

Abuse of Credit Recovery Programs at New Rochelle High School

From: **Robert Cox** | robertcox@talkofthesound.com

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To: benjamin.r.allee@usdoj.gov, kmsearles@uspis.gov

Mr. Benjamin Allee
Deputy Chief
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United States Attorney's Office
300 Quarropas Street
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December 10, 2018

Dear Mr. Allee,

I am writing today to make you aware of a recently completed investigation into "credit recovery" at New Rochelle High School by T&M Protection Resources ("T&M"), a private Investigation firm based in New York, NY.

Your office is well-familiar with the City School District of New Rochelle having secured three convictions in recent years: two related to bribery and kickback charges (John Gallagher, Mauro Zonzini), one related to civil rights violations (Feltenstein). You were personally involved with securing two of those convictions. Your colleague Kathryn Martin was involved in all three convictions.

The T&M Report suggests the possibility of the use of Federal funds to carry out a corrupt scheme to artificially inflate graduation rates through grade manipulation using an online "credit recovery" system located outside New York State to justify promotions, salaries and payments including a \$5,021 stipend to a woman with a documented history of fraud in the New York City Department of Education.

Credit recovery takes many shapes and forms but ideally is intended to allow a student who failed a course a second chance to pass the course and earn credits towards graduation.

T&M prepared a final report for Bond, Schoeneck & King ("BSK"), the law firm representing the New Rochelle Board of Education, on December 3, 2018. The agreement under which BSK hired T&M is suspicious in and of itself and school officials including the interim Superintendent have made knowingly false written statements in response to a series of Freedom of Information requests seeking

contracts and invoices related to that agreement.

The report was published on BoardDocs, a web service used by the New Rochelle Board of Education to publish school board meeting agendas, board policies and related documents. A complete version of the report including appendices is available on BoardDocs:

www.boarddocs.com/ny/nred/Board.nsf/goto?open&id=B6YKV653A815

The T&M Report indicates that school administrators may have deliberately manipulated grades in an online credit recovery platform from Apex Learning, a widely-used provider of online education services. A school principal admitted to directing his staff to physically alter a hard copy of a school transcript, a legal document, using “white out” and a typewriter and failing to notify anyone of the change including the student. The transcript was for a student who had graduated 2 years earlier. Former Schools Superintendent Dr. Brian Osborne told T&M he had never heard of retroactively changing a grade on a transcript for a student who had graduated in the past. T&M found that during one 10 month period 212 grades were either changed or added as “fill-ins”; the Apex Learning system had no record that a student took a particular online test but a grade was manually “filled-in” by a school administrator. T&M found that two students may have been awarded diplomas they did not earn after their grades were “fixed” in the Apex Learning system.

Upon reason and belief, the New Rochelle Board of Education contracted with Apex Learning through Southern Westchester BOCES in 2014.

Upon reason and belief, the New Rochelle Board of Education has paid \$30,000 to Apex Learning over the term of that contract.

The T&M Report states their investigation relied, in part, upon data from the Apex Learning system and that cooperation from Apex Learning was significantly diminished when New Rochelle school officials terminated their agreement with Apex Learning in the middle of the investigation so that T&M was unable to gather data to further their investigation.

The T&M Report states that for a period of time New Rochelle High School refused to cooperate with their investigation.

The T&M Report indicates that more than a half-dozen key witnesses were never interviewed for the investigation.

The scope of the investigation appears to have been deliberately narrowed to scapegoat two individuals, one who resigned last summer and the other who was notified last week that termination proceedings had been initiated against her by the Interim Superintendent.

T&M found that New Rochelle High School claimed not to have retained records related to the vast majority of course credits awarded to students through Apex Learning from 2014 to 2018, despite a New York State law that mandates retention of these records, suggesting the possibility that records were deliberately destroyed after the investigation was launched in May, 2018.

According to its company web site, Apex Learning is based in Seattle, Washington.

Upon reason and belief, Low-Income Students are more likely to be at risk of not graduating from high school and so are disproportionately identified as candidates for credit recovery which at New Rochelle High School includes Apex Learning.

Upon reason and belief, Title I Programs are intended for the benefit of Low-Income Students.

The National Center for Education Statistics lists New Rochelle High School as a school eligible for Title I Funding and that New Rochelle High School has a School-Wide Title I Program.

https://nces.ed.gov/ccd/schoolsearch/school_detail.asp?ID=362049001900

The United States Department of Education Estimated ESEA Title I LEA Allocations for the period 2014-2018 when the Apex Learning service was in use at New Rochelle High School total \$12,020,356.

LEA: City School District of New Rochelle

FY TITLE I ALLOCATION

2018 \$2,375,649

2017 \$2,559,895

2016 \$2,519,059

2015 \$2,639,884

2014 \$1,925,868

TOTAL 2014-2018 \$12,020,356

Title I Funding - NRHS 2018

www2.ed.gov/about/overview/budget/titlei/fy18/newyork.pdf

Title I Funding - NRHS 2017

www2.ed.gov/about/overview/budget/titlei/fy17/newyork.pdf

Title I Funding - NRHS 2016

www2.ed.gov/about/overview/budget/titlei/fy16/newyork.pdf

Title I Funding - NRHS 2015

www2.ed.gov/about/overview/budget/titlei/fy15/newyork.pdf

Title I Funding - NRHS 2014

www2.ed.gov/about/overview/budget/titlei/fy14/newyork.pdf

THEREFORE, I believe administrators and staff employed by the New Rochelle Board of Education may have engaged in fraud, including mail fraud, to justify promotions, salaries and payments including a \$5,021 stipend paid to one administrator and taken steps to cover up their activities including the

destruction of records, as part of a corrupt scheme to artificially inflate graduation rates at New Rochelle High School.

I have written and published a comprehensive article detailing these and other concerns and what appears to be a coordinated effort to pin what may be a wider conspiracy on one woman in order to “contain” the damage so other employees are not implicated and the full scale of the abuse of “credit recovery” is kept from the public including parents and taxpayers.

Why Shadia Alvarez?

www.newrochelletalk.com/content/why-shadia-alvarez

While the purpose of the educators involved may have been to inflate graduation rates to make themselves look good, get paid and get promotions, the effect of their actions appears to be to deprive students, including many Low-Income and At-Risk students, of a Free and Appropriate Public Education and to send them out into the world unprepared to succeed as adults.

I would ask you to consider making a preliminary inquiry by first reviewing the T&M Report linked above and, if warranted, commence a full investigation into the abuse of credit recovery programs at New Rochelle High School with a particular eye on Apex Learning which is used by school districts throughout the Southern District of New York.

Thank you for your time and consideration.

Sincerely,

Robert A. Cox
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cc via email:

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