

CASTLEMONT HIGH SCHOOL: CHEATING ITS STUDENTS

EXECUTIVE SUMMARY

During the summer of 2019, media reports alleged that some educators at Castlemont High School in Oakland misrepresented student achievement and awarded students unearned grades to satisfy graduation requirements. It was further reported that former teachers at Castlemont had made formal complaints about these issues to the Oakland Unified School District (OUSD) without receiving any meaningful response from the district. Under pressure, OUSD publicly reported that it had completed an internal investigation and found no wrongdoing by staff.

As a result of the inconsistencies between media reports, complaints of former teachers, and the district's public statements denying any wrongdoing, the grand jury chose to investigate how some teachers, counselors and administrators at Castlemont High School administered online grade make-up curriculum and independent study/tutoring programs to advance a significant number of students who were not on track to graduate. Central to the controversy was Castlemont's disproportionate reliance on APEX Learning, an online educational program used for students who had previously failed traditional core courses. The grand jury conducted an extensive evaluation of grade and attendance records for 29 students coupled with intensive interviews of current and former Castlemont staff and OUSD administrators.

The grand jury found that a small number of school educators misused the online educational program, unfairly graded courses and, in some cases, entered grades for tests and courses never taken. The school officials also inappropriately cobbled together poorly designed grade recovery programs to qualify students for graduation.

Witnesses described a widespread culture of academic indolence and absenteeism at Castlemont, resulting in record levels of substandard proficiency in basic language and mathematical skills. The district's weak internal policies, inadequate training, and lack of oversight led directly to inconsistent and inappropriate use of online teaching, independent study, and make-up curricula at Castlemont. While some teachers and counselors may have been trying to help struggling students obtain their diplomas or qualify to apply to

*In the
2017–18
and
2018–19
school years,
not one
Castlemont
student
performed
at or above
the state
standard
in Math and
in 2018-19
only 10%
achieved
proficiency
in English
Language
Arts.*

college, they were instead perpetuating an inequitable and failing system that pushed these students out the door without providing them with a complete education.

BACKGROUND

Castlemont High School in East Oakland first opened in 1929 and is one of Oakland’s fifteen public high schools. While the campus has the capacity to teach 1,600 students, its current enrollment is just over 830, approximately 180 of whom are seniors.

For some time, Castlemont students have struggled academically when compared with other students in California. High-poverty and violent crime in the surrounding neighborhood contribute to the difficulties Castlemont students face.¹

Also contributing to academic shortcomings is the fact that Castlemont has had the highest unexcused absence rate of the district in three of the last four years. During the



Castlemont High in 1929



Castlemont High today

2017–18 school year, state data showed that nearly one-third of the students missed at least 10% of the school year.² Not surprisingly, Castlemont student results on the state's mandated English Language Arts and Math assessment tests have suffered. Between 2016 and 2019, 91–99% of Castlemont students performed below standard in English, and 99–100% performed below standard in Math. In the 2017–18 and 2018–19 school years, not one student performed at or above the state standard in Math and in 2018–19 only 9.4% achieved proficiency in English Language Arts. In 2017–18, only 34% of Castlemont seniors completed college preparatory requirements, the worst performance in the district.

State data shows that Castlemont has the second highest teacher turnover rate in the district: 69% of Castlemont's teachers left the school over a period of six to ten years. This lack of teacher continuity contributes to these poor achievement numbers.

Most perplexing, yet quite meaningful to the grand jury's investigation, is that while Castlemont's proficiency scores have been dropping, its graduation rate has been suspiciously increasing.

¹ <https://yr.media/health/castlemont-high-one-schools-struggle-with-daily-violence-long/>

² <http://www.ousddata.org/public-dashboard-list.html>

INVESTIGATION

During our investigation, the grand jury interviewed eleven current or former OUSD staff, including teachers, counselors, and administrators. Some of the witnesses testified under subpoena to protect the confidentiality of student records. The grand jury also subpoenaed and examined course, grade, and attendance data along with online course data linked to 29 seniors at Castlemont in 2019. We examined OUSD staff reports and school board agendas and minutes. We consulted federal and state regulations in the U. S. Code Education chapter, the Code of Federal Regulations Education section, the California Education Code, the California Penal Code, and OUSD Board Policies. We examined two OUSD investigations of complaints filed in June and July of 2019, an appeal of those investigations filed in October 2019, summaries of OUSD investigative notes, copies of OUSD policies, and internal memos and emails, all regarding allegations of grade falsification at Castlemont High. We reviewed a special 2019 report of the New York State Orange County Grand Jury on an investigation of a similar case of improper APEX Learning usage in the Newburgh Enlarged City School District, and studied documents from APEX Learning, comprising program descriptions, teacher guides, policies and procedures, and best practices.³

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Teacher Complaints

Two Castlemont High School teachers filed complaints with OUSD in the summer of 2019 alleging that the principal, counselors, and an APEX coordinator participated in the falsification of grades in traditional courses and APEX Learning grade-recovery online courses in order to allow some students to be eligible for graduation. The complaining teachers noticed anomalies in student transcripts and discovered that students were completing a high number of online APEX courses in very short periods of time (weeks or even days) at the very end of their senior year while concurrently not showing up to traditional classes.

These two teachers mistakenly believed that some student grades they assigned had been changed. This was likely a result of an inexcusable lack of communication among educators at the school site. It appears that school officials were circumventing assigned teachers to provide unorthodox and half-hearted make-up work to excuse student truancy, reverse failures in traditional coursework, and ensure graduation for a number of students.

³www.orangecountygov.com/DocumentCenter/View/12884/Investigation-of-the-Newburgh-Enlarged-City-School-District-Grand-Jury-Report-March-29-2019

At Castlemont, APEX online courses were administered by the APEX coordinator and a small number of teachers during the 2018–19 school year. District documents showed that Castlemont students used APEX at much higher rates than other large high schools within the district. As students completed APEX courses, the teachers of record would report their grades to a counselor who would transfer that information into the Aeries Student Information System. Aeries is an online data platform used by many school districts to store and report student course records, transcripts, attendance records, and test scores. The transcripts keep track of all courses attempted in each semester, with grades, including APEX courses. The complaining teachers claimed that the APEX course records, in some circumstances, did not match-up with the course, grade, and attendance data in Aeries.

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Grade Recovery

Through the years, OUSD has used numerous methods to help struggling students who have failed traditional core courses to make-up those grades to meet graduation requirements. Some OUSD high schools have used independent study, summer school, and boot camps while other schools relied on the APEX Learning online platform to provide make-up course curriculum. To ensure that equitable and meaningful curriculum was provided to those students who were failing traditional courses, APEX recommended best practices to provide appropriate guidance and oversight. The grand jury learned from witness testimony and documents reviewed that Castlemont educators tried to rescue failing or under-performing students by using a

hodgepodge of methods with no viable standards and no best practices while failing to keep the teachers originally assigned to these struggling students in the loop.

APEX Learning

APEX Learning is a digital curriculum company headquartered in Seattle, WA that produces online courses designed to aid middle school and high school students to successfully complete previously failed subjects required for graduation, college admission, or preparation for employment. The focus is on flexible instruction, remediation in the case of inadequate preparation, test readiness, and dropout prevention. The APEX course design and content meet high standards of rigor and challenge, and when used properly are highly regarded among educational experts.

APEX expects that normally only one or two of its courses would be used by a student at one time. The courses are intensive and comprehensive, engaging students actively in the learning

process, with liberal use of interactive material, graphics, videos, animations, exercises, and assignments. APEX expects that students require 70–90 hours of participation to complete *just one* of its high school courses.⁴ Courses may be entirely virtual in nature or combined with traditional teacher and classroom-based instruction, which is referred to as "blended learning." A final exam is offered only upon completion of all course modules. Student progress is monitored by APEX using either a grade-to-date or an overall grade formula.

APEX courses are highly customizable. While this allows teachers to focus on specific areas of curriculum, it also allows for easy manipulation of the program. Teachers may exclude units or modules from the full APEX course curriculum, thus allowing course completion without learning all the material. Teachers may override assessment scores and manually enter quiz, exam, and final course grades.

When used improperly, online learning courses are particularly susceptible to cheating, especially if used in an uncontrolled or un-proctored environment, such as from a personal computer located at home or elsewhere.⁵ APEX guidebooks describe many forms of cheating, including surrogates taking exams, downloading answers to exam questions posted online, or sharing test answers or assignments.

APEX Usage at Castlemont

APEX courses were used in six OUSD high schools, but far more heavily at Castlemont than at other comprehensive high schools. Data from 2017–18 showed that Castlemont High students enrolled in 257 APEX courses, while the total number of APEX courses at each of the other five OUSD comprehensive high schools ranged from only six to 33.

Witnesses suggested Castlemont used APEX more than other comprehensive high schools because many students had a difficult time connecting or relating to teachers, so they would tune out, stop attending, and ultimately fail class after class. This was borne out by student records and truancy data that the grand jury examined. Rather than sustained efforts to get students to attend traditional classes, Castlemont educators saw APEX as an easy solution.

Many failing students were pushed towards APEX as graduation neared. Ironically, some witnesses felt that APEX credit-recovery courses, as administered at Castlemont, were seen by students as an easy alternative to attending class for a full semester and fueled the school's widespread culture of truancy. To this end, the grand jury examined attendance records of 29 seniors, most of whom enrolled in APEX during the 2018–19 school year: nine of them

⁴ http://cdn.apexlearning.com/documents/BP_Planning-Digital-Curriculum-Programs.pdf

⁵ <https://www.westword.com/news/are-high-school-seniors-googling-their-way-to-graduation-5112854>;

<https://www.voiceofsandiego.org/topics/education/worse-think-teachers-students-say-online-cheating-pervasive>

graduated with over 100 unexcused class-period absences; another seven with over 200 absences; and another four with over 300 absences in their senior year alone.

APEX Misuse Prior to the 2018–19 School Year

While the grand jury focused on Castlemont's use of APEX during the 2018–19 school year, the jury learned that APEX misuse began long before that. For example, in an attempt to move a growing number of under-performing students through APEX more quickly, the school's only APEX teacher in 2017–18 bypassed the APEX curriculum modules and quizzes, and instead taught to the pretests. APEX allows a student to bypass a course module if the student can demonstrate mastery of that module by passing a pretest. A focus of instruction by the APEX teacher was to help students pass module pretests rather than gain subject mastery. This allowed students to circumvent course curriculum modules and quizzes, plunging through the course in weeks and, in some instances, days. The grand jury heard testimony that APEX answers were provided to these students, a claim denied by others. APEX classes included groups of 20 to 30 students, many taking different APEX subjects at the same time. Somehow, a single teacher was able to tutor multiple subjects to multiple students during the same class period and coach the students through an entire semester's content, in some cases in just a few days.

Additionally, the grand jury heard testimony that the APEX teacher wasn't credentialed in some of the courses taught. To compensate for the lack of credentialing by the APEX teacher, Castlemont educators would instead list a credentialed teacher's name on the student's grade records even though they did not teach the course. Some underperforming students were guided by counselors to concurrently take their normal, traditional course load while simultaneously taking between three and seven APEX courses, enabling them to graduate. All of this was contrary to APEX best practices, OUSD policies, and not in the best interest of the students. Twenty-eight of the students attended four years of high school within OUSD or at other San Francisco Bay Area schools. Another student attended their first three years of high school out of state.

APEX Misuse during the 2018–19 School Year

Castlemont changed the way it administered APEX during the 2018–19 school year. The school assigned four teachers, which included a new APEX administrator, to run APEX classes. Each was credentialed in one or more subject areas. While the APEX administrator did teach a handful of courses without being credentialed in the subject, this pattern was not as prevalent as in past years. The grand jury learned that some of the APEX teachers received no instruction or training on how to use APEX other than login and password advice. While the new APEX administrator received training from APEX representatives several years before, other Castlemont teachers had not. There was also evidence that some, if not all, Castlemont APEX teachers had never seen the two-page OUSD policies on APEX usage prior to the grand jury investigation.

OUSD Guidelines on APEX Usage

The grand jury obtained a copy of OUSD’s guidelines on APEX usage from the district. While not robust, they did provide some teacher guidance for proper APEX practices. The guidelines include:

1. Students will enroll in courses they need to repeat, one course at a time.
2. Students will attend class each day.
3. Students will keep their phone/electronic devices put away during any exam and adhere to any site-specific policy about use of electronic devices during class time.
4. Students will maintain academic integrity at all times.
5. Students may only take an exam after a teacher approves the exam and monitors the full completion of the exam.
6. Students will meet with teacher upon course completion, to ensure all documentation for transcript recording purposes is accurate.

Unfortunately, these guidelines were routinely ignored by some of the teachers and counselors at Castlemont.

Actual Practice

Rather than students being limited to taking one course at a time, the number of APEX courses students could take was not limited. OUSD attendance requirements also did not appear to play a factor in student access to APEX at Castlemont. Records reviewed by the grand jury showed that one student failed six traditional courses in English, U.S. History, Government, and Economics, but somehow passed five of them as APEX courses during the final semester while taking a full traditional course load. Attendance records show that this student was absent 133 periods that semester. Casting further doubt on the legitimacy of their APEX work, three of the student’s APEX courses were started during the last week of school. One semester’s credit for Government was provided after 58 minutes of online work. One semester’s credit for Economics was provided after 76 minutes of online work. One semester’s credit for one of three English courses taken that semester was provided after 24 minutes online on the last day of school. To reiterate, APEX Learning estimates that students need 70–90 hours to complete just one of its high school courses.

Another student attempted and failed traditional courses 24 times during their time at Castlemont, but eventually passed some on repetition. Six courses were made up by passing APEX courses with Bs and Cs in their senior year while completing an additional nine traditional courses. This seems an impossible achievement even for the most capable of students, let alone this student who was absent from 351 class periods, including 30 APEX class periods, in their senior year. This student passed two APEX courses while simultaneously failing the same

traditional courses. Some APEX courses were passed while completing no online assignments and with virtually no online participation.

Yet another student's records showed 230 class period absences in their senior year, as corroborated by attendance files and teacher testimony. This student received Ds in Algebra, Biology, Chemistry, Sustainable Urban Energy, English, and Economics, after repeatedly failing some of these courses. This student also failed American Government and both semesters of fourth-year English but passed all three as APEX courses in the final semester while taking a full traditional course load. The Government APEX course was started and completed in less than two hours during one day of the last week of school. This student also made up three semesters

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of failed English and two semesters of U.S. History in the junior year with four As and one B- grade in the five APEX courses. The student spent between two and 3.3 hours online in most of the online courses while receiving a semester's worth of credit for each one. Without these atypically high grades, the grade point average (GPA) of this student would have been well below the 2.0 minimum required for graduation.

This pattern of students taking and receiving credit for excessive, unrealistic APEX course loads in their senior year—as many as 6, 10, or even 13 semester courses in addition to traditional courses taught at the school—was also seen for several other students. Legitimate completion of so many courses by students with a history

of academic under-performance is simply not believable.

Three of the Castlemont APEX teachers violated district policy and APEX best practices by coaching students during exams and quizzes. The grand jury learned that one teacher sat with each APEX student to help them through every test, question by question, giving the students direction and encouraging them to use their phones to search for answers to the test questions or to understand what the questions were asking. The grand jury was told that this was the only way many students could get through the material. Multiple witnesses testified that many struggling students were not prepared to take high school level courses. The curriculum covered in more advanced math courses was well beyond the capability of students who were years behind. For such students, APEX courses would be nearly impossible to complete without significant help or accommodation. While the teacher support was being rendered to individual students, other classmates would look at and play with their phones.

As noted above, OUSD Guidelines and APEX best practices also require teachers to monitor students during exams to prevent cheating. It was well known that APEX test answers were

available online, yet the grand jury heard that un-proctored exams were not uncommon. The grand jury learned of one example in which a counselor asked a teacher to enter quiz scores in APEX for two students who never took any of the quizzes. In return, this teacher was promised that a supervisor would proctor the final APEX exams for the students to ensure there was no cheating. Yet, the students took the APEX final exam without any oversight and were given passing grades and a semester's credit for the course even though the teacher was convinced the students could not have passed the exam without cheating. APEX records corroborated the story. One of the two students took and passed five APEX courses the last semester of their senior year yet had 249 unexcused school period absences during the year.

OUSD's guidelines for APEX also included a section describing how final grades should be determined for the online courses. These rules allow teachers to pass students regardless of the effort shown, time spent online, results of online quizzes and tests or final grades recommended by APEX. For example, if a student completed the quizzes throughout the semester and a final exam, APEX would average the quizzes and add in the final exam test score to determine the final course grade. Because OUSD policy permitted teachers to adjust a grade by taking into account "any additional consideration the teacher may make when awarding a grade (i.e., attendance, participation, citizenship, etc.)," some teachers awarded students higher grades than their testing would warrant. It should be noted that two of the APEX teachers relied solely on computer-graded scores on tests and quizzes to determine a student's final grade. The other two teachers deviated wildly from the APEX-graded scores, increasing them by as much as three to four times.

For at least 46 courses identified by the grand jury in which grades were assigned by one particular APEX teacher, the final grade in APEX as well as on the Aeries transcript was higher, often significantly higher, than the final score APEX recommended. Six students had Fs raised to Cs (in one case to Bs), eight students had Ds raised to Bs or Cs, 11 had Cs raised to As or Bs, and three had Bs raised to As.

Problems with the District's Explanations

The district tried to justify these grade discrepancies by explaining that APEX-recommended final grades may have been unfairly low because teachers authorized students to skip sections of the APEX curriculum if the students already had mastery of the subject. This might also occur if a teacher was using APEX in conjunction with traditional in-class learning so that only targeted portions of the APEX curriculum was used. One teacher claimed to use this blended learning method by downloading all the content for APEX courses, and then taught the content as if it was a traditional course; students would only log into APEX to complete the unit quizzes online.

The grand jury found problems with the district’s explanations for low APEX scores. Using such methods would lead one to believe that quizzes were taken throughout the semester. While this

Ultimately, the grand jury found that lack of training on basic APEX usage, improper administrative oversight, and unethical actions by some APEX teachers led directly to the ongoing, inconsistent, and inequitable use of the APEX Learning program to justify satisfying graduation requirements for some students at Castlemont High School during the 2018–19 school year.

may have been the case for some students, others had many quiz scores manually entered by the APEX teacher on one date. Yet, no witnesses told the grand jury that APEX teachers quizzed students offline. One student received the same 70% score on 16 different quizzes in one subject all completed and manually entered by the APEX teacher on one day. This was also not uncommon for other students. Twelve students completed 65 quizzes in under 30 seconds, 24 of them with teacher-awarded scores of 80% correct or higher.

Another student spent only 24 minutes online on first-semester senior English, to complete 41 quizzes and the final exam. The student finished the final exam in 92 seconds, with a score of 24% correct. Despite an overall score of 52% as calculated by APEX (corresponding to a grade of F), the APEX teacher awarded this student a final grade of C. APEX records show that multiple students completed online courses towards the very end of the semester by taking dozens of quizzes and the final exam in one day. Courses were started and completed within hours. The grand jury calculated cumulative time spent by seven students in 44 APEX courses: five of those students completed 21 courses each in less than

three hours of total contact receiving a semester’s worth of credit.

Just as troubling, the grand jury compared the records of eight APEX students of concern. Student quizzes calculated by APEX were scored 58% on average while teacher entered scores for quizzes averaged 82%.

One student failed traditional Economics with 35 absences but enrolled late in APEX online Economics and received a final grade of C despite an APEX scored grade of 62% (D-). The student was logged into the APEX course for just 3.3 hours and received a 90% average on teacher-scored quizzes while APEX-calculated quiz scores averaged 28%. Two teachers testified that this student offered to pay money in exchange for APEX answers or better grades (the teachers refused) and had been reported absent over 323 periods that year. A similar pattern of grading occurred in Algebra, Geometry and English courses. The student was required to complete six semesters of English to graduate. To satisfy this requirement, the student could repeat one semester of sophomore English for a higher grade and have the course counted twice.

This student also failed World History three times but received B's on their transcript in APEX World History each semester of the senior year, yet there is no record of the student having enrolled in APEX World History that year. After all these attempts to help the student towards graduation, the student's final academic GPA was recalculated and raised from one insufficient to graduate to a GPA of barely sufficient to graduate.

One student graduated with fewer than the district-required minimum number of units, which is permitted if approved by a review team. However, the team failed to meet and approve a required graduation plan of action for this student. There was also no written documentation authorizing a reduction of requirements for graduation. No one took responsibility for allowing this student to graduate. None of the key decision-makers could explain how it happened or who authorized it. It just happened.

Ultimately, the grand jury found that lack of training on basic APEX usage, improper administrative oversight, and unethical actions by some APEX teachers led directly to the ongoing, inconsistent, and inequitable use of the APEX Learning program to justify satisfying graduation requirements for some students at Castlemont High School during the 2018–19 school year.

Informal Privately Tutored Course

Another troubling grade recovery method that Castlemont used to boost graduation involved a privately tutored English 4/Advanced Placement English course for six students who failed the first semester of the regularly taught course. The class was “off-the-books” with no formal Aeries records showing attendance or performance on assignments, quizzes and tests. The course also did not show up on the Aeries student grade report but was present on the students' final transcripts. The class met one time per week for 90 minutes during the spring semester while the students were concurrently taking the second semester of the subject taught by the regularly assigned English teacher. One of the students received a D+ in the regularly taught first half of the course during the fall semester and earned a C- during the spring semester, but was given a grade of B- in this privately tutored class; this student received credit for three semesters of senior English. Another received an F the first semester and D+ the second semester in the traditional courses and a passing grade of C- in the tutored class; while a third received a D- the first semester, a C- in the second yet a B in the tutored class, while also receiving credit for three semesters of senior English. These passing grades, which appeared on the students' transcripts, surprised and frustrated the regular English teacher who spent a whole year with a student who was not performing or participating yet still received credit as a result of a part-time, “off-the-books” tutored class. The communication between staff was so poor and recordkeeping so haphazard that the regularly assigned English teacher believed that administrators had inappropriately manipulated the students' grades in the teacher's class. The teacher was unaware that the students were provided with alternative accommodations that were not in accordance with normal district practices.

Quasi-Independent Study

One teacher—who was not an assigned science instructor—provided credit recovery with a life/physical science course for students who failed the first semester of an environmental science course taught by one of the school’s primary science teachers. This nontraditional independent study course satisfied the science graduation requirement, although the curriculum was entirely in life science rather than in the physical science subject the students had failed. The class was not listed in the school handbook, and it did not include any classroom teaching. No records of student attendance or classwork grading were entered in Aeries. There were no tests. The four students who attended this course reported to the teacher on eight occasions at which time the teacher would hand out assignments that students would complete on their own time.

The teacher provided the grand jury with sign-in sheets, a handwritten document purporting to show the grades each student received on assignments, and blank workbook pages the students were required to complete. OUSD administrators admitted that this make-up course operated outside the bounds of district best practices. It was especially troubling that there was little to no interaction between the make-up instructor and the originally assigned science teacher who had worked with the students throughout the year.

Validation Passes

The grand jury learned that on several occasions students were given credit for failed courses required for graduation if they passed subsequent courses. For example, some students who failed the first year of a subject but later passed a second year were presumed to have mastered the first year and given formal credit, even though the materials in the two courses were different. Some staff believed this was inappropriate, yet none of the witnesses involved in the practice indicated that they reached out to district administrators to see whether this was appropriate. The grand jury was troubled that one staff person denied knowing that credit was provided in this manner, although the grand jury was later provided documents confirming that the same staff person approved the decisions to provide credit in this manner.

OUSD Response to Teacher Complaints

Upon receiving the two teachers’ formal complaints about APEX misuse and grading anomalies, OUSD was required by law to investigate. The grand jury spoke to OUSD investigators and examined their interview notes and other documents they collected. The jury concluded that the primary investigator uncovered most of the problems regarding grade and transcript discrepancies, rule violations, poor practices in the administration of APEX courses, and examples of suspicious student completion rates and grade assignments in APEX classes.

They discovered that the privately tutored after-school or make-up classes had none of the usual documentation regarding course content, assignments or exam grades, or attendance records that Aeries provides for traditional classes. The investigation appeared to be thorough, comprehensive, and fair. Concerns were passed on to OUSD superiors.

Based on this internal investigation, the district prepared and issued responses to the teachers who made the original complaints. Even though the district had received from its investigators extensive evidence of poor APEX practices, misuse of the online program by some teachers, inadequate teacher training, insufficient monitoring of student progress, and an environment in which effective teaching was often practically impossible, it did not relate any of this information when responding to the original teacher complaints. The formal response denied most of the allegations and concluded that there was no teacher misconduct.

While the grand jury understands that the investigation involved personnel matters and that federal law places stringent restrictions on the public release of student records, the responses were confusing and failed to directly address many of the claims of the complainants. The jury also recognizes that OUSD's lack of comprehensive, documented procedures and failures in APEX training provided little guidance-to and oversight-of teachers assigned to teach APEX courses. This provided some barriers to punishing staff for unprofessional conduct. In the grand jury's opinion, it also led to an unfortunate lack of accountability and unethical behavior.

The situation became more complicated when the complaints became public. During the summer of 2019, NBC Bay Area conducted its own investigation of the allegations of student record falsification and published its findings.⁶ As a result, OUSD held a press conference summarizing the results of its internal investigation which had concluded that there was no employee misconduct.

Granted, the district was asked to comment on personnel issues and the very delicate issue of private student records, but their public summary of the investigative results was certainly incomplete and arguably misleading. While the district acknowledged flaws in the use of APEX and in the training of APEX teachers and administrators, OUSD found no unearned graduation of students and no improper supervision of APEX courses. The district did suspend its use of APEX and hired an outside consultant with expertise in APEX to evaluate what happened at Castlemont and to make recommendations for appropriate measures to prevent future misuse of the program.

⁶ <https://www.nbcbayarea.com/investigations/Oakland-High-School-Accused-of-Falsifying-Transcripts-to-Boost-Students-Grades-559440471.html?akmobile=0>

Why Did This Happen?

The grand jury asked each teacher it interviewed a simple question: “Why do you think this happened?” They answered unanimously that too many students arrive at Castlemont unprepared for high school level work. There are many reasons this can occur, but one mentioned by each witness is a practice called “social promotion.” The term refers to promotion of students to the next grade who have not satisfied academic requirements or met performance standards. Accumulating failures result in significant deficiencies of some students upon entering high school, and they can only graduate if records are finessed.

Research shows that neither social promotion nor repeating a grade, the primary alternatives, are particularly effective in improving student achievement, preparation for employment, or further education.

OUSD’s weak internal policies, inadequate training, and lack of oversight allowed some Castlemont educators to run roughshod over academic integrity and best practices.

The alternatives to social promotion or repeating a grade usually recommended by experts include remedial help, tutoring, early intervention, and specialized or individually tailored education. These options are expensive, and the necessary financial resources and specially trained personnel are not readily available.

OUSD struggled with the problem of social promotion in the past. In 1999, there was a public outcry about the prevalence of the practice, and OUSD set tough standards for promotion to the next grade. Over 14,000 students were required to repeat courses in summer school or face repeating a grade level. Fewer than half of them complied with the requirement. The district abandoned the policy and promoted the students anyway.

The state-required OUSD Pupil Promotion and Retention Policy, published in the OUSD Student and Family Handbook 2018–19, states:

“Effective for the 2016–17 school year, students will progress through the grade levels by demonstrating growth in learning and by meeting grade-level standards of expected student achievement. Students shall be placed at the appropriate grade level based on the number of credits earned each year in grades 9–12.”

The evidence presented to the grand jury indicates that OUSD is still not enforcing its own pupil promotion and retention policy.

CONCLUSION

Public schools should be a place of refuge, a haven where children have the opportunity to learn. They should be staffed with teachers who have sufficient tools and training to both support and challenge students. Administrators have the responsibility to oversee both the teachers and students. There should be standards in place to ensure that the education system is administered equitably.

The grand jury is disheartened to conclude that some school officials at Castlemont High School, including a small number of teachers and counselors, misused an online educational program, unfairly and improperly graded courses and, in some cases, entered grades for tests and courses never even taken during the 2018–19 academic year for students who were struggling to graduate. It appears they did it all in the name of qualifying under-performing students for a diploma. Much of this took place because staff was confronted with educational obstacles that they were woefully unprepared to correct—too many students were unprepared for the rigors of high school. Also, truancy was out of control and poorly addressed, perpetuating academic failures.

OUSD’s weak internal policies, inadequate training, and lack of oversight allowed some Castlemont educators to run roughshod over academic integrity and best practices. It is difficult to see how others in the same situation could have done better. Intentional misuse of the grade recovery programs intended to help struggling students masked the true nature of the problems that many Castlemont students faced.

OUSD leadership allowed school site staffs’ beliefs and values (which guided staff actions) to stray from OUSD’s key core values, which include:

- Students First: We support students by providing multiple learning opportunities to ensure students feel respected and heard.
- Equity: We provide everyone access to what they need to be successful.
- Excellence: We hold ourselves to uncompromising standards to achieve extraordinary outcomes.
- Integrity: We are honest, trustworthy, and accountable.

It is unfathomable that OUSD administrators were oblivious to the problems at Castlemont and did not intervene long before whistleblowing teachers reached out to the media in desperation. Statistical data demonstrating Castlemont’s under-performance, student truancy and rising graduation rates in the face of poor standardized test results have long been available for district scrutiny. When OUSD was forced to acknowledge the problems publicly, it wrongly denied there was misconduct, doing teachers, students, and the public a disservice. OUSD’s investigative reports failed to acknowledge the severe academic and ethical breakdown occurring at

Castlemont High. This school and the district that runs it are failing its students. There is no excuse for awarding a high school diploma to those who do not earn it. The practice of promoting failing students deprives those students of the education that they deserve and that they need to succeed in today's world. It cheapens the accomplishments of students who do work hard at Castlemont. It deprives Oakland and Alameda County of an educated and productive workforce. It compromises academic equity, undermines a fair system of scholastic evaluation, produces a disincentive for intellectual honesty, and undermines the civic fabric of Oakland. It is profoundly unfair to most students who work hard to qualify for a high school diploma.

FINDINGS

Finding 20-1:

Oakland Unified School District's public comments regarding Castlemont High School's misuse of APEX and other grade recovery programs misled the public about the severe academic and ethical breakdowns that occurred at the school.

Finding 20-2:

Oakland Unified School District's weak internal policies, inadequate training, and lack of oversight enabled some Castlemont High School teachers of onsite make-up courses and credit recovery tutorials to run roughshod over academic integrity and best practices.

Finding 20-3:

Oakland Unified School District's policies on administration of APEX Learning online credit recovery courses were inadequate to ensure consistent and appropriate application of APEX and allowed abuse by a small number of teachers and counselors at Castlemont High School.

Finding 20-4:

APEX teachers received little or no training in the proper use and administration of APEX courses and of the grading of students in those courses.

Finding 20-5:

Extraordinarily high truancy rates at Castlemont High School and insufficient administrator intervention made it impossible for habitually truant students to receive the required educational experience.

Finding 20-6:

Some long-standing OUSD students arrive at Castlemont High School unprepared for high school level work due to being repeatedly promoted in earlier grades without meeting the district's requirements for promotion.

RECOMMENDATIONS

Recommendation 20-1:

The Oakland Unified School District must develop and enforce appropriate policies and practices for onsite make-up courses to correct the failures noted in this report. Specifically:

- Onsite teacher-designed make-up courses must be included in course lists and available to all failing students.
- Credit must only be given for make-up classes in the same subject as the failed course.
- Credit toward a required number of subject units cannot be given for the same semester course taken twice.
- Course curricula and assignments must be administratively reviewed.
- Aeries records must include attendance data and progress through the recovery course as in regular courses.
- Credit cannot be awarded for failed courses based on subsequent courses that were passed.

Recommendation 20-2:

The Oakland Unified School District must implement specific controls to ensure all APEX learning complies with recommended APEX policy, procedures, and best practices. At a minimum:

- Limit the number of courses taken simultaneously.
- Require all quizzes and exams be proctored on campus.
- Confine APEX classes to one subject.
- Prohibit enrollment in the same traditional and APEX classes at the same time.
- Require a minimum number of online hours within a minimum number of weeks of instruction not restricted entirely to quizzes and exams.
- Ensure teachers do not coach students through pretests, quizzes and exams.

Recommendation 20-3:

Teachers of APEX courses must be credentialed in the subject of the course and must be trained in APEX Learning’s published best practices for teaching the classes, in using pretests for customizing course curricula, in making graded assignments, and in grading quizzes, exams and classes using progress and proficiency scores produced by the APEX program. The exercise of teacher discretion in assigning grades for APEX courses must be strictly regulated by school site administrators.

Recommendation 20-4:

Castlemont High School administrators must put in place and rigorously enforce robust procedures to track and control excessive student absences, consistent with the Oakland Unified School District’s standards and the California Education Code. When local efforts fail to ameliorate truancy, cases should be referred to the Alameda County Truancy Court. Graduation

of students with chronic absenteeism resulting in failures in required courses must be prohibited, until those courses are properly passed.

Recommendation 20-5:

District-wide procedures must be developed and implemented to consistently enforce OUSD’s existing Pupil Promotion and Retention Policy that prevents students from being promoted into grades for which they are insufficiently prepared.

REQUEST FOR RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, the grand jury requests each entity or individual named below to respond to the enumerated Findings and Recommendations within specific statutory guidelines, no later than 90 days from the public release date of this report.

Responses to Findings shall be either:

- Agree
- Disagree Wholly, with an explanation
- Disagree Partially, with an explanation

Responses to Recommendations shall be one the following:

- Has been implemented, with a brief summary of the implementation actions
- Will be implemented, with an implementation schedule
- Requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a completion date that is not more than 6 months after the issuance of this report
- Will not be implemented because it is not warranted or is not reasonable, with an explanation

RESPONSES REQUIRED

OUSD Superintendent

Findings 20-1 through 20-6

Recommendations 20-1 through 20-5