "I am directing you to adjust (student's name deleted) record of work based on the completed essays and the make-up test grade in English 12 to a passing D. At this time, there is sufficient evidence to indicate that this is in the best interest of the student." This directive was based on the failure of the school and the teacher to follow a process in the Rio Grande High School Faculty Handbook (Exhibit 35) related to attendance reporting. The "F" the student got in the English class was not based on attendance, it was based on performance.

Dr. Fierro provided Ms. Nelinda Venagas, Associate Superintendent, Ms. Susie Peck, Associate Superintendent, and Dr. Elizabeth Everitt, Superintendent information regarding notification of failure and make-up work that was incomplete and inaccurate.

In the area of grade reporting and notification of student failures, the student's parents were provided with a minimum of five notices that their son was failing English and two of these notices specifically stated that failing a class could result in a failure to graduate.

In the area of make-up work, the teacher exceeded the policy requirements by allowing four and one half weeks to turn in make-up work. The make-up work that was graded by the certified English teacher in May 2007 was work that needed to have been completed in early February of 2007. Additionally, the teacher allowed the student to take an additional final exam in order to improve his grade. This option was not afforded to any other student. The teacher was willing to accept a 57.5% as a passing grade if the student scored a 100% on the second final. The student had all of the questions and all of the answers and only needed to memorize the answers.

**Objective # 2 – Conclusions**

These actions appear to constitute a violation of Section 6.60.9.8.C, Standard II: Duty to the profession, of the New Mexico Public School Code of Ethics.

Dr. Fierro exerted undue influence when she directed the administrative team at Rio Grande High School to change a student’s grade. This undue influence was based on the authority of her position and clearly resulted in determining professional decisions concerning a student’s final grade. In addition, incomplete and inaccurate information was provided to the superintendent and the associate superintendents in an apparent attempt to gain support for the grade change directive.

It is the conclusion of the investigative team that, based on the above, the matter should be referred to the Educator Ethics Bureau of the Public Education Department for appropriate licensure action.

Thank you.

MRC/stv

cc: Dr. Catherine Cross Maple, Deputy Secretary, Learning and Accountability