

“We Have to Get Certain Numbers to Stay Open”: Has a Charter School Network in New Orleans Failed to Draw the Line?

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The LEA [Local Education Agency] and school shall maintain accurate and current information on students, personnel, instructional programs, facilities, and finances.

— LA. ADMIN CODE tit. 28, Pt CXV, §701(A) (2019).

Each school shall . . . maintain an up-to-date permanent cumulative record of individual students showing . . . progress through the curriculum . . . student grades . . . [and] attendance records.

— LA. ADMIN CODE tit. 28, Pt CXV, §703(A)(1)(d), (1)(f), (1)(g) (2019).

A finalized list of graduates shall be . . . accompanied by the assurance statement signed by both the principal and the superintendent of the LEA in order to receive diplomas . . . A certificate of high school credits for each graduate shall be submitted by each state-approved high school as required.

— LA. ADMIN CODE tit. 28, Pt CXV, §717(A)(1) (2019).

I. INTRODUCTION

Policymakers tell the public that charter schools are granted autonomy for accountability. Put another way, charter schools control most aspects of school life—teacher hiring, curriculum, budget—while the state is tasked with overseeing legal compliance, monitoring student performance, and renewing or terminating charter school contracts.

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Often, however, charter schools have full operational autonomy with little state oversight. Meanwhile, families are expected to entrust the education of youth, mostly poor and working-class students of color in the urban core, to charter schools.

This Article focuses on concerns reported by students, parents, and teachers formerly affiliated with the New Orleans-based Collegiate Academies charter school network as part of a qualitative research study conducted during 2017-2018. Although numerous concerns were documented, the focus here is on reports suggesting misrepresentations on students' academic transcripts as well as concerns about course offerings and the capacity to meet high school graduation requirements in Louisiana.

New Orleans is the nation's first all-charter-school district and considered an education reform model for cities nationally. It is therefore an apt place for studying how charter schools operate. Former Louisiana Senator Mary Landrieu, who advocated charter school expansion after Hurricane Katrina in 2005, declared nearly a decade later: "Through relentless focus on accountability, human capital, and charter school development, New Orleans has become a national leader in education reform."¹

First, the Article details some of the issues that arise when charter schools operate without adequate oversight. Problems on a national scale are briefly noted, followed by several cases that have raised concern in the New Orleans context. Second, an overview of Louisiana's education accountability system is provided, which outlines the measures used to assess charter school performance. With this context laid out, the Article next introduces the research study and Collegiate Academies charter school network. Finally, testimony by former students, parents, and teachers, and supporting documents, are offered on numerous allegations regarding students' courses of study and academic records. The Article concludes with a call for ensuring academic integrity and accountability in charter schools, where the provision of accurate student achievement data is considered an essential aspect of operation. This call is relevant considering recent grade-fixing scandals involving New Orleans charter schools—

1. Press Release, Mary L. Landrieu, Landrieu Hosts Education Panel and Launches New Orleans Style Education Reform: A Guide for Cities (Mar. 1, 2012) (on file with author).

including Collegiate Academies—and the push for a citywide audit of high schools by the superintendent of education in Orleans Parish.

Of greatest concern is the schooling of children in New Orleans, whose education rights and protections are threatened when private operators of charter schools are not properly monitored by the state. Ultimately, without clear accountability and the infrastructure to support it, the foundation of charter school achievement is questionable at best and students' education may be more akin to a house of cards. If New Orleans is considered a national model, the system's inner workings should be closely examined.

II. CHARTER SCHOOLS: AUTONOMY FOR ACCOUNTABILITY?

The first charter school in the United States opened in the early 1990s. During the first decade, scholars began writing on accountability concerns. Wells published *Where Charter School Policy Fails: The Problems of Accountability and Equity* in which she and fellow researchers explored how “charter school laws fail to provide a viable infrastructure for holding schools accountable in any meaningful way.”² In particular, she was concerned about “the complete absence of equity provisions” within state charter school laws.³

Almost twenty years after the first charter school was launched, Lubienski and Weitzel published *The Charter School Experiment: Expectations, Evidence, and Implications*.⁴ They emphasized that charter schools could “no longer be discussed as a monolithic entity” because “policies and reforms have been implemented within a range of different contexts and regulations.”⁵ Contributing researchers still documented some overarching concerns. For instance, Miron surveyed existing studies on student performance in charter schools to assess whether the autonomy-for-accountability exchange has worked as

2. AMY S. WELLS, *Why Public Policy Fails to Live Up to the Potential of Charter School Reform: An Introduction*, in *WHERE CHARTER SCHOOL POLICY FAILS: THE PROBLEMS OF ACCOUNTABILITY AND EQUITY* 3 (Amy S. Wells ed., 2002).

3. *Id.*

4. Christopher A. Lubienski & Peter C. Weitzel, *Introduction: Two Decades of Charter Schools*, in *THE CHARTER SCHOOL EXPERIMENT: EXPECTATIONS, EVIDENCE, AND IMPLICATIONS* (Christopher A. Lubienski & Peter C. Weitzel eds., 2010).

5. *Id.* at 7.

suggested.⁶ Findings indicated that “charter schools perform at levels similar to those of traditional public schools.”⁷ Miron suggested one possible explanation is the “lack of effective oversight, and insufficient accountability,” as many charter school authorizers do not have adequate funds to undertake such responsibilities.⁸

In 2010, the U.S. Department of Education–Office of the Inspector General (ED-OIG) issued a report on charter school management and vulnerabilities (see Appendix A for list of abbreviations).⁹ Since 2002, the ED-OIG “has seen a steady rise in the number of allegations of fraud involving charter schools.”¹⁰ The report discusses charter school investigations in multiple states, including California, Illinois, Minnesota, Pennsylvania, Texas, and Wisconsin.¹¹ “Since January 2005,” it reads, “the OIG has opened more than 40 charter school criminal investigations, which have resulted in 18 indictments and 15 convictions of charter school officials.” Notably, investigations found that chartering agencies often “fail to provide adequate oversight.”¹²

Many of the cases involved data manipulation to secure funding:

We have found that charter school executives have falsely increased their schools’ child count, thereby increasing the funding levels from which to embezzle. We have also identified an alleged grade changing scheme allowing failing students to pass. This would ensure that Adequate Yearly Progress [AYP] was met so that the LEA allowed the school to continue its operations, thereby continuing a funding stream from which to embezzle. Another serious consequence of this type of scheme is that students who fail to meet academic standards are

6. See Gary Miron, *Performance of Charter Schools and Implications for Policy Makers*, in *THE CHARTER SCHOOL EXPERIMENT: EXPECTATIONS, EVIDENCE, AND IMPLICATIONS* 73-92 (Christopher A. Lubienski & Peter C. Weitzel eds., 2010).

7. *Id.* at 86.

8. *Id.* at 87.

9. OFFICE OF THE INSPECTOR GEN., U.S. DEP’T. OF EDUC., FINAL MANAGEMENT INFORMATION REPORT ON CHARTER SCHOOL VULNERABILITIES (Mar. 9, 2010), <https://www2.ed.gov/about/offices/list/oig/invtreports/x42k0002.pdf>.

10. *Id.* at 1.

11. *Id.* at 3-4.

12. *Id.* at 2.

nonetheless advanced and thus deprived of proper educational services.¹³

The report concluded by underscoring the importance of “providing adequate oversight to charter schools” and “determining how to enhance . . . policies and monitoring processes in order to reduce or eliminate incidents of criminal and inappropriate behavior in charter schools receiving Federal funds.”¹⁴

In 2020, a scholarly article in *Public Integrity* examined integrity violations and administrative corruption in the charter sector nationally by analyzing major cases featured in state and national reports by government agencies and non-profits as well as news articles published after 2010 by major education reporters.¹⁵ Numerous violations were documented, from the illegal use of public funds to inappropriate treatment of students and parents, including civil rights complaints and mock grades.¹⁶ The author stresses that many of the cases “reveal that a lack of resources, expertise, and access to information are serious problems for the institutions that are technically in charge of overseeing the operations of schools and enforcing contract compliance in the charter sector.”¹⁷ It is concluded that underregulated charter school systems have created an environment ripe for violations.¹⁸ Even the pro-charter Center for Education Reform reported “by 2011 over 200 charter schools had closed due to mismanagement and noncompliance, including cases of inflated enrollment numbers, violations of state law, and fraud.”¹⁹

III. NEW ORLEANS CONTEXT AND CASES

Charter school accountability in New Orleans is a longstanding concern. After Katrina in 2005, most public schools in New Orleans were taken over by the state-run Recovery School District (RSD) and

13. *Id.* at 2.

14. *Id.* at 5.

15. Nevbahar Ertas, *Administrative Corruption and Integrity Violations in the Charter School Sector*, 23 PUB. INTEGRITY 15 (2020), <https://doi.org/10.1080/10999922.2020.1758535>.

16. *See id.*

17. *Id.* at 26.

18. *See generally id.*

19. *Id.* at 15.

ultimately chartered. Around the same time the ED-OIG released its report, the Louisiana Legislative Auditor (LLA) released a 2011 report on charter schools under the Louisiana Department of Education (LDE) and RSD.²⁰ The state auditor concluded: “Overall, the Office of Parental Options (OPO) and RSD did not effectively monitor [its charter schools] in fiscal year 2010 [FY2010] and need to improve the process to annually collect, review, and/or evaluate [their] performance,” including “student, financial, and legal/contractual performance.”²¹

The Louisiana Administrative Code requires annual monitoring for legal and contractual compliance on six indicators—special education and ELL programs, student enrollment, student discipline, health and safety, governance, and facilities.²² Nonetheless, the LLA reports that for FY2010, OPO and RSD “did not have a comprehensive process in place to annually coordinate the collection and review of legal and contract data for [those] not up for renewal or extension.”²³ In sum, only ten of forty-eight (twenty-one percent) Type 5 charter schools were monitored for compliance that year.²⁴ Of the ten, only one got the maximum extension; one received a three-year contract renewal; seven received one-year extensions and were placed on probation; and one voluntarily forfeited its charter.²⁵ Overall, then, the annual monitoring process for legal and contractual compliance only covered a fraction of existing charter schools and eight of the ten reviewed were either placed on probation or forfeited the charter agreement. Notably, in FY2010, all forty-eight Type 5 charter schools were monitored for financial compliance and seventy percent “had significant deficiencies in internal controls relating to financial reporting.”²⁶

In 2015, a report on Louisiana’s underinvestment in charter school oversight warned that the LDE Bureau of Internal Audit (BIA)—the

20. LA. LEGISLATIVE AUDITOR, LOUISIANA DEP’T OF EDUC., RECOVERY SCHOOL DISTRICT: PERFORMANCE AUDIT SERIES (Sept. 14, 2011), [http://app1.la.state.la.us/PublicReports.nsf/D3DA90B0E65CE0028625790A005C2504/\\$FILE/00021FC7.pdf](http://app1.la.state.la.us/PublicReports.nsf/D3DA90B0E65CE0028625790A005C2504/$FILE/00021FC7.pdf).

21. *Id.* at 3.

22. *Id.* at 24.

23. *Id.* at 25.

24. *See, e.g., id.* Louisiana has various types of charter schools. Schools chartered under the RSD are “Type 5.” They are authorized by the Louisiana Board of Elementary Secondary Education, with the Louisiana Department of Education responsible for oversight. Each charter or charter network has a board that governs school finances, operations, and administration. Most New Orleans charters were Type 5 when the LLA report was issued.

25. *Id.* at 25.

26. *Id.* at 22-23.

department that ensures charter oversight policies are applied and education funds are safeguarded for 1,400 schools in 131 districts statewide—had only three employees: a director, staff auditor, and student worker.²⁷ Moreover, the LLA division responsible for reviewing financial audits provided by charters had only eight employees to review audits from all local government agencies in Louisiana—a total of 4,510 audits and other reports in 2014 alone.²⁸ Moreover, the financial data reviewed by the state consisted of audits that charter schools provide through independently contracted accountants.²⁹ That is, accountants paid by charter schools check the accuracy of financial statements provided by charter schools and thus explicitly disclaim any knowledge of a school’s *internal controls* over financial reporting.³⁰ As the report points out, such methodologies are less likely to detect mismanagement and fraud.³¹

Just prior to the release of the above report, Langston Hughes Academy, an RSD charter school in New Orleans, was under scrutiny. Not long after opening, its business manager was investigated by the FBI and plead guilty to stealing 675,000 dollars from an annual budget of about six million dollars.³² Although the charter school model is premised on heightened public accountability, then-RSD superintendent Paul Vallas promised only to do “sniff tests” at charter schools in collaboration with the Louisiana Association of Charter Schools.³³

In 2015, an article entitled “The Uncounted” focused on concerns about student enrollment data in charter schools under RSD–New

27. THE CTR. FOR POPULAR DEMOCRACY & COALITION FOR CMTY. SCHS., SYSTEM FAILURE: LOUISIANA’S BROKEN CHARTER SCHOOL LAW 6 (2015), https://populardemocracy.org/sites/default/files/Charter-Schools-Louisiana-Report_web3.pdf [hereinafter *Center for Popular Democracy*].

28. *Id.*

29. *Id.*

30. *Id.* at 6-7.

31. *Id.*

32. See Sarah Carr, *Langston Hughes Academy Books Were ‘Left in Shambles,’ Board Chairman Says*, THE TIMES PICAYUNE (Jan. 14, 2010, 7:33 AM), http://www.nola.com/education/index.ssf/2010/01/langston_hughes_academy_books.html.

33. Sarah Carr, *Langston Hughes Academy’s Former Financial Manager Booked on Theft Counts*, THE TIMES-PICAYUNE (Nov. 24, 2009, 5:49 PM), http://www.nola.com/education/index.ssf/2009/11/langston_hughes_academys_forme.html.

Orleans.³⁴ “With an accountability system that will close schools for subpar scores,” Davis writes, “principals still face pressure to manage student enrollments.”³⁵ He goes on to reason, “If students were falling off the rolls, though, one would expect to see it in graduation data.”³⁶ Nonetheless:

By 2010, RSD data administrator Clinton Baldwin was privately growing suspicious of dropout data . . . Peering into enrollments over time, he made a disturbing discovery: Schools seemed to be hiding their true dropout figures. Each student who leaves a Louisiana public school receives a so-called exit code. Some are dropouts. Others, labeled “legitimate leavers,” don’t count against graduation rates. The state could verify most legitimate leavers, like children who move a town over. But it couldn’t check transfers out of Louisiana. There arose a perverse incentive to designate students who disappeared with Exit Code 10: Transferred Out of State.³⁷

Charter school data are self-reported. Dropout figures affect graduation rates and ultimately the school’s rating in the state accountability system. Exit Code 10 became a potential means for fudging numbers.

Research on Reforms, a New Orleans-based group that included a former interim New Orleans Public Schools (NOPS) superintendent, lodged a lawsuit for enrollment records because the state refused data requests. In 2014, it acquired access through the courts and analysis showed that in 2006, eight percent of students were notated as out-of-state transfers over four years; for those entering in 2008 (and on track for graduation in 2012), “more than 15 percent” were marked as such.³⁸ Without a thorough audit, it is not possible to know how many were actually transfers out-of-state. However, “If half of the Code 10 exits in 2011-2012 were truly dropouts, RSD graduation rates would be

34. Owen Davis, *Hurricane Katrina: 10 Years Later*, INT’L BUS. TIMES (Oct. 28, 2015, 7:05 AM), <https://www.ibtimes.com/uncounted-2062614>.

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

depressed by roughly 7 percent.”³⁹ The LDE issued new guidelines for exit codes in 2013 and resumed audits it had stopped in 2008.

In 2015 as well, leaders of SciTech Academy, a school in the New Orleans-based ReNew charter school network, were discovered to be using the special education designation to secure additional monies for the school’s budget. In short, school leaders “said some students needed extra help, which comes with extra money in the state formula. But they didn’t provide those students with the benefits, using the money instead to shore up a \$300,000 budgeting problem.”⁴⁰ The state’s investigative report specified that school leaders “manipulated the number of service minutes outlined in the Individualized Education Program” of students with disabilities and “attempted to identify new special education students before the official IDEA [Individuals with Disabilities Education Act] student count” was taken by “rushing” students through the required evaluation process.⁴¹ As a result, decisions “were not made with sufficient data.”⁴²

Ultimately, leaders obtained almost 320,000 dollars in public funds by “artificially inflating special education services.”⁴³ ReNew reported SciTech problems to the LDE, but only after knowing about problems for several months and allowing school leaders to work the remainder of the academic year.⁴⁴ A special education coordinator at the time wrote a bulleted e-mail to the network’s chief of staff detailing the alleged offenses that compelled her to come forward.⁴⁵ She also

39. *Id.*

40. Marta Jewson, *ReNEW Sci Tech Used Special-Ed Designation for Cash, State Report Finds*, THE LENS (Jan. 29, 2016), <https://thelensnola.org/2016/01/29/renew-sci-tech-used-special-ed-designation-for-cash-state-report-finds/> [hereinafter *ReNew Sci Tech Used Special-Ed Designation for Cash, State Report Finds*].

41. LA. DEP’T. OF EDUC., *RENEW SCITECH ACADEMY INVESTIGATIVE REPORT 2* (Jan. 2016) [hereinafter *ReNew Investigative Report*].

42. *Id.* at 5.

43. Danielle Dreillinger, *Fraud in Testing, Special Education Found at ReNEW Charter School*, NOLA.COM (Jan. 30, 2016 2:17 AM), https://www.nola.com/news/education/article_f3e86b8a-84bb-54db-9204-093dd80d3942.html [hereinafter *Fraud in Testing*].

44. Marta Jewson, *ReNEW Leaders, Including Current CEO, Sat on Special-Ed Complaints*, THE LENS, (March 18, 2016) <https://thelensnola.org/2016/03/18/renew-leaders-including-current-ceo-sat-on-whistleblowers-info/> [hereinafter *ReNew Leaders Sat on Special-Ed Complaints*].

45. *Id.*

referenced “a culture of fear and loyalty” that “discourages people from speaking up.”⁴⁶

SciTech leaders also committed state testing violations.⁴⁷ They requested that teachers review secure testing materials and retain students based on concerns for school-wide test performance; they allowed students to take tests for one another, at home, or multiple times.⁴⁸ The state did not find the violations to be systematic across the network, but the state’s corrective action plan applied to all seven schools in the network. In part, ReNew was mandated to hire an independent monitor or risk losing its contract.⁴⁹

In 2019, John F. Kennedy High School, operated by New Beginnings charter school network in New Orleans, was accused of a grade-fixing scandal and under investigation. It was “revealed that nearly half of the students in the school’s 2019 graduating class were not eligible for graduation.”⁵⁰ Nonetheless, students had walked the stage. In short, a data analyst at Kennedy first reported that “several students’ Algebra grades had been improperly changed from failing to passing,” but was suspended and terminated after alerting administrators.⁵¹ Changing grades could influence a school’s graduation rate measured by the state accountability system. Significantly, “Kennedy was most recently graded an F based on state standardized test performance alone. But its graduation rate score was 84.9, a B. Overall, it was rated a C.”⁵² Many “graduates” were compelled to return to school in summer and fall to make up missing credits.

46. *Id.*

47. See *Fraud in Testing*, *supra* note 43; Danielle Dreillinger, *SciTech Charter Leaders Had Kids Cheat on Tests*, *Website Reports*, NOLA.COM (June 4, 2015 10:09 AM), https://www.nola.com/news/education/article_8b16c93c-8095-5e94-a46a-75c883fa7a7e.html [hereinafter *SciTech Charter Leaders Had Kids Cheat on Tests*].

48. *Fraud in Testing*, *supra* note 43; see also *SciTech Charter Leaders Had Kids Cheat on Tests*, *supra* note 47; *ReNew Investigative Report*, *supra* note 41, at 8-10.

49. LA. DEP’T. OF EDUC., *ReNew Corrective Action Plan* (Jan. 2016).

50. Marta Jewson, *Orleans Schools Superintendent Calls for Criminal Investigation into Kennedy High School, Announces Citywide Audit of High School Student Records*, THE LENS (June 27, 2019), <https://thelensnola.org/2019/06/27/orleans-schools-superintendent-calls-for-criminal-investigation-into-kennedy-high-school-announces-citywide-audit-of-high-school-student-records/>.

51. *Id.*

52. *Id.*

A lawsuit was filed by an affected Kennedy student, with an appeal for class action status.⁵³ The petition for damages indicates New Beginnings contracted with a consulting firm to assist in remedying problems with students' graduation status.⁵⁴ Problems included but were not limited to failing grades; incorrect coding of classes; incomplete transcripts for transfers to Kennedy; missing grades from previous semesters or still-to-be-issued final grades; and students who exceeded the state's absence limit. Students were also reportedly allowed to take a makeup test for missing ten days of class.⁵⁵ Days before graduation, problems remained. According to the petition, "administrators and contractors at the charter network scrambled to audit seniors' graduation eligibility in the weeks leading up to—and even after—the school's May 17, 2019 graduation ceremony, which amounted to a complete farce for many graduates."⁵⁶ At graduation, students did not receive diplomas, but were told they could pick them up later, with the pick-up date repeatedly pushed back.⁵⁷ The lawsuit alleges gross mismanagement and negligence in not knowing the policies of the LDE regarding successful high school matriculation.⁵⁸ Those claiming damages are students from the graduating classes of 2019-2023.⁵⁹

NOPS Superintendent Henderson Lewis said the district would conduct an audit of student records for every high school under the Orleans Parish School Board (OPSB, recently rebranded as NOLA Public Schools). Lewis also asked the Louisiana State Inspector General to determine if any criminal wrongdoing had occurred. Lewis said the incident was "shameful and intolerable" and indicated the district could revoke Kennedy's charter.⁶⁰ The charter was surrendered by New Beginnings at the end of the 2019-2020 academic year.

53. *See generally* Petition for Damages, Daniels v. Louisiana, No. 19-6895 (La. Civil D. Ct. July 1, 2019) (unpublished opinion) [hereinafter *Petition for Damages*].

54. *See id.* at 3.

55. *Id.* at 4-5, 10.

56. *Id.* at 5.

57. *Id.* at 6-7.

58. *See id.* at 10.

59. *Kennedy High School Litigation Update*, THE BAGNERIS FIRM, <https://bagnerislawfirm.com/kennedy-high-school-litigation-update/> (last visited July 22, 2020).

60. Jewson, *supra* note 50.

In the preceding cases, problems were brought to the attention of the public by whistleblowers—data analysts, teachers, and the media. When the state did respond, it was on the backend. There were few, if any, accountability measures being implemented to either prevent or detect such problems. Moreover, after problems were detected and presumably remediated at the school level, no other systemic changes were made to the overarching accountability system. The state has been reactive, not proactive, which continues to put children at risk.

It should be mentioned that charter schools in Orleans Parish moved from governance by the state-run RSD to governance by the local OPSB under ACT 91 in 2018.⁶¹ Under ACT 91, OPSB is responsible for the schools in its jurisdiction, but it has virtually no control over their operation. The legislation that defined the terms under which charter schools returned to “local control” reads as follows:

Unless mutually agreed to by both the charter school’s governing authority and the local school board pursuant to a duly authorized resolution adopted by each governing entity, the local school board shall not impede the operational autonomy of a charter school under its jurisdiction in the areas of school programming, instruction, curriculum, materials and texts, yearly school calendars and daily schedules, hiring and firing of personnel, employee performance management and evaluation, terms and conditions of employment, teacher or administrator certification, salaries and benefits, retirement, collective bargaining, budgeting, purchasing, procurement, and contracting for services other than capital repairs and facilities construction.⁶²

Despite OPSB’s lack of authority over charter school operation, it is still held accountable, along with the superintendent, for the oversight of autonomous charter schools and ultimately their actions. This is a problem on many levels.⁶³

61. LA. STAT. ANN. § 17:10.7.1 (2016).

62. LA. STAT. ANN. § 17:10.7.1(G)(1).

63. Kristen L. Buras & Raynard Sanders, *History Rewritten: Masking the Failure of the Recovery School District*, NEW ORLEANS TRIB. (June 6, 2018), <https://theneworleanstribune.com/history-rewritten-masking-the-failure-of-the-recovery-school-district/>.

IV. LOUISIANA'S ACCOUNTABILITY SYSTEM: SCHOOL PERFORMANCE SCORES AND LETTER GRADES

In the wake of the Kennedy scandal, former OPSB President Thomas Robichaux said that raising students' grades from F to a passing grade, with the knowledge that such actions could positively influence a school's graduation rate, is unacceptable.⁶⁴ He "criticize[d] the state's grading system, which oftentimes is the most important measure the district evaluates when deciding whether or not to keep charter schools open."⁶⁵ "When you grade schools like that," he warned, "you incentivize cheating."⁶⁶

Before moving to a discussion of Collegiate Academies, it is imperative to explain Louisiana's education accountability system and how it is used to assess charter school performance.

The School Performance Score (SPS) in Louisiana is a calculation used to determine if schools are passing or failing based on cut points set by the state. The SPS is also used by the state to issue letter grades, which act as public guideposts in judging school performance, especially in New Orleans where school choice predominates.

Since 2005, when public schools in Orleans Parish were taken over by the RSD, the SPS cut point has been periodically changed, as have the variables used to calculate the SPS. Despite variance, the SPS has consistently relied on some mix of scores on standardized tests,⁶⁷ attendance, and graduation rates. Below (Table 1) is a chart showing the letter grades associated with SPS ranges in 2012-2013 when the state shifted from a 200-point scale to a 150-point scale; in 2013-2014, the state also recalibrated the scale for high schools. For high schools specifically, letter grades are based on a calculation that equally weights

64. Marta Jewson, *Kennedy HS Lawsuit Delayed in 'Shell Game,' Lawyer Says*, THE LENS (Aug. 2, 2019), <https://thelensnola.org/2019/08/02/kennedy-hs-lawsuit-delayed-in-shell-game-lawyer-says/> [hereinafter *Kennedy HS Lawsuit*].

65. *Id.*

66. *Id.*

67. For example, this has included the Louisiana Educational Assessment Program (LEAP); End-of-Course (EOC) exams, which students must pass to obtain credit for required high school courses; ACT test; and/or Partnership for Assessment of Readiness for College and Careers (PARCC) test. See LA. DEP'T. OF EDUC., *HOW ARE SCHOOL GRADES CALCULATED* (2012); *How to Understand School Performance Scores and Grades*, THE LENS (2013), <https://thelensnola.org/how-to-understand-school-performance-scores-and-grades/>.

twenty-five percent ACT composite, twenty-five percent End-of-Course (EOC) exams, twenty-five percent graduation rate, and twenty-five percent quality of diploma (for example, type of diploma, graduation with Advanced Placement credits).⁶⁸ Additionally, for high schools, up to ten “bonus points” can be earned if students show progress on the ACT.⁶⁹

Importantly, the SPS and corresponding letter grades may be used to make determinations regarding charter school contract renewal, and in applying for grants from state and federal agencies and private foundations. Additionally, students utilize their high school transcripts and state-issued diplomas to apply for post-secondary educational programs (for example, universities), scholarships, and employment. In fact, many charter schools focus singularly on college readiness and widely publicize college acceptance rates as part of their record of achievement.

Table 1: Louisiana Letter Grades and School Performance Scores, 2012-2014.

Letter Grade	2012-2013 Scale	2013-2014 High School Scale
A	100-150	100-150
B	85-99.9	84.3-99.9
C	70-84.9	70-84.2
D	50-69.9	46.8-69.9
F	0-49.9	0-46.7

Thus, students attending classes, successfully completing classes and EOC exams, and ultimately meeting graduation requirements on a four-year timeline are critical to charter school ratings, contract renewals, and access to various funding streams. The possibility that students’ grades are being artificially boosted and/or that coursework on transcripts is inaccurate or contrived is of great concern.

Moreover, employers, accreditation agencies, community colleges, universities, and foundations expect that the information (for example,

68. *Id.*

69. *Center for Popular Democracy, supra* note 27, at 13.

classes, grades, transcripts) documented by students' educational institutions accurately represents their experience and performance. If organizations like these cannot rely on such information, the high school diploma and everything tied to it mean little.

More important than any of these concerns are the youth in charter schools. Can we be assured they are receiving the education they deserve, much less the one reflected on their transcript?

V. THE STUDY OF COLLEGIATE ACADEMIES

Collegiate Academies is a charter school network founded in New Orleans; it has expanded to include a charter school in Baton Rouge. Except for one post-secondary program, Collegiate Academies operates high schools. All schools were operated under a contract with the Louisiana Board of Elementary and Secondary Education (BESE) during the period studied.

The first high school in the network was Sci Academy (hereafter "Sci," originally known as New Orleans Charter Science and Math Academy and now called Abramson Sci Academy) founded in 2008. The second and third high schools, Carver Collegiate and Carver Prep, were founded in 2012. In 2016 Carver Prep closed and existing students were incorporated into Carver Collegiate (renamed G. W. Carver High School) in a new building. Prior to this time, the schools operated post-Katrina at various sites in trailers and/or existing buildings. In 2016, Livingston Collegiate was opened in New Orleans, followed by Rosenwald Collegiate in 2018. Collegiate Baton Rouge was formed in 2017.

It is important to say something about the study's guiding questions and methods. The study focused on the following questions:

- What experiences have prompted students, parents, and teachers to articulate concerns about Collegiate Academies charter school network?
- Which specific concerns did they deem most pressing or consequential?
- To what degree, by their report, were school leaders responsive to their concerns?

A university-approved qualitative research study enabled the documentation of students' concerns with Collegiate Academies—a

representative “No Excuses” charter school network in New Orleans. “No Excuses” schools are known for having strict disciplinary policies and boast high achievement as a result.⁷⁰ The reports documented pertain to Sci, Carver Collegiate, and Carver Prep, the network’s most established schools, over a five-year period from 2012-2017. Reports were gathered confidentially.

During 2017-2018 qualitative interviews were conducted and documents gathered from a sample of students, parents, and teachers formerly affiliated with Collegiate Academies; all but a handful were conducted in person.⁷¹ The sample consisted of students who departed from the network; students who graduated from the network; and teachers who departed. It also included a balance of girls and boys, leavers and graduates, and low- and high-achieving students. The researcher relied on an array of strategies to secure a balanced sample of participants, including names and phone numbers of former students gathered over the years by community members; student, teacher, and community member referrals; grassroots networking; door knocking; and internet searches.

Only those with *past* affiliations were interviewed to mediate risk of retaliation. This choice does not reflect a bias in the research method, but rather a set of ethical concerns rooted in on-the-ground knowledge of existing dynamics. In 2014, for example, a civil rights complaint was filed by Loyola University Law Clinic on behalf of students attending Collegiate Academies; those who protested conditions reported being reprimanded and punished.⁷² All student interviewees are now legal adults.

Specifically, the sample included fifteen (15) students and ten (10) parents formerly affiliated with Sci, Carver Collegiate, and Carver Prep. In addition to parents, it also included three (3) past teachers (one from each school) as a means for providing wider context and triangulating

70. DAVID WHITMAN, SWEATING THE SMALL STUFF: INNER-CITY SCHOOLS AND THE NEW PATERNALISM (2008), <https://files.eric.ed.gov/fulltext/ED502972.pdf>.

71. STEINAR KVALE, INTERVIEWS: AN INTRODUCTION TO QUALITATIVE RESEARCH INTERVIEWING (1996); Daniel G. Solórzano & Tara J. Yosso, *Critical Race Methodology: Counter-Storytelling as an Analytical Framework for Education Research*, in FOUND. OF CRITICAL RACE THEORY IN EDUC., 131-47 (E. Taylor et al., eds., 2009).

72. REV. WILLIE CALHOUN ET AL., STATE ADMINISTRATIVE COMPLAINT REQUESTING INVESTIGATION INTO THREE NEW ORLEANS CHARTER SCHOOLS OPERATED BY COLLEGIATE ACADEMIES (2014) (on file with author).

data. The subset of interviewees reported on here breaks down as follows over the attendance period (Table 2).

Table 2: Interviewees by Attendance Period

Years at Collegiate Academies From 2012-2017	Students-Parents and Teachers Referenced
2012-2014	1
2013-2014	3
2013-2015	1
2013-2016	2
2014-2017	2
2015-2017	1

Interviews were audio-recorded, transcribed, and analyzed using an *ad hoc method* consisting of different approaches and techniques for meaning categorization and generation.⁷³ After transcription, interviews were given a preliminary reading with informal notations made on emergent data patterns. A chart with initial themes was created and transcripts were then read a second time and color coded for themes line-by-line. A third reading enabled the researcher to check the integrity of the codes and partition and cluster data based on major themes. Documents were likewise read and analyzed as additional material evidence, generally for (in)consistency with participant testimony and other relevant details.⁷⁴ Software was not used to code interview transcripts; the researcher used pencils and handwritten analytic memos to guide the process.

Letters of consent were secured prior to collecting data. Students' names, names of administrators and teachers, and precise dates have been redacted. This Article focuses on concerns related to grades, course offerings, transcripts, and related issues. Other concerns surfaced by the study will be written about elsewhere.

73. MATTHEW B. MILES ET AL., *QUALITATIVE DATA ANALYSIS: A METHODS SOURCEBOOK* (3rd ed. 2014).

74. Ian Hodder, *The Interpretation of Documents and Material Culture*, in *HANDBOOK OF QUALITATIVE RESEARCH*, 393-402 (N. K. Denzin & Y. S. Lincoln eds., 1994).

Finally, the researcher has been studying post-Katrina school reform since 2005 and is widely published on the subject.⁷⁵ She is a native of New Orleans and has extensive community connections.

VI. PUBLIC RECORDS AND EDUCATION LAW

To provide additional context for data analysis, the researcher requested documents from the LDE through the Freedom of Information Act, including charter school proposals and contracts for Sci, Carver Collegiate, and Carver Prep; the schools' applications for waivers and all waivers issued between 2012-2017, including any waivers related to the state's uniform grading scale and Carnegie units/instructional time; any and all material amendments to charter contracts from 2008-2017 for Sci and from 2012-2017 for Collegiate and Prep; and the network's Pupil Progression Plan (PPP) from 2012-2017.⁷⁶ The researcher also obtained available family handbooks via school websites for Sci and Carver Collegiate.⁷⁷ Louisiana state education law for public and charter schools was also reviewed.⁷⁸

LDE "was not in possession of any responsive records" for waivers, and material amendments to contracts were not relevant to the study.⁷⁹ Significant here, the LDE only possessed Collegiate Academies' PPP for three of the five academic years requested, even though it is mandated annually by state law; necessary for planning required

75. See generally Kristen L. Buras, *The Mass Termination of Black Veteran Teachers in New Orleans: Cultural Politics, the Education Market, and Its Consequences*, 80 THE EDUC. FORUM 154 (2016); KRISTEN L. BURAS, CHARTER SCHOOLS, RACE, AND URBAN SPACE: WHERE THE MARKET MEETS GRASSROOTS RESISTANCE (2015); Kristen L. Buras & Urban South Grassroots Research Collective, *New Orleans Education Reform: A Guide for Cities or a Warning for Communities? (Grassroots Lessons Learned, 2005-2012)*, 4 BERKELEY REV. OF EDUC. 123 (2013); Kristen L. Buras, "It's All about the Dollars": *Charter Schools, Educational Policy, and the Racial Market in New Orleans*, in THE ASSAULT ON PUBLIC EDUCATION: CONFRONTING THE POLITICS OF CORPORATE SCHOOL REFORM 160-88 (W. H. Watkins ed., 2012); Kristen L. Buras, *Race, Charter Schools, and Conscious Capitalism: On the Spatial Politics of Whiteness as Property (and the Unconscionable Assault on Black New Orleans)*, 81 HARV. EDUC. REV. 296 (2011); KRISTEN L. BURAS ET AL., PEDAGOGY, POLICY, AND THE PRIVATIZED CITY: STORIES OF DISPOSSESSION AND DEFIANCE FROM NEW ORLEANS (2010).

76. Letter from La. Dep't. of Educ., to author (Mar. 11, 2020) (on file with author); Letter from La. Dep't. of Educ., to author (Feb. 27, 2020) (on file with author).

77. G. W. Carver, *Carver Collegiate Academy Family Handbook: 2013-2014, 2015-2016, 2016-2017* (on file with author); Sci Academy, *Sci Academy Family Handbook: 2013-2014, 2014-2015* (on file with author).

78. See, e.g., LA. ADMIN CODE tit. 28, § CXV, CXXXIX (2019).

79. Letters from La. Dep't. of Educ., *supra* note 76.

courses, their sequencing, and requirements for student promotion; and needed for monitoring credit accumulation for graduation.⁸⁰ Of the remaining three PPPs the LDE possessed, they did not “list detailed and specific . . . Carnegie unit requirements and promotion requirements,” as required.⁸¹ With a few exceptions, they listed that a “Louisiana approved” subject area course in English, math, science, and social studies would be offered, but the specific courses and their sequencing were not specified; further, course outlines were only provided for grades nine through eleven, with grade twelve missing from all PPPs.⁸² The incomplete curricular sequence and promotion criteria of the PPPs appear in Appendix B.⁸³

Appendix C details specific grade-level course offerings noted in the Carver Collegiate family handbook over three years. The course offerings for each grade level shifted from year-to-year, suggesting the absence of a clear pupil progression plan and/or other possible problems. For example, Carver Collegiate ninth grade incoming freshman were to take Reading (2013-2014), English I (2015-2016), and Reading (2016-2017).⁸⁴ Integrated Science was indicated for ninth grade (2013-2014), then Biology (2015-2016), followed by no science course listing, likely an oversight (2016-2017).⁸⁵ In grade ten, as another example, World History/AP World History were noted (2013-2014), then World History/AP Comparative Government (2015-2016), then Civics (2016-2017).⁸⁶ Electives such as music and drama, art, and physical education only appear in the latter 2016-2017 family handbook; in the PPPs, “two electives” are noted only for grade eleven.⁸⁷

80. Letters from La. Dep’t. of Educ., *supra* note 76.

81. COLLEGIATE ACADEMIES, 2014-2015 PUPIL PROGRESSION PLAN 15 (2014); COLLEGIATE ACADEMIES, 2015-2016 PUPIL PROGRESSION PLAN 20 (2015); COLLEGIATE ACADEMIES, 2016-2017 PUPIL PROGRESSION PLAN 29 (2016).

82. COLLEGIATE ACADEMIES, 2014-2015 PUPIL PROGRESSION PLAN 15-16 (2014); COLLEGIATE ACADEMIES, 2015-2016 PUPIL PROGRESSION PLAN 20-21 (2015); COLLEGIATE ACADEMIES, 2016-2017 PUPIL PROGRESSION PLAN 30-31 (2016).

83. *See infra* Appendix B.

84. *See infra* Appendix C.

85. *See infra* Appendix C.

86. *See infra* Appendix C.

87. *See infra* Appendix C.

These documents (or lack thereof) are relevant in interpreting student-parent-teacher testimony and individual student records.

VII. REPORTS

Student Records. The Charter Operator shall comply with any and all recordkeeping requirements of BESE, state law, and regulations and shall provide, upon request by the RSD or the LDE, reports or student records, including, but not limited to, class schedules, records of academic performance, disciplinary actions, attendance, standardized test results, and documentation required under federal and state law regarding the education of students with disabilities.⁸⁸

—Carver Collegiate Academy Charter Contract with Louisiana Board of Elementary and Secondary Education

Promotion to the Next Grade. Carver Collegiate has tough standards for promotion. It is not automatically assumed that students will pass from one grade to the next: the student must earn promotion by demonstrating mastery of the essential knowledge, skills, and behavior of each grade level.⁸⁹

—Carver Collegiate Academy Family Handbook

The reports detailed below pertain to potential misrepresentations on students' academic transcripts. Related concerns about course offerings and the capacity to meet high school graduation requirements in Louisiana are also noted. Illustrations are offered based on student-parent-teacher testimony and documents collected by the researcher; due to space constraints, not all documents are included.

This set of reports involves numerous allegations, including:

1) Neglect of Core Requirements and Pupil Progression Plan: neglecting to offer core classes required for high school graduation

88. July 1, 2012 Charter Contract for Carver Collegiate Academy with the Louisiana Board of Elementary and Secondary Education, "Contract for Carver Collegiate," at 11; *see also* July 1, 2017 "Contract for Carver Collegiate," at 10-11 (on file with author).

89. G. W. Carver, Carver Collegiate Academy Family Handbook: 2013-2014, at 22 (on file with author).

in Louisiana and/or follow a pupil progression plan with appropriate pathways for student placement, coursework, promotion, and graduation;

- 2) **Fabrication**: listing and crediting classes never taken;
- 3) **Duplication-Fabrication**: placing students in the same class more than once simultaneously, titling the duplicated class differently on the transcript, and crediting both;
- 4) **Abridged Instruction**: listing and crediting classes as year-long (or extended) courses of study when substantially shorter periods of instructional time were offered;
- 5) **Transcript Scrubbing**: issuing grades and credits for classes, which appear on the transcript but are later removed from the record;
- 6) **Content Substitution**: listing and crediting classes that were only partly devoted to required subject matter, while substituting alternate content (often EOC and ACT prep) for a substantial period of instructional time;
- 7) **Grade Fixing**: changing a final class grade from failing to passing by altering academic records;
- 8) **Grade Rescaling**: using an internal grading scale, inconsistent with the state's uniform grading scale for regular classes, which rewards lower percentile scores with higher letter grades; and
- 9) **Equally Weighting Non-Academic Classes for GPA**: equally weighting grades for non-academic classes (such as advisory or study hall) with the grades for academic classes in calculating the cumulative Grade Point Average (GPA).

Narratives below are footnoted to indicate suggested instances.

A. Student A.

Male student who attended Carver Collegiate for ninth and tenth grade has a documented disability and an Individualized Education Program (IEP). Grandmother reports that educational accommodations were not offered for mandated school routines.⁹⁰ Further, the student

90. Interview with Student A's Grandmother, in New Orleans, La. (Feb. 6, 2017).

was reportedly teased and/or punished for manifestations of his disability.⁹¹

Grandmother reports his IEP was out of compliance with the Individuals with Disabilities Education Act (IDEA) and partly fabricated.⁹² For example, the IEP should be mutually developed. IEP indicates, “family was called,” but “they were unable to attend.” According to her, there was no contact regarding an initial IEP meeting.⁹³ Moreover, she says annual review protocol was violated because she was not present.⁹⁴ Grandmother’s handwritten notes appear on the IEP where she says fabrications occurred.⁹⁵ For instance, the plan states the student has been through an evaluation in school, but grandmother’s notation indicates, “Never evaluated him.” The plan also states that parents are in contact with the school social worker to address concerns.⁹⁶ Grandmother’s notation reads, “Don’t know social worker.” In another instance, the plan states the student does not have any behaviors affecting his progress. Notation reads, “They are trying to say he [has] behavior concerns.”⁹⁷ By her report, he was consistently punished for behaviors the school deemed problematic.⁹⁸ Regarding health needs, the plan states the student has a health plan generated by the school nurse.⁹⁹ Notation reads, “Without me” and “What nurse?”¹⁰⁰ It also states that the student participates in Speech twice a week with a Speech Pathologist.¹⁰¹ In her note, grandmother questions, “Who is speech pathologist?”¹⁰² Further, despite bullying of student reported by

91. *Id.* This paper does not focus on reported violations of the Individuals with Disabilities Education Act (IDEA), federal law that governs the education of students with disabilities. Here, background is provided so that reported fabrications on the IEP may be situated in a wider context.

92. *Id.*

93. *Id.*; Student A’s Individualized Education Program (“IEP”), with grandmother’s notations (on file with author).

94. *Id.*

95. Student A’s IEP, *supra* note 93.

96. *Id.*

97. *Id.*

98. Interview with Student A’s Grandmother, *supra* note 90.

99. Student A’s IEP, *supra* note 93.

100. *Id.*

101. *Id.*

102. *Id.*

grandmother, IEP states that student gets along well with teachers and other students.¹⁰³

Grandmother reports she approached the principal regarding concerns and her grandson experienced retaliation as a result.¹⁰⁴ One afternoon during his second year, she reports her grandson returned home, “started throwing up,” and plead, “I’m not going back to that school no more.”¹⁰⁵ A letter issued by a board-certified child psychiatrist affirmed the student’s disabilities, expressed concern regarding required school routines, and documented “physical symptoms” from upsetting school experiences that were “impairing his functioning.” The psychiatrist emphasized the student would benefit from a supportive school setting and recommended that he “be placed in a different school” if the current one would not provide accommodations.¹⁰⁶ Based on cumulative experiences, professional advice, and what she viewed as dismissive responses by school leaders, grandmother withdrew her grandson.¹⁰⁷

B. Student B.

Male student who attended Sci for ninth grade reports, with his mother, that his schedule was changed mid-quarter to include the same class twice daily, with the second iteration labeled differently on his transcript.¹⁰⁸ Mother states: “He was taking Algebra I twice in one semester, same teacher, same pages, same everything, just a duplicate class all over again. They took away what he needed and gave him the same thing all over again. Before he goes to lunch, he’s in Algebra I. Then when he comes back after lunch, he’s in the same class, and they just tell him to do the same [work].”¹⁰⁹ Student states, “They just called

103. Interview with Student A’s Grandmother, *supra* note 90; Student A’s IEP, *supra* note 93. Fabrication, in this case, pertains to protocol adherence, evaluation, communication, services, and other issues.

104. Interview with Student A’s Grandmother, *supra* note 90.

105. *Id.*

106. Letter from Board Certified Psychiatrist specializing in child and adolescent psychiatry (on file with author).

107. Interview with Student A’s Grandmother, *supra* note 90.

108. Interview with Student B and Mother, in New Orleans, La. (Feb. 8, 2017).

109. *Id.*

it a different name.”¹¹⁰ Student departed from Sci due to this and other concerns.¹¹¹

The Quarter 1 transcript reveals two differently named math classes, Algebra I and Integrated Mathematics I (highlighted), offered by the same teacher and issued the same letter grades and percentile points, C (62 percent).¹¹²

The bell schedule corroborates mother’s recollection that her son took math before and after lunch daily, with Algebra I from 10:48-11:45 am and Integrated Mathematics I from 2:48-3:45 pm (highlighted).¹¹³

Document 1: Ninth Grade Quarter 1 Transcript for Student B



SCI ACADEMY
a COLLEGIATE ACADEMIES school

Student: [REDACTED]
Grade Level: 9
Advisory: [REDACTED]
Term: [REDACTED]
Date: [REDACTED]

Quarter 1 GPA: [REDACTED]
Quarter 2 GPA: [REDACTED]
Quarter 3 GPA: [REDACTED]
Quarter 4 GPA: [REDACTED]
Cumulative GPA: [REDACTED]

Report Card								
Course	Teacher Name	Q1	Q2	Q3	Q4	Final Average	Potential Credit	Credit Earned
Algebra I	[REDACTED]	C 62					1.00	0.00
Biology	[REDACTED]	C 61					1.00	0.00
English I	[REDACTED]	B 74					1.00	0.00
Integrated Mathematics I	[REDACTED]	C 62					1.00	0.00
Reading I	[REDACTED]	C 61					1.00	0.00
World Geography	[REDACTED]	F 52					1.00	0.00

110. *Id.* Duplication-Fabrication.

111. *Id.*

112. *See infra* Doc. 1.

113. Interview with Student B and Mother, *supra* note 108; *See infra* Doc. 2.

Document 2: Ninth Grade Bell Schedule for Student B



Bell Schedule View

9 Sci Academy

	Monday	Tuesday	Wednesday	Thursday	Friday
09:00 AM	Biology	Biology	Biology	Biology	
	08:48 AM - 09:45 AM	08:48 AM - 09:45 AM	08:48 AM - 09:45 AM	08:48 AM - 09:45 AM	
	Reading I	Reading I	Reading I	Reading I	
10:00 AM					
	09:48 AM - 10:45 AM	09:48 AM - 10:45 AM	09:48 AM - 10:45 AM	09:48 AM - 10:45 AM	
	Algebra I	Algebra I	Algebra I	Algebra I	
11:00 AM					
	10:48 AM - 11:45 AM	10:48 AM - 11:45 AM	10:48 AM - 11:45 AM	10:48 AM - 11:45 AM	
12:00 PM					
01:00 PM	English I	English I	English I	English I	
	12:48 PM - 01:45 PM	12:48 PM - 01:45 PM	12:48 PM - 01:45 PM	12:48 PM - 01:45 PM	
	World Geography	World Geography	World Geography	World Geography	
02:00 PM					
	01:48 PM - 02:45 PM	01:48 PM - 02:45 PM	01:48 PM - 02:45 PM	01:48 PM - 02:45 PM	
	Integrated Mathematics I	Integrated Mathematics I	Integrated Mathematics I	Integrated Mathematics I	
03:00 PM					
	02:48 PM - 03:45 PM	02:48 PM - 03:45 PM	02:48 PM - 03:45 PM	02:48 PM - 03:45 PM	
04:00 PM					
05:00 PM					

C. Student C.

Male student who attended Carver Collegiate for ninth grade departed due to concerns over course offerings, etc.¹¹⁴ He reports that upon transferring to [an area high school] in tenth grade, a review of the Carver Collegiate transcript indicated he was missing required credits.¹¹⁵

Student states: “When I left Carver [Collegiate], I was really behind in school . . . They said Algebra I was an honors class when it’s really supposed to be a [regular] freshman class. They had some people at Carver taking pre-Algebra, still an 8th grade class, in high school. I’m like, why would you set us behind? Pre-Algebra don’t even go on the transcript for high school, so why take the class?”¹¹⁶ The student

114. Interview with Student C, in New Orleans, La. (Feb. 6, 2017).

115. *Id.*

116. *Id.*

recollects administrators saying they tested freshman at the beginning of the year to assess students' mathematical knowledge.¹¹⁷ Nonetheless, he suggests the school hesitated to offer Algebra I to those who were prepared.¹¹⁸

Student continued, "When I left Carver, I only had a couple credits, not even enough to be a sophomore . . . We didn't have PE, [and] PE is a freshman class. They gave me a half credit of physical education."¹¹⁹ Ultimately, he indicates, "I got my full credit Algebra I," but concerns remained.¹²⁰ He explained further, "We ain't gonna take English at Carver. We took reading. I took reading, Algebra I, physical science, geography, and a speech class. Why did I have a speech class [rather than English I, a freshman class required for graduation]?"¹²¹

Other students departed after ninth grade year as well. Regarding those who transferred to [the same area high school], student recollects, "Some people didn't have enough credits to be in the right grade based on the transcript. They tried to put us all back in the freshman class. I'm like this is crazy. We all went to Carver [Collegiate] . . . They tried to put me back in Algebra I again when I got an excellent on my EOC. I'm like do you have my transcript. I have my EOC scores and everything at home."¹²² Student states the counselor at [transfer high school] had to rectify his Carver Collegiate transcript.¹²³

He concluded, "I'm still taking a freshman class to this day. I'm a senior, and I still gotta take physical education."¹²⁴

D. Student D.

Male student who attended Carver Collegiate for tenth and eleventh grade departed to [area high school] for twelfth grade.¹²⁵ He reports, with his mother, multiple issues with courses, etc.¹²⁶

117. *Id.*

118. *Id.*

119. Interview with Student C, *supra* note 114; Fabrication.

120. *Id.*

121. *Id.* Neglect of Core Requirements and Pupil Progression.

122. *Id.* Neglect of Core Requirements and Pupil Progression; recall that during two of the five years covered by the study, LDE did not possess the required annual PPP for Collegiate Academies.

123. *Id.*

124. *Id.*

125. Interview with Student D and Mother, in New Orleans, La. (June 6, 2017).

126. *Id.*

Student notes he passed Algebra I at his former high school in ninth grade, before attending Carver Collegiate, yet he was forced to retake the course.¹²⁷ He states: “When I went there [Carver Collegiate], they made me take Algebra I again. Then I had to go to Algebra II. That messed up my whole entire situation . . . When I brought my transcript from [former high school], it has on there *passed*. When I went [to Collegiate], they said oh, we can’t find it, so you gonna have to take it over again . . . So I actually just went through it and took it, passed it, and then when I get my transcript [later]—Mom, look at it! Why we got two Algebras? Two Algebra I’s.”¹²⁸

Regarding credits required for graduation, student continues, “The credits . . . [Collegiate] didn’t have no foreign language. I had to take that [after transferring] . . . No gym [no PE]. I had to take all that [later] because of them.” Mom laments “that’s why he would never be on top, because what he was supposed to have academic-wise, they didn’t have it . . . I was furious.”¹²⁹

Student emphasizes, “Them two years at Carver messed me up entirely. Technically, I didn’t even have enough credits to be a senior.”¹³⁰ Student reports, “My actual counselor [at transfer high school], she actually told me I was not considered a senior . . . because of the way my credits were set up. They had to switch classes around . . . Basically, she told me I was supposed to be a junior homeroom. She said she’s gonna have me there until . . . I made up those credits.”¹³¹ Mother shares, “I was about to blow up. My child went to that school for two years—you told me my child would be better [get a better education].”¹³²

Student also reports the chemistry teacher at Carver Collegiate left during his time there. As a result, “I think they took chemistry out and add another math class. I took two math classes each semester.”¹³³

127. *Id.*

128. *Id.* Neglect of Core Requirements and Pupil Progression.

129. *Id.*

130. *Id.*

131. *Id.*

132. *Id.* Neglect of Core Requirements and Pupil Progression.

133. *Id.* Neglect of Core Requirements and Pupil Progression; Duplication-Fabrication.

The series of report cards below are for the student's tenth grade year at Carver Collegiate.¹³⁴ The Quarter 1 report card reveals that he did indeed take two math classes simultaneously—another instance of Algebra I and Integrated Mathematics I offered daily by the same teacher with the identical letter grade and percentage credited, B (81 percent).¹³⁵ The Quarter 1 (hereafter Q1, Q2, etc.) report card also shows chemistry, with a B (74 percent).¹³⁶

The Q3 report card, which shows classes from all past quarters as well, no longer includes Integrated Mathematics; it has disappeared from the transcript.¹³⁷

On the Year 1 (Y1) report card, which registers cumulative coursework through Q3, chemistry no longer appears.¹³⁸

In sum, over the course of tenth grade, the duplicate math class (Integrated Mathematics) and the class it replaced (Chemistry), both of which were credited earlier in the year, have been scrubbed from the cumulative report card.¹³⁹

There are also additional issues with the grade 10 report cards. The Q1 report card shows a Fine Arts Survey class with the grade A (ninety-five percent).¹⁴⁰ However, on subsequent grade 10 reports cards, Fine Arts Survey no longer appears.¹⁴¹

Further, on the Q1 report card, no Advisory class is listed.¹⁴² However, the Year 1 report card, which is cumulative and includes Q1-Q3, lists the Advisory class for Q1 with grade A (ninety-five percent).¹⁴³

134. *Id.*

135. *See infra* Doc. 3.

136. An additional concern here is issuing a B for 74 percent. In isolation, this could be a typographical error, but analysis suggests Grade Rescaling (see Table 3). Either way, the academic record appears flawed.

137. *See infra* Doc. 4.

138. *See infra* Doc. 5.

139. *See infra* Doc. 4 & Doc. 5. Transcript Scrubbing.

140. *See infra* Doc. 3.

141. *See infra* Doc. 4 & Doc. 5. Transcript Scrubbing.

142. *See infra* Doc. 3.

143. *See infra* Doc. 5. This may be Fabrication or Equally Weighting Non-Academic Classes for GPA or possibly both.

Document 3: Tenth Grade Quarter 1 Report Card for Student D
(Algebra I and Integrated Mathematics I are highlighted.
Chemistry is shown with an arrow).



George Washington Carver
Collegiate Academy

Student: [REDACTED]
Grade Level: 10
Advisory: [REDACTED]
Term: [REDACTED]
Date: [REDACTED]

Quarter 1 GPA: 3.14
Quarter 2 GPA:
Quarter 3 GPA:
Quarter 4 GPA:
Cumulative GPA:

Report Card									
Course	Teacher Name	Q1	Q2	Q3	Q4	Final Average	Potential Credit	Credit Earned	
Algebra I	[REDACTED]	B 81					1.00	0.00	
Chemistry	[REDACTED]	B 74					1.00	0.00	
English II	[REDACTED]	B 76					1.00	0.00	
Fine Arts Survey	[REDACTED]	A 95					1.00	0.00	
Integrated Mathematics I	[REDACTED]	B 81					1.00	0.00	
Speech I	[REDACTED]	B 80					1.00	0.00	
World History	[REDACTED]	B 80					1.00	0.00	

Document 4: Tenth Grade Quarter 3 Report Card for Student D
 (Algebra remains but Integrated Mathematics no longer appears
 in Q1. Chemistry remains).



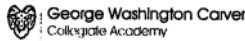
George Washington Carver
 Collegiate Academy

Student: [REDACTED]
 Grade Level: 10
 Advisory: [REDACTED]
 Term: [REDACTED]
 Date: [REDACTED]

Quarter 1 GPA: 3.14
 Quarter 2 GPA:
 Quarter 3 GPA:
 Quarter 4 GPA:
 Cumulative GPA:

Report Card								
Course	Teacher Name	Q1	Q2	Q3	Q4	Final Average	Potential Credit	Credit Earned
Algebra I	[REDACTED]	B 81					1.00	0.00
Chemistry	[REDACTED]	B 74					1.00	0.00
English II	[REDACTED]	B 76					1.00	0.00
Fine Arts Survey	[REDACTED]	A 95					1.00	0.00
Integrated Mathematics I	[REDACTED]	B 81					1.00	0.00
Speech I	[REDACTED]	B 80					1.00	0.00
World History	[REDACTED]	B 80					1.00	0.00

Document 5: Tenth Grade Year 1 Cumulative Report Card for Student D (Chemistry, like Integrated Mathematics, no longer appear on the transcript).



Report Card - [REDACTED]

Report Card
[REDACTED] Q3

The vision of George Washington Carver Collegiate Academy is to prepare all scholars for college success, inspired and ready to exceed any expectation.

Honorsroom: [REDACTED]
Grade Level: 10th

Course	Q1	Q2	Q3	Y1	Comments
Advisory [REDACTED]	A 95%	A 95%	A 90%	A 93%	
Algebra I [REDACTED]	B 81%	C 73%	B 77%	B 77%	
English II [REDACTED]	B 76%	C 72%	B 74%	B 74%	
Speech [REDACTED]	B 80%	C 66%	C 66%	C 71%	
World History [REDACTED]	B 80%	B 84%	B 75%	B 79%	
GPA	3.17	2.50	3.00	2.83	

Attendance	Q1	Q2	Q3
Absent Unexcused	[REDACTED]	[REDACTED]	[REDACTED]
Out of School Suspension	[REDACTED]	[REDACTED]	[REDACTED]
Tardy Unexcused	[REDACTED]	[REDACTED]	[REDACTED]

Student also asserts, “We didn’t even have Spanish that long.”¹⁴⁴ Researcher responds with document in hand, “This is a [letter from the assistant principal] that’s basically saying that you took Spanish for two quarters . . . What Spanish instruction did you have?”¹⁴⁵ Student responds, “We had it for about a week or two, at most. Then it was over. Then we had another extra math class added to it . . . I think that was my 11th [grade year].”¹⁴⁶ Researcher follows, “Yet it’s showing here that you had a C in quarter 1, an F in quarter 2, but you’re telling me you only went for a few weeks.”¹⁴⁷ Student responds, “Oh, if I could find my other transcript from [school where student transferred for 12th grade], you would see that it [Spanish] wasn’t on there.”¹⁴⁸

144. Interview with Student D and Mother, *supra* note 125.

145. *Id.*

146. *Id.*

147. *Id.* Abridged Instruction.

148. *Id.*

The letter referenced by the researcher was issued by an assistant principal at Carver Collegiate.¹⁴⁹ It states the student “completed Spanish at the end of Quarter 2 of the [dated] school year [11th grade].”¹⁵⁰ It describes the course as “a semester long intensive on the foundations of the Spanish language” and states “the final grade and credit earned are below and *will appear on your scholar’s final transcript* [emphasis added].”¹⁵¹ A chart shows the student earned C (seventy-five percent) for Q1 and F (fifty percent) for Q2 with a Y1 score of sixty-three percent and 1.0 credit issued.¹⁵²

Further, Q2 and Q3 report cards show Spanish listed with credit (although the F in Q2 has been converted to N/A).¹⁵³

Finally, the cumulative Year 1 report card with final grades and GPA no longer shows Spanish; it appears nowhere on the transcript, even though a letter from the assistant principal, followed by Q2 and Q3 reports cards, included class credit.¹⁵⁴

Interestingly, the assistant principal’s letter on Spanish goes on to state, “For the remainder of the year, your scholar is enrolled in our College Access Program, which is a one credit ACT Prep course. The Spanish/CAP instructor is [teacher’s name].”¹⁵⁵ Here, ACT prep is not occurring during Spanish, so this does not suggest Content Substitution *per se*. However, ACT Prep does appear to displace ongoing Spanish coursework needed to meet the language requirement for graduation. It seems noteworthy that the same teacher is designated for both Spanish and ACT prep and the ACT prep notice appeared in the letter on Spanish credit.¹⁵⁶

149. *See infra* Doc. 6.

150. *See infra* Doc. 6.

151. *See infra* Doc. 6.

152. *See infra* Doc. 6.

153. *See infra* Doc. 7, Doc. 8.

154. *See infra* Doc. 9. Transcript Scrubbing.

155. *See infra* Doc. 6.

156. *See infra* Doc. 6.

Document 6: Assistant Principal’s Eleventh Grade Letter on Spanish Credit



George Washington Carver
Collegiate Academy

Dear Parent/Guardian of [REDACTED]

You scholar completed Spanish at the end of Quarter 2 of the [REDACTED] school year. This course was a semester long intensive on the foundations of the Spanish language. The final grade and credit earned are below and will appear on your scholar’s final transcript. For the remainder of the year, your scholar is enrolled in our College Access Program, which is a one credit ACT Prep course.

Please contact Spanish/CAP instructor [REDACTED] with any additional questions.

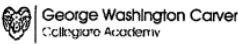
Course	Q1	Q2	Y1	Potential Credits	Earned Credits
Spanish I	C 75%	F 50%	63%	1.0	1.0

Sincerely,

[REDACTED]
Assistant Principal

Document 7: Eleventh Grade Quarter 2 Report Card for Student D (Report card shows Spanish listed in Q1 with C (75) and in Q2 as N/A).

Report Card - [REDACTED]



Report Card

[REDACTED] Q2

The vision of George Washington Carver Collegiate Academy is to prepare all scholars for college success, inspired and ready to exceed any expectation.

Advisory: [REDACTED]
Grade Level: 11th


CCA

Course	Q1	Q2	Comments
Spanish [REDACTED]	C 75%	N/A	
Geometry [REDACTED]	B 88%	C 77%	
AP US History [REDACTED]	D 74%	D 68%	
AP English Language & Composition [REDACTED]	D 71%	C 82%	
[REDACTED]	[REDACTED]	[REDACTED]	
GPA	[REDACTED]	[REDACTED]	

Attendance	Q1	Q2
Absent Unexcused	[REDACTED]	[REDACTED]
Early Release	[REDACTED]	[REDACTED]
In School Suspension	[REDACTED]	[REDACTED]
Out of School Suspension	[REDACTED]	[REDACTED]
Tardy Unexcused	[REDACTED]	[REDACTED]

Document 8: Eleventh Grade Quarter 3 Report Card for Student D (Spanish appears in Q1 with C (75) and in Q2 and Q3 as N/A).

Report Card - [REDACTED]



Report Card

[REDACTED] Q3

The vision of George Washington Carver Collegiate Academy is to prepare all scholars for college success, inspired and ready to exceed any expectation.

Advisory: [REDACTED]
Grade Level: 11th

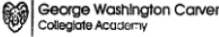
CCA

Course	Q1	Q2	Q3	Comments
AP English Language & Composition [REDACTED]	D 71%	C 82%	D 72%	
AP US History [REDACTED]	D 74%	D 68%	C 76%	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Geometry [REDACTED]	B 88%	C 77%	B 87%	
Spanish [REDACTED]	C 75%	N/A	N/A	
GPA	[REDACTED]	[REDACTED]	[REDACTED]	

Attendance	Q1	Q2	Q3
Absent Unexcused	[REDACTED]	[REDACTED]	[REDACTED]
Early Release	[REDACTED]	[REDACTED]	[REDACTED]
In School Suspension	[REDACTED]	[REDACTED]	[REDACTED]
Out of School Suspension	[REDACTED]	[REDACTED]	[REDACTED]
Tardy Unexcused	[REDACTED]	[REDACTED]	[REDACTED]

Document 9: Eleventh Grade Year 1 Cumulative Report Card
 (Report card shows Q1, Q2, Q3, Q4, and Y1 final grades, including GPA. Spanish no longer appears on the transcript).

Report Card - [REDACTED]



George Washington Carver
Collegiate Academy

Report Card
[REDACTED] Q4

The vision of George Washington Carver Collegiate Academy is to prepare all scholars for college success, inspired and ready to exceed any expectation.

Advisory: [REDACTED]
Grade Level: 11th

CCA

Course	Q1	Q2	Q3	Q4	Y1	Comments
AP English Language & Composition [REDACTED]	D 71%	C 82%	D 72%	B 87%	C 81%	
AP US History [REDACTED]	D 74%	D 68%	C 76%	B 89%	C 79%	
[REDACTED]						
Geometry [REDACTED]	B 88%	C 77%	B 87%	B 85%	B 85%	
GPA	1.17	1.17	2.00	3.67	2.33	

Attendance	Q1	Q2	Q3	Q4
Absent Unexcused	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Early Release	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
In School Suspension	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Out of School Suspension	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Tardy Unexcused	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The transfer high school, where the student attended twelfth grade, reviewed his academic record for existing credits to ensure graduation at year's end. The certificate of credit is illuminating and provides a case summary.¹⁵⁷

On the certificate, Algebra I *appears twice*, once in ninth grade (pre-Carver Collegiate) with grade C and 1.0 credit and again in tenth grade with grade B and 1.0 credit, affirming the student's report that Carver Collegiate made him take Algebra again unnecessarily.¹⁵⁸

Additionally, Integrated Mathematics I *reappears* as a class taken in tenth grade with grade B and 1.0 credit but is not counted by the transfer high school, as appropriate.¹⁵⁹

Chemistry also *reappears* as a class taken during time at Carver Collegiate with grade A and 1.0 credit; when chemistry earlier appeared

157. See *infra* Doc. 10.
 158. See *infra* Doc. 10. Neglect of Core Requirements and Pupil Progression.
 159. See *infra* Doc. 10. Neglect of Core Requirements and Pupil Progression.

(before disappearing) on the student’s tenth grade report card, his grade was B for Q1 and C for Q2. It is unclear how B and C average as A.¹⁶⁰

Handwritten notations (highlighted) from the review indicate student still needs English IV, Advanced Math, Civics, and Earth Science, one-half credit of PE, and French I, French II, and Art I.¹⁶¹ Spanish does not appear at all. Neither does Fine Arts Survey.¹⁶²

Document 10: [Transfer] High School’s Certificate of High School Credit (Handwritten Notations by Counselor, Highlighted, and Typed Notations by Researcher, Red).

CERTIFICATE OF HIGH SCHOOL CREDIT FOR STATE-APPROVED HIGH SCHOOLS

STATE OF LOUISIANA DEPARTMENT OF EDUCATION
BATON ROUGE, LOUISIANA

<p>Grading Scale</p> <table border="0"> <tr> <td>2011</td> <td>2009</td> <td>2008 and Prior</td> </tr> <tr> <td>A 93-100</td> <td>A 93-100</td> <td>A 95-100</td> </tr> <tr> <td>B 85-92</td> <td>B 85-92</td> <td>B 88-94</td> </tr> <tr> <td>C 75-84</td> <td>C 77-84</td> <td>C 78-87</td> </tr> <tr> <td>D 67-74</td> <td>D 70-78</td> <td>D 70-77</td> </tr> <tr> <td>F Below 67</td> <td>F Below 70</td> <td>F Below 70</td> </tr> </table>	2011	2009	2008 and Prior	A 93-100	A 93-100	A 95-100	B 85-92	B 85-92	B 88-94	C 75-84	C 77-84	C 78-87	D 67-74	D 70-78	D 70-77	F Below 67	F Below 70	F Below 70		<p>G.P.A. Scale</p> <table border="0"> <tr> <td>A</td> <td>4 Points</td> </tr> <tr> <td>B</td> <td>3 Points</td> </tr> <tr> <td>C</td> <td>2 Points</td> </tr> <tr> <td>D</td> <td>1 Point</td> </tr> <tr> <td>F</td> <td>0 Points</td> </tr> </table> <p>Honors add 1 point</p>	A	4 Points	B	3 Points	C	2 Points	D	1 Point	F	0 Points
2011	2009	2008 and Prior																												
A 93-100	A 93-100	A 95-100																												
B 85-92	B 85-92	B 88-94																												
C 75-84	C 77-84	C 78-87																												
D 67-74	D 70-78	D 70-77																												
F Below 67	F Below 70	F Below 70																												
A	4 Points																													
B	3 Points																													
C	2 Points																													
D	1 Point																													
F	0 Points																													

NAME OF STUDENT (LAST, FIRST, MIDDLE) _____ Sex _____ Grade _____ SOCIAL SECURITY # _____ DATE OF BIRTH (Mo/Day/Yr.) _____ DATE OF GRADUATION _____

NAME OF SCHOOL _____ PARISH OR SCHOOL SYSTEM/LEA _____ ADDRESS/ZIP CODE _____ TELEPHONE NUMBER _____

Title of Subject (Bulletin 741) <small>Identify honors courses with an H immediately following course title.</small>	Course Code (optional)	Year Credit Earned	Mark Received	Unit Credit	Final	Remarks: Enter the names of schools in which outside credits were earned.
ENGLISH I	120331		A	1.00	Final ✓	
ENGLISH II	120332		B	1.00	Final ✓	
ENGLISH III H	120341		C	1.00	Final ✓	English IV
ALGEBRA I	180321		C	1.00	Final ✓	
ALGEBRA I	180321		B	1.00	Final ✓	
ALGEBRA II	180322		D	1.00	Final ✓	Adv. Math
GEOMETRY	180323		B	1.00	Final ✓	
INTEGRATED MATHEMATICS I	180399		B	1.00	Final ✓	
AP US HISTORY	220404		C	1.00	Final ✓	
LAW STUDIES I	220508		D	1.00	Final ✓	
WORLD GEOGRAPHY	220300		C	1.00	Final ✓	Civics
WORLD HISTORY	220401		B	1.00	Final ✓	
BIOLOGY	150301		A	1.00	Final ✓	
CHEMISTRY	150401		B + C = A	1.00	Final ✓	
ENVIRONMENTAL SCIENCE	150310		D	1.00	Final ✓	Earth Science
HEALTH EDUCATION	190600		A	0.50	Final ✓	
PHYSICAL EDUCATION	190105		A	1.00	Final ✓	PE 1/2
SPEECH II	051102		C	1.00	Final ✓	
Total Units: 17.50						
NO SPANISH CREDIT						
NO FINE ARTS SURVEY CREDIT						
						French I French II Art I

160. See supra Doc. 3, Doc. 4. Fabrication.

161. See infra Doc. 10. Neglect of Core Requirements and Pupil Progression.

162. See infra Doc. 10. Transcript Scrubbing; Although student was earlier credited for two quarters of Spanish and Fine Arts Survey at Carver Collegiate, they were removed. Student thus requires French I and II and Art I to graduate.

The student’s report on his time at Carver Collegiate does not end there. Regarding Carver’s grading scale, the student asserts, “Carver’s on their own grading scale.”¹⁶³ Researcher asks, “What is the scale? It’s different from the standard scale how?”¹⁶⁴ Student follows, “When I went over to an actual school [transfer high school], my grades was going back and forth . . . The standard scale was lower than the Carver scale . . . [They were] boosting our grades [at Collegiate].”¹⁶⁵ Researcher asks, “Boosting your grades with a more [re]lax[ed] grading scale?”¹⁶⁶ Student responds, “Yes, ma’am. That’s exactly how it went . . . It looks good in the scale, when they [state officials] go to grade the school.”¹⁶⁷

Figure 1: Uniform Grading Scale for Regular Classes

LEAs shall use the following uniform grading system for students enrolled in all grades for which letter grades are used:

Grading Scale for Regular Courses	
Grade	Percentage
A	100 – 93
B	92 – 85
C	84 – 75
D	74 – 67
F	66 – 0

LA. ADMIN. CODE tit. 28, PT CXV, §2302 A (2019).

The 2011 uniform grading scale notated on the Certificate of State-Approved High Schools from the transfer high school is drawn from La. Admin. Code. Tit. 28 (Figure 1).¹⁶⁸ The researcher reviewed grades issued to the student by Carver Collegiate for inconsistencies with the uniform scale.

163. Interview with Student D and Mother, *supra* note 125.
 164. *Id.*
 165. *Id.*
 166. *Id.*
 167. *Id.* Grade Rescaling.
 168. LA. ADMIN. CODE tit. 28, Pt CXV, § 2302 (2019).

In almost every instance where the researcher has transcripts for the student's tenth grade year (Docs. 3, 4, and 5), Carver Collegiate grades were inconsistent with the uniform grading scale and skewed upward. For example, the chart (Table 3) shows that out of fifteen grades issued for Q1-Q3, only two (highlighted) are consistent with the uniform grading scale; the remaining thirteen favor Carver Collegiate: of the thirteen, eleven are one letter grade above the uniform grading scale and two are two letter grades above—a B should be a D (Q3, English II) and a C should be an F (Q3, Speech).¹⁶⁹

It is also noteworthy that the school equally weighted grades for non-academic classes (such as Advisory, which is basically a homeroom where students receive their daily scholar sheet with up-to-date grades, demerits, etc.) with the grades for academic classes in calculating the cumulative Grade Point Average (GPA).¹⁷⁰ In Q1, Q2, and Q3, for example, the student received the letter grade A for Advisory (see asterisks).

169. See *infra* Table 3. As one illustration, this chart utilizes the tenth grade Year I cumulative report card, *supra* Doc. 5. However, the pattern holds for grade comparisons using Docs. 3 and 4 as well.

170. Equally Weighting Non-Academic Classes for GPA.

Table 3: Comparison Between Carver Collegiate Grades and Uniform Scale¹⁷¹

COMPARISON OF STUDENT'S CARVER COLLEGIATE GRADES WITH UNIFORM SCALE, 10TH GRADE YEAR					
Quarter	Class	Carver Collegiate Percentile Score	Carver Collegiate Letter Grade	Appropriate Letter Grade	Uniform Scale
Q1	*Advisory	95	A	A	A=93-100
	Algebra I	81	B	C	C=75-84
	English II	76	B	C	C=75-84
	Speech	80	B	C	C=75-84
	World History	80	B	C	C=75-84
Q2	*Advisory	95	A	A	A=93-100
	Algebra I	73	C	D	D=67-74
	English II	72	C	D	D=67-74
	Speech	68	C	D	D=67-74
	World History	84	B	C	C=75-84
Q3	*Advisory	90	A	B	B=85-92
	Algebra I	77	B	C	C=75-84
	English II	74	B	D	D=67-74
	Speech	66	C	F	F=0-66
	World History	75	B	C	C=75-84
Year I	*Advisory	93	A	B	B=85-92
	Algebra I	77	B	C	C=75-84
	English II	74	B	D	D=67-74
	Speech	71	C	F	F=0-66
	World History	79	B	C	C=75-84

171. On the Year 1 report card, the same courses are listed in a different order than the Q3 report card. It is unclear why if the recordkeeping program is standardized.

In addition to the “boost” provided by Equally Weighting Non-Academic Classes for GPA, the student’s GPA was substantially improved by Grade Rescaling. In Q1, the student’s GPA calculated with the uniform grading scale would have been a 2.4. Rescaling at Carver Collegiate instead resulted in a 3.2. In Q2, rescaling moved a uniform 1.8 to a 2.5. In Q3, it moved a uniform 1.6 GPA to a 3.0. As a result, the Y1 cumulative calculation is skewed upward.¹⁷²

Grades issued for the student’s eleventh grade year appear consistent with the uniform grading scale based on report cards (Docs. 7, 8, and 9) in hand for this student during that year.

In sum, the student’s academic record at Carver Collegiate, by no fault of his own, appears to be a convoluted mess.

E. Student E.

Female student who attended Carver Collegiate for grades 10-12 and graduated from the school reports, “It [Carver Collegiate] didn’t really have all the classes that we needed, and she [mom] wanted to pull me out cuz they took away our chemistry class.”¹⁷³

Despite this, mother reports, “first semester, they still gave them grades for it [chemistry].”¹⁷⁴ Student recalls, “When we went to 11th grade, they gave us a grade for the chemistry class [during 10th grade], but we didn’t take it.”¹⁷⁵ She goes on, “We had it for like two months and then the teacher got sick, so they just took it off our schedule.”¹⁷⁶

Student reflects, “The 11th grade year, we started realizing that we didn’t have the correct classes. For 10th grade, when we didn’t have chemistry, they offered us an elective at the very end of the year. We had six weeks left of school.”¹⁷⁷ Mom continues, “They gave them six weeks of speed chemistry because [of parent complaints].”¹⁷⁸ Student clarifies, “It [end-of-year chemistry offering] was an elective. We could take chemistry or take a music class.”¹⁷⁹

172. In calculating the GPA, letter grade point values are as follows: A=4, B=3, C=2, D=1, and F=0.

173. Interview with Student E and Mother, in New Orleans, La. (June 5, 2017).

174. *Id.*

175. *Id.*

176. *Id.*

177. *Id.*

178. Interview with Student E and Mother, *supra* note 173.

179. *Id.*

In all, student estimates she had eight weeks of chemistry in the beginning of the year before the teacher’s departure and six weeks at end when she was offered an “elective.”¹⁸⁰ Nonetheless, she says the transcript reflected an entire year of chemistry.¹⁸¹ By the student’s report, the instructional minutes required for credit were not met (Figure 2).¹⁸²

Figure 2: Louisiana Administrative Code on Carnegie Credit¹⁸³

Students may earn Carnegie credit...by passing a course in which the student is enrolled and meeting instructional time requirements, as set forth below...When awarding credit based on instructional time, LEAs shall provide a minimum of 7,965 instructional minutes for one Carnegie credit, and students shall be in attendance for a minimum of 7,515 minutes.

—LA. ADMIN. CODE tit. 28, Part CXV, §2314 (B)(1), (B)(2), C, D (2019)

Student reports that she and peers “just wanted the right classes and the proper guidance.”¹⁸⁴ Mother says she spoke to school during the 11th grade year about what courses were needed for high school graduation.¹⁸⁵ Upon reviewing the Louisiana Department of Education website, mother determined her daughter needed certain credits to graduate, which she was not receiving.¹⁸⁶

180. *Id.*

181. *Id.* Abridged Instruction.

182. *Id.*

183. LA. ADMIN. CODE tit. 28, Pt CXV, § 2314 (2019).

184. Interview with Student E and Mother, *supra* note 173.

185. *Id.*

186. *Id.* Neglect of Core Requirements and Pupil Progression.

Due to student protest in eleventh grade, students finally secured PE class in twelfth grade.¹⁸⁷ Student also has knowledge that cohorts behind her were offered a drama elective and had access to science labs.¹⁸⁸

F. Student F.

Female student who attended Carver Collegiate for grades 10-12 and graduated explains: “Most high schools have certain classes you have to take to graduate, like a PE class. We didn’t have a PE class. We didn’t have art classes. We didn’t have band classes... What we did was we started researching what we needed to graduate, like PE classes, at least two foreign languages . . . and we didn’t have those classes. We didn’t have art. It was only [certain] core classes. We didn’t have none of that [other required courses or electives].”¹⁸⁹

Researcher follows: “Were there times—any time during your time there—where your transcripts did not reflect what actually was happening at the school?”¹⁹⁰

Student responds: “The whole time.”¹⁹¹

She continues: “We were supposed to have a science class, and [the teacher], she ended up leaving due to stress. It was chemistry. She left, so we didn’t have chemistry for the whole rest of the year. Instead, they replaced it with either—you either chose choir, some kinda history elective, and then study hall. We got to choose out of those three, and it’ll still count for chemistry.”¹⁹²

Student reports Algebra as another example of inconsistency between reality and transcript, stating: “We would have Algebra, but they would stop Algebra to do Geometry for the EOC push because the only EOC you had to take in grade 10 was Geometry. They would stop Algebra to add another Geometry class. They would literally just scratch Algebra.”¹⁹³ Student reports transcript said Algebra was taken the whole time.¹⁹⁴

187. *Id.*

188. *Id.*

189. Interview with Student F, in New Orleans, La. (June 6, 2017). Neglect of Core Requirements and Pupil Progression.

190. *Id.*

191. *Id.*

192. *Id.* Fabrication.

193. *Id.*

194. *Id.* Content Substitution.

Student says she and others started speaking out and putting a plan together to “get these classes right.” Upon doing the academic research on Louisiana high school graduation requirements, students found there “was just a lot missing.”¹⁹⁵

She reports that in grade 12, PE was offered and an art teacher was hired.¹⁹⁶ Student believes if her peers had not demanded changes, Carver Collegiate would have finessed things as they previously had “cuz that’s what they were plannin’ on doin’ anyways.”¹⁹⁷

G. Student G.

Female student who attended Carver Prep and Carver Collegiate over the course of eleventh and twelfth grade, and graduated, shares concerns about coursework.¹⁹⁸

Student recalls a meeting with Collegiate Academies’ governing board during this period.¹⁹⁹ During the meeting, several students presented a PowerPoint that detailed students’ concerns.²⁰⁰ To her knowledge, the PowerPoint was based on school-wide conversations among students.²⁰¹

The researcher located a copy of the PowerPoint. An overview slide noted “classes” as an issue of concern. On another slide regarding classes, students noted “No electives; Classes always substituted for EOC or ACT courses; and Imaginary classes (Transcript).”²⁰² On an additional slide regarding possible solutions, it reads: “Offer electives; stop substituting all of our classes in order to focus on EOC courses; [and] fix transcripts.”²⁰³

In addition to board members, the student says several school-level leaders were present.²⁰⁴ Specifically, she reports one school principal

195. *Id.* Neglect of Core Requirements and Pupil Progression.

196. Interview with Student F, *supra* note 189.

197. *Id.* Neglect of Core Requirements and Pupil Progression.

198. Telephone Interview with Student G (July 14-15, 2017).

199. *Id.*

200. *Id.*

201. *Id.*

202. *See infra* Doc. 11.

203. Neglect of Core Requirements and Pupil Progression; Content Substitution; Fabrication.

204. Telephone Interview with Student G, *supra* note 198.

came for a few minutes, sat in the corner, looked at a cell phone, and played with fingernails.²⁰⁵ She reflects, “It was very clear that [the principal] was not interested or did not care about what was going on.”²⁰⁶ According to her, the governing board did not respond in any substantive way to students’ concerns.²⁰⁷

Document 11: PowerPoint Slide on Classes Presented to Collegiate Academies Board

Classes

No electives

Classes are always substituted for EOC or
ACT courses

No breaks in between classes (except
Lunch)

Imaginary classes (Transcript)

Researcher asks student, “What was your thinking behind staying rather than leaving [the school in light of such concerns]?”²⁰⁸ Student explains: “Some of the people we knew was [sic] saying when they tried to transfer, [there were] problems with transfer [due to] their transcripts over [at Prep] or the credits wouldn’t align because a lot of the classes—I know from my junior year I took pre-calculus twice, so they’d just code my second [class] [as] something I didn’t take.”²⁰⁹ Researcher clarifies, “They would put a different title on your class?” Student responds, “Yes, so a lot of the credits didn’t align most of the time.”²¹⁰

“You wanted an 11th grade audit?” asks the researcher.²¹¹ “Yeah,” says the student, “we were trying to get an audit [for] coding things as

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.*

209. *Id.*

210. Telephone Interview with Student G, *supra* note 198. Duplication-Fabrication.

211. Telephone Interview with Student G, *supra* note 198.

different classes we weren't taking."²¹² When the researcher asked for additional examples, the student recollected that a peer had a C in theater class, but said he never took theater class.²¹³ She states, "I think they gave him a double science one year and he just—and they coded the other science as a theater, and they gave him a C in it."²¹⁴

Researcher clarifies and summarizes student's various reports: "I'm sorry, they had a class . . . he never took [with a grade] on his transcript?"

Student: "Right."

Researcher: "You had to take pre-calculus twice [and the second iteration was labeled differently]?"

Student: "Yes."²¹⁵

Researcher: "You wanted an audit?"

Student: "Yes. [Students] told that at the board meeting. [They] were like 'We want an audit.' He [board member] kinda like, 'You don't even know what an audit is,' and this and that."²¹⁶

Researcher also notes that a scholar sheet for twelfth grade shows the student received a letter grade and credit for Study Hall with a B (ninety-two percent) equally weighted with Calculus as an academic class in determining her GPA.²¹⁷

212. *Id.*

213. *Id.*

214. Telephone Interview with Student G, *supra* note 198. Duplication-Fabrication.

215. Telephone Interview with Student G, *supra* note 198.

216. *Id.*

217. *See infra* Doc. 12. Equally Weighting Non-Academic Classes for GPA.

Document 12: 12th Grade Scholar Sheet, Study Hall (bottom third shown)

Course	Teacher	Assignments	Current Grade
Advisory [REDACTED]	[REDACTED]	[REDACTED]	
Study Hall [REDACTED]	[REDACTED]	[REDACTED]	92% B
Calculus [REDACTED]	[REDACTED]	[REDACTED]	80% C
Physics [REDACTED]	[REDACTED]	[REDACTED]	81% C
[REDACTED]	[REDACTED]	[REDACTED]	
GPA			2.20

H. Teacher H.

Former teacher, who departed from Collegiate Academies network due to various concerns, including ethical concerns, believes students were “coddled” at the network school where the teacher taught.²¹⁸

Teacher states: “I think [school] is hesitant to draw a firm line. The lowest grade you can get is a 50. Homework’s only worth 15 percent. I feel like sometimes we’re not grading rigorously enough. There are very few times where a kid hit a wall of consequences . . . I think part of it is trying to keep the doors open. Part of it, I think, is genuinely an attempt [to help students].”²¹⁹

However, teacher reports, after witnessing the ongoing practice of inconsistently assigning homework, “I’m watching these kids graduate. I know the ways in which they’re not prepared . . . I know that our attendance policy where we let kids do hours recovery, I know the kids have attendance problems.”²²⁰

Researcher clarifies: “[Students coming] after school to recover hours?”²²¹

Teacher: “Or they come to Saturday school. It’s all done legitimately. It’s like I watched those kids that struggled the next year. Then I watched those kids when they graduated not do well . . . It’s not

218. Interview with Teacher H, in New Orleans, La. (June 11, 2017).

219. *Id.* Grade Rescaling.

220. *Id.*

221. *Id.*

good for us to have this many kids who are missing like 20-plus days.”²²²

Teacher also reports, “A couple of kids graduated who had plagiarized a bunch or changed their grades on the computer or done things like that. I was like, ‘These kids should not walk.’”²²³ She further explained, “There were just things where I was like, ‘We need to start drawing lines. We need to just be like no. When you do this, this will happen . . . It’s because I actually believe if you draw the line clear, they [students] will follow it.”²²⁴

Teacher continues: “It’s like we’ve had them by the time they’re seniors, for four years. It’s like, ‘Well, [this student] did this bad thing, but also, for his freshman and sophomore year, we were not doing right by him.’ We were doing these things that weren’t right. We didn’t prepare him. In some ways, we have set him up to fail in this way because we didn’t hold him accountable for homework or these other things. I think honestly, it’s a well-intentioned lowering of expectations . . . People are afraid, I think, to draw the hard line and have kids fail. Also, I think there is a sentiment that other [charter] schools are letting kids get away with a lot more than we are. What are we gonna be—the one school that draws the hard line?”²²⁵

One major thing the teacher says should change is “grading based on mastery and not participation or some mix.”²²⁶ If students haven’t mastered the material, the teacher believes the school should focus on support and remediation rather than simply passing students, as they are “very behind.”²²⁷

Teacher summarizes: “I think one of the reasons I don’t like charters is there is a tremendous amount of pressure to get the SPS score to look a certain way . . . a lot of it just comes from we have to get certain numbers to stay open.”²²⁸

222. *Id.*

223. *Id.* Grade Fixing.

224. *Id.*

225. Interview with Teacher H, *supra* note 218; Grade Rescaling and other alleged practices are implied.

226. Interview with Teacher H, *supra* note 218.

227. *Id.* Grade Rescaling.

228. Interview with Teacher H, *supra* note 218.

VIII. COLLEGIATE ACADEMIES: A CLIMATE AVERSE TO CRITICISM

In interviewing teachers from Sci, Carver Collegiate, and Carver Prep, they described a school climate averse to criticism. Thus, teachers who were expected to participate in potentially questionable practices, and who ultimately refused and departed, say they were explicitly urged—even warned—by school leaders not to disclose their reasons for leaving. Several brief examples are shared below and span the period covered by the study.

A. Teacher H continued.

Teacher recalls pressure to remain quiet about the decision to leave the school.²²⁹ Teacher says there were explicit instructions to “hold off on messaging that [news].”²³⁰ When the teacher was leaving, the school leadership conveyed “Don’t tell people why you’re leaving. Don’t criticize the school to people.”²³¹

The teacher recollects being called to the school office and told by [an administrator], “Hey, be careful about what you’re saying. I’m hearing that you’re saying these things and it’s concerning to people.”²³²

B. Teacher I.

Teacher gave the school notice of their planned departure.²³³ Teacher reported to work for another week and the principal told the teacher not to come back.²³⁴ In a later meeting with the principal, who asked to meet teacher at (redacted) coffeeshop on (redacted) Street, teacher reports that principal “had that form, the non-disparaging form that I signed . . . I was honestly not [in the frame of mind] to dissect this form. I just wanted to get out.”²³⁵

Teacher was later contacted by community members who knew the teacher left the school and offered support in protesting conditions at the

229. *Id.*

230. *Id.*

231. *Id.*

232. *Id.*

233. Telephone Interview with Teacher I (April 23, 2017).

234. *Id.*

235. *Id.*

school.²³⁶ In the process, teacher attended a community meeting to talk about student concerns and share firsthand experiences.²³⁷ Someone at the venue was privy to, overheard the conversation, or both “cuz [sic] I got a voicemail from [the principal] saying, ‘I don’t know if you’re threatening me. I don’t know if you’re aware, but you signed a non-disparagement form when you left the school and I’d like to talk to you, so please call me back.’”²³⁸ Teacher indicates, “I never called back [principal]” and “nothing ever came of it.”²³⁹

C. Teacher J.

Teacher decided to depart from the school and initially told only close friends privately.²⁴⁰ Sensing a climate averse to criticism and “negativity in any [form],” the teacher kept the decision quiet until later in the year when there was absolute certainty about leaving.²⁴¹ At this point, the teacher spoke with the school principal.²⁴² Teacher reflects: “I know at other schools when teachers leave, they still have a party and teachers have a chance to talk to kids about it. We just—it’s very hush-hush when teachers leave [this school].”²⁴³

Researcher questions, “Were you asked to not talk about it?”²⁴⁴

Teacher: “I was told not to talk about it [by the principal] . . . The messaging there, is when someone’s unhappy they’re not allowed to talk about it because it’s unproductive and it creates a negative environment . . . [But] that negative energy is going to go somewhere and you’re pushing it underground.”²⁴⁵

Teacher concludes, “It’s no coincidence that teachers who end up in leadership roles, such as grade-level deans, tend to be people who are

236. *Id.*

237. *Id.*

238. *Id.*

239. *Id.*

240. Telephone Interview with Teacher J (August 7, 2017).

241. *Id.*

242. *Id.*

243. *Id.*

244. *Id.*

245. *Id.*

not consistently voices of dissent. Who rarely voice concerns—period. They tend to be people who are quick to say yes to whatever.”²⁴⁶

IX. “FIX YOUR GRADEBOOK”

In October 2019, Sci Academy assistant principal Whitney Omosefe sent an e-mail to faculty entitled “Fix Your Gradebook.”²⁴⁷ It read, “The goal is that 25% of scholars in your course should have an A, 40% should have a B, 25% should have a C and (less than) 10% should have a D/F.”²⁴⁸ It continued, “There’s not much time to improve our course averages and while we don’t want to ‘cook the books,’ we do want to ensure that students don’t have limited college access as a result of our ongoing learning around grading best practices.”²⁴⁹ The e-mail further stated: “Go into your gradebook and find any assignment where more than 33% of students got a D/F. Give those assignments a weight of zero. They will still appear in the gradebook but they will not hurt students’ grades.”²⁵⁰ After receiving leaked correspondence, WWL-TV, a CBS-affiliated broadcasting station in New Orleans, obtained the e-mail through a public records request.²⁵¹

A Sci history teacher wrote back to Omosefe: “With all due respect, I’m not fixing grades to reflect effort that was not put forth. It is not ethical and it enables a lack of responsibility.”²⁵² WWL-TV called the teacher, but she declined to comment.²⁵³

Sci’s principal Rhonda Dale followed by telling WWL-TV that the school “‘does not give grades the students have not earned,’ and that Omosefe’s e-mail ‘did not use the best choice of words’ but was meant to ‘ensure grades for all students are fair.’”²⁵⁴ Dale sent another e-mail to teachers, indicating that the distribution of grades referenced by

246. *Id.*

247. David Hammer, ‘Fix Your Gradebook,’ *Abramson Teachers Told in ‘Unacceptable’ Email from Asst. Principal*, NOLA.COM (Oct. 22, 2019 7:41 PM), https://www.nola.com/news/education/article_28551c9a-f51d-11e9-8449-1b6e490aacff.html.

248. *Id.*

249. *Id.*

250. *Id.*

251. *Id.*

252. *Id.*

253. *Id.*

254. *Id.*

Omosefe “‘is an exemplar’ and ‘should not be interpreted as a mandate.’”²⁵⁵ She also sent a letter to families, which read in part:

We are recognized as a 2019 School of Distinction by NOLA Public Schools . . . Tonight you may see a story on the local news that misrepresents our school . . . The media suggests that some wrongdoing has occurred . . . Here are the facts:

- We do not change or “fix” student grades . . .
- We monitor grades throughout the year to ensure that grade books are accurate . . .
- Finally, to be clear, students earn their grades and all grades that have been issued are accurate.²⁵⁶

After the story broke, a former teacher with Collegiate Academies network posted a Facebook comment. Referring to the assistant principal’s grading instructions, he wrote, “That’s a collegiate academies thing. i [sic] was told to do the same when I worked there.”²⁵⁷

Superintendent Lewis said Sci’s assistant principal demonstrated “very, very poor judgment.”²⁵⁸ Lewis also “said he does not believe this is a widespread problem at Sci . . . or elsewhere.”²⁵⁹ In fact, at a school board meeting in September 2019, before the “Fix Your Gradebook” e-mail, Lewis proclaimed, “What happened at JFK [Kennedy] is not, I repeat not, a widespread problem.”²⁶⁰ According to *The Lens*, a New Orleans newspaper, “District officials did not respond to a question asking how he could know that.”²⁶¹

255. *Id.*

256. Letter from Rhonda Dale, to Sci Academy Community (Oct. 22, 2019).

257. Rickey Henry, Comment to Gina Swanson WDSU, FACEBOOK (Oct. 23, 2019), <https://www.facebook.com/GinaSwansonWDSU/>.

258. Hammer, *supra* note 247.

259. Hammer, *supra* note 247.

260. Marta Jewson, *Citywide School Audit Will Cover About 5 Percent of High School Files*, THE LENS (Oct. 10, 2019), <https://thelensnola.org/2019/10/10/citywide-school-audit-will-cover-about-5-percent-of-high-school-student-files/> [hereinafter *Citywide School Audit*].

261. *Id.*

The “Fix Your Gradebook” scandal did not end there. In August 2020, Omosefe filed a lawsuit against Collegiate Academies and OPSB for libel, slander, and defamation of character.²⁶² In short, Omosefe asserts that her e-mail advising teachers to alter grades along specific lines was not the result of poor judgment, as publicly depicted. Rather, it was a statement of the charter network’s longtime grading policies.²⁶³ Upon hearing the media would release a disparaging story about the e-mail, Omosefe reports that Dale “was crying and scared” and wondered “if she was going to lose her job” as principal.²⁶⁴ Omosefe was advised multiple times that “she should not discuss the situation with anyone else.”²⁶⁵

Omosefe’s petition for damages explains her e-mail was written “after the Collegiate Academies network team gave school leaders a spreadsheet that informed them of grade distributions for each teacher,” along with a reminder of Collegiate Academies’ GPA target.²⁶⁶ Notably, Omosefe “was provided with numerous documents” during her tenure at Sci, which explicitly laid out grading policies.²⁶⁷ Omosefe thus indicates she “followed and implemented the policies and procedures, as set forth by her employer.”²⁶⁸ Exhibit C of the petition is a twelve-page grading policy issued by Sci, which outlines “remedies” for course grade distributions that do not meet target.²⁶⁹ Further, Omosefe states she was following Collegiate Academies’ grading policy upon the information and belief that OPSB approved it.²⁷⁰

The policy statement opens by explaining:

Within each class, teachers have a wide degree of latitude in defining how their course grades are calculated. This allows a teacher to ensure that the most important learning of his or her class is most heavily represented in the course grade (i.e., most heavily weighted), which supports the effectiveness of

262. *See generally* Petition for Damages, *Omosefe v. Orleans Parish Sch. Bd. & Collegiate Acad.*, No. 2020-6897 (La. Civil D. Ct. filed Aug. 14, 2020).

263. *See generally id.*

264. *Id.* at 14.

265. *Id.* at 15.

266. *Id.* at 18.

267. *Id.* at 26.

268. Petition for Damages, *Omosefe*, at 28.

269. *Id.* at Exhibit C.

270. *Id.* at 27.

instruction. We believe this diversity in grading is important for scholars . . . ²⁷¹

The remainder of the policy then outlines an array of methods to ensure grade distributions that meets Sci's target—an “average cumulative GPA” that is closer to the 2009 national high school average of 3.0 and “no scholars get Ds or Fs in your course.”²⁷²

In bold print, for example, the policy statement notes a student's final course grade “gives information on a scholar's mastery of course content *and* a scholar's demonstration of character strengths,” indicating that both areas contribute to grade calculations.²⁷³ Next follows a chart that may be “used to check the general efficacy of grades” and provides “a rough description of what content mastery and demonstration of character strengths might mean at each [letter] grade level.”²⁷⁴ An A means “mastery (80%+ on a given standard)” and a student who “almost always makes choices to employ the character strengths.”²⁷⁵ By comparison, grades B, C, and D are fractional amounts of 70 percent content mastery combined with an ambiguous measure of character strength. For example, a B indicates a “scholar has shown at least basic mastery (70%) on almost all course standards” and “usually makes choices to employ the character strengths.”²⁷⁶ Further, a C is “(70%) on about three-quarters” of content; D is “(70%) on about two-thirds” of content, with an F being “(70%) on less than about two-thirds.”²⁷⁷ In other words, fifty-three percent content mastery (seventy percent of seventy-five percent) merits a C at Sci Academy.

“[S]ince we have strong evidence that our scholars are not far below the national average in either content mastery or character strength,” the statement continues, “our average cumulative GPA should be closer to the national average than it currently is.”²⁷⁸ As such, “we set grade distribution targets for each class.”²⁷⁹ Specifically:

271. *Id.* at 1 Exhibit C.

272. *Id.* at 3-4, 9 Exhibit C.

273. Petition for Damages, *Omosefe*, at 1 Exhibit C (italics in original).

274. *Id.* at 2 Exhibit C.

275. *Id.*

276. *Id.*

277. *Id.*

278. *Id.* at 4 Exhibit C.

279. *Id.*

Teachers and coaches will use these targets as a guideline to determine the efficacy of grades. If grades seem off, a teacher's first response is always to increase clarity and consistency (and to make sure that he or she is nailing the grading policy). Once these conditions are in place, if grades fall below the targets, teachers might be assessing scholars' content mastery or character strengths at a level that is too difficult for their current levels . . . ²⁸⁰

Course grade distribution targets (A-25%, B-40%, etc.) identical to those in Omosefe's e-mail are listed for the 2015-2016 school year.²⁸¹

"[W]e'll need to *invent solutions* to some persistent problems" [emphasis added]—that is, unfavorable grade distributions—says the policy.²⁸² It then outlines "[r]easons for [l]ower [g]rades and [p]otential [r]emedies." In the case of what Sci identifies as *low content mastery*, teachers are assured:

Luckily, we have the tools to remediate this. By using objectives and tags in SchoolRunner [the software program used by Collegiate Academies to track grades], a teacher and coach can nail down which standards scholars are struggling with and then reteach and reassess those standards.²⁸³

In the case of *super-rigorous assessments*, which are "so rigorous that scholars will not be able to show mastery," then "[e]ntering a gradebook grade for a scholar that is higher than the percentage of points he or she got on the exam makes sense."²⁸⁴ In such cases, teachers "can create a conversion chart, where a certain percentage is the cut-off for an A," etc.²⁸⁵

With regard to writing assignments, the policy statement explains, the bar "has been set very high indeed," which has "made getting an A in a writing class very difficult."²⁸⁶ Teachers can "attack this" in various ways, including "different cut scores . . . for different writing

280. *Id.*

281. Petition for Damages, *Omosefe*, at 4 Exhibit C.

282. *Id.* at 5 Exhibit C (emphasis added).

283. *Id.* at 6 Exhibit C.

284. *Id.*

285. *Id.*

286. *Id.* at 7 Exhibit C.

assignments, even though the rubric does not change,” so that “an overall 3.2 out of 4 might be an A in September while a 3.6 out of 4 might be an A in May.”²⁸⁷ Additionally, it is suggested that teachers “could award scholars a separate quarterly growth grade for writing in addition to their marks on each assignment.”²⁸⁸ Announces the policy, “[B]y using rigorous rubrics creatively, we’ll find a pathway” to the cumulative GPA target.²⁸⁹

Additional policies are elaborated, with the expectation that “each teacher should work with his or her coach and department chair to craft a grading regime that *accomplishes our goals* and works for his or her class.”²⁹⁰ In terms of weekly grading, which ultimately feeds into the final course grade, the following instructions are given:

1. Teachers will enter at least 3 grades per week, including [one] assessment tagged with objectives. Tagging objectives allows teachers to track standards mastery and to reteach and reassess as needed . . . [Grades] should be updated by Sunday EOD [End of Day] so that they’ll be accurate in SR [SchoolRunner] the next week.
2. The total percentage of scholars receiving a D or F on a given [weekly] exam or quiz should be 25% or less. If the percentage is higher than 25%, take steps to remediate. Teachers can use standards data to determine what to reteach, and then use a variety of reassessment methods to raise the original grade (i.e., reassessing a particular standard to raise grades, reassessing and averaging the grades, etc.). If you’re not sure how to do this in SchoolRunner quickly and efficiently, talk to your coach! (And remember that the most important target is the course grade distribution goal of less than 10% D/F . . .).

287. Petition for Damages, *Omosefe*, at 7 Exhibit C.

288. *Id.*

289. *Id.*

290. *Id.* at 8 Exhibit C (emphasis added).

If effective reteaching or reassessment is impossible—for instance, we’re at a critical moment in the course where the scope is so tightly written that no time can be spared—curve the exam such that less than 25% of scholars receive a D or F . . .

3. If a scholar makes up/retakes an assessment for a new grade, that grade should be updated by the following grading deadline (Sunday EOD)—it should be accurate in SR the next Monday.²⁹¹

In conclusion the policy underscores, “Remember that our goal is *zero Ds and Fs* [bolded in original]: your goal it to make sure that, while maintaining standards, no scholars get Ds or Fs in your course.”²⁹²

The statement ends with “SR [c]urving [i]nstructions.”²⁹³ Here there are two options. Teachers may *award percentage points* or “numerator change,” which “adds points to every scholar’s grade” and is a method “BEST USED WHEN: there’s a relatively even spread [of grades].”²⁹⁴ Alternatively, teachers may *change points possible* or “denominator change,” which “changes the points the test is ‘out of,’ or what a scholar’s score is divided by.”²⁹⁵ Teachers are instructed, “If you slide the bar [to the] LEFT, you decrease the denominator and increase grades.”²⁹⁶ This method is “BEST USED WHEN: there are a few outliers at the bottom.”²⁹⁷ Also, the manual advises, if “there are one or two questions that weren’t taught,” then “you can slide the bar over to take their effect out of the test.”²⁹⁸

Omosefe’s petition also cites other documents related to course grades at Sci. A weekly staff memo from October 1, 2017, reads:

Click here to check out your course GPAs. Raising GPAs (or keeping them high) is the focus of the week. If your letter grade distribution is off (A=25%, B=40%, C=25%, D/F=10%) make

291. *Id.* at 9 Exhibit C.

292. *Id.*

293. Petition for Damages, *Omosefe*, at 11 Exhibit C.

294. *Id.*

295. *Id.*

296. *Id.*

297. *Id.* at 11-12 Exhibit C.

298. *Id.* at 12 Exhibit C.

sure you are putting in appropriate interventions to get scholars back on course. That could include: Replacement assessments for missing work or failing grades[;] Dropping or curving grades that most scholars in your course struggled with[;] Having multiple days of tutoring targeted at replacing grades because of increased mastery[.] Keep in mind that GPA measures more than objective mastery. . . . Their [students'] GPAs should match the incredible growth they make, even though we may see so many gaps in their current preparedness.²⁹⁹

All of this provides interpretive context for the current study, in particular Collegiate Academies' endorsement of what is conceived as "latitude in defining how course grades are calculated," "diversity in grading," "using rigorous rubrics creatively," and "invent[ing] solutions to some persistent problems."³⁰⁰

The Omosefe petition concludes, "School performance scores, which consider the GPAs of students at the charter schools, have put undue pressure on charter school operators to 'make the grade for themselves and their students.'"³⁰¹ Employment insecurity puts teachers "in the precarious situation of following the educational mandates of charter operators or face unemployment for rocking the boat."³⁰² Finally, "as questionable grading practices are exposed, instead of owning the problem, the charter operators and OPSB are willing to sacrifice educators like . . . Omosefe in the interest of self-preservation of the charter school system."³⁰³ As teacher H in the current study emphasized, "We have to get certain numbers to stay open."³⁰⁴

299. Petition for Damages, *Omosefe*, at 32.

300. *Id.* at 1, 5, 7 Exhibit C.

301. *Id.* at 41.

302. *Id.*

303. *Id.*

304. Interview with Teacher H, *supra* note 218.

X. CONCLUSION: CITYWIDE AUDIT OF CHARTER HIGH SCHOOLS AND ONGOING ACCOUNTABILITY CONCERNS

Following the Kennedy debacle in 2019, Lewis called for a citywide audit of the charter high schools overseen by OPSB. However, the audit would only cover approximately five percent of high school student files. This amounted to examining a total of twenty-five student files at each New Orleans high school—ten seniors, five juniors, five sophomores, and five freshmen,³⁰⁵ all from the 2019-2020 school year. The audit largely focused on the number of credits students have earned and whether they are on track to graduate—known as a credit accumulation review.³⁰⁶

In January 2020, although all audits were complete, the results were released for only eight or one-third of the city's charter high schools; results for the remaining seventeen had not been released by mid-2020 at the time of writing. Available audit reports “revealed widespread problems that could impede graduation for students across the city if left unresolved.”³⁰⁷ More specifically:

Some schools failed to keep students' records up to date; others were missing standardized and course test scores. In some instances, there wasn't proof of credits earned from classes. And in other cases, student files were missing critical items needed for seniors to earn diplomas.³⁰⁸

Significant to the current study, the audit protocol did not address the issue of whether credits on the academic transcript reflect what in reality occurred at audited schools—that is, the correspondence between transcript and course offerings, content offered during a course, length of instructional time, the veracity of course grades, and related issues. This study's findings, combined with past and current problems that have surfaced in New Orleans' charter schools, suggest that high school

305. *Citywide School Audit*, *supra* note 260.

306. Della Hasselle, *Audit Shows Missing Test Scores, Other Issues at New Orleans Charter High Schools*, THE TIMES PICAYUNE (Jan. 23, 2020, 12:42 PM), https://www.nola.com/news/education/article_19fbed86-3e10-11ea-95dd-df3e6f68438d.html.

307. *Id.*

308. *Id.*

audits should be longitudinal, forensic, and examine more than transcripts alone. Confidential interviews with teachers, students, and parents should be a part of the process, along with historic data and version histories built into grading software, master schedules, faculty meeting agendas, and related school correspondence, memos, and policy documents to ensure that student experience and knowledge correspond with transcript.

In a 2017 report that evaluated LDE's monitoring of charter schools, the Louisiana Legislative Auditor (LLA) "slammed" the department.³⁰⁹ It criticized LDE for only conducting announced visits, except for ad hoc visits completed as a result of parent concerns or formal complaints.³¹⁰ "Unannounced visits may help LDE proactively identify and deter violations in critical areas," wrote LLA.³¹¹ Additionally, LDE was criticized for weighing critical and non-critical violations equally in the monitoring process.³¹² The most recent charter high school audit by Lewis and OPSB seems similarly reactive, imprecise, and deficient.

Families and the public more generally have been told that charter schools are given autonomy for accountability. Yet, the infrastructural investment required for real accountability is not there. Meanwhile, students are at risk. This Article raises questions with the intent of ensuring that current and future students are served with integrity in New Orleans and other cities where charter schools operate.

Those with power over youth should be subject to a unique level of scrutiny; children merit special protections. The record in Louisiana and beyond demonstrates that charter school autonomy without accountability is harmful to students, especially poor and working-class youth and youth of color.

Whenever problems like those documented in New Orleans' charter schools occur, they have serious consequences for youth and the public

309. W. Sentell, *Education Department Slammed Over Charter School Monitoring*, THE ADVOCATE (Oct. 10, 2017), https://www.theadvocate.com/baton_rouge/news/education/article_c7f959ba-ac3f-11e7-8e18-dfa08aa09fd8.html (titles differing in online and print version of newspaper).

310. *Id.*

311. LA. LEGISLATIVE AUDITOR, LOUISIANA DEP'T OF EDUC., EVALUATION OF CHARTER SCHOOL MONITORING: PERFORMANCE AUDIT SERIES 10 (Oct. 4, 2017), [https://www.la.gov/PublicReports.nsf/52D8C003F16262F7862581AF005EE0A9/\\$FILE/0001654D.pdf](https://www.la.gov/PublicReports.nsf/52D8C003F16262F7862581AF005EE0A9/$FILE/0001654D.pdf).

312. *Id.* at 4-6.

good more generally. People who say yes to whatever—wherever they may be—should never have power over children.

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**APPENDIX A:
PARTIAL LIST OF ABBREVIATIONS**

BESE	Louisiana Board of Elementary and Secondary Education
BIA	Bureau of Internal Audit of Louisiana Department of Education
ED-OIG	U.S. Department of Education–Office of Inspector General
EOC	End-of-Course exam in Louisiana
GPA	Grade Point Average
LDE	Louisiana Department of Education
LLA	Louisiana Legislative Auditor
NOPS	New Orleans Public Schools
OPO	Office of Parental Options
OPSB	Orleans Parish School Board
PPP	Pupil Progression Plan
RSD	Recovery School District
SPS	School Performance Score
Q1, Q1, etc.	Quarter 1, Quarter 2, etc.
Y1	Year 1 annual cumulative record of course grades

**APPENDIX B:
PUPIL PROGRESSION PLAN FOR COLLEGIATE
ACADEMIES
2014-2015, 2015-2016, 2016-2017**

LDE was not in possession of PPPs for 2012-2013 and 2013-2014

“List *detailed and specific* LEA [local education agency/charter operator] Carnegie unit requirements and promotion requirements by grade level for grades 9-12” [emphasis added].³¹³

Collegiate Academies Promotion Criteria	
Ninth grade students shall take and pass the following required courses:	
English I	1 credit
Louisiana approved Math Course (Algebra I or Pre-Algebra)	1 credit
Louisiana approved Science course	1 credit
Louisiana approved Social Studies course	1 credit
Additional Math course	1 credit
Additional English course	1 credit

Tenth grade students shall take and pass the following required courses:	
English II	1 credit
Additional English course	1 credit
Two Louisiana approved Math Courses (Geometry + Algebra II <i>or</i> Algebra I if not yet taken) (2014-2015)	2 credits
Louisiana approved Math courses (Algebra I and Geometry) (2015-2016 and 2016-2017)	2 credits
Louisiana approved Science course	1 credit
Louisiana approved Social Studies course	1 credit

³¹³. COLLEGIATE ACADEMIES, 2014-2015 PUPIL PROGRESSION PLAN 15-16 (2014); COLLEGIATE ACADEMIES, 2015-2016 PUPIL PROGRESSION PLAN 20-21 (2015); COLLEGIATE ACADEMIES, 2016-2017 PUPIL PROGRESSION PLAN 29-31 (2016).

Eleventh grade students shall take and pass the following required courses:	
English III or AP Language + Composition	1 credit
Louisiana approved Math Course	1 credit
Louisiana approved Science course	1 credit
Louisiana approved Social Studies course	1 credit
Two electives	2 credits

Twelfth grade students shall take and pass the following required courses:	
?	?
Grade 12 coursework is <i>not</i> included in Collegiate Academies’ PPPs. Since Carver Collegiate and Carver Prep were founded in 2012-2013 and were building grade-by grade, grade 11 was the highest grade offered in 2014-2015. Sci had grade 12 that year, however. Further, all three schools had grade 12 in 2015-2016 and 2016-2017, but grade 12 is not included in the PPPs.	

**APPENDIX C:
FAMILY HANDBOOK FOR CARVER COLLEGIATE**

Tentative Academic Program	Our Unique Programs	Course Offerings
2013-14 (p. 21)	2015-2016 (p. 10)	2016-2017 (p. 6)
9th Grade	9th Grade	9th Grade
Reading	English I	Reading
Algebra I	Algebra I	Algebra I
Integrated Science	Biology	No science listed
World Geography	World Geography	Global Justice
Algebra Essentials	Algebra Essentials	Math Essentials
College Prep Writing Workshop, Phonics Blitz, Phonics Boost	Read Naturally	Writing
	Music	PE
10th Grade	10th Grade	10th Grade
English II	English II	English II
Algebra I, Algebra II, Geometry	Algebra I, Geometry	Algebra I, Geometry
Chemistry	Chemistry	Chemistry
World History/AP World History	World History, AP Comparative Government	Civics
Speech	Music	Music and Drama, Art/AP Art, PE
Phonics Blitz, Phonics Boost	Read Naturally	
11th Grade	11th Grade	11th Grade
No 11 th grade at school	English III, AP English Language and Composition	English III, AP English Language
	Geometry, Pre- Calculus	Geometry, Pre- Calculus
	Biology	Physics

	US History/AP US History	US History/AP US History
	Spanish	Spanish I
	Computer Literacy	ACT Prep
	Read Naturally	Music and Drama, Art/AP Art, PE
12th Grade	12th Grade	12th Grade
No 12 th grade at school	English IV, AP English Literature	English IV, AP English Literature
	Pre-Calculus, Calculous	Pre-Calculus, Calculous
	AP Environmental Science	AP Environmental Science
	Seminar in Innovation and Change	Seminar in Social Justice
	Spanish	Spanish II
	Computer Literacy	ACT Prep
	Read Naturally, Music	Music and Drama, Art/AP Art, Fine Arts Survey, PE