

ANOTHER CHEATING SCANDAL—BUT THIS TIME IT’S NOT THE STUDENTS

In March 2015, Newpoint High School, one of the high-performing charter schools in Escambia County, Florida, suddenly found itself at the heart of a real scandal when the School District announced publically that it appeared there was a possibility that school administrators had pressured teachers to falsify attendance records, delete overdue assignments, give answers to tests, and change grades in order to ensure that Newpoint seniors would advance to graduation. And the suggestion was that this was only the tip of the iceberg. The Escambia County Superintendent of Schools revealed that his office had launched an investigation into the matter. Some Newpoint High School teachers, pressured to change the grades of seniors, were livid, while others reacted by breaking down in tears. Cheating? This was not who they were or wanted to be. They had feared losing their jobs if they did not comply with school administrators and/or losing their teacher certificates if authorities found out.

As bad as the story sounded upon first being made public, it soon became much worse as allegations ranging from simple demonstrations of poor judgment to possible criminal acts began to surface. Questions quickly emerged concerning just what kind of school Newpoint was and how such activities could have escaped the notice of elected officials and local bureaucrats in the county school administrative office. It seemed to be a case of “Who is minding the store?”

The Newpoint Organization

A series of local newspaper articles soon revealed that Pensacola Newpoint schools were a part of an Education Services Provider, Newpoint Education Partners, (NEP), a for-profit Florida corporation formed in 2008. On its website, Newpoint states its Executive has “collectively led the development and launch of over 75 schools and is keenly aware of the financial and support resources necessary to facilitate the startup of a new school or the takeover and continuation of an existing school” (www.newpointeducation.com). The Escambia County School District’s charter school agreements for the Pensacola Newpoint schools, including Newpoint High School, a middle school, Newpoint Academy, and an elementary school, Five Flags Academy, were with 21st Century Academy of Pensacola, Inc., a nonprofit Florida corporation formed in 2010. Of particular interest is the fact that annual reports filed with the Florida Secretary of State show that the company did not add any local board members until 2014 (Outzen, May 6, 2015).

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Newpoint Education Partners manages 10 charter schools in Florida. In 2014, its Pensacola high school, Newpoint High School, was the only one that received an “A”. Four others had “F” grades, one had a “D” grade, and four had “C” grades. Newpoint High School has received an “A” grade every year since opening in Escambia County in 2012. Escambia County’s only other “A” high school in 2014 was West Florida High (Isem, December 19, 2014).

The registered agent for Newpoint is Cambridge Education Group, a charter school management company based in Ohio. In recent years, Cambridge had assumed control of several charter schools once run by White Hat Management, which has had its own questionable history with school districts in Ohio and Florida for poor performance and reportedly collecting high management fees. John Stack, Cambridge Executive Director, and, David Stiles, President of Operations, both worked for White Hat. Additionally, Stiles is also the Vice President of Operations for Newpoint Education Partners and Carla Lovett, Vice President of Curriculum and Instruction and former Supervisor of Secondary Education for the Bay County School District, also located in northwest Florida, is its registered agent. Lovett is also the principal of a Newpoint charter school in Bay County. NEP currently has the contract to manage all three Pensacola Newpoint schools (Outzen, May 6, 2015).

Newpoint Academy and Newpoint High School share a campus and opened in August 2011 after being given approval by the Escambia County School District. At that time, the two were the county’s eighth and ninth charter schools. When they opened in 2011, the schools were tuition-free and had about 330 middle and high school students. Presently, Newpoint Academy has 166 6th-8th graders and 19 staff members, while Newpoint High School has 107 9th-12th graders and 12 staff members (Lett, April 1, 2015).

In November 2012, the Escambia School Board approved a school improvement plan for Newpoint Academy after the charter school received an “F” school grade. Of particular concern was the fact that Newpoint Academy had endured a high rate of teacher turnover. Newpoint Education Partners, states on its website that the educational company had met reviews of its finances, operations, board relations, management company transactions, and accreditation reviews with 100% ratings (www.newpointeducation.com/). The website for Newpoint High School and Academy offers the following description of its academic offerings:

“Newpoint Pensacola Academy and High School provides a unique environment, which emphasizes high academic achievement using state of the art technology and innovative but proven educational methods. We prepare students to successfully compete in an increasingly competitive post-secondary environment and the global job market. In addition, our school offers a personal, safe and caring environment where we strive to meet our students' needs as individual learners.

In all classes, teachers implement an instructional framework which provides students with opportunities to learn in small groups with the teacher, collaborate with peers, and work independently.

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Highlights of the academy curriculum include a focus on 'Learning to Think' strategies using Habits of Mind, 16 habits that successful "thinkers" employ, identified by researcher Art Costa and a blend of print and electronic curriculum resources, with technology integrated into every classroom.

Highlights of the high school curriculum include an entirely digital curriculum provided by Apex Learning. These dynamic online tools were created in 1997 by Paul Allen, co-founder of Microsoft. Now, over 4,000 school districts are using these tools. With Apex Learning, students are encouraged to explore further and think critically. Apex provides students with a rich, in-depth learning experience using video, animation, audio, and interactivity to raise student achievement. Additionally, built-in assessments allow students to gauge their progress and move ahead at their own pace. Newpoint Pensacola High School also provides students with a college preparatory education and real world experience through its unique Professional Internship "work-study" program. The Professional Internship exposes students to a "real-world" work environment that broadens their horizons and encourages them to set high goals for themselves” (www.newpointpcola.org/).

Clearly such glowing internal reports and statements differed from the reality that was emerging from statements by parents and students and from the daily local press reports.

The Newpoint Scandal From the Beginning: Whistleblowers on the Inside

In May 2014, one Newpoint employee bravely called the office of the Escambia Superintendent of Schools, Malcolm Thomas. Even though she knew the call might get her fired, she could not ignore the lying and deceit at her charter school any longer. Among other kinds of misconduct, the employee alleged that teachers were being pressured to change grades. Further, students in the companion middle school, Newpoint Academy, were complaining of being harassed by a teacher. Funds raised by the student government association had disappeared (Outzen, May 6, 2015).

When the superintendent’s office received the call in May 2014, Thomas was not there. His administrative assistant, Cathy Irwin, took the call and was told that teachers at Newpoint High School were changing student’s grades so that seniors would meet the state’s graduation requirements. Irwin took careful notes and read them back to the whistleblower to be sure her facts were correct (Outzen, May 6, 2015). The caller further indicated that Principal John Graham had chosen to ignore complaints from teachers, parents, and students about such activities. In a copy of an email obtained by a local independent newspaper, dated May 20, 2014, from Newpoint Principal, John Graham, the administrator at the school, told teachers that the school grade and their jobs were impacted by the graduation rate. “Seniors’ last day will be Friday,” he wrote, “some will need every minute of time before being cleared to walk. Please be responsive as the school grade and your spot are impacted by graduation rate” (Outzen, April 30, 2015).

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Following that call, other teachers came forward with similar stories, so the whistleblower discreetly went outside and called the School District again to report the additional information (Outzen, May 6, 2015). This time the whistleblower did not only report activities associated with grade fixing and questionable record keeping. The allegations went much further. Safety and health issues were another concern as the whistleblower went on to describe incidences where teachers were physically assaulted by students, students exposed themselves during class, the county health department was called in at least four times to examine the condition of school bathrooms, and there was an infestation of mice. Seemingly, there was no end to these kinds of complaints and more (Outzen, “School Safety and Health,” March 31, 2015). And apparently that was only the beginning.

The whistleblower believed that Superintendent Thomas was her last hope and in fact there was reason to think that maybe he would intervene and investigate. Investigators ultimately discovered several phone message slips and emails generated by personnel at the School District’s offices referencing the situation at Newpoint from as early as May 2014. But no actions by School District officials followed them as a result. This was despite the fact that the messages and emails clearly described the fact that information was received concerning Newpoint teachers being asked to extend assignments, allow make-up work, give answers to tests, and change class grades (Outzen, May 1, 2015).

District emails verified the phone calls and showed communication between Irwin and Vickie Mathis, the Director of Alternative Education (Outzen, May 6, 2015). In an email on May 22, 2014, Irwin informed Mathis that the whistleblower had specifically reported that the Spanish and Chemistry teachers told her they were told to give seniors “A’s” so they would graduate. It seemed, based on information provided, that Newpoint Principal John Graham backed up the order. Irwin clearly indicated that Superintendent Thomas requested that she relay the information to Mathis (Outzen, May 6, 2015).

Upon hearing of some of the allegations, Mathis replied that she would call the Florida Department of Education for advice and contact the Newpoint Board Chair. In her second email to Irwin and Thomas, the Alternative Education Director wrote that the data specialist had specifically identified two seniors with low GPAs. Mathis said he had contacted the school and left a phone message for the principal. Additional information, growing more and more specific provided the names of teachers who had been told to change grades and the names of students whose grades were changed. She told Irwin that two teachers had made copies of all students’ current grades and commented that if grades needed to be changed, then they were to change them (Outzen, May 6, 2015).

The emails containing the allegations and documenting the responses of School District personnel were part of a review not performed until April 2015 by Superintendent Thomas to comply with a public record request made by Newpoint management. Interestingly, there were no follow-up emails between Mathis and Irwin after May 23, 2014 or any documentation that shows if the district’s investigator Gary Marsh investigated the allegations (Outzen, May 6, 2015). In the end, the Newpoint schools finished their school year with no report by the Escambia County School Board of any problems (Outzen, May 9, 2015).

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Superintendent Thomas chose not to notify the School Board of the allegations or any other problems at what was generally recognized as the county's model charter school. There is no proof that Thomas did anything to put a hold on Newpoint High's 2014 graduation to provide time to investigate the allegations. Teachers, students, and parents have no indication that Thomas did anything about Newpoint before the 2014 graduation. No district investigators went to the school to question teachers. The Escambia County School Board was not informed about the allegations. In the end, Newpoint received an "A" grade and went forward to open for another school year (Outzen, May 7, 2015).

The whistleblower was very disturbed about Thomas' lack of active response to her calls. In spite of having a half-hour discussion with the administrator who told her he would follow up on the matter. The conversation at first left her feeling very optimistic that things would be handled, but she soon realized that nothing was being done at all (Outzen, May 6, 2015). The whistleblower sought advice from a local community leader, Kirk Sutek, associate pastor of My Father's Vineyard, a local church. Sutek had met Thomas when he visited the church on one occasion and he went on to advise that if she would put together a package of information, he would deliver it to Thomas personally. The package was quickly assembled and on May 28, 2014, Sutek delivered it to the School District office. He had no idea if the Superintendent ever actually personally received it. Sutek had a personal interest in the outcome of this issue since his own daughter was a student at Newpoint at the time (Outzen, May 6, 2015).

At this same time, other information came to Thomas from still more sources. An email came from two students who provided documentation that they believed showed a Newpoint teacher had stolen money raised by the Student Government Association over the school year. They indicated that they had reported the incident to Principal Graham, Jessica Koziara, the school's assistant director, Marcus May, the owner of Newpoint, his assistant, David Stiles, and other students of SGA. Sadly, they also wrote that it seemed that no one had decided to take action of any kind. The two students went on to beg for Thomas' help. As he had with the whistleblower, Superintendent Thomas assured them that he would take care of it, but once again, nothing happened (Outzen, May 6, 2015).

But Wait---There's More!!

To many outsiders, it appeared that the Escambia School District was not actively looking into the matter of Newpoint's possible grade tampering and other questionable activities by school administrators and teachers once the information was shared by the first whistleblower and that was very nearly the truth. But that changed late in 2014. In spite of the fact that there were several phone calls, emails, and even packages delivered to the School District after May 2014 related to activities at Newpoint, it did not look like any of that generated any significant investigation until December, 2014 and January, 2015. School Superintendent Thomas explained that it was because late in 2014, his office found evidence that finally gave their investigation some traction. Thomas insisted they began investigating Newpoint almost as soon as they first opened their doors because his office had been getting complaints since the beginning. But he said allegations against teachers are not easy to do something about because Newpoint teachers are not School District employees and therefore he cannot suspend them. That is left to the Newpoint School Board (WEAR, April 29, 2015).

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As the School District received even more complaints over the winter in late 2014 and early 2015, once again county school officials looked at continuing as well as new charges of grade tampering, harassment, allegations of sexually inappropriate behavior by a teacher, unqualified teachers, serious breaches in safety, and an illegal after-school program (Outzen, May 6, 2015). Once again, the district investigator was not allowed to question teachers. According to the records, the District staff was told to shut down the investigation in January and February (Outzen, May 7, 2015). In the absence of any publicity of the allegations, on March 16, 2015, Governor Rick Scott presented Newpoint High School and Newpoint Academy, with checks \$11,392 and \$15,861 respectively, based on their high performance during the 2013-14 school year.

If the allegations against the charter school proved to be true, the check presentation was nothing more than a sham, a point that should have been very clear to School District officials. The School Recognition Program provided financial awards to schools where students had sustained high grades or shown major improvement, upon review by the Florida Department of Education. Schools could earn up to \$100 per full-time equivalent student provided they either

- Receive a school grade of "A."
- Demonstrate exemplary improvement due to innovation and effort by improving at least one letter grade.
- Improve more than one letter grade and sustain the improvement the following school year.
- Fall under the "alternative school" designation and receive a school improvement rating of "Improving" or improve at least one level.

According to the Florida Department of Education, Newpoint Academy received "C" grades for 2014 and 2013 and an "F" in 2012. Newpoint High School earned "A" grades in 2014, 2013 and 2012 (Lett, April 1, 2015).

Thomas' failure to report the problems at Newpoint earlier meant that the two schools at the heart of the scandal had received accolades for students' performance resulting in significant financial benefit. In that presentation by the Governor on March 16, 2015, Newpoint Academy and High School were among 22 Escambia County schools to split \$1.42 million in Florida School Recognition Program funds. Newpoint Academy and High School had received \$60,639 during the preceding three years. This was in addition to the checks for \$15,861 and \$11,392.

After almost a year in which the subject was not generally discussed even behind closed doors, the grade fixing scheme eventually became public when the whistleblower contacted School Superintendent Jeff Bergosh on March 25, 2015, expressing frustration that conditions at the charter school had continued to decline in the complete absence of any response from either within the Newpoint organization or the School District. In his blog, Bergosh commented that "This communication dissonance, the Board's lack of knowledge about specific issues at Newpoint, points to some significant dysfunction with respect to the way the Board is kept abreast of allegations this explosive---Particularly acute because the allegations were leveled multiple times throughout the month of May 2014---almost a full year ago! This just points more clearly than ever, to the desperate need in this district to employ an appointed

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superintendent of schools, accountable to the elected Board and focused on keeping the Board informed, not blindsided and marginalized” (Bergosh, April 3, 2015).

The whistleblower sent Bergosh a 22-page report detailing the grade tampering activities, including the names of the students and their parents, the dates of incidents, and the names of the teachers whom the school’s administration directed to change records so that Newpoint could maintain its “A” grade and thus receive bonus money from the state. Of significance was the fact that based on the information contained in the documents, it seemed that the grade fixing may have been going on longer than just the 2013-2014 school year. In addition, they also related incidences of unqualified teachers and substitutes who stole school funds, watched adult films in their classrooms, and even inappropriately touched and interacted with high school and middle school students. Bergosh passed the documents provided by the whistleblower to Donna Waters, the School District’s attorney and to Superintendent Thomas (Outzen, “High Performing Charter School,” March 31, 2015,

Bergosh, a prolific local blogger, posted a cryptic note on March 26, 2015 in which he asserted that the worst example a public charter school can set is cheating. He went on to affirm that cheating to boost graduation rates, which ultimately raises school letter grades, and ultimately assists a school in receiving funds from the state for bonuses, was an even worse example to set (Outzen, April 8, 2015). Bergosh revealed that the allegations of widespread grade tampering had been made against one of the district’s charter schools. He was extremely upset that the School District had not informed him of the allegations when they first became aware of them and that the school was allowed to receive a check from Governor Scott (Bergosh, April 3, 2015).

Bergosh at first did not identify the charter school in question, indicating that he had greeted the director of this school that cheated during the check presentation ceremony and congratulated him on a great accomplishment. He believed he had been duped and used and regretted that the Governor had also been made to look badly. He felt strongly that at a minimum, staff should have not invited this school to this ceremony in the face of all of the allegations of misconduct (Outzen, “High Performing Charter School,” March 31, 2015).

The real question in the minds of many was why it seemed so apparent that Thomas and other county and state school officials were refusing to take appropriate action in the face of the mounting evidence that serious acts of impropriety at the very least were going on at Newpoint. Superintendent Thomas had still told the School Board nothing as of the end of March 2015 and records did not indicate that he contacted the governor’s office about the grading issues before the governor presented the checks to Newpoint Academy and Newpoint High in March for their outstanding performances for the 2013-14 school year (Outzen, May 6, 2015).

But the public records obtained from Bergosh did shed some light on a variety of possible reasons for the Newpoint investigation stalling. His written notes revealed something rather interesting that appeared to be attributed to district investigator Gary Marsh at the end of January 2015. Marsh had reported that his next step would be to obtain statements from teachers and that so far nobody had given him the go ahead to do that. There were accounts of individuals on one

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occasion discussing certain events and conversations and then changing their stories upon later reflection (Outzen, May 6, 2015).

In other notes summarizing phone conversations and text messages with an unidentified whistleblower, Bergosh had written that the whistleblower talked about how the investigations were handled by the School District officials and staff. That whistleblower reported that Vickie Mathis and her assistant, Susan Rigby were not happy that Thomas had shut them down after they had worked for months on the Newpoint case. The whistleblower also praised Bergosh, saying that he was the only other person besides Mathis and Rigby who thinks the school mishandled the allegations. Further, Bergosh was urged to call Pamela Anderson of the Department of Children and Families (DCF) saying that Thomas had gotten her to say the school was safe, even though the directors had never reported any inappropriate behavior by teachers to them. DCF was reportedly outraged until Thomas Malcolm finally contacted her (Outzen, May 6, 2015).

Bergosh asked the whistleblower if there was ever an investigation of the grade tampering. The response was that Thomas had not investigated it himself and did not direct anyone else to either. Mathis and Rigby were the only ones who had looked into those allegations and then only up to the point at which Thomas' investigator told them to stop after they discovered three students should not have graduated because they did not meet any requirements. The investigator said Thomas had directed him to stop pressing the matter and shut it down (Outzen, May 6, 2015).

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A Formal Investigation is Launched

Once the situation at Newpoint became public in March 2015, the Escambia County School District began formally investigating the allegations of grade changing at Newpoint Academy and High School. Superintendent Thomas, having previously not notified anyone in the School District of the situation when he first became aware of it almost a year earlier, now verified having received the allegations and also indicated that an investigation had been ordered. But he still declined to discuss any details (Lett, April 1, 2015).

In the face of the rapidly accumulating allegations, Newpoint Education Partners issued a statement April 1, 2015 denying any grade tampering by school administrators or teachers. Carla Lovett, Newpoint's Vice President of Curriculum and Instruction, said in the statement that officials had not been notified about any formal investigation and that the school's administration believed the complaints were the result of accusations by a disgruntled former employee. She described them as "baseless, unfounded and utterly false" (Lett, April 2, 2015).

Lovett also refuted what she described as the insinuation in the press that changing grades accounted for the schools' success in terms of the state-assessed school grades. She reminded everyone that the state grading formula for Newpoint Pensacola was based only on the students' scores on state assessments, and was not related to classroom grades. She argued that there was no correlation between the false allegation of grade tampering and the schools' success as an "A" rated school. Her statement ended with the fact that school officials were in the process of collecting information so they could take appropriate action and that until those data were analyzed, the school would have no further comment (Lett, April 2, 2015).

Superintendent Thomas said there was no timeline for completing the investigation, but encouraged anyone with information to contact the proper School District authorities. He described the investigation as complex and very active, and resting firmly in the hands of the School District and the State Attorney General's office. He vowed that the investigation would be allowed to fully run its course and, once the facts were known, his office would decide what to do (Lett, April 2, 2015).

The investigation by the State Attorney's Office was being directed by Assistant State Attorney Greg Marcille, one of State Attorney Bill Eddins' prosecutors, who revealed that his office was already conducting investigative interviews and an intensive review of documents. The primary area of review was the allegations involving grade inflation and whether or not any financial benefit had occurred as a result. In addition, there were other allegations that had been made and he was committed to reviewing those as well. Marcille reported that the investigation was currently at a preliminary stage to determine exactly what may, or may not have occurred. He made it very clear that pursuit of any formal charges would only come after it was clear whether the evidence supported the commission of any actual wrongdoing (Lett, April 4, 2015).

Parents Are Divided on Newpoint Schools

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Interviews with parents of Newpoint students showed that they were sharply divided on the issues being discussed. Conditions such as the small classroom settings and an apparently successful academic program at Newpoint Academy and High School had pleased many parents of students at the two schools for years. But now allegations of grade tampering, together with salacious accusations of possible sexually inappropriate behavior by a teacher, left many of those same parents dismayed and they responded by openly challenging the charter school's reputation (Lett, April 5, 2015).

The recent developments revealed by the investigation by the State Attorney's Office differed sharply from the initial experiences of many of the parents at Newpoint. One couple in particular, when interviewed, responded that during the first couple of years, the school was, in their words, "awesome and the teachers were great." Their three children all attended the charter school, but the accumulation of negative reports of activities engaged in by administrators and teachers had led to a decision to pull all three of the children out of the Newpoint schools in the upcoming fall (Lett, April 5, 2015).

But grading accuracy was not what was disturbing these parents and prompting them to speak out in a news interview. They reported that the schools had experienced a significant amount of teacher turnover. The math teacher teaching one of their children had left Newpoint Academy in 2013 and was replaced by a new math teacher who was not a math teacher. Further, they went on to add that there were teachers using profanity during instances of multiple outbursts. They related that in the previous year the music teacher had called the students bastards and that the teacher did not return at the beginning of the school year (Lett, April 5, 2015).

The last straw for these parents came when they discovered that during the Christmas holidays a teacher had allegedly sexually harassed their daughter. Their daughter told them he looked her up and down and said "mmm-mmm-mmm," adding she knows of other girls who allegedly had been harassed or touched inappropriately by this teacher. The parents said the same teacher also allegedly showed their 16- and 13-year-old sons a video of teenaged girls playing soccer wearing only underwear that included thongs (Lett, April 5, 2015).

The couple reported that they spoke with John Graham, Director of Newpoint Academy and Newpoint High School, in early January about the incidents and he said he would look into it. When he finally got back to them, Graham told them that there was no one to corroborate the story. The parents naturally asked their children if Graham had spoken to them and discovered that he had not. They also contacted several Newpoint and Escambia County School Board leaders, including School Board District 5 representative Bill Slayton, who only replied to their email by saying that he had forwarded it to the appropriate district personnel who would add their concerns to the list (Lett, April 5, 2015).

Despite stories such as this one, some parents still praised the Newpoint schools. One mother who enrolled her 15-year-old daughter in Newpoint High in October with plans to re-enroll her in the fall of 2015 said she had done some research on Newpoint and felt her child stood a better chance there because of what she described as the school's attitude of acceptance and unwillingness to label kids. She added that she did not believe grades were being tampered

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with or changed. Her daughter echoed her mother's support. She described the fact that she and her classmates used Apex Learning, a virtual learning program, so unless paper grades were changed, it would be impossible to change grades. She felt that because the classes were smaller at Newpoint, students could work at their own pace and she concluded by saying that the school was very family based (Lett, April 5, 2015).

But allegations continued to mount. Importantly, complaints began to bear a striking similarity to each other suggesting that there was something to what these parents were reporting. One mother said that in December 2014 a teacher showed her 13-year-old daughter's Newpoint Academy class a film about Japan's annual "Festival of the Steel Phallus." She stated that her daughter came home and told her that one of her teachers was going to show a film about the Japanese penis festival the next day. She at first thought the girl had misunderstood the teacher or misconstrued what he said, thinking that maybe the kids simply made it up, because she could not imagine who in their right mind would show something like this to kids (Lett, April 5, 2015).

She went on to say that the next day, during the class, her daughter sent her a text stating the teacher had shown two objectionable videos. Outraged, the mother emailed Graham and Newpoint's Vice Principal, Alisa Wilson, about the incident but, to her surprise, she did not receive an immediate response from either. The following day she called the School District and was referred to an administrator, who followed up on the complaint and eventually had the daughter removed from the class in question (Lett, April 5, 2015).

Ironically, this mother had wanted to remove her daughter from the school in the current year, but, because she was satisfied with the school when her daughter first enrolled, she opted to let her stay there. She knew it was an "A" school and it had good reviews at the time. But she began to have doubts about Newpoint such as why her daughter never had homework. Her daughter responded saying that she earned "A"s for attending school functions like a women-less beauty pageant and a school talent show, all of which factored into her final grade (Lett, April 5, 2015).

Interestingly, none of these complaints was anything really new. Escambia County School District officials had dealt with years of complaints and concerns about Newpoint Academy and High School. Indeed, Bill Slayton, Escambia County School Board member, said over the past two or three years, the School District had received numerous complaints about out-of-field teachers, high faculty turnover, and even the lack of parents on the Newpoint Advisory Board (Lett, April 11, 2015).

Furthermore, many parents felt that their children graduated from Newpoint High School completely unprepared for college. One mother of a 2014 Newpoint High graduate said her daughter left the school with a poor education, poor math skills, and poor reading skills. She said that when her daughter tried to enroll in college, she had trouble getting a copy of her transcript from Newpoint. She also learned she was a half credit short of the graduation requirements and had to take an online course in order to be able to graduate (Lett, April 11, 2015).

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Slayton indicated that as the School Board can renew their charter or vote down the charter, but that he had no individual power, only power sitting with the group of five. The charters for the schools are up for renewal in 2016 (Lett, April 11, 2015).

The Parent Company Finally Responds

Early in April, 2015 Newpoint Education Partners finally launched its own investigation into the grade tampering allegations at the charter schools. In a press release, school administrators insisted that the allegations were baseless. They cited the fact that school grades are based only on student performance on state exams. Since they denied that any there had been any impropriety associated with the administration of those exams, there was nothing fraudulent in either Newpoint's "A" grade or in the bonus funds they had been awarded (Outzen, "Newpoint Denies Allegations," April 6, 2015). The Florida Department of Education was following the situation very closely, but remained hands-off, stating that it was prepared to assist local School District officials if necessary, but leaving things to their discretion for the moment (Outzen, "FDOE Has Offered Help," April 6, 2015).

Carla Lovett continued to deny any wrongdoing but said the company had hired an independent investigator to look into the accusations. She claimed that the company had not been officially informed of any official investigation until approximately two or three weeks earlier and that most of what they had learned was actually disseminated by the press. Lovett reaffirmed that the company was fully cooperating with the official investigation but any allegations of financial impropriety or grade tampering were inaccurate. She concluded by adding that Newpoint Education Partners was very anxious to have this resolved (Lett, April 29, 2015).

In pursuing its own investigation, Newpoint filed a public records request for documents from Escambia County School Board member Jeff Bergosh on April 1, 2015. A second request was filed April 4 for additional records from Bergosh and the Escambia County School District. Bergosh told the local newspaper, the *Pensacola News Journal*, that he made the nearly 200 pages of redacted documents available after the State Attorney's Office ruled the School District was not exempt from providing the documents. According to Bergosh, those documents included emails, text messages, and other correspondence from a whistleblower. He continued to decline to identify the person, but said the documents included correspondence between his source and the School District dating back to incidents that occurred in February 2014 (Lett, April 29, 2015).

So What Should Superintendent Thomas Do Now?

As of this point, it was beginning to look as though students enrolled in Newpoint (Pensacola) High, Newpoint Academy and Five Flags Academy, another school operated by Newpoint Education Partners, might have to find new schools for the 2015-2016 school year. On Friday, May 9, 2015, Superintendent Malcolm Thomas made a recommendation to the School Board to terminate the charters for all three schools. The matter was then scheduled to be an item on the consent agenda at the regular Board meeting on May 19. If approved, the contracts would end August 17. In his recommendation, Thomas cited all three schools had

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violated the contracts they made with the School District, though Five Flags Academy was not implicated in the cheating allegations against the other two schools. His recommendation to the School Board came in the form of a 90-day notice to terminate the contracts. He indicated that the 90-day notice was crucial since that placed the decision on the agenda at the August 17 meeting and he wanted to help the parents and students prepare for the next school year. To wait any longer might have put things off until the middle of a school year (Lett, May 9, 2015).

The stakes in the upcoming May 19 meeting were substantial. Newpoint Education Partners had nearly \$70,000 in payments from the School District on the line as well as its ability to open other charter schools in Florida. Earlier the same week, the Florida Department of Education denied their grant request to open two new schools in nearby Bay County (Outzen, May 15, 2015). The charters for Newpoint High and Newpoint Academy were up for renewal in 2016. Escambia County School District officials personally delivered letters to Newpoint administrators at the schools on Friday afternoon, May 9. If the School Board voted to terminate the contracts, Newpoint Education Partners would have 14 days to appeal the decision (Lett, May 9, 2015).

In the three letters addressed to Linda Brown, Board Chair of 21st Century Academy of Pensacola Inc., DBA Newpoint Academy, Newpoint Pensacola and Five Flags Academy at Newpoint, Thomas listed some of the contractual violations to include the following:

- The schools failed to maintain accurate enrollment data and daily records of student attendance (Lett, May 9, 2015). Students supposedly given suspensions for disciplinary infractions were recorded in the attendance records as being present and despite assertions from the school that the attendance issues had been corrected, as of May 15, the School District was still finding students routinely missing two or three periods a day (Outzen, May 17, 2015).
- The schools failed to maintain student records for current and former students in accordance with the requirements of state and federal law (Lett, May 9, 2015). Some of the Newpoint High School students had only completed a small part of the curriculum in some classes—15 percent in geometry, 20 percent in calculus, and 20 percent in Spanish (Lett, May 15, 2015). No grades had been entered in any grade books for English, chemistry and pre-calculus students. The schools' use of Apex Learning, an entirely digital curriculum, requires that all grades and other student information be entered in the School District's FOCUS system (Lett, May 15, 2015). Numerous students' cumulative records were simply missing. During a visit on February 20, 2015, Escambia officials examined the records for 50 students and found only 22 had cumulative folders; on a return visit on March 24, 2015, officials looked at 128 records and found 61 were in good standing, 18 had temporary cumulative folders, and 49 students had no information (Lett, May 15, 2015; Outzen, May 17, 2015).

At Newpoint Pensacola High, using the APEX system, the total points a student can earn in a course are 1,625. Escambia School District staff presented the APEX record for a particular student who had taken a Spanish class in which she had posted 243 points by mid-April 2014, but received full credit for the course (Outzen, May 17, 2015). Lovett, admitting she had not yet looked at the academic records of the students presented, tried

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to argue that students could have had outside work to help them meet the point requirements for their courses in order to graduate. School Board member Bill Slayton was skeptical that outside work could account for as much as 85 percent of a student's final grade as some records indicated that were not accounted for in some students' records, particularly when APEX is the core of the curriculum (Outzen, May 17, 2015).

- The schools failed to maintain a safe learning environment at all times (Lett, May 9, 2015). During a school-sponsored senior trip/cruise, teachers/chaperones and some underage students drank alcoholic beverages, as confirmed by other students who were present (Lett, May 15, 2015; Outzen, May 17, 2015). One teacher was reported as being so intoxicated that a student had to assist her to get back on the ship. A female student was found drunk in a room with several men. Principal John Graham did not report the incident claiming it was not a school event, even though it was promoted as a Newpoint senior trip and chaperoned by school faculty (Outzen, May 17, 2015). In a collection of other incidents, the school allowed students to sign out of school whenever they wanted. It was discovered that during a 37-day period, the district found 98 incidents where students left with no parental permission or any signature from a school official. Of those, only five parents were contacted and none had received a phone call from the school (Outzen, May 17, 2015).
- The schools failed to follow the Board's guidelines and procedures regarding a recommendation of expulsion (Lett, May 9, 2015). In this instance, Newpoint actually violated the law by not reporting in the district computer system a May 24, 2014 burglary and vandalism committed by five students and which resulted in a felony arrest of one Newpoint student (Outzen, May 17, 2015).
- The schools failed to pursue and make progress toward the achievement of the goals, objectives, and pupil performance standards set forth in its School Improvement Plan mutually agreed to by the Board and the school (Lett, May 9, 2015).
- The schools failed to provide services and accommodations to students with disabilities in compliance with applicable state and federal laws (Lett, May 29, 2015).
- The contracts between the schools and the Education Management Organization (EMO) shall require that the EMO operate the schools in accordance with the terms stipulated in the School's Charters and all applicable laws, ordinances, rules, and regulations (Lett, May 9, 2015). Newpoint Education Partners ran an unlicensed after-school program that mixed elementary and middle school students in which the teacher who ran it was paid directly. The Escambia School District ordered the program shut down and Lovett reported it closed on February 15, 2015. In fact, however, the school let it continue until February 27 (Outzen, May 17, 2015).
- The schools provided employment to person(s) whose criminal background check disqualified this person from employment in a charter school under any applicable federal, state, or local law, ordinance or regulation (Lett, May 9, 2015). This case involved a custodian with a criminal record, hired by the school, who had contact with

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the students from August 18-December 17, 2014. The school and the parent company failed to do the proper background check (Outzen, May 17, 2015).

- The schools failed to ensure employees undergo a Level 2 background screening and be fingerprinted in a manner consistent with the Board's policy for criminal background checks, fingerprinting and ethics in education (Lett, May 9, 2015).
- The schools failed to deliver instructional programs or curricula identified in the charter school application or proposal (Lett, May 9, 2015).
- The schools failed to comply with all applicable federal, state and local laws, rules or regulations (Lett, May 9, 2015).
- The schools failed to obtain all necessary licenses, permits, zoning, use approval, facility certification, and other approvals required for use and continued occupancy of the facility as required by local government or other governmental agencies (Lett, May 9, 2015).
- The schools failed to provide Exceptional Student Education Programs and services as required by federal, state and local laws and policies (Lett, May 9, 2015).
- The schools failed to secure the health, safety and welfare of the students (Lett, May 9, 2015).

Superintendent Thomas said the problems identified in December 2014 had only gotten worse since then, which prompted the termination notices. He also said that Florida Department of Children and Families (DCF) had also investigated the schools in January, February, and March and that the agency had sent its findings to the School District on March 26, 2015. Even though DCF found no child abuse, the agency was still concerned about the safety of the students at the school (Outzen, May 17, 2015). Thomas explained that the common thread for all three schools was the Newpoint Corporation. He declared that in his opinion, there were some systemic failures in this case and insisted that the Escambia County School District reserved the right to add to the list of violations as the State Attorney's Office continues its investigation (Lett, May 9, 2015).

Based on earlier private conversations between himself and Superintendent Thomas, Escambia County School Board member Jeff Bergosh was happy and relieved with the clear resolve to finally act on the facts surrounding the Newpoint situation. It clearly gave the Board some time to look at all of the facts and hear Newpoint's side. It was important to remember that everything thus far had been only allegations and all decision making parties involved needed to be willing to remain open-minded and hear all sides of the investigation before rendering a decision (Lett, May 9, 2015). But in a bitter commentary in his blog after the recommendation of termination was issued, he expressed his feelings about the administrator's new hardline tact (Outzen, May 13, 2015).

"The Superintendent of Schools, Malcolm Thomas, is making the recommendation to the board on this month's agenda that we close all three Newpoint schools.

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Just last month, in the beginning of April, the Superintendent of Schools and I had a sit down in his office, and I told him that the information I received from the whistle-blower was outrageous, potentially criminal, and that I was taking it to the state attorney's office the next Monday.

He was LIVID and said I was jumping to conclusions, and that I was dead wrong about the school, their grade, and the bonus money they received from Gov. Scott on March 16th. I was wrong, and it would be proven so with emphasis, Supt. Thomas told me.

I disagreed, I went to the state attorney over the strenuous objections of Malcolm Thomas, because I felt there was potential wrongdoing on the part of Newpoint, and on the part of district administration, particularly as it related to the issues brought to the Superintendent's office throughout the month of May, 2014, and the lack of ANY investigation at that time. Remember, if we had investigated in May/June of 2014, when I believe we should have, we would not be dealing with these issues now.

The SAO took the case, knowing the allegations were shocking, and a huge investigation is now underway as everybody knows.

But now, suddenly, the Superintendent has done a complete 180 degree turn and now says the schools must be given termination letters now. Remember, he was chastising me in early April, saying I was wrong about Newpoint, and I would be proven wrong. Everything was just fine with Newpoint as recently as March/April, but now they have to be terminated ASAP??? This seems an odd reversal.

It is almost like a politicized "rush to judgment!"

I would like to see all the evidence before casting my vote.

I am committed to making my vote in a manner that is in the best interest of students, parents, and taxpayers, in that order.

And I will look at all evidence available before I must cast my vote.

This said, there are now new, ominous allegations leveled against Newpoint.

Just yesterday, the State of Florida has denied the continuance of two existing Newpoint schools located in Panama City, Florida, based in large part on what is going on here in Pensacola with respect to Newpoint schools here.

I am a proponent of charters and choice, however as I stated before, there are serious allegations with significant consequences. I remain open-minded and will listen to all evidence before casting my vote.

Respectfully," (Bergosh, May 20, 2015)

Thomas' determination to pursue the matter was also met with a written response from Carla Lovett from Newpoint Partners who stood firmly by the corporation saying that it would fight the allegations, calling them "politically driven...baseless or blatant fabrication" (Lett, May 11, 2015). She promised that the corporation would address each of the 14 items listed in Thomas' recommendation for termination of the school's charter (Lett, May 11, 2015).

Furthermore, she asserted that the schools had not received notice of a formal investigation until April 2015, a charge echoed by Paula Byrd, vice chairman of the Newpoint School Board and former employee of the Escambia School District for 28 years. She stated that

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there had been no communication between the district and her Board until the termination notices were received on May 8 (Outzen, May 17, 2015).

In their assertions, Newpoint officials suggested that certain School District employees worked to shut down Newpoint schools by not communicating about the investigation and then exaggerating areas of concern that Newpoint believes could have been easily addressed and corrected. The school defended itself by saying that it had tried to meet with the School District staff over the last several months, only to have their requests ignored. Newpoint further indicated that the School District had failed to complete a public record request made in April on a timely basis. Finally, Newpoint said that it had addressed mistakes made by staff and students when they happened, thus making its record not much different than other public schools (Outzen, May 15, 2015).

In response to the charges of no communication from the School District and the Newpoint Board, Superintendent Thomas played a video clip from the School Board meeting on December 12, 2014 to rebut that. The clip clearly showed Principal John Graham, with Newpoint Board Chair, Linda Brown, sitting in the audience, listening to speakers discuss several issues at the schools that needed to be corrected (Outzen, May 17, 2015). In spite of such clear evidence that communication had taken place, Thomas did admit to the media that his staff could have done a better job of keeping the Newpoint Board informed about the investigation (Outzen, May 15, 2015).

Lovett also indicated in the written statement that Newpoint High and Newpoint Academy did undergo some changes just prior to the recommendation for termination that clearly suggest they were preparing to present themselves well for the impending confrontation. John Graham, the school's former director, resigned in the middle of April 2015 and a teacher also left the school in late March. At the present time, Jeff Garthwaite, a former Escambia County School District teacher, principal and administrator, is acting as the interim director at Newpoint High School and Newpoint Academy. He is also a consultant with JAG Consulting, an Escambia County based provider of educational professional development training for middle level educators and administrators (Lett, May 11, 2015).

Lovett went on to affirm that Newpoint officials plan to present facts proving that the recommended action by the Escambia School District is politically motivated, that it is not in the best interest of the students, and is based on unsubstantiated statements and misinformation. The release further continued, saying that "...Unlike the original serious allegations of mishandling funds or grade changes impacting the high school's "A" rating that grabbed headlines, the basis of the termination notice is founded in minor allegations in the form of misinformation, tabloid-like stories of disgruntled employees, and personal opinions not supported by the facts" (Lett, May 11, 2015). She promised that Newpoint would release additional documents within the next week and summarized their view of the facts as of that moment as the following:

- “The superintendent is asking the School Board to ignore Florida statute that states 'the sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter.

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- Newpoint Pensacola High School is one of only two high schools in Pensacola with an “A” rating.
- Five Flags Academy is in its first year of operation, has never received notice of concern in any area noted in the termination notice, and, in fact, has only received praise from the district for the school's outstanding record keeping.
- Over the past 4 years of operation, Newpoint Pensacola High School and Academy have had numerous levels of oversight which indicate solid operations. Some examples include: Advanced Accreditation review, monthly financial reports submitted to the district, annual external audits, annual compliance reviews from the charter school office, federal grant reviews, among many others, and never has an issue been raised" (Lett, May 11, 2015).

Lovett said that several people can attest that the evidence presented by the district is not the way it is at the schools. She further said school staff has told her that they had been misled by the district during its inspections of the school, thinking the district was there to help, not investigate (Outzen, May 17, 2015). Lovett vehemently protested the School District's assertion that things had worsened at the Newpoint schools, citing the fact that the March compliance report showed schools were in compliance in several areas. Specifically, she said the Newpoint Corporation does not believe that the schools have to enter their grades in the School District's FOCUS system, insisting that they only have to submit their report cards (Outzen, May 17, 2015).

It immediately became clear that Newpoint Education Partners was positioning itself for a showdown. On the evening of May 9, Carla Lovett sent out the following letter to Newpoint parents in an email:

“Dear Parents,

Late Friday afternoon, the district delivered a 90 day notice of intent to terminate the charters for all of our schools, Newpoint Pensacola High School, Newpoint Academy and Five Flags Academy.

While our schools are not perfect, the allegations against us are exaggerated to appear more significant than they really are.

We do have rights and recourse in this matter and we will take them.

The district board will consider the termination at their workshop this coming Friday (the 15th) and will vote on it on Tuesday (the 19th). We will vehemently present our side of this issue at these meetings. However, should the board vote to terminate, we have appeal options. We encourage you to attend these meetings to speak to the board about saving our schools.

We have tried to remain professional and not fight this battle in the press, as opposed to how our opponents have chosen to behave. However, at this point, it is important that we are frank concerning what has happened from our perspective.

This is stressful news for all of us, but please reassure your children that their teachers and administrators are devoted to helping them have a strong finish to the school year. We feel certain that we will prevail in our fight to stay open for next year.

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Carla Lovett (Outzen, May 10, 2015)

Newpoint can request a hearing within 14 calendar days of receiving the 90-day notice of termination (Outzen, May 13, 2015). In the meantime, the schools continued to accept applications and register students for the upcoming 2015-2016 school year (Lett, May 11, 2015).

In its meeting on Tuesday, May 19, 2015, the Escambia County School Board voted 4-1 to support Superintendent Malcolm Thomas' recommendations to terminate the charter schools' contracts. The only dissenting vote came from Board member Jeff Bergosh, who stated that he wanted to reserve judgment until all the facts were known and the full picture was clear. In his blog on May 20, Bergosh indicated that his “NO” vote was not based on the notion that he in no way found Newpoint blameless, but that he was opposed to the way the matter had been handled. Specifically, he wrote that,

- He felt that there were still unresolved allegations that School District administrators had hindered investigators from looking into the matter in a more timely fashion.
- He indicated that dramatic, disturbing leadership failures in the district had led to this not being investigated when it should have been, leading to the School Board being left in the dark.
- He disapproved of what he described as the sloppy way the Superintendent failed to keep the School Board apprised of the issues at Newpoint and voiced his distaste for being treated like a mushroom.
- He felt very strongly that if the matter had been investigated when it was first reported, students at Newpoint would not have been exposed to further incidence of abuse and unsafe conditions at the school (Bergosh, May 20, 2015).

Despite Bergosh's obvious disagreement with the overall handling of the situation, Superintendent Thomas stood firm in his resolve that sufficient facts had already been revealed to warrant the Board's decision (Lett, May 20, 2015).

In the aftermath of that decision, on Monday, 1 June 2015, a former Newpoint High teacher, was arrested and charged with four misdemeanor counts of violating Florida's Test Administration and Security Law. This law addresses all aspects of test security and administration from how the questions must be kept secure to how the test must be administered. It is very specific on the issues surrounding providing security of test questions, assisting students in taking the test, and securing tests once completed to ensure no tests can be modified.

It was alleged that the teacher illegally assisted students during end-of-course assessment testing in Algebra I, Geometry, and U.S. History. The charging statute specifically makes it illegal for an individual to assist a student in taking a test, and the allegations were that the teacher illegally assisted students by indicating what the correct answers would be. Officials reported that the investigation had produced evidence that there were still more classes in which students had been assisted and more arrests would be forthcoming. The penalty for violation of the law is up to one year in the county jail for each count (Mabins, June 2, 2015).

Florida's Charter Schools and its School Grading System

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In attempting to fully understand the situation at the Newpoint schools, it is important to understand Florida's policy on charter schools and its school grading system. In Florida, charter schools are public schools of choice. They are very popular and are among the fastest growing school choice options in Florida. Charter schools are tuition-free public schools created through an agreement or "charter" typically between the school and the local district school board. This agreement gives charter schools expanded freedom as compared to traditional public schools in exchange; in return, charter schools agree to commit to higher standards of accountability. Since 1996, Florida charter schools have provided parents with more options in public education and have increased innovative learning opportunities for students. Many charter schools in Florida have very creative missions that allow them to provide more effective programs and choice to diverse groups of students. Specifically, some charter schools include themed learning approaches that focus on areas such as arts, sciences, and technologies. Other charter schools provide services to special populations such as students at risk of academic failure or students with disabilities (Florida Department of Education, October, 2014).

According to Florida Statutes Title XLVIII, Chapter 1002, Section 1002.33, a charter school may be formed by creating a new school or converting an existing public school to charter status. An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of the state. An application for a conversion charter school may be made by the district school board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least 2 years prior to the application to convert.

Florida has been a national leader in the charter school movement since 1996. Few major cities and school systems have witnessed the growth of student enrollment at charter schools equal to that of Florida's largest urban areas. Since 1996, the number of charter schools in Florida has grown steadily, reaching 615 in 2013-14 with student enrollment in that year rising to 299,428 students in 45 Florida school districts. The National Alliance for Public Charter Schools (NAPCS) has recognized Florida's success by consistently ranking Florida's law among the best in creating high-quality charter schools and holding them accountable (Florida Department of Education, October, 2014).

To remain successful, Florida's district, charter, and state leaders regularly examine their policies and practices, to ensure that students have access to the best charters schools. One way to accomplish this goal is to improve charter school authorizing. A charter sponsor can both approve a charter school and, if necessary, shut it down; it is thus no surprise that states and regions with some of the best charter authorizing practices have some of the best charter schools (Florida Department of Education, 2014).

The National Association of Charter School Authorizers (NACSA) has prepared guidelines for effective authorizing to help charter school sponsors balance diverse and competing interests, regardless of the policies and laws of a given state. NACSA has included a section entitled, "Principles and Standards for Quality Charter School Authorizing," that presents founding principles as well as basic and advanced standards for implementation and provides a critical roadmap to the best practices in the industry (Florida Department of Education, 2014).

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Florida does have unique challenges and opportunities when it comes to charter schools. Its 67 school districts are currently charged with the responsibility for charter school authorizing. Sponsors and charter operators in Florida have recognized a need for their own strategy, modeled after the NACSA guidelines.

Starting in the summer of 2013, representatives from school districts, charter schools, charter support organizations, and the Florida Department of Education met many times over the course of the year to develop the Florida Principles and Standards for Quality Charter School Authorizing. Using NACSA's example, and with NACSA's help, this publication is the outcome of intense collaboration between charter schools and school districts to find common ground and to strive for high standards in the charter sector. Its goal is to incorporate the same best practices reflected in NACSA's original document while meeting Florida's requirements and particular needs (Florida Department of Education, 2014).

The Three Core Principles of Charter Authorizing comprise the foundation of a high quality authorizing process and should be reflected in all components of the sponsor's work. Essential to the adoption and implementation of the core principles is a commitment to ensure high standards for application approval and school operation, holding charter schools accountable for performance while, at the same time, respecting each charter school's autonomy, consistent with statutory requirements, and protect students and the public interest in all authorizing and sponsorship functions. The Three Core Principles (adapted from NACSA Principles) include the following:

- Principle I: Maintain High Standards
- Principle II: Uphold School Autonomy
- Principle III: Protect Student And Public Interest (Florida Department of Education, 2014)

These principles are the sponsor's foundation for acceptable standards for quality authorizing of charter schools and the routine work necessary to make high quality authorizing a reality for students and families in their respective communities. They provide a set of benchmarks in five critical areas of charter school authorizing to assist each sponsor in their dual responsibilities to ensure accountability for high achievement while maintaining each school's autonomy in daily operations (Florida Department of Education, 2014).

Florida's Standards for Quality Charter School Authorizing include the following:

- Standard 1: Sponsor Commitment and Capacity
 - Standard 1(A): Planning and Commitment to Excellence
 - Standard 1(B): Human Resources
 - Standard 1(C): Financial Resources
- Standard 2: Application Process and Decision Making
 - Standard 2(A): Proposal Information, Questions, and Guidance
 - Standard 2(B): Fair, Transparent, and Quality Focused Procedures
 - Standard 2(C): Rigorous Approval Criteria
 - Standard 2(D): Rigorous Decision Making
- Standard 3: Performance Contracting

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- Standard 3(A): Contract Term, Negotiation, and Execution
- Standard 3(B): Rights and Responsibilities
- Standard 3(C): Performance Standards
- Standard 3(D): Provisions for Education Service or Management Contract (if applicable)
- Standard 4: Ongoing Oversight and Evaluation
 - Standard 4(A): Performance Evaluation and Compliance Monitoring
 - Standard 4(B): Respecting School Autonomy
 - Standard 4(C): Protecting Student Rights
 - Standard 4(D): Intervention
 - Standard 4(E): Public Reporting
- Standard 5: Termination and Renewal Decision Making
 - Standard 5(A): Termination
 - Standard 5(B): Renewal/Non-Renewal Decisions Based on Merit and Inclusive Evidence
 - Standard 5(C): Cumulative Report and Renewal Application
 - Standard 5(D): Fair, Transparent Process
 - Standard 5(E): Closures (Florida Department of Education, 2014)

Florida began grading its public schools in 1999, three years after introducing charter schools. The grades awarded were to determine which top-performing schools would receive performance bonuses, and which struggling schools must replace employees or face closure. When first conceived and implemented, “A”-“F” school grading illuminated the state of education in Florida's schools, engaged parents and community leaders, and attempted to keep struggling students from falling through the cracks. While increases in student learning prove what gets measured gets done, as the grading continued, the way grades were calculated lost its focus on what mattered most, i.e., students learning and mastering basic, fundamental skills.

Fifteen years after its initial implementation, a proposal was made for consideration that would eliminate the bonus points schools could earn, as well as the so-called triggers that automatically caused a school grade to drop. The proposal, submitted in February 2014 by Education Commissioner Pam Stewart grew out of parents’ concerns that the grading formula had become so complicated that it was virtually meaningless. Stewart’s proposal also pushed to remove some measures of college readiness from the formula for grading high schools (McGrory, February 11, 2014). But it was not enough for many concerned stakeholders as parents, teachers, and School District leaders had a different idea. A year later they called for the grading system to actually be suspended while Florida transitioned to new education standards, state tests, and teacher evaluations (McGrory & Solochek, April 1, 2015).

Commissioner Stewart firmly declined to place the accountability system on hold, but did go so far as to say that schools would not face consequences for poor academic performance in 2014-2015 (McGrory, April 30, 2014). State lawmakers in both the Senate and the House were engaged in active discussion of the issue. In the House, K-12 Education Subcommittee Chairwoman Janet Adkins, a Republican, called the revised formula a more transparent approach to grading schools, claiming that the focus would be on the basics—English, language arts, math, science and social studies (McGrory, March 24, 2014). But Democrats raised objections,

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pointing out that only recently the state Department of Education had finalized the new education benchmarks and chosen an accompanying assessment (McGrory, March 12, 2015).

The changes to the state school grading formula that were approved by the Florida Senate panel in March 2014 echoed those proposed by Stewart. The bill eliminated the bonus points schools can earn, as well as the so-called triggers that automatically cause a school grade to drop just as the one proposed by Commissioner Stewart a month earlier. It also removed several factors from the complex formula used to evaluate high schools, including five-year graduation rates and some college readiness measures. Under the bill, schools would continue to receive “A”–“F” grades during the transition to a new formula, but there would be no consequences for poor performance in the first year (McGrory, March 24, 2014).

The education committee also made two additional tweaks to Stewart’s original recommendations. They added a provision that would give middle schools credit for participation and performance in high-school classes and added language that would exempt children with complex disabilities from state testing, in response to recent discussions about the plight of profoundly disabled children (McGrory, March 24, 2014).

Democrats argued that the state should not move forward with an overall school grading system that they believed punished poverty and celebrated affluence, until it could at least ensure that the means for processing the grades, the assessment, was fully tested. Despite their call for a longer transition time, the bill passed in a 76-42 vote. Statewide teachers’ union President Andy Ford was bitterly disappointed, and cautioned lawmakers to resolve to take more time in an effort to get it right, not just get it done fast (McGrory & Solochek, April 1, 2015).

A major change that emerged in the midst of all of the other controversy about school grading was the shift to using the Common Core in testing. Common Core is math, language arts and literacy standards fully adopted by 44 states and the District of Columbia that includes a set of standards outlining what students should know at the end of each grade and require them to show that they understand what they have learned. The new standards meant new textbooks and classroom materials and Florida also adopted a new statewide test (McGrory, March 24, 2014).

The ultimate goal was to ensure that more students graduate ready for college or a career. The standards emphasized reading and requiring students to defend their work with evidence. The Florida Department of Education added calculus and cursive writing and made a handful of other changes to the standards in 2014, renaming them the Florida Standards, but the standards do not substantially differ from Common Core. Florida began phasing in the new standards over several years with full implementation scheduled for the 2014-15 academic year (McGrory, March 24, 2014).

Florida school leaders asked for a three-year phase-in period to allow teachers to get comfortable with the new standards and students to adjust to what was expected to be more challenging class work and state exams. States already using Common Core-tied exams saw the percentage of students passing the exams decline by about 30 points the first year the tests were used. Their argument was based on the fact that the stakes are high—Florida schools are rated

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based, in part, on student test scores. Schools earning a low grade could have their leadership and staff replaced or they could even face closure, and teachers would be evaluated and paid based, in part, on those new test results (Solochek, July 31, 2014).

Table 1: Florida Charter School Grade Distribution – 2013

GRADE	NUMBER	PERCENT
A	167	42%
B	78	20%
C	84	21%
D	40	10%
F	26	7%
TOTAL	395	100%

Source:

http://www.fldoe.org/core/fileparse.php/7778/urlt/fast_facts_charter_schools.pdf

To date, charter schools in Florida have fared reasonably well under the state’s grading system. In 2013, 42% of all charter schools graded received “A” grades. Table 1 reflects the total grade distribution for the state’s charter schools in that year. It is important to note that all of these changes were taking place concurrently with the cheating and grade-fixing allegedly taking place within New Point schools. With the system of grading the schools being up in the air, there was apparently little attention being paid to what schools were doing while they waited for the system to right itself.

But This is Far From a Local Problem: Is There Really Pressure for Schools to Tamper With School Test Scores?

Like many schools in today’s high-tech world, Newpoint Pensacola Academy and High School has an interactive webpage full of glitzy pictures and information about the charter school’s mission and purpose. A review of the webpage reveals one blurb that says, “Our School Culture is Focused on Respect and Responsibility.” It offers the appearance that Newpoint is meeting its goal to offer a choice for parents who want nothing less for their children than a high-quality public education.

But after Newpoint’s mission and methods came into question amid allegations of grade tampering, the Escambia County School District and the State Attorney’s Office began looking into the alleged grade tampering that put Newpoint administrators and teachers in a negative light. However, it is important to note that this is not just a local problem in Escambia County, Florida. The fact is that documents that surfaced alleging grade tampering to boost student test scores and thereby affirm Newpoint’s grade as being deserved highlights a growing problem facing schools across the U.S. (Dogan, April 15, 2015).

The investigation of grade tampering at Newpoint actually began in the midst of what has been called the nation’s largest cheating scandal. Early in April 2015, a jury in Atlanta convicted 11 educators for their role in a standardized cheating scandal that cast a shadow over a major school district’s reputation and raised much broader questions about the role of high-stakes testing in U.S. schools. For example, beginning in early 2014, a former superintendent of El Paso, Texas schools was sent to federal prison, and five teachers and four principals were arrested in Philadelphia for tampering with tests and scores. In 2013, a teacher was fired and another suspended after an investigation by Miami-Dade schools police uncovered cheating at a district-managed charter school (Dogan, April 15, 2015).

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These cases come at a time of pushback against what some argue are the excesses of standardized testing. Those who oppose testing go further to assert that the exams force teachers to narrow their lessons and may not represent what students learn, or in other words, that they must “teach to the test.” The allegations in Escambia County and other such cheating scandals across the country come amid intense political debate over academic standards known as Common Core as well as general testing and its role in education (Dogan, April 15, 2015).

In the April 2, 2015 edition of *The Atlantic*, an article entitled, “When Teachers Cheat” raises thought-provoking questions about how pressure to tamper with school test scores attest to the dangers of high-stakes testing. According to Bob Schaeffer, FairTest’s public education director and harsh critic of standardized testing, evidence of adults cheating on kids’ test has been found in some of the largest school districts across the U.S., an alleged trend he says underlines the flaws of the test as an accountability measure. He reported that pretty much every major city in the country has experienced cheating in some form because those are places where test scores are more likely altered since they have the most poor and immigrant students. Those locations are under the most pressure to logically boost scores (Dogan, April 15, 2015).

Such reports should not come as any surprise. Social scientist Donald T. Campbell (1976) offered some insight into education in America. One significant finding of his study, now known as “Campbell’s Law,” has been used to explain the impact that high-stakes testing is having on the nation’s schools. Campbell posited that the more any quantitative social indicator (or even some qualitative indicator) is used for social decision-making, the more it will be subject to corruption pressures and the more it will be apt to distort and corrupt the social processes it is intended to monitor.

It is possible that cases such as the one in Atlanta and the one here at Newpoint happen as a result of simple negligence. Or maybe the teacher is just a lone offender, simply an educator seeking to improve test scores for self-serving reasons. It could even be the result of intimidation from top-down management. But is it something else, perhaps even something systemic? Today American education finds itself in a new era of school accountability that some would argue is contingent on data gleaned from incessant standardized testing like the new Common Core exams. This, at least on first glance, does not appear to bode well for classroom ethics. School districts are even more frequently tying teacher pay to performance, and parties cannot reach consensus on how to best measure student proficiency, so high test scores have become linked to money. What emerges is not good by any measure; the result is often a carrot-and-stick approach to incentivizing in a sector of the workforce that by all accounts is already underpaid (Wong & Ross, 2015).

Findings in the Atlanta case included the fact that the group was presumably motivated by ever-increasing pressure from policy makers to fulfill federal and local performance expectations, which determined not only their eligibility for perks such as bonuses; it even determined their employment status. In the end, the two-year-long state investigation into the issue revealed that nearly 180 educators, including as many as three dozen principals, had engaged in wrongful activity as part of efforts to manipulate students’ performance results and

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exaggerate achievement levels in at least 44 schools in the Atlanta metropolitan area (Wong & Ross, 2015).

A state report in the Atlanta case concluded that administrators actually had created a culture of fear, intimidation, and retaliation that emerged in response to a number of high-stakes public policies such as No Child Left Behind. This policy and others like it revolve around test scores and stipulate harsh sanctions for schools that do not meet certain performance criteria. Even putting culpability aside for a moment, there is still one irrefutable truth—the Atlanta scandal hurt the district’s children, since more than three-fourths of them are considered low-income and eligible for free or discounted meals. Still other findings showed that in the state's investigation into data from Georgia's standardized tests in reading, language arts, and math—also known as the Criterion-Referenced Competency Tests (CRCT)—thousands of children were harmed by being denied remedial education they might have really needed but failed to qualify for because of their inflated CRCT scores (Wong & Ross, 2015).

Unfortunately, even though what happened in Atlanta is especially egregious, this was clearly not an isolated scandal and these educators' actions are not unusual. Teachers in many school districts across the U.S. have reported that low scorers are absent on test day. A probe in Philadelphia last year implicated 140 teachers and administrators in the city's public school district in a widespread cheating scandal similar to that in Atlanta. In that case, questionable patterns of erasures on state exam answer sheets led to the firing of a number of educators, including at least three principals. Scandals such as these and others that have been brought into the light clearly show the potential for danger when hyper-testing, public policy, and the educational bureaucracy are on a collision course (Wong & Ross, 2015).

While the motivation behind the actions taking place at Newpoint in Pensacola remains unclear, it is likely in part due to these same pressures. Federal and state-level policy makers and the education bureaucracy must take a hard look at the pressures felt by local administrators and teachers that result from education policy, however well-intentioned it may be.

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