



MICHIGAN

OFFICE OF THE AUDITOR GENERAL



THOMAS H. MCTAVISH, C.P.A.
AUDITOR GENERAL

The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

– Article IV, Section 53 of the Michigan Constitution

Audit report information can be accessed at:

<http://audgen.michigan.gov>



STATE OF MICHIGAN
OFFICE OF THE AUDITOR GENERAL
201 N. WASHINGTON SQUARE
LANSING, MICHIGAN 48913
(517) 334-8050
FAX (517) 334-8079

THOMAS H. MCTAVISH, C.P.A.
AUDITOR GENERAL

March 9, 2007

Mr. Michael P. Flanagan
Superintendent of Public Instruction
Department of Education
John A. Hannah Building
Lansing, Michigan

Dear Mr. Flanagan:

This is our report on our follow-up of the 3 material findings (Findings 11 through 13) and 3 corresponding recommendations reported in the performance audit of the Office of Professional Preparation Services, Department of Education. That audit report was issued and distributed in August 2004; however, additional copies are available on request or at <<http://www.audgen.michigan.gov>>.

Our follow-up disclosed that the Department of Education had complied with 1 recommendation and had partially complied with 2 recommendations.

If you have any questions, please call me or Scott M. Strong, C.P.A., C.I.A., Deputy Auditor General.

AUDITOR GENERAL

TABLE OF CONTENTS

**OFFICE OF PROFESSIONAL PREPARATION SERVICES
DEPARTMENT OF EDUCATION
FOLLOW-UP REPORT**

	<u>Page</u>
Report Letter	1
Introduction	4
Purpose of Follow-Up	4
Background	4
Subsequent Legislation	5
Scope	6
Follow-Up Results	
Compliance With Certification Statutes by Public and Nonpublic Schools	7
11. Criminal Conviction Reporting	7
12. Registry of Educational Personnel (REP) Reporting	9
13. Teacher Qualification Verification	10
Glossary of Acronyms and Terms	14

OFFICE OF PROFESSIONAL PREPARATION SERVICES DEPARTMENT OF EDUCATION FOLLOW-UP REPORT

INTRODUCTION

This report contains the results of our follow-up of the material findings and corresponding recommendations and the agency's preliminary response as reported in our performance audit* of the Office of Professional Preparation Services (OPPS), Department of Education (#3114002), which was issued and distributed in August 2004. That audit report included 3 material conditions* (Findings 11 through 13) and 11 other reportable conditions*.

PURPOSE OF FOLLOW-UP

The purpose of this follow-up was to determine whether the Department of Education had taken appropriate corrective measures in response to the 3 material findings and 3 corresponding recommendations.

BACKGROUND

OPPS is responsible for ensuring that a person employed in an elementary or secondary school with instructional responsibilities has a valid credential for the position held. OPPS is also responsible for ensuring that professional school personnel complete quality teacher preparation and professional development. OPPS's mission* is:

To provide leadership through collaboration with interdepartmental units, other state and national agencies, professional organizations, higher education institutions, and school districts to develop, implement, monitor and improve the efficiency and effectiveness of systems for the preparation, licensure, approval and continuing professional development of Michigan's Pre-K-12 educational personnel.

* See glossary at end of report for definition.

OPPS is composed of two units: the Professional Preparation and Development Unit and the Client Services Unit. The Professional Preparation and Development Unit is responsible for the development, approval, and reapproval of teacher preparation programs; assessment of required skills and knowledge for teacher certification; and continued professional development of educational personnel.

The Client Services Unit is responsible for ensuring that all educational personnel seeking certification meet legal requirements and that Michigan schools employ fully certified educators for positions requiring State licensure. Major responsibilities include issuing provisional and professional teaching certificates, vocational authorizations, various teaching permits, and school psychologist and nurse certificates. The Unit is also responsible for investigating instances of criminal convictions of teachers and other certified or approved school personnel and the fraudulent use of teaching certificates. It administers actions to suspend, deny, or revoke certificates when appropriate.

The Department of Information Technology (DIT) assists OPPS in maintaining its automated licensing system, License 2000. Further, the Center for Educational Performance and Information (CEPI), Department of Management and Budget, assists OPPS by providing school personnel data reported by school districts* to CEPI's Registry of Educational Personnel (REP) database.

SUBSEQUENT LEGISLATION

After the completion of our audit and before our follow-up, the State enacted statutes requiring criminal conviction reporting of other school personnel in addition to teachers.

The school safety legislation of 2006 (specifically, Sections 380.1230a - 380.1230h of the *Michigan Compiled Laws*) requires the Department of Education to work with DIT and the Michigan Department of State Police (MSP) to compare school personnel reported in the REP with MSP's criminal history database within the Law Enforcement Information Network (LEIN) to identify those with criminal convictions. OPPS notifies local school districts of personnel with criminal convictions. The Department and MSP will perform the comparison in January and June of each year until July 1, 2008, after which statute requires that MSP notify the Department of any subsequent convictions of

* See glossary at end of report for definition.

school personnel. Also, Section 380.1230d requires that school employees self-disclose information to their employing institution and the Department when they are charged with crimes involving any felony and numerous misdemeanors of physical and sexual abuse. Section 380.1230g requires that school districts immediately terminate employees convicted of a "listed offense" (crimes involving sexual misconduct). However, school districts can continue to employ an individual with a felony conviction other than a "listed offense" if both the superintendent and local school board agree to do so in writing.

SCOPE

Our fieldwork was conducted from August through December 2006. We interviewed Department personnel to determine the status of compliance with our recommendations for Findings 11 through 13 from our performance audit of the Office of Professional Preparation Services, Department of Education, issued in August 2004. We reviewed new legislation and policy and procedure changes. We also reviewed MSP's list of school district personnel with criminal convictions and determined whether responses were obtained from the school districts involved. We verified that school districts submitted educational personnel data to REP; however, we did not verify the accuracy of the educational personnel data submitted by the school districts. We examined the exception list of teacher certifications and teaching assignments from the data match between the REP and OPPS's automated licensing system. We reviewed documentation from OPPS's on-site visits to verify the accuracy of reporting.

FOLLOW-UP RESULTS

COMPLIANCE WITH CERTIFICATION STATUTES BY PUBLIC AND NONPUBLIC SCHOOLS

RECOMMENDATION AND RESPONSE AS REPORTED IN AUGUST 2004:

11. Criminal Conviction Reporting

RECOMMENDATION

We recommend that OPPS take a more proactive role in helping to ensure that teachers and other licensed school personnel with criminal convictions are reported to the Department as required by law.

AGENCY PRELIMINARY RESPONSE

The Department agrees. The auditor's report cited OPPS on inaccuracies in reporting the status of suspended or revoked certificates. In the time since the audit was conducted, OPPS has taken action to correct the condition. The License 2000 system now routinely screens all new applicants as they are entered into the system and places a hold on applications identified as requiring further scrutiny. OPPS has contacted MSP to request assistance in reviewing License 2000 records against MSP's LEIN on a quarterly basis. The information retrieved will be used to identify teachers with a conviction record and against whom OPPS must take action to revoke or suspend a teaching certificate. OPPS has submitted a file to MSP for review and is currently waiting for a report to be completed. OPPS, however, did submit information received from the Office of the Auditor General to MSP for further review, but to date, OPPS has not obtained the results from the analysis.

OPPS has moved quickly to implement recent legislation impacting the timeline for acting on revocation and suspension of valid teaching certificates. In collaboration with the Department's Administrative Law Office and the Department of Attorney General, initial policy has been established regarding the processing of files. OPPS will continue to daily screen new applications and existing certificates against both national and state databases to identify criminal convictions and begin action as required.

SUBSEQUENT LEGISLATION

After the completion of our audit, the State enacted school safety legislation in 2006 (specifically, Sections 380.1230a - 380.1230h of the *Michigan Compiled Laws*) that requires the Department to work with DIT and MSP to compare all school personnel reported in the REP with the MSP's criminal history database within LEIN to identify those with criminal convictions. OPPS notifies local school districts of personnel with criminal convictions. School districts are required to immediately terminate employees convicted of a "listed offense." However, school districts can continue to employ an individual with a felony conviction other than a "listed offense" if both the superintendent and the local school board agree to do so in writing.

FOLLOW-UP CONCLUSION

We concluded that OPPS had complied with this recommendation. However, the Department had not yet received a response from 39 school districts regarding the employment status of 33 teachers and 320 school support personnel who had criminal convictions.

After the completion of our audit, the State enacted a number of laws expanding criminal conviction reporting to school support personnel, such as bus drivers, food service staff, and janitorial staff, in addition to teachers. The Department resolved the teacher exceptions noted during our audit and worked with MSP to obtain a list of teachers and school support personnel who had criminal convictions identified through LEIN as of January 2006. The list included approximately 3,000 school personnel in 490 (62%) of the 785 K-12 school districts (intermediate and local school districts, public school academies, and nonpublic schools) who had felony or misdemeanor convictions.

In May 2006, OPPS provided the 490 school districts with lists of their teachers and school support personnel with criminal convictions. The Department requested that the school districts review the lists and notify it of any necessary corrections within 15 business days. Also, while not required by statute, the Department requested that the school districts report the employment status of each listed person within 60 days.

On December 11, 2006, the Department sent second requests to the 293 school districts that had not responded to the Department's requests for data correction

and personnel employment status. As of January 9, 2007, the Department informed us that it had not received responses from 161 of the school districts. Of these 161 school districts, 39 school districts had 33 teachers with felony convictions and 320 school support personnel with felony convictions. While these school districts have not responded to OPPS, OPPS has begun the revocation/suspension process for the 33 teachers.

RECOMMENDATION AND RESPONSE AS REPORTED IN AUGUST 2004:

12. Registry of Educational Personnel (REP) Reporting

RECOMMENDATION

We recommend that the Department, in conjunction with CEPI, coordinate efforts to ensure that school districts report accurate and complete school district educational personnel data.

AGENCY PRELIMINARY RESPONSE

Department of Education

The Department agrees. The auditor's report recommends that OPPS coordinate efforts with CEPI to ensure the accuracy and completeness of district data submitted to the REP. The Department, together with CEPI, has notified districts of the importance of submitting accurate and complete data to the REP. Districts were informed of actions to be taken by the Department if a district fails to report as required by law. The Department continues to work with CEPI to assist districts in complying with reporting requirements. It should be noted that even though OPPS staff identified the data necessary to comply with audit requirements, CEPI failed to incorporate these into the REP collection.

CEPI

CEPI continues to offer assistance to departments in tailoring data checks that will capture anomalies in the data submission process. The departmental program experts provide these parameters through the Data Definition review process that CEPI established. CEPI works with vendors and DIT staff to implement the necessary changes. CEPI will continue to work with the Department and OPPS to improve in this area.

FOLLOW-UP CONCLUSION

We concluded that the Department, in conjunction with CEPI, had partially complied with this recommendation.

While the Department and CEPI had ensured that all school districts reported their educational personnel data in the REP, neither the Department nor CEPI had implemented sufficient procedures to verify that the educational personnel data reported in the REP by school districts was accurate.

For the school year* ended June 30, 2006, we determined that all school districts had reported their personnel data. OPPS did a pilot comparison of REP data with OPPS's automated licensing system that resulted in approximately 8,200 potential exceptions involving teacher certifications and teaching assignments for the school year ended June 30, 2005 (Finding 13 follow-up conclusion). The large number of potential exceptions may also be an indicator of inaccurate data reported by the school districts in the REP. OPPS's most recent comparison (June 2006) identified problems in approximately 600 school districts. OPPS reviewed supporting source data at 5 school districts in 2006 and plans to visit 22 school districts in 2007.

RECOMMENDATION AND RESPONSE AS REPORTED IN AUGUST 2004:

13. Teacher Qualification Verification

RECOMMENDATION

We recommend that the Department develop a process to verify that school districts employ certified teachers and to identify out-of-field* teaching assignments.

AGENCY PRELIMINARY RESPONSE

The Department agrees. The auditor has recommended that OPPS develop a process to verify that school districts employ certified teachers and identify out-of-field teaching assignments. OPPS recognizes the serious implications of district actions in assigning nonqualified staff to instructional positions. OPPS is working collaboratively with CEPI to identify incidents of noncompliance with the School Code on the part of districts. The spring 2004 data collection of the REP will test

* See glossary at end of report for definition.

the Department's attempts to verify teaching credentials to district assignments. OPSS will take appropriate action based on an analysis of the REP report.

Up until the establishment of CEPI, the Department was responsible for the collection of information from districts on education personnel. The Department had developed a capacity to edit data as it was submitted and then later generate reports relative to teacher assignment and appropriate certification. During the transition, OPSS worked with CEPI in transferring responsibilities for the REP data collection. It should be noted that even though OPSS staff identified the data needed to comply with audit requirements, CEPI failed to incorporate these into the REP collection. The Department has now developed a memorandum of understanding with CEPI, and that agency is beginning to address REP certification audit issues.

FOLLOW-UP CONCLUSION

We concluded that the Department had partially complied with this recommendation.

The Department and CEPI developed a process to verify that school districts employ certified teachers and to identify out-of-field teaching assignments by comparing educational data reported in the REP with OPSS's automated licensing system. However, OPSS did not forward to school districts the results of its first comparison report (as of June 2005), which identified approximately 8,200 teachers in 600 school districts with either potential certification or teaching assignment exceptions. Also, the Department had not implemented a sufficient and timely process for determining if schools have validated the information or resolved the potential exceptions.

During 2006, OPSS visited 5 of the 600 school districts to review teaching certificates and teaching assignments of the 320 teachers in the school districts. OPSS determined that 10 teachers were not endorsed for their current teaching assignment, the school districts misreported approximately 50 teachers' teaching assignments, and the school districts needed to update data and/or report data for 10 teachers. OPSS instructed the school districts to correct and/or update the data as needed. OPSS informed us that it plans to review in 2007 the teaching certificates and teaching assignments of the 940 teachers at the 22 school districts that reported having less than 80% of their teachers properly certified and qualified

for their teaching assignment. The No Child Left Behind Act (Title 20, Section 6301 of the *United States Code*) requires that, as of the end of school year 2006-07, all teachers of core academic subjects be "highly qualified." This requires teachers to be properly certified and endorsed in the classes they are teaching.

GLOSSARY

Glossary of Acronyms and Terms

CEPI	Center for Educational Performance and Information.
DIT	Department of Information Technology.
LEIN	Law Enforcement Information Network.
material condition	A reportable condition that could impair the ability of management to operate a program in an effective and efficient manner and/or could adversely affect the judgment of an interested person concerning the effectiveness and efficiency of the program.
mission	The agency's main purpose or the reason that the agency was established.
MSP	Michigan Department of State Police.
OPPS	Office of Professional Preparation Services.
out-of-field teachers	Teachers assigned to teach subjects other than those in which they are certified or educated.
performance audit	An economy and efficiency audit or a program audit that is designed to provide an independent assessment of the performance of a governmental entity, program, activity, or function to improve public accountability and to facilitate decision making by parties responsible for overseeing or initiating corrective action.
REP	Registry of Educational Personnel.
reportable condition	A matter that, in the auditor's judgment, represents either an opportunity for improvement or a significant deficiency in

management's ability to operate a program in an effective and efficient manner.

school district

An intermediate school district, a local school district, or a public school academy.

school year

July 1 through June 30.

