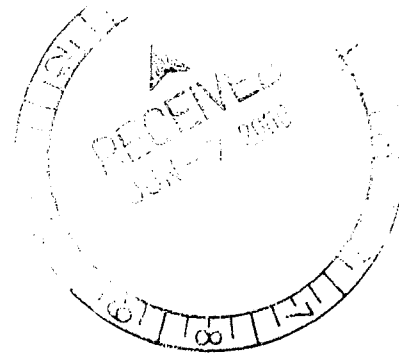


GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Charles C. Maddox, Esq.
Inspector General



June 1, 2000

Mr. Nelson Smith
Executive Director
District of Columbia Public Charter School Board
1717 K Street, N.W., Suite 802
Washington, D.C. 20006

Dear Mr. Smith:

The Office of the Inspector General (OIG) has recently completed its investigation into the alleged improper activities regarding the Paul Junior High Charter School conversion.

The attached Executive Summary outlines the findings and recommendations of this investigation. If you have any questions regarding this matter, please contact me or David M. Bowie, Assistant Inspector General for Investigations, at (202) 727-9249.

Sincerely,

Charles C. Maddox, Esq.
Inspector General

Attachment

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Charles C. Maddox, Esq.
Inspector General



Executive Summary

Concerning the Results of the Office of the Inspector General

Investigation 2000-0229(U)

In February 2000, the Office of the Inspector General (OIG) received information alleging that Cecile MIDDLETON, Principal, Paul Junior High School (PJHS), had used intimidation and other job security threats against uncertified teachers as a means of enticing them to change their opposition to the conversion of PJHS to a Public Charter School. This Office received a second allegation indicating that many of the signatures of PJHS parents purportedly supporting the conversion of PJHS to a charter school were fraudulently obtained or falsified during the 1999 charter school conversion campaign. These fraudulent signatures were allegedly used by PJHS officials in their petition to the District of Columbia Public Charter School Board (DCPCSB) seeking approval to convert PJHS into a Public Charter School. The results of the OIG's investigation into the following issues are summarized below:

1. Whether PJHS Principal Cecile MIDDLETON used coercion and intimidation against uncertified teachers as a means of obtaining their signatures on a petition supporting the conversion of PJHS into a Public Charter School. (UNSUBSTANTIATED)

In an effort to address this issue, this Office interviewed eight current and former PJHS teachers. Six of the eight teachers (75%) told OIG investigators that they opposed the conversion of PJHS to a charter status. All six teachers said that they felt intimidated by MIDDLETON and believed that any failure to support the conversion effort would result in a threat to their job security. Two of the eight teachers (25%) fully supported MIDDLETON's efforts to convert PJHS to a charter school. One of these two acknowledged that he/she understood why other teachers would feel intimidated by MIDDLETON.

All eight teachers said that MIDDLETON had never physically or verbally threatened them. However, six felt that a failure to support the petition would have jeopardized their jobs. According to these teachers, the intimidation by MIDDLETON was subtle and often took the form of reminders to uncertified teachers that they needed a positive evaluation from her in order to achieve certification and/or remain at PJHS. One teacher recalled a meeting in which PJHS teachers were asked by MIDDLETON to sign a

petition supporting the conversion of PJHS. Several stated that they signed out of concern that their jobs would be in jeopardy. One teacher noted that three teachers who refused to sign the petition were no longer at PJHS.

Another teacher who refused to sign the charter conversion petition learned through others that MIDDLETON had expressed concerns about his/her teaching abilities. According to this teacher, he/she received a negative appraisal from MIDDLETON citing poor work performance. This teacher felt certain that the poor appraisal was directly related to the refusal to sign the petition.

District Personnel Regulations, Chapter 16, § 1618.1(18)(f) prohibits:

[a]ctions taken by a supervisor to restrain or coerce an employee from exercising his or her right to freely express an opinion on any public issue, including those related to assigned duties, subject to any promulgated rule or regulation requiring that any such opinion be clearly dissociated from the agency policy.

The penalty for the aforementioned infraction is removal.

An analysis of the information developed during this investigation indicates that in spite of the fact that a number of uncertified teachers felt intimidated by the actions of MIDDLETON, all persons interviewed indicated that MIDDLETON had never made clear and unequivocal threats to them. During an interview with MIDDLETON, she described herself as one who demands respect from all faculty members and whose personality is rather straightforward. Therefore, she could not understand why some teachers would perceive her to be intimidating.

After concluding our interviews with the uncertified teachers and Ms. MIDDLETON, it was apparent that neither overt threats nor explicit coercion took place. Instead, given a situation wherein the Principal of the school was widely known to be an advocate for the charter conversion, even a subtle endorsement to the conversion from this Principal to her subordinates was likely to be interpreted as coercive. However, because of the lack of clear evidence of intimidation or retaliation, and because we take Ms. MIDDLETON at her word that she did not intend to coerce her employees, this issue is deemed to be **unsubstantiated** with respect to whether Ms. MIDDLETON's actions were in violation of Personnel Regulations. However, as noted in the recommendations at the conclusion of this report, we believe that policies and procedures should be devised to eliminate the misunderstandings that occurred here between a supervisor who is a proponent for conversion and subordinates who disagreed with that position.

Ultimately, the votes of the uncertified teachers did not change the outcome of the voting. The PJHS teaching staff consists of forty-two (42) teachers. Due to the fact that a majority (33 of 42)(68%) of the teachers did endorse the charter conversion, the outcome would have been the same regardless of whether supported by those teachers who felt intimidated by MIDDLETON.

2. Whether the signatures of PJHS parents supporting the Charter conversion were forged. (UNSUBSTANTIATED)

In an effort to resolve this issue, OIG investigators reviewed a total of 512 petitions signed by PJHS parents in support of the PJHS conversion and selected a twenty percent (20%) sample of those petitions. OIG investigators interviewed one hundred parents representing the selected sample. Ninety-one of those parents (91%) interviewed verified their signatures as being authentic and a reflection of their support for the charter conversion. Nine parents (9%) indicated that their signatures were not authentic. This Office decided not to pursue the issue of nine possible forgeries for several reasons. First, the District of Columbia's forgery statute, D.C. Code 22 §§ 751-752, applies to commercial transactions only and hence would have no applicability to the issues at hand. Second, there is no evidence that any alterations were made by or at the behest of District employees. Accordingly, this issue is deemed **unsubstantiated**.

Finally, it is noted that because the overwhelming majority of PJHS parents approved the PJHS charter conversion, the outcome of the 1999 conversion petition effort would have been the same notwithstanding the possibility of nine questionable signatures.

Although the investigation found both issues addressed to be **unsubstantiated**, several apparent weaknesses were identified in the charter conversion process. This Office believes that these weaknesses led to much, if not most, of the controversy addressed in this report. The Inspector General offers the following recommendations for improving this process.

- In accordance with DCPCSB regulations, the approval of two thirds of the teaching faculty of a school is required before the charter application process can continue. In recognition of the fact that any petition to convert a public school into a charter will likely find some teachers in agreement and others in opposition, it is recommended that all future petitions of teachers be done anonymously. Further, the actual signing of a petition by teachers should be handled by a representative of DCPCSB rather than the Principal. While DCPCSB should share the results of such a petition with school staff, information identifying which teachers favored or opposed such a petition should remain confidential. Such a policy would reduce, if not eliminate, allegations of coercion by school officials.
- Accordingly, we recommend that DCPCSB consider these suggestions and implement policy and procedures that will help to eliminate the potential conflict of interest set forth above.