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MEMORANDUM

TO: Todd Jaeger
FROM: Lisa Anne Smith
DATE: October 25, 2016
RE: Augustine Romero and Complaint of Yolanda Sotelo

You asked me to investigate the allegations raised by Yolanda Sotelo to determine whether it was appropriate to undertake discipline of Dr. Romero. This memo describes the investigation I conducted and my conclusions.

I. Complaint of Yolanda Sotelo

Ms. Sotelo submitted a 13 page complaint to the District, the Arizona Department of Education, and the Special Master in the desegregation case. In summary, Ms. Sotelo complains that, at the end of the 15-16 school year, Dr. Romero changed the grades she had entered into TUSD's student record system for six (6) students who would not have graduated from high school if their grades had not been changed. She also complains about what she perceives to be a lack of administrative support and follow through related to student discipline issues and, in particular, regular and timely student attendance in class. I did not investigate the second complaint. Instead, I focused on her allegations regarding the grade changes as a violation of District policy and/or Arizona law. Ms. Sotelo's complaint is quite detailed. The specifics, to the extent they are relevant, will be discussed below.

When I interviewed Ms. Sotelo, she added a new allegation, stating that the District (or Dr. Romero) had "banned her" from Pueblo High School. She believes this was done in retaliation for her exercising her first amendment right to speak about the issues set forth in her written complaint. She stated that (1) she had not been permitted to attend an in-service/training session at the beginning of the school year for all teachers of Culturally Relevant courses because it took place at Pueblo and, (2) even though she is working with a teacher at Pueblo, she meets her off campus to exchange materials because she has been told she is not to be present on the Pueblo campus. I turned this allegation over to you and it is my understanding that you looked into that situation and dealt with it. I did not investigate this matter.

II. Investigation

I spoke with the following people:

Augustine Romero: In many respects, Dr. Romero corroborated the facts that are alleged by Ms. Sotelo. The differences in their two versions will be addressed below. Dr. Romero does

DECONCINI MCDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 2

acknowledge, however, that Ms. Sotelo was the "teacher of record" for the course and that she entered "F" grades for six students that he later directed the registrar to change to "D" grades. His explanation regarding exactly what he did and why he did it are incorporated into the factual summary, below.

Yolanda Sotelo: Ms. Sotelo met me at my office and brought her attorney, Richard Martinez. I gave Ms. Sotelo an opportunity to elaborate on and clarify some of her allegations. Some of the information set forth in Ms. Sotelo's complaint is incorrect and I was able to confirm that some of what she wrote regarding the individual students and the work they made up was based on assumptions and not other evidence or information. It is clear that Ms. Sotelo also violated District policy regarding make up work. She does not deny that she did so, although there is some dispute about the extent to which this happened.

Abel Morado: I spoke with Dr. Morado, primarily to determine his role in the matter. Dr. Romero indicated that Dr. Morado was aware that he was going to allow students to make up work in order to earn a higher grade, but Dr. Morado denied this knowledge and indicated he specifically informed Dr. Romero that he could not change the teacher's final grade.

Matt Munger: Mr. Munger investigated this issue when it first came to the District's attention. He was not involved with this matter until after it occurred. He reviewed with me what Dr. Romero told him, which was consistent with but less detailed than what he told me. Mr. Munger did not speak with anyone other than Dr. Romero. Aside from interviewing Dr. Romero and sharing what he learned with Dr. Morado, Mr. Munger did not act on the information he obtained. Mr. Munger did conclude, however, that Dr. Romero did change the grades of six students, which he should not have done.

Teresa Toro: Teresa Toro is a counselor at Pueblo. She is extremely supportive of Dr. Romero and was passionate in her defense of him as well as her strongly negative feelings about Ms. Sotelo. Ms. Toro did corroborate certain information about the complaints raised by students during the semester, but most of the information she gave me was based on what Dr. Romero told her. I did not find talking with her to be helpful because she did not have personal knowledge of much of the information she shared with me.

III. Facts as determined by the investigation

Yolanda Sotelo was a long term sub at Pueblo in three sections of a Culturally Relevant 12th grade English class for the entire second semester of the 15-16 school year. Dr. Romero reports that throughout the semester, students complained to him that she was too strict and punitive and that she did not give students an opportunity to make up missed work when they were late or absent. Ms. Toro also reported that students complained to her about the same issues throughout the semester. Dr. Romero reports further that he spoke with Ms. Sotelo throughout the semester about these issues but did not document those discussions. He stated that when he spoke with her, she would defend her actions, explaining that a student ditched class or was always tardy. He states that she did not deny she was punishing students by withholding assignments. Dr.

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 3

Romero provided me with names of several students who complained about being denied the opportunity to make up work but who were not part of the group of six students who made up work at the end of the semester. Ms. Toro also stated that she heard complaints from students (and their parents) who were not part of the group of six students.

Ms. Sotelo acknowledged that she had some discussions with Dr. Romero throughout the semester about students who were struggling or who had complained to him. She stated that she does not believe Dr. Romero ever talked to her about student complaints about not getting an opportunity to make up missed work. Furthermore, she claims that she provided students with more time to make up missed work than is required under TUSD policy, except that in a few instances, she did not allow students to make up work because she knew they had skipped class or had been late without any justification.

I think it is not important to determine the extent to which Dr. Romero and Ms. Sotelo discussed the issue of giving students an opportunity to make up work earlier in the semester. It seems likely that students did complain and it seems likely that Ms. Sotelo probably denied more students the opportunity to make up work than she admits. However, Dr. Romero did not at any time direct Ms. Sotelo, in writing, to allow all students to make up missed work without regard to the reason for the absence or late arrival.

On approximately May 18 and 19, 2016 (the Wednesday and Thursday of the second to last week of school), some students complained to Dr. Romero that they were failing Ms. Sotelo's English class and that they would not be able to graduate because of it. Dr. Romero reports that he spoke with Ms. Sotelo, told her what was being reported, and asked what could be done to work with these students so they could graduate. He reports that she responded by saying that the students had a final on Friday and if they did well, they would pass and if they did not do well, it was "on them."

On May 19, 2016, Dr. Romero called his supervisor, Abel Morado. He told Dr. Morado that Ms. Sotelo was not giving students access to assignments and the two of them discussed the fact that she did not have the right to "suppress the curriculum." Dr. Morado confirms that he spoke with Dr. Romero on that day and told him that the teacher has no right to withhold an assignment or work from students. Dr. Morado reported that he made it clear to Dr. Romero that his role was to intervene and make sure students were getting access to the curriculum from the teacher, but he distinctly remembers telling Dr. Romero that only teachers can give a grade and administrators do not have the authority to change or issue grades. He advised Dr. Romero to work with the teacher and direct the teacher to make the assignments available to the students. Dr. Morado reports that was the only conversation he had with Dr. Romero about the issue. He stated that the next time he heard about the issue was when it was on the news.

Dr. Romero reports that he communicated with Ms. Sotelo (he believes by email, but possibly in person) and directed her to provide access to the curriculum and that, at that point, he was talking about two specific students. Although I asked him several times for the emails relevant to this matter, he did not provide them to me. This communication appears to have taken place on

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 4

Friday, because Dr. Romero reported that Ms. Sotelo responded by stating that she had submitted her grades and was done. Dr. Romero told her that "we are in business until Wednesday," the day of graduation, and that she could continue to work with students until Wednesday in order to allow them an opportunity to graduate.

On Friday, May 20, at 4:51 p.m., Ms. Sotelo emailed Dr. Romero and informed him that 17 of her students had failed. She stated she was taking a personal day on Monday and would be at Pueblo on Wednesday. (Ms. Sotelo was not a full time employee, so I am assuming that she was not scheduled to work on Tuesday.) Dr. Romero responded that evening, asking her about two students who were 6% and 7%, respectively, away from passing the class and graduating. On Monday, Ms. Sotelo responded by stating that if they had done all the work – or even one more assignment – they could have passed but they chose not to. After a further exchange, Ms. Sotelo wrote, "If they have their essays for me, I will look at them to determine whether they 'earned' enough pts. They need to be turned in to Laura and they need to be **turned in today**. She needs to verify that it was **turned in today** and the time it was. If they are in today, I will look at them Wednesday." (Emphasis in original.) Exhibit 1, Emails 1-5.¹

Several other Pueblo employees were included on this email exchange and a few of them responded. Teresa Toro, a school counselor, responded to the email and wrote, "Thank you for this opportunity! I'm sitting here with Auggie; we need clarification on which essays you are referring to." A few minutes later, Ms. Toro wrote again and asked whether another student, [REDACTED] could be given the same opportunity. An Assistant Principal then asked if [REDACTED] would be a candidate as well, but then responded to her own email, stating that "looking at [REDACTED] attendance, he might not be a good candidate..." Exhibit 1, Emails 6-9.

Finally, around noon on Monday, Ms. Sotelo replied again. She wrote about the efforts she made throughout the semester and then declined to review the essays for additional credit, writing:

After reading all the emails that have been going around, let me reiterate that the four students in question did not write the analysis and that is why they failed. [REDACTED] received a 0 on the essay because he turned in a plagiarized essay. He copied word for word the summary of the novel straight from the Stella Pope Duarte's website.

My professional integrity is very important to me. I pride myself in creating and teaching a curriculum that will prepare students for their next stage of their educational career. I can say without reservation that I have done my job. After speaking with Maria Federico Bummer [sic], she reminded me that my position was that

¹ Ms. Sotelo provided the emails that are attached as Exhibit 1 to me. She had numbered the emails before she provided me with a copy.

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 5

of a substitute teacher. She said that my job ended on Friday and now I have CR duties that I must complete.

So even though my earlier email said I would look at essays if they had them, I will no longer do so. If you want to make an administrative decision to override and change grades, that is your decision.

Dr. Romero reports that he then called Dr. Morado again, who told him to direct Ms. Sotelo to provide the students with access to the work they had not been permitted to complete.² On Tuesday, May 24, at 8:30 a.m., he wrote to Ms. Sotelo and stated, "I have been instructed to direct [you] to provide the following curricula by no later than 12 pm today." His email then listed six specific assignments. The six requested assignments were delivered to Dr. Romero via Ms. Federico Brummer. Although Dr. Romero copied several people on that email, Dr. Morado was not one of them.

Dr. Romero reported that, in addition to the assignments provided by Ms. Sotelo, he also looked for additional assignments in her classroom. For each student, he compared the student's absence report with the student's daily grade book entries to locate assignments that were recorded as not having been done³ that corresponded with a tardy or absent entry for that date or the prior date. In other words, he tried to ascertain what assignments the student may have been denied the opportunity to complete based on a tardy or absence. Dr. Romero provided me with the grade book, attendance record, and list of assignments for one of the students and it does support his report that the assignments the student was permitted to complete fall into this category. Furthermore, for the one student for whom I have those records, she was missing several additional assignments that she did not make up. It is my understanding that this was based on two things: (1) he was not able to locate all of the missing assignments; and (2) the students were given the opportunity only to earn enough points to push them over the 60% mark so they could earn a passing grade (albeit a "D").

As a result of this methodology, no two students made up the exact same work and no student did all of the six assignments provided by Ms. Sotelo. Furthermore, the one student who had earned a zero on one paper because he had plagiarized was not permitted to make up that assignment. These facts are supported by the documents provided to me by Dr. Romero, including copies of the work completed.

² Dr. Morado stated that he spoke with Dr. Romero only one time and he believed it was on the prior Thursday. However, the text of the email, in which Dr. Romero directs Ms. Sotelo to provide the assignments to the students, is relatively consistent with Dr. Morado's report that he told Dr. Romero to direct Ms. Sotelo to provide the students with access to the curriculum.

³ Assignments that had not been completed were indicated by a blank space in the grade book, as opposed to a zero, which was given for an assignment that was completed but earned no points.

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 6

While the students were working with Dr. Romero on these assignments, another student who had previously complained to Dr. Romero about similar issues came by and said that Ms. Sotelo had allowed him to do some additional work and he was now going to graduate. Dr. Romero wondered why this one student was given the opportunity to earn additional points but the remaining students were not given the same opportunity. Although he did not ask Ms. Sotelo for her reasoning and he was already in the process of allowing the students to earn additional points, I believe this fact strengthened his conviction that the other students were being treated unfairly by Ms. Sotelo. However, he did not ask Ms. Sotelo why she was treating this student differently than she was treating the others.

Interestingly, when I asked Ms. Sotelo about this incident, she thought I was speaking of another student. Apparently, she allowed two students to complete extra work after she had turned in her grades on Friday. The first was a student who, in her words "blew off class on the final" but had a 59.1% in the class. She reported to me that she called this student and told him that if he came in and wrote an analysis of a literary work she gave him, he could earn the points to pass. He did so and she changed his grade from an "F" to a "D." She also worked with another student, the one about whom Dr. Romero spoke. According to her, this student joined the class late and had a lot of missing work as a result. She stated that he had worked all semester to try to catch up and she said she gave him an "I" on Friday when she turned in her grades. After he completed some additional work, she changed that grade to a "D." She changed both of these grades on Wednesday, the day of graduation. Ms. Toro reported to me that this student, like the others, complained to her throughout the semester that Ms. Sotelo was not allowing him to make up work.

After the students completed the work, Dr. Romero asked Jose Orduño, whom Dr. Romero described as a certified English teacher, to grade the major essays but acknowledges that he and an assistant principal graded the remaining assignments.⁴ For some of these assignments, they had located answer keys, but not for all of them. Dr. Romero and the Assistant Principal added the points earned by the students to the points they already had and calculated their grades. The students did not earn full credit on each assignment that they made up so it does appear that there was an effort made to award students only those points that they earned by completing work they had not previously completed. With the additional points, each student had at least 60% of the possible points for the class. Based on these calculations, Dr. Romero directed the registrar to change the grades of these six students from Fs to Ds. (One of the students still did not graduate, because he received an "F" in another class. Dr. Romero reported to me that in that class, the student had the opportunity to do all of the work, but failed the class anyway.)

⁴ Ms. Sotelo told me that Mr. Orduño is not an English teacher, but is a Spanish teacher. Matt Munger informed me that Mr. Orduño teaches CR English, AP Spanish, and RTI literature. He is listed on the Pueblo High School website as the department chair for World Languages and as a teacher of Spanish and Native Spanish. Ms. Toro also told me that he was a CR English teacher.

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 7

I asked Dr. Romero whether these six students were friends who may have all made up the same story about Ms. Sotelo in order to convince Dr. Romero to help them pass the class, but he stated that they were not friends and were not in the same social circles. Ms. Toro told me the same thing (without being asked directly about it). They both feel confident this was not a conspiracy among students, but a true reflection of Ms. Sotelo's practices with the students.

I asked Dr. Romero about TUSD Governing Board Policy IKA, which states that "The authority for determining progress/achievement, assigning grades, and granting or withholding credit for individual courses shall rest with the teacher of the student." Dr. Romero acknowledged that Ms. Sotelo was the "teacher of the student" despite her position as a long term substitute for that class. He stated that he felt that if he followed that policy, he would be violating other policies (or allowing the violation of other policies), including but not limited to JB (Equal Educational Opportunities and Anti-Harassment), JE-R (Student Attendance, especially the section on Make-up Work) and ADF-R (Intercultural Proficiency; "Each school provides all students equal access to quality educational programs and learning experiences.")

IV. Response to Ms. Sotelo's complaint

In this section, the main allegations of the complaint will be addressed.

A. Allegation: grades were changed in violation of state law and TUSD policy.

Ms. Sotelo complains that Dr. Romero "changed a failure grade of 'F' to a passing grade of 'D' for six Pueblo High School seniors which allowed them to graduate without having met the course requirements/state standards and the graduation requirements."

Dr. Romero did change the grades of six students from "F" to "D." Five of those students graduated and would not have graduated without the grade change. However, the evidence does not support the claim that they graduated without having met the course requirements or the state standards.

Ms. Sotelo alleges violation of A.R.S. §§ 15-521 and 15-342(11), as well as TUSD policy IKA and IKE-R1. A.R.S. § 15-521 provided that "Every teacher shall ... Make the decision to ... pass or fail a pupil in a course in high school. Such decisions may be overturned only as provided in § 15-342, paragraph 11." This section has since been repealed, but it was the law in May 2016. A.R.S. § 15-342(11) provides for Governing Board review of a teacher's decision to fail or pass a student. Policy IKA places the authority to assign grades and granting credit for courses with the teacher. Policy IKE-R1 sets forth the method for appealing a teacher's decision to fail a student

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 8

Dr. Romero did violate Arizona law and TUSD policy when he overrode the teacher's assigned grade and changed the students' grades, allowing them to pass and to graduate.

B. Allegation of discrimination and "lowering standards."

Ms. Sotelo alleges that "academic standards and graduation standards were lowered for a group of students who are of Mexican descent" and she alleges this act violated the "Federal Desegregation Court Order - Unitary Status Plan" and TUSD policy AC, Non-Discrimination.

Nothing in my investigation suggested that Dr. Romero intended to lower standards or to allow students to graduate without completing the work necessary to earn sufficient points. The evidence I reviewed strongly suggests that he made every effort to allow students to complete only that work that he reasonably believed Ms. Sotelo had not allowed them to complete in violation of TUSD policy and that the students did actually complete the work. He did not automatically award full credit for all the work - the assignments were graded and only earned points were awarded. Dr. Romero did not treat students differently based on their race. He treated all students who came to him with the same complaint (of being denied the opportunity to complete assignments when absent or tardy) in the same fashion, allowing them to make up only those assignments that correlated with absences or tardies.

C. Allegation: insufficient support for discipline at Pueblo.

Ms. Sotelo alleges that Pueblo administration does not effectively support teachers with disciplinary issues and does not enforce attendance and timeliness requirements on students. I did not investigate the allegation regarding the "culture" at Pueblo.

D. Allegation: students had already been provided with an opportunity to make up work.

Ms. Sotelo states that she provided students the opportunity to make up missed work "in most cases." I did confirm with Ms. Sotelo that she did, on at least a couple of occasions, refuse to allow students to make up work when they were late or tardy because she felt that their tardiness or absence was unexcused and intentional. This refusal violates TUSD policy.

Ms. Sotelo further alleges that she gave students a week to make up missed work and did not believe there was any reason to give any of the students at issue any additional opportunity to make up work at the end of the semester. Students reported to Dr. Romero - some in writing - that they were not given time to make

DECONCINI MCDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 9

up work. I cannot resolve this dispute; however, whether the students were or were not given time to make up missed work does not change the analysis materially with regard to the conduct of Dr. Romero.

E. Allegation: Dr. Romero pressured her to changes students' grades.

Ms. Sotelo alleges that Dr. Romero pressured her to "rethink" the academic status of the students at issue. It does not appear to me that Dr. Romero did anything inappropriate in this regard. The other administrators with whom I spoke indicated that it was appropriate for a principal to ask a teacher to work with students who were close to graduating to give them an opportunity to pass the class, and that many teachers would do so without even being asked. Ms. Sotelo states that she had already given these students sufficient opportunities, but she also expresses a high level of self-righteousness and the tone of her complaint and her interview suggest she may have been less flexible about working with failing students than other teachers may have been.

F. Miscellaneous allegations:

Ms. Sotelo alleges that these students were "rewarded for doing less than those who had legitimately passed the class." I do not believe this is accurate; the students did complete the work necessary to earn the points to pass the class.

Ms. Sotelo also complains about being referred to as a "substitute teacher" when her job title was and is "itinerant teacher." Ms. Sotelo was acting in the role of a long term substitute and I do not believe that any disrespect was intended by those who referred to her as a substitute.

Ms. Sotelo asks why Dr. Romero did not offer "access" to the remaining ten students who failed her class. Dr. Romero stated that he did not go looking for students to whom to offer the opportunity. Instead, he responded to specific complaints from students that they had not been allowed to make up work when they had been late or tardy.

G. Additional issues raised by complaint:

Ms. Sotelo states that she initially agreed to review students' work but "was then alerted by Ms. Federico Brummer ... that I had to return to the CRP Department after the last day of school and I alerted the Pueblo Principal of my time constraints and informed him that I would not be evaluating the students' submittals."

Ms. Sotelo seems to indicate that the only reason she did not review the students' additional work herself was because she was not permitted to do so by her

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 10

supervisor, Ms. Federico Brummer. I did not interview Ms. Federico Brummer, but Ms. Sotelo told me that Ms. Federico Brummer's directive came about because Ms. Sotelo was complaining about receiving so many emails from students, parents and Dr. Romero about helping students to pass the class. Only after she complained was she told that she did not need to continue working at Pueblo after the class ended. Furthermore, Ms. Sotelo did work with two students after the final exam in order to help them pass the class. This fact undermines her claim that she was not permitted to review the work because she had to return to the CRP department.

In the last several pages of Ms. Sotelo's complaint, she reviews each individual student. In doing so, she assumes that each student was allowed to make up the five assignments she provided, through Ms. Federico Brummer, to Dr. Romero. This assumption is incorrect and she told me that her assumption was based solely on the fact that these were the only assignments she provided. Therefore, her conclusions that students were allowed to make up work associated with days when they were not absent or that one student was allowed to make up the assignment that he had plagiarized are incorrect.

V. Conclusion and Recommendation

It is beyond this scope of this review to determine how the Pueblo administration addresses student disciplinary issues. I also did not attempt to determine whether Ms. Sotelo was the supportive and helpful teacher that she believes she was, or whether she was unreasonably strict and inflexible as Dr. Romero and Ms. Toro believe she was.

I was not able to determine the extent to which Dr. Romero and Ms. Sotelo discussed issues of student achievement and access to the curriculum before May 17, 2016. If Dr. Romero had on-going concerns about Ms. Sotelo's failure to follow TUSD policy regarding make up work, he should have documented those concerns and, if necessary, taken disciplinary action earlier in the semester to assure that the students were provided with access to the curriculum before the last few days of school.

I focused primarily on the central allegation: that Dr. Romero violated state law and District policy when he changed the grades of six students. He admits having done so.

Based on all of the facts, I do believe that Dr. Romero was not flouting law or policy intentionally. I think he believed that the students in question were in fact denied the opportunity to complete the assignments and that, by allowing them to do so, he was simply providing them the opportunity that their teacher should have provided to them under District policy. It is clear that he did make an effort to provide only those opportunities that he reasonably believed had been denied as a result of the students' absences and tardies, that he required students to do the work they had missed, that an

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 11

effort was made to grade the work fairly, and that the students were required to earn the points necessary to graduate.

I cannot determine how much input Dr. Romero received from upper level administration, specifically, Dr. Morado. The two men's stories are in conflict on this point. When I first spoke with Dr. Romero, he told me that he spoke with Dr. Morado on May 18 or 19 (the Wednesday or Thursday of the week before graduation) and told him that Ms. Sotelo was suppressing the curriculum, and that Dr. Morado told him "she can't do that." He said that Dr. Morado, speaking specifically about the two students who were initially at issue, said that Ms. Sotelo must provide them access to the curriculum. On that Friday, Ms. Sotelo did agree to give those two students a chance to make up the points needed to graduate by writing a paper. Dr. Morado agrees that he spoke with Dr. Romero on Thursday or Friday of that same week and told him that Ms. Sotelo must provide access to the curriculum. Dr. Romero also reported that after he received the email from Ms. Sotelo on Monday stating that she would not grade the essays after all, he spoke with Dr. Morado again who told him to direct her to provide access to the work. Dr. Romero did not mention any further direction from Dr. Morado, even when I asked him directly why he thought he could change the grades despite TUSD policy to the contrary.

I later spoke with Dr. Morado who, as explained above, told me that he only spoke with Dr. Romero once, that he told him to direct Ms. Sotelo to provide access to the work, and that he specifically told him that only a teacher could give a grade.

Teresa Toro was adamant that Dr. Romero was in constant contact with District administration, which she says she knows because she saw him on the phone and because he would not have proceeded without direction as he was a relatively new principal. I discounted her report because she was very committed to defending Dr. Romero, because she reported significantly more contact with Dr. Morado than Dr. Romero reported, and because she did not have first hand knowledge of these alleged phone calls.

I called Dr. Romero at the end of my investigation to follow up on this issue. He told me he had numerous conversations with Dr. Morado, he specifically told Dr. Morado that the research papers would be given to Mr. Orduño for grading but that he would be grading other papers, and that he may have even spoken to him while figuring the final grades. I believe that if this had occurred, he most likely would have included this in his narrative of what happened the first time I spoke with him, so I am doubtful that he had the constant communication with Dr. Morado that he described during this phone call and that Ms. Toro described. Finally, if Dr. Morado had been involved in the entire situation, it seems unlikely he would have asked Mr. Munger to investigate what happened, because he would have already been aware of the facts.

Based on all of the evidence, I find it unlikely that Dr. Morado was specifically aware that Dr. Romero intended to change the students' grades. In the end, however, whether

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

October 25, 2016

Page 12

or not Dr. Morado was aware of the changing of grades does not change the fact that Dr. Romero did violate district policy.

Finally, it is important to note that, in describing his investigation to me, Mr. Munger noted that Dr. Romero's options on the last few days of school were: (1) give Ms. Sotelo a Letter of Direction and proceed as necessary with discipline against her for violating policy; (2) encourage the students to appeal their failing grades and/or go to summer school; (3) possibly ask another highly qualified English teacher to review their work and change their grades. He acknowledged this option was "iffy" and also acknowledged that it was not what actually happened here. Despite this conclusion, Mr. Munger did not take any disciplinary action against Dr. Romero (or even give him a Letter of Direction or other written feedback), nor does he appear to have recommended disciplinary action to Dr. Morado.

You have asked for my recommendation regarding whether discipline is appropriate in this matter. I recommend that Dr. Romero be directed not to change students' grades in the future, regardless of the reason. I would recommend counseling him to (1) document conversations with teachers and (2) take action early on if he suspects or believes that a teacher is not following policy (which he did here, with regard to students not being allowed to make up work). Dr. Romero could have and should have addressed this issue before the last few days of class. He could have taken action earlier by directing Ms. Sotelo to provide make-up opportunities to the students, which may have resulted in the students completing the work earlier and the teacher assigning passing grades or the teacher changing the grades after the students completed the work. He could potentially have assigned a different teacher to be the teacher of record after Ms. Sotelo essentially resigned on Monday morning, still nearly three full school days before graduation. He could have removed Ms. Sotelo as the substitute earlier in the semester if she was violating District policy. Any of these actions (especially the first and third) may have avoided this problem.

In addition, I recommend counseling Mr. Munger and Dr. Morado about the fact that, at the close of their investigation, they were aware that Dr. Romero had changed students' grades in violation of District policy but they did not take action. It would have been appropriate at that time to counsel, direct or reprimand Dr. Romero about his actions and to discuss with him alternative actions he could have taken to have avoided and/or addressed the situation.

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October 25, 2016

Page 13

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