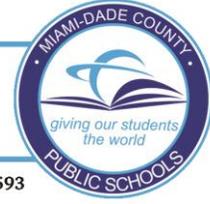




Mary T. Cagle
Office of the Inspector General
for Miami-Dade County Public Schools



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To: Hon. Chairwoman Perla Tabares Hantman and Members
Miami-Dade County School Board

Alberto Carvalho, Superintendent
Miami-Dade County Public Schools (M-DCPS)

From: Mary T. Cagle, Inspector General 

Date: February 8, 2016

Subject: OIG Final Report of Investigation: Charter School Dual Enrollment at an
Unapproved Postsecondary School in Violation of Florida Statutes
SB-1314-1008

Enclosed please find a copy of the Miami-Dade County Public Schools (M-DCPS) Office of the Inspector General's (OIG) Final Report regarding Charter School Dual Enrollment at an unapproved postsecondary school in violation of Florida Statutes.

This report as a draft was provided to Principal Rene Rovirosa, Mater Academy Lakes High School (Mater Lakes) for his review and comments. The report was also provided to the Superintendent and members of his staff for review and comment. A written response, plus two supplemental responses, were received from Attorney Joseph L. Raia on behalf of Mater Lakes. A written response was also received from the Office of Charter School Support on behalf of the Superintendent's Office. These responses are summarized and attached to the final report.

I would like to take a moment and thank Dr. Rodriguez, Ms. Pauline and Ms. Brisson for their assistance to the OIG during this investigation.

Our report on this matter contains our investigative findings and conclusions.

cc: Tiffany Pauline, Assistant Superintendent, Office of Charter School Support
Dr. Lisette Rodriguez, District Supervisor, Office of Academic Programs
Nicki Brisson, Executive Director, Office of Charter School Support

Attachment

MIAMI-DADE COUNTY PUBLIC SCHOOLS OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT OF INVESTIGATION
*Charter School Dual Enrollment at an Unapproved
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INTRODUCTION & SYNOPSIS

The Miami-Dade County Public Schools (M-DCPS) Office of the Inspector General (OIG) initiated an investigation based on information received from the M-DCPS Charter School Support Office. The information received alleged that Mater Academy Charter High School (Mater Academy), Mater Performing Arts and Entertainment Academy Charter High School (Mater Arts), Pinecrest Preparatory Academy Charter High School (Pinecrest) and Mater Academy Lakes Charter High School (Mater Lakes), had students taking dual enrollment courses at a non-State approved postsecondary school, in violation of Florida Statutes.

The investigation revealed that the aforementioned schools did misrepresent in the Integrated Student Information System (ISIS)¹ that its students were enrolled in dual enrollment classes at Miami Dade College and Florida Keys Community College when in fact the students were taking classes at Florida National University (FNU), a non-approved postsecondary school.

All of the referenced charter schools, with the exception of Mater Lakes, withdrew their students from ISIS once the OIG and M-DCPS notified the schools of the violation. Mater Lakes top administrators, however, ignored the OIG's repeated warnings that they were violating Florida law by having their students enrolled in dual enrollment courses using the school code of Miami Dade College (MDC) when, in fact, they were taking postsecondary courses at FNU during the 2013 Fall Semester. Mater Lakes additionally enrolled its students in ISIS using the school code of MDC for students attending FNU during the spring semester. These students were removed from ISIS after the OIG met with the Principal and Vice Principal of Mater Lakes in February 2014. However, Mater Lakes did not remove the students from ISIS for the 2013 Fall Semester, as requested by the OIG and M-DCPS. Instead, they entered the students' final grades in ISIS using the Miami Dade College school code for courses taken as dual enrollment at FNU. As a result, Mater Lakes students received credit for 111 dual enrollment courses towards graduation for courses taken at FNU a "for profit" institution unauthorized by Florida Statutes to participate in the dual enrollment program. Florida Statutes only authorizes dual enrollment for not for profit colleges and universities.²

¹ ISIS is administrative software that allows school administrators to manage students and staff data efficiently, including final grades.

² Section 1011.62(1)(i), Fla. Stat.

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OIG JURISDICTIONAL AUTHORITY

Pursuant to an Interlocal Agreement between Miami-Dade County and the School Board, the OIG has the authority to investigate M-DCPS affairs; to audit, inspect and review past present, and proposed programs, accounts, records, contracts and transactions; to require reports and the production of records from School Board members and School District officials; and to report our findings and make recommendations to the School Board and Superintendent.

INDIVIDUALS & ENTITIES COVERED IN THIS REPORT

M-DCPS Office of Charter School Support

The School Board of Miami-Dade County, Florida is the Sponsor of Mater Lakes per a Charter School Contract entered into in 2008. Pursuant to the Charter School Contract and Section 1002.33, Florida Statutes, the Sponsor “shall monitor and review the charter school in its progress toward the goals established in the charter,” in addition to monitoring and reviewing the charter school to ensure compliance with applicable statutory requirements of school board policy and the charter contract. The Office of Charter School Support monitors and ensures compliance of all charter schools currently operating in Miami-Dade County.³ Tiffanie A. Pauline is Assistant Superintendent in charge of Office of Charter School Support and Nicki Brisson is an Executive Director within the same office.

M-DCPS Division of Advanced Academic Programs

The Division of Advanced Academic Programs, among other duties, administers the School District’s Charter Schools participating in dual enrollment courses.⁴ Dr. Lisette Rodriguez is District Supervisor for the Office of Academic Programs.

³ Charter schools are independent, state funded public schools that operate under a performance contract, or a “charter,” which frees them from most rules and regulations created for traditional public schools.

⁴ Dual enrollment is an acceleration program that allows secondary school students to take postsecondary coursework and simultaneously earn credits toward high school completion and a career certificate or an associate or baccalaureate degree at a Florida public or eligible private institution. Dual enrollment courses can only be taken at a state approved college or university in which the secondary school has an articulating agreement.

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Florida National University (FNU)

FNU is a private “for profit,” Level III postsecondary institution that is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, and master’s degrees.⁵ Their main campus is located at 4425 West 20 Avenue, Hialeah, FL 33012. Dr. Caridad Hernandez is Vice President of Academic Affairs and signed the Memorandums of Understanding between FNU and the four charter schools that are the subjects of this report.⁶ FNU is not eligible to participate in the dual enrollment program since it is a “for profit” private institution.

The Table below details the four charter schools that were alleged to have violated dual enrollment and provide detail of each charter schools’ administrators, governance, and management/service provider.

Table 1 – Charter Schools Discussed in this Report

Name of Charter School	Governance	Charter School Management Company/Service Provider	School Principal Vice Principal
<i>Mater Academy Charter High School (Mater Academy)</i> 7901 N.W. 103 Street Hialeah Gardens, FL 33016	Mater Academy, Inc.	Academica, Inc.	Judith Marty <hr/> Jose Nunez
<i>Mater Performing Arts and Entertainment Charter High School (Mater Arts)</i> 7901 N.W. 103 Street Hialeah Gardens, FL 33016	Mater Academy, Inc.	Academica, Inc.	Judith Marty <hr/> Jose Nunez
<i>Mater Academy Lakes Charter High School (Mater Lakes)</i> 17300 N.W. 87 Avenue Miami, FL 33015	Mater Academy, Inc.	Academica, Inc.	Rene Rovirosa <hr/> Francisco Jimenez
<i>Pinecrest Preparatory Academy Charter High School (Pinecrest)</i> 14301 S.W. 42 Street Miami, FL 33175	Pinecrest Academy, Inc.	Academica, Inc.	Betty Nunez <hr/> Amelia Estrada

⁵ FNU is a “for profit” Florida corporation registered with the Florida Department of State Division of Corporations as Florida National University Inc.

⁶ These Memorandums of Understanding were essentially articulation agreements between two institutions that allows a student to apply credits earned in specific programs at one institution toward advance standing, entry, or transfer into a specific program at the other institution.

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Mater Academy, Inc. & Pinecrest Academy, Inc.

Mater Academy, Inc., and Pinecrest Academy, Inc., are the two governing boards and legal entities with whom The School Board of Miami-Dade County, Florida, holds the charter contracts for Mater Academy, Mater Arts, Mater Lakes, and Pinecrest. Pursuant to Section 1002.33(9)(i), Florida Statutes, “the governing body of the charter school shall exercise continuing oversight over charter school operations.” In further support of state statutes, School Board Policy 9800, Charter Schools, states that “the charter school’s governing board shall be solely responsible for the operation of the school which includes, but is not limited to, school operational policies; academic accountability and financial accountability.”

RELEVANT GOVERNING AUTHORITIES

Florida Statutes

Section 1011.62(1)(i) Funds for Operation of Schools

...An independent college or university which is located and chartered in Florida, is not-for-profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program....⁷

Section 1007.271 Dual enrollment programs

- (1) The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree. A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.

⁷ It should be noted that according to the Florida Department of Education (FLDOE)) “this does not preclude students from taking postsecondary courses at non-eligible private postsecondary institutions; however, these courses will not be considered as part of Florida’s dual enrollment program.”

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Miami-Dade County Public Schools Curriculum Bulletin - I

A guide that provides M-DCPS, as well as charter schools, with a list of the approved active academic dual enrollment courses and state approved postsecondary institutions that are allowed to enter into an articulation agreement with M-DCPS.

M-DCPS Board Policies during the 2013-2014 Academic Year

Policy 2271- Dual Enrollment Programs

The postsecondary education institution will assign a letter grade for the student's work in the course, and the District will be responsible for posting dual enrollment course grades as assigned by the postsecondary institution to the high school transcript. The Superintendent shall also establish procedures for the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

CASE INITIATION & INVESTIGATIVE METHODOLOGY

The investigation was initiated on information received from the Office of Charter School Support alleging that Mater Academy, Mater Arts, Mater Lakes, and Pinecrest were using school codes⁸ of FLDOE approved postsecondary schools in ISIS for dual enrollment courses their students were taking at FNU, a "for profit" university that did not qualify by law as a dual enrollment postsecondary school.⁹

During the course of the investigation, the OIG reviewed documents provided by M-DCPS including but not limited to M-DCPS *Curriculum Bulletin - I* for 2012-2013 and 2014-2015, Florida Statutes, ISIS printout of dual enrollment students, documents related to dual enrollment program. OIG Special Agents conducted onsite visits to Mater Academy, Mater Arts, Pinecrest, and Mater Lakes, and interviewed the Principals

⁸ Postsecondary school codes are assigned by FLDOE and can be found in the M-DCPS Curriculum Bulletin – I, or under *DOE Information Data Base Requirements*, Appendix F, Florida Public College and State University Reporting Numbers.

⁹ Prior to the 2013-2014 school calendar year state law mandated that colleges and universities share the cost of dual enrollment courses taken by secondary school students. Starting with the 2013-2014 school calendar year, Section 1007.271(21)(n), Florida Statutes, was changed mandating secondary schools to reimburse postsecondary schools for the full cost of tuition for their students attending dual enrollment courses. When this change took effect, M-DCPS Office of Advanced Academics began to track dual enrollment courses and, as a result, discovered the inaccurate reporting in ISIS.

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and Vice Principals of the charter schools. The OIG also interviewed M-DCPS personnel and other witnesses.

This investigation was conducted in accordance with the *Principles and Standards for Offices of the Inspector General, Quality Standards for Investigations*, as promulgated by the Association of Inspectors General.

INVESTIGATIVE FINDINGS

The OIG substantiated the allegations that Mater Academy, Mater Arts, Mater Lakes, and Pinecrest improperly used the postsecondary school codes assigned to Miami Dade College and Florida Keys Community College to post their students' FNU courses in ISIS, including final grades for Mater Lakes' students, as dual enrollment courses. All charter schools, except Mater Lakes, immediately removed the students from ISIS dual enrollment once they were contacted by the OIG. Pinecrest removed its students prior to the OIG contacting them. Mater Lakes, however, failed to remove the students after numerous requests by the OIG, and, in fact, went as far as entering final grades under the school code assigned to Miami Dade College for the courses taken by students at FNU.

The top administrators of the charter schools all claimed to the OIG, that they were not aware FNU was not an approved dual enrollment postsecondary school. They all claimed they used Miami Dade College and Florida Keys Community College school codes "by mistake" when they could not find a school code for FNU. In order for students to get credit for dual enrollment courses, the information must be entered in ISIS. In order for ISIS to accept the data for students registered in dual enrollment courses, the automated system requires the school codes of approved postsecondary schools, as listed on the M-DCPS [*Curriculum Bulletin – I*](#) and FLDOE, Appendix F, Public College and State University Reporting Numbers (available on the FLDOE website). Since FNU is not an approved postsecondary school for the dual enrollment program, it does not have an assigned FLDOE school code.

Consequently, Mater Academy, Mater Arts, Mater Lakes, and Pinecrest used school codes assigned to Miami Dade College and Florida Keys Community College to override the ISIS system and enter the postsecondary school courses as dual enrollment courses for students attending FNU. The following table summarizes the OIG's investigative findings.

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Table 2 FNU Students and Courses Enrolled Under Code C915 and C908

Charter School	Number of Students Entered in ISIS Enrolled in Dual Enrollment Courses	Number of Courses Entered in ISIS Using Miami Dade College Code C915	Number of Courses Entered in ISIS Using Florida Keys Community College Code C908	Disposition
Pinecrest	28	0	28	Removed
Mater Academy	152	144	31	Removed
Mater Arts	27	29	2	Removed
Mater Lakes	86 ¹⁰	111	0	Final Grades Issued

As shown in the above table, as a result of the investigation three of the charter schools correctly removed the students' courses from ISIS. Mater Lakes did not remove the students, even after it was brought to their attention numerous times. Accordingly, the remainder of this report will address only Mater Lakes.

Mater Lakes' Failure to Remove

A Dual Enrollment Student Data printout generated by the M-DCPS office of Advance Academics for Mater Lakes depicts that 94 students were listed in ISIS as enrolled in a total of 239 dual enrollment courses during the 2013-2014 school year fall and spring semesters under MDC's school code C915, when they were actually taking postsecondary courses at FNU.

On October 3, 2013, Dr. Lissette Rodriguez, District Supervisor, M-DCPS Office of Advanced Academic Programs, sent an email to the Mater Lakes School Counselor, Willmarge (Margie) Rodriguez, advising her that FNU was not authorized to provide courses to high school students through the dual enrollment program. Dr. Rodriguez explained that FNU is a "for profit" institution and, under Florida Statutes, only "not for profit" institutions are eligible for inclusion in the dual enrollment or early admission program. The email also made clear that students taking courses at FNU would not earn high school dual credits and "may not be eligible for Florida Bright Future, and additionally may cause FTE errors." (**Exhibit 1**)

¹⁰ Mater Lakes originally enrolled 94 students in 239 courses, but only 86 students remained in ISIS and received grades for 111 courses.

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On November 6, 2013, the OIG interviewed Mater Lakes Principal Rene Rovirosa and Vice Principal Francisco Jimenez.¹¹ Vice Principal Jimenez stated that he was the person responsible for the dual enrollment program at Mater Lakes. He confirmed that he had students enrolled at FNU. He indicated that Mater Lakes has a Memorandum of Understanding (MOU) with FNU. Faculty members of FNU teach the dual enrollment courses at the high school facility at a fixed rate per course, and that those courses are paid through their operating budget.¹²

Vice Principal Jimenez also stated that FNU was an accredited university and he did not understand why he could not enroll his students in dual enrollment courses at FNU. He stated that he was not aware that under Florida Statutes, only “not for profit” postsecondary schools qualified for the dual enrollment program, and that FNU was not an approved institution because it was a “for profit” postsecondary school. The OIG informed Principal Rovirosa and Vice Principal Jimenez that M-DCPS Office of Advance Academic Programs had sent an email in October 2013 to School Counselor Margie Rodriguez, advising her that FNU was not authorized by Florida Statutes to provide courses to high school students through the dual enrollment program. Vice Principal Jimenez stated that he was unaware of this information. He concluded by stating that the information entered in ISIS using the school code for MDC for FNU courses was an error on his part, and assured the OIG that the FNU students would be removed from ISIS, in compliance with Florida law.

One month later, the OIG learned that Mater Lakes was still not in compliance with the dual enrollment program. The OIG met again with Vice Principal Jimenez and Principal Rovirosa. Vice Principal Jimenez apologized for not having their students removed from ISIS and again assured the OIG that they would be removed without delay. He further assured the OIG they had no intentions of enrolling additional students at FNU for the upcoming spring semester. (By this time, the three other charter schools had—after the OIG and M-DCPS informed them—removed their students’ dual enrollment courses from ISIS.)

Over two months later, the OIG was again informed that Mater Lakes still had dual enrollment students under the MDC school code who attended FNU during the fall semester. Moreover, students continued to attend FNU in the spring semester and it was still being coded as Miami Dade College. The OIG met again with Vice Principal Jimenez in the presence of Principal Rovirosa. Vice Principal Jimenez again apologized to the OIG. He indicated that the students attending FNU during the spring semester listed on the M-DCPS Dual Enrollment Student Data report under the school

¹¹ Also present during the interview was Assistant Principal George Groezinger.

¹² Mater Lakes also has a Dual Enrollment Agreement with MDC at a fixed rate per course similar to the Memorandum of Understanding with FNU.

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code of Miami Dade College were inadvertently entered into ISIS. Vice Principal Jimenez explained that these students are following their track for an Associate of Art Degree with FNU, and were taking their classes during after school hours.

When asked about the fall semester still appearing in ISIS, Vice Principal Jimenez stated that Ms. Brisson, Executive Director of M-DCPS Charter Schools Operations, told him to leave the students registered for the fall semester as they were and remove only those registered for the spring semester. The OIG contacted Ms. Brisson to confirm this statement and she adamantly denied giving him permission to keep the fall semester students enrolled in ISIS or ever speaking to him regarding dual enrollment.

A few weeks later, the Office of Advanced Academic Programs provided the OIG with another Dual Enrollment Student Data Report. The report indicates that Mater Lakes removed all spring semester students enrolled in dual enrollment courses under MDC's school code while taking FNU postsecondary courses. However, the report shows the final grades under MDC's school code for Mater Lakes students who attended FNU during the fall semester. **(Exhibit 2)** Instead of Vice Principal Jimenez removing the students from ISIS as he had assured the OIG he would do, he entered the final grades for the students and falsely claimed that Ms. Brisson had given him permission. The data printout shows MDC's school code "C915", "FNU1" under the room number column, and "FNU-HIA" under the teacher's name column, and "1" under the term column for fall semester, as demonstrated in Figure 1, below.

FIGURE 1¹³

School	Shared School	Grade	Course Number	Subject	Room	Teacher Name	Final Grade	Location	Term
7018 MATER ACADEMY LAKES SENIOR	C915	11	CJJ200201	DE: Juvenile Delinqu	FNU1	FNU-HIA	A	MDCPS	1
7018 MATER ACADEMY LAKES SENIOR	C915	11	CJJ200201	DE: Juvenile Delinqu	FNU1	VALENZANO BRUCE	A	MDCPS	1
7018 MATER ACADEMY LAKES SENIOR	C915	11	SPC101701	DE: Fund Speech Com	MDC2	MDC-NORTH	D	OFF SITE	1
7018 MATER ACADEMY LAKES SENIOR	C915	11	PHI201001	DE: Intro to Philoso	MDC2	MDC-NORTH	A	OFF SITE	2
7018 MATER ACADEMY LAKES SENIOR	C915	12	PHI201001	DE: Intro to Philoso	134	FNU-HIA	A	MDCPS	1
7018 MATER ACADEMY LAKES SENIOR	C915	12	PHI201001	DE: Intro to Philoso	134	VALENZANO BRUCE	A	MDCPS	1
7018 MATER ACADEMY LAKES SENIOR	C915	12	CJJ200201	DE: Juvenile Delinqu	FNU1	FNU-HIA	A	MDCPS	1
7018 MATER ACADEMY LAKES SENIOR	C915	12	CJJ200201	DE: Juvenile Delinqu	FNU1	VALENZANO BRUCE	A	MDCPS	1
7018 MATER ACADEMY LAKES SENIOR	C915	12	SPC101701	DE: Fund Speech Com	MDC1	MDC-NORTH	A	OFF SITE	1
7018 MATER ACADEMY LAKES SENIOR	C915	12	STA202302	DE: Statistical Meth	MDC2	MDC-NORTH	C	OFF SITE	A
7018 MATER ACADEMY LAKES SENIOR	C915	12	ISS227001	DE: Multi Comm & Rel	MDC2	MDC-NORTH	A	OFF SITE	2
7018 MATER ACADEMY LAKES SENIOR	C915	12	ENC110204	DE: Eng Composition2	MDC1	MDC-NORTH	A	OFF SITE	A
7018 MATER ACADEMY LAKES SENIOR	C915	12	PHI201001	DE: Intro to Philoso	134	FNU-HIA	A	MDCPS	1

In the course of our meetings with the Office of Charter School Support regarding the scope and effect of the dual enrollment program, Ms. Brisson explained to the OIG some of the implications that these non-authorized dual enrollment courses could have

¹³ Student names and ID numbers have been removed, as well as other columns that include statistical information, etc.

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on a student's grade, graduation and post-secondary education. As these courses were offered through a non-approved institution, credits for taking those courses should not have counted towards the student's GPA, towards meeting graduation requirements, and, based on transferability requirements, these course credits may be deemed non-transferable towards the student's college credits. Moreover, an incorrectly calculated GPA may adversely affect the student's potential to qualify for college and scholarship applications, including Florida's Bright Futures Scholarships.

Moreover, as further explained by Ms. Brisson, the school itself may be negatively implicated by the cumulative effect of these non-approved dual enrollment courses (and resulting course grades). Ms. Brisson noted that the net result could affect the grade given to the school in that these dual enrollment courses were actually not authorized because they were performed at a non-approved postsecondary institution. According to the Office of Charter School Support, aside from Mater Lakes, the M-DCPS Federal & State Compliance Department is the only other entity that has the authority to remove or modify the dual enrollment courses from ISIS. The Office of Charter School Support has the authority of initiating a request to M-DCPS Federal & State Compliance Department. This action was not taken to avoid penalizing the students who earned a grade from the FNU classes.

Because no action was taken, these students, through no fault of their own, received the improper award of high school credit and college credit for participation in non-approved dual enrollment courses taken at a non-approved dual enrollment postsecondary institution. They also may have received the award of weighted GPA points towards their GPA for a grade award they were not entitled to because it was earned in a non-approved postsecondary institution.

RESPONSES TO THE DRAFT REPORT & OIG COMMENTS

This report, as a draft, was provided to the Principal and Vice Principal of Mater Academy Lakes Charter High School for their review and provision of a discretionary written response. The draft report was also provided to the M-DCPS Office of the Superintendent. On November 13, 2015, the OIG received a preliminary response from Mater Lakes' attorney. On November 19, 2015, the OIG received a second response from Mater's attorney, which he referred to as a "Supplemental Response." On January 27, 2016, after meeting with the OIG, Mater provided the OIG with a second supplemental response. Mater is the not-for-profit entity that operates Mater Lakes. All three Mater responses are attached in their entirety as Appendix A. We also received a response from the Superintendent's Office, which is attached as Appendix B. A summary of each response and our comments follow below.

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Summary of Mater's Responses

Mater's Preliminary Response, received on November 13, 2015, consists of a four-page response with an attached one-page letter, authored by Mater's attorney. In summary, Mater makes numerous arguments, which the OIG will address. First, Mater contends there was no harm to the students and no unlawful gain to the school. Mater states that all the courses in question were electives, not core courses, and were not required to satisfy graduation requirements. According to the response, even if the courses were disallowed as high school credits, "it would not affect any graduation requirements." Mater also states that all the students taking courses at FNU carried a GPA in excess of the minimum of 3.0 GPA, so adding or deleting a grade for an FNU course would not have affected its students' GPA or qualifications for a Bright Futures scholarship. It further claims that twenty-one of the students who were enrolled at FNU in the 2013 fall semester are still enrolled in Mater Lakes.

Second, Mater argues that Florida law does not prohibit accredited for-profit colleges from participating in the Florida Dual Enrollment program. In its argument, Mater claims that nine district schools had dual enrollment programs with FNU in the 2012-2013 academic year. However, Mater does not name the nine district schools that it is referring to. In furtherance of this argument, Mater infers that the School District has an articulation agreement between FNU and FDOE. (In their final response, Mater indicates that the evidence Mater found of articulation agreements between M-DCPS and FNU was in connection with the Tech Prep program and not dual enrollment as it implied in its first response.)

Moreover, Mater interprets that Florida Statutes, Section 1011.62(l)(i) is "permissive and does not prohibit anything." As such, Mater contends that Florida law does not "expressly" prohibit the participation of accredited for-profit institutions. Mater further contends that Charter schools are exempt from the dual enrollment requirements set out in Chapters 1007 and 1011, Florida Statutes, as well as all statutes in chapters 1000-1013 "except as provided in charter school laws."

Third, Mater claims that there was no fraud when entering the dual enrollment courses into ISIS, because the person entering the dual enrollment data did not enter the postsecondary school identification code. Instead s/he entered the approved course number into the system, and the system automatically populated the school identification code field. Mater claims that "a person who is not familiar with school identification codes and enters a genuine approved course number would have no idea that an incorrect school identification code had been automatically entered by the system." Mater reasons that the "innocence of this error is underscored by the fact that

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when the information required manual entry of data to identify the school, Mater Lakes identified FNU.”

In its supplemental response, which consists of a two-page letter, Mater states that it has been able to identify all of the Mater Lakes students who took courses offered by FNU during the 2013 fall semester, and concludes that the Bright Futures Scholarships and Bright Futures Gold Seal Scholarships awarded to Mater Lakes’ students were not based on the FNU courses taken.

Mater reiterates that the FNU courses were not relied upon to meet graduation requirements, or for FTE funding. Mater acknowledges that it awarded high school credit to students who completed “approved courses from an accredited for-profit postsecondary institution.” Finally, Mater contends that its records do not reveal any evidence that FNU courses were entered into ISIS for the 2014 Spring Semester and later removed.

Mater’s second supplemental response, received after the Mater attorney met with the OIG attorneys, consist of a three-page letter and a 27-page attachment. In its second supplemental response, Mater acknowledges that student grades should not have been entered under such circumstances. Mater further acknowledges that the student grades are not accurate because they are incorrectly attributed to MDC, but at the same time, asserts that the students did earn their grades and that the entry of the grades was an effort to provide a complete educational record for those students, “even if flawed.” In this final response, Mater continues to imply that it has legal grounds to contest the conclusion of M-DCPS, i.e., the disapproval of the dual enrollment program with FNU. In the remainder of its second supplemental response, Mater addresses its willingness to correct the students’ records and corrective action by their Board so that this does not occur in the future.

OIG Comments on Mater’s Response

Essentially, Mater has acknowledged in its second supplemental response that it should not have entered the student grades under the wrong institution. The OIG appreciates this acknowledgement; however, Mater still attempts to justify entering the grades in the manner in which it did because there was no illicit motive and the students earned their grades, and Mater was only making an effort to provide a complete educational record for those students. But, Mater fails to acknowledge that the students did not earn dual enrollment credits, pursuant to state law, instead they only earned college credits at FNU. Therefore, the course grades should have only been entered at FNU as college credit, and not in ISIS as dual enrollment. The only reason to enter the courses into ISIS is to show that dual enrollment credits were earned. The OIG also appreciates that

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Mater intends to address these issues before their Board, but is troubled that Mater still takes the position that it has legal grounds to contest M-DCPS' disapproval of the dual enrollment program with FNU. The OIG can only conclude that Mater continues to believe that it is exempt from Florida Statutes governing the dual enrollment program.

Although Mater in this second supplemental response acknowledges some responsibility for Mater Lakes' actions, the preliminary response and first supplemental raises some important issues the OIG deems it must address.

Mater contends—in all three responses—that the Bright Futures Scholarships and Bright Futures Gold Seal Scholarships awarded to Mater Lakes students were not based on FNU dual enrollment courses. While the OIG is aware that FLDOE assigns additional weight to grades earned for academic dual enrollment courses with an eligible postsecondary institution for purposes of calculating the GPA to be used in determining eligibility for Bright Futures Scholarship, this was beyond the scope of the OIG's investigation. We did confirm, through the Office of Advanced Academic Programs, that the FNU courses did not adversely affect the students or their eligibility for Bright Futures scholarships; however, weighted GPA affects all students in the District because all students are competing for the same colleges and scholarships.

Mater also claims that there was no unlawful gain to Mater Lakes for the dual enrollment at FNU, however, school grades are based on various factors—dual enrollment being one of them. If these FNU courses were taken into account as dual enrollment courses, Mater Lakes would have received credit towards its school grade.¹⁴ Students that participate in dual enrollment and earn a course grade indicating completion are included in the calculation of school grades.¹⁵

Mater asserts that the school identification code is not entered manually and, instead, is auto populated. First, Mater Lakes Principal and Vice Principal told the OIG that they entered the school identification code in ISIS albeit by mistake, never mentioning the course numbers. Second, Mater Lakes' School Counselor, Margie Rodriguez, was explicitly told by Dr. Lisette Rodriguez, in an email on October 3, 2013, that FNU was not authorized for inclusion in the dual enrollment program or early admission program. Dr. Rodriguez went on to explain that the students taking online courses at FNU would not earn high school dual enrollment credits, may not be recognized by Florida Bright Futures, and may result in FTE errors. A list of authorized public and private postsecondary institutions was included in the email. Margie Rodriguez acknowledged the email and informed Dr. Rodriguez that she would inform her principal.

¹⁴ See Fla. Admin. Code R. 6A-1.09981 (May 2013).

¹⁵ See 2013 *Guide to Calculating School Grades*.

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Third, the active and authorized courses for dual enrollment are listed in the M-DCPS *Curriculum Bulletin - I*, which lists the postsecondary course by title, course number, and shared school code. FNU's postsecondary courses are not listed and it does not have a school code. It should be noted that the M-DCPS approved Mater Lakes *Curriculum Bulletin* refers its students to the M-DCPS *Curriculum Bulletin - I*, for the list of currently active and authorized courses for dual enrollment. See Figure 2 below.

FIGURE 2 – Mater Lakes Curriculum Bulletin 2013-2014

DUAL ENROLLMENT

Dual enrollment is an articulated acceleration mechanism open to high school students who have completed ninth grade and are attending public high school. To enroll in dual enrollment academic programs, students must demonstrate a readiness to successfully complete college-level course work and have attained a qualifying grade point average. In order to determine the high school equivalency and the high school credit awarded for postsecondary courses completed through dual enrollment, refer to the most current *Dual Enrollment Course – High School Subject Area Equivalency*. The district weighs college-level dual enrollment courses the same as Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education courses when grade point averages are calculated. The list of currently active and authorized courses for dual enrollment is printed in *Curriculum Bulletin-I*, which is published annually.

The Department of Education, in conjunction with the Board of Governors, has developed and maintains a statewide course number system for postsecondary and dual enrollment education in school districts, public postsecondary schools, and participating nonpublic postsecondary schools.¹⁶ Each authorized dual enrollment course is assigned 3 letters followed by four numbers. M-DCPS assigns a two-digit suffix that identifies the eligible postsecondary school.¹⁷ Pursuant to its Curriculum Bulletin publication, it appears that Mater Lakes was well aware of the statewide course number system as it lists various dual enrollment courses by its 3 letters followed by four numbers without the two-digit suffix. See Figure 3 below. The M-DCPS *Curriculum Bulletin - I* lists the same courses with the same course numbers and the additional two-digit suffix identifying the postsecondary institutions offering the courses. See Figure 4 below.

FIGURE 3 - Mater Lakes Curriculum Bulletin 2013-2014

Dual Enrollment Options

- ACG2001- Accounting Principles 1
- ACG 2021- Intro to Financial Accounting

¹⁶ See Section 1007.24, Florida Statutes.

¹⁷ See *Curriculum Bulletin - I*, p. A4.

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FIGURE 4 - M-DCPS Curriculum Bulletin - I

Course Number	TITLE	Subj Area	Place ment	Cred	Share Loc	Grad Req	Fall 121	Spr 121
ACG200101	DE: Principles of Accounting 1	82	DH	0.5	C915	VO	4	1
ACG202101	DE: Financial Accounting	82	DH	0.5	C915	VO	9	8

So, if Mater Lakes did indeed enter the approved course number for its students, as Mater asserts, it chose to use the course number assigned to Miami Dade College, which automatically generated MDC’s school code number.¹⁸ Since FNU was not an eligible postsecondary school, it did not have an M-DCPS approved course number assigned to it.¹⁹ The M-DCPS *Curriculum Bulletin - I* includes the list of approved postsecondary schools and their school code, and approved courses. See Figure 5 and 6 below.

FIGURE 5²⁰

*COMMON SHARE LOCATIONS:
CODE Post-Secondary Institution
C915 Miami-Dade Community College
U972 Florida International University
P225 Florida Memorial College
P730 University of Miami
P040 Barry University
C927 Tallahassee Community College
P580 St. Thomas University
U975 University of Florida
P145 Embry-Riddle Aeronautical University
P220 Florida Institute of Technology
P363 Johnson Wales University
P999 Other Non-Listed College or University

FIGURE 6

Course Number	TITLE	Subj Area	Place ment	Cred	Share Loc	Grad Req	Fall 121	Spr 121
CJJ200201	DE: Juvenile Delinquency	89	DH	0.5	C915	VO	1	16
PHI201001	DE: Introduction to Philosophy	21	DH	0.5	C915	EL	43	42

¹⁸ School code is listed under “Share Loc.”

¹⁹ FNU may have adopted the statewide course number system which would consist of the three letters followed by four numbers without the M-DCPS additional appended two digit suffix.

²⁰ See M-DCPS *Curriculum Bulletin – I*, pg. E28

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Entering MDC's approved course number or entering MDC's school identification number is a distinction without a difference. Neither Mater Lakes nor FNU were authorized to use MDC's course numbers or school code.

Finally, dual enrollment is an articulated acceleration program offered to all students in Florida attending public secondary schools, Florida private secondary schools, and home schooled students.²¹ As charter schools are considered public schools, charter school students are eligible to participate in dual enrollment courses. All charter schools in Florida are public schools and generate FEFP funding through reporting FTE for courses provided to students, including dual enrollment courses.²² To contend that their participation in the dual enrollment program is somehow exempt from program requirements is erroneous.²³ Nevertheless, even if charter schools were exempt from Florida Statutes governing dual enrollment, private for profit postsecondary schools are not, and FNU according to Florida's dual enrollment statutes was not eligible to teach dual enrollment courses. Had it been eligible it would have been listed in the *Curriculum Bulletin - I* with its own school code and course numbers. The language in Section 1011.62(1)(i) is clear and unambiguous and conveys a clear and definite meaning that an independent college or university must be a not for profit in order to be eligible for inclusion in the dual enrollment program. The language is not permissive as Mater asserts.²⁴ This does not preclude FNU and Mater entering into a contract for students to take postsecondary courses at FNU, but those courses are not eligible for dual enrollment credits.

²¹ It is a right that students possess in Florida and school districts may not refuse a student who meets eligibility under Florida law to take dual enrollment courses at an eligible postsecondary institution.

²² See FLDOE 2013-204 Dual Enrollment Articulation Agreements between School Districts and Florida College System Institutions.

²³ Pursuant to its Charter, Mater Lakes is subject to Florida Statutes pertaining to school improvement and education accountability, student assessment programs and school grading system. Accountability and assessment standards apply to college credit dual enrollment. The Mater Lakes charter states that Mater Lakes is accountable for meeting the state's student performance requirements as delineated in State Board of Education Rule 6A-1.09981, *Implementation of Florida's System of School Improvement and Accountability*. Dual enrollment is part of the implementation of Florida's System of School Improvement and Accountability. Pursuant to this rule, participation and performance in dual enrollment is used as a criteria in calculating school grades for high schools. Hence if Mater Lakes' school grade is partly based on dual enrollment participation and performance, it is subject to Florida's Dual Enrollment statutes.

²⁴ "Inclusio unius est exclusio alterius" is the Latin maxim which teaches that the inclusion of one thing implies the exclusion of another. See e.g., *Rivera v. Singletary*, 707 So.2d 326, 326 (Fla. 1998), *Indus. Fire & Cas. Ins. Co. v. Kwechin*, 447 So. 2d 1337, 13339 (Fla. 1983).

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Summary of Managements' Response

The OIG received a two-page response from the Office of Charter School Support, which is attached as Appendix B. The response provides clarifying comments regarding the role of the Office of Charter School Support and the Division of Advanced Academic Programs, and a recommendation that we add an additional heading and role of the charter school governing boards.

OIG Comments on M-DCPS' Response

The OIG has incorporated the comments and recommendation into the final report.

CONCLUSION AND RECOMMENDATIONS

Mater acknowledges in its last response that it should not have entered student grades using MDC's school code for FNU courses, and Mater states that it is willing to correct the records. At the same time, it stresses that its students earned their grades and deserve to have the benefit of those grades. That argument seems to leave us in the same place we were when they ignored the numerous requests to correct the records in ISIS and remove the students enrolled in dual enrollment courses under the school code of Miami Dade College that attended the non-approved FNU courses during the 2013 Fall Semester.

As a result of their lack of compliance with the School District's directive, Mater Lakes students received credits for dual enrollment courses towards graduation for courses taken at a "for profit" institution not authorized by Florida Statutes to participate in the dual enrollment program. The other three charter schools, who also used inappropriate school codes to enter FNU courses corrected the records when told to do so—the result being that their students did not get the credits. By not following the law, Mater Lakes students received a benefit that the other charter school students did not.

Mater Lakes students did not earn dual enrollment credits and are not entitled to have the benefit of those grades because FNU was not an approved dual enrollment institution. Since Mater claims that its students—including those students that are still enrolled in Mater Lakes—do not need or did not need these postsecondary courses in order to graduate, Mater Lakes should immediately remove all FNU dual enrollment credits and final grades, entered under MDC's school code, from ISIS. While these credits from FNU may be eligible for college credits at FNU or other colleges, they are not eligible for high school credits as dual enrollment courses.

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If these students and the dual enrollment courses were indeed taken into account in the calculation of Mater Lakes' School Grade, its effect, if any, should be determined by M-DCPS and FDOE and addressed appropriately.

When the dual enrollment program is abused and Florida law is ignored, it affects all students in our school district as well as the entire State of Florida. Accordingly, the OIG recommends that M-DCPS continue to closely monitor the dual enrollment program throughout the School District to ensure compliance with the law.
